

T: +44 (0) 300 2445046  
E: ms.majorprojects@gov.scot

## **Marine Scotland - Licensing Operations Team Scoping Opinion**

### **Scrabster Harbour (per RPS), Re-development of St. Ola Pier, Scrabster Harbour**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

**SCOPING OPINION FOR THE PROPOSED MARINE LICENCE APPLICATIONS  
TO CONSTRUCT WORKS, TO CARRY OUT DREDGING AND TO DEPOSIT  
DREDGE SPOIL WITHIN THE SCOTTISH MARINE AREA.**

## Contents

<b>1.</b>	<b>Executive Summary .....</b>	<b>3</b>
<b>2.</b>	<b>Introduction.....</b>	<b>6</b>
2.1	Background to scoping opinion .....	6
2.2	The requirement for Environmental Impact Assessment.....	6
2.3	The content of the scoping opinion .....	6
<b>3.</b>	<b>Description of works .....</b>	<b>7</b>
3.1	Background to the works.....	7
<b>4.</b>	<b>Aim of this scoping opinion .....</b>	<b>8</b>
4.1	The scoping process .....	8
<b>5.</b>	<b>Consultation.....</b>	<b>9</b>
5.1	The consultation process .....	9
5.2	Responses received.....	9
<b>6.</b>	<b>Contents of the EIA report .....</b>	<b>11</b>
6.1	Requirements of the 2017 MW Regulations.....	11
6.2	Non-Technical Summary .....	11
6.3	EU Guidance.....	11
6.4	Mitigation.....	12
6.5	Design Envelope .....	13
<b>7.</b>	<b>Interests to be considered within the EIA report .....</b>	<b>14</b>
7.1	Introduction .....	14
7.2	Coastal Processes .....	14
7.3	Flood Risk .....	14
7.4	Marine Biodiversity.....	14
7.5	Water Quality .....	15
7.6	Terrestrial Biodiversity and Ornithology .....	15
7.7	Transportation .....	16
7.8	Air Quality and Climate .....	16
7.9	Noise and Vibration.....	17
7.10	Waste Management.....	17
7.11	Soils, Geology and Contamination .....	18
7.12	Cultural Heritage .....	18

7.13	Landscape and Visual.....	18
7.14	Population, Human Health and Socio-Economics.....	19
7.15	Major Disasters and Accidents.....	19
7.16	Material Assets.....	19
7.17	Cumulative Assessment.....	20
7.18	Navigation .....	20
<b>8.</b>	<b>Marine Planning.....</b>	<b>21</b>
8.1	Background.....	21
8.2	The UK Marine Policy Statement 2011 .....	21
8.3	Scotland's NMP 2015.....	21
8.4	Application and EIA Report .....	21
<b>9.</b>	<b>Multi-Stage Regulatory Approval .....</b>	<b>22</b>
9.1	Background.....	22
<b>10.</b>	<b>Judicial review .....</b>	<b>23</b>
<b>11.</b>	<b>Gaelic Language.....</b>	<b>23</b>
	<b>Appendix I: Consultee Responses .....</b>	<b>24</b>
	<b>Historic Environment Scotland.....</b>	<b>25</b>
	<b>Health &amp; Safety Executive .....</b>	<b>28</b>
	<b>Highland Council.....</b>	<b>30</b>
	<b>Maritime and Coastguard Agency .....</b>	<b>33</b>
	<b>Ministry of Defence .....</b>	<b>37</b>
	<b>Northern Lighthouse Board .....</b>	<b>39</b>
	<b>Royal Yachting Association Scotland.....</b>	<b>41</b>
	<b>Scottish Environment Protection Agency.....</b>	<b>43</b>
	<b>Scottish Natural Heritage .....</b>	<b>46</b>
	<b>Transport Scotland .....</b>	<b>51</b>
	<b>UK Chamber of Shipping.....</b>	<b>55</b>
	<b>Appendix II: Licensing Process .....</b>	<b>57</b>
	<b>Appendix III: Gap Analysis .....</b>	<b>60</b>

## 1. Executive Summary

This is the scoping opinion adopted by the Scottish Ministers, under regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”), as to the scope and level of detail of information to be provided in the Environmental Impact Assessment report (“EIA report”) for the proposed re-development of St. Ola Pier, Scrabster (“the proposed works”). The scoping opinion has been requested by RPS on behalf of the applicant, Scrabster Harbour (“the applicant”).

This scoping opinion is based on the information provided in the applicant’s request, dated 10 July 2018, for the Scottish Ministers to adopt a scoping opinion. The request included the submission of a [scoping report](#). The Scottish Ministers have consulted on the scoping report and the responses received have been taken into account in adopting this scoping opinion. The matters addressed by the applicant in the scoping report have been carefully considered and use has been made of professional judgement (based on expert advice from stakeholders) and experience in order to adopt this opinion.

Detailed information is provided in the specialist topic sections. Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Scottish Ministers. Table 1 summarises the Scottish Ministers’ advice on whether topics are to be scoped in or out.

**Table 1: The Scottish Ministers’ opinion as to whether topics are to be scoped in or out.**

Topic	Reason for scoping in / out
<b>Coastal Processes</b>	Scoped OUT. Issues relating to water quality should be included in the water quality chapter.
<b>Flood Risk</b>	Scoped OUT. SEPA have confirmed that a flood risk assessment is not required.
<b>Marine Biodiversity (including Fisheries, Marine Mammals and Benthic Ecology)</b>	Scoped IN. Multiple potential impact pathways on this receptor from the construction phase of the works, in particular underwater noise.
<b>Water Quality</b>	Scoped IN. Potential impacts from dredging works on water quality. Works are in the vicinity of Thurso designated bathing waters.
<b>Terrestrial Biodiversity (including Ornithology and Otters)</b>	Scoped IN. Proximity of North Caithness Cliffs SPA which could be impacted by noise, light and pollution from the construction works. Potential for otters to use the shoreline and harbour area.

<b>Transportation</b>	Scoped IN. Request by Transport Scotland for a transport statement to assess the potential impacts associated with increased traffic from the development. Also the need to assess the impact of increased vessel traffic.
<b>Air Quality &amp; Climate</b>	Scoped IN. Requirement for an air quality assessment and mitigation plans to address emissions from plant and vehicles and dust levels.
<b>Noise &amp; Vibration</b>	Scoped IN. Requirement to assess the need for mitigation of impact of noise from plant/equipment, vessels and road traffic both in-air and underwater.
<b>Waste Management</b>	Scoped OUT. Site Waste Management Plan to be included in Construction Environment Management Plan and disposal of dredge arisings to be discussed in Best Practicable Environmental Option document.
<b>Soils, Geology &amp; Contamination</b>	Scoped IN. Ground investigation works to inform potential re-use of dredge arisings. Pre-dredge sample analysis required to determine contaminant levels.
<b>Cultural Heritage</b>	Scoped OUT. Sufficient assessment provided in scoping report and no concerns raised by Historic Environment Scotland.
<b>Landscape &amp; Visual</b>	Scoped OUT. No issues raised by consultees and sufficient assessment provided by applicant in scoping report.
<b>Population, Human Health &amp; Socio-economics</b>	Scoped OUT. Population and human health issues to be covered within specialist chapters elsewhere in the EIA report.
<b>Major Disasters &amp; Accidents</b>	Scoped OUT. Impact on receptors to be addressed in specialist chapters elsewhere in the EIA report.
<b>Material Assets</b>	Scoped OUT. Potentially significant effects on material assets are to be covered elsewhere in the EIA report.
<b>Cumulative Impacts</b>	Scoped OUT. Cumulative impacts to be assessed for each receptor in the specialist chapters of the EIA report.
<b>Navigation</b>	Scoped IN. Review of existing Safety Management System required to take account of effects of the development on vessel traffic as required by the MCA.

