T: +44 (0)300 244 5046
E: MD.MarineLicensing@gov.scot

Scottish Government
Riaghaltas na h-Alba

Marine Directorate - Licensing Operations Team Scoping Opinion

Scoping Opinion adopted by the Scottish Ministers under Part 4 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Haventus
Ardersier Port Extension

June 2025

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1. Introduction

1.1 Background

1.1.1 On 17 January 2025, the Scottish Ministers received a scoping report ("the Scoping Report") from Ardersier Port Limited ("the Applicant") as part of its request for a scoping opinion relating to Ardersier Port Extension ("the Proposed Works"). In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations") the Scottish Ministers considered the content of the Scoping Report to be sufficient.

1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2017 MW Regulations ("the Scoping Opinion") in response to the Applicant's request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report ("EIA Report") for the Proposed Works. The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2017 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken. In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with applications for marine licences under the Marine (Scotland) Act 2010 ("the 2010 Act"). In the event that the Applicant does not submit application*s* for marine licences under the 2010 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

2. The Proposed Works

2.1 Introduction

2.1.1 This section provides a summary of the description of the Proposed Works provided by the Applicant in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Works in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

2.2 Description of the Proposed Works

2.2.1 The purpose of the Proposed Works is to extend the licensed port infrastructure to facilitate the logistical, manufacturing and assembly needs of the offshore wind industry. The site of the Proposed Works is located at Ardersier Port, Ardersier, approximately 4 miles from Nairn. The Proposed Works will involve construction and dredging activities.

2.2.2 The construction consists of extending the quay wall by constructing a diaphragm wall above Mean High Water Spring ("MHWS"), behind the existing old quay wall. A temporary sand bund may be constructed around the quay return before the sheet piles that form the old quay wall are removed using vibro-piling techniques. When the old wall is completely removed dredging will excavate the material behind the removed wall, exposing the new wall and forming the new quay. The temporary bund will also be removed. A new sheet pile quay wall may also be constructed at the eastern end of the proposed diaphragm wall using vibro-piling techniques and back-filling the area behind the wall to level off the platform area.

2.2.3 A crushed rock mattress is proposed to be constructed on the seabed consisting of an area of crushed rock 250metres ("m") x100m and which would be constructed on the seabed at the eastern end of the harbour where the water depths would be 6m below Chart Datum ("mCD") or shallower.

2.2.4 Piled berthing structures and a slipway are proposed to be installed at the western end of the licensed quay wall.

2.2.5 It is proposed that the majority of the inner harbour will be dredged to -12.4mCD however small sections to the east end of the harbour will be dredged between -3 and -6mCD, producing approximately 2,000,000 cubic metres ("m^3") of dredge material. The dredging will be undertaken by cutter suction dredger and/or trailer suction hopper dredger. It is envisaged that a large proportion of the dredge material will be deposited

at sea, although the Applicant is exploring the possibility of beneficial re-use on the existing platform area and for upfilling extension land areas. Wider beneficial re-use projects will also be explored, such as beach nourishment. Capital dredging to the south of Tern Island will be considered to maintain the channel and preserve the island, and maintenance dredging of the harbour approach will also be undertaken regularly upon completion of the Proposed Works.

2.2.6 The Applicant may also construct scour protection in the form of rock armour on the northern edge of the dredge area in the harbour and along the north-west of the site, adjacent to the capital dredge around Tern Island.

2.3 Onshore Planning

2.3.1 The Scottish Ministers are aware the Applicant has sought a separate scoping opinion from The Highland Council for the associated onshore construction works. It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works.

2.3.2 The Scottish Ministers advise that the EIA Report must explicitly detail the licensable marine activities to be carried out below MHWS as part of the Proposed Works and identify which activities overlap with The Highland Council remit.

2.4 The Scottish Ministers' Comments

Description of the Proposed Works

2.4.1 The Scottish Ministers note that the Applicant proposes to dredge approximately 2,000,000m^3 of material as part of the works, with the material to be considered for sea deposit and beneficial reuse. The Scottish Ministers advise that if there is any doubt as to the suitability of the dredge material for sea deposit or beneficial reuse, the worst case scenario must be assessed including deposit of the dredge material at an alternative land-based location. The Applicant must set out the best practicable environmental option for the dredge material which must clearly detail all options that have been considered.

2.4.2 The Scottish Ministers also note the lack of timeframes provided for the Proposed Works within the Scoping Report. The Scottish Ministers request that timeframes are provided for each elements of the Proposed

Work. If exact timeframes are not known then worst case scenarios should be provided."Design Envelope

2.4.3 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant must apply a worst case scenario.

2.4.4 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the applications for the marine licences and the accompanying EIA Report.

2.4.5 The Scottish Ministers will determine the applications based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however, the information provided in Section 7 below regarding multi-stage regulatory approval. The CMS will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.

2.4.6 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

2.4.7 The EIA Regulations require that the EIA Report include 'a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'. The Scottish Ministers

acknowledge Section 3.3 of the Applicant's Scoping Report sets out the intention to evaluate alternatives through the EIA process.

2.4.8 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Applicant's EIA Report, separate to the comments on the specific receptor topics discussed in Section 5 of this Scoping Opinion.

3.2 EIA Scope

3.2.1 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA report.

3.3 Mitigation and Monitoring

3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.

3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has

been undertaken, the results, what impact, if any, has been identified and why it is not significant.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 17 February 2025. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- Community Councils Ardersier & Cawdor
- Cromarty Forth Ports Association
- Crown Estates
- **Nairn District Salmon Fisheries Board ("Nairn DSFB")**
- Fisheries Management Scotland
- Fisheries Office Ullapool
- **Heritage and Environment Scotland ("HES")**
- Marine Safety Forum
- **Maritime and Coastguard Agency ("MCA")**
- **Ministry of Defence ("MOD")**
- Moray Firth Partnership
- National Trust for Scotland
- **NatureScot (operating name of Scottish Natural Heritage)**
- North East Coast Inshore Fishermen's Group
- **Northern Lighthouse Board ("NLB")**
- **Royal Yachting Association ("RYA")**
- Royal Society for the Protection of Birds Scotland
- Scottish and Southern Electric
- Scottish Creel Fishermen's Federation
- ***Scottish Environment Protection Agency***
- **Scottish Fishermen's' Federation ("SFF")**
- **Scottish Water**
- Scottish Whitefish Producers Organisation
- Scottish Wildlife Trust
- The Highland Council
- ***UK Chamber of Shipping***
- Visit Scotland
- Whale and Dolphin Conservation

4.1.2 Specific advice was sought from the Marine Directorate – Science, Evidence, Data and Digital ("MD-SEDD") and Marine Directorate – Marine Analytical Unit ("MAU") and Transport Scotland ("TS").

4.2 Responses received

4.2.1 From the list above a total of 11 responses were received. Advice was also provided by MD-SEDD, MAU and TS. The purpose of the consultation was to seek representations to aid the Scottish Ministers' consideration of which potential effects should be scoped in or out of the EIA Report.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MD-SEDD, MAU and TS must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

5.2 Landscape, Seascape and Visual Effects

5.2.1 The Applicant details the potential effects on landscape, seascape and visual effects during the Proposed Works in Appendix A: Landscape and Visual of the Scoping Report. Details of the likely impact on the environment during the construction and operational stage are provided under table heading 2 of Appendix A: Landscape and Visual. The Scottish Ministers agree with the Applicants proposed scope of assessment detailed under heading 3 of Appendix A: Landscape and Visual.

5.2.2 The Scottish Ministers agree that landscape, seascape and visual effects are scoped in for further assessment in the EIA for the construction and operational phases.

5.3 Transport and Access

5.3.1 The Applicant considers the potential impacts on traffic and access in Appendix A: Transport and Access of the Scoping Report. Details of the likely impact on the environment are provided under heading 2 of Appendix A: Transport and Access. The Applicant states that for the port, no significant increase in vessel movements is expected, although some small peaks may occur.

5.3.2 In its representations, the RYA confirmed it is content with shipping and navigation being scoped out as an independent receptor but it agrees that cumulative effects, in relation to shipping, is scoped in for further assessment in the EIA.

5.3.3 In its response, the MCA noted that the Proposed Works will take place within the boundaries of a Statutory Harbour Authority of Ardersier Port Limited, and they are therefore responsible for the safety of navigation within their waters. The MCA advised that it would expect the Applicant to update their Navigational Risk Assessment ("NRA") and this should be

done in line with the requirements of the Port Marine Safety Code and its Guide to Good Practice. The Scottish Ministers agree with the MCA's conclusion that shipping and navigation can be scoped out as an independent receptor provided the navigation receptors for the Proposed Works are fully assessed in the updated NRA.

5.3.4 In its representation, the MOD advised that there is the potential for any structure with a height of 50m or more associated with the Proposed Works to create a physical obstruction to low flying aircrafts operating in the vicinity. The MOD advise that the potential impact of the Proposed Works on military low flying activities in the vicinity must be considered. The Scottish Ministers agree with the MOD and advise this potential impact must be scoped in for further assessment in the EIA for both construction and operational phases. Further, the MOD advised that any completely assembled wind turbine generator may impact upon the effective operation of radars, including air traffic control radars and defence surveillance radars providing coverage of the area. The Scottish Ministers agree with the MOD advice and advise that the impact of wind turbines on radar must be scoped in for further assessment in the EIA for the operational phase of the Proposed Works, in line with the MOD advice.

5.3.5 To the extent that the effects relate to marine licensable activities, the Scottish Ministers are of the opinion that transport and access can be scoped out for further assessment on shipping, provided navigation is fully assessed within the updated NRA and shipping is included under the cumulative effects assessment. However, the Scottish Ministers advise that air traffic, for both construction and operational phases, must be scoped in. The Scottish Ministers direct the Applicant to the MOD representation in Appendix I and advise that it is fully addressed within the EIA Report.

5.4 Air Quality

5.4.1 The Applicant considers air quality in Appendix A: Air Quality in the Scoping Report. The likely impacts on air quality and proposed mitigation measures are detailed under heading 2 of Appendix A: Air Quality. The Applicant states that the potential for impacts on air quality during the Proposed Works is no greater than those for the currently licensed works. However, the Applicant confirms a construction dust risk assessment will be completed to determine the appropriate construction phase dust mitigation measures and this will be included with any Construction Environment Management Plan with an update to the existing Dust Management Plan. The Scottish Ministers are content with the baseline assessment given and are satisfied with the mitigation proposed.

