

Ardersier Port (Scotland) Ltd
Ardersier Port Approach
Ardersier
IV2 7XQ
United Kingdom

Date: 12 June 2024

Dear Mr Fleming,

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

Thank you for your screening opinion request dated 27 February 2024 in regards to the proposed variation of Ardersier Port (Scotland) Ltd's marine licence to construct a quay wall to be extended until July 2025, and to vary the methodology of the quay wall construction at Ardersier Port, Ardersier, Nairn ("the Proposed Works").

The Proposed Works at Ardersier Port are to be undertaken as part of marine construction works, for which the most recent marine licence was granted on 01 October 2021 ("the Licensed Works"). The Licensed Works are part of 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 the construction of a quay wall for the redevelopment of Ardersier Port. The current marine licence is valid until 31 August 2024. The Proposed Works are to extend the duration of the marine licence by 11 months to 31 July 2025 and to vary the construction methodology of the quay wall.

The Proposed Works are to be undertaken in conjunction with capital dredging and sea deposit, licenced under marine licence MS-00010583, which permits the dredging of the approach channel at Ardersier Port to a depth of -12.9m Chart Datum, constituting 3.9 million metres cubed (“m³”) (8,600,000 wet tonnes) of material. The Proposed Works are a revision to the Licensed Works to provide increased quay wall stability given the deeper dredge depth permitted under MS-00010583.

Under the Licensed Works a new sheet pile quay wall 464 metres (“m”) in length was to be constructed in front of the existing quay wall using vibro-piling techniques and back-filling the area behind the wall.

The Proposed Works consist of a reinforced concrete piled diaphragm wall 659m in length, situated between 10m and 103.5m behind the existing quay wall. Two walls - a front diaphragm wall and rear diaphragm anchor wall – will be constructed from concrete panels cast in-situ with sheet piles installed on both sides of the front and rear walls to provide additional stability. The area between the front and rear walls will be excavated to allow the installation of tie rods to hold the two walls together and then backfilled. Once the new diaphragm wall is complete a temporary bund will be constructed around the quay return to improve stability during the removal of the existing quay wall. The temporary bund is already permitted as part of the Licensed Works.

Under the Proposed Works the 322m of sheet piles that form the existing quay wall will be removed used vibro-piling techniques. When the wall is completely removed dredging will excavate the 317,000m³ of material behind the removed wall, exposing the new diaphragm wall and forming the new quay. The temporary bund will also be removed.

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, Moray Firth Special Area of Conservation (“SAC”) and Whiteness Head Site of Special Scientific Interest (“SSSI”).

NatureScot advised that the Proposed Works will produce less underwater noise and vibration effects than the Licensed Works, meaning that there will be less in-water impact on the Moray Firth SAC. As the Proposed Works are located within the harbour area and much of the construction will take place above MHWS, it advised that additional adverse impacts on the bottlenose dolphin population of the SAC are unlikely. NatureScot further advised that as some underwater noise may still have effects on the SAC, the Marine Mammal Protection Plan approved under the Licensed Works should continue to be implemented.

NatureScot advised that due to the timing of the construction, the Proposed Works may disturb waterfowl roosts in the Moray Firth SPA and Inner Moray Firth SPA. There may be both audible and visual disturbance to Waterfowl Roost 1 (as noted within the Winter Dredge Protocol of the Licensed Works, see Appendix One). However, as Roost 1 is located outside the boundary of the Inner Moray Firth SPA, any birds disturbed by the Proposed Works are likely to relocate to other undisturbed roosts within the SPA. NatureScot further advised that Roost 6 will not be significantly disturbed by the Proposed Works due to substantial visual and audible cloaking provided by the dredge material stockpile. It advised there will be only minor disturbance to any birds roosting offshore in the vicinity of the Proposed Works.