For the avoidance of doubt, the adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring the applicant to submit additional information in connection with any EIA report submitted with their application for a marine licence relative to the proposed works.

In the event that an application is not submitted by the applicant for the proposed works within 12 months of the date of this scoping opinion, the Scottish Ministers recommend that the applicant seeks further advice from them regarding the potential to update the scoping opinion.

## **2. Introduction**

### **2.1 Background to scoping opinion**

2.1.1 We refer to your email of 10 July 2018 requesting a scoping opinion from the Scottish Ministers, under Regulation 14 of the 2017 MW Regulations. Your request included a [scoping report](#), which contained a description of the location of the works, including a plan sufficient to identify the area in which the works are proposed to be sited, and a description of the nature and purpose of the proposed works and their likely impact on the environment. The Scottish Ministers consider that they have been provided with sufficient information to adopt a scoping opinion.

### **2.2 The requirement for Environmental Impact Assessment**

2.2.1 Under the 2017 MW Regulations, the Scottish Ministers, as the consenting authority, must not grant a regulatory approval for an EIA project unless an environmental impact assessment has been carried out in respect of that project and in carrying out such assessment the Scottish Ministers must take the environmental information into account. The works described in your scoping report fall under Schedule 2, paragraphs 1(e) and 10(g) of the 2017 MW Regulations. A screening opinion was issued on 14 March 2018 which found that the works exceeded the corresponding threshold described in column 2 of schedule 2 of the MW Regulations. On consideration of the selection criteria set out in schedule 3 of the MW Regulations it was determined that the environmental effects of the works was likely to be significant and thus should be subjected to an EIA.

### **2.3 The content of the scoping opinion**

2.3.1 In regards to your request for a scoping opinion on the proposed content of the required EIA report, the Scottish Ministers have, in accordance with the 2017 MW Regulations, considered the documentation provided to date and consulted with the appropriate consultation bodies (see Appendix I) in reaching their scoping opinion.

2.3.2 The EIA process is vital in generating an understanding of the biological, chemical and physical processes operating in and around the proposed works' location and those that may be impacted by the proposed activities. We would however state that references made within the scoping opinion with regard to the significance of impacts should not prejudice the outcome of the EIA process. It is therefore expected that these processes will be fully assessed in the EIA report unless scoped out.

### **3. Description of works**

#### **3.1 Background to the works**

3.1.1 The proposal by the applicant is to construct a new quay wall, carry out land reclamation and associated dredging activities as part of the redevelopment of the St. Ola pier within Scrabster harbour. The project comprises of the following main components:

- Installation of new piled quay wall and pier deck to expand the existing pier.
- Capital dredging of approximately 145,000m<sup>3</sup> material to create the new berths.
- 0.65ha land reclamation at the root of the pier to provide storage space for cargo handling.
- 0.27ha land reclamation toward the existing Queen Elizabeth pier to provide an improved queueing area for ferry passengers.
- Installation of a water pipe and fuel pipe along the seabed from the Jubilee pier to the Ice pier and on land to the St. Ola pier.



## **4. Aim of this scoping opinion**

### **4.1 The scoping process**

4.1.1 Scoping provides the first identification, and likely significance, of the environmental impacts of the proposal and the information needed to enable their assessment. The scoping process is designed to identify which impacts will or will not need to be addressed in the EIA report. This includes the scope of impacts to be addressed and the method of assessment to be used. The scoping process also allows consultees to have early input into the EIA process, to specify their concerns and to supply information that could be pertinent to the EIA process. In association with any comments herein, full regard has been given to the information contained within the documentation submitted with the scoping opinion request.

4.1.2 The Scottish Ministers have also used this opportunity to provide advice in relation to the licensing requirements, in addition to the EIA requirements (see Appendix II).

## 5. Consultation

### 5.1 The consultation process

5.1.1 On receipt of the scoping opinion request documentation, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 18 July 2018. The following bodies were consulted:

- Caithness District Salmon Fishery Board
- Caithness West Community Council
- Fisheries Management Scotland
- *Health and Safety Executive ("HSE")*
- *Highland Council*
- *Historic Environment Scotland ("HES")*
- Marine Safety Forum
- Marine Planning and Policy
- *Maritime and Coastguard Agency ("MCA")*
- *Ministry of Defence ("MOD")*
- North and East Coast Inshore Fisheries Group
- *Northern Lighthouse Board ("NLB")*
- Royal Society for the Protection of Birds Scotland ("RSPB")
- *Royal Yachting Association Scotland ("RYA")*
- *Scottish Environment Protection Agency ("SEPA")*
- Scottish Fishermen's Federation
- Scottish Fishermen's Organisation
- *Scottish Natural Heritage ("SNH")*
- Scottish Water
- Scottish Wildlife Trust
- Scrabster Fishery Office
- The Crown Estate
- Thurso Community Council
- *Transport Scotland*
- *UK Chamber of Shipping*
- Visit Scotland

### 5.2 Responses received

5.2.1 From the list above a total of 11 responses were received from those listed in italics. The purpose of the consultation was to obtain advice and guidance from each consultee or advisor as to which potential effects should be scoped in or out of the EIA.

5.2.2 The Scottish Ministers are satisfied that the requirements for consultation have

been met in accordance with the 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA report and any marine licence application. Full consultation responses are attached in Appendix I and each should be read in full for detailed requirements from individual consultees. The Scottish Ministers expect all consultee concerns to be addressed in the EIA report unless otherwise stated.

## **6. Contents of the EIA report**

### **6.1 Requirements of the 2017 MW Regulations**

6.1.1 An EIA report must be prepared in accordance with regulation 6 of the 2017 MW Regulations.

6.1.2 The 2017 MW Regulations require that the EIA report is prepared by competent experts and must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of those experts.

6.1.3 The EIA report must be based on this scoping opinion and must include the information that may be reasonably required for reaching a reasoned conclusion, which is up to date, on the significant effects of the works on the environment, taking into account current knowledge and methods of assessment.

6.1.4 A gap analysis template is attached at Appendix III to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA report.

### **6.2 Non-Technical Summary**

6.2.1 The EIA report must contain a Non-Technical Summary (“NTS”) which should be concise and written in a manner that is appealing to read and easily understood. The NTS should highlight key points set out in the EIA report and must include (at least) the following:

- a description of the works comprising information on the site, design, size and other relevant features of the works;
- a description of the likely significant effects of the works on the environment;
- a description of the features of the works and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by the applicant, which are relevant to the works and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the works on the environment; and
- a summary of the information provided under paragraphs 1 to 9 of Schedule 4 of the 2017 MW Regulations.