5.4.2 The Scottish Ministers agree that air quality can be scoped out of further assessment within the EIA Report for the construction and operational phases.

5.5 Noise

5.5.1 The Applicant identifies the potential impacts of airborne noise in Appendix A: Noise, in the Scoping Report. The Applicant notes that there is the potential for elevated noise to impact both residential and ecological receptors in the vicinity of the Proposed Works.

5.5.2 The Scottish Ministers agree with the content and approach to the assessment of airborne noise proposed in the Scoping Report. To the extent that the effects relate to marine licensable activities, the Scottish Ministers agree that airborne noise for both operation and construction phases is scoped in.

5.6 Historic Environment

5.6.1 The Applicant considers the potential impact of the Proposed Works on the historic environment in Appendix A: Historic Environment in the Scoping Report, with due consideration of the impacts during the construction and operational phases under heading 2 of Appendix A: Historic Environment. The Scottish Ministers are content with the baseline assessment given under heading 1 of Appendix A: Historic Environment.

5.6.2 In its representation, HES offers additional requirements and advice in relation to the zone of theoretical visibility. HES also welcomes engagement with the Applicant as the assessment proceeds.

5.6.3 To the extent that the effects relate to marine licensable activities, the Scottish Ministers agree that historic environment is scoped in for further assessment within the EIA Report for construction and operational phases.

5.7 Population and Human Health

5.7.1 The Applicant considers the potential impact of the Proposed Works on population and human health in Appendix A: Population and Human Health in the Scoping Report. The Applicant has concluded that impacts on population will be considered within the cultural heritage chapter and the project description of the EIA, and human health will be considered in air quality and hydrology chapters. As such, the Applicant has scoped population and human heath for both construction and operational phases out of any further assessment.

5.7.2 The Scottish Ministers agree that population and human health be scoped out of further assessment within the EIA Report for the construction and operational phases as an individual receptor provided they are covered within the chapters referenced above.

5.8 Climate and Resilience

5.8.1 The Scoping Report proposes that climate resilience will be considered within the project description and flood risk will be considered within the hydrology chapter of the EIA Report and there will be no standalone topic or chapter on climate. Instead, a fully detailed Path to Net Zero assessment and technical report will submitted to The Highland Council as part of the planning application.

5.8.2 The Scottish Ministers are however mindful that Greenhouse Gas ("GHG") emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions And Evaluating Their Significance" ("IEMA GHG Guidance"), which states that "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant." The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment ("LCA") approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works.

5.8.3 The Scottish Ministers also draw the Applicant's attention to the representation by NatureScot which advises that the EIA should include effects, on both the Port and Whiteness Head Site of Special Scientific Interest, of long term-coastal change exacerbated by accelerating sea-level rise and how that might impact on port operations. The Scottish Ministers direct the Applicant to NatureScots advice and advise that it must be fully considered and addressed, including undertaking the assessments requested, within the EIA Report.

5.8.4 For the avoidance of doubt, the Scottish Ministers advise that climate and resilience be scoped in for further assessment within the EIA Report for

construction and operational phases following the information/guidelines outlined above and including assessment of the effects of long term coastal change exacerbated by accelerating sea-level raise and how that might impact on port operations.

5.9 Hydrology and Hydrogeology

5.9.1 The Applicant considers hydrology and hydrogeology in Appendix A: Hydrology and Hydrogeology in the Scoping Report and considers potential effects at both construction and operational phases under heading 2 of Appendix A: Hydrology and Hydrogeology. The Scottish Ministers note the proposed scope of the assessment includes flood risk, drainage, topographic surveys and water quality.

5.9.2 The Scottish Ministers agree that hydrology and hydrogeology should be scoped in for further assessment within the EIA Report.

5.10 Coastal Processes and Geomorphology

5.10.1 The Applicant considers the potential impacts of the Proposed Works on coastal processes and geomorphology in Appendix A: Coastal Processes and Geomorphology in the Scoping Report with due consideration of the impacts during the construction and operational phases under heading 2 of Appendix A: Coastal Processes and Geomorphology.

5.10.2 The Scottish Ministers are broadly content with the Applicant's baseline assessment given under heading 1 of Appendix A: Coastal Processes and Geomorphology. However, the Scottish Ministers bring the Applicant's attention to representation provided by NatureScot which advises that the deposit of rock armour might adversely affect the Inner Moray Firth Ramsar Site habitats and/or replace them with artificial structures where currently natural coastal habitats predominate. Based on the advice provided by NatureScot, the Scottish Ministers advise that the impacts of rock armour deposits must be fully assessed in the EIA.

5.10.3 NatureScot advised that the deeper dredge could significantly increase the harbours tidal volume and therefore hydrology. This could cause the inlets main tidal channel to alter its profile and/or width, potentially changing the extent of the sand dune, shingle and saltmarsh habitats of the Inner Moray Firth Ramsar Site. Additionally, any change to inundation characteristics on the saltmarsh could affect the nature and characteristics of this habitat, which can be sensitive to such changes. The Scottish Ministers advise that the impacts must be assessed and direct the Applicant to NatureScot's advice, highlighting that a draft

assessment method used to gauge these effects should be submitted pre-application as the proposed modelling may not be appropriate. NatureScot encourage engagement with the Applicant to ensure the scope and nature of the proposed modelling are appropriate.

5.10.4 NatureScot also advised that the dredging has the potential to affect Whiteness Sands, which supports the Inner Moray Firth Ramsar Site habitats of sand and mudflats, through increasing the tidal volume and therefore increasing water flow through the access channel. The Scottish Ministers therefore advise that that the potential effect on Whiteness Sands requires investigation and must be scoped in for consideration in the EIA for construction, operation and maintenance, beyond the scope suggested by the Applicant.

5.10.5 NatureScot also advised that there are potential impacts on sedimentation and water circulation within the Inner Moray Firth Ramsar Site from the dredging required to maintain Tern Island, and by the potential change to the volume of dredge sediment deposited at Whiteness Sands, compared to that currently licenced. The Scottish Ministers agree with NatureScot and advise that both potential issues must be addressed within the EIA Report. Finally, NatureScot also highlighted the importance of factoring in the potential differential impact on tidal and wave climate between the Proposed Works and the previously licensed iterations, when assessing cumulative effects.

5.10.6 The Scottish Ministers agree with the Applicant that coastal processes and geomorphology be scoped in for further assessment within the EIA for both construction and operational phases, and advise that this scope must be expanded to fully address the issues raised by NatureScot in its representation. The Scottish Ministers therefore direct the Applicant to the NatureScot representation in Appendix I for further detail.

5.11 Geology, Soils and Contaminated Land

5.11.1 The Applicant considers geology, soils and contaminated land in Appendix A: Geology, Soils and Contaminated Land in the Scoping Report and considers potential effects at both construction and operational phases under heading 2 of Appendix A: Geology, Soils and Contaminated Land. The Scottish Ministers note the Applicant's proposal to use ground investigation to inform geotechnical design and for confirmation of contamination, and the Applicant's commitment to produce a Best Practicable Environmental Option ("BPEO") assessment which will be carried out to establish the most appropriate route for dredge arisings.

5.11.2 The Scottish Ministers agree that geology, soils and contaminated land can be scoped out for further assessment within the EIA provided a BPEO assessment is undertaken.

5.12 Material Assets and Waste

5.12.1 The Applicant discusses the potential impacts of material assets and waste in Section 5, Table 2 of the Scoping Report. The Applicant states that an outline Site Waste Management Plan will be submitted with the EIA Report to tie the waste management for the Proposed Works into the current waste management practices for the current licensed activities.

5.12.2 The Scottish Ministers agree with the approach to managing material assets and waste proposed in the Scoping Report. To the extent that the effects relate to marine licensable activities, the Scottish Ministers agree that material assets and waste for both operation and construction phases can be scoped out from further assessment in the EIA.

5.13 Terrestrial Ecology

5.13.1 The Applicant discusses the potential impacts on terrestrial ecology in Appendix A: Terrestrial Ecology, in the Scoping Report and identifies the baseline and key features under heading 1 of Appendix A: Terrestrial Ecology, including invasive non-native species, dominant habitats, key terrestrial species and designated sites. As far as they relate to marine licensable activities, the Scottish Ministers largely agree that the appropriate receptors have been identified by the Applicant and agree with the potential impacts and methodologies detailed under heading 2 and 5 of Appendix A: Terrestrial Ecology.

5.13.2 To the extent that the effects relate to marine licensable activities, the Scottish Ministers agree that terrestrial ecology should be scoped in for further assessment within the EIA for construction and operational phases.

5.14 Marine Mammals

5.14.1 The Applicant considers the potential impacts of the Proposed Works on marine mammals in Appendix A: Marine Mammals in the Scoping Report. The Scottish Ministers note the proposed scope of assessment detailed in Table 1, under heading 2 of Appendix A: Marine Mammals and note that a number of impact pathways detailed in Table 1 have been scoped out from further assessment.

5.14.2 NatureScot is supportive of the proposal to use dredge material on site or other land based beneficial reuse as this would avoid/reduce potential

impacts on the SAC. In its representation, NatureScot advised that the Proposed Works have the potential to impact the Moray Firth Special Area of Conservation ("SAC"), designated for bottlenose dolphins. It advised that the availability of prey is a key factor potentially limiting the ability of bottlenose dolphin to recover from an impact such as the Proposed Works, therefore NatureScot advised that indirect impacts via prey species are scoped in to the EIA. The Scottish Ministers agree with NatureScots advice and advise that this impact must be scoped in for further assessment in the EIA.

5.14.3 NatureScot noted it agrees with the Applicant's underwater noise modelling methodology and encourages the Applicant to liaise with NatureScot regarding underwater noise modelling methodology, specifically swim speeds and species density for bottlenose dolphins. NatureScot also provides advice on data that should be used for the assessment.

5.14.4 NatureScot agrees with the inclusion of the assessment of disturbance and displacement impacts resulting from noise, collision risk and increased vessel traffic during the construction phase as well as disturbance impacts during operations and maintenance phases on the Whiteness Sands seal haul out. NatureScot advised on sources of data that should be used in the assessment.

5.14.5 In regards to its interests, the NLB highlight the inclusion of cumulative effects associated with vessels being scoped in, and a Vessel Management Plan being developed for the operation and maintenance phase.

5.14.6 The Scottish Ministers agree with the impacts on marine mammals that are proposed to be scoped in and additionally advise that indirect impacts via prey species must also be scoped in for further assessment within the EIA. The Scottish Ministers direct the Applicant to the NatureScot representations in Appendix I and advise that it is fully addressed within the EIA Report.

