marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Fiona Henderson
Affric Limited
Lochview Office
Loch Duntelchaig
Farr
Inverness
IV2 6AW

30 November 2015

E-copy: info@affriclimited.co.uk

Dear Ms Henderson,

SCOPING OPINION UNDER PART 3, REGULATION 13 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

PORT OF CROMARTY FIRTH (PER AFFRIC LIMITED) – PHASE 4 DEVELOPMENT OF THE INVERGORDON SERVICE BASE, CROMARTY FIRTH

I refer to your letter dated 02 September 2015 with accompanying Environmental Impact Assessment (EIA) Scoping Report. In the letter you request a Scoping Opinion from Marine Scotland, the Licensing Authority, in accordance with Regulation 13 of The Marine Works (EIA) Regulations 2007 (as amended) (the EIA Regs) with respect to the proposed Phase 4 Development of the Invergordon Service Base.

Background

The Port of Cromarty Firth (per Affric Limited) has formally requested a Scoping Opinion from Marine Scotland Licensing Operations Team (MS-LOT) in regards to the proposed Phase 4 Development of the Invergordon Service Base. MS-LOT understands the works to consist of the following:

- Reclamation of approximately 7 Ha of land to the west of the Phase 3 development to provide additional laydown space;
- Provision of an additional 350 metres of berthing to the west of the Phase 3 development; and
- Provision of a Roll-On-Roll-Off (Ro-Ro) facility on the quay wall.

Scoping

One objective of the Scoping process is to seek agreement from all the key stakeholders on the assessment methodologies. This includes the scope of issues to be addressed and the method of assessment to be used. The Scoping process also allows consultees to have early input into the EIA process, to specify what may be required to be addressed and to supply information that could be pertinent to the EIA process. In association with any comments herein, full regard has been paid to the information submitted in the Scoping Report provided.

The Scoping Report includes an assessment of whether the following factors should be scoped within the EIA:

- Acoustics
- Archaeology and Cultural Heritage
- Air Quality
- Coastal Processes, Ground Conditions and Contamination
- Ecology
- Landscape and Visual
- Local Community and Economy

- Materials and Waste
- Traffic and Transport
- Water Quality
- Cumulative Impacts

The Scoping Report has concluded that the following technical aspects are subsequently scoped out of the EIA:

- Archaeology & Cultural Heritage

Regulation

MS-LOT administers the licensing function under Part 4 of the Marine (Scotland) Act 2010 (the Act) on behalf of the Scottish Ministers. Under the Act the following are examples of "licensable marine activity":

- To scuttle any vessel or floating container in the Scottish marine area;
- To deposit or use any explosive substance or article within the Scottish marine area either in the sea or on or under the seabed;
- To deposit any substance or object within the Scottish marine area, either in the sea or on or under the seabed, from a vehicle, vessel, aircraft, marine structure or a container floating in the sea;
- To construct, alter or improve any works within the Scottish marine area either in or over the sea, or on or under the seabed;
- To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area;
- To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed).

The following activities described in the Scoping Report are therefore considered to require a marine licence(s):

- All deposits below Mean High Water Springs (MHWS);
- All construction below MHWS;
- All sheet piling below MHWS;
- All dredging and sediment removal below MHWS;
- All disposal of dredge spoil below MHWS.

Therefore, you are required to apply for separate marine licences for:

- Marine Construction
- Dredging and Deposit of Solid Waste

Consultation

MS-LOT has consulted the following bodies in accordance with Schedule 4 Regulation 6 of the EIA Regs:

- Cromarty District Salmon Fishery Board (DSFB)
- Health and Safety Executive (HSE)
- **Highland Council**
- **Historic Environment Scotland (HES)**
- Inshore Fisheries Interests
- Fishery Office - Ullapool
- **Maritime and Coastguard Agency (MCA)**
- Marine Safety Forum (MSF)
- **Marine Scotland Science (MSS)**

- Marine Scotland Planning and Policy (MSPP)
- **Ministry of Defence (MOD)**
- **Moray Firth Partnership (MFP)**
- **Northern Lighthouse Board (NLB)**
- **Royal Society for the Protection of Birds (RSPB)**
- **Royal Yachting Association Scotland (RYA Scotland)**
- **Scottish Environment Protection Agency (SEPA)**
- Scottish Fishermen's Federation (SFF)
- Scottish Fishermen's Organisation (SFO)
- **Scottish Natural Heritage (SNH)**
- Scottish Wildlife Trust (SWT)
- The Crown Estate (TCE)
- **Transport Scotland (TS)**
- **UK Chamber of Shipping/British Shipping**
- Whale and Dolphin Conservation (WDC)

The parties highlighted **in bold** in the above list have submitted responses to the request for Scoping advice in accordance with Regulation 13 of the EIA Regs and copies are attached for your reference (Appendix A). Any further replies will be sent to you on receipt.

The consultation responses raise various matters that you must address in the final ES. Please complete the table in Appendix B listing the consultee comments and detailing where these have been addressed in the ES. The completed table should be incorporated as part of your ES submission.

MS-LOT Comments

Your attention is drawn to Schedule 3 of the Marine Works (Environmental Impact Assessment) Regulations 2007 – Information To Be Included In An Environmental Statement (ES). Along with the ES requirements detailed in Appendix C, the following must also be considered:

Navigation

The impact assessment should consider likely changes in vessel movements resulting from the installation, the constraints imposed upon local navigation by the installation and, if considered a risk, the danger of passing vessels colliding with the installation. The assessment of significance should focus on the extent of conflict with navigation, anchorage etc. Any benefits, for example the provision of new mooring facilities, should also be identified and assessed. Mitigation is likely to comprise measures incorporated into the design of a development; however, operational factors such as navigational lighting will also be relevant.

Cumulative Impacts

Schedule 3 of the Marine Works (EIA) Regulations 2007 states that the ES must include a description of the likely significant effects of the project and the regulated activity on the environment, and that this description should include consideration of cumulative effects. MS-LOT is aware of the following works or proposed works that should be included in your assessment of cumulative effects in the ES (please note that this list is not exhaustive):

- Aberdeen Harbour Expansion Project (Aberdeen)
- Beatrice STW Offshore Wind Farm (Outer Moray Firth)
- European Offshore Wind Deployment Centre (Aberdeen)
- Forthwind (Methil) Offshore Wind Demonstrator (Firth of Forth)
- Hywind Scotland Pilot Park Offshore Wind Farm (Offshore Peterhead)
- Inch Cape STW Wind Farm (Outer Firth of Forth)

- Kincardine offshore Wind Farm (Aberdeen)
- Moray Firth Eastern Development Area (Outer Moray Firth)
- Moray Firth Western Development Area (Outer Moray Firth)
- Neart na Gaoithe STW Wind Farm (Outer Firth of Forth)
- Peterhead Carbon Capture and Storage Project (Peterhead to Goldeneye Field)
- Peterhead Harbour Masterplan (Peterhead)
- Port of Ardersier (Inner Moray Firth)
- Seagreen Alpha Round 3 Wind Farm (Outer Firth of Forth)
- Seagreen Bravo Round 3 wind Farm ~(Outer Firth of Forth)

Details of marine licence applications received by MS-LOT can be viewed on our webpage via the following links:

http://www.gov.scot/Topics/marine/Licensing/marine/scoping/currentccnp for major projects; and
http://www.gov.scot/Topics/marine/Licensing/marine/scoping for renewables projects.

You are also advised to take into account any on-going maintenance dredging operations within the area of the proposal. This should be included in any cumulative impact assessment and updated in-combination effects assessment.

Please note that this list is not exhaustive and that if you are aware of any additional works that may contribute to cumulative effects, these should be included. MS-LOT will advise you of any further information received that will help you in your assessment of cumulative impacts.

National Marine Plan

Scotland's National Marine Plan (NMP), published on 27 March 2015, sets out the Scottish Minister's policies for the sustainable development of Scotland's seas. The Plan will manage increasing demands for the use of our marine environment, encourage economic development of marine industries and incorporate environmental protection into marine decision making. The Plan covers the extent of the marine environment from MHWS to 200 nautical miles and is available at http://www.gov.scot/Publications/2015/03/6517 .

Within the NMP there are a number of marine planning and general policies (GEN) all of which should be considered within the ES. In relation to this proposal the policies which will be of particular significance are the relevant sectorial policy and the following general policies:

- GEN 5: Climate Change
- GEN 7: Landscape/seascape
- GEN 8: Coastal Process and Flooding
- GEN 9: Natural Heritage
- GEN 11: Marine Litter
- GEN 12: Water Quality and Resource
- GEN 13: Noise
- GEN 16: Planning Alignment B
- GEN 17: Fairness
- GEN 18: Engagement
- GEN 19: Sound Evidence
- GEN 21: Cumulative Impacts

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Pre-application Consultation

As of 06 April 2014, certain activities are now subject to The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 (http://www.legislation.gov.uk/ssi/2013/286/pdfs/ssi_20130286_en.pdf). The activities affected are large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. This new requirement allows those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted. As this proposal falls within the prescribed classes or descriptions of licensable marine activity, Pre-application Consultation (PAC) is required. Relevant guidance for this process is available at http://www.scotland.gov.uk/Resource/0043/00439649.pdf.

What's next

The next step in progressing your marine licence application is for you to submit the final ES (including completed Appendix B) along with a Pre-application Consultation Report (including completed PAC Regulations Schedule Form) and the appropriate marine licence application forms, which can be accessed via the following link: http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications.

The ES is required to be advertised by you for a period of 42 days. MS-LOT will send you a public notice template and instructions upon acceptance of your application.

As the proposed works include dredging and disposal operations, a Best Practicable Environmental Option (BPEO) report and pre-dredge sample analysis must also be provided. Please refer to our Pre-Dredge Sampling Guidance (Appendix D). We note that sample analysis recently carried out in respect of proposed dredging works at Berth 4, immediately adjacent to the proposed Phase 4 development area, have indicated elevated contaminant levels. It is therefore imperative that appropriate sample analysis is carried out to inform the ES and marine licence application for Phase 4.

Thank you for consulting with us on this matter. If you require any further assistance or advice please contact MS-LOT at ms.marinelicensing@gov.scot .

Yours sincerely,

Victoria Bell
Marine Scotland – Licensing Operations Team

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Appendix A: Consultee Responses

Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB
http://www.gov.scot/Topics/marine/Licensing/marine

From:	Dorothy Stott
To:	MS Marine Licensing
Subject:	RE: Cromarty Firth Port Authority - Phase 4 Development - Invergordon Service Base - Scoping - Response required by 09 November 2015
Date:	18 November 2015 11:34:16
Attachments:	image001.jpg 15-01842-PREAPP Pre App Response Pack.pdf

Rania

I refer to the above matter and herewith attach the response from The Highland Council. Apologies for the delay in replying however I have consulted other colleagues within the Council and have only now received all responses.

Firstly the report states at 2.2 that 'it is unlikely that planning consent will be required'. This has not been confirmed by The Highland Council. It would appear from drawing 5121683-GA-908 Rev 2 attached to the Scoping Report that the site encroaches above the low water mean springs and therefore the development as proposed will require planning permission. Furthermore the Scoping Report goes on to say at 4.3.3 that 'in conjunction with the Phase 4 development there may be works carried out above MLWS which could require planning consent.' This therefore suggests these additional activities should be subject to EIA, as they will all be part of the same development. If Phase 4 cannot be built without the associated elements above low water mark then planning permission will be required for the entirety of the development and all matters below and above the low water mark need to be included within the EIA. Correspondence is ongoing with PoCF to clarify this. As noted in the Scoping Report, PoCF used the Council's Pre-application service in respect of a different site boundary for Phase 4 and a response was sent on 8 July 2015, which I have attached for your information. The issues raised within the response remain relevant.

I have the following additional detailed comments to make with regard to the Scoping Report.

Coastal Planning

- Section 4.4.1 refers to "General Planning Principles GEN" of the National Marine Plan. For clarity, GEN refers to the General Policies, which are presented under the five guiding principles of sustainable development; glossary should be amended accordingly.
- Section 4.4 should include reference to NMP GEN 8: Coastal Process and Flooding given its water displacement capacity.
- Section 4.4.2: NMP GEN 16 and the supporting text, SPP and Planning Circular 1/2015 requires developers to comply with the Local Development Plan. Reference and due regard should be made to the NMP regarding the requirement to show integration of the development with land use and marine planning.
- Section 5.3.1 notes the underwater noise dissipation model for Phase 3 was subsequently found to be only "slightly conservative", rather than "very conservative" as stated in the Environmental Statement (ES). The ES should therefore detail how amended modelling will be used to show likely impacts/mitigation. As per the request on Phase 3, Phase 4 should show modelling impacts (i.e. sound levels) from 1 km, 5 km as well as 500m from the proposed development, rather than drop-off rates. Data provided in Phase 3 (Diagram 8.2) focussed on noise levels that are 20km – 80km away and showed drop off levels rather than actual levels of noise. Phase 4 should show accurate predicted noise levels, as the actual data

are available from Phase 3. Phase 4 is a larger area therefore will likely require a much longer piling duration. The cumulative impacts with both Phase 3 and other developments need to be considered, especially if there is likely to be any overlap in timescales of projects; e.g. will qualifying features of designated sites will be subject to prolonged noise impacts moving from Phase 3 to 4 with little respite. Linked to this, 9.4.3. needs to consider cumulative impacts of noise on marine mammals. SNH noted in response to Phase 3 that they did not concur with conclusions of the ES that there will be no significant impact on dolphins or seals but did not consider the proposal would have an adverse impact on the integrity of the designated sites for a number of reasons, including " the construction phase is a one-off operation and is time-limited". This is now clearly not the case and given the scale of development proposed in Phase 4, this would suggest even greater consideration is given to this issue to ensure accordance with the relevant legislation and biodiversity duties.

- Section 5.3.2.2. Volume of marine traffic will increase, therefore an increase in disturbance/cumulative impacts/collision risk.
- Section 8 needs to include assessment of coastal squeeze impacts.
- Section 9 and Appendix A needs to consider Ramsar sites and Seal Haul-out sites.
- Sections 9.3.3 and 9.7.3: suggest SNH advise best location to conduct transect/surveys, if not already the case.
- Section 9.4 needs to include Seal Haul-out Areas
- Section 9.7.2.1. needs to consider cumulative impacts of spoil dumped with Phase 3 and other development in the SAC and its qualifying features.
- Could explore if any seascape/National Coastal Character Assessment data become available that can be included in the Environmental Statement that will support the application.
- Section 10.4 How would "improvements to the linear part and the gateway to Invergordon" be assessed in the Environmental Report?
- Section 12.1 should make use of the Scottish Government Marine Litter Strategy.
- Sufficiently detailed maps, showing boundary measurements, depths, etc and showing development in relation to previous phases should be provided to allow full assessment of likely environmental impacts.
- Section 13 should also consider the likely significant effects of the predicted increase of marine transport e.g. increased volume of traffic may increase risk of collision and therefore pollution incidents (see comments section 5.3.2.2.).
- Section 15 should include the Nigg and Ardersier developments as well as the cumulative effects of Phases 1/2/3.
- Section 16: Table 16.1 makes an assumption that all bar one topic will not have a likely significant effect; that therefore appears to pre-judge the environmental assessment. Suggest methodology is amended to show either negligible effects (therefore scope out) or likely significant effect (scope in).

Landscape

Ross and Cromarty and Inner Moray Firth Landscape Character Appraisals by SNH are cites. You should be aware that SNH are currently in the process of reviewing the LCAs for this area and have final drafts, which the Council has commented on. I'm not aware when these are 'going live', but SNH will be able to advise the applicants. If the revised LCA become available within the timescale they should be preferred.

Welcome that the present footprint draws back from the shoreline reducing the likely impact

on framed views towards Little Wyvis in the Ben Wyvis SLA from Invergordon High Street. Protection of this aligned view should remain a design objective. While Invergordon is not designated as a Conservation Area, it is a planned village and there is some possibility that the aligned view and relationship to the landscape is intentional. Regardless of intent however it is now a part of the character of the town and should be valued.
The Scoping Report outlines two development scenarios:

- Cruise Ship and General Laydown of components
- Wind Turbine Storage and assembly

The scenarios have potentially very different impacts on the visual amenity of receptors in the Cromarty Firth and Black Isle areas and the viewpoints identified for Cruise ship and general laydown will not be adequate for assessment of likely impacts from Wind Turbine assembly. Nor is it safe to rule out significant effects occurring outside of 10km for the wind turbine scenario.
Viewpoints: No objection to the viewpoints selected to illustrate effects from Cruise Ship and General Laydown, but an additional location at approximately NH707671 on the High Street should be included, as per previous comments to the PoCF.
Locations for illustrating effects from Wind Turbine Assembly should be decided with information available from an appropriate ZTV. It seems unlikely that the 'worst case scenario' 25m height ZTV would be adequate, but this will depend in precisely what is included under the heading of 'assembly, and this should be clarified.
As proposed, the assessment should be carried out by a Landscape Architect and they should work with the design team to identify and design mitigation and enhancement. All parties should remain mindful, however that avoidance of adverse impacts is preferable to mitigation by screening.

Transport

Proposed Development and Background
The original port provided 4 berths and the Queens dock providing 450m berthing. The first two phases involved surfacing 2.88 Ha of the existing port land for lay down area. Phase 3 is currently nearing completion and provides 3.6 Ha of new reclaimed laydown area together with an additional 154m berth. The Phase 4 proposal is to provide an additional reclaimed laydown area of 7Ha and an additional 350m of berthing to the west of phase 3 (this will create a 300m -500m berth in total giving an additional cruiser berth and enabling the largest cruise ships to be accommodated which is not possible at present).
There is a desire to provide ro-ro facilities. This would be at the end of the quay wall on the same orientation and would use mooring dolphins. Therefore if the ro-ro is to be included then the length of the quay wall will be shorter while providing the same berthing capabilities.

Impact of the Development
The Council's Transport Planning team's interest will relate largely to the impacts of the developments proposed on the local road network and adjacent communities, during both the construction and operational phases. The impact of cars, standard and abnormal loads goods vehicles and coaches should be assessed as well as the implications of active travel and on public transport. The inclusion of ro-ro facilities changes the nature of the transport requirements of the port significantly and will need detailed consideration.
The decision not to include the development as a whole in a planning application but to submit further separate planning applications for smaller elements presumably including alterations to

the site accesses and parking areas outside the port means that the Transport implications for the development as a whole will need to be considered by the Marine Authority rather than the planning authority. Are the two affected Roads Authorities statutory consultees in this process and will there be the opportunity to request conditions or agreements relating to land based transport similar to those under the planning process? I would be grateful if the Marine Authority could confirm these points.

Transport Assessment

The applicant has confirmed that a Transport Assessment (TA) will be required for all development proposed to give an understanding of the likely transport impacts that will arise. The current baseline situation shall be established and the increase in transport and parking demand against this baseline situation calculated for the expanded port. Up to date traffic count date will be required and the details of this will need to be agreed as part of detailed scoping discussions; the information provided in section 13 of the Scoping Report does not provide sufficient information to act as a scoping agreement for the Transport Assessment. The TA should be prepared in accordance with the current Transport Scotland document, Transport Assessment Guidance, and the attached Council document, Transport Statement – Guidelines.

It should be noted that the 30% threshold of significance for transport given in the IEMA Guidelines (1993) and discussed in section 13 of the scoping report are for the environmental impacts of traffic such as noise and air pollution. The Transport Assessment Guidance noted above will be used to assess the transport impact and an increase in 10% is generally considered as the threshold value (although it may be lower than this where there are existing problems). A 'no net detriment' approach is generally taken towards road safety.