### **6.3 EU Guidance**

6.3.1 [EU guidance on the preparation of an EIA Report](#) identifies the following qualities of a good EIA report:

- A clear structure with a logical sequence, for example describing existing baseline conditions, predicted impacts (nature, extent and magnitude), scope for mitigation, agreed mitigation measures, significance of unavoidable/residual impacts for each environmental topic.
- A table of contents at the beginning of the document.
- A description of the consent procedure for the works and how EIA fits within it.
- Reads as a single document with appropriate cross-referencing.
- Is concise, comprehensive and objective.
- Is written in an impartial manner without bias.
- Includes a full description and comparison of the alternatives studied.
- Makes effective use of diagrams, illustrations, photographs and other graphics to support the text.
- Uses consistent terminology with a glossary.
- References all information sources used.
- Has a clear explanation of complex issues.
- Contains a good description of the methods used for the studies of each environmental topic.
- Covers each environmental topic in a way which is proportionate to its importance.
- Provides evidence of effective consultations (if some consultations have already taken place).
- Provides basis for effective consultations to come.
- Makes a commitment to mitigation (with a programme) and to monitoring.
- Has a NTS which does not contain technical jargon.
- Contains, where relevant, a reference list detailing the sources used for the description and assessments included in the report.

## **6.4 Mitigation**

6.4.1 Within the EIA report it is important that all mitigating measures are:

- clearly stated;
- accurate;
- assessed for their environmental effects;
- assessed for their effectiveness;
- fully described with regards to their implementation and monitoring, and;
- described in relation to any consents or conditions.

6.4.2 The EIA report should contain a mitigation table providing details of all proposed mitigation discussed in the various chapters. Refer to Appendix I for consultee comments on specific baseline assessment and mitigation.

6.4.3 Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA report:

- the work that has been undertaken;
- what this has shown i.e. what impact, if any, has been identified; and
- why it is not significant.

## **6.5 Design Envelope**

6.5.1 The exact nature of the work that is needed to inform the EIA may vary depending on the design choices. Where flexibility in the design envelope is required, this must be defined within the EIA report and the reasons for requiring such flexibility clearly stated. To address any uncertainty the EIA report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case, and the most likely scenario, along with the potential impacts arising from these, must also be described. The Scottish Ministers will determine the application based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail will be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however, the information provided in Section 10 below regarding multi-stage regulatory consent. The CMS will freeze the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA report is not exceeded.

## **7. Interests to be considered within the EIA report**

### **7.1 Introduction**

7.1.1 The scoping report considered the likely impacts on the environment under the headings and topics addressed below. This section also contains a summary of the main points raised by consultees and the Scottish Ministers' opinion on whether EIA topics should be scoped in or out. The consultation responses are contained in Appendix I and the applicant is advised to carefully consider these responses and use the advice and guidance contained within them to inform the EIA report.

### **7.2 Coastal Processes**

7.2.1 The applicant proposes that changes to coastal processes at the operational phase are scoped out of the EIA however an assessment of effects on water quality from suspended sediment and possible contaminant dispersion as a result of the dredging and dredged material deposit should be scoped in.

7.2.2 Coastal processes were not discussed by any of the consultees in their consultation responses.

7.2.3 The Scottish Ministers conclude that coastal processes should be scoped out of the EIA report and the issues identified by the applicant in relation to water quality should be included in the chapter on water quality.

### **7.3 Flood Risk**

7.3.1 The applicant proposes that flood risk be scoped in to the EIA report in line with Scottish Planning Policy as Scrabster harbour is identified as at risk of coastal and pluvial flooding by SEPA. The applicant also proposes the need to assess effects on surface water drainage.

7.3.2 In their consultation response, SEPA have stated that a flood risk assessment is not required because the development should not have an impact on local flood risk. They have recommended that at least 600mm of freeboard is added when setting pier levels.

7.3.3 The Scottish Ministers agree with the opinion of SEPA that a detailed flood risk assessment is not required and therefore flood risk can be scoped out of the EIA report providing the recommended freeboard is adhered to.

### **7.4 Marine Biodiversity**

7.4.1 The applicant identifies a number of potential impacts on migratory fish, marine mammals and benthic ecology including temporary disturbance and loss of habitat, permanent habitat loss from the land reclamation, effects of increased suspended sediment concentration and potential contaminant release, effects of underwater noise and disturbance and collision risk to marine mammals from increased vessel traffic during construction. On the basis of the above, the applicant proposes that marine biodiversity is scoped in to the EIA report.

7.4.2 The Highland Council support the need for an assessment of the impacts of underwater noise on migratory fish and marine mammals. They also recommend an assessment of the contaminant levels in the dredged material and consideration of any likely impact on benthic species. In their consultation response, SNH also identify the need to consider mitigation measures to address potential impacts from noise and physical obstruction on migrating salmon. There is also the potential for noise generated by the construction works to impact European protected species and SNH have advised that this requires thorough consideration in the EIA report. SNH also recommend that a consideration of impacts on seal haulouts and basking sharks should be included in the EIA report.

7.4.3 The Scottish Ministers concur with the applicant and the views of the consultees that marine biodiversity including migratory fish, marine mammals and benthic ecology should be scoped in to the EIA report.

## **7.5 Water Quality**

7.5.1 In the scoping report, the applicant has identified a number of potential impacts on water quality from the construction works and has proposed that further assessment is required in line with the Water Framework Directive. The source of these impacts has been identified as dredging, release of contaminated sediments, disposal of dredged material at sea and pollution events.

7.5.2 SEPA identified that the works are in proximity to the Thurso bathing beach which is an area that is also well used by surfers throughout the winter. They therefore suggest that mitigation measures are required to maintain water quality throughout the year.

7.5.3 The Scottish Ministers agree with the recommendation of the scoping report supported by the view of SEPA that water quality should be scoped in to the EIA report.

## **7.6 Terrestrial Biodiversity and Ornithology**

7.6.1 The applicant proposes that ornithology and otters are scoped in to the EIA



report. This is due to the proximity of the North Caithness Cliffs SPA which is 200 metres from the proposed development which means that a HRA assessment will likely be required. The applicant also identifies that otters may use the shoreline and harbour area and thus need to be considered in the EIA report.

7.6.2 In their consultation response, SNH confirm that an HRA assessment will be required for the North Caithness Cliffs SPA and that ornithology should be included in the EIA report. They identify that impacts could be caused by the construction works from noise, lighting and pollution. SNH also support the need for an otter survey to be carried out as part of the EIA and the results used to produce a species protection plan if required.

7.6.3 The Scottish Ministers agree with the applicant and SNH that ornithology and terrestrial biodiversity, specifically otters, should be included within the EIA report.

## **7.7 Transportation**

7.7.1 The applicant proposes that transport is scoped in to the EIA to address the concerns raised by the Highland Council in their screening opinion response. They propose the production of a transport statement to address any issues arising from increase in vehicular traffic from the development. It is proposed that this document is produce in consultation with the Highland Council and Transport Scotland, as the Road Authority for the A9 trunk road which serves the harbour.

7.7.2 In their consultation response, Transport Scotland support the view previously provided by the Highland Council that a transport assessment is not required however a transport statement should be produced to assess the potential environmental impacts associated with increased traffic from the development. The Highland Council did not make reference to transportation within their consultation response on the scoping report. SNH also raise the issue of increased vessel traffic and request that an assessment of this is included within the EIA report.

7.7.3 The Scottish Ministers support the request by Transport Scotland for a transport statement to be included as part of the EIA report and thus transportation is scoped in. In addition to the transport statement, the Scottish Ministers support the request by SNH for inclusion of an assessment of increased vessel traffic within the EIA report.

## **7.8 Air Quality and Climate**

7.8.1 The applicant proposes that air quality and climate should be scoped in to the EIA to address emissions from plant and vehicles and dust levels from construction activities. The findings of the assessment will be used to develop appropriate mitigation plans.

7.8.2 In their consultation response, Transport Scotland support the need for air quality assessments to be carried out and any impacts that are identified to be addressed through mitigation plans.