NatureScot noted that it had previously provided advice regarding breeding common terns in the Moray Firth SPA and Inner Moray Firth SPA, as conditioned in marine licence MS-00010583, and that this mitigation should be conditioned as part of the marine licensing process for the Proposed Works, including an updated non-disturbance buffer zone of 400m and other mitigation measures outlined in [Disturbance Distances in selected Scottish Bird Species – NatureScot Guidance | NatureScot](#). The Scottish Ministers are content that this update 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 advised that the effect of the Proposed Works on the coastal processes within the Whiteness Head SSSI had not been assessed by it but noted that the submitted map of coastal processes had been assessed as part of the Licensed Works. It advised that the Proposed Works are unlikely to result in significant environmental effects other than those identified and assessed for the Licensed Works and marine licence MS-00010583, and that the advice provided for these licences remains valid. NatureScot has requested clarification regarding the content of the Coastal Model and Assessment Report and the Sediment Transport Monitoring Plan (STMP) and that the STMP should be updated as appropriate. The Scottish Ministers are content that this can be done as part of the marine licensing process.

NatureScot concluded that it does not consider that an EIA is required for the Proposed Works.

The Highland Council are content that matters related to the marine environment are best regulated through the marine license and have no comment to make regarding the requirement for an EIA.

Characteristics of the potential impact

HES advised that there will be no significant impacts on historic environmental interests by the Proposed Works and an EIA is not required.

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.

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](#).

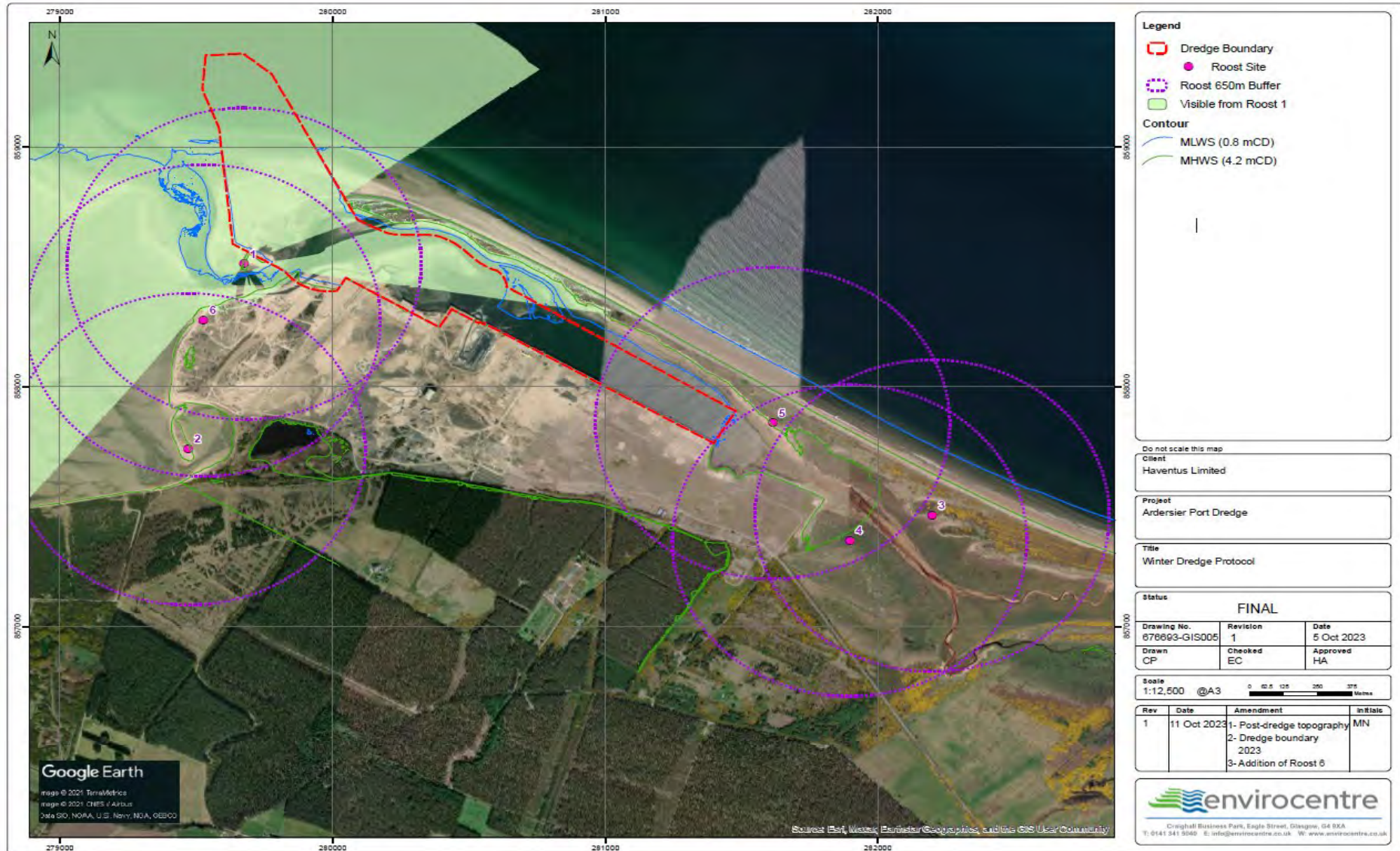
If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Neil McLeod
Marine Directorate - Licensing Operations Team