5.15 Heat and Radiation

5.15.1 The Applicant considers the potential impact of the Proposed Works on heat and radiation in Section 5, Table 2 of the Scoping Report. The Applicant has concluded that the Proposed Works do not introduce any sources of heat and radiation and therefore there is negligible risk. The Applicant has scoped heat and radiation, for both construction and operation phases, out of any further assessment.

5.15.2 The Scottish Ministers agree that heat and radiation be scoped out of further assessment within the EIA for the construction and operational phases.

5.16 Major Hazards and Accidents

5.16.1 The Applicant considers risk of major hazards and accidents in Section 5, Table 2 of the Scoping Report. The consideration of the risk of major hazards and accidents is undertaken in line with the Institute of Environmental Management and Assessment publication 'Major Accidents and Disasters in EIA: A Primer'. The Applicant proposes to scope out major hazards and accidents.

5.16.2 The Applicant identifies the natural hazard of flooding, storms and potential storm surges applies to the Proposed Works and notes that the potential for storm related flooding effects will be considered in the hydrology chapter of the EIA Report.

5.16.3 Additionally, the Applicant identifies potential man-made hazards such as terrorism, sabotage, pollution or fire related hazards. The Applicant proposes these risks will be managed under the existing Port Facility Security Plan, approved by the Department of Transport, and the Port Emergency Response Plan, both of which the site currently operates under.

5.16.4 The Scottish Ministers agree with the Applicant's proposal to scope out major hazards and accidents provided the risk of flooding, storms and potential storm surges is assessed through the hydrology chapter in the EIA and the above plans are adhered to.

5.17 Electric and Magnetic Fields

5.17.1 The Applicant considers the potential impact of the Proposed Works on electric and magnetic fields in Section 5, Table 2 of the Scoping Report. The Applicant has concluded that the Proposed Works do not introduce any potential sources of electric and magnetic fields and therefore do not impact any receptors. The Applicant has scoped electric and magnetic fields, for both construction and operation phases, out of any further assessment.

5.17.2 The Scottish Ministers agree that electric and magnetic fields be scoped out of further assessment within the EIA Report for the construction and operational phases.

5.18 Transboundary Effects

5.18.1 The Applicant considers the potential impact of the Proposed Works on transboundary effects in Section 5, Table 2 of the Scoping Report. The Applicant has concluded that the Proposed Works will not generate impacts for other European Economic Area States. The Applicant has scoped transboundary effects, for both construction and operation phases, out of any further assessment.

5.18.2 The Scottish Ministers agree that transboundary effects be scoped out of further assessment within the EIA Report for the construction and operational phases.

5.19 Cumulative

5.19.1 The Applicant considers the cumulative effects of the Proposed Works in Section 5, Table 2 of the Scoping Report and proposes that cumulative effects are scoped in.

5.19.2 The Scottish Ministers note the Applicant has identified potential cumulative effects which it proposes to assess in the existing licensed activities and other developments in the vicinity of the Proposed Works, with particular regard to shipping, in the Scoping Report. The RYA agree with the Applicants proposal to scope in cumulative effects.

5.19.3 In addition to the cumulative effects identified by the Applicant, the Scottish Ministers direct the Applicant to NatureScot advice on sand and mud flats and advise that the differential impact on tidal and wave climate between the Proposed Works and the currently licenced activities must be assessed in the EIA. Further, the Scottish Ministers direct the Applicant to representation from NatureScot regarding how the Inverness and Cromarty Firth Green Freeports might combine forces to deliver offshore floating turbine technology. The Scottish Ministers advise that if this is going to happen then an assessment of the potential impacts associated with this must be undertaken, in line with NatureScot's advice.

5.19.4 For the avoidance of doubt, the Scottish Ministers agree that cumulative effects for both construction and operational phases be scoped in and further advise that the above potential impact raised by NatureScot is also scoped in and assessed in the EIA.

5.20 Ornithology

5.20.1 The Applicant has not considered ornithology as part of the Scoping Report and it is therefore assumed that the Applicant does not consider that ornithology should be within the scope of the EIA Report. However, the Scottish Ministers are of the opinion that ornithology should be

scoped in for both the construction and operational phases of the Proposed Works.

5.20.2 It its representation, NatureScot advised that ornithology should be scoped in to the EIA for further assessment for both construction and operational phases. NatureScot advised that the Proposed Works could have disturbance and displacement effects on waders and waterfowl in the Inner Moray Firth SPA and Moray Firth SPA. For the Inner Moray Firth SPA, the Scottish Ministers agree with NatureScot advice and advise that displacement effects of tall turbines or tall component parts at port side, or partial construction, caused by floating turbines must be assessed on waterfowl connected to the SPA. NatureScot advised that turbine construction zones, within the port, that reduce risk of displacement effects on waterfowl should be identified. NatureScot provided advice on how the impacts of tall structures should be assessed and what should be considered in the assessment. The Scottish Ministers advise the Applicant to fully adhere to NatureScot's advise in this regard. For the Moray Firth SPA, if partly or fully constructed floating offshore wind turbines require towing from quayside to a location outwith the harbour limits then the potential displacement and disturbance effects of tall turbine towing on waterbirds must be included and assessed within the EIA Report as part of the shadow HRA. NatureScot notes the Applicant's intention to submit their EIA application in September 2025 but highlights that this will not allow time to carry out the survey work to inform on subtidal bird proximity. NatureScot therefore encourage pre-application engagement from the Applicant to ensure some level of assessment of the SPA is undertaken.

5.20.3 NatureScot also advised that the proposed extension to the dredge area, and the quay wall construction have potential to cause disturbance effects to high tide wader roost sites in the Inner Moray Firth SPA, as well as foraging waders closer to Delnies Creek. NatureScot advises the Applicant to consider the timings of works to avoid the main over-wintering period and recommends potentially revising/updating the existing Winter Dredge Protocol to ensure SPA high tide roost sites remain undisturbed.

5.20.4 NatureScot notes that whilst it has information on the proposed horizontal extent of where the potential rock armouring is proposed, it does not have any detailed information on the proposed vertical extent or position relative to the seabed. NatureScot therefore cannot advise on how this might affect the Inner Moray Firth SPA waterfowl. NatureScot advises that there is potential for SPA supporting habitats to be adversely affected/replaced with artificial structures where currently natural coastal

habitats predominate. The Scottish Ministers agree with NatureScot's concern and recommend that the Applicant provides further detail to NatureScot on this aspect during this pre-application phase, to allow NatureScot to fully advise on this.

5.20.5 NatureScot agree with the Applicant's intention to maintain the island feature of Tern Island by preventing the channel from silting up, if required, as this will benefit nesting terns by maintaining a predator free habitat. Further, NatureScot welcomes the Applicant exploring measures to enhance/expand Tern Island as a valuable tern nesting site in context of the Inner Moray Firth SPA, and to increase its future resilience.

5.20.6 The Scottish Ministers agree with representation from NatureScot and advise that ornithology must be scoped in for further assessment in the EIA for both construction and operational phases. The Scottish Ministers direct the Applicant to the NatureScot representation in Appendix I and advise that it is fully addressed within the EIA.

5.21 Coastal and Marine Ecology

5.21.1 The Applicant has not considered coastal and marine ecology as part of the Scoping Report. The Scottish Ministers note that a coastal and marine ecology EIA chapter is referred to under heading 1 of Appendix A: Terrestrial Ecology in the Scoping Report, but this topic has not been considered in the Scoping Report and it is therefore assumed that the Applicant does not consider that coastal and marine ecology should be within the scope of the EIA. However, the Scottish Ministers advise that coastal and marine ecology must be scoped in for both the construction and operational phases of the Proposed Works.

5.21.2 In its representation, NatureScot advised that coastal and marine ecology should be scoped in. NatureScot advised that modelling studies for the potential impacts on coastal processes due to the inner harbour dredging, as detailed under heading 5 of Appendix A: Coastal Processes and Geomorphology in the Scoping Opinion, must include the potential impacts on the protected coastal habitats, including the potential for impacts on intertidal birds. If the Applicant chooses to, this assessment could be included under the ornithology chapter in the EIA Report.

5.21.3 In its advice, MD-SEDD noted that the Scoping Report is not clear if the chapter on coastal processes and geomorphology includes subtidal habitats and species, and that the subtidal sandbank qualifying interest of the Moray Firth SAC was not considered in the Scoping Report. The Scottish Ministers advise that impacts on the subtidal sandbank qualifying interest of the Moray Firth SAC must be scoped in for further

assessment in the EIA. MD-SEDD advised of the presence of a horse mussel bed off Chanonry Point and advised that hydrodynamic modelling of the dredge and deposit areas must be carried out to determine if the Proposed Works will affect on any subtidal benthic features, including subtidal sandbanks and horse mussel beds. Further, NatureScot notes that the subtidal sandbanks qualifying feature of the Moray Firth SAC can have a low resilience to the introduction or spread of invasive non-native species and advises that the Proposed Works have the potential to introduce and spread the invasive non-native species slipper limpet via the deposit of dredge material. NatureScot advise that a robust Port Biosecurity Plan with a strong focus on managing risks associated with slipper limpet and future monitoring of the invasive species is included as part of the EIA. The Scottish Ministers agree with NatureScot's advice and advise this potential impact must be scoped in for assessment within the EIA for both construction and operational phases.

5.21.4 The Scottish Ministers advise that coastal and marine ecology must be scoped in for both phases. The Scottish Ministers direct the Applicant to the NatureScot representation and MD-SEDD advice in Appendix I and advise that they are fully addressed within the EIA Report.

5.22 Diadromous Fish

5.22.1 The Applicant has not considered diadromous fish as part of the Scoping Report and it is therefore assumed that the Applicant does not consider that diadromous fish should be within the scope of the EIA Report. However, the Scottish Ministers advise that diadromous fish must be scoped in for both the construction and operational phases of the Proposed Works.

5.22.2 In its representation, Nairn DSFB noted that migratory salmonid fish, specifically salmon and sea trout have not been considered as part of the Scoping Report. It advised that as the site of the Proposed Works lies in close proximity to the River Nairn, an important river for migratory salmonids, the impact of dredging and noise on these species should be assessed in the EIA.

