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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
2017 REGULATIONS

DECISION NOTICE – MARINE LICENCE TO CONSTRUCT, ALTER OR IMPROVE  
WORKS, ASSOCIATED WITH THE DEVELOPMENT AT THE EASTERN INNER  
DOCK QUAY, PORT OF NIGG

## **1. Application and description of the works**

- 1.1 On 21 June 2024, Global Energy Nigg Ltd (“the Applicant”) having its registered office at The Nigg Energy Park, Nigg, Ross-shire, IV19 1QU submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 (“the 2010 Act”) for the construction, alteration or improvement associated with the development of a quayside with a vertical retaining wall (hereinafter collectively referred to as “the Works”). The applications were accompanied by an Environmental Impact Assessment Report (“EIA Report”) in accordance with The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”).
- 1.2 The Works are located at The Port of Nigg, which is within the boundary of the Inverness and Cromarty Green Freeport and consist of the following activities below Mean High Water Springs (“MHWS”).
  - Site Clearance and demolition of revetment
  - Construction of temporary working platform
  - Construction of quayside with vertical retaining wall
- 1.3 The works will commence with informed pre works, followed by engineering works until September 2025 thereafter followed by construction to completion in March 2028. The Works will be carried out as one continuous delivery

programme. Construction materials will be brought to the site by sea and road, construction materials arriving by sea will primarily be the tubular steel piles.

### **Site Clearance and demolition of revetment**

- 1.4 Initial work will be undertaken to clear the site and demolish the existing revetment with the excavated material, approximately 2000 metres cubed (“m<sup>3</sup>”), crushed and stored for future use. The toe of the existing revetment will be excavated using a long reach excavator generating 23,100 m<sup>3</sup> of material, a mix of sand and crushed rock,. The sand will be re used as infill material with the remainder retained for future use or disposed above Mean High Water Springs (“MHWS”) to an approved site.

### **Construction of temporary working platform**

- 1.5 A temporary working platform will be constructed using locally sourced clean crushed rock to provide a sufficient space for the free movement of material and equipment. A long reach excavator based on the existing land, will place the material comprising of 129,735 m<sup>3</sup> imported crushed rock to create a stone bund.

### **Construction of quayside with main pile wall and anchor wall**

- 1.6 Working from the temporary platform, a rotary rig will simultaneously install piles at 3 metres (“m”), spaced along the top of the existing revetment (anchor wall), 35 m back from the location of the main pile wall. The piles will form the length of the front quay wall, totalling 290 m by 36 m wide.
- 1.7 Following this the installation of the main pile wall will commence, in sections, followed by tie rod installation 1.5 m above Mean Low Water Springs. On completion of each section of tie rods the ground level will be brought to the desired height and the process repeated until all the tie rods have been installed and effectively tensioned, the temporary working platform will be removed in sections and incorporated into infill.
- 1.8 Once complete, these works will allow for the installation of the cope beam above MHWS and associated terrestrial works to be completed.

### **Planning Context**

- 1.9 The EIA Report received related to both marine and terrestrial aspects and was submitted to Highland Council Planning Department in relation to the planning permission: Proposed Engineering works to form a new berthing quay on the east side of the Inner Dock. An independent EIA Report was submitted to The Highland Council for the erection of a High Voltage Cabling Manufacturing Plant. The intention is to use the newly formed quay to transport the HV cables from the factory direct to installation vessels.
- 1.10 The EIA report indicates that once constructed the quay wall will be used primarily for the export of High Voltage Cables and the secondary use will incorporate existing operational activities such as repair and refurbishment of oil rigs, construction of offshore and subsea infrastructure as well as the construction, assembly and marshalling of renewable energy projects. The

report states it is unlikely the new quay will be used for floating turbine integration and testing. Wet storage has been identified as a potential future capital project for the port, but any such development would be subject to separate marine licensing requirements.