7.8.3 The Scottish Ministers concur with the applicant and Transport Scotland that an air quality assessment should be carried out and thus air quality and climate should be scoped in to the EIA report.

## **7.9 Noise and Vibration**

7.9.1 The applicant has identified potential impacts of noise from plant/equipment, vessels and road traffic from the development and thus concluded that noise and vibration should be scoped in to the EIA report.

7.9.2 In their consultation response, Transport Scotland support the view of the applicant with regards to the inclusion of in-air noise within the EIA report. However, both SNH and the Highland Council also raise concerns in their responses regarding underwater noise generated by the proposed works and the impact that this could have on ecological receptors.

7.9.3 The Scottish Ministers agree with the applicant and Transport Scotland that in-air noise and vibration should be scoped in to the EIA report. The Scottish Ministers also support the consultee view that an assessment of underwater noise is also required and that this should be included either in this chapter or in the relevant chapter(s) relating to ecological receptors.

## **7.10 Waste Management**

7.10.1 The applicant has concluded that waste management during the construction phase of the works should be scoped in to the EIA report. The main focus will be on seabed sediments produced by the dredging works however the applicant also proposes to produce a site waste management plan to consider all waste arising from the site.

7.10.2 Although waste management was not specifically identified by the consultees in their responses, the Scottish Ministers support the need for a site waste management plan for inclusion within the Construction Environment Management Plan (CEMP). The Scottish Ministers are also of the view that the options for the disposal of seabed sediments from the dredging works will be addressed through the Best Practicable Environmental Option ("BPEO") document required to support a dredging licence application. On the basis of the above recommendations, the Scottish Ministers have concluded that waste management should be scoped out of the EIA report.

## **7.11 Soils, Geology and Contamination**

7.11.1 The applicant proposes that soils, geology and contamination should be scoped in to the EIA report to establish the suitability of dredged material for re-use within the reclamation or as backfill. They also propose that this chapter will consider the contamination status of the sediments to be dredged.

7.11.2 In their consultation response, SNH support the need to clarify the composition of the material to be deposited at sea within the EIA report.

7.11.3 The Scottish Ministers support the need for an assessment of the ground conditions to inform the deposit of dredge material and thus agree that soils, geology and contamination should be scoped in to the EIA report.

## **7.12 Cultural Heritage**

7.12.1 The applicant proposes that cultural heritage should be scoped out of the EIA report on the basis of the known baseline situation and the nature of the development. The scoping report provides a consideration of designated and non-designated heritage assets within the vicinity of the proposed works and the potential impact pathways by which the works may affect these assets. However concludes that there is negligible potential for the proposed redevelopment to affect cultural heritage assets.

7.12.2 In their consultation response, Historic Environment Scotland confirmed that there are no marine or terrestrial heritage assets that fall within their statutory remit and are within the vicinity of the works. On this basis, they are content for heritage assets to be scoped out of the EIA report.

7.12.3 The Scottish Ministers are content with the assessment provided by the applicant in their scoping report and in light of the fact that no concerns were raised by the consultees, have concluded that cultural heritage can be scoped out of the EIA report.

## **7.13 Landscape and Visual**

7.13.1 The applicant has stated in the scoping report that the proposed redevelopment is consistent with the existing landscape character at Scrabster Harbour and utilises existing features. Vessels will continue to come and go from the harbour in line with the current situation. On this basis, they conclude that landscape and visual can be scoped out of the EIA report.

7.13.2 Landscape and visual impacts were not raised by any of the consultees in

their responses. The Scottish Ministers have considered the evidence provided by the applicant in the scoping report including the siting of the harbour at the bottom of the Braes which means that any views of the harbour are only possible from a longer distance across Thurso bay from the south and east. On this basis, the Scottish Ministers have concluded that landscape and visual can be scoped out of the EIA report.

## **7.14 Population, Human Health and Socio-Economics**

7.14.1 The applicant has proposed that a standalone chapter on population, human health and socio-economics is scoped out of the EIA report and that relevant impacts during the construction phase of the works are addressed in the specialist topics of air quality, noise and vibration, transportation, water quality and contamination. The scoping report predicts a positive impact on socio-economics and this will be included in the project description of the EIA report.

7.14.2 The UK Chamber of Shipping supports the applicants conclusion that the socio-economic impact of the development is likely to be positive and thus does not require inclusion in the EIA.

7.14.3 The Scottish Ministers are satisfied with the approach proposed by the applicant to address any issues relating to population and human health within the specialist topics elsewhere within the EIA report. On this basis, population, human health and socio-economics is scoped out.

## **7.15 Major Disasters and Accidents**

7.15.1 The applicant has stated that impacts upon the natural environment, local land uses and human population could occur during the construction and operational phases due to accidental discharge of dangerous substances. Works will be carried out in adherence with existing harbour guidelines to minimise the risk of this occurring. The applicant proposes to address impact of any accidental discharge in the specific chapters relating to the affected receptors. The risk of accidental release from collision of vessels is also scoped out on the basis that existing navigational systems and controls within the harbour will be adhered to.

7.15.2 The consultation responses received did not make reference to major disasters and accidents, and no concerns were presented to the Scottish Ministers. The Scottish Ministers agree that impacts on receptors should be addressed in the relevant chapters and that major disasters and accidents can be scoped out of the EIA report.

## **7.16 Material Assets**

7.16.1 The applicant divides material assets into the built environment and the natural environment. The scoping report considers these in turn and concludes that any potentially significant effects on material assets are covered elsewhere within the EIA and thus a specific chapter on material assets can be scoped out.

7.16.2 The Scottish Ministers agree with the conclusions of the applicant that material assets can be scoped out of the EIA report.

## **7.17 Cumulative Assessment**

7.17.1 The applicant proposes that cumulative assessment will be considered between this project and other marine developments where concurrent environmental effects are apparent. However, they propose to address this under each of the relevant receptors and have determined that cumulative assessment should be scoped out of the EIA report.

7.17.2 In their consultation response, SNH specifically identified the Meygen project which should be assessed for cumulative impacts and offered to provide further advice regarding projects which should be considered.

7.17.3 The Scottish Ministers advise that the applicant contacts SNH, in addition to the approaches listed in the scoping report, to identify projects with potential cumulative effects. In general however, the Scottish Ministers are supportive of the applicants approach to assess cumulative impacts for each receptor in each chapter of the EIA and thus conclude that a standalone chapter on cumulative assessment can be scoped out of the EIA report.

## **7.18 Navigation**

7.18.1 Navigation has not been explicitly considered by the applicant in their scoping report. Mention is made to the presence, movement and navigation of vessels and the potential for accidents however the applicant proposes that these will be managed by the existing systems and controls within the harbour.

7.18.2 In their consultation response the MCA have requested a navigational risk assessment which could take the form of a plan to revise the existing Safety Management System within the Harbour to take account of the development operation and cumulative effects on existing vessel traffic.

7.18.3 On the basis of the advice provide by the MCA, the Scottish Ministers have concluded that navigation should be scoped in to the EIA report.

## **8. Marine Planning**

### **8.1 Background**

8.1.1 The development of projects subject to EIA should be in accordance with the UK Marine Policy Statement and the National Marine Plan (“NMP”).

### **8.2 The UK Marine Policy Statement 2011**

8.2.1 The UK Administrations share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas. Joint adoption of a UK-wide Marine Policy Statement provides a consistent high-level policy context for the development of marine plans across the UK to achieve this vision. It also sets out the interrelationship between marine and terrestrial planning regimes. It requires that when the Scottish Ministers make decisions that affect, or might affect, the marine area they must do so in accordance with the Statement.