5.22.3 Further, the Scottish Ministers note that salmon and sea trout are considered as endangered in Scotland and are known to migrate through the Moray Firth and therefore advise that diadromous fish must be scoped in for further assessment in the EIA during construction, operation and maintenance. The Scottish Ministers refer to MD-SEDD advice and advise that the potential impacts associated with noise, dredging and deposit of dredging material on these fish must be considered in the EIA. Further, all dredging operations should consider

the sensitive salmon smolt migration period and this sensitive window should be determined and avoided for all dredging operations. The selection of the deposit site for dredge material should consider potential connectivity with salmon from the River Moriston SAC and other important salmon and sea trout rivers in close proximity to the Proposed Works, as listed in the MD-SEDD advice. Finally, it is advised that all local DSFB's, as listed in the MD-SEDD advice, should be consulted on the Proposed Works.

5.22.4 In agreement with the advice provided by MD-SEDD and the Nairn DSFB, the Scottish Ministers advise that diadromous fish must scoped in for all phases of the Proposed Works. The Scottish Ministers direct the Applicant to the Nairn DSFB representation and MD-SEDD advice in Appendix I and advise that they are fully addressed within the EIA.

5.23 Commercial Fisheries

5.23.1 The Applicant has not considered commercial fisheries as part of the Scoping Report and it is therefore assumed that the Applicant does not consider that commercial fisheries should be within the scope of the EIA Report. However, the Scottish Ministers advise that commercial fisheries must be scoped in for both the construction and operational phases of the Proposed Works.

5.23.2 In its advice, MD-SEDD noted that the site of the Proposed Works overlap with highest value areas for whelk landings within the North & East Regional Inshore Fisheries Group. There were also landings within the vicinity of the Proposed Works of significant value for blue mussel, brown crab, lobster and velvet crab, suggesting the potential for creel fishery in the area. Additionally, in its response, the SFF noted that it has had some concerns raised from local inshore fishers and advised the Applicant should engage directly with the fishers. On this basis, the Scottish Ministers advise that commercial fisheries must be scoped in for further assessment in the EIA for both phases. The Scottish Ministers advise that the Applicant must consult with fisheries representatives and local fishermen to determine the presence of fishing grounds in the vicinity of the Proposed Works and to ensure that smaller fishing vessels, not captured in Vessel Monitoring System data, are not excluded from the assessment.

5.23.3 The Scottish Ministers advise that commercial fisheries must be scoped in for both the construction and operational phases of the Proposed Works. The Scottish Ministers direct the Applicant to the MD-SEDD advice in Appendix I and advise that it is fully addressed within the EIA Report.

6. Application and EIA Report

6.1 General

6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.

6.1.2 The Scottish Ministers note the need to carry out an assessment under the The Conservation (Natural Habitats, &c.) Regulations 1994. This assessment must be coordinated with the EIA in accordance with the 2017 MW Regulations.

6.1.3 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that the Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Regulatory Approval

7.1 Background

7.1.1 The 2017 MW Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principle decision, assessment must be undertaken at the subsequent stage.

7.1.2 The definition in the 2017 MW Regulations is as follows: “application for multi-stage regulatory approval” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun”.

7.1.3 A marine licence, if granted, by the Scottish Ministers for the Proposed Works, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. When making an application for multi-stage approval the Applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.

7.1.4 If during the consideration of information provided in support of an application for multi-stage regulatory approval the Scottish Ministers consider that the works may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed,

Neil Macleod

18 June 2025

Authorised by the Scottish Ministers to sign in that behalf.

Appendix 1: Consultation Responses

Defence Infrastructure Organisation

Defence Infrastructure Organisation

Ministry of Defence
Safeguarding Department
DIO Head Office
St George's House
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Your reference: SCOP-0052
Our reference: DIO 10062140

Mobile: [Redacted]
E-mail: DIO-Safeguarding-Offshore@mod.gov.uk
anne.mcgarva369@mod.uk

Louise Treble
Marine Licensing Casework Officer
Marine Directorate – Licensing Operations Team
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

17 March 2025

Dear Louise

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 - Scoping Report Ardersier Port Extension, Ardersier Port Nairn – SCOP-0062

Proposal: Continued port development and expansion of port related services for energy related uses, including marine dredging within the inner harbour, sea disposal of dredged sands, possible temporary stockpiling of dredged material, quay construction, erection of offices, industrial and storage buildings and associated infrastructure including manufacturing, assembly, storage, delivery, and export of port related cargo.

Location: Former Fabrication Yard Ardersier

Grid Ref: E 280479 N 857872

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 17/02/2025.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the UK Military Low Flying System.

The applicant is seeking a scoping opinion regarding a proposal to extend the port facilities to provide additional operational areas within the energy transition facility (ETF). The expansion of the Ardersier Port will support the delivery of offshore wind projects. Offshore wind components will be partially assembled at the expanded port, resulting in the creation of storage areas of constructed wind turbines at the port. The addition of cranes will support this assembly process.

Military Low Flying

The development is located within an area in which military low flying training activities may be undertaken. As part of this fixed wing military aircraft may operate as low as 250 feet or 76.2 metres above surface features. The introduction of tall or narrow profile structures (whether temporary or permanent) such as assembled wind turbine generators, cranes and other structures with a height of 50m or more, will have the potential to introduce a physical obstruction to low flying aircraft operating in the area.

The potential impact of the development on military low flying activities undertaken in the vicinity should therefore be scoped into any impact assessments for this development.

Air Traffic Control (ATC) Radar

Wind turbines have been shown to have detrimental effects on the performance of primary surveillance radars such as air traffic control (ATC) surveillance radars. These effects include the desensitisation of radar in the vicinity of the turbines, shadowing and the creation of "unwanted" aircraft returns which air traffic controllers must treat as aircraft returns. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "unwanted" returns displayed on the radar leads to increased workload for both controllers and aircrews. Furthermore, real aircraft returns can be obscured by a turbine's radar return, making the tracking of both conflicting unknown aircraft and the controllers' own traffic much more difficult.

The development proposed will provide facilities to fabricate wind turbine generators and may entail the storage of partially or completely assembled wind turbine generators prior to their deployment.

It is anticipated that the turbine blades on any completely assembled wind turbine generators, at the fabrication yard or stored in the port area or the adjoining marine environment, will be able to idle. Any such wind turbine generators may impact upon the effective operation of MOD radars, particularly the ATC surveillance radar located at RAF Lossiemouth and other defence surveillance radars providing coverage over this area. This potential impact will need to be scoped in and taken into account in the preparation of any applications.

To summarise, the MOD has concerns with the proposal relating to the potential for it to create a physical obstruction to air traffic movements and to impact upon defence radars. These factors will need to be taken into account in any impact assessment(s) and in the preparation of any associated applications to progress this development.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed within the developer's Scoping Report submitted in relation to the proposed works under regulation 14 of the MW EIA Regulations found on the Marine Scotland website reference SCOP-0062.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I trust this adequately explains our position on this matter, however, should you have any questions please do not hesitate to contact me.

Yours sincerely

[Redacted]

Ms Anne McGarva
Assistant Safeguarding Manager

Nairn District Salmon FIsheries Board

From:	[Redacted]
To:	MD Marine Licensing
Subject:	SCOP-0062- Ardersier Port Ltd (Per Haventus) - Ardersier Port Extension- Ardersier Port, Ardersier, Nairn - Consultation Request
Date:	19 February 2025 11:14:46

Dear Sir/Madam,

In response to the scoping consultation on the above application, the Nairn District Salmon Fishery Board would make the following observation -

Ardersier lies in close proximity to the River Nairn, an important river for migratory salmonids (salmon and sea trout). It is likley that migratory fish travel close to the proposed works location while seeking their natal river on their migration route. In times of drought they may be near this location for an extended period of time.

We note that salmonids in their marine environment have not been considered so far as part of the potential scope for the EIA. The Nairn DSFB believes that the impact on migratory salmonids should be assessed in any EIA, particularly with the regards the local effects of dredging and noise.

yours faithfully

Jon Gibb
Clerk to the Board
Nairn District Salmon Fishery Board
[Redacted]

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email: MD.MarineLicensing@gov.scot

Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our case ID: 300019620
Your ref: SCOP-0062
18 March 2025

Dear Marine Directorate

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Ardersier Port Extension - Ardersier Port, Ardersier, Nairn
Scoping Report

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 17 February 2025. 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.

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 topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.
In this instance you should contact the Aberdeenshire Council Archaeology Service (archaeology@aberdeenshire.gov.uk).

From 1 January 2025 we no longer provide advice on undesignated underwater cultural heritage. This includes the preparation of documents for post-consent activities including Written Schemes of Investigation or Protocols for Archaeological Discoveries. For EIA projects, the relevant competent authority must ensure that they have access to sufficient expertise to examine the EIA Report in accordance with the relevant regulations.

Proposed development

We understand that the proposals will extend the operational area of the consented port extension at Ardersier, the Highlands. The new operational area will extend inland to the south and west of the consented boundary. Planning Permission in Principle for the port redevelopment was granted in 2014 and the consent was renewed in 2019.

The proposed extension will undertake similar activities as agreed within the consented boundary, although additional activities such as the partial assembly of wind turbine bases and tower sections up to heights of 215m (max 250m) may take place. The extended area will involve the felling and clearance of a large area of commercial forestry on the southern side of the site that currently screens large parts of the consented proposals.

Scope of assessment

We welcome that the applicant proposes to scope in cultural heritage to their Environmental Impact Assessment. We recommend that the applicant refers to the EIA Handbook for best practice advice on assessing cultural heritage impacts.

We have identified likely significant effects on our historic environment interests. Our advice on the nature of these impacts, and any potential mitigation measures, are included in an annex to this covering letter. This also includes our requirements for information to be included in the EIA Report.

Further information

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series. In this case we recommend that you consider the advice in the Managing Change in the Historic Environment: Setting guidance note.

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

Yours sincerely

Historic Environment Scotland

ANNEX

Background

Background Planning Permission in Principle (PPiP) for the original proposal was granted in 2014. Construction began in 2019 following the renewal of PPiP. The extended site will be the subject of a revised EIA to assess the areas not covered by the existing PPiP and Harbour Revision Order (HRO).

Following the consent of the PPiP application we have received several proposals in relation to the variation to the consented marine licence, HRO and PPiP. We have not objected to the previous variations. However, in our response to the 2018 EIA for the consented development we noted that there would be a significant impact on the setting of the now Category A-listed Fort George (LB1721) which was descheduled as an ancient monument in 2019 (previously SM6692).

Our Interests

There are 42 scheduled monuments, 32 Category A-listed buildings, four Inventory Gardens and Designed Landscapes (GDLs) and one Inventory Battlefield (the Battle of Auldearn BTL3) within the applicants 10 km study area. We would recommend that a wider search for potential setting impacts based on the zone of theoretical visibility (ZTV) is undertaken in the first instance. Any impacts to the settings of assets should be assessed appropriately to determine whether these will be significant, and justification provided in any forthcoming EIA Report should these be scoped out of detailed assessment.