Prior to preparation of the TA, the applicant will be required to undertake a detailed scoping exercise in consultation with the Transport Planning team and Transport Scotland. The following items shall be addressed.

Active Travel, Coaches and Public Transport

The TA should identify the local walking and cycling networks together with the location of the access points and active travel links to the wider public transport network (bus stops and rail station). Accessibility analysis may highlight measures to enhance access to the local public transport provision and to remote car parks. Safe and convenient internal links for pedestrians and cyclists should be provided together with cycle parking. The coastal path will require to be maintained with no net detriment to safety of its users. Consideration should be given to maintaining its setting or providing appropriate mitigation if there is significant impact. (The access and landscape officers would lead on this issue). The treatment of passengers from cruise ships including pick up and drop off points for coaches (and any associated coach parking) will require careful assessment including whether there should be pedestrian links into the town or even cycling facilities.

Travel Plan

A travel plan (TP) is a document that sets out a package of positive and complementary measures for the delivery of more sustainable travel patterns for a specific development. The TA should include details of a framework TP and include targets, monitoring proposals and measures to promote sustainable travel. An obligation may be sought to ensure that the plan is implemented, monitored and enforced.

Parking strategy and management plan

This will be a key issue for the TA and the TP due to historical problems associated with parking at the port. The port authority have provided additional car parking and further areas are due to be brought into service. Appropriate provision should be provided within the development and identifying how this will be calculated requires early engagement with the Transport Planning Team as part of the TA scoping process.

Vehicle Access Points
These shall be identified and the impact on the existing road network assessed; the long term access proposals for the port should be clarified and the situation regarding the temporary access resolved. The visibility splays required for the access points shall be identified on plans together with a dimensioned plan of the layout, the drainage (to prevent outflow onto the public road) and the surfacing proposed. They shall be in accordance with the Council's Roads and Transport Guidelines for New Developments. Due consideration to any ro-ro traffic will need to be given as this would be a significant change in the nature of the traffic currently accessing the port.

Internal Layout
The design should give consideration to access by foot, cycle and public transport. Access arrangements for heavy goods and abnormal load vehicles shall also be considered. Swept path analysis will be required. Due consideration to any ro-ro requirement will need to be given.
Routeing of heavy goods and abnormal load vehicles to/from port
The routing arrangements for heavy goods and abnormal load vehicles from the port to and from the A9 should be identified (for operation and construction) and the impact of any increase in traffic identified together with appropriate mitigation. Traffic management proposals for the port operation may be required.

Road Safety Considerations on Access Routes
The safety at the site frontage and on the active travel links adjacent to the port and to the car parks and public transport facilities should be considered. There are also road safety concerns on both the B817 out with the town itself where the accident rates are high and on the route to the Tomich junction on the A9. The principle of no net detriment should be applied and the impact of any increase in traffic should be carefully considered.

Construction Traffic Management Plan
There were problems with earlier phases of development due to routeing of HGV's through the settlements of Ardgay and Edderton. The number of heavy goods vehicles required for the construction phase should be identified as part of the TA. Routes for HGV.s during should be identified and a framework construction traffic management plan submitted.

Mitigation
Mitigation required may include; new or improved infrastructure, road safety measures and traffic management. Traffic management shall include measures to ensure that construction traffic adheres to approved routes.

Flooding and Drainage

The application should identify any road/surface water drainage which will be affected by the reclamation and provide appropriate solutions to ensure that they function effectively. These

details will require to be approved by the Council.

The scoping report provided discusses that the level of the reclaimed land is to be 5.9m above sea level. It is noted from the major pre app meeting documents that a new substation is proposed to be located within boundary of the new site, however the plan included in the scooping report there is no proposed substation. If a substation is proposed within the boundary of the development it needs to be protected from the 1:1000 year coastal event as substations are classified as “essential infrastructure” under Scottish Planning Policy. If the proposed development does not include a substation then it only needs to be protected from the 1:200 year event. Therefore for the EIA the proposed level of the reclaimed land needs to be assessed against either the 1:200 or 1:1000 year coastal flood level depending if a substation is proposed. Coastal levels can be obtained by SEPA.

It is noted from the scooping report that a Drainage Statement is to be produced. This statement will outline the proposals for draining the site and how the surface water will be discharged. The scoping report indicates no existing surface water outfalls should be affected by the developed. If it is discovered that any outfalls are to be affected by the development, then information on how they are to be managed are to be provided within the Drainage Statement.

Coast Protection

It is noted that Coastal Processes are scoped in and this is welcomed by the Council as Coast Protection Authority. As the development entails c. 19 million metric tonnes of water displaced, this is likely to result in coastal squeeze i.e. flooding and/or erosion implications. With climate change impacts and continuing development in the firth, this piecemeal approach to development is a concern for longer term implications.

Noise and Dust

The report has identified that both the construction and operational phases of this development have the potential for noise and the appropriate assessments will be undertaken. As the report mentions, there were no complaints during construction of the Phase 3 development so it is hoped that the same mitigation measures would be successful for Phase 4.
The Council’s Community Services (Environmental Health) has powers under the Control of Pollution Act 1974 to regulate construction noise and in the past has issued a S61 consent in relation to some of the Phase 3 works. It is understood that a similar application will be made for Phase 4.

With regard to operational noise the main concern is the possibility of cumulative noise from multiple rigs and vessels berthed at the Service Base at the same time, all of which might involve some element of night time activity. It is understood that the applicant proposes to undertake noise monitoring once the Phase 3 development becomes operational with a view to informing the noise assessment for Phase 4 although noise levels during this time will be dictated by what is in port at the time. It is noted that the applicant is currently considering the installation of a long-term noise monitoring station. This is something the Council’s environmental health Officer has been suggesting they do for some time and it is hoped it is

implemented.

Some of the standards and criteria which are commonly used to assess noise involve the comparison between the noise arising from a new development and the existing background noise. To clarify, it is not appropriate to consider the other noisy operations at the Service Base as part of the background noise. However, given the longstanding operation of a Service Base from this location, neither is it really appropriate to consider the complete absence of noise from the port. The preferred option in this case is to assess noise against a fixed level as far as possible. For daytime that level would be 55dB LAeq 1 hour in the garden of any dwelling. For night time it would be 35dB LAeq 15mins in the bedroom of any dwelling with windows ajar. Allowing for 10-15dB attenuation through a window this would give a target night time level of 45-50dB LAeq 15mins. Whilst these levels are not recommended as a planning restriction they would form the basis of any considerations of the noise in terms of the Statutory Nuisance provisions of the Environmental Protection Act 1990 should complaints arise. For noise levels with a noticeable tonal or impulsive characteristic, the acceptable levels may be lower. This would apply to the cumulative noise from all vessels, rigs, jackets that may be berthed and any activities in the Service Base itself.

Briefly, the report mentions dust but to date it is not something which has been identified as a problem during construction of phase 3 and again it is expected that the same mitigation measures will be implemented.

Please contact me if you wish to discuss any of the matters raised above.

Kind regards

Dorothy

Dorothy Stott
Principal Planning Officer – North
Development & Infrastructure Service, The Highland Council,
84 High Street, Dingwall, IV15 9QN
Direct Dial: 01349 868426 ; E: dorothy.stott@highland.gov.uk

Any advice provided under this service is given on the basis of the professional opinion of the officer(s) concerned, based on the information provided and the planning policies and site constraints prevailing at the time, and any views expressed are not intended to prejudice the Council's determination of any subsequently formal planning application.

This pre-application advice has been specifically prepared Cromarty Firth Port Authority as the applicant and Affric Limited as the agent for the proposed development at Cromarty Firth Port Authority
Shore Road
Invergordon
IV18 0HD.

The Highland Council
Comhairle na Gàidhealtachd

Pre-Application Advice Pack

Reference No: 15/01842/PREAPP
Date Issued: 08.07.2015
Confidentiality Requested: YES

1. Proposed Development

The development comprises of two elements, Phase 4A - Land reclamation for use as laydown space and Phase 4B - A 200m long deep water berth. Further details on both phases are provided in the supporting information.

2. Summary of Key Issues

Whilst the Council is supportive in principle of expansion proposals that generate employment growth at Highland's major ports and harbours, this must be balanced against the environmental impact of such development. Thus whilst it is considered that this proposal has certain positive aspects, there are considerable concerns over the impact this proposal may have on the town of Invergordon and the wider coastal environment. Significant further information is therefore required to assess the impact of the proposal, as detailed by consultees in this response pack. If these issues are satisfactorily addressed, taking into consideration the advice contained within this pre-application advice pack, it is likely that the Planning Authority would be in a position to support this proposal.

If these proposals are to be progressed then the following considerations should be taken into account:

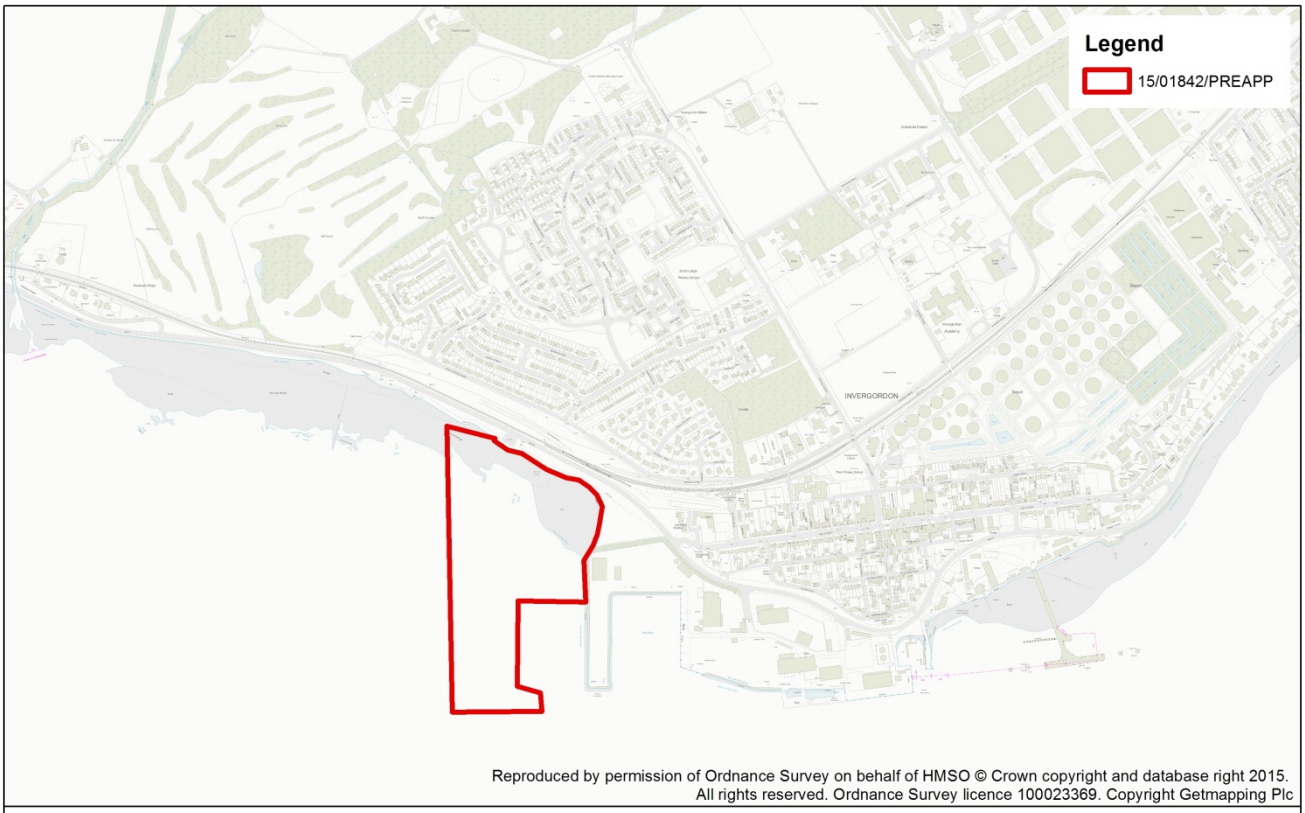
- Compliance, or otherwise substantiated justification, with the relevant policies of the Development Plan as noted at Section 7 below;
- Full assessment and mitigation of adverse visual impact on the coastal landscape – submission of Landscape Impact Assessment and Visual Impact Assessment required together with Landscape; Management; and Maintenance Plan for the site, as detailed at Sections 7, 9 and 12 below. There is a need for retention and enhancement of the green space between the B817 road and the shore and part of the proposed development site should include additional open space to soften the northern boundary of the site whilst providing a path and additional new planting along this edge;
- Full assessment and mitigation of the direct loss of designated (Cromarty Firth Ramsar, SPA, SSSI) intertidal habitat. This aspect will require particular attention in the Environmental Statement (ES) supporting the planning and marine licence applications.as detailed by SNH at Section 9 below;
- Full assessment and mitigation of significant effect on the Moray Firth SAC (bottlenose dolphin interest) and impact on Dornoch Firth and Morrich More SAC (common seals) as detailed by SNH at Section 9 below;
- Full assessment and mitigation of disturbance of European Protected Species (otter and cetaceans) as detailed by SNH at Section 9 below;
- Full assessment and mitigation of operational and construction noise impact with particular regard to residential properties in Invergordon, as detailed at Section 11 below;
- Transport Assessment (including assessment of heavy/abnormal loads, parking management plan and travel plan) and detailed response to the issues raised at Section 12 below in order to address impact on local road network and travelling public including road safety;
- Full assessment and mitigation of impact on the water environment as required by SEPA and detailed at Section 13 below;
- Full assessment and mitigation of coastal flood levels and Drainage Impact Assessment as required by the Council's Flood Team and detailed

at section 13 below;

- Separate Marine licences required from Marine Scotland for all construction works taking place below MHWS; and for capital dredging and disposal;
- Full assessment and mitigation of direct (i.e. physical) and indirect (i.e. the setting of a heritage asset) impacts on the historic environment as detailed at Section 14 below;
- Pre-Application Consultation Report required, as detailed at Section 16 below. Note: It is advisable to take into consideration all of the comments made by members of the public and consultees before a planning application is submitted, to ensure that all constraints and concerns have been properly assessed and that the public and relevant consultees have had an influence and helped shape the proposals.

3. Background Information		
Site area	13.95ha	
Land Ownership	Cromarty Firth Port Authority	
Existing Land Use(s)	Coastal Waters and foreshore	
Grid Reference	E: 270101	N: 868426