- 1.11 The EIA Report contained sections relating to terrestrial elements, air quality, noise and vibration and traffic assessment. The Scottish Ministers are content that these receptors fall within the remit of the planning authority and associated planning application and have been adequately assessed by The Highland Council as part of the terrestrial planning process. As such, these topics will not be considered further in this decision notice, beyond the impacts on biodiversity, covered under that topic.
- 1.12 The EIA Report received was also submitted to The Highland Council in relation to Proposed Engineering works to form a new berthing quay on the east side of the Inner Dock at the Port of Nigg. This decision notice considers only the information relevant to the marine environment.
- 1.13 This decision notice contains the Scottish Ministers' decision to grant regulatory approval for the Works as described above, in accordance with the 2017 MW Regulations by issuing marine licences under Part 4 of the 2010 Act.

## **2. Summary of environmental information**

2.1 The environmental information provided by the Applicant was:

- An EIA Report providing an assessment of the impact of the Works on a range of receptors;
- A summary of the environmental information provided in the EIA Report is given below.

### **Biodiversity**

- 2.2 To assess the impact of the Works on biodiversity the marine ecological assessment considered the impacts on designated sites, marine habitats, wildlife, including birds and marine mammals. The significance of the impacts considered the predicted duration, frequency, timings, geographical extent, reversibility of impacts along with individual number of species exposed and area of habitat affected.
- 2.3 The Applicant considered the potential impacts of the risk of suspended sediments arising within the water from the removal of rock armour and construction of a temporary piling platform, pollution risk from both construction and operational activities, the introduction and spread of Non-Native Species ("INNS") and the risk of collision with marine mammals from increased marine traffic as well as disturbance.
- 2.4 The Applicant stated that as a result of the location of the Works within the inner dock and its relatively small scale the potential for impacts on ecological

receptors was considered to be minimal. The Applicant, therefore, focused the assessment on the following designated sites: The Moray Firth Special Area of Conservation (“SAC”), The Dornoch Firth and Morrich More SAC, Cromarty Firth Special Protection Area (“SPA”), Cromarty Firth Site of Special Scientific Interest (“SSSI”) and the Moray Firth SPA.

- 2.5 The Applicant considered the potential impact on marine habitats, wildlife, mammals and birds was not significant provided the proposed mitigation is implemented.
- 2.6 The mitigation measures relevant to marine biodiversity which are embedded as part of the Works include a Construction Environmental Management Plan (“CEMP”), which will detail pollution prevention measures. In addition, the Port of Cromarty Firth Marine Safety Management Plan contains measures to limit the introduction of INNS and reduce the risk of collisions or disturbance of marine mammals.

### **Water Environment and Coastal Processes**

- 2.7 The EIA Report considered the potential impacts from the Works on the water environment including hydrological alterations, contamination of coastal water and sediments through spillage, leaks, and sediment transfer. Assessment of potential impacts on coastal processes considered changes in local wave climate, the local tidal regime and the local sediment transport regime.
- 2.8 The Applicant concluded as the Works were confined to a relatively small area and that the site consisted of reclaimed land on the coastal edge, the potential impact to surface flow alterations and increased run-off to coastal waters was considered to be negligible. The formation of the temporary platform, whilst having the potential to cause plumes of sediment reducing water quality and impacting aquatic life, the impact was considered to be localised and short term in duration within the confines of the inner dock. Potential impacts to tidal currents and wave climate were anticipated to be minimal due to the sheltered location of the Works together with the engineered character of the shoreline. Changes in sediment transportation were also considered to be minimal.
- 2.9 The mitigation measures relevant to pollution during construction will be managed through the CEMP which will include a Pollution Incident Response Plan (“PIRP”). During operations, an Operational Management Plan will manage the ongoing risk of pollution. With these mitigation plans in place the EIA Report concluded that the Works will not result in any significant impacts on the water environment or coastal processes.

### **Supporting Assessments**

#### **Accident and Natural Disaster**

- 2.10 To assess the impact of the Works on the potential for injury or loss of life, permanent or temporary destruction of an environmental receptor the assessment considered the impacts for the potential of an accident or natural disaster.