### **8.3 Scotland’s NMP 2015**

8.3.1 Developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 (as amended), the NMP provides a comprehensive statutory planning framework for all activities out to 200 nautical miles. This includes policies for the sustainable management of a wide range of marine industries. The Scottish Ministers must make authorisation and enforcement decisions, or any other decision that affects the marine environment, in accordance with the NMP. The NMP sets out a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Plan.

### **8.4 Application and EIA Report**

8.4.1 It should be noted that any changes produced after the EIA report is submitted may require further environmental assessment and public consultation.

## 9. Multi-Stage Regulatory Approval

### 9.1 Background

9.1.1 The 2017 MW Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage approval process arises where an approval procedure comprises more than one stage, one stage involving a principal decision and one or more other stages involving an implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principal decision, assessment must be undertaken at the subsequent stage.

9.1.2 The definition in the 2017 MW Regulations is as follows: *“application for multi-stage regulatory approval” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun*”.

9.1.3 A marine licence, if granted, by the Scottish Ministers for your works at St Ola Pier, Scrabster Harbour, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS.

9.1.4 When making an application for multi-stage approval the applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA report. In doing so, the applicant must account for current (meaning at the time of the multi-stage application) knowledge and methods of assessment which address the likely significant effects of the works on the environment so to enable the Scottish Ministers to reach a reasoned conclusion which is up to date.

9.1.5 If during the consideration of information provided in support of an application for multi-stage regulatory approval the Scottish Ministers consider that the works may have significant environmental effects which have not previously been identified in the EIA report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

## **10. Judicial review**

All decisions may be subject to judicial review. A judicial review statement should be made available to the public.

## **11. Gaelic Language**

If the proposed works are located in an area where Gaelic is spoken, the applicant is encouraged to adopt best practice by publicising details of the proposed works in both English and Gaelic.

Signed  
[Redacted]

**21 September 2018**

Authorised by the Scottish Ministers to sign in that behalf.



## **Appendix I: Consultee Responses**

Historic Environment Scotland



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

By email to: [MS.majorprojects@gov.scot](mailto:MS.majorprojects@gov.scot)

[Redacted]

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: AMN/16/H  
Our case ID: 300026302

13 August 2018

Dear [Redacted]

Marine Works (Environmental Impact Assessment) (Scotland) 2017  
Scrabster Harbour - St. Ola Pier Redevelopment  
Scoping Report

Thank you for your consultation which we received on 18 July 2018 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

Your archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

### **Proposed Development**

I understand that the proposed development relates to the reconstruction and expansion of the existing pier. The development will require both terrestrial and marine works.

### **Scope of assessment**

I can confirm that there are no marine or terrestrial heritage assets within our statutory remit within the development site boundary or its vicinity. On this basis we would be content for heritage assets within our remit be scoped out of the assessment.

### **Further information**

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes). Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

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]

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

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**

Health & Safety Executive

**From:** [Redacted]  
**Sent:** 06 August 2018 13:52  
**To:** MS Major Projects  
**Subject:** RE: Scrabster Harbour (per RPS) - St. Ola Pier Redevelopment, Scrabster - Scoping Report Consultation - Responses by 16 August 2018

[Redacted]

**ENVIRONMENTAL ASSESSMENT FOR PROPOSED DEVELOPMENT AT: St. Ola Pier Redevelopment, Scrabster.**

Thank you for your email of 18<sup>th</sup> July 2018 asking what information should be provided in the environmental statement for the proposed development at Scrabster Harbour.

Environmental Impact Assessments are concerned with projects which are likely to have significant effects on the environment. HSE's principal concerns are the health and safety of people affected by work activities. HSE cannot usefully comment on what information should be included in the environmental statement of the proposed development. However, the environmental statements should not include measures which would conflict with the requirements of the Health and Safety at Work etc Act 1974 and its relevant statutory provisions.

Kind Regards

[Redacted]

Admin Support for CEMHD1  
Chemical Explosives and Microbiologists Hazards Division

[Redacted]

: Health and Safety Executive, 2nd Floor, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA



HSE is engaging with stakeholders to shape a new strategy for occupational safety and health in Great Britain, with seven roadshow events across the country. [Find out more<sup>\[3\]</sup>](#) and join the conversation #HelpGBWorkWell

Highland Council

**From:** [Redacted]  
**Sent:** 17 August 2018 15:03  
**To:** MS Major Projects  
**Subject:** RE: FW: Scrabster Harbour (per RPS) - St. Ola Pier Redevelopment, Scrabster - Scoping Report Consultation - Responses by 16 August 2018 - 18/03379/PREAP

[Redacted]

Please see comments from our coastal planner:

## **18/03379/preapp Scrabster Harbour: St. Ola Pier Redevelopment: MS-consultation**

### **Coastal Planner response 24/07/2018**

Note my comments only relate to the marine elements of the proposal.

As noted in the scoping document, an assessment of the likely impacts of other construction noise on marine mammals and migratory fish species should be included in the EIA report. Porpoises in particular are found in close proximity to the proposal.

I suggest the applicants consult the Caithness District Salmon Fishery Board (CDSFB) on likely impacts on wild salmonids. As the River Thurso is an SAC designated for Atlantic salmon (*Salmo salar*), the CDSFB may advise on construction times to be avoided in order to minimize impacts on migrating runs. An Appropriate Assessment is likely to be required; SNH can advise.

The EIA report should consider the likely impacts on the area surrounding the dredge site if the material dredged out of the pier site during the construction is found to be contaminated and likely to impact benthic species.

The proposed work to address any impacts on the North Caithness Cliffs SAC appear to be sufficient but an Appropriate Assessment may be required given the close proximity to the development; SNH can advise.

Hope this is useful

Kind regards  
[Redacted]



[Redacted]

Acting Principal Planner – Caithness, Sutherland and Easter Ross  
Development & Infrastructure  
Drummuie, Golspie, KW10 6TA

[Redacted]

**This advice is given without prejudice to the future consideration of and decision on any application received by The Highland Council**

**Thathar a' toirt seachad na comhairle seo gun chlaon-bhreith do bheachdachadh air agus co-dhùnadh a thaobh tagradh sam bith a tha Comhairle na Gàidhealtachd a' faighinn san àm ri teachd**

**Follow up documentation for existing planning applications**

Follow up documentation should no longer be submitted directly to Planning Officers or to Area Planning Offices. If you would like to submit revised plans or any other follow up/additional documentation in relation to an existing application, please do so by using the Post Submission Additional Document online form available on the ePlanning.scot Portal. Further guidance on how to do this can be found here on our Planning Web Pages. Please remember to quote the correct application reference number on the online form before submitting. Thank you for your co-operation.

Maritime and Coastguard Agency

Dear Marine Scotland,

Thank you for the opportunity to comment on this request for a Scoping Opinion for the redevelopment of St Ola Pier at Scrabster Harbour.

We expect that a Marine Licence under the Marine & Coastal Access Act 2009 would be required for the proposed works, at which time the MCA will be invited to comment on the application from a safety of navigation perspective.

We note that the works are being undertaken by Scrabster Harbour, who are a Statutory Harbour Authority and have declared compliance with the Port Marine Safety Code (PMSC) for 2018.

We also note the developers intention, stated in the report, to include a Chapter on navigation in their Environmental Impact Assessment. We would expect a full Navigation Risk Assessment to be included, with reference to impacts on the Harbour's operations and existing Safety Management System (SMS). This should also consider any cumulative impacts on shipping and navigation in the general area.