4. Location



Cromarty Firth Port Authority - Expansion Phase 4

Ref: 15/01842/PREAPP
Date: June 2015

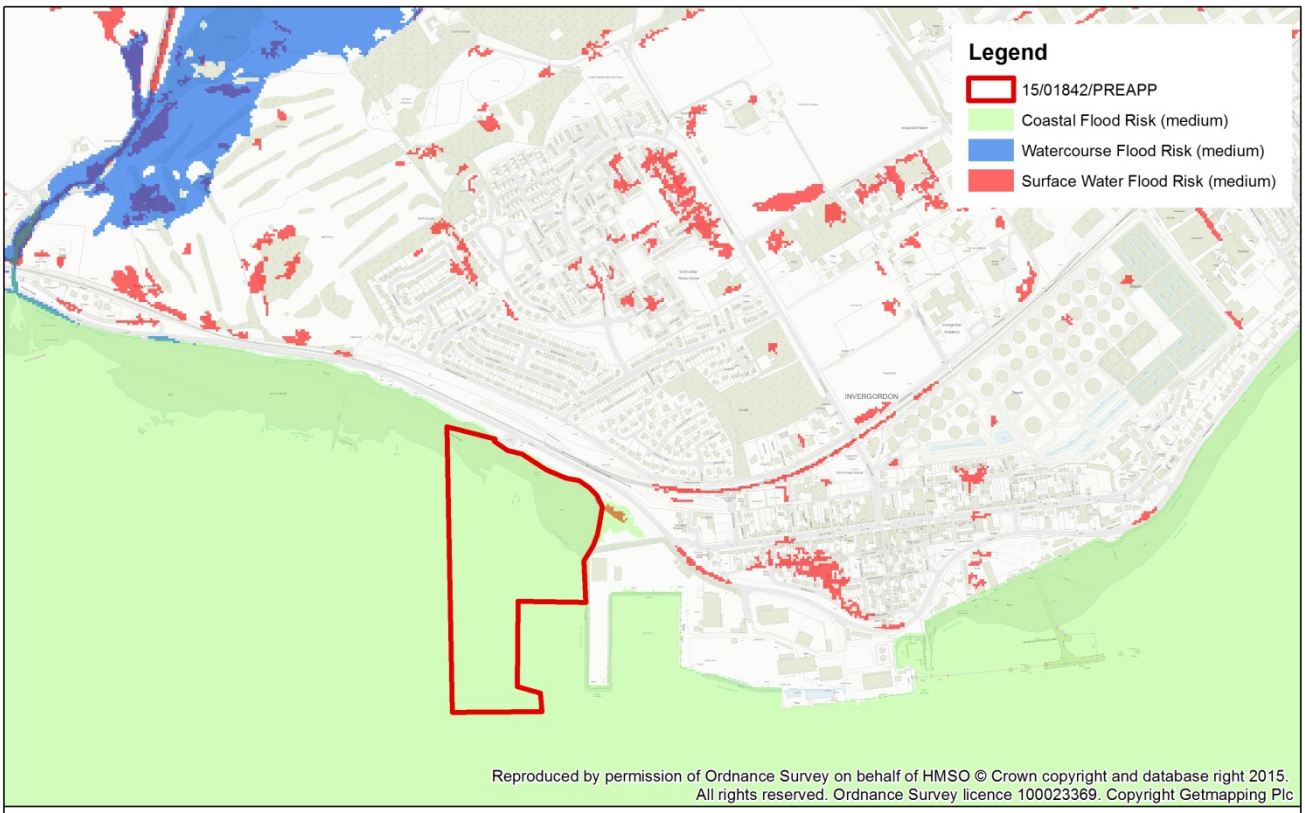
Major Pre-application Advice Service

0 35 70 140 210 280 Meters
1:10,000

N

The Highland Council
Comhairle na Gàidhealtachd

5. Constraints



Cromarty Firth Port Authority - Expansion Phase 4

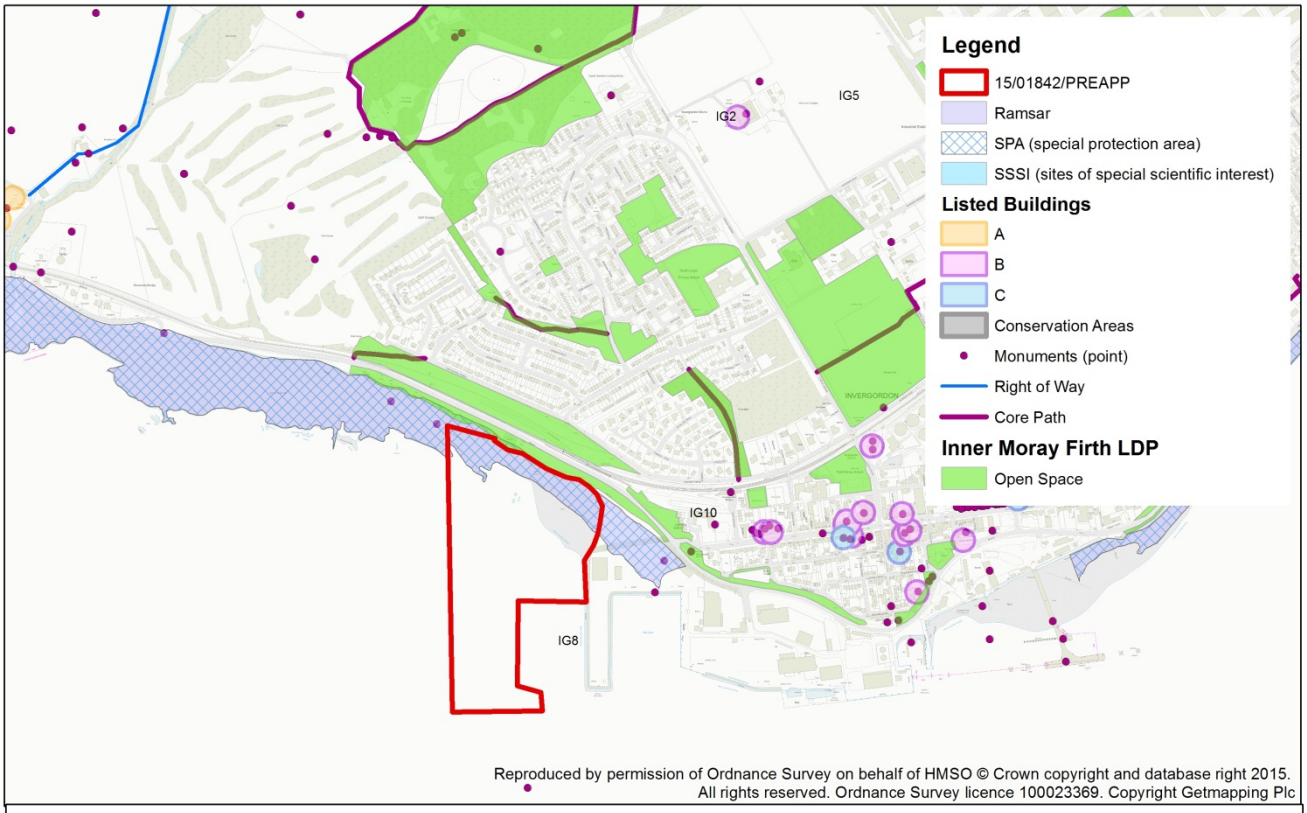
Ref: 15/01842/PREAPP
Date: June 2015

Flood Risk Areas

0 35 70 140 210 280 Meters
1:10,000

N

The Highland Council
Comhairle na Gàidhealtachd



Cromarty Firth Port Authority - Expansion Phase 4

Ref: 15/01842/PREAPP
Date: June 2015

Built and Natural Heirtage Constraints

1:10,000

N

The Highland Council
Comhairle na Gàidhealtachd

6. Photographs of site

Cromarty Firth Port Authority - Expansion Phase 4

Ref: 15/01842/PREAPP
Date: June 2015

Major Pre-application Advice Service

1:10,000

N

The Highland Council
Comhairle na Gàidhealtachd

7. Development Plan Designation and Planning Policy Appraisal

Response from Policy, Lynn Mackay

National and Highland policy offers general, in principle, support for expansion proposals that generate employment growth at Highland's major ports and harbours. For clarification, these comments are based on the plans submitted prior to the pre-application meeting not the smaller Phase 4B area shown in the Powerpoint presentation at the meeting.

1 Highland wide Local Development Plan (HwLDP) (Adopted April 2012)

1.1 **Policy 28**

Sustainable Design outlines the Council's support for developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. The policy lists a range of "material consideration" type criteria against which proposals will be assessed. Of particular relevance, are the criteria on service provision, non car accessibility, amenity, heritage, physical constraints, design quality, social, and economic impacts. The policy test for non conformity is significant detriment across the range of criteria that are relevant to the particular proposal(s). The pre-application proposal is likely to have a positive net economic impact but many other impacts will be negative before mitigation is considered. Natural heritage (including landscape impact) and amenity impacts will require significant mitigation.

1.2 **Policy 29**

Design Quality and Place Making requires developments to improve the architectural and visual quality of a site/area. The initial drawings and video flypast suggest that the development will create adverse visual and residential amenity impacts. Further assessment (perhaps in terms of visualisations) and mitigation will be required to offset these impacts. Policy 61 Landscape is also relevant in this regard.

1.3 **Policy 31**

Developer Contributions is likely to be applicable in terms of public art and off site transport provision.

1.4 **Policy 34**

Settlement Development Areas is applicable in the sense that proposed port expansion lies outwith the Invergordon town boundary. On a positive note, the proposal would provide employment and its associated trade spin-offs close to a town centre. Negatively, the area proposed would extend the town in a scale and direction which are at odds with its relatively compact existing pattern.

1.5 **Policy 41**

Business and Industrial Land is applicable in offering general support for more business and industrial development where it already exists. It doesn't contain a specific listing of Invergordon Port. There is a requirement to justify why the proposal uses (in this case extended cruise-liner berthing and off shore industries lay down area) cannot be met on land already allocated for these purposes in the development plan. Accordingly, any future application should justify why this site has competitive locational advantages over other allocated sites (e.g. Whiteness, Nigg, Highland Deephaven and Inverness harbours) for these uses. If these don't exist or can't be demonstrated then a justification should be submitted to demonstrate why the proposal is complementary to allocated alternatives or provides for more market choice and competition which may in itself bring net additional employment to the Highlands.

1.6 **Policy 43**

Tourism is relevant in that the extended cruise-liner berthing's role as a tourist facility. The proposal is likely to have a net positive impact when judged against this policy.

1.7 **Policy 49**

Coastal Development is likely to be negative (in terms of heritage and amenity impacts). The scheme's impact on erosion and other natural coastal processes including flooding should be assessed.

1.8 **Policy 56**

Travel will be applicable in terms of the need for a Transport Assessment and high likelihood of the

need for off site mitigation in terms of junction and parking improvements.

1.9 **Policy 57**
Natural, Built and Cultural Heritage requires assessment of any proposal's impact on a wide range of heritage features. Habitats and species impacts will need to be assessed, minimised and mitigated. There will be an adverse impact on public views across open water which are protected by this policy. The impact on these public views should be assessed and mitigated.

1.10 **Policies 58-60**
Habitats and Species requires assessment and mitigation if necessary. SNH offer detailed advice on these issues elsewhere in this pack.

1.11 **Policy 63**
Water Environment is applicable and requires any proposal to demonstrate no net detriment (post mitigation) to the water environment.

1.12 **Policy 64**
Flood Risk is relevant and will require assessment of the effects of loss of flood storage.

1.13 **Policy 65**
Waste Water Treatment is applicable in requiring connection of any main settlement foul water generating development to a public sewer unless an exceptional justification exists.

1.14 **Policy 66**
Surface Water Drainage - requires assessment and mitigation if necessary. Presumably most surfaces will be flat and permeable so this may not be a significant issue.

1.15 **Policy 77**
Public Access requires protection and if necessary mitigation to ensure no net detriment to access rights. The scheme will have an adverse impact on public access to the shore and the qualitative enjoyment of the adjoining linear park area in terms of it outlook.

The full policy wording of the above Plan is available
via http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan

2 Inner Moray Firth Local Development Plan (IMFLDP) Adopted 25 June 2015 (to be constituted July 2015)

2.1 The pre-application site lies outwith the Invergordon Settlement Development Area. Policy IG11 allocates adjoining land for port expansion but these phases will soon be complete. Through the Plan's Examination process the Reporter acknowledged the need for and added further developer requirements in terms of transport assessment (including the potential need for additional parking) and environmental safeguards.

The full policy wording of the above Plan is available
via http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/202/inner_moray_firth_local_development_plan

3 Supplementary Guidance

3.1 Most relevant are the statutory supplementary guidance on Protected Species, Developer Contributions, and Flood Risk and Drainage Impact Assessment, which all offer further detailed advice to the pre-applicant on assessment and mitigation of likely adverse effects. They are all available
via http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance

4 Overall Development Plan Conformity

4.1 Taking all the above considerations into account, the pre-application proposal, as currently justified

in terms of supporting information, may not accord with the extant development plan. There are significant adverse impacts which should be assessed and mitigated so that overall Plan conformity might be achieved. Impacts on public amenity and natural heritage interests are the most significant. Firm mitigation commitments should be made within any future application. For example, compensatory habitat creation, improvements to the qualitative and/or quantitative provision of public open space and off site transport improvements should be considered. Sensitive and early public consultation may yield useful ideas on these issues.

5 Other Material (Planning Policy) Considerations

5.1 Scottish Planning Policy references the National Renewables Infrastructure Plan (N-RIP) and indicates a particular but not exclusive support for ports and harbours identified within it. The N-RIP includes the preferred sites for east Highland as Whiteness (Ardersier) and Nigg. If, after mitigation is considered and secured, overall development plan conformity cannot be achieved then other material considerations should be emphasised in any submission. A case may need to be made in terms of the significant employment growth potential, how this may be regionally or nationally significant, and how it will be complementary to other Highland enterprises (or at least it will generate significant net employment for Highland not simply displace existing jobs from within Highland).

8. Sustainability

The Council's Sustainable Design Guide: Supplementary Guidance provides advice and guidance on a range of sustainability topics, including design, building materials and minimising environmental impacts of development. A Sustainable Design Statement is required – the supplementary guidance states it is required for major development applications.

9. Natural Heritage

Impact on Landscape, Anne Cowling, Landscape Officer

The site lies within 10km of the Cromarty Sutors, Rosemarkie and Fort George and the Ben Wyvis Special Landscape areas, but would appear in views from each as an extension and intensification of existing development at Invergordon, in similar character. This is unlikely to be significantly detrimental to the special qualities of either designation.

The development will be more prominent from Cnoc Fyrish, where the plan as currently outlined would be in conspicuous contrast to the more flowing forms of the firth. The developers have advised that the present plan should not be regarded as their intention for the final form of the development and that it is their intention to investigate potential for more naturalistic forms, which would also accommodate niches for habitat enhancement. This is a welcome approach.

Other aspects of the development which should be considered:

- Design to be sympathetic to onshore landscape character
- Design for human scale where practicable, if this is an area of reception for Cruise ship passengers, does the character have to be fully industrial?
- Is there scope for incorporation of Public Art as landmark, this could be something that is developed in tandem with the local community as a representation of the welcome the Highlands in general and Invergordon in particular extends to such visitors.
- Public acess: Is there scope, particularly if the western edge is to be designed more sympathetically, to incorporate public access. Allowing people to walk out to gain different views of the scenery, of the Port and of local wildlife could be a good resource for both tourists and local residents.
- The 'connection to the existing shore' should be subject to detailed design to consider the connection to the town. Development in this location has the potential to divorce much of Invergordon from the shores of the firth. Impacts on the townscape and local views and experience should be assessed.

Key Points	Assessments to be carried out and/or submitted with application
• Landscape Character Impacts • Visual Impacts	• Landscape Impact Assessment • Visual Impact Assessment

Impact on Trees, Nick Richards, Forestry Team
There does not appear to be any tree or woodland issues.

Impact on Natural Environment, Ben Leyshon, Scottish Natural Heritage
We appreciate the early opportunity to discuss this potential development and we would welcome continuing dialogue with the applicant, The Highland Council, Marine Scotland and the Scottish Environment Protection Agency. We note that both planning permission and a marine licence are being sought and we agree that there would be all round benefits of identifying a clear, lead body to co-ordinate the application through the regulatory process. Our preliminary advice is provided below but we will provide a further input at the EIA scoping process as well as through discussions with the applicant and others as the project evolves.

This proposal raises many of the same issues as the previous Phase 3 development at the Invergordon Service Base. The issues that we raised then, and which were effectively addressed by the applicant as part of that development, are also pertinent for this current proposal. At the pre-application meeting the applicants showed that they have a good understanding of these issues and the likely action required. This proposal however raises additional issues, especially in relation to impacts on birds and the direct loss of designated intertidal habitat. This aspect will require particular attention in the Environmental Statement (ES) supporting the planning and marine licence applications.

The key natural heritage issues relevant to the advice we will give and the determination of this proposal are as follows:

Designated sites - European (see http://gateway.snh.gov.uk/sitelink/index.jsp)

Cromarty Firth Special Protection Area (SPA) and Ramsar site

The effects of the proposal on the Cromarty Firth SPA and Ramsar site will be significant. The proposal involves the 'reclamation' of 6ha of the Cromarty Firth. Approximately 2.3ha of the 'reclamation' area are intertidal habitats within the Cromarty Firth SPA and Ramsar site (and SSSI).

The impacts on the ornithological interests and conservation objectives of the designated areas are threefold:

- the permanent loss of approximately 2.3 ha of supporting habitat;
- possible alterations to other areas supporting habitat via changes to hydrogeographical processes;
- disturbance and displacement of feeding and possibly roosting birds during the construction and operational phases of the development.

Wetland Bird Survey (WeBS) counts show that SPA qualifying and assemblage species occur in the Dalmore Bay count section which includes the area to be 'reclaimed'. The count section is quite long with an area of salt marsh at the Dalmore (western) end. It is likely that birds are not distributed evenly across the count section and not all the birds recorded in the count section use the area affected by this proposal. WeBS counts are also high tide counts and therefore mostly record roosting birds. There are five roosts within the Dalmore Bay section[1], of these, one roost is just over 500m from the western edge of Phase 4a. This roost could be subjected to visual, noise and light disturbance during construction and operation.

The habitat in this part of the SPA appears to be comparatively sandy with a large number of stones, this is not the most attractive feeding substrate for most of the species for which the Cromarty Firth has been designated. Low Tide counts undertaken periodically by the British Trust for Ornithology (BTO) in the Cromarty Firth show where birds are feeding. The section closest to the Service Base appears to be little used by most species although a low to moderate density of oystercatchers has been recorded there. Low densities of curlew have also been recorded and the area is increasingly being used by redshank, particularly in late summer, when they are disturbed from sites further south. Birds feeding outwith but close to the area to be reclaimed could still be subject to visual and noise disturbance during construction and operation of Phase 4.

[1] SNH Commissioned Report 252, Moray Firth Wildlfowl & Wader Roosts, 2007. Page 37, Figure 34.
http://www.snh.org.uk/pdfs/publications/commissioned_reports/252.pdf

Due to the permanent loss of supporting habitat, possible changes to other areas of supporting habitat and the disturbance/displacement of feeding and roosting birds this proposal will have a significant effect on the SPA.

To assess whether the proposal will have an adverse impact on the integrity of the site the developer will need to obtain and consider detailed information on the bird usage of the section of SPA to be reclaimed. This information should include counts of birds using the proposal area throughout the tidal cycle and throughout the year, preferably carried out over two winters. The key overwintering period for birds is from October through to March inclusive. In addition to counts, the applicant may also consider carrying out more detailed ecological surveillance of the age classes of birds using this area. This could provide greater clarity about whether juvenile or adult birds are most likely to be effected and this in turn could help to assess whether the proposal will have an adverse impact on site integrity. An assessment of the prey base within the proposal area would also help assess its importance to SPA birds in comparison to the rest of the Firth. A hydrographic/geomorphological assessment will be needed to assess the likely changes in sediment processes and distribution throughout Dalmore Bay and hence the likely additional indirect impact on nearby supporting habitats and bird usage. The applicant should also consider cumulative effects associated with Phase 4, particularly in relation to previous disturbance or habitat loss associated with the earlier phases of work at Invergordon.

The EIA should also look at the mitigation that could be deployed to reduce the adverse impacts of the proposal. This could include:

- timing of works to avoid the main non-breeding bird concentrations;
- the type of lighting used during both the construction and operational phases;
- noise reduction/attenuation measures;
- reducing the presence of tall structures that can be used by predators;
- provision of alternative disturbance free roost sites - either during construction or permanently;
- provision of alternative feeding/roosting areas within the SPA. Any measures to create alternative feeding areas would need to be robust with a high degree of certainty that they would be successful. They would need to be fully described within the planning and/or marine licence applications and secured through planning conditions and/or legal agreements.
- Consideration of how the proposal may be designed to provide benefit to the common tern interest.

From the information provided to date it is possible that we would not be able to advise (and the determining authorities may not be able to conclude) that the proposal would not affect the integrity of the SPA. This is an important issue to address and we are keen to work with the applicants and others as required in order to explore potential solutions. The indicative timetable prior to formal submission also sounds challenging if these issues are to be fully addressed. We advise that the applicants engage competent ornithological advisers who can interpret existing information, guide the collection of additional information and consider potential mitigation and residual impacts.

Moray Firth Special Area of Conservation (SAC)

The effects of the proposal on the bottlenose dolphin interest of the Moray Firth SAC are likely to be significant. Underwater noise arising from piling activities, increased vessel traffic and dredging and disposal operations may all result in disturbance to the dolphins.

Underwater noise – we are pleased to note that the current proposal will not involve the use of impact piling and that the new quays will be constructed using only vibro piling or other less noisy methods. This understanding needs to be confirmed within the ES. We are also pleased to note that the applicant carried out comprehensive and thorough underwater noise modelling as part of the Phase 3 development. We are still analysing this data but, from discussions with the applicants, the noise associated with the previous vibro piling works fell within acceptable limits for the dolphins, with higher noise levels being localised to the working areas. This data will be very helpful when the current proposal is being assessed. The applicant should also provide details about the timing and duration of the piling works envisaged as well as what further monitoring and mitigation will be deployed. In our view the monitoring and mitigation carried out as part of the Phase 3 development would also apply in relation to this proposal.

Vessel movements – we recommend that the applicant provide details about the likely number, type and ideally seasonality of boat traffic associated with the new development. If additional vessel movements are likely to be significant (i.e. over 100 additional movements per year) then modelling the implications of this

for the dolphins should be carried out.

Dredging and disposal - we recommend that the applicant provide details on the dredging and disposal operations including the quantity, duration, timing and seasonality of any works. As far as possible, vessel movements associated with dredging and disposal operations for the construction and operational stages should be quantified and if material is to be disposed of between the Sutors then the ES should stipulate how disturbance or injury to the dolphins will be avoided. The current best practice guidance in relation to the disposal operations should apply, although further advice may soon be available as part of the current SNH dredging/disposal contract. Further details are available from us on request.

The effects of the proposal on the subtidal sandbank interest of the Moray Firth SAC are also significant through smothering of the habitats and species present at the disposal site. The applicant should therefore provide information on the volume and type of material to be disposed of at the Sutors.

Dornoch Firth and Morrich More Special Area of Conservation (SAC) – common seals

Significant numbers of common seals occur in the Cromarty Firth, particularly at haul outs near Foulis. This is less than 50km from the Dornoch Firth and Morrich More SAC and common seals are a qualifying interest of that site. There is therefore connectivity between that SAC and the common seals that occur in the Cromarty Firth. This proposal has the potential to disturb common seals during the construction and operational phases as a result of ship movements, lighting and terrestrial and underwater noise. The ES should therefore consider the impact of the proposal on the common seals that use the haul out site near Foulis and the potential implications of this for the Dornoch Firth and Morrich More SAC and how any impacts can be mitigated.

Designated sites - national (see http://gateway.snh.gov.uk/sitelink/index.jsp)

The effects of the proposal will have a significant effect on the Cromarty Firth Site of Scientific Interest (SSSI) for the same reasons as described above for the Cromarty Firth SPA and Ramsar site. The information required to assess these effects and how to mitigate them are the same as those described for the SPA and Ramsar site above.

European Protected Species

Cetaceans - the activities described for bottlenose dolphins above may also have the potential to disturb other cetaceans, most notably harbour porpoise. Any mitigation measures aimed at safeguarding the dolphins will also benefit harbour porpoise, however the habits of these species varies. The ES should therefore assess the potential impact of the proposal on both bottlenose dolphins and harbour porpoise. An EPS licence may be required from Marine Scotland for disturbance to cetaceans (see http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/dolphins-whales-porpoises/).