- 2.11 The Applicant considered the potential impact of the Works as a source of a major accident or disaster, its interactions with external hazards or associated activity and the Works potential to increase the risk of significant effects on environmental receptors.
- 2.12 The Applicant considered that the location of the Works is not in an area of significant seismic activity and not associated with climatic factors which could contribute to natural disasters. The Works are temporary in nature and not considered to be of a scale which could represent a significant source of major accidents.
- 2.13 The Applicant concluded that the Works would not be a source of a hazard that could result in a major accident or disaster and that it was unlikely to interact with external hazards or associated activities or that the Works would increase the risk of significant effects of other hazards occurring.
- 2.14 The mitigation measures relevant to accidents and natural disasters will be managed through the CEMP. The existing Port of Nigg Operational Environment Management Plan (“OEMP”) will manage the ongoing risks of accidents.

### **Archaeology and Cultural Heritage**

- 2.15 The Applicant considered the potential impacts on archaeology and cultural heritage at the scoping stage of the EIA Report and identified that the area of the Works was of low archaeological potential. No significant effects were anticipated upon designated heritage assets within the 2km study area surrounding the Works and therefore the receptor was scoped out of further assessment within the EIA Report.
- 2.16 A Protocol for Archaeological Discoveries, in the event that undiscovered archaeological deposits are uncovered during the construction phase of the Works, will be included in the CEMP.

### **Carbon Assessment**

- 2.17 The Applicant conducted a limited carbon assessment as the Works are relatively small in nature which considered the infrastructure, carbon of the Works and emissions associated with construction activities, along with the demolition at end of life.
- 2.18 The Applicant considered the extraction and construction of products, waste materials and carbon impacts from ongoing operational activity including maintenance.
- 2.19 The mitigation measures relevant to carbon emissions will follow current guidance to reduce emissions.

### **Material Assets and Waste**

2.20 The Applicant considered material assets and waste through the construction of the Works and the existing rock armour will be reused. The existing revetment material will also be reused. Materials required for the temporary bund will be used as infill. No hazardous waste is expected, and no mitigation measures are proposed.

### **Socio Economics**

2.21 The Applicant considered the socio economic effects of the Works in the EIA Report for both the construction and operational phases. The significance of the Works would encourage new investment, jobs, skills development and income with opportunities for employment and business for local and regional companies.

2.22 The Works would lead to construction opportunities at local and national level and would include groundworks, steelworks, laydowns, port works, landscaping, civil engineering and construction contracts. The Applicant estimates that there will be 35 local construction opportunities potentially contributing £2.1 million to the Highland economy.

2.23 Once completed the Works will lead to the creation of fourteen new permanent jobs within the Green Freeport, designated to attract investment and support local businesses through the generation of supply chain opportunities. The completion of the High Voltage facility which will be enabled through the Works will provide further significant economic prospects. In addition, further job creation is expected in the water transport supply chain.

2.24 The Applicant's assessment indicates that the Works will bring substantial benefits to the Inner Moray Firth/Highland areas and to Scotland and the UK as a whole and represents a significant investment in the advancement in port operations, providing employment opportunities and supporting local business.

### **Seascape, Landscape and Visual**

2.25 To assess the potential seascape, landscape and visual impact of the Works the Applicant accounted for the already existing industrial nature of the site and its immediate setting taking account of the Works being experienced within the context of current land and sea based activities such as loading operations to and from barges and the towing of oil barges.

2.26 The Applicant considered the construction activity within the context of current uses whilst acknowledging the Works visibility from nearby areas and assessed that the potential impact would be limited and not significant on its integrity.

2.27 The Applicant considered the operational impact of the Works smaller in magnitude of effect than the predicted construction and concluded that it would not be significant.