Appendix One: Roost Sites as detailed in Winter Dredge Protocol



Appendix Two: Consultation Responses

From: [Mark Harvey \(Planning \(North\)\)](#)
To: [Louise Treble](#)
Subject: FW: SCR-0080 - Ardersier Port Ltd (per Envirocentre) - Marine Construction - Ardersier Port - Screening Consultation Reminder - Response Required asap
Date: 27 May 2024 10:56:19
Importance: High

Hi Louise

Thank you for this consultation.

Notwithstanding the point made in the variation report in respect of the extent of works above MHWS, the planning authority are content that these matters are best regulated through the marine license and consequently have no comment to make at this time.

Kind regards

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

From: [David Patterson](#)
To: [Louise Treble](#)
Subject: SCR-0080 - Quay Wall Variation & Licence Extension - Screening - Port of Ardersier
Date: 09 May 2024 16:35:14
Importance: High

Our Ref: CLC 175222

Your Ref: SCR – 0080 (MS-00009479/06860)

Dear Louise,

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Marine Construction - Ardersier Port - Screening Request

Thank you for consulting us on this screening request for an extension of time for an existing licence (MS-09479/06860) and for consulting us on amendments to the construction design of the quay wall, as per your letter below.

Summary

We advise that there is potential for Likely Significant Effect on Protected Areas, however these same effects have already been identified and addressed through the previous EIA proposal, see further comments below.

Background

The supporting information provided (as attached) with this consultation explains the construction methods of the Bauer quay wall in detail. A new report provided within this document 'bundle' is called '*Ardersier Port – Deeper Dredge: Coastal Model and Assessment Update (Jan 2024)*'. Even though the title of this report includes the term 'deeper dredge', we believe this report has been provided in context to the quay wall construction and therefore we focus our comments on this, as requested.

We also refer to another recently produced report '*Marine Mammal Risk Assessment Report (April 2024)*', which includes details of the Marine Mammal Protection Plan [MMPP], which we have received to comment upon in context to EPS Licencing, but this report provides context for the MMPP for ongoing/future works.

Appraisal of impacts and our advice

The proposal sits within the relative confines of the Port of Ardersier harbour area, along a stretch of existing quay wall. The Bauer quay wall modification is located about 200m from the Inner Moray Firth Special Protection Area (SPA) protected for its coastal waterbirds (breeding and non-breeding). It is approximately 350m from the Moray Firth Special Area of Conservation (SAC) protected for its bottlenose dolphin and subtidal sandbanks, and the Moray Firth SPA for its marine waterbirds (mostly non-breeding). The boundary of Whiteness Head SSSI is approximately 200m away, protected for its coastal geomorphology & coastal habitats.

