

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

**Emma Cormack**  
**Envirocentre**  
**Craighall Business Park**  
**8 Eagle Street Park**  
**Glasgow**  
**G4 9XA**

Date: **6 September 2023**

Dear Ms Cormack,

**SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

Thank you for your screening opinion request dated 7 July 2023 and further information dated 15 August 2023 in regards to the proposed variation of Ardersier Port (Scotland) Ltd's marine licence to allow dredging and deposit of dredged material to be carried out until September 2025, to increase the dredge depth and area with a corresponding increase in volume of material to be dredged, and to remove night dredging restrictions at Ardersier Port, Ardersier, Nairn ("the Proposed Works").

The Proposed Works at Ardersier Port are to be undertaken as part of the capital dredging and dredge material deposit activities, for which the most recent marine licence was granted on 8 September 2022 ("the Licensed Works"). The Licensed Works are an Environmental Impact Assessment ("EIA") project therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 14 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations"), on the basis that they constitute a change to schedule 1 works already authorised. The Proposed Works are being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment ("EIA") project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency ("SEPA"), The Highland Council and Historic Environment Scotland ("HES") as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

## Characteristics of the works

The Licensed Works currently have a valid marine licence authorising dredging and deposit of dredge material to create a navigation channel and berth for the redevelopment of Ardersier Port. The current marine licence is valid until 30 September 2023. The Proposed Works are to extend the duration by two years to September 2025, to increase the dredge depth to -12.9 metres (“m”) Chart Datum (“CD”), to increase the volume of material to be dredged by 4,000,000 wet tonnes, and to remove the current night dredging restrictions.

The Proposed Works include the increase in dredge depth from -6.5m CD to -12.9m CD and an increase in the associated footprint using 1:6 stable side slope. The centreline of the proposed navigable channel will move slightly westwards compared to the Licensed Works however this will be a maximum deviation of 91m. A large cutter suction dredger, as described in the 2018 EIA, will be used to carry out the dredging over the summer campaign. It is expected that the dredge will be completed in one summer campaign but two years have been included for contingency. The cutter suction dredger will not be used in winter. If required, a smaller dredger or plough could be used during the winter months, as per the current winter dredging protocol.

Additionally, the proposal includes the removal of the night-time dredging restrictions to allow dredging to take place at night. The impacts in relation to night-time dredging were assessed as part of the 2018 EIA and it is not anticipated that the proposed amendments will affect the original assessment.

The proposed increase in material to be dredged of 4,000,000 wet tonnes will take the total dredge volume to 8,600,000 wet tonnes. The proposed additional 4,000,000 wet tonnes will be used onsite to upgrade the quay.

Under the Licensed Works, 600,000 wet tonnes of the dredge material is to be used to form the permanent dredge spoil storage bund. The bund that will remain on the western and northern margins of the sand stockpile will be shaped to screen any plant operating on the sand stockpile from the adjacent intertidal areas. Under the Proposed Works there is no increase to the amount of material to be stored in the stockpile at any one time.

The increase in the dredge footprint will see the partial loss of the predator free island on the western margin of the proposed dredge channel however an area of 512 square metres will remain.

The creation of the deeper channel is expected to trap sand moving from east to west along the outer edge of the spit. Any sand accumulating in the proposed channel will be dredged or ploughed onto the western margins of the proposed new dredge channel to maintain sand supply to the predator free island and intertidal areas to the west of the channel. This will be included as part of the maintenance dredge programme.

## Location of the works

The Proposed Works are located in Ardersier Port which is within the Inner Moray Firth Special Protection Area (“SPA”), Moray Firth SPA, and Whiteness Head Site of Special Scientific Interest (“SSSI”).

NatureScot advised that potential disturbance effects to non-breeding birds in the Inner Moray Firth SPA and Moray Firth SPA are unlikely to occur due to the timing of the Proposed Works during the summer. If dredging is to be undertaken in winter, then the existing small suction dredger will be used in accordance with the winter dredge protocol. If this is required,

the protocol should be updated to include new coastal topography, additional high tide SPA roosts and new bird disturbance guidance. The Scottish Ministers are content that these updates can be made through the marine licensing process and will not result in any additional impacts over and above those which have already been assessed.