The scoping report states that a ZTV will be produced using a sequence of nominal heights to reflect the likely visibility of components of different heights that might be temporarily present, such as partially assembled wind turbine towers. We recommend that bare earth ZTVs are used in the first instance.

We welcome that setting assessments of designated historic environment assets that have been identified will be agreed in consultation with HES in advance of the planning application. We note that many of the scheduled monuments within the ZTV are known from cropmarking, but there are also upstanding monuments such as Moor of Balnagowan, enclosure 250m SW of (SM4737).

Our Advice

Our Advice We would welcome engagement with the applicant as their assessment proceeds. This would allow us to provide further advice, for example on where visualisations may be necessary to support assessment of setting impacts

Historic Environment Scotland
18 March 2025

Maritime and Coastguard Agency

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

www.gov.uk/mca

Your Ref: SCOP-0062

18th March 2025

Dear Louise

Thank you for your letter dated 17/02/2025 inviting the Maritime and Coastguard Agency (MCA) to comment on the Scoping Opinion for the Ardersier Port Extension at Ardersier Port, Ardersier, Nairn.

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 Scoping Report has been considered by representatives of UK Technical Services Navigation and The Maritime and Coastguard Agency (MCA) would like to comment as follows:

This proposed development would be an extension to the consented port and would generally comprise:

- *Additional quay construction through the existing platform (mainly on land and already consented under the Harbour Revision Order (HRO)) by a combination of diaphragm wall (same method as the already constructed quay walls) and vibropiling and conventional sheet piling.*
- *Removal of old sheet piles to the north of the new quay wall which may involve temporary sand bunds*
- *A small area of infilling behind the new quay wall*
- *Selected deepening of the inner harbour by dredging (approximately 2,000,000m3)*
- *Sea disposal, Whiteness Sands nourishment and possible beneficial re-use on land or at remote site*
- *Possible maintenance dredge to west of Tern Island*
- *Scour protection in inner harbour*
- *A potential slipway as described in the existing Harbour Revision Order*

- *Localised crushed rock mattress for east of harbour*
- *Mooring dolphins*
- *Site clearance of extension lands (tree felling and clearing)*
- *Land raising and levelling of extension lands to suitable height with dredged sand*
- *Creation of working platform through stone placement*
- *Install new drainage to extension land perimeter*
- *Port and offshore wind related buildings including manufacturing, workshops, assembly facilities (principally bases), storage, offices and business units.*

The MCA expects any works in the marine environment to be subject to the appropriate consent of the Marine (Scotland) Act 2010 before carrying out any marine licensable works. On this occasion, the works will take place within the boundaries of a Statutory Harbour Authority (SHA) - Ardersier Port Limited and therefore they are responsible for the safety of navigation within their waters. We would expect the applicant to update their Navigation Risk Assessment (NRA), and that the NRA will be undertaken in line with the requirements of the Port Marine Safety Code (PMSC) and its Guide to Good Practice (GTGP).

Finally, to address the ongoing safe operation of the marine interface for this project, the MCA would like to point the applicant in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. 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 MCA is satisfied with the Scoping Report at this stage as the basis for an Environmental Impact Assessment from the shipping and navigation perspective on the understanding that the navigation receptors for the project will be fully assessed in the updated NRA.

I hope you find this information useful at Scoping Stage.

Yours sincerely,
UK Technical Services Navigation
Maritime and Coastguard Agency

NatureScot

NatureScot
NàdarAlba
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Ms Louise Treble
Marine Directorate
By Email: MD.MarineLicensing@gov.scot

13 March 2025
Your Ref: SCOP- 0062
Our Ref: CEA 179109

Dear Ms Treble

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Port of Ardersier Energy Transition Facility (ETF) – Scoping Request

We received the Port of Ardersier (POA) ETF Scoping Report on 17 February 2025 in support of plans for extension. Thank you for requesting our comments on this proposal. We understand this proposal to be an extension of the existing development boundary and our comments below are made on that basis.

1. Summary

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

- Potential impacts upon Inner Moray Firth and Moray Firth Special Protection Areas and the Moray Firth Special Area of Conservation
- Impacts upon Whiteness Head Site of Special Scientific Interest and the Inner Moray Firth Ramsar Site

2. Background

We continue to work with Haventus over proposals as the Port of Ardersier (POA) Energy Transition Facility develops and evolves. Within this response we provide advice on Protected Area issues, which will include issues pertaining to changes in operational processes and also marine related factors for completeness. In accordance with our joint working protocols, we provide standing advice on wider countryside issues, where we believe Highland Council will lead.

Consultation discussion and outcomes linked to the 2025 Deep Dredge (harbour channel) will help inform our advice to relevant parts of this scoping consultation, making best use of past collaborative pre-app discussions and working approaches.

We note the intention for the ETF to become a major contributor in the floating turbine energy sector, where it will provide construction, marshalling and assembly of turbine components, potentially at portside and possibly on quay side too. This will also include construction processes for concrete floating turbine bases. The substantial increase in scale and height of turbines, combined with construction (or part construction) occurring within the confines of the port, feature as new operational processes which require to be assessed in context to Protected Areas.

At this present time, Scottish Government are considering a policy change for Ramsar Sites, where they may attain the same level of protection as a Special Areas of Conservation (SAC), see: (https://www.gov.scot/publications/proposals-amend-scottish-government-policy-protection-afforded-certain-ramsar-features-consultation-paper/). This *possible* additional protection has

potential to affect our advice on this proposal, which we highlighted at the Major Pre-app meeting on 12 February 2025. However, we await the outcome of this decision in due course, but the timescales for this are unknown to us at time of writing.

3. Appraisal of impacts and our advice

3.1 European Protected Areas

This proposal lies adjacent to the Inner Moray Firth Special Protection Area (SPA) protected for its range of coastal birds, such as common tern, curlew & red-breasted merganser, etc. A full list of qualifying species can be found here: https://sitelink.nature.scot/site/8515. The Inner Moray Firth Ramsar site is also protected for its range of coastal habitats, such as shingle, mud & sand flats and saltmarsh, etc., see: https://sitelink.nature.scot/site/8430.

The proposal is also adjacent to the Moray Firth SPA, protected for its range of marine waterbirds, such as long-tailed duck & red-throated diver, etc. see: https://sitelink.nature.scot/site/10490. The Moray Firth Special Area of Conservation (SAC), protected for its bottlenose dolphin and subtidal sandbank habitats, lies close-by too, see: https://sitelink.nature.scot/site/8327.

Inner Moray Firth SPA

a) Waterfowl

New floating turbine technology:

We note that there is no ornithology section in the scoping report and provide the following comments to assist scoping-in ornithology as part of the EIA. Shore side assembly of floating wind turbine technology represents a new type of port operation. Some studies suggest waders (albeit on breeding habitat) can be displaced from their favoured territories by the presence of turbine structures. Potential displacement effects of very tall turbines (or tall component parts) at port side, or partial construction, caused by floating turbines should be assessed on waterfowl connected to this SPA. With this in mind, we recommend identifying turbine construction zones within the port that reduce risk of displacement effects to SPA waterfowl.

To assess the impacts of tall structures we recommend a detailed literature review is carried out for all relevant SPA species that regularly use this location. The results of this literature review, combined with your baseline bird data, should inform a shadow Habitats Regulations Appraisal (HRA) which needs to consider spatial displacement effects of turbine construction at portside, or on the quay, based on existing knowledge of SPA use/flight movement (e.g. roost site, foraging and flight sensitivities). Should full turbine construction testing (i.e. with blades) be proposed at Ardersier ETF, collision risk to SPA species may need to be assessed. If required, we can provide further advice on collision risk during this valuable pre-app phase, including survey work required to achieve this.

At this present time, there appears to be little information on how the Inverness and Cromarty Firth Green Freeports (ICFGFs) might combine forces to deliver offshore floating turbine technology. If this is going to take place, we recommend detail is provided within the EIA Report to show how this would happen (e.g. turbine component movement between ports, etc., within defined harbour limits) to help assist with an overall understanding, including potential cumulative issues. See our comments under the Moray Firth SPA below, regarding floating turbine towing, which also relates to waterfowl and terns linked to this SPA.

Expanding deep-dredge zones:

The proposed dredge extension within the harbour, in addition to quay wall construction, has potential to cause disturbance effects to high tide wader roost sites, as well as foraging waders closer to Delnies Creek. Timings of works to avoid the main over-wintering period (October – March, inclusive) could help to reduce adverse impacts to SPA waterfowl. The previously agreed 'Winter Dredge Protocol' could usefully be revised/updated to ensure SPA high tide roost sites remain undisturbed, if POA still consider this to be a pragmatic approach.

An updated Figure 4a (provided to Marine Directorate and copied to us on 13 February 2025, see Annex 1) shows the horizontal extent of where potential rock armouring is proposed however there is no detailed information provided on the vertical extent or position relative to the seabed. It's not therefore possible to advise how this might affect SPA waterfowl. Therefore, there is potential for SPA supporting habitats to be adversely affected/replaced with artificial structures where currently natural coastal habitats predominate. We recommend that further detail is provided on this aspect during this pre-application phase, to allow us to fully advise on this.

We note that a Coastal and Marine Ecology EIA topic section is referred to on page 84 of the scoping report but has not been provided and should be scoped in. Modelling studies for the potential impacts on coastal processes due to the inner harbour dredging, e.g. wave action, sediment transport etc that have been mentioned should look to include the potential impacts on the protected coastal habitats (potential for impacts on intertidal birds etc.).

b) Common tern

We agree that maintaining the island feature by preventing the channel from silting up, if required, will benefit nesting terns by maintaining valuable predator free habitat. We would welcome Port of Ardersier exploring measures to enhance/expand this island further as a valuable tern nesting site in context to this SPA and to increase its future resilience.

Inner Moray Firth Ramsar Site (unless otherwise included as part of the SPA, as above)

c) Sand dune, shingle and saltmarsh

Our comments above, about the potential impacts to SPA related habitats from rock armour, equally applies to this Ramsar Site. Unfortunately, many Ramsar habitats (i.e. sand dune, shingle and saltmarsh) have previously been adversely affected by port processes, even though we recognise positive efforts by Haventus to help make good where it can, since its inception. Therefore, the resilience of Ramsar habitats to accommodate further adverse impacts is likely to be low. On this basis, it will be important for any potential impacts to be fully assessed (e.g. rock armour deposits).

