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**FAIRHURST**

**Our Ref:** JM/SG/DW/DL/134380/001

**Date:** 28 October 2019

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Dear David

**134380 – THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (AMENDED 2017)**

**REQUEST FOR SCREENING OPINION – PROPOSED OFFSHORE WIND ASSEMBLY, STORAGE AND DECOMMISSIONING AREA AT PORT OF DUNDEE**

Fairhurst are writing to request a formal Environmental Impact Assessment (EIA) Screening Opinion for a proposed Offshore Wind Assembly, Storage and Decommissioning Area, along with various quayside works which include the proposed construction of a Ro-Ro facility, new quay and dredging at the Port of Dundee as shown on Drawing Number 130143/8003.

Further to correspondence in July 2019 between Ian Kerr (Port of Dundee), David Gray (Dundee City Council) and Anni Mäkelä (Marine Scotland), it was agreed that a single Screening Request would be submitted to Dundee City Council and Marine Scotland to cover the entire project both above and below Mean High Water Springs (MHWS). This Screening Request, therefore, covers the entire project and an identical copy of this Screening Request has also been submitted to Anni Mäkelä at Marine Scotland.

This EIA Screening Request is also accompanied by a Habitat Regulations Assessment (HRA) Screening Report prepared by BSG Consulting and a Report detailing the Best Practicable Environmental Option (BPEO) for sediment disposal which has been informed by sediment sampling undertaken in 2019. The purpose of the HRA Screening Report is to determine the requirement and scope for an Appropriate Assessment.

**Screening Opinion Request**

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

In accordance with the requirements of EIA Screening as set out in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 please find included within this letter:

- a) A description of the location of the development, including a plan sufficient to identify the land; **(see Site Description below and Drawing Number 130143/8002, which is attached to this submission)**
- b) A description of the proposed development, including in particular:

ABERDEEN  
BIRMINGHAM  
BRISTOL  
DUNDEE  
EDINBURGH  
ELGIN  
GLASGOW  
HUDDERSFIELD  
INVERNESS  
LEEDS  
LONDON  
NEWCASTLE  
PLYMOUTH  
SEVENOAKS  
TAUNTON  
THURSO  
WATFORD  
WESTHILL

**Continued...**

- i. a description of the physical characteristics of the development and, where relevant, of demolition works; **(see description of proposed development further on in this letter)**
  - ii. a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected; **(see site description further on in this letter)**
- c) a description of the aspects of the environment likely to be significantly affected by the proposed development **(see description of potential impacts of the environment further on in this letter)**; and
- d) a description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from:
- i. the expected residues and emissions and the production of waste, where relevant; and
  - ii. the use of natural resources, in particular soil, land, water and biodiversity; **(see description of potential impacts further on in this letter)**

#### The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

As a screening opinion from Marine Scotland has also been requested, in accordance with the requirements of EIA Screening as set out in The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, please also find included within this letter:

- (a) a description of the location of the proposed works, including a plan sufficient to identify the area in which the works are proposed to be sited **(see Drawing Number 130143/8002 and 130143/8003, which is attached to this submission)**;
- (b) a description of the proposed works, including in particular—
  - (i) a list of all of the regulated activities which are proposed;
  - (ii) a description of the physical characteristics of the proposed works and, where relevant, works to be decommissioned **(see description of proposed development further on in this letter)**; and
  - (ii) a description of the location of the proposed works, with particular regard to the environmental sensitivity of geographical areas likely to be affected **(see site description further on in this letter)**;
- (c) a description of the aspects of the environment likely to be significantly affected by the proposed works; and **(see description of potential impacts further on in this letter)**
- (d) a description of any likely significant effects, to the extent of the information available on such effects, of the proposed works on the environment resulting from either, or both, of the following:—
  - (i) the expected residues and emission and the production of waste, where relevant; and
  - (ii) the use of natural resources, in particular soil, land, water and biodiversity **(see description of potential impacts further on in this letter)**.

#### Site Description

The application site is located on land at the Port of Dundee, which is operated by the Port of Dundee. To the north of the application site is Stannergate Road, to the east of the application site is a rocky foreshore fronting the River Tay, to the south of the application site is the River Tay and operational berths associated with the use of Prince Charles Wharf and the Prince Charles Wharf Extension. To the west of the application site is further land owned and operated by the Port of Dundee. The application boundary and existing uses on-site are shown on Drawing Number 130143/8002. Vehicular access is from Stannergate Road.



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The Port of Dundee provides services for the North Sea oil and gas industry, construction industry, paper pulp and forest products and also a wide range of general and bulk cargoes. The Port of Dundee comprises of 1,600m of the quayside and currently has 6 working berths. Recently, there has been £10 million invested into various redevelopments, which have included a new quayside to support the decommissioning and offshore wind farm industry, which the Port of Dundee has a strong presence in due to its strategic location.

