

E: ms.marinelicensing@gov.scot


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

Date: 17 June 2022

Dear ,

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

Thank you for your screening opinion request dated 26 April 2022 in regards to the proposed variation of Ardersier Port (Scotland) Ltd. marine licence to allow dredging and deposit of dredged material to be carried out until September 2023 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 in February 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 19 September 2022 and the Proposed Works are to extend the duration by one year to September 2023. This projected completion date includes a contingency time to allow for dredger availability and poor weather events.

The Licensed Works involve dredging a total of 4,600,000 wet tonnes of sand of which 400,000 wet tonnes will be used to reinstate the Whiteness Head Spit. The remaining material is to be taken above Mean High Water Springs. No additional material beyond that already licensed will be dredged or deposited over the extended period.

Location of the works

The Proposed Works are located in Ardersier Port which is within the Inner Moray Firth Special Protection Area ("SPA") and Moray Firth SPA with connectivity to the Moray Firth Special Area of Conservation ("SPA") and the Dornoch Firth and Morrich More SAC.

Dredging and deposit of dredged material is permitted year round under the current marine licence. However, from 01 October – 31 March dredging is limited to within the harbour area and during the months December – January inclusive, a 500m no dredge buffer zone must be observed round previously identified roosting sites or within direct line of sight of the roost.

The screening opinion request provides an update on wintering bird observations, concluding that there was little to no disturbance of bird species by either the dredger whilst stationary or during the dredging operations. Observations were carried out during winter dredging in early 2022 following the previous amendment to the licence.

NatureScot advised that extending the validity of the marine licence until September 2023 would not result in additional significant effects from those already identified. NatureScot noted that new wader roost sites have been identified in proximity to the Proposed Works and advised that any high tide roost sites should be protected by a 500 m buffer zone as outlined within the existing Dredge Protocol and that the Winter Dredge Protocol may require updating to suit the new layout of the modified spit, subject to the timing of these operations and how they align. These points can be addressed through the marine licensing process.

The Highland Council advised that the Proposed Works would be unlikely to have any significant environmental effects beyond those previously assessed. It noted that the temporal extension may increase the potential impacts on marine mammals, but deferred to NatureScot's advice on the matter. NatureScot did not have any concerns regarding marine mammals, or other receptors with regards to a temporal extension of the current marine licence.

Characteristics of the potential impact

Both SEPA and HES, advised that the temporal extension of the marine licence until September 2023 would be unlikely to give rise to any significant environmental effects, over and above any originally assessed at the time of determining the Marine Licence in September 2019 or the subsequent alterations proposed in 2021 therefore the Proposed Works do not require an EIA.

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 Scotland - 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 here: <http://marine.gov.scot/ml/ardersier-port-dredge>.

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

Yours sincerely,

[Redacted Signature]

Marine Scotland - Licensing Operations Team

Appendix I

Historic Environment Scotland response:



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:

MS.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMC consultations@hes.scot

Our case ID: 300019620

16 May 2022

Dear Marine Scotland

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Capital Dredging at Ardersier Port, Moray](#)
[EIA Screening Opinion Request](#)

Thank you for your EIA screening opinion request in support of proposals to extend the dredging works at Ardersier Port until September 2023. We received this information on 9 May 2022 and have reviewed it for our historic environment interests. Under the Marine (Scotland) Act 2010 our historic environment interests cover Historic Marine Protected Areas (HMPAs) and undesignated marine cultural heritage features.

Our advice

We do not consider that the continuation of dredging works at Ardersier Port until September 2023 is 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 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. The officer managing this case is [REDACTED] and they can be contacted by phone on [REDACTED] or by email on [REDACTED]@hes.scot.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scottish Charity No. **SC045925**
VAT No. **GB 221 8680 15**



The Highland Council response:



EnviroCentre Ltd On Behalf Of Ardersier Port
(Scotland) Ltd
c/o Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Please ask for/Foighnich airson:
E-mail/Post-d:
Our Ref/Ur n-àireamh-lùit:
Your Ref/Ar n-àireamh-lùit:
Date/Ceann-là:

22/02211/SCRE
SCR-0040
26 May 2022

Dear Marine Scotland (FAO – [REDACTED]),

Temporary extension to marine licence for dredging works AT Former Fabrication Yard, Ardersier.

Thank you for consulting the Highland Council on the above proposal. This was registered on the 9 May 2022. We have reviewed the EIA Screening Request Report, April 2022, supplied to inform Marine Scotland's EIA screening opinion.