Otter - otters use the site, particularly along the foreshore and the existing rock armouring installed as part of the Phase 3 development. The ES should complement existing data on otters gathered by the applicant through the provision of an up to date otter survey and mitigation plan. This should include an area 250m beyond the development footprint. An EPS licence may be required from us depending on the outcome of any survey.

Other comments
Landscape

There are no national landscape designations relevant to this proposal although the sea and coast are close to the East Ross Special Landscape Area (SLA). Advice on landscape aspects has been provided by The Highland Council as advised by Anne Cowling (see above).

Key Points	Assessments to be carried out and/or submitted with application
The key natural heritage issues arising from this development are the effects it will have on the	Review of likely disturbance impacts and proposed mitigation for the following:

designated features of the Cromarty Firth SPA, Ramsar site and SSSI. There will be effects on the Moray Firth SAC (dolphin interest) and the Dornoch and Morrich More SAC (common seal). European Protected Species (cetaceans and otter) will also be affected. Establishing the potential implications for the integrity of designated features and protected species will depend on the outcome of further assessments/mitigation of disturbance and/or habitat loss. The effects of this proposal should be considered in-combination with proposals close by, in particular at Global Energy Nigg.	<u>Cromarty Firth SPA, Ramsar and SSSI</u> • Detailed information on the bird usage of the section of SPA to be reclaimed. • Counts of birds using the proposal area throughout the tidal cycle and throughout the year preferably carried out over two winters. • An assessment of the prey base within the proposal area. • A hydrographic/geomorphological assessment to assess the impact on supporting habitats throughout Dalmore Bay. <u>Moray Firth SAC - dolphins</u> • Underwater noise: details about the timing and duration of the piling works and information on further monitoring and mitigation to be deployed. • Vessel movements: details about the likely number, type and ideally seasonality of boat traffic associated with the new development. • Dredging and disposal: details about the quantity, duration, timing and seasonality of the works, especially at the disposal site. <u>Moray Firth SAC - dolphins</u> • Details about the volume and type of material to be disposed of at the Sutors. <u>European Protected Species - otter</u> • Up to date otter survey for the site together with an area 250m beyond the development footprint.

10. Design

The Design Quality and Place Making policy (policy 29) in the HwLDP requires new development to be designed to make a positive contribution to the architectural and visual quality of the area. Furthermore development proposals must demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts of their proposals.

A Design and Access Statement is required for all major developments.

The Design and Access Statement should outline the design principles and concepts that have been applied to the development and:

(i) explain the policy or approach adopted as to design and how any policies relating to design in the development plan have been taken into account.
(ii) describe the steps taken to appraise the context of the development and demonstrates how the design of the development takes that context into account in relation to its proposed use.
(iii) state what, if any, consultation has been undertaken on issues relating to the design principles and concepts that have been applied to the development; and what account has been taken of the outcome of any such consultation.

Further advice on the preparation of design statements is contained in the Council's advice note on Design and Access Statements and Scottish Government Planning Advice Note 68.

11. Amenity

Contaminated Land, Esther MacRae, Contaminated Land Team

This development is not on land, therefore the Contaminated Land team have no comment.

Key Points	Assessments to be carried out and/or submitted with application
• No Comment	• No Contaminated Land Assessment would be required.

Noise Impacts, Robin Fraser, Environmental Health

Operational Noise

It is acknowledged that the Port and Service Base at Invergordon is an important industrial centre benefitting the locality and the wider Highland area. However, it lies in very close proximity to residents of Invergordon and there has been a fairly long standing history of complaints by residents about noise and other emissions arising from both land based activities and from ships and rigs. This Service has a good working relationship with the Cromarty Firth Port Authority in trying to address these complaints and to date there has been no requirement for formal enforcement action. However, the potential impact of Phase 4 on overall operational noise levels will have to be considered as part of any application.

Phase 3 of the development is currently under construction and it is not yet known what impact this might have on noise once it becomes operational. My concern is that noise levels from existing facilities and activities are already approaching the limits of acceptability at times, particularly at night. One of the main issues is that maintenance work on vessels and rigs tends to be 24 hours a day, 7 days a week. Any additional noise following the completion of Phase 3 could result in overall levels reaching or exceeding noise limits, leaving no scope for additional development.

Any application will need to be accompanied by a noise assessment which demonstrates that overall noise levels from the entire Port and Service Base operations can meet the following noise limits: -

- 55dB LAeq 1 hour for external daytime noise
- 35dB LAeq 15 minutes for internal night time noise which equates to 45-50dB(A) external allowing for 10-15dB attenuation.

I do not consider it appropriate to assess future noise from the Service Base against existing background levels given that those background levels are dominated by existing Service Base activities.

The assessment should include measurements of existing noise levels once Phase 3 is operational and a prediction of levels following completion of Phase 4. I appreciate that this will be difficult given the variety of potential noise sources however, a worst case scenario should be considered.

The noise assessment should give details of noise mitigation measures employed by the Port Authority including details of any restrictions or controls they impose on incoming vessels and contractors.

Construction Noise

Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under the Control of Pollution Act 1974. However, the applicant should still submit a construction noise assessment undertaken in accordance with BS 5228-1:2009 “Code of practice for noise and vibration control on construction and open sites – Part 1: Noise”. Details of any mitigation measures should be provided including proposed hours of operation. It is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities

For the previous Phase 3 development the applicant submitted an application under Section 61 of COPA for an agreement on limits and methods. I understand it is likely that they will do the same for Phase 4.

Key Points	Assessments to be carried out and/or submitted with application
• Noise	• Operational Noise Assessment • Construction Noise Assessment

12. Transport and Wider Access

Traffic and Transportation Impacts, Jane Bridge, Transport Planning Team

Proposed Development and Background

The proposal is to provide an additional reclaimed laydown area of 5Ha (Phase 4A) and an additional 150m plus berth (Phase 4B) to the west of phase 3 (this will create a 300m berth in total giving an additional cruiser berth).

Impact of the Development

Transport Planning's interest will relate largely to the impacts of the developments proposed on the local road network and adjacent communities, during both the construction and operational phases. The impact of both cars and goods vehicles should be assessed.

Transport Assessment

A Transport Assessment (TA) will be required for all development proposed to give an understanding of the likely transport impacts that will arise. The current baseline situation shall be established and the increase in transport and parking demand against this baseline situation calculated for the expanded port.

The TA should be prepared in accordance with the current Transport Scotland document, Transport Assessment Guidance, and the attached Council document, Transport Statement – Guidelines. Prior to preparation of the TA, the applicant will be required to undertake a detailed scoping exercise in consultation with the Transport Planning team and Transport Scotland. The following items shall be addressed.

Active Travel and Public Transport

The TA should identify the local walking and cycling networks together with the location of the access points and active travel links to the wider public transport network (bus stops and rail station). Accessibility analysis may highlight measures to enhance access to the local public transport provision and to remote car parks. Safe and convenient internal links for pedestrians and cyclists should be provided together with cycle parking. The coastal path will require to be maintained with no net detriment to safety of its users. Consideration should be given to maintaining its setting or providing appropriate mitigation if there is significant impact. (The access and landscape officers would lead on this issue).

Travel Plan

A travel plan (TP) is a document that sets out a package of positive and complementary measures for the delivery of more sustainable travel patterns for a specific development. The TA should include details of a framework TP and include targets, monitoring proposals and measures to promote sustainable travel. A planning obligation may be sought to ensure that the plan is implemented, monitored and enforced.

Parking strategy and management plan

This will be a key issue for the TA and the TP due to historical problems associated with parking at the port. The port authority has provided additional car parking and further areas are due to be brought into service. Appropriate provision should be provided within the development and identifying how this will be calculated requires early engagement with the Transport Planning Team as part of the TA scoping process.

Vehicle Access Points

These shall be identified and the impact on the existing road network assessed; the long term access proposals for the port should be clarified and the situation regarding the temporary access resolved. The visibility splays required for the access points shall be identified on plans together with a dimensioned plan of the layout, the drainage (to prevent outflow onto the public road) and the surfacing proposed. They shall be in accordance with the Council's Roads and Transport Guidelines for New Developments.

Internal Layout

The design should give consideration to access by foot, cycle and public transport. Access arrangements for heavy goods and abnormal load vehicles should also be considered. Swept path analysis will be required.

Routing of heavy goods and abnormal load vehicles to/from port

The routing arrangements for heavy goods and abnormal load vehicles from the port to and from the A9 should be identified (for operation and construction) and the impact of any increase in traffic identified together with appropriate mitigation. Traffic management proposals for the port operation may be required.

Road Safety Considerations on Access Routes

The safety at the site frontage and on the active travel links adjacent to the port and to the car parks and public transport facilities should be considered. There are also road safety concerns on both the B817 out with the town itself where the accident rates are high and on the route to the Tomich junction on the A9. The principle of no net detriment should be applied and the impact of any increase in traffic should be carefully considered.

Construction Traffic Management Plan

There were problems with earlier phases of development due to routing of HGV's through the settlements of Ardgay and Edderton. The number of heavy goods vehicles required for the construction phase should be identified as part of the TA. Routes for HGV's during construction should be identified and a framework construction traffic management plan submitted.

Mitigation

Mitigation required may include; new or improved infrastructure, road safety measures and traffic management. Traffic management shall include measures to ensure that construction traffic adheres to approved routes.

Flooding and Drainage

The application should identify any road/surface water drainage which will be affected by the reclamation and provide appropriate solutions to ensure that they function effectively. These details will require to be approved by the Council. The Council's Flood Team should be consulted with regard to any potential flooding issues that might result from the development proposed.

Key Points	Assessments to be carried out and/or submitted with application
• Impact on local road network and travelling public including road safety. • Scoping for TA to be agreed with Transport Scotland and the Transport Planning Team. • Design to facilitate active travel and public transport where possible. • Design to consider existing road drainage. • Identify any mitigation required.	• Transport Assessment to include parking management plan and travel plan • Agree baseline data collection required and method for calculating increase in trips and parking demand. • Dimensioned Plans showing permanent and temporary access points and visibility splays. • Internal layout and swept path analysis.

GUIDANCE ON THE PREPARATION OF TRANSPORT ASSESSMENTS
THE HIGHLAND COUNCIL

GUIDANCE ON THE PREPARATION OF TRANSPORT ASSESSMENTS
CONTENTS

1 Introduction

1.1 The requirement for Transport Assessments is set out in *Scottish Planning Policy (para 286)* and further guidance is given in *Transport Assessment Guidance* produced by Transport Scotland. Additionally the Highland Council's *Roads and Transport Guidelines for New Developments* refer to Transport Assessments in section 2.2.

1.2 The purpose of this document is to provide additional guidance on particular aspects of the preparation of Transport Assessments. It is designed to augment and supplement but not replace the other guidance which is available.

2 Requirements for a Transport Assessment (TA)

2.1 A Transport Assessment (TA) will be required when a development has significant transport implications. Indicative criteria regarding transport impacts are given in paras. 3.10 – 3.21 and Table 3.1 of *Transport Assessment Guidance*. However as each situation must be judged on its merits the requirement for a TA should be agreed in advance with the Council.

2.2 For developments with lesser transport implications a Transport Statement (TS) may be required and this should be agreed with the Council. Agreement on the requirement for a TA or TS should be undertaken in good time prior to the submission of a planning application.

3 Scoping

3.1 Scoping is an essential part of the successful preparation of TAs involving the submission of a Scoping Report to the Council for agreement prior to further development of the TA. The contents of a Scoping Report are given in Table 3.2 of *Transport Assessment Guidance*. For schemes which impact on the trunk road network the scoping should also be agreed with Transport Scotland.

3.2 A TA is normally concerned with the transport impacts of development during the operational phase. However in certain circumstances it may also be necessary to consider the impact of construction traffic and this should be agreed with the Council. In the case of renewable energy projects the major impacts are during construction and full consideration should be given to the impact of construction traffic.

3.3 A TA should consider the transport impacts of development both on the existing transport network in the surrounding area external to the site and for large sites within the site boundary itself. This should include connectivity and integration between the proposed development and the surrounding areas.

4 Assessment for all modes of transport

In accordance with *Scottish Planning Policy* and *Transport Assessment Guidance* assessment for

all modes of transport should be carried out. This includes walking, cycling, public transport, private cars and service vehicles.

5 Existing transport infrastructure

5.1 Existing transport infrastructure should be assessed to establish its suitability to support additional development. This will include footways, carriageways and provision for cyclists and public transport.

5.2 Existing infrastructure is often sub-standard by current standards and the TA should identify where this is the case and where it is proposed to undertake upgrading to support new development. However in some cases upgrading may not be possible for example due to land ownership issues or topography. In these cases a balanced judgement will be required on the suitability of sub-standard infrastructure to support additional development. The TA should identify all relevant issues relating to the standard of existing infrastructure and consider the implications of permitting the proposed development.

6 Accessibility

6.1 The TA should assess the accessibility of the site to existing and proposed facilities. For example in the case of residential development this will include schools, amenities and employment opportunities.

6.2 Measures should be proposed to provide safe and attractive routes to encourage walking and cycling between the proposed development and adjacent facilities.

7 Existing traffic conditions

7.1 The existing traffic conditions on the adjacent road network should be established by obtaining appropriate traffic data. This may include data which is available from existing sources such as permanent traffic counters or alternatively data obtained specifically for the project. Existing data which should not be more than 3 years old should be factored to reflect traffic growth since the data was collected. The growth factors to be used should be agreed with the Council.

7.2 In order to ensure that traffic conditions are broadly representative of year round conditions surveys should be carried out during a neutral month avoiding public and local holidays, school holidays and other abnormal traffic periods. The months of April, May, September and October are normally considered to be neutral months. If undertaking traffic surveys at other times of year is unavoidable then a seasonal adjustment factor should be agreed with the Council.

7.3 To establish link flows automatic traffic counts (ATC) will normally be undertaken and these should be for a minimum period of one week.

7.4 Classified turning counts as well as queue surveys may be required at junctions. These should normally cover both the am and pm peak periods which are typically 7.30 – 9.30 and 16.00 – 18.00 or as agreed with the Council. In addition for retail development the Saturday peak period should be considered and this will typically be within the period 12.00-18.00. Classified turning counts should be undertaken at 15-minute intervals while queuing surveys should be undertaken at 5-minute intervals. Turning counts based on one day's data should not be used in isolation and should be calibrated against queuing data and ATC data for a longer period.

8 Traffic growth

Data from traffic surveys shall be factored to reflect traffic growth to the assessment year of the development which is normally the year of opening. Traffic growth factors shall be agreed with the Council.

9 Committed development

Committed development in the vicinity of the site may have a traffic impact over and above that taken into account by traffic growth. Committed development is classed as development which has an extant planning consent or has been granted planning consent subject to legal agreement but which has not yet been occupied. The traffic impact of committed development should be added to the existing traffic conditions before considering the impact of the proposed new development.

10 Safety

10.1 The safety of the existing network should be investigated by reference to accident statistics for at least the previous three year period.

10.2 Proposed changes to existing road layouts and new road layouts may require safety audit and requirements for this shall be agreed with the Council.

11 Traffic generation

11.1 Traffic generation of proposed development is normally assessed using the TRICS database. The database contains a large amount of data gathered from surveys of travel patterns from developments throughout the UK and Ireland and relates to journeys made by motor vehicles and by other modes.

11.2 The TRICS database should be used in accordance with the *TRICS User Guide.* As explained in the User Guide obtaining representative data for a proposed development is dependent on the following:

- ☐ Selection of appropriate criteria for the site in question.
- ☐ Selection of a sufficient number of sites in order to avoid unrepresentative data distorting the overall result.

Depending on the total number of sites available in the database for a particular type of development it can be difficult to satisfy both criteria completely. The User Guide makes it clear that trip rates are consistent across wide geographical areas providing other criteria are selected correctly.

11.3 In order to demonstrate the suitability of the selection criteria adopted the following aspects should be fully explained and justified within the main text of the TA.

- ☐ Land use and trip rate selection criteria
- ☐ Primary filtering criteria
- ☐ Secondary filtering criteria

Where the filtering criteria results in the selection of a small number of sites the criteria may need to be adjusted and a revised selection made in order to include additional sites. This may result in modified results. Where this is done both sets of results should be presented in the TA for comparison purposes.

11.4 Due to the sensitivity of the data to the selection criteria adopted within TRICS consideration should be given to presenting a range of trip rates which reflects the uncertainty inherent in traffic forecasting. In addition it should be apparent in the TA whether the data used relates to the mean results or the 85th percentile.

11.5 Mean/median cross testing should be undertaken in accordance with the *TRICS User Guide* and the results reported in the TA.

11.7 The output from the TRICS selection process should be included in the TA as an appendix.

11.8 The TRICS database now contains multi-modal information for many sites. In addition census data is also available which contains information about modal split of journeys to work and education which can be useful. If it is proposed to use a mix of TRICS data and census data this should be justified and where possible both sets of data presented for comparison purposes.

12 Junction analysis

12.1 The existing junctions to be analysed should be agreed with the Council as part of the scoping. In addition for large developments proposed new junctions may also require analysis.

12.2 The level of development traffic will impact on existing and new junctions. In situations where a range of traffic generation has been considered as noted in 11.3 and 11.4 above it will be necessary to establish the sensitivity of the junction analysis to the assumptions made regarding development traffic. In some cases more onerous assumptions regarding traffic generation will lead to a junction becoming overloaded. In borderline cases the reasons for reaching a conclusion regarding the suitability of a junction to accommodate the development traffic shall be fully explained in the TA.

13 Roads hierarchy

Proposals for larger developments should identify a roads hierarchy in order to provide suitable routes for through traffic, public transport, service vehicles and identify quieter residential streets.

14 Mitigation measures

The TA should identify all measures required to enable the transport infrastructure to accommodate the proposed development. These should include but will not necessarily be limited to the following:

- ☐ Improvements to the existing roads infrastructure including junction improvements and road widening.
- ☐ Measures to promote walking and cycling both within the site and in the surrounding area.
- ☐ Provision of pedestrian crossings and cycle routes.
- ☐ Provision of bus shelters and contributions to enhanced bus services.
- ☐ Measures to improve road safety.
- ☐ Contributions to larger schemes for infrastructure improvement being promoted by the Council.

15 Parking

The provision of appropriate and adequate parking both on-site and off-site is an essential component of good development. Parking should be provided in accordance with national and Council standards and as agreed with the Council. Provision should be made for general parking, disabled parking, cycle parking and when required for coach parking. The TA should identify the parking strategy adopted for the development.

16 Travel Plan & Monitoring

The TA should contain, as a minimum, a travel plan framework in accordance with the requirements of the *Transport Assessment Guidance.* The Travel Plan framework should contain proposed Mode Share Targets (MSTs) along with a statement of how these will be monitored once the development is complete. For large traffic generating developments annual monitoring over a 3-year period post opening will be required.

17 Submission of Transport Assessment

For applications for which a TA is required the relevant document should be submitted along with the planning application and other supporting information. The transport aspects of an application cannot be considered in advance of receipt of the relevant documentation and therefore late submission could result in delay to the consideration of the application.

