Marine Directorate

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Scottish Government
Riaghaltas na h-Alba

Montrose Port Authority
Harbour Office
South Quay
Ferryden
DD10 9SL
Montrose

Date: 21 November 2025

Dear Mr Hutchison,

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

Thank you for your screening opinion request dated 23 September 2025 in regards to the proposed berth reconstruction including construction of berths and capital dredging at Montrose Port ("the Proposed Works").

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(g) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations"), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are 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"), Angus 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 Proposed Works aim to create three new berths via construction of a new quay and a capital dredge at Montrose Port. The three berths will be constructed by reclaiming 6,800 cubic metres ("m^3") of land bounded by a new quay wall and berthing face to renovate the existing Berths 9, 10 and 11.

The construction will commence with the creation of a stone bund within the area to be reclaimed. The bund will facilitate the installation of a sheet piled wall that will form the new quay wall boundary. Stone will be directly deposited into the area to be reclaimed to form the bund, with secondary placement carried out where necessary by an excavator.

Tubular piles to form the new quay wall will be installed within the stone bund, using either vibro or impact piling. Sheet piles will then be installed to create the face of the new quay

wall. Once the quay wall is complete, the stone bund seaward of the new quay will be excavated and repurposed as reclamation fill. The area behind the quay wall will be backfilled to the required level, services will be installed, and finally, concrete will be poured to create the quay surface.

Capital dredging of 100,000 m^3 of material, over an area of 23,200 m^2 will deepen the approach to the berths and quayside. This will take place once the quay wall construction is completed. Dredging will be undertaken using a trailer suction hopper or backhoe dredger and it is proposed that the dredged material will be deposited at a licensed deposit site, subject to a Best Practicable Environmental Option Assessment as part of a marine licence application for dredging and sea deposit.

There are potential impacts from vibration and noise on marine mammals from the Proposed Works and mitigation has been proposed to reduce these impacts. This includes vibration monitoring which will be carried out for 1 month prior to works commencing to establish a baseline with continual vibration monitoring carried out during construction. A Marine Mammal Observer will also be present at the site of the Proposed Works during all piling works within the marine environment. The principles in `Statutory Nature Conservation Agency Protocol for Minimising Risk of Marine Mammals from Piling Noise`, JNCC 2010, will also be followed during all piling works.

The Proposed Works are expected to commence in spring/summer 2026 with construction works taking approximately 4 to 6 months to complete within an 18 months timeframe. Dredging will be carried out towards the end of the programme of works and is expected to take approximately 1 to 2 months to complete.

Location of the works

The Proposed Works are located 325m from the Montrose Basin Special Protection Area ("SPA"), Site of Special Scientific Interest ("SSSI") and RAMSAR site, and 5 kilometres ("km") from the River South Esk Special Area of Conservation ("SAC"). NatureScot advised that due to the location and mobile nature of marine species there may also be connectivity to the Firth of Tay and Eden Estuary SAC, Moray Firth SAC, Isle of May SAC and the Berwickshire and North Northumberland Coast SAC from the Proposed Works.

NatureScot advised that the Montrose Basin SPA/SSSI/RAMSAR site is located approximately 325m from the Proposed Works and is designated for breeding and non-breeding bird populations and coastal habitats. NatureScot advised that the noise created by the construction of the quay wall could potentially cause disturbance to the birds of the SPA/SSSI, however, it concluded that this is unlikely to cause a significant environmental effect.