NatureScot also noted that the 'island' created as part of the Licensed Works will not be lost entirely with the extension to the dredge area and that a portion of it will be retained to provide a predator-free nesting area for coastal birds. In addition, the intention to shape the stockpile of dredged material to screen heavy plant operating adjacent to the coastal edge will avoid impacts on a known high tide roost. NatureScot also welcomed the designation of an area adjacent to Delnies Creek as an undeveloped refuge for coastal birds. This location is favoured by foraging birds at lower tides and was previously going to be dredged as part of the Licensed Works.

The Highland Council advised that the Proposed Works may give rise to additional impacts on designated sites beyond those previously assessed however these additional impacts are unlikely to be significant in EIA terms. The Scottish Ministers are content that any impacts to the Inner Moray Firth SPA and Moray Firth SPA can be managed through the Habitats Regulations Appraisal ("HRA") carried out as part of the marine licensing process. NatureScot also agreed that a HRA should be submitted alongside any application for a marine licence for the Proposed Works.

NatureScot noted that there is a level of uncertainty regarding the potential impacts to Whiteness Head SSSI from the dredging works and expansion of the disturbed area post-dredging. Any effects will be identified following completion of the Spit Stability Geotechnical Assessment which is currently being undertaken. However, NatureScot advised that if any effects are identified, these can be managed as part of the marine licensing process. The Highland Council supported the further assessment of impacts on coastal processes using current bathymetric data however noted that the coastal processes and spit stability assessments submitted in support of the screening request found that the changes arising from the Proposed Works are largely insignificant. NatureScot encouraged the commitment to dredge or plough sand which accumulates in the new harbour channel to the western margin of the channel and advised that this will facilitate sediment movement to replenish the Whiteness Head SSSI sandflat habitats. NatureScot highlighted that this may require an update to the Sediment Transport Monitoring Plan. The Scottish Ministers are content that this can be done as part of the marine licensing process.

NatureScot advised that the Proposed Works are unlikely to result in adverse effects on harbour seals in the area. Haul-out locations currently favoured by harbour seals are approximately 1 kilometre from the location of the Proposed Works which has moved further from the location of the works than that originally assessed for the Licensed Works.

NatureScot concluded that although it is possible that the Proposed Works could result in effects on designated interests, many of the issues have already been addressed as part of the Licensed Works and any remaining issues can be managed through the marine licensing process. On this basis, NatureScot advised that it does not consider that an EIA is required for the Proposed Works.

### **Characteristics of the potential impact**

The Scottish Ministers note the comments from The Highland Council regarding the significant increase in the volume of dredged material and the lack of clarity about the storage and use of the additional material, noting that there is legitimate potential for beneficial re-use. The Scottish Ministers refer to the screening opinion request which does not include any

increase in the parameters of the stockpile of dredged material due to the intention to use the material in the quay wall construction. However, if this changes and there is a need to stockpile additional material, even if only temporary, then further advice must be sought from the Scottish Ministers.

The Highland Council concluded that the Proposed Works do not constitute an EIA development.

HES advised that the Proposed Works would be unlikely to give rise to any significant impacts on historic environment interests, over and above those already identified for the Licensed Works, therefore the Proposed Works do not require an EIA.

SEPA also advised that an EIA is not required for the Proposed Works.