18 References

Scottish Planning Policy Scottish Government, June

2014 http://www.scotland.gov.uk/Resource/0045/00453827.pdf

Transport Assessment Guidance Transport Scotland, 2012

http://www.transportscotland.gov.uk/sites/default/files/private/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-Development_Management__DPMTAG_Ref__17__-Transport_Assessment_Guidance_FINAL_-_June_2012.pdf

Roads and Transport Guidelines for New Developments Highland Council, May 2013

http://www.highland.gov.uk/downloads/file/527/road_guidelines_for_new_developments

TRICS User Guide

http://www.trics.org/websystem/doc/TRGOODPR2013.pdf

National Roads Development Guide (para 3.2) SCOTS, 2014

http://localapps.pkc.gov.uk/internet/flashmag/councils/nationalroadsguide/roadsfeb2014.p df

Design Manual for Roads and Bridges. Volume 12. Traffic Appraisal of Road

Schemes http://www.dft.gov.uk/ha/standards/dmrb/vol12/index.htm

Impact on the Trunk Road Network, Lesley Logan, for Transport Scotland

The proposal is for the reclamation of land at Shore Road, Invergordon for use as a laydown space and for a 200m long deep water berth. The closest trunk road to the site is the A9(T) located approximately 4.5km to the west.

The information supporting the pre-application indicates that an Environmental Statement will be prepared. This is considered acceptable. Transport Scotland would request that any potential traffic and environmental impacts on the trunk road be considered and addressed as appropriate (i.e. where the thresholds within the Institute of Environmental Management and Assessment (IEMA) Guidelines for further assessment are breached).

Transport Scotland would request the ES include detail of the trip generation and preferred route for the movement of any heavy and/ or abnormal loads, and any anticipated construction staff movements via the trunk road network.

In the absence of more detailed information, Transport Scotland has no further comment to make.

The information requirements are summarised below.

Key Points	Assessments to be carried out and/or submitted with application
• Reclamation of land and provision of a 200m long deep water berth.	• ES including an assessment of the level of heavy/ abnormal loads.

Impacts on Public Access, Philip Waite, Access Officer

There is already great concern within the community of Invergordon over the loss of amenity land as a

result of previous phases of the port development. This phase will potentially result in a further loss, not of land but amenity value and so ways of mitigating for this should be explored.

The current proposal shows the development boundary up to the existing car park on the shore. The visual impact would be very pronounced at this point with rock armour and high security fencing. Options to reduce this impact should be considered including leaving more buffer space between the edge of the development and the car park.

The green space between the B817 road and the shore appears to be retained although its amenity value will be much reduced, as it will be over shadowed by the secure perimeter fencing with no or reduced views across the firth, similar to that of previous phases. Landscaping including a pathway and new planting options could be considered with the community to improve the visual and wildlife interest on this green space to go some way to replace what has been lost. There should be no permanent road access across this green space although a path link from the proposed industrial estate car park would be appropriate.

Maintenance of this of this green space would be the responsibility of the developer or provision of an annual contribution to the community.

13. Water and Drainage

Impacts on the Water Environment, Susan Haslam, SEPA

We apologise that due to sick leave and other commitments no one from SEPA's planning service team was able to attend the meeting. If it would be helpful to the applicant we would be happy to meet them separately; they should contact planning.dingwall@sepa.org.uk to arrange, if required.

We welcome pre-application engagement, but please be aware that our advice at this stage is based on emerging proposals and we cannot rule out potential further information requests as the project develops. Similarly, our advice is given without prejudice to our formal planning response, or any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the pre-application or planning stage.

To **avoid delay and potential objection** the following information must be submitted in support of the application.

Consenting process

We understand that the development will require both a Marine Licence and planning permission. We ask that each application makes it explicitly clear what elements of the development are covered and we welcome the proposal that a single Environmental Statement will be produced which covers all aspects of the development both on land and in the marine environment.

Pollution prevention and environmental management issues within the marine environment

We refer you to our marine environment standard advice - available from www.sepa.org.uk/environment/land/planning/advice-for-key-agencies/ - for general advice on pollution prevention and environmental management in the marine environment. Note that version 4 has recently been released but is not yet on our website; if this is not on our website when the applicant needs the information then please email us and we will provide the up-to-date version.

Water Framework Directive and River Basin Management Planning (RMBP)

Our initial assessment of the proposals is that they are unlikely to result in a deterioration in the hydro-morphological status of the Inner Cromarty Firth water body. However it should be recognised that the loss of intertidal/subtidal area will result in the hydromorphological status classification moving towards the High/Good boundary.

We would likely object to any development proposal which resulted in the downgrade of the water body from High to Good, and the applicant, planning authority and Marine Scotland should take this into consideration when considering this and future proposals in this area.

Coastal processes

The potential exists for there to be changes to coastal and sediment transport processes in the adjacent water body. The application should assess the significance of such alterations and discuss the implications

of these with respect to shoreline and seabed morphology, and wider ecosystem health in line with RBMP objectives.

Land reclamation works

We presume that construction material suitable for use or material specifically dredged for this purpose will be used as construction fill but ask that the application confirm this and the method of formation.
If any waste materials are to be used then these should be outlined along with a justification as to why they are suitable for use. Note such proposals could require an exemption from waste management licensing from SEPA.

Drainage

The application should include information on surface water drainage treatment from the area. The system is likely to require a mixture of Sustainable Drainage Systems (SUDS) (designed to meet the requirements of The SUDS Manual) with oil interceptors if machinery is to be operating on the quayside and is likely to be similar to that developed for Phase 3. The information provided should include a clear plan, annotated to explain how treatment is being achieved. Industrial sites like this are usually supported by three different levels of SUDS treatment. The proposal will require an authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) - further information on CAR is available from our website.

Impact on local nature designations

We note that the site is located within a number of Cromarty Firth designations. In line with our Joint land use planning working arrangements for SEPA and SNH (available from www.sepa.org.uk/environment/land/planning/advice-for-key-agencies/) we have not provided you with advice on potential impacts of the development on the qualifying features of the designated site as this is an issue for SNH. We have however shared a draft of this response with them to ensure you are provided with compatible advice.

Key Points	Assessments to be carried out and/or submitted with application
• Assess coastal processes • Provide appropriate drainage	• See above for details

Impact of Flooding, Duncan Sharp, Flood Risk Management Team

The Highland Council Flood Risk Management (FRM) Team have reviewed the information provided and have the following advice for the applicant at this stage. We would be happy to provide comment on any draft designs prior to the formal submission of the planning application.

We will require an assessment of coastal levels for the proposed site. It is noted from the plan provided that a substation is proposed for Phase 4A. Substations are classified as "*essential infrastructure*" and therefore need to be protected to the 1 in 1000 year coastal flood level.

The supporting information provided for Phase 4A states that, once the area has been reclaimed, appropriate drainage will be installed. We therefore request the Applicant to provide a Drainage Impact Assessment (DIA) (see The Highland Council's *Supplementary Guidance: Flood Risk and Drainage Impact Assessment*) which outlines how surface water on the site will be treated and discharged. As the site is of a coastal nature limiting the rate of discharge may not be required. The DIA should identify any existing coastal outfalls that may be affected by the land reclamation and show how they will be managed.

For further refer to the Supplementary Guidance: *Flood Risk and Drainage Impact Assessment*, available from the Highland Council website, for further detailed requirements for addressing flood risk and drainage. http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance/14

Key Points	Assessments to be carried out and/or submitted with application
• Assessment of Coastal Flood Levels	• Drainage Impact Assessment

Impact on Marine Environment, Timothy Roberts, Marine Scotland

PRE-APPLICATION COMMENTS UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED) & THE MARINE (SCOTLAND) ACT 2010

CROMARTY FIRTH PORT AUTHORITY: PROPOSED PHASE 4A & 4B HARBOUR WORKS, INVERGORDON

Thank you for the invitiation to attend the major project pre-application meeting 10th June 2015 to discuss the proposed Phase 4A and 4B development at Invergordon, by Cromarty Firth Port Authority. Following this meeting and in discussion with colleagues in Marine Scotland Science (MSS), Marine Scotland Licensing Operations Team (MS-LOT) can provide you with the following comments on the proposal.

MS-LOT Comments

General Comments

The proposal covers the legislative remit of both Marine Scotland and the local authority – The Highland Council. As a result of this and in order to streamline the process, MS-LOT would offer to lead on the administration of the Environmental Impact Assessment (EIA) process. This would involve co-ordinating consultations on the scoping and environmental statement submission, as well as co-ordinating advertising the project with respect to pre-application consultation and notices for EIA submission.

Based on the previous work and surveys undertaken to inform the environmental statement (ES) for the berth development at Invergordon, as well as the additional survey work undertaken in support of the development, MS-LOT believes that there is a great deal of relevant data available to the applicant to inform the new ES. However, the applicant has stated their intention to build at least part of the proposal over the Cromarty Firth Special Protection Area (SPA). The applicant will therefore need to fully assess the potential impacts of the development on the SPA and provide assurances and mitigation to ensure that there is no adverse effect on site integrity.

Marine Licences

The Marine Scotland-Licensing Operations Team administers the licensing function under Part IV of the Marine (Scotland) Act 2010 (the Act) on behalf of the Scottish Ministers. Under the Act the following are examples of "licensable marine activity":

- To deposit or use any explosive substance or article within the Scottish marine area either in the sea or on or under the seabed;
- To deposit any substance or object within the Scottish marine area, either in the sea or on or under the seabed, from a vehicle, vessel, aircraft, marine structure or a container floating in the sea;
- To construct, alter or improve any works within the Scottish marine area either in or over the sea, or on or under the seabed;
- To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area;
- To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed).

The following activities described in the presentation are therefore considered to require a marine licence(s):

- To construct, alter or improve any works within the Scottish marine area either in or over the sea, or on or under the seabed;
- To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed);
- All deposits below Mean High Water Springs (MHWS).

Therefore, separate marine licences will be required for:

- all construction works taking place below MHWS, and;
- capital dredging and disposal

Any application for dredging and sea disposal must be accompanied with a Best Practicable Environmental Options (BPEO) report and up-to-date chemistry data for the material to be disposed of.

Pre-application Consultation

As of 6th April 2014, certain presrcibed activities are now subject to a public pre-application consultation requirement. The activities affected are large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. This new requirement allows those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted.

Given the size and type of this proposal, the pre-application consultation requirements will apply. A copy of the Guidance for this process is available on the Marine Scotland website at http://www.scotland.gov.uk/Resource/0043/00439649.pdf

National Marine Plan

Scotland's National Marine Plan (NMP) was published on 27th March 2015. This sets out Scottish Minister's policies for the sustainable development of Scotland's seas. The Plan will manage increasing demands for the use of our marine environment, encourage economic development of marine industries and incorporate environmental protection into marine decision making. The Plan covers the extent of the marine environment from MHWS to 200 nautical miles. The NMP is available on the the Scottish Government's website at: http://www.gov.scot/Publications/2015/03/6517

Within the NMP there are a number of marine planning and general policies (GEN) which set out strategic policies for the sustainable development of Scotland's marine resources. While all the policies in the NMP should be considered, where applicable, in relation to this proposal the policies which will be of particular relavence are:

- GEN 13 – Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects
- GEN 18 – early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes
- GEN 21 – Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation
- Marine planning policies relating to Shipping, Ports, Harbours and Ferries should also be considered

MSS Comments

Marine Scotland Science has no comments to make at this satge and will provide comment at the Scoping stage.

Thank you for consulting with us on this matter and if you require any further assistance or advice on Marine Licence matters, please contact the Licensing Operations Team at MS.MarineLicensing@scotland.gsi.gov.uk.

14. Built and Cultural Heritage

Impact on the Historic Environment, Kirsty Cameron , Historic Environment Team

There are no historic environment issues.

Impact on the Historic Environment, Nicola Hall, Historic Scotland

Key Points	Assessments to be carried out and/or submitted with application
The development proposal comprises of two elements, Phase 4A - Land reclamation for use as laydown space and Phase 4B - A 200m long deep water berth.	Any ES should include a detailed assessment of direct (i.e. physical) and indirect (i.e. the setting of a heritage asset) impacts on the historic environment.

We have considered it from our statutory remit. That is, scheduled monuments, category A listed buildings, Inventory gardens and designed landscapes, Inventory historic battlefields and historic marine protected areas. Information about these can be downloaded at: http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2000:10:0: We are aware of this proposal and understand from the Environmental Statement that a Protocol for Archaeological Discoveries will be implemented during any dredging works. As such, have no further comments to add to those already provided on the EIA and Marine License. Your Historic Environment Team will also be able to advise on potential impacts on the historic environment.	In undertaking this assessment, the developer may find the following advice useful: **EIA FAQ's:** http://www.historic-scotland.gov.uk/index/heritage/policy/environmental-assessment/eiafaqs.htm **Setting:** http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm **Marine Planning Guidance** Although focused on offshore wave and tidal developments, this guidance provides some general information about the marine historic environment: www.historic-scotland.gov.uk/wave-tidal-energy-guidance-nov-13.pdf

15. Developer Contributions

Response from Council's Planning Gain Negotiator, Nancy Merriman

This assessment is made against the Highland Wide Local Plan Policy 31: Developer Contributions and relevant Supplementary Guidance and the Highland Council's Developer Contribution Supplementary Guidance March 2013.

Developer contributions are a method to mitigate the impact of a development that cannot otherwise be mitigated through the planning application process and the use of planning conditions.

The proposal may attract developer contributions towards;

- public transport – the upgrade of the bus service and associated infrastructure may be required to meet the additional demands on the service(s);

- subject to the transport officer's comments, car parking mitigation may be required; and

- public art (delivery on-site is preferable and this can be incorporated into the development in many ways).

The level and exact nature of the contributions would be determined after discussions with the relevant services and the planning office to determine what impacts of the development would need to be mitigated. The planning application process may identify additional impacts that may require mitigation.

It is likely that a Section 75 Agreement would be required to secure any developer contributions required.

16. Pre-application Procedures/Guidance

Public consultation should be undertaken as the proposals develop to help both gauging the opinion of the local community and also scoping potential areas of conflict which could be addressed prior to submission of the application.

When carrying out community consultation we recommend that full consideration is taken of Scottish Government Planning Advice Note 3/2010 - Community Engagement. This includes the standards for

community involvement which should be adhered to. These standards are:

- Involvement
- Support
- Planning
- Methods
- Working together
- Sharing information
- Working with others
- Improvement
- Feedback
- Monitoring and evaluation

It is advisable to take into consideration all of the comments made by members of the public before a planning application is submitted to ensure that the public feel they have had an influence over the proposals. For public consultation it may be useful to use the SP=EED tool developed by Planning Aid Scotland. This builds on the Standards for Community Engagement set out in PAN 3/2010. This is available online at http://www.planningaidscotland.org.uk.

Design Review Panels

The purpose of design review panels are to raise the quality of the built environment by securing well designed places and buildings that respect and contribute positively to their settings, promote aspiration and a sense of belonging and use resources sensibly. The Highland Council facilitates a Design Review Panel for major and locally significant developments in Inverness providing timely, well-reasoned, constructive design advice in the run-up to submission of a planning application.

The Council do not consider, at this time, that your proposal would benefit from the design review process, however if you wish your project to be considered by the Inverness Design Review Panel please contact Una Lee using the details at the end of this pack.

Architecture and Design Scotland

Architecture and Design Scotland is the national champion for good architecture and sustainable place making. Their primary focus is on development of national importance and/or strategic significance but they also consider other projects that raise design issues of wider relevance. Two forums of direct engagement are offered by Architecture and Design Scotland, Design Forum Workshops and written scoping responses. The forum comprises an Architecture and Design Scotland Design Advisor and independent panel members that represent a broad variety of design and development professionals, all of whom have a thorough understanding of design and track record of achievement.

Processing Agreements

A processing agreement is a way of helping developers, the Council and relevant stakeholders work together through the planning process. It involves setting out the key stages involved in deciding a planning application, identifying what information is required from whom and setting time scales for the various stages of the process.
The Council actively encourages the use of processing agreements for major applications. You are advised to contact the Council's Major Application Team with a view to agreeing a Processing Agreement at the earliest possible opportunity. Contact details are provided in section 18 towards the end of this pack.

Proposal of Application Notice

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 require that for any major development (Schedule 1 – Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 2011) pre-application consultation must be undertaken. This requires a formal Proposal of Application Notice to be submitted to the Planning Authority at least 12 weeks prior to any formal planning application being lodged and any subsequent planning application must be accompanied by a Pre-application Community Consultation report. Further information is provided on the Council website, see:

http://www.highland.gov.uk/yourenvironment/planning/pre-application-advice/statutory-preapplication-consultation.htm

Environmental Impact Assessment Screening

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 requires that all Schedule 1 Development includes an Environmental Impact Assessment (EIA) to support a planning application. A formal request for a Screening Opinion is therefore unnecessary. The proposed development falls within section 8 (2) of Schedule 1. An EIA is therefore required.

http://www.highland.gov.uk/yourenvironment/planning/planningapplications/applyforplanningpermission.htm

Community Councils

In terms of the appropriate Community Councils to consult, the proposal is located within the Invergordon Community Council area. A development of the nature proposed may affect a number of adjacent Community Councils, as such it is recommended that adjacent Community Councils are also consulted. The Ward Manager (Helen Ross) can provide advice further in this regard if required. I would also recommend that Community Councils on the north side of the Black Isle are consulted (Ferintosh, Resolis and Cromarty) and Contact details for all community Councils can be found on the link below:
http://www.highland.gov.uk/livinghere/communitiesandorganisations/communitycouncils/

Access

It would be beneficial to at this stage consult with the local Disability Access Panel. The contact details for your local panel are:

- Ross & Cromarty Disability Access Group, PO Box 32, Muir of Ord, Ross-shire, IV6 7WE. Telephone: 01349 861956

For general advice in relation to the removal of barriers and the promotion of equal access for all people affected by disability for your development contact the Scottish Disability Equality Forum, 12 Enterprise House, Springkerse Business Park, Stirling, FK7 7UF. Telephone: (01786) 446456.

Councillors Code of Conduct

It would be beneficial for you to be familiar with the Councillors' Code of Conduct. This is available online from the Scottish Government's website.

17. Any other appropriate information

Gaelic
In line with the Council's ongoing commitment to promote the increased use of Gaelic in developments within the Highlands, you are encouraged to consider the use of bilingual signs - both internal and external - as part of your proposal. Our Gaelic Translation Officers are able to provide additional advice and help with translations, if required.
For further information and guidance, please contact the Council's Gaelic Translation Officer on (01463) 724287 or visit http://www.gaidhealtachd.gov.uk.
To download a copy of the Council's 'Using Gaelic in Signs' advice note, please visit:
http://www.highland.gov.uk/yourenvironment/planning/planningapplications/Adviceandguidance.htm.
For details on grant funding for bilingual signage, please contact Comunn na Gàidhlig on (01463) 724287 or visit www.cnag.org.uk.