NatureScot advised that although the Proposed Works are 5km from the River South Esk SAC, there is connectivity to the designated site due to Atlantic salmon migrating to and from the River Esk through the area of the Proposed Works. It advised that the Proposed Works are likely to produce noise vibration and could potentially release sediment or other pollution that may reduce water quality. These impacts have the potential to harm salmon or disrupt their passage, both of smolt migration seaward and of adult fish returning to the River Esk to spawn. NatureScot further advised that although freshwater pearl mussel do not occur near the Proposed Works, they are dependent on salmonid types of fish for part of their life cycle,

therefore any impacts to salmon could lead to indirect impacts on the freshwater pearl mussels within the River South Esk. NatureScot concluded that there may be a significant effect on the Atlantic salmon and freshwater pearl mussel as a result of the Proposed Works, and should a marine licence application be submitted an appropriate assessment would be required. However, it concluded that securing the mitigation proposed in the Screening Report would reduce the impact on the River South Esk SAC and would likely avoid adverse effects on the site's integrity.

NatureScot advised that harbour seals are known to swim up the River South Esk and into Montrose Basin and that these seals may be connected to the Firth of Tay and Eden Estuary SAC located 30km from the site of the Proposed Works, as it is within the standard connectivity distance of 50 km. The harbour seal feature of the Firth of Tay and Eden Estuary SAC is currently deemed to be 'Unfavourable, Declining,' due to large declines in their population. NatureScot concluded that the Proposed Works may have a significant effect on the harbour seal feature and should a marine licence application be submitted an appropriate assessment would be required for the Firth of Tay and Eden Estuary SAC.

NatureScot advised that the Moray Firth SAC is located over 200km from the Proposed Works, however bottlenose dolphins from this SAC are known to travel and forage along the east coast of Scotland and have been sighted outside of the area of the Proposed Works, although there are no records of them in the Montrose Basin or River South Esk. NatureScot advised that given the location of the Proposed Works, within the inner part of the channel and not in direct line to the waters outside, it is unlikely that the Proposed Works or any underwater noise produced by the Proposed Works, would significantly affect bottlenose dolphins. In addition, NatureScot advised that the mitigation proposed in the Screening Report would reduce likely impacts if dolphins were to be present in the vicinity.

NatureScot noted that although grey seals are known to swim up the River South Esk and into the Montrose Basin, the nearest designated sites for grey seals, Isle of May SAC and Berwickshire and North Northumberland Coast SAC, are outside of the 20km connectivity distance of grey seals. It therefore concluded that there would be no significant effect on grey seals from the Proposed Works. However, NatureScot advised that the mitigation proposed in the Screening Report should be applied to grey seals and all marine mammals to minimise the risk of injury and disturbance.

NatureScot also advised that any marine licence application must include environmental information to assess impacts on the designated sites detailed above and propose mitigation. Applications must also include information to inform a Habitats Regulations Appraisal (HRA) and will need to consider cumulative impacts with other coastal developments along the east coast that will produce noise, such as harbour developments and offshore windfarms. Which developments to consider will depend on the timescale of the works.

NatureScot further advised that the Proposed Works will not have significant effects on any geodiversity, landscape or visual receptors.

NatureScot concluded that an EIA is not required for the Proposed Works providing the mitigation proposed in the Screening Report and detailed by NatureScot in its consultation response is secured and adhered to in any marine licence. Any marine licence application must include information to inform a Habitats Regulations Appraisal and will need to consider cumulative impacts with other coastal developments along the east coast that will produce noise, such as harbour developments and offshore windfarms.

Characteristics of the potential impact

HES advised that they consider the Proposed Works are unlikely to have impacts on historic environment interests at a level that would require consideration through the EIA process.

SEPA advised that the Proposed Works falls below the thresholds for which it would provide site specific advice.

Angus Council were consulted on the Proposed Works but did not provide a response.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, 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 Angus 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 MacLeod
Marine Directorate - Licensing Operations Team

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disability confident LEADER

Appendix 1:

Consultation Responses

By email to:
MS.MarineLicensing@gov.scot

Louise Treble
Marine Licensing Casework Officer
Marine Directorate - Licensing Operations Team

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8716
HMConsultations@hes.scot

Our case ID: 300082805
Your ref: SCR-0103

15 October 2025

Dear Louise Treble

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 SCR-0103 - Montrose Port Authority (Per Arch Henderson) - Berth Reconstruction - Montrose Port
Screening

Thank you for consulting us on this Environmental Impact Assessment (EIA) screening request, which we received on 25 September 2025. 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, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas.