## **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that an EIA is not required to be carried out in respect of the Proposed Works under the 2017 MW Regulations.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Directorate - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to The Highland Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website: [Marine Licence - Capital dredging and deposit of dredged material - Ardersier - 06859/00009478/00009936](https://www.marinescotland.gov.scot/information/marine-licence-capital-dredging-and-deposit-of-dredged-material-ardersier-06859/00009478/00009936) | [Marine Scotland Information](https://www.marinescotland.gov.scot/information)

The Scottish Ministers note that the creation of a deeper dredge pocket beyond -12.9m CD and the potential use of the port facilities for integration of floating wind turbines were explicitly excluded from your screening opinion request. Although significant comments on these elements have been provided in the consultation responses from NatureScot and the Highland Council, they have not been assessed in this screening opinion and should you wish to pursue them, you must seek further advice from the Scottish Ministers on the EIA implications.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely

**Louise Treble**

Marine Scotland - Licensing Operations Team

Appendix 1: Consultation responses received



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email to:** [Redacted]

Louise Treble  
Marine Licensing Casework Officer  
Marine Planning & Policy

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716

[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300019620

Your ref: SCR-0063

24 July 2023

Dear Louise Treble

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 SCR-0063 - Ardersier Port \(Scotland\) Limited \(per Envirocentre Ltd\) - Capital Dredging and Deposit Variation, Ardersier, Nairn Request for Screening Opinion](#)

Thank you for your consultation which we received on 12 July 2023 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, Historic Marine Protected Areas (HMPAs) gardens and designed landscapes and battlefields on their respective Inventories.

### **Our Screening opinion**

We understand that the proposed variations to the capital dredging licence in relation to the upgrade of existing facilities at Ardersier. The variations comprise a temporal extension to the Marine Capital Dredging Licence for 2 years, the removal of the night dredging restrictions and an alteration to the dredge area and volume; increasing the dredge depth to -12m CD and the associated dredging volume to 8,600,000 wet tons.

We previously responded to alterations to the Capital Dredging Licence at Ardersier Port (Our Reference 300019620) noting that we did not consider that the proposals were likely to give rise to significant impacts on our historic environment interests further to those already identified for Marine Licence reference: MS-00009620. We are content that the additional variations will not alter our previous advice and we are therefore content for the proposals to be screened out of the Environmental Impact Assessment (EIA) process.

We hope this is helpful. Please contact us if you have any questions about this response.

Yours sincerely

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Louise Treble  
Planning Department  
Marine Scotland

Our Ref: 9811  
Your Ref: SCR-0063

By email only to: MS.MarineLicensing@gov.scot

If emailing, mark FAO:  
planning.north@sepa.org.uk

4 August 2023

Dear Louise Treble

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Capital Dredging and Deposit Variation  
Ardersier, Nairn**

Thank you for your consultation which was received by SEPA on 12 July 2023 in relation to the above application. We understand the reason for consultation is 2. EIA.

**Advice for the determining authority**

In relation to SEPA's limited regulatory remit which falls within the scope of above regulations then we consider that EIA is not required. The proposals should be carried out in line with our standing advice and other guidance which is available on our [website](#) and in line with that guidance we do not wish to be consulted on the subsequent application.

However we bring to your attention the advice to the applicant below. We have some concerns regarding the potential impact the additional deposit of dredging materials on land could have and what will subsequently be done with the material.



**Chairman**  
Bob Downes

**CEO**  
OFFICIAL Nicole Paterson

**Angus Smith Building**  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

**Advice for the applicant**

The planning permission for the consented development includes genuine use of dredged material to raise the level of the land to protect against flood risk and we are content that the re-use of the material in line with that permission does not require any form of waste management licencing.

However it is not clear what is to be done with the additional material that will now be brought onto land. There may now be a requirement to revisit the land-based permission to account for the change in dredging proposals in relation to temporary storage, processing and use on site (and potentially elsewhere). Any uses on site must be genuine, for example the raising of the level of the land should only be to a level which provides legitimate protection from flood risk and any screening structures must be considered as necessary by the planning authority as visual or landscape mitigation. We recommend that you discuss this with the planning authority, copied in, if you have not done so already.