18. Contacts

Major Applications Team Planning and Development Service Council Headquarters Glenurquhart Road Inverness IV3 5NX	**E-mail** devplans@highland.gov.uk	**Phone** 01463 702506

Highland Council		
Contact	**Email**	**Phone**
Dorothy Stott, Principal Planning Officer, Development Management	Dorothy.stott@highland.gov.uk	01349 868426
Duncan Sharp, Flood Risk Management Officer	Duncan.sharp@highland.gov.uk	01349 868807
Nick Richards, Forestry Officer	Nick.richards@highland.gov.uk	01463 702498
Esther MacRae, Scientific Officer, Environmental Health	esther.macrae@highland.gov.uk	01463 228734
Lynn Mackay, Policy	Lynn.Mackay@highland.gov.uk	01463 702291
Philip Waite, Access Officer	Philip.waite@highland.gov.uk	01349 868431
Robin Fraser, Environmental Health Officer	Robin.fraser@highland.gov.uk	01349 868445
Anne Cowling, Landscape Officer	Anne.cowling@highland.gov.uk	01463 702509
Kirsty Cameron, Historic Environment	Kirsty.cameron@highland.gov.uk	01463 702504
Jane Bridge, Transport Planning Engineer	Jane.bridge@highland.gov.uk	01387 252965
Nancy Merriman, Planning Gain Officer	Nancy.merriman@highland.gov.uk	01463 702899
Outside Agencies		
Lesley Logan, JMP (Term Consultant to Transport Scotland)	Lesley.logan@jmp.co.uk	0141 221 4030
Nicola Hall, Senior Heritage Management Officer, Historic Scotland	Nicola.Hall@scotland.gsi.gov.uk	0131 668 8092
Susan Haslam, SEPA	Planning.Dingwall@sepa.org.uk	01349 860359
Ben Leyshon, Area Officer, Scottish Natural Heritage	Ben.leyshon@snh.gov.uk	01349 865333
Timothy.Roberts, Licensing Operations Team, Marine Scotland	MS.MarineLicensing@scotland.gsi.gov.uk Timothy.Roberts@scotland.gsi.gov.uk	01224 295579

Planning Application Submission Checklist		
If there is a tick next to one of the following documents then we will require you to submit it along with your application for planning permission. If you choose not to follow our advice and do not submit one of the required documents then we will expect a justification for this. A form for this which should be submitted with your application is available to download from http://www.highland.gov.uk/		
Natural Heritage	Landscape and Visual Impact Assessment	√
	Landscape Plan	√
	Landscape Maintenance/Management Plan	√
	Protected Habitat Survey	√
	Protected Species Survey	√
Design	Design Brief and/or Master Plan	√
	Design and Access Statement	√
	Sustainable Design Statement	√
	Dust Survey	√
	Noise Impact Assessment	√
	Waste Strategy	√
	Construction Environmental Management Plan	√
Transport and Wider Access	Green Travel Framework	√
	Scottish Transport Appraisal Guidance (STAG)	√
	Transport Assessment	√
Water	Flood Risk Assessment including assessment of Coastal Flood Levels	√
	Drainage Impact Assessment and Sustainable Drainage System Plan	√
Public Consultations	Pre-application Consultation Report	√
Any other appropriate document	Environmental Impact Assessment	√

Environmental Impact Assessment

Screening and Scoping

As noted at Section 16 above, the proposal has been determined to require an EIA, as it is a Schedule 1 development and therefore will require the production of an Environmental Statement. It is recommended that you submit a request for Scoping Opinion prior to preparing the required EIA.

http://www.highland.gov.uk/downloads/download/704/planning_permission_-_printable_applications

The Highland Council Scoping Response was issued on….	
The Highland Council Scoping Response is attached	
The Highland Council Scoping Response **is not** attached because it was not requested.	√

Historic Environment Scotland
Àrainneachd Eachdraidheil Alba

By email: rani.sermpezi@scotland.gsi.gov.uk

Ms Rani Sermpezi
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8657
Switchboard: 0131 668 8600
Ruth.Cameron@gov.scot

Our ref: AMN/16/H
Our Case ID: 201504353
02 November 2015

Dear Ms Sermpezi

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 – Invergordon Service Base, Phase 4 Development (Scoping Report)

Thank you for your consultation, dated 12 October 2015, regarding the Phase 4 Scoping Report for the above proposed development. We have reviewed the details provided, and our comments here focus on our historic environment interests. This covers scheduled monuments and their settings, category A listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields, world heritage sites and historic marine protected areas. In this case, our advice also includes matters relating to marine archaeology out with the scope of the terrestrial planning system.

We are content that the scoping report accurately identifies the relevant policy and guidance, and that table 6.1 identifies those sites covered by our interests whose settings may be impacted by the development. At this stage, from the details provided, we are content to agree with the conclusion of the report that it appears unlikely that these impacts will be significant. We welcome the level of detail provided to justify this conclusion.

Regarding potential direct impacts on marine archaeology, we are content that the only potentially significant impacts are likely to be on any previously unidentified sites. We therefore welcome the proposed inclusion of an Archaeology Protocol as mitigation for this. We would be happy to comment on a draft document for this when it is produced.

We recommend that you also consult the relevant local authority conservation and archaeological services on potential cultural heritage impacts. They may also wish to provide comments or advice on the scoping report, and this may include heritage assets beyond our remit, such as category B and C listed buildings and unscheduled terrestrial archaeology.

I hope that this response is helpful to you. Please contact me directly should it raise any issues which you would like to discuss further.

Yours sincerely

[redacted]

Ruth Cameron | Senior Heritage Management Officer, EIA

Maritime & Coastguard Agency

Navigation Safety Branch
Bay 2/20
Spring Place
105 Commercial Road
Southampton
SO15 1EG

United Kingdom

Tel: **+44 (0)23 8032 9184**
Fax: **++44 (**0)23 80 329104
E-mail: **navigationsafety@mcga.gov.uk**

Rania Sermpezi
Marine Licencing
Marine Scotland

Your ref:
Our ref: **MNA 053/008/0028**

29 October 2015

Dear Rania

Cromarty Firth Port Authority – Phase 4 Development of the Invergorden Service Base

Thank you for your email dated 12 October 2015 inviting MCA to comment on the consultation documents for the Invergorden Service Base.

At this stage MCA can only generalise and point developers in the direction of the Port Marine Safety Code (PMSC). They will need to liaise and consult with the local Port Authority to develop a robust Safety Management System (SMS) for the project under this code.

The sections that we feel cover navigational safety under the PMSC and its Guide to Good Practice are as follows:

From the Guide to Good Practice, section 6 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. Section 6.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

6.7 Regulating harbour works

6.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

6.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration

should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

Following on from the scoping study an application for a Harbour Revision Order (HRO) may be required. If this is necessary, the MCA will need to be consulted again on any revisions we may require to enhance the initial conditions. Possible new conditions will be developed from the findings of a full Environmental Impact Assessment (EIS) report on the project.

Yours sincerely,

Helen Croxson
Navigation Safety Branch

marinescotland
science

T: +44 (0)1224 876544 F: +44 (0)1224 295511
MS_Renewables@scotland.gsi.gov.uk.

The Scottish Government

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

FKB/A1407 - CROMARTY FIRTH PORT AUTHORITY: SERVICE BASE - PHASE 4 BERTH DEVELOPMENT, INVERGORDON: MARINE SCOTLAND SCIENCE COMMENTS ON SCOPING OPINION

Marine Scotland Science (MSS) has reviewed the submitted scoping opinion and has provided the following comments.

marine mammals
MSS welcome the Port of Cromarty Firth scoping report prepared by Affric Ltd, with respect to its attention to the requirements to mitigate for disturbance of protected marine mammals. We recognise that, due to the recently licensed Phase 3 project, the primary issues pertaining to the impact of port development on marine mammals are familiar to the applicant, and have been highlighted in the scoping report.

MSS encourage further communication with ourselves and Scottish Natural Heritage regarding potential cumulative impacts of development outwith the Moray Firth, e.g. the European Offshore Wind Deployment Centre (EOWDC) in Aberdeen Bay, and Aberdeen Harbour Expansion – recognising the wide spatial range of the bottlenose dolphin SAC population.

ornithology
MSS have no comments at this stage but would be keen to see any responses from SNH and RSPB.

physical environment
The Phase 4 development of the Invergordon Service Base will provide additional laydown (reclaim 7 ha), berthing (additional 350 m) and potentially Roll-on, Roll-off capabilities. Phase 4 is still at an outline stage and the details for the project are not fully developed.

Comments on section 8: Coastal Processes, Ground conditions and contamination

The report states that potential impacts include the creation of sediment plumes and dredging disposal (if required) during the construction phase. If dredging disposal is required coordination with other companies for the disposal at Sutors would be good in order to spread out the disposal in time.

During the operational phase there is a potential to cause localised changes to currents and sedimentation rates. This will need to be evaluated in more detail but might already be planned as part of the hydrological modelling. The changes to currents will need to be small and localised!

The report states that the hydrological model will be updated to include the proposed Phase 4 development and we support that! It also states that the modelling will be utilized in the finalization of

the design layout of the Phase 4 development to ensure impacts are minimised. That is necessary to come up with the best design possible.

The report also states that the design will also take into account tidal levels to identify an appropriate height above sea level for the land reclamation to minimize surface flooding risks. This will need to take into account storm surge events (for example 50, 100, 200 year events), and sea level rise.

The report says: “The risk of sediment plumes and re-release of contamination from the sea bed will be assessed…”How will this be assessed?

Overall MSS agree that coastal processes, ground conditions and contamination will have potential effects during both construction and operation and will need to be scoped in.

aquaculture
There are no specific comments to be made on the Operational Environmental Management Plan and Scoping Report for the Berth Development, Invergordon Service Base. The comments made on previous applications have not fundamentally changed, however some aquaculture sites in this area have been de-registered since our first response to Invergordon Service Base development in 2012. For clarity the proximity comments have been re-drafted and re-mapped.

There are no aquaculture sites within the proposed boundaries of the Invergordon Service Base site (see map on annex 1).

There are four active shellfish sites within the Moray Firth area, three in Cromarty Bay - a mussel long line site operated by Cromarty Mussels, a pacific oyster trestle site operated by Black Isle Seafood Ltd. and another pacific oyster trestle site operated by MacKenzie Oysters. There is also a wild bed of common mussels in the Dornoch Firth operated by the Highland Council. The closest site is approximately 90km from the boundaries of the Invergordon Service Base.

Since the submission of the original application the two inactive finfish sites situated within the Cromarty Firth area have been de-registered and the leases surrendered.

There are several land based freshwater sites displayed on the map but these are not expected to be affected by this development.

There are no other marine aquaculture sites on the east coast of Scotland to the south of the proposed development until North Berwick, and to the north, the next closest aquaculture sites would be around Orkney.

benthic ecology
MSS would suggest that the developer or their consultants also undertake video/photography transect observations over the development area.

We assume details on the number of sites to be visited and how many samples will be collected will be provided later.

Will PSA samples be collected or is this covered in the Hydrology and Geology sections?

Also there is no mention of potential introduction of invasive/alien species during construction and operation of the site.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box MS_Renewables@scotland.gsi.gov.uk.

Yours sincerely

[redacted]

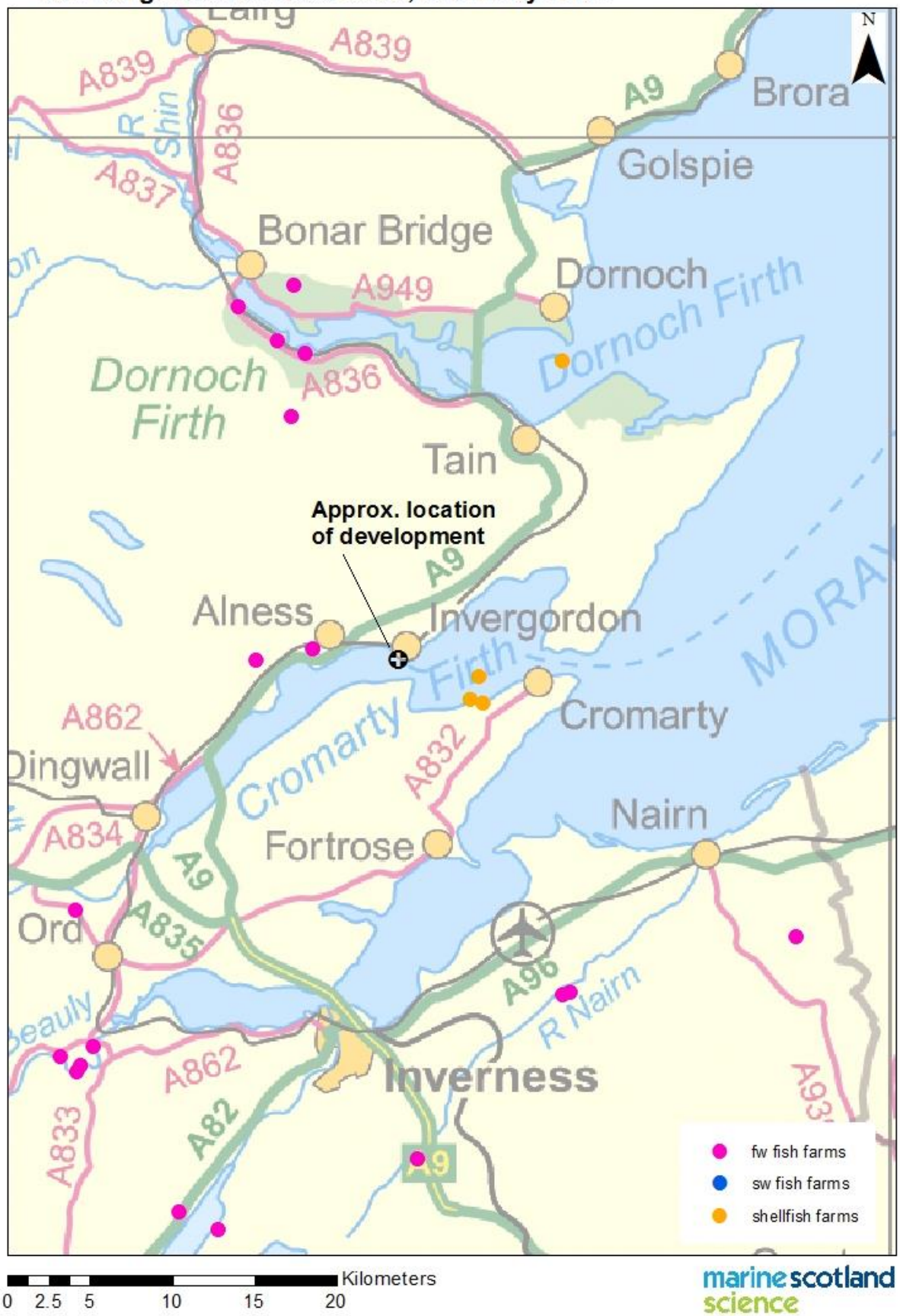
Paul Stainer

Marine Scotland Science

26 November 2015

Annex 1

Location of aquaculture sites in the vicinity of the development at Invergordon Service Base, Cromarty Firth



marine scotland science
Oct 2015 JMM

Marine Laboratory, PO Box 101, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland

From:	DIO-Safeguarding-Offshore (MULTIUSER)
To:	MS Marine Licensing
Subject:	20151016: RE: Cromarty Firth Port Authority - Phase 4 Development - Invergordon Service Base - Scoping - Response required by 09 November 2015
Date:	16 October 2015 09:08:10
Attachments:	image001.jpg image002.jpg

Dear Licensing Team,

Our ref: D/DIO/OS/2015/622

Thank you for consulting the MOD on this application. I can confirm that we have no comments or safeguarding objections to this proposal.

Regards,

Dan Barrett | Asst. Safeguarding Officer - Statutory & Offshore
Email: DIOSEE-EPSSG1A3@MOD.UK
DIO Safeguarding | Building 49, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield B75 7RL
Civ: 0121 311 3847 / Mil: 94421 3847

My working hours are Thurs/Fri 0830-1630 - I cannot access my emails outside of these times.

From:	mfp
To:	MS Marine Licensing
Subject:	RE: Cromarty Firth Port Authority - Phase 4 Development - Invergordon Service Base - Scoping - Response required by 09 November 2015
Date:	16 October 2015 19:22:54
Attachments:	image001.jpg image002.jpg

Dear Rania

Thank you for this notification. The Moray Firth Partnership will not be submitting a response to this, but will be alerting our members to the ongoing public discussion workshops etc and will aim to ensure that any relevant information is passed on to you / the applicant.

Regards

Kathryn

Kathryn Logan, Manager
Moray Firth Partnership, Great Glen House, Leachkin Road, INVERNESS, Scotland. IV3 8NW
Tel: (+44) (0)1463 725028 Website www.morayfirth-partnership.org
Company (Limited by Guarantee) No. 196042 Registered Charity No. SC028964

Bringing together people, knowledge and resources to make the most of our coast and sea now and for future generations.

Northern Lighthouse Board

CAPTAIN PHILLIP DAY
DIRECTOR OF MARINE OPERATIONS

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: Invergordon Service Base –Scoping Report
Our Ref: PD/OPS/ML/C8_02_074

Rania Sermpezi
Marine Licensing Casework Officer
Marine Scotland – Marine Planning & Policy
Marine Laboratory
PO Box 101
375 Victoria Road
ABERDEEN
AB11 9DB

6 November 2015

Dear Rania

CROMARTY FIRTH PORT AUTHORITY (PER AFFRIC LTD) - PHASE 4 SCOPING REPORT - INVERGORDON SERVICE BASE

Thank you for your e-mail correspondence dated 12 October 2015 regarding the Scoping Report and Pre-Application Consultation Plan submitted by Affric Ltd on behalf of **Cromarty Firth Port Authority** for the Phase 4 Development of the Invergordon Service Base, Cromarty Firth.

Northern Lighthouse Board has no objections and welcomes the proposed development, which will enhance the facilities of the existing Invergordon Service Base by means of three potential elements:

- Reclamation of approximately 7 Ha of land to the West of the Phase 3 Development to provide additional laydown space;
- Provision of an additional 350 metres of berthing to the West of the Phase 3 Development; and
- Provision of a Roll-On-Roll-Off (Ro-Ro) facility on the quay wall.

We note that a Marine Licence will be sought for this activity and will advise of any marking and lighting requirements in our response to that application. We would anticipate a requirement to relocate the navigation light marking the Southwest corner of the Phase 3 development.

[redacted]

giving nature a home

RSPB Scotland

Fiona Henderson

Marine Scotland Licensing Operations Team

375 Victoria Road

Aberdeen

AB119DB

3rd November 2015

By email: info@affriclimited.co.uk

Dear Sirs

Re: Phase 4 Development of Invergordon Service Base

There are natural heritage interests of international importance associated with the Cromarty Frith Special Protection Area (SPA). We are concerned about construction and operational disturbance that this development may cause and changes to the extent and availbilty of intertidal habitat as a consequence of altered wave, tidal and sediment patterns. These aspects will need to be addressed in detail by the Environmental Statement (ES).

This proposal is to the west of the breeding tern colony and to the west of the previous development works which have been undertaken already. We therefore feel that the impact on the breeding tern colony should be minimal, but would insist ES reflects any impact the project may have on the breeding terns and takes into consideration other esturine birds using the SPA. New works would also give the opportunity to re-think positive measures which could be undertaken to improve the productivity of breeding terns and we would welcome positive suggestions.

RSPB Scotland is happy with the approach to supply any data to inform and update information to inform the ES. We are also happy to be consulted at any stage to ensure the requirements of the SPA are fully considered within this project. We ask to be advised at the earliest possible stage about any proposed changes or further consultation which is relevant to RSPB Scotlands interests concerning this development.

Yours Sincerely

Darrell Stevens

Conservation Officer

South Highland

North Scotland Office
Etive House
Beechwood Park
Inverness
IV2 3BW

Tel 01463 715000
Fax 01408 715315

rspb.org.uk

From:	Pauline McGrow
To:	MS Marine Licensing
Subject:	RE: Cromarty Firth Port Authority - Phase 4 Development - Invergordon Service Base - Scoping - Response required by 09 November 2015
Date:	09 November 2015 16:26:20
Attachments:	image004.gif image005.jpg image006.jpg image007.png image008.jpg image003.jpg

---

Dear Rania,

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

Kind Regards

Pauline

Pauline McGrow
Senior Administrator
Royal Yachting Association Scotland
T: 0131 317 4611
E: pauline.mcgrow@ryascotland.org.uk

RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
www.ryascotland.org.uk **T**: 0131 317 7388 **F**: 0844 556 9549

From:	Planning Dingwall
To:	MS Marine Licensing
Cc:	"dorothy.stott@highland.gov.uk"
Subject:	RE: Cromarty Firth Port Authority - Phase 4 Development - Invergordon Service Base - Scoping - Response required by 09 November 2015
Date:	13 October 2015 11:54:37
Attachments:	image001.jpg PCS142358 11 Sept 2015.doc

Hello Rania

Thank you for your email. As far as I can determine the scoping report hasn't changes since we saw it last month so our attached previous response still stands.