The deeper dredge could significantly increase the harbour's tidal volume, and therefore hydrology (e.g. a faster floodtide through the inlet). This could cause the inlet's main tidal channel to alter its profile and/or width, potentially changing the extent of these Ramsar habitats. At the same time, any change to inundation characteristics on the saltmarsh could affect the nature/characteristics of this habitat, which can be sensitive to such changes. A draft assessment method used to gauge these effects should be submitted by the developer during this pre-app phase, as the proposed update to previous modelling (p. 73) may not be appropriate. The assessment may need new modelling, or a combination of semi-quantification with expert hydro-geomorphological analysis. We are happy to comment on the scope and nature of the proposed modelling well in advance of final submission.

d) Sand and mud flats

Hydrodynamically-induced changes:

The Scoping Report (Table 2) states *'no expected change in sedimentation or water circulation patterns outwith the harbour'* but provides no detailed reasoning. Taking account of previous modelling results for both the -6.5mCD and -12.9mCD dredging, the increased tidal volume could increase flows through the access channel. We consider the potential effect on Whiteness Sands, which support sand and mud flats, requires investigation and should therefore be scoped in.

Sedimentation and water circulation outwith the harbour could be altered by the possible maintenance dredging to maintain the Tern Island as an island, and by the apparent potential change to the volume of disposal of dredgings at Whiteness Sands (compared to that currently licenced). Both potential issues need to be included within the EIA Report, and therefore should be scoped in.

It's proposed that updated modelling will be used to *'assess the potential differential impact on tidal and wave climate between the proposed development and the previously licenced iteration'* (p.73). Since the assessments supporting the 2018 and 2023-24 applications did identify marginal change to Whiteness Sands, it's very important that this 'differential' is factored into the separate chapter assessing "cumulative effects with the existing consented development" (p17).

Moray Firth SPA

e) Marine waterbirds

The Port of Ardersier harbour limit overlaps with this Protected Area. We acknowledge that safe anchorage of floating turbine bases and floating turbines are likely to occur outwith harbour limits.

New floating turbine technology:
Should partly or fully constructed floating offshore wind turbines require to be towed from quay side to a location outwith harbour limits, this would require floating turbines to be slowly towed through the harbour channel, where potential displacement and/or disturbance effects could occur to SPA birds, within recognised harbour limits. It may be that very slow towing of turbines/components within this SPA could take up to an hour to exit harbour limits for Ardersier Port Authority[1].

There is a growing evidence base around displacement effects on a range of marine waterbirds associated with the presence of marine wind farms[2]. However, to date, turbine assembly has largely been at offshore wind farm sites. Therefore, this development *potentially* raises novel issues for SPA species.

Tall turbine towing has *potential* to affect SPA birds utilising neighbouring habitats (terrestrial and subtidal) through displacement and/or disturbance pressures, even though we recognise the harbour entrance sits close to an existing vessel route which receives regular disturbance/displacement effects and ongoing use. The potential effects of displacement and disturbance should be included and assessed within the EIAR as part of the shadow HRA.

Port of Arderiser has indicated its intention to submit this EIA application in September 2025 (section 3.4 of scoping report), unfortunately this approach does not allow time to carry out survey work to inform on subtidal bird proximity. Sourcing survey data for subtidal SPA birds within harbour limits would appear to be the only fall-back option. We would welcome more dialogue on this during pre-app to allow for some level of assessment for this SPA.

However, with the above factors in mind, we are in the very early stages of considering whether a 'Harbour Turbine Towing Protocol' could provide a suitable level of SPA mitigation. If this is viable, it could have application across the ICFGF. However, at this present time, it is work in progress and therefore it is too soon for us to provide further comment due to uncertainty. Nevertheless, we are eager to work alongside the ICFGFs to help understand what might be achievable in a practical context.

Moray Firth SAC

f) Bottlenose dolphin

Use of dredged sand on site or other land based beneficial reuse would be very welcome as this has the potential to reduce the quantity being disposed at sea and therefore would avoid/reduce potential impacts to this SAC.

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[1] *Based on navigational turbine towing data provided within Phase 5 expansion for Port of Cromarty Firth EIAR (table 8, p.1343; Appendices).*

[2] 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.

The Conservation and Management Advice note for this SAC (https://www.nature.scot/sites/default/files/special-area-conservation/8327/conservation-and-management-advice.pdf) states that the availability of prey is a key factor that could potentially limit the ability of bottlenose dolphin to recover from an impact. We therefore advise that indirect impacts via prey species is scoped into the EIA.

Underwater noise modelling:
We agree with the underwater noise modelling methodology that is presented, whereby auditory injury and disturbance is assessed for all relevant noise sources. We would welcome the opportunity to discuss swim speeds and species density estimates to be used in the assessment in advance of the EIA submission. We advise that the Southall *et al* (2019)[3] thresholds are used until advised otherwise and welcome the intention to use acoustic data (based on JNCC Best Practice Guidance[4]) collected during the 2025 capital dredge campaign to help inform this proposal.

g) Subtidal sandbanks

According to the Conservation and Management Advice note for this SAC (see link above), subtidal sandbanks can have a low resilience to the introduction or spread of invasive non-native species (INNS). *Crepidula fornicata* (slipper limpet), a high impact marine INNS has very recently been found in the Moray and Cromarty Firth areas, so it is possible that deposits of dredging spoil could result in the spread of this marine INNS. However, slipper limpet is known to actively prefer hard substrates such as shell material, as opposed to sandy areas, therefore there is low probability that slipper limpet will pose a risk to subtidal sandbanks.

We have provided advice direct to Marine Directorate for Port of Ardersier's 2025 capital dredge. The advice in that note could usefully apply to this application. We therefore recommend that a robust Port Biosecurity Plan with a strong focus on managing risks associated with *C.fornicata* is included as part of the EIA. We would be happy to comment on the detail of the biosecurity plan, in advance of submission if this is helpful.

We also recommend that consideration is given to incorporating future monitoring of this invasive species at the port, as part of the recommended port biosecurity plan in order to better understand the distribution and inform future management of *C. fornicata* at the port, including to inform environmental assessments for future consents and as best practice.

Dornoch Firth & Morrich More SAC

h) Harbour seal

We appreciate and agree with the inclusion of the assessment of disturbance/displacement impacts resulting from noise, collision risk and increased vessel traffic during the construction phase as well as disturbance impacts during operations and maintenance on the Whiteness Sands seal haul out.

Note that SCOS (Scientific Advice on Matters Related to the Management of Seal Populations) reports will give population abundance numbers not density estimates for seals. Also, the Carter *et al.* 2025 density estimates are available online for use in the Environmental Impact Assessment[5].

---

[3] Southall, B., J. J. Finneran, C. Reichmuth, P. E. Nachtigall, D. R. Ketten, A. E. Bowles, W. T. Ellison, D. Nowacek, and P. Tyack. 2019. Marine Mammal Noise
Exposure Criteria: Updated Scientific Recommendations for Residual Hearing Effects. Aquatic Mammals 45:125-232.

[4] *JNCC guidance for the use of Passive Acoustic Monitoring in UK waters for minimising the risk of injury to marine mammals from offshore activities. JNCC. December 2023.*

[5] https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2025/02/updated-habitat-based-sea-distribution-maps-harbour-grey-seals-scotland/documents/updated-habitat-based-sea-distribution-maps-harbour-grey-seals-scotland/updated-habitat-based-sea-distribution-maps-harbour-grey-seals-scotland/govscot%3Adocument/updated-habitat-based-sea-distribution-maps-harbour-grey-seals-scotland.pdf

3.2 Nationally Protected Areas

Whiteness Head SSSI

i) Coastal geomorphology/coastal habitats

The ongoing presence of Whiteness Head spit is critical to the operation of the Port. Because of this, we advise that the Climate and Resilience chapter of the EIA should include effects (on both the Port and the SSSI) of long term-coastal change exacerbated by accelerating sea-level rise and how that might impact on port operations. For example, this should include an assessment of the potential for artificially induced spit breakdown, and effects on port related resilience. The assessment should take account of potential dredge-slope relaxation (see below).

Physical changes to the spit (sand dune, shingle and unvegetated intertidal) due to post-dredging expansion/relaxation of the dredged side-slopes of the inner harbour:

Natural expansion/relaxation of dredged slopes should be explicitly assessed in a scenario of the minimum rock armour that would be deployed. It's likely the previous Spit Stability Geotechnical Assessment can be used, provided it's demonstrated that the subsurface makeup of the spit and the dredge slope characteristics are sufficiently similar.

If even with rock armour installed, there is residual risk of propeller effects (scouring causing slope steepening), which we advise should be factored in. There should also be assessment of potential tidal scour around the rock armour. It might be possible to simply rule this out, but if the armour is extensive (e.g. as far as the outer harbour) assessment might require use of empirical scour equations informed by hydrodynamic modelling.

If hydrodynamic modelling shows that changes to inlet habitats or the spit will occur, then potential impact on the Coastal Geomorphology interest of the SSSI should be assessed. Within the inlet, this interest only occurs on the north side of the main channel but is influenced by landform change on the south side. The EIA report should consider the potential further/cumulative loss of spit-head habitats that we previously identified due to the -12.9m dredge of the access channel.

j) Coastal habitat enhancement

Sand dune:

This habitat was monitored within the last 2-3 years where the results showed that scrub encroachment is having adverse effects on habitat condition. This monitoring recommended scrub control to be taken forward as a priority to help enhance this Protected Area. Scrub management on dunes can be a useful intervention to enhance the local biodiversity of a site. Although scrub is a natural part of dune systems, as it expands and begins to dominate, it outcompetes the rarer and priority habitats. In addition to increasing shading and shelter, which can create adverse impacts on dune specialists, scrub species such as Gorse (Ulex spp.) also fix nitrogen, which changes the natural soil conditions. This ultimately reduces the dynamism of the system, reducing its potential for natural adaptation to changing conditions. We can provide the results of this monitoring to help inform any enhancement proposal as part of this application.

It might be possible for scrub enhancement within this SSSI to also occur on neighbouring property, subject to their approval.

Scrub control on the Whiteness Head spit could present a potential biodiversity enhancement of the site, however it would be necessary to consider the location, nature, and practicality of scrub control, and to ensure that any proposed methods are assessed against their potential adverse impacts on sensitive site features. We would be happy to comment upon a draft *Scrub Management Plan*, where perhaps phase 1 of the plan could prioritise high value dune habitats zones (e.g. dune heath), non-native species (e.g. sea buckthorn and Japanese rose) and perhaps focussing in on isolated gorse bushes first (i.e. using cut & treat methods). Phase 2 might involve larger scale scrub control options (e.g. grubbing out), but this would be subject to further dialogue with us in advance (e.g. for any machine access routes).