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a. Moray Firth Special Area of Conservation (SAC)

The revised construction method for the (Bauer) quay wall, will mean there should be less in-

water effects, reducing underwater noise and vibration effects compared to the original EIA application (submitted back in 2018). As the works will occur mostly within the confines of the harbour area, and be mostly above MHWS, it is very unlikely that additional adverse impacts will occur to Bottlenose dolphins. For in-water works, the Marine Mammal Protection Plan (MMPP) still has relevance, as some noise effects may still reach this SAC. MMPP measures will be implemented to help reduce disturbance effects (if relevant), which is already a condition of the existing Marine Licence.

b. Inner Moray Firth Special Protection Area (IMF SPA)

c. Moray Firth SPA

We have requested clarity from Haventus on construction timings for the quay wall. Construction is hoped to start in mid-May, with expected completion in December 2024. Therefore, there may be some audible and visual disturbance effects to waterfowl roost 1 (as noted within the Winter Dredge Protocol), with only some potential minor effects further offshore. As roost 1 is located outwith the IMF SPA boundary, if disturbance effects occur, it is likely birds will relocate to other SPA roosts nearby. Roost 6 will receive substantial visual and audible cloaking from the sand stockpile, such that significant disturbance effects are unlikely to occur. We have previously provided advice on breeding common terns, including an updated non-disturbance buffer zone of 400m, see; <https://www.nature.scot/doc/disturbance-distances-selected-scottish-bird-species-naturescot-guidance>.

We note the Bauer quay wall construction is a modification specifically linked to facilitating offshore renewables. Please see our previous Screening response (SCR-0063; CEA172126 – 30 August 2023) for advice on operational issues linked to floating turbine construction just in case this has relevance to this modification.

d. Whiteness Head Site of Special Scientific Interest (SSSI)

We have not been able to assess the Coastal Model and Assessment Update Report in context to modifications of the quay wall. However, we note that the ARUP map (294067-00, last updated 14 July 2023 - end of document), should have been assessed by our advisor at a previous time. Therefore, its unlikely that the quay wall design will result in significant environmental effects, over and above that already identified for the deep dredge. Our previous advice for the deep dredge still stands, at this present time.

We note there are various topics within the Coastal Model & Assessment Report that would have been just as relevant to include within the Sediment Transport Monitoring Plan (STMP), which we previously requested should be updated. We would welcome clarification whether this new plan now replaces the STMP, just to aid clarity and reduce confusion for this development going forward.

Concluding remarks

The extension of this licence to run until 31 July 2025, should not result in any further additional impacts over and above those already identified within the 2018 EIA proposal, and that of previous consultations. Mitigation and conditions previously identified for this proposal will continue through into the proposed extension period, ensuring that environmental controls are to be in place until works are completed.

Let me know if you need clarification on any specific issue or if you need further advice from us.

With best regards,

David.

David Patterson | Operations Officer – North / Central Highland

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

nature.scot | [@nature_scot](https://www.instagram.com/nature_scot) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

Please note, I normally work Mon-Thurs only.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:

MD.MarineLicensing@gov.scot

Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our case ID: 300019620
Your ref: SCR-0080
14 May 2024

Dear Marine Directorate

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 SCR-0080 - Ardersier Port Ltd (per Envirocentre) - Marine Construction - Ardersier Port - Request to amend the construction design of the quay wall currently consented under marine licence MS-00009479 and To extend the expiry date of marine licence MS-00009479 to end of July 2025.
Request for Screening Opinion

Thank you for your consultation which we received on 24 April 2024 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, gardens and designed landscapes and battlefields on their respective Inventories.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

Our Screening opinion

We understand that the consultation comprises an amendment to the construction design of the consented quay wall and an extension to the expiry date of the marine licence. We are content that there will be no significant impacts on our interests by the proposals.

Further Information

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Sam Fox and they can be contacted by phone on 0131 668 6890 or by email on samuel.fox@hes.scot.

Yours faithfully

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

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From: [Planning.North](#)
To: [Louise Treble](#)
Subject: RE: SCR-0080 - Ardersier Port Ltd (per Envirocentre) - Marine Construction - Ardersier Port - Screening - SEPA response
Date: 24 April 2024 10:49:10

OFFICIAL

Thank you for your email below. We do not consider that EIA is required in relation to our interests. Please do not consult us on the subsequent applications and refer instead to our standing advice.

Kind regards

Susan

Susan Haslam | Senior Planning Officer
Scottish Environment Protection Agency