1. Major comments:

- 1.1. We consider that the proposed amendment to extend the dredging period would be unlikely to give rise to any significant environmental effects, over and above any originally assessed at the time of determining the Marine Licence in September 2019 or the subsequent alterations proposed in 2021.

2. Minor comments:

- 2.1. The Highland Council welcomes the supporting information within the report that evidences the negligible disturbance impacts the operations have had on over wintering birds using the area.
- 2.2. We would note that whilst previous proposed alterations to the dredging operations were specifically relevant to impacts on birds, due to the removal of the over-wintering restriction, this proposed alteration may be more broadly relevant across other receptors such as marine mammals. This is on the basis that the original assessments of impact magnitude across all receptors within the 2018 EIA, were determined in consideration of the duration of the works, with their temporary nature being a contributing factor to conclusions of 'low' and 'negligible' impacts.
- 2.3. The Highland Council would advise that weight is attributed to any consultation response provided by NatureScot regarding the above point.

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

Email/Post-d: eplanning@highland.gov.uk Web/Lion: www.highland.gov.uk

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

ACKAPP

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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:

https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

Yours faithfully

[REDACTED]
Coastal Planning Officer
(Highlands wide)

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

Email/Post-d: eplanning@highland.gov.uk Web/Lion: www.highland.gov.uk

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

ACKAPP



NatureScot response:

From: [REDACTED]
To: [MS Marine Licensing](#)
Subject: SCR-0040 - Screening Response to MS - Ardersier Port Authority - Inner Moray Firth SPA
Date: 19 May 2022 16:32:31
Attachments: [RE 0685906860 - Ardersier Port Limited - Ardersier Port Development Naim.msg](#)
[003 let rev 1 ardersier screening request for temporal extension - Inner Moray Firth SPA - May 2022.pdf](#)

Our Ref: CEA 166920

Your Ref: SCR-0040 (06859/06860)

Dear [REDACTED]

Summary

We do not think that the application to extend the dredging period by 1 year, will result in additional significant effects to those already identified (previous response attached). However, we have further advice following bird monitoring work carried out on site, as below.

Appraisal of impacts and advice

We note the information supplied in support of this screening request (as attached PDF) has identified a new high-tide wader roost location during bird monitoring work. This wader roost is not identified within the Winter Dredge Methodology & Mitigation. We therefore advise that should bird monitoring work identify *any* new high tide roost sites, not yet identified on the winter dredge protocol map (675015-GIS005), this should still be protected by a 500m non-disturbance buffer zone, as outlined within the Dredge Protocol. It may make sense for dredging works to focus on working close to high tide roost locations during the spring and summer months, so sensitive bird areas can easily be avoided when the wintering season starts again in October (subject to any other sensitivities).

Baseline data to inform on any additional high tide roost sites, that may become used once again, can be found within a NatureScot Commissioned Report '*Moray Firth Wildfowl & Wader Roosts*' (Swann, 2007). I cannot locate this on our website for easy download, so please let me know if the consultant would like a copy of this for background reference.

The Winter Dredge Protocol may need to be reviewed, to suit the new layout of the modified spit, subject to the timing of these operations and how they align.

Please let me know if you need further clarification, or any further advice.

Kind regards,

[REDACTED] Operations Officer, South Highland
NatureScot | Dingwall, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB
[nature.scot](#) | [@nature_scot](#) | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

t: 01463 701 693 (which is diverted to my mobile).

Please note, I normally work Mon-Thurs only.

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SEPA response:

From: [Planning.North](#)
To: [REDACTED]
Subject: Ardersier Port (Scotland) Ltd - Ardersier Port Development - Nairn, Highland - Screening Opinion
Date: 13 May 2022 12:05:58

OFFICIAL

SEPA email response 5202

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS
SCR – 0040 – Ardersier Port (Scotland) Ltd - Ardersier Port Development - Nairn, Highland**

Thank you for consulting SEPA on the above proposal and for providing copies of our previous responses. We can confirm that in relation to the aspects of the environment on which we usually provide advice to you we consider that EIA is not required. Please see and direct the developer to our standing advice - [lups-gu13.pdf\(sepa.org.uk\)](#) – for further general advice and guidance on the works.

Kind regards

[REDACTED]
Senior Planning Officer - Planning Service North
Graesser House, Dingwall Business Park, Dingwall
Email: planning.north@sepa.org.uk

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From: [REDACTED]
Sent: 09 May 2022 14:57
To: [REDACTED]

Subject: Ardersier Port (Scotland) Ltd - Ardersier Port Development - Nairn, Highland - Consultation on Request for Screening Opinion – Response Required by 30 May 2022

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Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")

Appendix II