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Susan Haslam  
Senior Planning Officer  
Planning Service

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



Ardersier Port (Scotland) Ltd  
c/o Scottish Government  
Per; Louise Treble  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Please ask for/Foighnich airson: Jethro Watson  
[Redacted]  
E-mail/Post-d:  
OurRef/Ur n-àireamh-iùil: 23/03373/SCRE  
Your Ref/Ar n-àireamh-iùil: SCR-0063  
Date/Ceann-là: 10 August 2023

Dear Marine Directorate – Licensing Operations Team (FAO – Louise Treble)

**EIA Screening Request - Marine works - capital dredging and deposit variation AT Former Fabrication Yard, Ardersier,**

Thank you for consulting the Highland Council on the above request made to Marine Directorate – Marine Licensing Operations Team (MD-LOT) for a screening opinion under regulation 10(1) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“Marine Works EIA Regulations”). This was registered with Highland Council on the 12 July 2023 with an extension for response agreed for 6<sup>th</sup> September 2023, following receipt of further information. We have reviewed the accompanying document titled ‘Screening Opinion Request’ along with the two additional supplementary information notes (doc refs: HCGF/2023/001 and HCGF/2023/002). Highland Council attended an accompanied site visit to the port along with NatureScot staff on 11 August 2023. See below for comments.

**Changes to the marine licence proposed**

- a) An extension to marine licence dates until 2025 to allow for a continuation of the capital dredging programme.
- b) Removal of night-time dredging restrictions
- c) Requests to change the area and volume:
  - i. Increase maximum depth from the approved -6.5CD to -12.9CD within approach channel
  - ii. Increase the associated volumes from the approved 4,600,000 wet tonnes (wt) to 8,600,000 wt
  - iii. Alter the dredge area by widening it in line with the ‘Dredge Layout’ drawings included within the screening request letter (ref: 294067-ARUP-XX-XX-DR-CG-002001, REVP01)

**Summary of response**

Highland Council consider the development to fall within the definition of Marine Works EIA Regulations Schedule 2, paragraph 14. ‘Any change to or extension of development of a description mentioned in schedule 1 (other than a change or extension falling within paragraph 24 of schedule 1) where that development is already authorised, executed or in the process of being executed’. The development meets the >1Ha threshold and is within a ‘sensitive site’. The Highland Council therefore agrees that a further detailed screening against the relevant criteria within schedule 3 of the Marine Works EIA Regulations is necessary to determine if the proposal constitutes EIA development in its own right.

---

**ePlanning Centre:** The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

Email/Post-d: [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk) Web/Lion: [www.highland.gov.uk](http://www.highland.gov.uk)

**Ionad dDealbhaidh:** Comhairle na Gàidhealtachd, Rathad Ghleann Urchadain, Inbhir Nis, IV3 5NX

**Having considered the proposal against these criteria Highland Council is of a view that the proposed changes to the capital dredge activity does not constitute EIA development in and of itself.**

However, the Highland Council does recognise the deviation this represents from the activities as assessed within the 2018 EIA Report and the potential for further deviations as plans for site development evolve. It therefore welcomes the suggestion of further engagement on site wide plans by the developer and agrees that this may, and likely would, be subject to a further full EIA process.

Notwithstanding the comments made above Highland Council also recognise the potential for some degree of complexity arising from the proposed changes. Whether MD-LOT deem the proposal to constitute EIA development or not, Highland Council consider that careful consideration and competent implementation of mitigation measures will be necessary.

It is also noted that the capital dredge as changed, will give rise to a substantial increase in volume of dredged material. At present, there is still a lack of clarity over the use and storage of the additional dredged material. However, it is acknowledged that there is legitimate potential for the beneficial re-use of this material. The applicant should be advised however that these uses must accord with all relevant permissions in place for the project and that any subsequent changes may themselves be subject to further EIA Screening under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

## **Detailed Comments**

### **Background**

- 1) The development is subject to a complex consenting history with permissions to undertake various aspects and phases of the development spread across several consents and regulatory regimes, notably including:
  - Marine Licence - Capital dredging and deposit of dredged material - Ardersier - 06859/00009478/00009936 (and subsequent variations)
  - 18/04552/PIP - Establish a port and port related services for energy related uses, including marine channel dredging, quay realignment, repair and maintenance, erection of offices, industrial and storage buildings, delivery and export of port related cargo and associated new road access, parking, infrastructure, services, temporary stockpiling of dredged material, re-grading and upfilling of landward areas and landscaping (Renewal of planning permission 13/01689/PIP)
  - The Port of Ardersier Harbour Revision Order 2014.
- 2) The original development was screened into requiring EIA under Schedule 1 paragraph 8 (see planning history 12/04894/SCRE). The resultant Environmental Statement did not specify the category of EIA development beyond "port development" but did assess vessels greater than 1350T capacity using the port. It is therefore understood that the development met the description of EIA development stipulated in Schedule 1 paragraph 8 (2) "*Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes*".