Other SSSI features are already discussed within the Inner Moray Firth SPA & Ramsar Site sections, as above.

3.3. Protected birds & mammals

Standing advice for wild birds and their nests, including survey protocols and advice on enhancement measures, can be found here: https://www.nature.scot/doc/standing-advice-planning-consultations-birds. Standing advice on protected mammals can be found here https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents.

We recommend that ***Scottish Forestry*** is sighted on this proposal, just in case they can provide help and support in context to forestry operations.

4. Concluding comments

Please get back in touch should you require further information or advice from us and we will try to help where we can.

Yours sincerely

Emma Jones & David Patterson
Operations Officers - Coastal Infrastructure

Northern Lighthouse Board

Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

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

Your Ref: SCOP-0062
Our Ref: GB/ML/W7_01_029

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

18 March 2025

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-0062- Ardersier Port Ltd (Per Haventus) - Ardersier Port Extension- Ardersier Port, Ardersier, Nairn

Thank you for your e-mail correspondence dated 17th February 2025 relating to the EIA Scoping Report submitted by **Ardersier Port Ltd (Per Haventus)** for their proposal to extend Ardersier Port, Ardersier, Nairn.

We note that cumulative effects associated with vessels are scoped in for the Marine Mammals section, and a Vessel Management Plan will be developed for the operation and maintenance phase.

Northern Lighthouse Board have no additions to the proposed EIA study and will respond in full to the Marine Licence application.

Yours sincerely

[Redacted]

Navigation Manager

Royal Yachting Association

admin@ryascotland.org.uk 07436 296765

17 March 2025

Louise Treble
Marine Licensing Casework Officer
Licensing Operations Team
Marine Directorate
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB
md.marinelicensing@gov.scot

Dear Louise,

SCOP-0062- Ardersier Port Ltd (Per Haventus) - Ardersier Port Extension

I have read the relevant parts of the scoping report on behalf of RYA Scotland. I am happy that shipping and navigation can be scoped out and agree that cumulative effects should be scoped in. These might include any impacts from wet storage areas used in the deployment of floating wind turbines.

Yours sincerely,

[Redacted]

.

Dr G. Russell FCIEEM(retd) FRMetS

Planning and Environment Officer, RYA Scotland

Scottish Environment Protection Agency - North

From: Planning.North <Planning.North@sepa.org.uk>
Sent: 17 February 2025 13:52
To: MD Marine Licensing <md.marinelicensing@gov.scot>
Cc: Louise Treble <louise.treble@gov.scot>
Subject: PCS-20004611 SEPA Response to SCOP-0062

To Whom It May Concern,

Marine (Scotland) Act 2010
SCOP-0062
Ardersier Port Extension
Ardersier Port, Ardersier, Nairn

As per our agreed procedure we need not be consulted on this marine application. Please refer to our Standing Advice available at - standing-advice-for-the-dbeis-md.docx.

Kind regards,
Susan Haslam
Senior Planning Officer

Scottish Fishermen's Federation

Our Ref: FH-Ardersier Port Ext/25-0001

Your Ref: SCOP-0062

Scottish Fishermen's Federation
24 Rubislaw Terrace
Aberdeen, AB10 1XE
Scotland UK

E-mail:
MD.MarineRenewables@gov.scot

T: +44 (0) 1224 646944
E: sff@sff.co.uk

www.sff.co.uk

18 March 2025

Dear Louise Treble,

SFF Response to Ardersier Port Extension Scoping Report Consultation

This response to the above scoping request is presented by the Scottish Fishermen's Federation on behalf of the 450 plus fishing vessels in membership of its constituent associations, the Anglo Scottish Fishermen's Association, Fife Fishermen's Association. Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association.

General comments

The SFF appreciates the opportunity to comment on this scoping report. As we have had some concern from local inshore fishers in this area recently, we propose that it would require input from them directly impacted to feed into this.

Best regards

Fahim Hashimi
Offshore Energy Policy Manager
Scottish Fishermen's Federation

Scottish Water

Friday, 21 February 2025

Marine Licensing
375 Victoria Road

Aberdeen

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

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

Follow Us

Dear Customer,

Ardersier Port Extension, Whiteness, Nairn, IV2 7QX
Planning Ref: SCOP-0062
Our Ref: DSCAS-0127323-K9B
Proposal: Ardersier Port Extension - Ardersier Port, Nairn

Please quote our reference in all future correspondence

Audit of Proposal

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

Drinking Water Protected Areas

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

Surface Water

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-

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

Next Steps:

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

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

Yours sincerely,

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

Scottish Water Disclaimer:

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

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for

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

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

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

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

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

UK Chamber of Shipping

From:	Robert Merrylees
To:	MD Marine Licensing
Subject:	RE: SCOP-0062- Ardersier Port Ltd (Per Haventus) - Ardersier Port Extension- Ardersier Port, Ardersier, Nairn - Consultation Request - Response Required by 19 March 2025
Date:	18 February 2025 16:11:36
Attachments:	image003.gif image004.png image005.png

Dear Louise,
Thank you for consultation on the Ardersier Port Extension, the Chamber of Shipping offers a nil return.
Kind regards,
Robert

Robert Merrylees
Policy Manager (Safety & Nautical) & Analyst
UK Chamber of Shipping
30 Park Street, London, SE1 9EQ
DD +44 (0) 20 7417 2843
[Redacted]
rmerrylees@ukchamberofshipping.com
www.ukchamberofshipping.com

Marine Analytical Unit

From:	William Ellison
To:	MD Marine Licensing
Cc:	Inga Freimane; Yousaf Kanan; Kay Barclay
Subject:	RE: Ardersier Port Extension - Consultation Request - Response Required by 19 March 2025
Date:	17 March 2025 16:47:07
Attachments:	image001.png image003.png

Hi Louise and Team,
The MAU are providing a nil response, we are content for socioeconomics to be scoped out.
Kind regards,
Will

Transport Scotland

Development Management and Strategic Road Safety
Roads Directorate

George House, 36 North Hanover Street, Glasgow G1 2AD
Direct Line: 0141 272 7400
Alan.Kerr@transport.gov.scot

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Louise Treble
Marine Licensing Casework Officer
Marine Directorate - Licensing Operations Team
Marine Directorate
The Scottish Government
MD.MarineLicensing@gov.scot

Marine Licencing Reference: SCOP-0062

Date: 19 March 2025

Dear Louise

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

CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS FOR ARDERSIER PORT EXTENSION

Introduction

The Scoping Opinion request dated 17 February 2025, for the proposed Ardersier Port Extension has been passed to Jacobs for review in their role as Development Management Advisor and Auditor to Transport Scotland. This response is informed by the information provided in the Ardersier Port Energy Transition Facility (ETF) Port Extension Environmental Impact Assessment Scoping Report, dated January 2025.

Marine Works

Section 3.5.2 of the Scoping Report confirms that the marine works are proposed to encompass dredging of the harbour. Other potential marine works include the use of rock armour within the harbour on the northern margins of the dredge pockets to provide scour protection. This would also provide additional slope stability. Also, certain base manufacturing processes and launches could require a crushed rock mattress on the seabed on which barges could rest, or where bases could temporarily sit whilst being finally fitted out, without the risk of them becoming suctioned onto the seabed.

Project Description

As advised in Chapter 4 of the Scoping Report, the proposed development would be located approximately 3 km north of the village of Ardersier and approximately 6.5 km west of Nairn. The site will be accessed from a junction with the B9092 which provides a link between the proposed development site and the A96(T) to the south. For the purposes of the scoping exercise, the Scoping Report has assumed that access will be taken from the A96(T), the B9092 and an unclassified route which links to two, to the south of the proposed development.

The proposed development would be an extension to the consented port, comprising port and port-related services for energy related uses, including quay construction through the existing platform, offshore wind related buildings including manufacturing, workshops, assembly facilities (principally bases), storage, offices and business units, and associated works.

EIA Scope

Section 1.2 of the Scoping Report notes that “The EIA process and the EIA Report (EIAR) output for the proposed port extension will comply with the requirements of the following:

- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
- The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017”

It is acknowledged that a formal Scoping Request has been submitted to The Highland Council and the Scottish Government Marine Directorate Licensing Operations Team (MD-LOT).

OBSERVATION 1: It is acknowledged that the Scoping Report has been prepared to encompass both Scoping Requests.

OBSERVATION 2: The Transport Scotland Development Management team are primarily focused on matters relating to environmental impacts on the trunk road network. It is acknowledged that MS-LOT are primarily looking to understand environmental impacts on the marine environment. It is not anticipated that road traffic (construction or operation) will have an environmental impact on the marine environment.

OBSERVATION 3: The Transport Scotland Development Management team do not comment on marine traffic.

Abnormal Loads

The Transport and Access section of Appendix A of the Scoping Report confirms that the A96(T) is proposed to be the key strategic access route to the site, with access to the proposed development site proposed from the B9092 (part of the local road network).

The Scoping Report makes no reference to the need for deliveries supporting the marine works operations using abnormal indivisible loads (AIL).

OBSERVATION 4: Should the proposed marine works require the transport of any abnormal loads, a full Abnormal Loads Assessment (ALA) shall be submitted as supporting information, to be prepared and submitted alongside the EIA. The following aspects should be confirmed in any supporting ALA:

- The number and dimensions of abnormal loads and transporting vehicle, i.e., weight limits, length etc.
- All trunk roads to be used by abnormal load vehicles.
- A route review should be undertaken considering the horizontal and vertical alignment of the preferred route(s), defining locations where a detailed swept path assessment is required.
- Swept paths analysis are required for abnormal load components, and associated drawings must be provided.
- Key organisations to be consulted along the proposed routes should be identified.
- Initial consideration of: The maximum axle loading on structures in consultation with the relevant roads agencies; clear heights in consultation with utility providers and transport agencies; roadworks or closures that could affect the passage of the loads; underground services on the proposed route; satisfaction of Police Scotland and local authority to the proposed route(s); lay-by areas that can be utilised for temporary parking; and lay-bys that can be used to let traffic pass slow moving abnormal loads.
- Any other obstructions that may restrict transportation of abnormal loads.