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

From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

## 7.7 Regulating harbour works

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

7.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and

- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

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

Best Regards,

[Redacted]

Marine Licencing Lead

MCA Navigation Safety Branch

**From:** [Redacted]  
**Sent:** 20 September 2018 14:45  
**To:** MS Major Projects  
**Cc:** navigation safety  
**Subject:** RE: Scrabster Harbour (per RPS) - St. Ola Pier Redevelopment, Scrabster - Scoping Report Consultation - Responses by 16 August 2018

Good Afternoon,

Thank you for your telephone call today and earlier this week with regards to our response, and request for a Navigational Risk Assessment to be completed for the EIA.

I have reviewed our response and the original Scoping Request document by the developer, and feel that this request should still stand. Noting 16.10 in the Scoping Request, the developer recognises the potential safety impact from the development works through increase in vessel traffic as well as actual construction operations. We would reiterate that these works would require a Marine Licence and would anticipate to be consulted by Marine Scotland at that time; noting this potential safety impact and increased risk to marine users through collision risk, etc, we would like to see this addressed in the EIA in more detail to explore this.

“Navigational Risk Assessment” can be open to some interpretation, and we note that Scrabster Harbour is already PMSC compliant and has declared as such for 2018. As such Scrabster will already have an existing Safety Management System (SMS) as referenced in the Scoping Opinion; we would be happy at EIA stage if we simply saw the developer’s plan to revise the SMS to take account of the development operation, and cumulative effects on existing vessel traffic. Our area of interest as consultee is that the potential risks to navigation safety are accurately assessed with relevant mitigations and contingencies put into place.

I hope that this provides some clarification. Please feel free to give me a call if you would like to discuss this further.

Best Regards,

[Redacted]  
acted]  
d]

Maritime & Coastguard Agency  
Spring Place, 105 Commercial Road, Southampton, SO15 1EG  
[Redacted]

*Please note my GSI email is not routinely monitored.*



**Safer Lives, Safer Ships, Cleaner Seas**



Ministry of Defence

**From:** [Redacted]  
**Sent:** 24 July 2018 10:16  
**To:** MS Major Projects  
**Subject:** RE:20180724- Scrabster Harbour (per RPS) - St. Ola Pier Redevelopment, Scrabster  
- Scoping Report Consultation -DIO 10043859-O

Good Morning [Redacted]

Further to your e-mail below and after our investigation, I can confirm that the MOD has No Objection to this activity in the location specified. I hope this information is sufficient for your purposes.

Regards

[Redacted]

Safeguarding Assistant  
Estates – Safeguarding

**Defence  
Infrastructure  
Organisation**

---

Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

[Redacted]

**Website:** [www.gov.uk/dio/](http://www.gov.uk/dio/) | **Twitter:** @mod\_dio

**Read DIO's blog:** <https://insidedio.blog.gov.uk/>



Northern Lighthouse Board



# Northern Lighthouse Board

Your Ref: EIA Scoping Email from MS  
Our Ref: GB/ML/S13\_02\_034

84 George Street  
Edinburgh EH2 3DA

Switchboard: 0131 473 3100  
Fax: 0131 220 2093

Website: [www.nlb.org.uk](http://www.nlb.org.uk)



[Redacted]  
Marine Licensing Casework Officer  
Marine Scotland – Marine Planning & Policy  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
ABERDEEN  
AB11 9DB

25 July 2018

Dear [Redacted]

**PART 4, REGULATION 14(2) OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) ('THE MW REGULATIONS') – SCRABSTER HARBOUR TRUST (PER RPS GROUP) : ST OLA PIER REDEVELOPMENT – SCRABSTER HARBOUR, SCRABSTER**

Thank you for your e-mail correspondence dated 18 July 2018, regarding the Environment Impact Assessment scoping opinion submitted by **Scrabster Harbour Trust (per RPS Group)** for the proposed redevelopment of St Ola Pier, Scrabster Harbour, Scrabster.

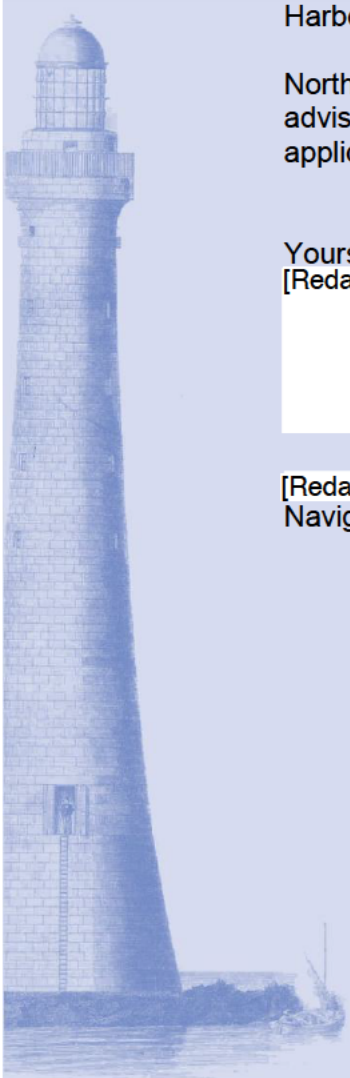
Northern Lighthouse Board has no objections to the proposed redevelopment and will advise marking and lighting requirements in response to a Marine Licence application.

Yours sincerely  
[Redacted]

[Redacted]  
Navigation Manager

for the safety of all

to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS



Royal Yachting Association Scotland

Royal Yachting Association Scotland

Caledonia House  
1 Redheughs Rigg  
South Gyle  
Edinburgh  
EH12 9DQ

T +44 (0)131 317 7388  
E [admin@ryascotland.org.uk](mailto:admin@ryascotland.org.uk)  
W [www.ryascotland.org.uk](http://www.ryascotland.org.uk)

9 August 2018

[Redacted]

Marine Licensing Casework Officer  
Marine Scotland - Marine Planning & Policy  
Scottish Government, Marine Laboratory,  
375 Victoria Road,  
Aberdeen, AB11 9DB

[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Dear [Redacted]

**Scrabster Harbour (per RPS) - St. Ola Pier Redevelopment, Scrabster - Scoping Report Consultation**

I note that the scoping report makes no mention of recreational sailing at Scrabster. Although Scrabster has only a limited number of leisure berths in the Inner Basin it is nevertheless an important harbour for vessels cruising through the Pentland Firth. However, the only possible impact of the proposed development is the potential installation of a new fuel and water pipe from the Ice Quay to the Jubilee Quay, which might inhibit access temporarily. Any such closure would need to be well publicised and not just through a Notice to Mariners or Kingfisher as this is the only harbour between Strathy Point and Dunnet Head.

The Pentland Firth Yacht Club is based in the southeast corner of the port but members largely sail dinghies which are launched from the two slipways beside the clubhouse and are thus well away from the proposed development. Although they are unlikely to be affected directly, the club should be added to the list of consultees.

If the issue in the first paragraph can be resolved then recreational boating can be scoped out of the EIA.

[Redacted]

 [Redacted]

Planning and Environment Officer, RYA Scotland

Scottish Environment Protection Agency

Our ref: PCS/160289  
Your ref: Email 18/7/18

If telephoning ask for:  
[Redacted]

31 July 2018

[Redacted]  
Marine Scotland  
Aberdeen

By email only to: [ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Dear [Redacted]

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Pier Extension  
Ola Pier, Scrabster**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by way of your email which we received on 18 July 2018.