---

**ePlanning Centre:** The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

Email/Post-d: [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk) Web/Lion: [www.highland.gov.uk](http://www.highland.gov.uk)

**Ionad dDealbaidh:** Comhairle na Gàidhealtachd, Rathad Ghleann Urchadain, Inbhir Nis, IV3 5NX

### Proposed changes and Marine Works EIA Regs

- 3) The proposed changes, notably the increased volume of the capital dredge, represents a material change or extension to a port construction project, the original project itself considered as Schedule 1 development. Highland Council does not consider the proposed changes in and of themselves to constitute Schedule 1 development and as such have considered the works to fall within the Schedule 2, Paragraph 14 which relate to changes to Schedule 1 development falling out with schedule 1 thresholds and criteria. In that case corresponding thresholds for Schedule 2, paragraph 10 (g) are taken to apply 'Construction of harbours and port installations, including fishing harbours (unless included in schedule 1), where area exceeds 1 Ha.

### Impacts on Ecology and designated sites

- 4) Several sites, designated for their ecological value, are within the immediate zone of influence for the proposal: Whiteness Head SSSI, Moray Firth SAC, Moray Firth SPA and Inner Moray Firth SPA. The proposal may give rise to further or additional impacts upon these sites above and beyond those assessed within the existing EIA. However, it is not immediately clear to Highland Council that these additional impacts would constitute a significant effect in EIA terms or that they could not be satisfactorily addressed via the correct and proper implementation of agreed mitigation measures.
- 5) Whilst a continuation of disturbance pressures may be adequately mitigated, the potential loss of supporting habitat/ roosting features may be of more significance. The Highland Council would defer to the advice of NatureScot regarding the significance of impacts on any of the above designated sites, noting the likelihood that the application to vary the capital dredge would be subject to a full Habitats Regulations Appraisal, regardless of the outcome of EIA screening.

### Coastal processes

- 6) Highland Council considers that an increase in dredged volumes of this magnitude warrants careful further assessment. However, the Council does not hold the in-house subject matter expertise for the technical appraisal of coastal processes assessments. In consideration of this the accompanying coastal processes and spit stability assessments are welcomed, as are the conclusions indicating that the changes arising from the proposal are largely insignificant. Further assessment using current bathymetric data as proposed is also strongly supported, regardless of the outcome of MD-LOTs screening determination.
- 7) It's noted that ongoing management and maintenance of coastal processes is likely to arise via maintenance dredge activities and/ or other phases of the wider development. Highland Council understands this would likely be necessary with or without the increase to dredge volumes and welcome engagement on this as it develops.

### Dredged material/ spoil

- 8) The Highland Council understands that as yet there is some uncertainty surrounding the potential disposal, use and/ or storage of the proposed additional 4,000,000 wet tonnes (understood to be roughly equivalent to 2,600,000m<sup>3</sup>) of dredged materials, largely consisting of sands. It is indicated that this will likely be suitable for beneficial re-use. The applicant has indicated within

---

**ePlanning Centre:** The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

Email/Post-d: [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk) Web/Lion: [www.highland.gov.uk](http://www.highland.gov.uk)

**Ionad dDealbhaidh:** Comhairle na Gàidhealtachd, Rathad Ghleann Urchadain, Inbhir Nis, IV3 5NX

the screening submission that these additional materials may be used on site for developing the quay wall. During the site visit it was indicated that transshipment of dredge material to recipient projects will also be explored. It is therefore not presently clear if the increase to dredged material will result in additional volumes of material being stockpiled on site at any one time above and beyond those previously assessed (1,825,000m<sup>3</sup>). Given this uncertainty it would seem at least reasonably probable that an excess of stockpiled material may occur as a result, even if just temporarily.