As shown on Drawing Number 130143/8002, the application site currently contains a range of buildings and land uses common to an operational port. There is an existing dredge pocket to the front of the existing quay. The existing Prince Charles Wharf and Prince Charles Wharf Extension also lie within the site.

The nearest residential properties are in excess of 75m from the development site. However, they are separated from the application site by the A930, an operational railway, and Stannergate Road.

The proposed development extends into the Firth of Tay and Eden Estuary SAC. The qualifying features of primary interest for this site are estuaries, and harbour seals are a primary reason for selection of the site. Sandbanks and mudflats are also qualifying features. In addition, the Outer Firth of Forth and St Andrews Bay Complex proposed Special Protection Area (pSPA) extends partway across the front of the existing site frontage. The Firth of Tay and Eden Estuary SPA and Ramsar sites are 2.9km to the east.

An HRA Screening Report which addresses possible impacts on the Firth of Tay and Eden Estuary SAC, and the Outer Firth of Forth and St Andrews Bay Complex pSPA accompanies this EIA Screening Request.

### **Description of the Proposed Development**

The proposed development is shown on Drawing Number 130143/8003 and consists of the following main elements:

- Demolition of all existing buildings;
- Creation of suitable areas of land associated with decommissioning works for the offshore oil and gas industry and tenants associated with marshalling the pre-assembly of offshore wind turbines (delivery of components to the Port, some assembly, then export for installation). The works will result in a predominantly unsealed gravel surface across the site with the retention of some small areas of sealed hardstanding;
- Use of land to the east of the application site for the segregating, sorting and processing of predominantly recyclable waste materials;
- The widening of the existing dredged berth associated with the Prince Charles Wharf Extension from 200m x 40m to 200m x 60m. The depth of the berth would increase to -10.0mCD;
- Slab thickening to the existing Prince Charles Wharf to increase quay capacity;
- A proposed suspended quay on land to the west of Prince Charles Wharf to accommodate Ro-Ro Vessels; and
- Creation of a new berth pocket to the south of the proposed suspended quay. The proposed berth pocket would be 170m x 30m and is proposed to be dredged to a depth of -9.0mCD.

Some new hardstanding will be created through the proposed suspended quay and the metal processing facility (shown on Drawing 130143/8003).

However, overall the demolition of existing buildings and installation of an unsealed gravel surface across the majority of the site will lead to a reduction in areas of hardstanding, from approximately 45,000m<sup>2</sup> as existing to approximately 16,000m<sup>2</sup> as proposed.

Sediment sampling has been undertaken which confirms that the sediment comprises of sandy silt and silty sand with some samples presenting gravel fractions. Whilst there are elevated concentrations of some metals and PAHs within the dredged material above Action Level 1, these are consistent with historic industrial discharges to the Firth of Tay, and no samples recorded concentrations of contaminants above Action Level 2.

A Report detailing the Best Practicable Environmental Option for the disposal of the sediments is submitted with this EIA Screening Request. The attached Report confirms that disposal of sediments offshore to a licensed sea disposal site (the preferred option being the Middle Bank disposal site) is the BPEO.

### **Potential Impact of the Proposed Works**

An initial desk-based study has been undertaken to identify any key environmental receptors in and around the application site. Fairhurst consider that it is reasonable to conclude that the main potential impacts of the proposed development are limited to:

- Potential for risk of contaminants within surface water during construction and operation whilst noting that some works on site will be carried out in accordance with a Waste Management Licence from SEPA;;
- Potential for temporary increase in noise levels during construction, whilst acknowledging that the site is currently an operational port with no controls over noise levels ;
- Potential for sediment mobilisation as a result of increased dredging within the Firth of Tay and Eden Estuary SAC.

The above impacts generally fall under the following main topics:

- Noise;
- Ecology;
- Flood Risk, Drainage and Water Environment;
- Inter-related impacts as a result of the above.

### **Noise**

The construction works involved for the suspended quay and land reclamation works, as well as the strengthening and repair, work to the existing quays, will consist of the following:

- Installation of (tubular) piling (by vibro and / or hammer)
- Installation of (sheet) piling (by vibro and / or hammer)
- Strengthening / repairs to steel pile through the installation of steel plating
- Earthworks (including earth moving, ground improvement works and placement of granular 'pavement')
- Revetment, including general filling and placement of rock armour
- Reinforced concrete slabbing / decking, including drilling and dowelling into existing slabs forming the existing quay / wharf
- Concrete patch repairs
- Drainage works
- Utility and lighting installations



Whilst the above do represent noisy activities, they do not represent any intensification in the use of the Port either during construction or operation. When considered in the context of the Port as a whole noise levels are not expected to significantly change as a result of the proposed development in comparison with the pre-existing background activities of other port related activity. Dredging already takes place and the proposed berth extension and new berth would be dredged as part of the main berth dredging regime

The HRA Screening has identified that, without mitigation in place, there is a likely significant effect of noise disturbance on ecological receptors (harbour seals and bottlenose dolphin) from piling. However, piling activities can be programmed to minimise any noise disturbance impacts to all marine species using the River Tay, such that any significant impacts can be avoided.