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

The relevant local authority archaeological and conservation advisors will also be able to offer advice on historic environment impacts. This may include topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas. In this case, you should contact Aberdeenshire Council Archaeology Service at archaeology@aberdeenshire.gov.uk.

Our advice

We understand that the proposed works involve creating a new quay line and reclaiming land to create a new berth face for Berths 9, 10 and 11 for Montrose Port. The area proposed to be reclaimed is c. 6,800m^2. There would also be associated capital dredge of up to 100,000m^3 from dredge area of c. 23,200m^2 to deepen the approach to the berths and the berthing areas. The dredged material is envisaged to be taken to a licensed sea deposit site.

We have reviewed the information received and consider the proposals unlikely to have impacts on our historic environment interests of a level that would require consideration through the EIA process.

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

Yours sincerely

Historic Environment Scotland

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

Louise Treble,
Marine Directorate
Scottish Governoment
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
{via email only: MD.MarineLicensing@gov.scot}

14 October 2025

Our Ref: CEA181858

Dear Louise,

The Marine Works (Environmental Impact Assessment) (Scotland) Regulation 2017 ("the EIA Regulations")
Consultation Under Part 2, Regulation 10(5) Of The EIA Regulations
SCR-0103 - Montrose Port Authority (Per Arch Henderson) - Berth Reconstruction - Montrose Port

Thank you for consulting NatureScot on the above proposal.

1.Summary

In providing the following comments, our role is to advise whether the proposal is likely to have any significant effects on the environment to inform the competent authority's decision as to whether an EIA is required.

The proposal lies close to Montrose Basin Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR site and The River South Esk Special Area of Conservation (SAC). There is also connectivity to the Bottlenose Dolphin population from the Moray Firth SAC and Harbour Seal population in the Firth of Tay and Eden Estuary SAC.

It may be that a full EIA is not required. Nonetheless, the application should include some environmental information to assess impacts to these sites and propose mitigation. It should also include information to inform a Habitats Regulations Appraisal (HRA) and will need to consider cumulative impacts with other coastal developments along the east coast that will produce noise, such as harbour developments and offshore windfarms. Which developments to consider will depend on the timescale of the works. More information on HRAs is available here.

We recommend that if impacts upon European sites are the sole issue to trigger EIA, then the project is very tightly scoped to only this issue and the HRA and EIA report will become very similar. The only added considerations for an EIA is the lengthened timescales and the need for public consultation.

In our view this proposal will not have significant effects on any other receptors within our remit (geodiversity, landscape & visual).

2. Appraisal

2.1 Protected Areas

2.1.1 River South Esk SAC

The River South Esk SAC is designated for it's internationally important populations Freshwater Pearl Mussels and Atlantic Salmon. The berth reconstruction works are located approximately 5km from the mouth of the river at Montrose Basin, but there is connectivity to the site due to Atlantic Salmon migrating through Montrose Port to and from the South Esk.

The construction works, are likely to produce noise vibration. The works can also release sediment or other forms of pollution that reduce water quality. This has the potential to harm salmon or disrupt their passage, both of smolt migration seaward and of adults returning to spawn. Freshwater pearl mussel do not occur in the harbour but they are dependent on salmonid types of fish for part of their life cycle so any impacts to salmon could lead to indirect impacts to mussels within the South Esk. Therefore, we advise that there is a likely significant effect on the Atlantic salmon and freshwater pearl mussel feature of this site as a result of the proposed activities and an appropriate assessment is required. However, the proposed mitigation would reduce impacts and would likely avoid adverse effects to the site's integrity.