- 9) It is understood that the storage of dredged materials are terrestrial in nature and outside the specific jurisdiction of the marine licence, however they do form an intrinsic part of the wider project which itself was subject to a single over-arching EIA. Increases to stockpiled volumes may give rise to new or additional considerations e.g. landscape and visual.
- 10) At present the applicant has demonstrated a poor track record regarding the proper application of mitigation measures around the storage and stockpiling of materials. Of particular concern is the recorded encroachment onto SSSI habitat and over-spill of storage bunds. During the site visit the applicant stressed their revised approach to these matters. Highland Council is of a view that with the correct mitigation and management measures applied temporary additional stockpiling of dredged materials can be accommodated on the site without giving rise to significant environmental effects. Nonetheless, further assessment would be necessary if this were to be pursued as it would likely give rise to impacts above and beyond those originally assessed.

#### Additional comments

- 11) Paragraphs 8, 9 and 10 above note the uncertainty over the use and storage of additional volumes of dredged materials. Whilst it is accepted that some aspects of its re-use on site may be adequately captured under the powers set out within Harbour Revision Order. Matters of storage and use within the site are also aspects specified within the extant planning permission in principle. Should plans to change or alter these aspects be developed, Highland Council should be consulted at the earliest point possible. These changes, themselves may be subject to a further EIA screening exercise under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 12) It is noted that the applicant is in process of developing longer term plans for the phased development of the site which may alter and amend project details as they are currently understood. Highland Council notes and agrees with the applicant that an evolved and more detailed understanding of the site plans (notably operational use) may, and likely would, be subject to a full EIA process. The Highland Council would welcome engagement with both the applicant and MD-LOT on this matter.

#### **Privacy**

Please note that correspondence received in connection with the application will be published online and can be viewed by members of the public.

Our privacy notices for planning applications, consents and notice of review sets out our legal basis for collecting personal information and how we use it. To view the privacy notice please visit the Council's website:

---

**ePlanning Centre:** The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

Email/Post-d: [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk) Web/Lion: [www.highland.gov.uk](http://www.highland.gov.uk)

**Ionad dDealbaidh:** Comhairle na Gàidhealtachd, Rathad Ghleann Urchadain, Inbhir Nis, IV3 5NX

Yours faithfully

[Redacted]

**Jethro Watson**  
**Coastal Planning Officer**  
**(Highlands wide)**

---

**ePlanning Centre:** The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

Email/Post-d: [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk) Web/Lion: [www.highland.gov.uk](http://www.highland.gov.uk)

**Ionad dDealbaidh:** Comhairle na Gàidhealtachd, Rathad Ghleann Urchadain, Inbhir Nis, IV3 5NX

Dear Louise,

Thank you for requesting our comments on this EIA Screening request following the additional information submitted by Haventus on 15 August 2023 (as attached).

### Summary

Based on the supplementary information provided, it is possible that this proposal could still result in some effects on designated interests. However, many of the outstanding issues are already addressed within the current Dredge Licence (issued 19 September 2019 - 06860/59), as outlined in our comments below or they can be addressed at application stage. We therefore do not consider that an EIA is required.

### Background

After submitting our previous Screening response to you (3 August 2023), we attended a joint site visit (with Highland Council) to the Port of Ardersier (on 11 August 2023). During this site visit, Haventus discussed management issues linked to the Screening consultation. These discussions triggered Haventus to provide additional information to Marine Directorate in support of Screening. This additional information has helpfully addressed or provided clarification on the issues we raised in our Screening response of 3 August 2023. Based on this new information we therefore provide our updated Screening comments below.