Kind regards

Susan

Susan Haslam
Senior Planning Officer

Planning Service, SEPA, Graesser House, Dingwall Business Park, Dingwall, IV15 9XB
Direct line: 01349 860359 Mobile: 07713053767 email: susan.haslam@sepa.org.uk
Please note I am not at work Friday afternoons

Our ref: PCS/142358
Your ref: TBC

Marine Scotland
Aberdeen

If telephoning ask for:
Susan Haslam

By email only to: ms.marinelicensing@scotland.gsi.gov.uk

11 September 2015

Dear Sir or Madam

The development comprises of two elements, Phase 4A - Land reclamation for use as laydown space and Phase 4B - A 200m long deep water berth.
Cromarty Firth Port Authority, Shore Road, Invergordon, IV18 0HD

As you know SEPA was copied into the emails to you of 2 September 2015 which included the scoping report for the above development.

We provide the following advice on the key issues that we consider should be addressed as part of the application process, which is based heavily on the pre-application advice we have previously provided to the Highland Council and applicant.

We would welcome the opportunity to comment on the draft ES. Please note that we can process files only of a maximum size of 25MB and therefore, when the ES is submitted, it should be divided into appropriately sized and named sections.

1. Pollution prevention and environmental management issues within the marine environment

1.1 We refer you to our marine environment standard advice - available from www.sepa.org.uk/environment/land/planning/advice-for-key-agencies/ - for general advice on pollution prevention and environmental management in the marine environment.

2. Water Framework Directive and River Basin Management Planning (RMBP)

2.1 Just for background information in relation to sections 14.2 and 15.1 of the scoping report, it should be recognised that the overall classification of ecological status under WFD is made up of several different tiers of classification and includes the consideration of chemical, biological and hydromorphological parameters (e.g. structure and integrity of intertidal and subtidal zones), not just water quality.

2.2 Land claim in coastal areas results in loss of morphological capacity/habitats. Our initial assessment of the proposals is that they are unlikely to result in a deterioration in the hydromorphological status of the Inner Cromarty Firth water body. However it should be recognised that the loss of intertidal/subtidal area will result in the hydromorphological status classification moving towards the High/Good boundary.

2.3 We would likely object to any development proposal which resulted in the downgrade of the water body from High to Good, and the applicant, planning authority and Marine Scotland should take this into consideration when considering this and future proposals in this area.

3. Coastal processes

3.1 The potential exists for there to be changes to coastal and sediment transport processes in the adjacent water body. The application should assess the significance of such alterations and discuss the implications of these with respect to shoreline and seabed morphology, and wider ecosystem health in line with RBMP objectives.

4. Land reclamation works

4.1 We presume that construction material suitable for use or material specifically dredged for this purpose will be used as construction fill but ask that the application confirm this and the method of formation.

4.2 If any waste materials are to be used then these should be outlined along with a justification as to why they are suitable for use. Note such proposals could require an exemption from waste management licensing from SEPA.

5. Drainage

5.1 The application should include information on surface water drainage treatment from the area. The system is likely to require a mixture of Sustainable Drainage Systems (SUDS) (designed to meet the requirements of The SUDS Manual) with oil interceptors if machinery is to be operating on the quayside and is likely to be similar to that developed for Phase 3. The information provided should include a clear plan, annotated to explain how treatment is being achieved. Industrial sites like this are usually supported by three different levels of SUDS treatment. The proposal will require an authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) - further information on CAR is available from our website.

6. Impact on local nature designations

6.1 We note that the site is located within a number of Cromarty Firth designations. In line with our Joint land use planning working arrangements for SEPA and SNH (available from www.sepa.org.uk/environment/land/planning/advice-for-key-agencies/) we have not provided you with advice on potential impacts of the development on the qualifying features of the designated site as this is an issue for SNH. We have however shared a draft of this response with them to ensure you are provided with compatible advice.

7. Regulatory advice for the applicant

7.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel: 01349 862 021

Should you wish to discuss this letter please do not hesitate to contact me on 01349 860359 or planning.dingwall@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

ECopy to: fiona.henderson@affriclimited.co.uk; Ben.Leyshon@snh.gov.uk; Dorothy.stott@highland.gov.uk;

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Our ref: CNS/MSA/HI/ML-ISB/A1790754
Your ref: TBC

9th November 2015

By email only to: ms.marinelicensing@scotland.gsi.gov.uk and epc@highland.gov.uk

Dear Sir or Madam

The development comprises of two elements, Phase 4A - Land reclamation for use as laydown space and Phase 4B - A 200m long deep water berth.
Cromarty Firth Port Authority, Shore Road, Invergordon, IV18 0HD
Scoping Consultation

Thank you for consulting us on the scoping opinion for the above proposal. We understand that the Phase 4 development may require both planning permission and a marine licence and if this is the case then a lead body will be identified to co-ordinate the future Environmental Impact Assessment (EIA) and consultation process. In the meantime our comments here are provided to both Marine Scotland and The Highland Council.

Background

The pre-application Major Development meeting on 10th June 2015 helpfully identified key issues with the proposal at that time. Since then we have had a number of meetings with the applicant and their agents. As a result of this we are pleased to see that the latest proposal has been amended so that it no longer results in the direct loss of intertidal habitat (although there may still be indirect loss). This will significantly reduce impacts on the Cromarty Firth Special Protection Area (SPA).. Our comments reflect the revised proposal and we have updated our earlier pre-application advice accordingly, this is provided below. We recommend that our advice is included in the EIA process so that the proposal can be properly assessed at the planning/marine licence application stage.

Our advice

The key natural heritage issues arising from this development are the effects it will have on the designated features of the Cromarty Firth SPA, Ramsar site and SSSI. There will be effects on the Moray Firth SAC (dolphin interest) and the Dornoch and Morrich More SAC (common seal). European Protected Species (cetaceans and otter) will also be affected.

Designated sites - European (see http://gateway.snh.gov.uk/sitelink/index.jsp)

Cromarty Firth Special Protection Area (SPA) and Ramsar site

The effects of the proposal on the Cromarty Firth SPA and Ramsar site will be significant. The proposal involves the 'reclamation' of *circa* 7ha of the Cromarty Firth. Whilst the reclamation of approximately 2.3ha of the intertidal habitat within the Cromarty Firth SPA and Ramsar site (and SSSI) is no longer proposed, there will still be significant effects. The effects are two-fold:

- possible alterations to areas supporting habitat via changes to hydrogeographical processes;
- disturbance and displacement of feeding and possibly roosting birds during the construction and operational phases of the development.

Wetland Bird Survey (WeBS) counts show that SPA qualifying and assemblage species occur in the Dalmore Bay count section which is immediately adjacent to the proposed development area. The count section is quite long with an area of salt marsh at the Dalmore (western) end. It is likely that birds are not distributed evenly across the count section and not all the birds recorded in the count section use the area affected by this proposal. WeBS counts are also high tide counts and therefore mostly record roosting birds. There are five roosts within the Dalmore Bay section[1], of these, one roost is just over 500m from the western edge of Phase 4. This roost could be subjected to visual, noise and light disturbance during construction and operation.

The habitat in this part of the SPA appears to be comparatively sandy with a large number of stones, this is not the most attractive feeding substrate for most of the species for which the Cromarty Firth has been designated. Low Tide counts undertaken periodically by the British Trust for Ornithology (BTO) in the Cromarty Firth show where birds are feeding. The section closest to the Service Base appears to be little used by most species although a low to moderate density of oystercatchers has been recorded there. Low densities of curlew have also been recorded and the area is increasingly being used by redshank, particularly in late summer, when they are disturbed from sites further south. Birds feeding outwith but close to the area to be reclaimed could still be subject to visual and noise disturbance during construction and operation of Phase 4.

Due to possible changes to areas of supporting habitat and the disturbance/displacement of feeding and roosting birds this proposal will have a significant effect on the SPA. To assess whether the proposal will have an adverse impact on the integrity of the site the developer will need to provide a detailed analysis of bird usage in the section of the SPA close to the proposed area.

Section 9.3.3 of the Scoping Report helpfully identifies the key elements of the assessment required. We have summarised these elements below along with advice about what further detail will be required to enable a meaningful assessment of the ES to be carried out:

- *Utilise existing baseline information and the new survey work in October to December 2015 to assess the ornithological importance of the intertidal immediately adjacent to the development.* This assessment must include all stages of the tidal cycle. Please note, WeBS counts are carried out every year, not just in the years listed in Section 9.3.3. The years listed refer to the low tide WeBS counts.
- *Identify the age class of the birds present during the surveys.* Despite identifying the need for this information it is unclear from the Scoping Report how this information will be used. The Report states that the information will be used to 'provide an insight in to the importance of the area'. We advise that an assessment of the birds' age class will help to provide a more robust analysis of the likely impact on the SPA. In addition to data the applicant gathers as part of their own surveys, the Highland Ringing Group may also have data on the age class which could be used in the analysis.
- *A marine invertebrate survey.* An assessment of the prey base adjacent to the proposal area will help assess the importance of the habitat for SPA birds in comparison to the rest of the Firth. Potential impacts on intertidal flora should also be

[1] SNH Commissioned Report 252, Moray Firth Wildlfowl & Wader Roosts, 2007. Page 37, Figure 34. http://www.snh.org.uk/pdfs/publications/commissioned_reports/252.pdf

undertaken as intertidal plants provide an important source of food for certain species (e.g. *Zostera sp*).

- *Use of the hydrology modelling to inform the assessment.* The information coming from the hydrology modelling should be used to predict the possible changes to the in-fauna and epi-flora of the intertidal areas of the SPA to estimate changes in the food resources available. It should also be used to assess possible changes to roosting sites. The potential for hydrological changes to change the time period that the intertidal areas are exposed and available for feeding should be assessed. Although the applicant identifies changes in sediment movements as having a potential impact during the operational phase, it is unclear if they have recognised this as an impact during the construction phase. The need for hydrology modelling is consistent with SEPA's response of 11th September 2015 in which they state, 'The potential exists for there to be changes to coastal and sediment transport processes in the adjacent water body. The application should assess the significance of such alterations and discuss the implications of these with respect to shoreline and seabed morphology, and wider ecosystem health in line with RBMP objectives.'
- *Water quality impacts on the interests of the designated site.* In Section 14 of the Scoping Report the applicant refers to water quality issues resulting from construction however it is not clear if this includes sediment deposition on the intertidal areas in the SPA.

Further comments on Section 9.3.3

- The non-specific statement in Section 9.3.3 that 'A full assessment of impacts on the ornithology in the surrounding area and the wider effects on the designation will be considered as part of the assessment' does not make it clear whether the applicant will be assessing all the issues that might affect the designated sites, especially noise, lighting and the presence of tall structures which could act as perches for predators.
- The applicant should consider cumulative effects associated with Phase 4, particularly in relation to previous disturbance or habitat loss associated with the earlier phases of work at Invergordon and elsewhere in the Firth.

In addition to the issues raised above, we advise that the EIA should consider the mitigation that could be deployed to reduce the adverse effects of the proposal. This could include:

- timing of works to avoid the main non-breeding bird concentrations;
- the type of lighting used during both the construction and operational phases;
- noise reduction/attenuation measures;
- reducing the presence of tall structures closest to the intertidal areas that can be used by predators;
- provision of alternative disturbance free roost sites - either during construction or permanently;
- consideration of how the proposal may be designed to provide benefit to the common tern interest.

Moray Firth Special Area of Conservation (SAC)

The effects of the proposal on the bottlenose dolphin interest of the Moray Firth SAC are likely to be significant. Underwater noise arising from piling activities, increased vessel traffic and dredging and disposal operations may all result in disturbance to the dolphins.

Underwater noise – we are pleased to note that the current proposal will not involve the use of percussive piling and that the new quays will be constructed using only vibro piling. This premise needs to be confirmed within the ES and it will presumably be substantiated by

further ground investigations. We are pleased to note that the applicant carried out comprehensive and thorough underwater noise modelling as part of Phase 3 and this showed that noise associated with the previous vibro piling works fell within acceptable limits for the dolphins, with higher noise levels being localised to the working areas. This data will be very helpful for assessing the current proposal. The applicant should provide details about the timing and duration of the piling works envisaged and if necessary what monitoring and mitigation will be deployed. In our view the mitigation carried out as part of the Phase 3 development should inform mitigation for Phase 4. If percussive piling is a possibility then the ES should include assessment of this also and the mitigation measures to be deployed to minimise underwater noise.

Vessel movements – we are pleased to note that the applicant will contact the University of Aberdeen to consider predicted vessel movements (including number, type and seasonality) and to incorporate this into the existing PCAD model in order to inform the assessment of any effects on the dolphins.

Dredging and disposal - we recommend that the applicant provide details on the dredging and disposal operations including the quantity, duration, timing and seasonality of any works. As far as possible, vessel movements associated with dredging and disposal operations for the construction and operational stages should be quantified and if material is to be disposed of between the Sutors then the ES should stipulate how disturbance or injury to the dolphins will be avoided. We note and welcome that the applicant will adhere to the latest best practice guidance available at the time in relation to the disposal operations at the Sutors.

The effects of the proposal on the subtidal sandbank interest of the Moray Firth SAC are also significant through smothering of the habitats and species present at the disposal site. The applicant should provide information on the volume and type of material to be disposed of at the Sutors.

Dornoch Firth and Morrich More Special Area of Conservation (SAC) – common seals

Significant numbers of common seals occur in the Cromarty Firth, particularly at haul outs near Foulis. This is less than 50km from the Dornoch Firth and Morrich More SAC and common seals are a qualifying interest of that site. There is therefore connectivity between that SAC and the common seals that occur in the Cromarty Firth. This proposal has the potential to disturb common seals during the construction and operational phases as a result of ship movements, lighting and terrestrial and underwater noise. The ES should consider the impact of the proposal on the common seals that use the haul out site near Foulis, the potential implications of this for the Dornoch Firth and Morrich More SAC and how any impacts can be mitigated.

Designated sites - national (see http://gateway.snh.gov.uk/sitelink/index.jsp)

The effects of the proposal will have a significant effect on the Cromarty Firth Site of Scientific Interest (SSSI) for the same reasons as described above for the Cromarty Firth SPA and Ramsar site. The information required to assess these effects and how to mitigate them are the same as those described for the SPA and Ramsar site above.

European Protected Species

Cetaceans - the activities described for bottlenose dolphins above may also have the potential to disturb other cetaceans, most notably harbour porpoise. Any mitigation measures aimed at safeguarding the dolphins will also benefit harbour porpoise, however the habits of these species varies. The ES should therefore assess the potential impact of the proposal on both bottlenose dolphins and harbour porpoise. An EPS licence may be required from Marine

Scotland for disturbance to cetaceans (see http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/dolphins-whales-porpoises/).

Otter - otters use the site, particularly along the foreshore and the existing rock armouring installed as part of the Phase 3 development. The ES should complement existing data on otters gathered by the applicant through the provision of an up to date otter survey and mitigation plan. This should include an area 250m beyond the development footprint. An EPS licence may be required from us depending on the outcome of any survey.

Concluding comments

Should you wish to discuss this letter please do not hesitate to contact me on 01349 865333 or ben.leyshon@snh.gov.uk.

Yours sincerely

BEN LEYSHON
Team Leader – Inner Moray Firth
ben.leyson@snh.gov.uk

ECopy to: fiona.henderson@affriclimited.co.uk; planning.dingwall@sepa.org.uk

Development Management and Strategic Road Safety
Trunk Road and Bus Operations

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7386, Fax: 0141 272 7350
John.McDonald@transportscotland.gsi.gov.uk

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Alexander Ford
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

JMP ref:
TS00419

Date:
20th October 2015

Dear Sirs,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED) CROMARTY FIRTH PORT AUTHORITY – PHASE 4 DEVELOPMENT, INVERGORDON SERVICE BASE, HIGHLAND (SCOPING REPORT)

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Statement (ES) Scoping Report (SR) prepared by Affric Ltd on behalf of the Port of Cromarty Firth in support of the above development.

This information has been passed to JMP Consultants Limited for review in their capacity as Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

Development Proposal & Site Location

We understand from the SR provided by the applicant that the development proposal is to:

- Reclaim approximately 7ha of land for a laydown area;
- Creation of an additional berth; and
- Provision of a Roll-On-Roll-Off (Ro-Ro) facility.

The site is located within the existing Cromarty Firth Port at Invergordon which is 22km to the north of Inverness, Highland. The closest trunk road to the development is the A9 (T) approximately 4.5km to the west of the site.

Assessment of Traffic & Environmental Impacts

With regard to the potential environmental impacts of the development on receptors adjacent to the trunk road network, there are a number of issues which should be taken into consideration when assessing the merits of the development. The ES should provide information with regard to the construction stage including the preferred route options for the movement of any heavy loads, an estimate of vehicle trip generation from the site and an indication of distribution / assignment of these trips.

In addition, information must be supplied identifying potential environmental impacts on the trunk road once the development is operational.

We would generally advise that the assessment of environment effects of road traffic should be undertaken in accordance with the guidance set out within the Institute of Environmental Management and Assessment (IEMA) publication "Guidelines on the Environmental Assessment of Road Traffic (Guidance Note 1)", 1993. The IEMA guidelines generally advise that further assessment should be undertaken on:

- "Highway links where traffic flows will increase by more than 30% (or the number of HGV's will increase by more than 30%); and
- Any specifically sensitive areas where the traffic flows have increased by 10% or more."

We would also advise that useful guidance is also provided within Planning Advice Note 1/2013 on the EIA process and the preparation of Environmental Statements.

Potential trunk road related environmental impacts such as driver delay, severance, pedestrian amenity, safety etc should be considered and assessed where appropriate (i.e. Where IEMA thresholds for further assessment are exceeded). In the case of the ES the methods adopted to assess the likely traffic and transportation impacts on traffics flows and transportation infrastructure should comprise:

- Determination of the baseline traffic and transportation conditions, and the sensitivity of the site and existence of any receptors likely to be affected in proximity of the trunk road network;
- Review of the development proposals to determine the predicted construction and operational requirements; and
- Assessment of the significance of predicted impacts from these transport requirements taking into account impact magnitude (before and after mitigation) and baseline environmental sensitivity.

Noise and Vibration

Impacts to sensitive receptors associated with noise and vibration arising from the proposed development during the construction and operational phases should be considered, and we note that an assessment of construction noise will be carried out in line with BS 5228-1:2009 and appropriate mitigation measures will be identified. This approach is acceptable.

Air Quality

Air Quality impacts are considered in Chapter 7 of the SR. Given the nature and scale of the development and the fact that there are no significant air quality issues at the trunk road close to the site, it is considered that no further assessment of air quality impacts associated with generated traffic is required.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at JMP's Glasgow Office on 0141 226 6923.

Yours faithfully

[redacted]

John McDonald

Transport Scotland
Trunk Road and Bus Operations

cc Alan DeVenny - JMP Consultants Ltd

From:	Robert Merrylees
To:	MS Marine Licensing
Subject:	RE: Cromarty Firth Port Authority - Phase 4 Development - Invergordon Service Base - Scoping - Response required by 09 November 2015
Date:	23 October 2015 15:02:36
Attachments:	image001.jpg

Good afternoon Rania,

The UK Chamber welcomes the opportunity to comment on the Scoping Report submitted by Affric Ltd on behalf of Cromarty Firth Port Authority regarding the Phase 4 Development of the Invergordon Service Base.