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2.1.2 Firth of Tay and Eden Estuary SAC

The Firth of Tay and Eden Estuary SAC is located 30km from Montrose Port. Harbour seals are known to swim up the River South Esk and into Montrose Basin. These seals may be connected to the Firth of Tay and Eden Estuary SAC, which is within the standard connectivity distance of 50 km. The harbour seal feature of this site is currently deemed to be Unfavourable, Declining, due to large declines in their population since designation. Therefore, we advise that there is a likely significant effect on the harbour seal feature of this site as a result of the proposed activities and an appropriate assessment is required.

2.1.3 Moray Firth SAC

The Moray Firth SAC is located over 200km from Montrose Port. Bottlenose dolphins from the Moray Firth SAC are known to travel and forage all along the east coast of Scotland. Sightings have been recorded just outside of Montrose, however, we are not aware of any records within the River South Esk or the Montrose Basin. Given the location of the proposed activity, within the inner part of the channel and not in direct line to the waters outside, we advise that it is unlikely that the activity, or any underwater noise produced by the activity, would significantly affect bottlenose dolphins. In addition, the proposed mitigation would reduce likely impacts, if animals were to be present in the vicinity. Therefore, we conclude no likely significant effect on the bottlenose dolphin feature of the Moray Firth SAC.

2.1.4 Montrose Basin SPA/SSSI/RAMSAR

Montrose basin is designated for its breeding and non-breeding bird populations and coastal habitats. The berth reconstruction works are located approximately 325 meters from basin. The noise created by the construction works could cause disturbance to the bird features of the SPA and SSSI, however this is unlikely to cause a significant environmental effect.

2.1.5 Isle of May and the Berwickshire and North Northumberland Coast SAC

Grey seals are also known to swim up the River South Esk and into Montrose Basin. Grey seals are deemed to have connectivity within 20 km of an SAC. The closest SACs with this feature are the Isle of May and the Berwickshire and North Northumberland Coast SACs, both of which are outside the connectivity distance. We therefore advise no likely

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significant effect on the grey seal feature of these sites. However, the proposed mitigation should be applied to this species, as well as all other marine mammal species to minimise the risk of injury and disturbance.

If you require any further comments, please let me know.

Yours sincerely,

Polly Thompson
Operations Officer – Central Highland
[Redacted]

From:	[Redacted]
To:	MD Marine Licensing
Subject:	RE: SCR-0103 - Montrose Port Authority EIA Screening - NatureScot Response
Date:	21 October 2025 10:44:35
Attachments:	image001.png image003.png

Hi Louise,

An EIA is not required provided the proposed mitigation detailed for each designated site is implemented. Should the proposal apply for a marine licence, our advice is that there is a likely significant effect for some of the designated sites and an appropriate assessment would be required, but we will provide further comments on that if one comes in.

Kind regards,
Polly

Polly Thompson (she/her) | Operations Officer – Central Highland
NatureScot | Battleby | Redgorton | Perth | PH1 3EW| [Redacted]
NàdarAlba | Battleby | Ràth a' Ghoirtein | Peairt | PH1 3EW
nature.scot – Scotland's Nature Agency – Buidheann Nàdair na h-Alba - *@nature_scot*
From February 2025, NatureScot is launching a new way of providing statutory advice and SSSI consents called InformedDECISION. Find out more on our web page

From:	Planning South
To:	MD Marine Licensing
Cc:	Louise Treble
Subject:	PCS-20006836 SEPA Response to SCR-0103
Date:	25 September 2025 16:58:49
Attachments:	image.png

To Whom It May Concern,

Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCR-0103
Montrose Port Authority (Per Arch Henderson) - Berth Reconstruction - Montrose Port

Thank you for the above consultation. Based on the information provided, it appears that this application falls below the thresholds for which SEPA provide site specific advice. Please refer to our standing advice and other guidance which is available on our website.

. In addition, please also refer to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available here.

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

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

Kind regards,
Jessica Taylor
Senior Planning Officer