It is not considered likely that there would be any significant impacts on residential receptors given their distance from the site and intervening land uses.

Overall, it is considered that there are limited potential noise impacts and any remaining impacts have the potential to be effectively mitigated. It is therefore considered that there would not be any significant impacts arising from noise which would require consideration through an EIA; any impacts associated with bird species using the designated sites would be thoroughly addressed appropriately through the Habitat Regulations Appropriate Assessment and any necessary mitigation would be defined through this process.

## Ecology

The proposed development will involve works within the boundary of the Firth of Tay and Eden Estuary SAC and the Outer Firth of Forth and St Andrews Bay Complex pSPA, including works to the quay and the creation of two new berth pockets. Therefore the proposed development could have the potential to give rise to direct impacts on the SAC and pSPA habitat and impacts on water quality of the river. However, in relation to impacts on designated habitats, the HRA Screening Report demonstrates that no likely significant impacts are anticipated in relation to any of the designated sites.

In relation to water quality, there are relatively high background levels of sediment within the estuarine environment. In this context it is not anticipated that the proposed dredging would have any significant impact on terms of sediment disturbance, particularly as dredging is already an activity undertaken at the Port. It is therefore considered that there would not be any significant impacts on water quality which would require consideration through an EIA.

The land-based works do not contain any habitats of any known ecological value and do not lie within any ecologically designated sites.

As such, it is considered that the proposal will not result in any significant adverse ecological impacts which would require an EIA to be undertaken.

## ***Flood Risk, Drainage and Water Environment***

In terms of the water environment, according to the SEPA online flood map the majority of the works are located within a high-risk area for coastal flooding.

Much of the development, including the quayside and marine works are classed as Water Compatible development i.e. the development of a quay wall and dredging works would be classified as water compatible development. The land based development is located outside of the high-risk area for coastal flooding.

The works will also result in a predominantly unsealed gravel surface across the site with the retention of some small areas of sealed hardstanding; the overall amount of hardstanding across the site will be significantly reduced by approximately 29,000m<sup>2</sup> as a result of the proposals. As such surface water run-off from the site is predicted to reduce significantly.

All decommissioning activities will be carried out under the relevant Pollution Prevention Control or Waste Management Licence granted by SEPA, which include appropriate mitigation to prevent any harm to the environment. This will ensure that no pollution occurs as a result of the sites operations and drainage arrangements; therefore, there will be no significant impacts on water quality arising from the proposal.

As such, with the mitigation measures in place, there will be no significant flood risk or drainage impacts which would require an EIA.

### ***Cumulative Impacts***

Fairhurst are not aware of any other proposals within the immediate surrounding area which could cause cumulative environmental impacts during either the construction or the operation stages of the proposed development. This opinion has been informed by a review of the online planning register.

### **Determining whether EIA is required**

#### ***Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017***

Consideration has been given to whether the proposed development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 or Schedule 1 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, i.e. development which requires an EIA unless exceptional circumstances apply. There are no categories in Schedule 1 of either Regulations which are considered of relevance to the proposed development.

#### ***Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017***

The proposed development is not a Schedule 1 project. In relation to Schedule 2, under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 an EIA **may** be required if:

- (a) any part of the development/works is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of column 2 of the table to Schedule 2 is respectively exceeded or met in relation to the development/works.

Considering Point a, European Sites are classed as a sensitive area in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Although the land-based works are not within a 'sensitive area', the quayside construction and berth pockets are located within the Firth of Tay and Eden Estuary SAC and part of the site is within the Outer Firth of Forth and St Andrews Bay Complex pSPA, both European designations.



Considering Point b, the proposed development falls into Part 2(c) of Schedule 2, "*Extraction of minerals by fluvial or marine dredging*"; and Part 10(g) of Schedule 2, "*Construction of harbours and port installations including fishing harbours*" of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. All development under Part 2(c) constitutes Schedule 2 development, as does development which exceeds the 1ha threshold for Part 10(g). Therefore, an EIA may be required for this proposal. The purpose of this Screening Request is to determine whether or not an EIA is required by considering the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It is important to note, however, that if an EIA is not required for the land based works then there will be no requirement for a planning application as the works can be undertaken as part of the Port of Dundee's permitted development rights.