The chamber supports Phase 4 of the development but has one comment which the scoping report does not address. The scoping report states in Section 4.4.1, that the Scottish National Marine Plan lays out a specific policy to maintain: "Safeguarded access to port and harbours and navigational safety."

Naturally following this policy the chamber would expect to find reference to the safeguarding of navigational safety within the report, specifically within Section 13 Traffic and Transport, when examining the potential impacts of the construction phase. Despite this, no comment is made to ensure safe maritime navigation nearby the site during the construction phase for vessels using the port or transiting the area. The chamber would hope that sufficient aids to navigation by way or buoyage and lights are installed so that there is no issue for navigational safety in or around the area and that harbour users are made suitably aware and would appreciate confirmation that such measures to such effect are taken.

We appreciate the opportunity to comment and if you have any questions, please do not hesitate to contact me.

Kind regards

Robert

Robert Merrylees
Policy Advisor & Analyst

UK Chamber of Shipping
30 Park Street, London, SE1 9EQ

DD +44 (0) 20 7417 2843
rmerrylees@ukchamberofshipping.com
www.ukchamberofshipping.com

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Appendix B: Summary of Consultation Considerations

Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB
http://www.gov.scot/Topics/marine/Licensing/marine

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Appendix B : Summary of Consultation Considerations – to completed and submitted with ES

Consultee	Comment No.	Point for consideration within ES	ES Section/Page	Signature
e.g MSS	e.g. 1	e.g. Marine Mammals - spatial range of bottlenose dolphin SAC population	e.g. S.3 – P.76	

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Appendix C: ES Requirements

Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB
http://www.gov.scot/Topics/marine/Licensing/marine

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

In accordance with the Marine Works Regulations Schedule 3 Regulation 12(2), unless scoped out by the Scoping Opinion, Marine Scotland requests that any ES submitted in support of a marine licence application includes the below:

1. A description of the project and of the regulated activity, including details of the following matters—
(a) the location, size and nature of the project and the regulated activity;
(b) the quantity and nature and source of the materials to be used in the course of the project and the regulated activity;
(c) the quantity, nature and source of any items or materials to be deposited in the sea in the course of the project and the regulated activity; and
(d) the working methods to be used in the course of the project and the regulated activity.

2. A description of the aspects of the environment likely to be significantly affected by the project and the regulated activity, including—
(a) human beings, fauna and flora;
(b) soil, water, air, climate and the landscape;
(c) material assets and the cultural heritage; and
(d) the interaction between any two or more of the things mentioned in the preceding subparagraphs.

3.—(1) A description, complying with sub-paragraph (2), of the likely significant effects of the project and the regulated activity on the environment resulting from—
(a) the nature of the activities to be carried out and the manner in which they are to be carried out;
(b) the use of natural resources;
(c) the emission of pollutants;
(d) the creation of nuisances; and
(e) the elimination of waste.
(2) The description should cover each of the following categories of effect—
(a) direct and indirect effects;
(b) secondary effects;
(c) cumulative effects;
(d) short-term, medium-term and long-term effects;
(e) permanent and temporary effects; and
(f) positive and negative effects.

4. The forecasting methods used by the applicant to assess the main effects that the project and the regulated activity are likely to have on the environment.

5. A description of the measures envisaged to prevent, reduce and offset any significant adverse effects of the project and the regulated activity on the environment.

6. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects of those alternatives and the project as proposed.

7. A non-technical summary of the information provided under paragraphs 1 to 6.

8. Any difficulties, such as technical deficiencies or lack of knowledge, encountered in compiling any information of a kind specified in paragraphs 1 to 6.

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Appendix D – Pre-Dredge Sampling Guidance

Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB
http://www.gov.scot/Topics/marine/Licensing/marine

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

MARINE (SCOTLAND) ACT 2010

File Reference No.:

Sampling/analysis advice form for: **[Applicant Name]**

Name/location of dredging site: **(Location]**

Sampling Method

Grab Sampling 10.1		Core Sampling 10.2	

Summary of Samples analysis required

Number of sampling stations	
Number of grabs/cores* required per station ** delete as appropriate*	
Number of core fractions (see 10.2)	
Total number of samples	

Each sample will be sub-sampled and analysed for:

Metals	PAH	PCBs	TBT	PSA	TOC	Bioassay

Other Material (please specify)	

Total number of analyses to be undertaken (i.e. Total no. of samples x Total no. of analyses)	

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Contents

GUIDANCE FOR THE SAMPLING AND ANALYSIS OF SEDIMENT AND DREDGED MATERIAL TO BE SUBMITTED IN SUPPORT OF APPLICATIONS FOR SEA DISPOSAL OF DREDGED MATERIAL

Introduction

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

The purpose of introducing a code of practice for sampling and analysis of sediment/dredged material being undertaken by external parties is to ensure that the data being provided for the licensing authority are fit for purpose. It is not the intention of this document to provide an exhaustive list of guidance since each sea disposal operation is dealt with on a case-by-case basis; however it should be sufficient to initiate a pre-dredge survey strategy.

Applications for the sea disposal of dredged spoil are submitted under the Marine (Scotland) Act 2010. Part of the licensing process for sea disposal operations requires sampling and analysis of sediment/dredged material to be undertaken if existing analytical data for the same dredging area are more than 3 years old. The contaminant concentrations are used to assess the suitability of the dredged material for sea disposal.

1 Sample Station and Location

Table 1 is a general guide to the number of samples required to be collected and analysed for a particular volume of dredged sediment. Capital dredging or areas suspected to have high contaminant concentrations might require more samples to be collected in order to define the spatial extent of the contamination. Cores will be required if the dredge depth is greater than 1m and the sediment is fine grained. The number of core stations will be assessed in a similar way to the above, however the number of samples required will increase in order to identify the temporal extent of the contamination.

The scale of the dredging operation and site history will influence the extent of involvement of Marine Scotland Licensing Operations Team (MS-LOT) in defining the precise location of each of the sample stations. A location might be defined in terms of an annotated chart extract of the dredge area or as a series of latitude and longitude coordinates. If the sea bed is unsuitable for the recovery of a sediment sample, then a sample must be recovered as close to the original position as is practicable. The past and present activities undertaken in the harbour or port will in part control the location of sample stations. Appendix I includes the sampling protocol to be followed when using a grab or coring device.

2 Field Documentation

Each sample station must have a unique sample ID used to label and cross reference sub-samples taken from the same station.

A sample data sheet should include:

- Sample ID e.g. grab sample 1/ABZ/04, core samples 1/ABZ0-15/04, 1/ABZ50-65/04.
- Sample location e.g. Upper Quay, Victoria Dock.
- Sample coordinates in latitude and longitude in degrees minutes and decimals of minutes.
- Sample type i.e. sediment chemistry or sediment biology.
- Field Officer Name and Company Address.
- Date of collection.
- Time of collection.
- Depth of collection.
- Details of any deviation from sampling protocol.

3 Sediment Description

A sediment description sheet should include:

- Colour e.g. brown, grey, black.
- Texture e.g. clay, silt, sand, pebbles (Note the classification scheme).
- Odour e.g. petrochemical, hydrogen sulphide.
- Stratification in the grab or core e.g. depth of oxic/anoxic interface.
- Biota: presence or absence.
- Anthropogenic inputs e.g. note the presence of an oily sheen, scum, paint flecks, coal, slag material etc.
- Estimate quantity of recovered sediment i.e. depth sediment in the grab or length of core.

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

4 Quantity of Sample Required

In order to undertake the basic chemical analysis 500g of wet sediment should be sufficient to determine metals, polyaromatic hydrocarbons, polychlorinated biphenyls and tributyl tin. However, this amount will increase if whole sediment bioassay or radionuclides are required.

5 Sediment Sample Containers for Chemical Analysis and Whole Sediment Bioassay

Ensure that the sample containers are not filled to capacity as they should be stored frozen – leave approximately 10% of the container volume empty to allow for expansion when frozen. Also keep the threads of all containers free from sediment to maintain a tight seal during storage.

5.1 Metals and Particle Size Analysis

- Wide-mouth opaque polyethylene containers e.g. Medfor Products Ltd Cat. No. 619 (Tel. No. 01252 371181).

5.2 Organic Analysis

- Wide mouth glass jars with aluminium foil (pre-washed with hexane) separating the sample from the lid, or aluminium containers pre-washed with hexane, e.g. de la Pak Cat. No. 5123071 (Tel. No. 01386 554441).

5.3 Sediment Bioassay

- Polythene bags.

6 Sample Storage and Transportation

Ideal standard conditions for the storage and transportation of sediment samples are as follows:

All field-collected sediment samples for chemical analysis should be kept in the dark at a temperature of 4ºC or less after collection, and **frozen as soon as possible** to avoid samples being compromised.

All field-collected sediment samples for biological analysis should be kept in the dark at a temperature of 4ºC.

All field-collected samples that require further processing before storage should be transported to the laboratory as soon as possible, preferably within 24 hr of collection.

Deviation from the above will need to be recorded by the contractor.

7 Sample Analysis

When choosing a contractor consideration should preferentially be given to laboratories that are accredited for the requirements of the work to be undertaken and that have experience in analysing marine sediments. The quality of the analytical procedures provides confidence in the licensing process and procedures used to gather and interpret the analytical results. It is essential that the external party can demonstrate that the sampling and analytical methods used are appropriate, rigorous, repeatable and auditable.
The contractor will need to satisfy the licensing authority that the laboratory used can report on the following standards for chemical analysis:

- Precision of ≤±25% of a matrix matched standard with a determinand concentration of 33% of the Action Level 1 threshold value (Tables 2-4).
- Limit of detection shown in Tables 2-4 calculated as the standard deviation of matrix matched blanks or low standards (n≥7) multiplied by 4.65.
- Percentage recovery reported for all the determinands requested using matrix matched certified materials or when not available spiked samples.

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

Supplementary information on the following would also be very useful.

- Evidence of on-going quality control (e.g. Shewhart charts).
- Successful participation in laboratory proficiency schemes.

8 Retention of Samples

Samples must be retained until all the required consents for the operation have been confirmed.

Table 1 - Guide to the number of samples required for pre-dredge analysis

Volume Dredged (m^3)	No. of Samples Required
25,000	3
	4
50,000	5
75,000	6
100,000	7
	8
200,000	9
	10
300,000	11
	12
400,000	13
	14
500,000	15
600,000	16
	17
800,000	18
	19
1,000,000	20
	21
1,200,000	22
	23
1,400,000	24
	25
1,600,000	26
	27
1,800,000	28
	29
2,000,000	30

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Table 2 – Sediment QC criteria for trace metal (mg/kg) and TBT (µg/kg) concentrations

Quality Criteria	As	Cd	Cr	Cu	Hg	Ni	Pb	Zn	TBT
33% AL1	6.6	0.1	16.5	9.9	0.1	9.9	16.5	42.9	33.3
Precision (%)	25	25	25	25	25	25	25	25	25
LOD	1.0	0.05	0.2	0.1	0.05	0.2	0.2	2.0	10.0

Table 3 – Sediment QC criteria for chlorinated biphenyl (µg/kg) concentrations

Quality Criteria	CB28	CB52	CB101	CB118	CB153	CB138	CB180	ICES7 CB	TOTAL CB
33% AL1	0.47	0.47	0.47	0.47	0.47	0.47	0.47	3.30	6.80
Precision (%)	25	25	25	25	25	25	25	25	25
LOD	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.7	1.4

Table 4 - Sediment QC criteria for polycyclic aromatic hydrocarbon (µg/kg) concentrations

Quality Criteria	Naphthalene	Phenanthrene	Anthracene
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Fluoranthene**	**Pyrene**	**Benz[a]anthracene**
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Benzofluoranthenes**	**Benzo[a]pyrene**	**Indenopyrene**
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Benzoperylene**	**Acenaphthylene**	**Acenaphthene**
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Fluorene**	**Dibenz[a,h]anthracene**	**Chrysene**
33% AL1	33.3	3.3	33.3
Precision (%)	25	25	25
LOD	2.0	0.5	2.0

Please note that these detection limits are to be used as a guide. Where these detection limits cannot be met, please contact the Marine Scotland Licensing Operations Team (MS-LOT) for approval before undertaking testing: ms.marinelicensing@scotland.gsi.gov.uk. Detection limits **must** be above Revised Action Level 1 (Appendix 2) in order to gain approval.

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

9 APPENDIX 2

9.1 GRAB SAMPLES: GUIDANCE PROCEDURES FOR THE SAMPLING AND COLLECTION OF PHYSICO-CHEMICAL SEDIMENT SAMPLES

9.1.1 General

9.1.1.1 ***Where possible all samples from one station should be collected from the same grab sample.***

9.1.1.2 ***Where insufficient sediment is available from one grab sample, further sediment may be taken from an additional sample providing the sample volumes are homogenised prior to sub-sampling.***

9.1.2 Sample collection

9.1.2.1 ***Preferably use a Day or Van Veen grab with stainless steel buckets.***

9.1.2.2 ***Wash the sampling grab between stations to prevent cross-contamination.***

9.1.2.3 ***At all times protect the samples from contamination e.g. vessel exhaust, winch grease, smoking etc.***

9.1.3 Sample collection: Metals and particle size

9.1.3.1 ***Use a polyethylene scoop/spatula to collect the sample.***

9.1.3.2 ***Avoid sampling from the edges of the grab. Take the sample from the surface to a depth of 5cm. Record the depth of an anoxic layer if present within the surface 10cm.***

9.1.3.3 ***Homogenise the sediment using a polyethylene spatula in a large polyethylene container.***

9.1.3.4 ***Transfer sub-samples to separate smaller polyethylene containers for metal and particle size analysis.***

9.1.3.5 ***All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and*** *frozen as soon as possible* ***to avoid samples being compromised.***

9.1.3.6 ***Ensure all sample implements are washed with seawater in between samples.***

9.1.4 Sample collection: Organic carbon and organic chemicals including TBT

9.1.4.1 ***Use a stainless steel scoop/spatula to collect the sample.***

9.1.4.2 ***Avoid sampling from the edges of the grab. Take the sample from the surface to a depth of 5cm. Record the depth of an anoxic layer if present within the surface 10cm.***

9.1.4.3 ***Homogenise the sediment using a stainless steel spatula in a large stainless steel container.***

9.1.4.4 ***Transfer sub-samples to a suitable glass or metal container and freeze it as soon as possible.***

9.1.4.5 ***All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and*** *frozen as soon as possible* ***to avoid samples being compromised.***

9.1.4.6 ***Ensure all sample implements are washed with clean seawater in between samples.***

9.1.5 Sample collection: Whole sediment bioassay

9.1.5.1 ***Use a polyethylene scoop/spatula to collect the sample.***

9.1.5.2 ***Avoid sampling from the edges of the grab. Take the sample from the surface to a depth of 5cm. Record the depth of an anoxic layer if present within the surface 10cm.***

9.1.5.3 ***Sediment should be stored in polythene bags (excluding as much air as possible) and stored in the dark at refrigerated at approximately 4ºC until delivered to the laboratory.***

9.2 CORE SAMPLES: GUIDANCE PROCEDURES FOR THE SAMPLING AND COLLECTION OF PHYSICO-CHEMICAL SEDIMENT SAMPLES

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

9.2.1 General

9.2.1.1 ***Cores are usually required when the contaminant history of a dredge area is unknown and the depth of dredging exceeds 1m of fine sediment.***

9.2.1.2 ***Sample core intervals are a minimum of 15cm commencing at the sediment surface and then every 50cm thereafter e.g. 0-15cm, 50-65cm 100-115cm etc.***

9.2.1.3 ***A subset of the samples representing the top, middle and bottom of the core is initially chosen for analysis. The remaining samples may be used at a later date to confirm the spatial and temporal extent of elevated contaminant concentrations.***

9.2.1.4 ***Where insufficient sediment is available in the 15cm core extend the depth intervals until sufficient (i.e. 500g) sample is recovered.***

9.2.2 Sample collection

9.2.2.1 ***Preferably use a vibrocore with aluminium or plastic core liners.***

9.2.2.2 ***At all times protect the samples from contamination e.g. vessel exhaust, winch grease, smoking etc.***

9.2.2.3 ***The core intervals must be cut and capped at both ends.***

9.2.2.4 ***Ensure that the core ID, depth interval and orientation are recorded on the core sample.***

9.2.3 Sample recovery

9.2.3.1 ***Divide the core into two equal halves along the length of the core after it is extracted from the liner. Each half can be sub-sampled and homogenised using polyethylene and metal implements as described in 10.1.3.3 and 10.1.4.3 respectively.***

9.2.3.2 ***It is essential to avoid recovering sediment that has been in contact with the core liner and caps. Special attention is required when plastic liners are used and sectioned using a saw in order to avoid the inclusion of frayed plastic liner into the sample.***

9.2.4 Sample collection: Metals and particle size

9.2.4.1 ***Use a polyethylene scoop/spatula to collect the sample.***

9.2.4.2 ***Record the depth of an anoxic layer if present within the depth interval sampled.***

9.2.4.3 ***Transfer sub-samples of the homogenised sample from the larger container using a spatula to separate smaller polyethylene containers for metal and particle size analysis.***

9.2.4.4 ***All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and*** *frozen as soon as possible* ***to avoid samples being compromised.***

9.2.4.5 ***Ensure all sample implements are washed with seawater in between samples.***

9.2.5 Sample collection: Organic carbon and organic chemicals including TBT

9.2.5.1 ***Use a stainless steel scoop/spatula to collect the sample.***

9.2.5.2 ***Record the depth of an anoxic layer if present within the depth interval sampled.***

9.2.5.3 ***Transfer sub-samples of the homogenised sample from the larger container using a spatula to separate smaller aluminium or glass containers for organic carbon and organic chemical (including TBT) analysis.***

9.2.5.4 ***All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and*** *frozen as soon as possible* ***to avoid samples being compromised. Ensure all sample implements are washed with seawater in between samples.***

marinescotland

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: ms.marinelicensing@gov.scot

The Scottish Government
Riaghaltas na h-Alba

11 Appendix II

Contaminant	Existing AL1 mg/kg dry weight (ppm)	Existing AL2 mg/kg dry weight (ppm)	Revised AL1 mg/kg dry weight (ppm)	Revised AL2 mg/kg dry weight (ppm)
Arsenic (As)	20	50-100	20	70
Cadmium (Cd)	0.4	2	0.4	4
Chromium (Cr)	40	400	50	370
Copper (Cu)	40	400	30	300
Mercury (Hg)	0.3	3	0.25	1.5
Nickel (Ni)	20	200	30	150
Lead (Pb)	50	500	50	400
Zinc (Zn)	130	800	130	600
Tributyltin	0.1	1.0	0.1	0.5
Polychlorinated Biphenyls	0.02	0.2	0.02	0.18
Polyaromatic Hydrocarbons				
Acenaphthene			0.1	
Acenaphthylene			0.1	
Anthracene			0.1	
Fluorene			0.1	
Naphthalene			0.1	
Phenanthrene			0.1	
Benzo[a]anthracene			0.1	
Benzo[b]fluoranthene			0.1	
Benzo[k]fluoranthene			0.1	
Benzo[g]perylene			0.1	
Benzo[a]pyrene			0.1	
Benzo[g,h,i]perylene			0.1	
Dibenzo[a,h]anthracene			0.01	
Chrysene			0.1	
Fluoranthene			0.1	
Pyrene			0.1	
Indeno(1,2,3cd)pyrene			0.1	
Total hydrocarbons	100		100	
Booster Biocide and Brominated Flame Retardants *				

*Provisional Action Levels for these compounds are subject to further investigation.