Insofar as the development relates to our interests we are generally content with the scope of the assessment proposed but you and the developer should take into consideration the following site specific advice:

- The development is located in Thurso Bay which also contains Thurso Bathing Beach. While the official bathing water testing season is from June to September this beach and surrounding waters is also well used by surfers in the winter. It is therefore necessary to ensure that measures are put in place to protect water quality throughout the year.
- The development may have impacts on existing discharges to the area. The EIA Report should identify all discharges within the vicinity of the works and provide an assessment of likely impacts, and if required remediation proposals. Our records suggest that there is a combined sewer overflow in this area; so the developer should discuss their proposals with Scottish Water. If a new discharge location is required then the related existing Water Environment (Controlled activities) Regulations authorisation will need to be varied.
- In relation to flood risk then the 1 in 200 year coastal flood level for the area is 3.53mAOD. This is based on extreme still water level calculation using the Coastal Flood Boundary Method and does not take into account the potential effects of wave action, climate change, funnelling or local bathymetry and as a result we recommend at least 600mm of freeboard be added. The developer should take this into consideration when setting pier levels. We can confirm that we are content that the development should not have an impact on local flood risk and as a result a detailed Flood Risk Assessment is not required.

For all other aspects, including in relation to dredging and its uses, we refer you and the developer to [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

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

Yours sincerely

[Redacted]  
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. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

## Scottish Natural Heritage



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

By email only to: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Our Ref: CEA15583

Date: 13<sup>th</sup> August 2018

For the attention of: [Redacted]

Dear [Redacted]

**Scoping opinion request for the St. Ola Pier redevelopment works at Scrabster Harbour, under Part 4, Regulation 14 (2) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ('the MW Regulations').**

Thank you for your consultation dated 18 July 2018, requesting a scoping opinion for the above proposal.

### **Background**

We provided a screening opinion to you on 21 February 2018 and advised that this proposal should be subject to an EIA.

### **Scoping Advice**

#### **Protected Areas**

We advise that the protected areas listed below are scoped into the EIA.

- Moray Firth Special Area of Conservation (SAC)
  - We advise that any bottlenose dolphins in the vicinity of this proposal are likely to be from the Moray Firth SAC population however they may be rarely sighted in this area.
- Sanday SAC
- Faray & Holm of Faray SAC
- The River Thurso SAC
  - With regard to the River Thurso SAC, we advise that the applicant will have to consider the potential impact that this proposal (and impacts during construction - such as piling noise and physical obstruction) may have on salmon travelling east towards the Thurso SAC. We would expect to standard mitigation measures to be included in a construction statement. The Marine Scotland Licensing Operations Team may already have tracking data which

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie, KW10 6UB  
Tel: 0300 0676841 Fax: 01408 634222 [www.nature.scot](http://www.nature.scot)

An Ceangal, Roan Gniomhachais Ghoillspidh, Goillspidh, Cataibh, KW10 6UB  
Fòn 0300 067 6841 Fax 01408 634222 [www.nature.scot](http://www.nature.scot)



show the movement of salmon in this area. It might be useful for the applicant to get in touch for this information.

Further details on the above sites can be found on our website at:

<http://gateway.snh.gov.uk/sitelink/index.jsp>

### Ornithology

The proposed works are located within 200m of the North Caithness Cliffs SPA which is classified for its cliff nesting sea birds and peregrine falcon.

We are satisfied with the scope of the ornithological survey. There is potential for the SPA to be affected by the proposed works by noise, sedimentation and pollution risk, therefore we can conclude “Likely Significant Effect”. Further information will be required in order to demonstrate that there is no adverse effect on the SPA’s integrity. We do however consider that it should be possible to prevent an adverse effect on the SPA’s integrity through mitigation measures to limit noise, lighting and pollution.

Further to this we consider that the issues outlined below will require further analysis and assessment within the ER:

- With regard to the dumping and disposal of material, the material volumes and its composition should be clarified within the ER.
- An assessment to the changes of the nature and type of vessel activity should be assessed within the ER. The report from Affric mentions larger cruise ships as well as North Sea hydrocarbon service vessels. This seems to be a significant addition to current shipping traffic and we would expect to see some assessment of the increase in vessel traffic as well as its type. There are two consequences: increased disturbance, and secondly, increased discharges, both of which have the potential to impact upon birds as well as other wildlife.
- Cumulative impacts on the SPA birds should be considered. We advise that developments other than port developments (e.g. MeyGen tidal stream energy project) should be included in the cumulative assessment. We would be happy to advise on the suitability of projects to be included in the cumulative assessment if the applicant wishes.

### Marine Biodiversity

#### General Advice

We largely agree with the key issues and scope of the EIA as identified in sections 5.15 - 5.22 of the scoping report. We have some additional advice to offer below.

- We advise that Priority Marine Features (PMFs) should be included within the assessment of the “valued ecological receptors”. Guidance on PMFs can be found on our website at: <https://www.nature.scot/priority-marine-features-guidance>
- Although not in close proximity to the development we advise that information on seal haulouts including designated seal haulouts should be presented within the ER. An assessment if any potential impacts on these sites should be undertaken.

- An assessment of underwater noise for EPS species should be undertaken. This should include underwater noise modelling using the NOAA guidelines: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>. This should cover piling (impact and vibrio), dredging and any blasting/explosives use. Mitigation should be proposed relating to the findings of this modelling.
- Confirmation of whether any blasting would be required prior to piling should be provided within the ER. Section 5.6 of the scoping report mentions hard substrata being present in area.
- Further details on the amount of dredging required, amount to be disposed of at sea and location of disposal site should be provided within the ER. From the plans the disposal site is marked as 'disused' so may not be suitable for disposal.
- Cumulative effects should be considered within the ER. We note that there is focus on developments in the nearby vicinity however we advise that those developments that are likely to affect the same features should be included. E.g. developments undertaking piling at the same time that could affect the same population of seals/cetaceans.

### European Protected Species

#### Otters

We welcome the proposal to undertake an otter survey. If any impacts on otters are identified then mitigation measures should be provided in a Species Protection Plan.

#### Cetaceans

There are records of cetaceans in the area around Thurso Bay, we therefore advise that a full assessment of any potential impacts on cetaceans is undertaken as part of the EIA. If impacts are identified then mitigation measures should be identified and outlined in a Marine Mammal Protection Plan (MPP).

### Nationally Protected Species

#### Basking Sharks

Basking sharks are known to use the Pentland Firth Area and have been recorded in the area around Thurso Bay. An assessment of the potential impacts on these species should be undertaken as part of the EIA and any mitigation should be detailed in a MPP. The applicant should be made aware that they may require a basking shark licence.

### Concluding Remarks

Our comments are given without prejudice to the views which we may wish to express at a later stage in response to a formal consultation on the full proposal.

Please let me know if you need any further information or advice from us in relation to this proposal.

Yours sincerely,

[Redacted]

**Operations Officer**  
**Northern Isles and North Highland**  
[Redacted]

Transport Scotland

Your ref:

[Redacted]  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Our ref:  
TS00538

Date:  
01/08/2018

[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Dear Sirs,

## **MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

### **SCOPING REQUEST FOR ST. OLA PIER REDEVELOPMENT, SCRABSTER**

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment (EIA) Scoping Report (SR) prepared by RPS Group in support of the above development.

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

The proposed development comprises the redevelopment of St Ola Pier within Scrabster Harbour, located approximately 1.5 miles north-west of Thurso. The nearest trunk road to the site is the A9(T) which forms the northern boundary of the harbour, and from which access to the harbour is taken.