According to the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development falls into Schedule 2 development; in Part 10(g): "*Construction of harbours and port installations including fishing harbours*", for sites in excess of 1ha. It is important to note that whilst the marine based works do not exceed 1ha, the overall project boundary exceeds 1ha, hence why it has been considered under Part 10(g). Therefore, as above an EIA may be required for this proposal, depending on whether there are likely to be any significant environmental impacts in relation to the criteria set out in Schedule 3. The purpose of this Screening Request is to determine whether or not an EIA is required by considering the selection criteria in Schedule 3 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

### **Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 provide considerations which should be taken into account when determining the characteristics of the potential impact, as set out below; these are the same as the considerations set out in Schedule 3 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 with the exception of references to "works" rather than "development":

1. The characteristics of development must be considered having regard, in particular, to:
  - (a) the size and design of the development;
  - (b) cumulating with other existing development and/or approved development;
  - (c) the use of natural resources, in particular land, soil, water and biodiversity;
  - (d) the production of waste;
  - (e) pollution and nuisances;
  - (f) the risk of major accidents and/or disasters relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge; and
  - (g) The risks to human health (for example due to water contamination or air pollution).

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to
  - (a) the existing and approved land use;
  - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
  - (c) the absorption capacity of the natural environment, paying particular attention to the following areas:
    - i. wetlands, riparian areas, river mouths;
    - ii. coastal zones and the marine environment;
    - iii. mountain and forest areas;
    - iv. nature reserves and parks;
    - v. European sites and other areas classified or protected under national legislation;
    - vi. areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
    - vii. densely populated areas;
    - viii. landscapes and sites of historical, cultural or archaeological significance.
  
3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(3) of the Town and Country Planning (EIA) (Scotland) Regulations 2017 and 5(3) of the Marine Works (EIA) (Scotland) Regulations 2017, taking into account:
  - (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
  - (b) the nature of the impact;
  - (c) the transboundary nature of the impact;
  - (d) the intensity and complexity of the impact;
  - (e) the probability of the impact;
  - (f) the expected onset, duration, frequency and reversibility of the impact;
  - (g) the cumulation of the impact with the impact of other existing and/or approved development;
  - (h) the possibility of effectively reducing the impact.

### ***Characteristics of Development***

The size of the development is proportionate to the nature and location of the site and is considered to be appropriate for operational land associated with the Port of Dundee.

The associated environmental impacts as a result of the development, as previously outlined in this letter, are not considered to be significant as to require an EIA.

There are no existing or approved developments within close proximity to the site that have the potential to give rise to cumulative impacts alongside the proposed development, during construction or operation.



Due to the nature of the proposed use, there would not be a requirement for any significant use of natural resources or waste production.

Risk of pollution, nuisances, accidents and risks to human health are not considered to be significant given the nature of the proposal, and the potential to include standard mitigation measures associated with industrial working to reduce impacts from noise, air quality and impacts on nearby residents.

Given the findings of this letter, it is not considered that the characteristics of the potential impacts are significant as to require an EIA.

### ***The Environmental Sensitivity of Geographical Areas***

As identified throughout this Screening Request, the application site is currently operational land associated with the Port of Dundee. The proposed development will maintain this use. In terms of other environmental sensitivity, the only applicable criteria set out in Schedule 3 above is in relation to Part 2(c)v., i.e. European sites – namely the Firth of Tay and Eden Estuary SAC and the Firth of Forth and St Andrews Bay Complex pSPA. The HRA Screening Report (appended) has concluded that in the absence of mitigation the proposed development will have a likely significant effect on two European sites and their interest features. However, it is important to note that Screening under the EIA Regulations and HRA Regulations are for different purposes. As a result, this Screening Request under EIA legislation has demonstrated that the potential impacts of the project, taking into consideration the context of the site and possible mitigation measures, are not considered to be significant and therefore an EIA is not required.

### ***Likely Significant Effects***

An assessment of the likely significant effects of this proposal is provided in the 'Potential Impacts' section of this letter, and it is concluded that no significant effects are likely. The proposed impacts will be localised in nature and limited to the construction and dredging phases, with the possibility of reducing any potentially significant effects through appropriate mitigation. Any potentially adverse impacts associated with species using the designated sites would be thoroughly addressed through the Habitat Regulations Assessment, and any necessary mitigation would be defined through this process.

### **Summary**

It is considered that the proposed development is of a scale, location, and nature, which would not have a significant adverse environmental impact and therefore an EIA is not required.

In accordance with Regulation 9, Part (4) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 if Dundee City Council considers that it has not been provided with sufficient information to adopt a Screening Opinion, please notify Fairhurst in writing of the points on which additional information is required.

In accordance with Regulation 9 Part (1)(a) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Dundee City Council should adopt a Screening Opinion within 21 days of receipt of this letter, unless otherwise agreed in writing with Fairhurst.

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**28 October 2019**

I trust the above is self-explanatory but should you have any further queries please do not hesitate to contact me.

Yours sincerely  
[Redacted]

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