- Details of measures to mitigate the impacts of abnormal load movements.
- Drawings providing details of proposed mitigation measures.
- Geometry and visibility at access point(s) to / from trunk road.
- Abnormal Loads Management Plan introducing measures that could help reduce the impact of abnormal load convoys.

OBSERVATION 5: Any ALA must consider the full extent of the proposed abnormal loads route.

Conclusions

We trust this is satisfactory, but should you have any queries please do not hesitate to contact us.

Yours sincerely

[Redacted]

Alan Kerr

Transport Scotland
Development Management and Strategic Road Safety

Cc **Chris Buck, Jacobs**

Marine Directorate - Science, Environment, Digital and Data

E: MD-SEDD-RE_Advice@gov.scot

Louise Treble
Marine Directorate
Licensing Operations Team
Scottish Government
Marine Laboratory
Aberdeen
AB11 9DB

29 April 2025
ARDERSIER PORT LTD (PER HAVENTUS) - ARDERSIER PORT EXTENSION

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

General Advice

MD-SEDD note that the scoping report indicates a separate dredging licence will be applied for alongside the proposed works. MD-SEDD advise that the comments below are also relevant to any other dredging applications. MD-SEDD have not been consulted on these yet.

Diadromous Fish

The scoping report does not mention diadromous fish and diadromous fish are not included in the response, dated 13 March 2025, from NatureScot. MD-SEDD advise that diadromous fish should be scoped in and fully considered in the Environmental Impact Assessment (EIA) for the application to extend the port at Ardersier. This advice is consistent with advice provided by MD-SEDD relating to a scoping report for Ardersier Port Redevelopment in 2018. Diadromous fish should be scoped in for the following reasons:

- Globally salmon populations are declining. In December 2023 the International Union for the Conservation of Nature (IUCN) downgraded global populations of Atlantic salmon from Least Concern to Near Threatened. Nunn *et al.* (2023) used the IUCN Red List of Threatened Species Categories and Criteria to assess the extinction risks and threats to sub populations of salmon, classifying them as Endangered in Britain as well as at a Scottish level. MD-SEDD therefore advise that a precautionary approach to assessments is necessary;

- Salmon and sea trout from a number of important salmonid producing rivers migrate through the Moray Firth including salmon from the River Moriston. The River Moriston is designated as a Special Area of Conservation (SAC) due to the presence of salmon. Salmon populations in the River Moriston (SAC) have been assessed as a category 2 (between 60-80% probability of salmon stocks meeting the conservation limit) for 2025 https://www.gov.scot/publications/salmon-fishing-final-river-gradings/pages/loch-roag-to-ruel/;
- The potential impacts associated with noise, dredging and the disposal of dredging material on diadromous fish should be considered in the EIA;
- The proposed development includes the deepening of the inner harbour by dredging approximately 2,000,000 m3 and possible dredging to the west of Tern Island. The proposed dredging to the west of Tern Island is likely to take place in advance of the tern breeding season. However no date is provided for the proposed dredging operations in the inner harbour. MD-SEDD advise that all dredging operations should consider the sensitive salmon smolt migration period. Malcolm *et al.* (2015) identified a sensitive window when large numbers of migrating salmon smolts are likely to be in the coastal waters. This sensitive window should be determined and avoided for all dredging operations;
- Salmonid smolts migrating through the Moray Firth are at risk to potential cumulative impacts associated with the operational and consented hydro-electric schemes within the River Ness catchment, ongoing issues associated with Dochfour lock gates operated by Caledonian Canal and large scale operational and consented wind farms in the Moray Firth;
- The proposed location for the sea disposal of the dredged material has not yet been identified. The selection of the disposal site should consider potential connectivity with salmon from the River Moriston SAC and other important salmon and sea trout rivers in close proximity including the River Oykel SAC, River Beauly, River Nairn, River Findhorn and River Spey SAC;
- The following District Salmon Fishery Boards (DSFB) should be consulted, if not already done so: Ness DSFB; Cromarty Firth DSFB; Beauly DSFB; Nairn DSFB; Findhorn DSFB; Lossie DSFB; and Spey DSFB.

Benthic Ecology

MD-SEDD advise that of the EIA topics covered in the scoping report, none of these appear to include benthic features. Coastal Processes & Geomorphology has been scoped in with

acknowledgement that changes to currents and wave action have the potential to effect these features through dredging. However, it is not clear if this includes subtidal habitats and species.

The port extension proposal includes activities that are situated in and adjacent to the Moray Firth SAC and while marine mammal features such as bottlenose dolphin have been considered, subtidal sandbanks (see yellow polygons below) are also a protected feature of this SAC and should be scoped into the EIA.

MD-SEDD advise there is a horse mussel bed record off Chanonry Point shown in pink below. Horse mussel beds are an Ospar Threatened and/or Declining Habitat as well as a Priority Marine Feature in Scottish waters. The National Marine Plan General Policy 9 states that "Development and use of the marine environment must… Not result in significant impact on the national status of Priority Marine Features"[1].

MD-SEDD advise that hydrodynamic modelling of the dredge and disposal areas should be carried out to determine if there is likely to be an effect on any subtidal benthic features, including subtidal sandbanks and horse mussel beds.

With regard to the focus on shellfish in this advice request, MD-SEDD note that, while horse mussels are shellfish, they are no longer commercially important due to their protected status as beds (or reefs). However, horse mussel beds are also known to support commercially important shellfish such as whelk (*Buccinum undatum*), see Kent et al. (2016). It is possible that any impacts on the horse mussel bed may, in turn, effect whelk populations due to the nursery function of the horse mussel habitat for whelks. However, it would not be possible to quantify this effect due to a lack of data on historic populations in this specific area.

[1] 4. General Policies - Scotland's National Marine Plan - gov.scot

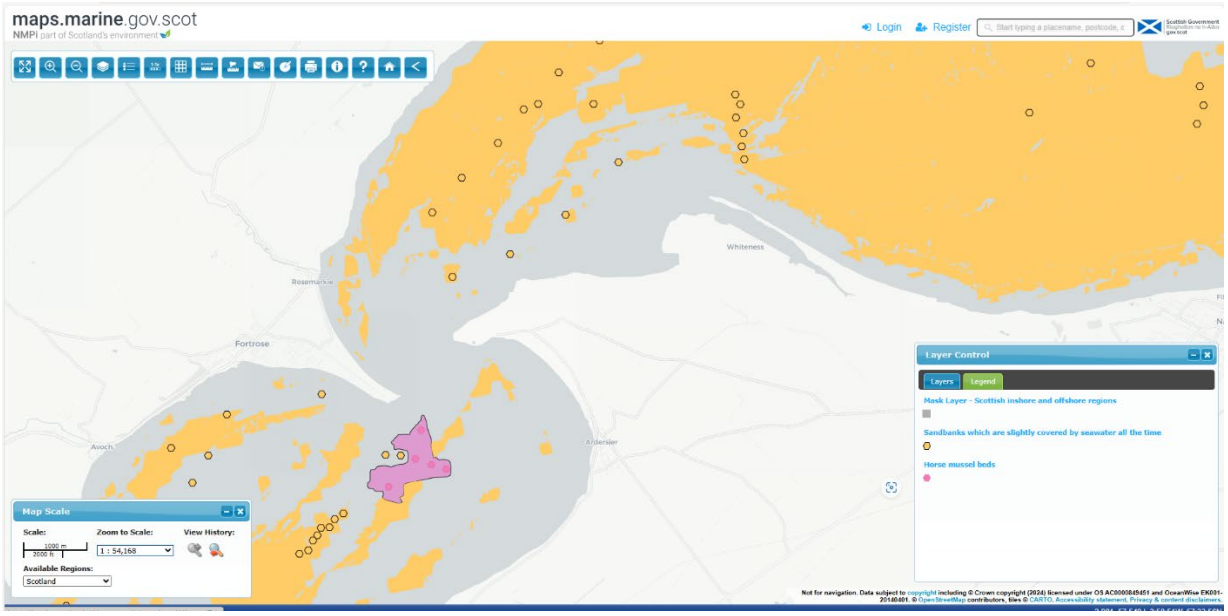

Figure 1. Benthic subtidal features in the Inner Moray Firth. Source: [Marine Scotland - National Marine Plan Interactive](#).

Commercial Fish

The Ardersier development overlaps with ICES rectangles 44E5 and 44E6. MD-SEDD advise that landings data suggest an important whelk fishery within the ICES rectangle 44E5, which covers the waters to the west of the development. According to the NAFC report (Shelmerdine & Mouat, 2021), between 2013-2017 the average value of whelk landings in 44E5 were £118,353, despite this rectangle only containing a small portion of sea area. This is the highest value for whelk for all ICES rectangles within the North & East Regional Inshore Fisheries Group area. There were also landings in 44E5 of blue mussel (average £41,026), as well as brown crab (average £8,590), lobster (average £1,995) and velvet crab (average £615), suggesting a potential creel fishery in the area. MD-SEDD advise that commercial fisheries are scoped into the assessment.

It is likely that any inshore vessels fishing in this area will not be represented in VMS data as they may be under 12m in length, however they may have AIS present on their vessels which can be used to understand where fishing vessels are active. MD-SEDD advise consultation with fisheries representatives and local fishermen to determine the presence of fishing grounds in the vicinity of the development, to ensure smaller fishing vessels are not excluded from the assessment.

References

Kent, F. E., Gray, M. J., Last, K. S., & Sanderson, W. G. (2016). Horse mussel reef ecosystem services: evidence for a whelk nursery habitat supporting a shellfishery. *International Journal of Biodiversity Science, Ecosystem Services & Management*, *12*(3), 172-180.

Malcolm, I.A., Millar, C.P. and Millidine, K.J. (2015) Spatio-temporal variability in Scottish smolt emigration times and sizes. Scottish Marine and Freshwater Science Vol 6 No 2. Edinburgh: Scottish Government, 15pp. https://www2.gov.scot/Resource/0047/00472202.pdf.

Nunn, A.D., Ainsworth, R.F., Walton, S., Bean, C.W., Hatton-Ellis, T.W., Brown, A., Evans, R., Atterborne, A., Ottewell, D. and Noble, R.A. (2023). Extinction risks and threats facing the freshwater fishes of Britain. Aquatic Conservation: Marine and Freshwater Ecosystems.

Shelmerdine R.L. and Mouat B. (2021): Mapping fisheries and habitats in the North and East Coast RIFG area. NAFC Marine Centre UHI report. pp. 70.

Yours sincerely

Marine Renewables and Ecology Team
Marine Directorate – Science, Evidence, Data and Digital

Appendix 2: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
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