The SR indicates that the redevelopment will result in a renovated pier approximately 280m long with the ability to accommodate cruise ships up to 250m long, as well as service and cargo vessels.

It is noted that the works may also include the reclamation of 0.92ha around the pier to provide storage space for cargo handling and improved queuing area. The volume of dredge material generated by the works is approximately 145,000m<sup>3</sup> of sandy gravel and clay. This material may be reused within reclaimed areas of the site; disposed of at a sea disposal site; disposed of at a licensed waste facility or a combination of each of these options. In addition to the above, a water pipe and a fuel pipe will be laid on the seabed to service vessels.

We understand that no road network upgrades are proposed for the transit of goods to service supply vessels or cruise vessels.

The SR indicates within Chapter 8 - Transportation that Highland Council have determined that a Transport Assessment is not necessary to support the application. Instead, a Transport Statement will be provided.

While Transport Scotland is in agreement that a Transport Assessment is not required, we would request that an assessment of the potential environmental impacts associated with increased traffic be provided within the EIA.

### **Assessment of Potential Environmental Impacts**

With regard to the potential environmental impact of the development on receptors adjacent to the trunk road network, there are a number of issues which should be taken into consideration when assessing the merits of the development. The EIA should provide information including the preferred route options for the movement of any heavy loads and an estimate of vehicle trip generation to and from the site. We would request that a worst-case scenario be considered, whereby all the dredged material is transported off-site. In addition, information must be supplied identifying potential environmental impacts on the trunk road once the development is operational, including, inter alia, the potential trips generated by cruise ships utilising the pier.

Potential trunk road related environmental impacts such as driver delay, pedestrian amenity, severance, safety etc should be considered and assessed where appropriate (i.e. where Institute of Environmental Management and Assessment Guidelines for further assessment are breached). These specify that road links should be taken forward for assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

In the case of the Environmental Statement, the methods adopted to assess the likely traffic and transportation impacts on traffics flows and transportation infrastructure, should comprise:

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

Where significant changes in traffic are not noted for any link, no further assessment needs to be undertaken. Where environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the report:

- The work that has been undertaken e.g. Transportation/ Noise / Air Quality Assessments etc;
- What this has shown i.e. what impact if any has been identified; and
- Why it is not significant.

It is not necessary to include all the information gathered during the assessment of these impacts although this information should be available if requested.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

[Redacted]

[Redacted]

**Transport Scotland**  
**Trunk Road and Bus Operations**

[R

UK Chamber of Shipping



**From:** [Redacted]  
**Sent:** 26 July 2018 13:55  
**To:** MS Major Projects  
**Subject:** RE: Scrabster Harbour (per RPS) - St. Ola Pier Redevelopment, Scrabster - Scoping Report Consultation - Responses by 16 August 2018

Dear [Redacted]

Thank you very much for your mail and the relevant information and documents regarding the scoping opinion request from Scrabster Harbour for their proposed St. Ola Pier redevelopment works.

The Chamber has reviewed the requests and supports the need for the pier redevelopment project due to a number of factors such as the age of the existing pier and the need for additional berthing to increase capacity at the port to accommodate the rising demand from a whole host of varying maritime sectors, specifically to cater to the steady growth in ferry passengers which has been reported. The Chamber also supports the development for the economical benefits it will bring the Oil and Gas industry by reducing transit times and the environmental and safety advantages of expanding the pier to allow cruise ships to dock thus avoiding anchoring in the Bay and being a potential collision risk.

Additionally the Chamber supports the dredging program which will accompany this project and will improve navigation channels which keeps in line with the key objectives of the Scottish National Marine Plan to safeguard access to ports and to encourage the sustainable growth of ports to maximise the potential of other sectors.

If you would like any further information from the Chamber on our observations, please do not hesitate to contact us.

Kind regards,

[Redacted]

Policy Advisor

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

[Redacted]

[www.ukchamberofshipping.com](http://www.ukchamberofshipping.com)

## **Appendix II: Licensing Process**

## Application

The application letter must detail how many licences are being sought, what marine licensable activities are proposed and what legislation the application is being made under.

Applicants are required to submit two hard copies of the EIA report together with an electronic copy in a user-friendly PDF format which will be placed on the Scottish Government website. If requested to do so by the Scottish Ministers, the applicant must send to the Scottish Ministers such further hard copies of the EIA report as requested. Applicants may be asked to issue the EIA report directly to consultees and in which case consultee address lists should be obtained from the Scottish Ministers.

## Requirement for Public Pre-Application Consultation ("PAC")

From 6<sup>th</sup> April 2014, applications received for certain activities are subject to a public pre-application consultation requirement. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. This requirement allows local communities, environmental groups and other interested parties to comment on proposed works in their early stages and before an application for a marine licence is submitted.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 can be accessed via:

<http://www.legislation.gov.uk/ssi/2013/286/made>

Guidance on marine licensable activities subject to Pre-application Consultation can be obtained at:

<http://www.gov.scot/Topics/marine/Licensing/marine/guidance/preappconsult>

The licensing authority reserves the right not to accept an application in the absence of an acceptable PAC report.

## Pre-Dredge Sampling

Please note that if it is intended to dispose of any dredged material at sea, adequate pre-dredge sample analysis must be submitted in support of the EIA report and marine licence dredging application. The licensing authority reserves the right not to accept an application in the absence of acceptable sediment analysis data.

Please refer to the pre-dredge sampling guidance provided in Appendix IV.

## Ordinance Survey ("OS") Mapping Records

Applicants are requested at application stage to submit a detailed OS plan showing the site boundary and location of all deposits and onshore supporting infrastructure in a format compatible with The Scottish Government's Spatial Data Management Environment ("SDME"), along with appropriate metadata. The SDME is based around

Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shape file format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by The Scottish Government); all metadata should be provided in this format.

### Advertisement

Where the applicant has provided the Scottish Ministers with an EIA report, the applicant must publish their proposals in accordance with Regulation 16 of the 2017 MW Regulations and ensure that a reasonable number of copies of the EIA report are available for inspection at any place named in the publication. Licensing information and guidance, including the specific details of the adverts to be placed in the press, can be obtained from the Scottish Ministers. If additional information is submitted further public notices will be required.

### EPS licence

European Protected Species ("EPS") are animals and plants (species listed in Annex IV of the [Habitats Directive](#)) that are afforded protection under [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended) and [The Offshore Marine Conservation \(Natural Habitats, &c.\) Regulations 2007](#) (as amended). All cetacean species (whales, dolphins and porpoise) are European Protected Species. If any activity is likely to cause disturbance or injury to a European Protected Species a licence is required to undertake the activity legally.

A licence may be granted to undertake such activities if certain strict criteria are met:

- there is a licensable purpose;
- there are no satisfactory alternatives, and;
- the actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the [guidance on the protection of marine European Protected Species](#) for more detailed information in relation to Scottish Inshore Waters. Applicants may choose to apply for an EPS licence following the determination of the EIA application and once construction methods have been finalised, however it is useful to include a shadow EPS assessment within the EIA report.

Please note that basking sharks are also afforded protection under the Wildlife & Countryside Act 1981 (as Amended by the Nature Conservation (Scotland) Act 2004).

### **Appendix III: Gap Analysis**

Applicant to complete:

Consultee	No.	Point for inclusion	EIA report Section	Justification
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
	16			
	17			
	18			
	19			
	20			
	21			
	22			
	23			
	24			