### Appraisal of impacts and our advice

#### Inner Moray Firth Special Protection Area (SPA)

#### Moray Firth SPA

The operational effects of the Port constructing offshore floating turbines should be assessed in context to these Protected Areas. However, we understand this aspect will be incorporated within future EIA and/or marine licence consultations. At this time Haventus have confirmed that port operational processes to construct floating turbines are not included as part of this specific screening application. We anticipate this issue will be addressed, as this proposal gathers momentum. In anticipation of this we would like to point out that any zones identified for floating turbine use or storage should aim to coincide with areas that are of low importance for SPA birds. We raise this now, as it has potential to influence future dredge proposals as outlined within Section 5 (bullet point 2) of the additional information.

The -12.9m CD dredging operation will be over two summer periods and Haventus have confirmed that it is unlikely they will need to dredge during the wintering bird period (October - March).

Therefore, potential disturbance effects to non-breeding birds are unlikely to occur. If the existing small suction dredger is to be deployed during the winter, then this will be done in accordance with the winter dredge protocol, which will require to be updated to include, new coastal topography, additional high tide SPA roosts and new bird disturbance guidance.

We were pleased to note that the latest information supplied indicates that the 'island' will not be lost entirely; a portion of it will be retained to provide a predator-free nesting area for coastal birds (Section 2.9, Dredge Decision Notice).

#### Whiteness Head Site of Special Scientific Interest (SSSI)

In their original Screening application Haventus identified a level of uncertainty regarding potential impacts to a small portion of the SSSI from the 12.9m -CD dredge. Haventus also identified potential indirect impacts from expansion of the disturbed area (post-dredging). Any effects will be clearer following completion of the Spit Stability Geotechnical Assessment. We also discussed these aspects during the site visit on 11 August 2023 and on that basis, we advise that it should be possible to mitigate any effects at the application stage.

We welcome the commitment by Haventus to move trapped sand from the new harbour channel to the margins of the western sandflats. This will facilitate sediment movement to replenish the SSSI/SPA sandflat habitats. We note that this aspect is likely to have relevance to the Sediment Transport Monitoring Plan (STPMP, see Section 2.28 of the 2019 Dredge Decision Notice), but we very much welcome the commitment from Haventus to ensure that sediment transport will benefit SSSI/SPA intertidal habitats. Haventus has also confirmed that there are no plans or proposals to deepen the harbour access channel or the inner harbour down to -16.5m CD.

Haventus has committed to clear the sand overspill from the large stockpile, thus alleviating impacts to SSSI habitats. Haventus will 'shape' the stockpile to help screen heavy plant from operating on top, adjacent to the coastal edge (close to a known SPA high tide roost). We welcome Haventus committing that 'Area C' (adjacent to Delnies Creek) should be an undeveloped refuge for SPA coastal birds, as this location is favoured by foraging coastal birds at lower tides.

### Seals

It is unlikely additional dredge works to the new harbour channel will result in adverse effects to harbour seals in this general location. This ties-in with conclusions already reached on the impacts to seals (as outlined within Section 2.14 & 2.22 of the Dredge Decision Notice), which incorporates using a Marine Mammal Protection Plan (MMPP).

Haventus recently provided additional information on seal haul-outs. During our site visit in August this year, seals were hauled out at a fair distance away from the Port, approximately at c. 1km (>150 individuals). Past seal data we hold shows seals close to the Port (c. 300-460m distance), but this is a little dated now (2006 to 2015). Therefore, the haul-out locations currently favoured by harbour seals is further away. This 'trend' ties in with more recent seal data we have (2019) which shows that seals are favouring haul-out locations further away from the Port (see our attached seal data map).

### Concluding comments

We look forward to seeing the marine licence application in due course. It would be helpful at that stage if the latest information submitted by Haventus, and the key points referred to above are embedded in the application. It would also be helpful if Haventus could prepare a 'shadow' Habitats Regulation Appraisal to accompany any future application.

Please note that our position in relation to this specific proposal does not prejudice any comments we may wish to make in relation to future work including a deeper dredge or wet storage and that any such works would need to be assessed in context with what has already happened on the site.

please let me know if you need further information or advice on this proposal.

Kind regards,

David.

David Patterson | Operations Officer (Protected Areas) - Central Highland  
NatureScot | Dingwall, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB  
nature.scot | @nature\_scot | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

Please note, I normally work Mon-Thurs only.