2.28 Given the existing industrial use of the site no mitigation is proposed.

### **3. Consultation**

- 3.1 In accordance with the 2017 MW Regulations a notice publicising the application and EIA Report must be published in the Edinburgh Gazette, in a newspaper circulating in the locality in which the Works to which the EIA Report relates are situated (or, in relation to proposed works in, on, over or under the sea, in such newspapers as are likely to come to the attention of those likely to be affected by the proposed works) and on the application website.
- 3.2 As such, the Applicant, in agreement with the Scottish Ministers, published the application, together with the EIA Report:
  - (a) In the Ross-shire Journal on 13 September 2024,
  - (b) In the Edinburgh Gazette on 13 September 2024; and
  - (c) On the Applicant's website. <https://nigg.com/news/port-of-nigg-eastern-inner-dock-quay-environmental-impact-assessment> The Scottish Ministers made the application publicly available on its external facing website: <https://marine.gov.scot/node/25547>
- 3.3 In addition, a consultation exercise on the application and EIA Report was undertaken in accordance with the 2017 MW Regulations for a period from the 24 September 2024 until the 24 October 2025. The regulatory requirements regarding consultation and public engagement have been met and the representations received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken.
- 3.4 A summary of the representations is set out at sections 4, 5, 6 and 7. The representations are available to view in full here.

### **4. Summary of representations from statutory consultees**

- 4.1 NatureScot (operating name of Scottish Natural Heritage) responded on the 4 October 2024. NatureScot advised that the proposal is likely to have a significant effect on the subtidal sandbanks qualifying interests of the Moray Firth SAC due to the possibility of the construction works introducing non-native species affecting the subtidal habitats and also advised of disturbance through construction to the bottlenose dolphin qualifying feature of the Moray Firth SAC. NatureScot stated that adherence to a competent Biosecurity plan, along with a suitable Marine Mammal Protection Plan ("MMPP") will ensure the Works will not adversely impact the integrity of the site. The provision of these will be included as marine licence conditions.
- 4.2 NatureScot indicated the proposal is likely to have a significant effect on the harbour seal qualifying interest of the Dornoch Firth and Morrich More SAC through connectivity between the construction operation and the SAC, with disturbance to the qualifying interest highlighted. NatureScot reiterated that

adherence to a suitable MMPP will reduce the disturbance effects, the provision of which will be included as a condition of the marine licence.

- 4.3 NatureScot noted that the MMPP should provide the necessary support for when a European Protected Species (“EPS”) licence application is submitted and that the Applicant should seek EPS approvals well ahead of construction.
- 4.4 In relation to the qualifying interests of the Cromarty Firth SPA, NatureScot stated that the proposal is likely to have a significant effect on several of the qualifying interests. It considered the possibility of construction works introducing non-native species into the habitat, in turn affecting the intertidal and subtidal waterfowl. NatureScot also considered the disturbance and visual effects on the foraging subtidal waterbirds but reasoned that as the area is not favoured for sustained foraging no mitigation is required. In relation to the Common Tern, NatureScot advised that both the construction and operational activity would likely have a significant effect but advised that adherence to a Breeding Bird Protection Plan (“BBPP”), would ensure no adverse effect on site integrity. Nature Scot further advised a number of considerations for inclusion within the BBPP such as predator proof fencing, artificial shelters to protect tern chicks from predation and heat. NatureScot also advised that collaboration with the RSPB may prove beneficial. The adherence to an approved BBPP will be conditioned through the Marine Licence.
- 4.5 NatureScot stated that with regard to the Cromarty Firth SSSI there are natural heritage interests of national importance close to the application area but that these should not be affected by the proposal.
- 4.6 NatureScot considers the construction may cause disturbance to marine waterbirds, including the long-tailed duck, red-throated diver and shag, qualifying features of the Moray Firth SPA that temporarily frequent the subtidal channel close to the construction area. NatureScot intimated that the disturbance effects were considered minor as there were favoured foraging areas nearby, however, the SPA would indirectly benefit from the requirements of the approved Biosecurity Plan.
- 4.7 NatureScot stated that if future changes to the operations at the port involve wet storage further survey work is likely to be required and advice should be sought direct with NatureScot.
- 4.8 Historic Environment Scotland (“HES”) responded on the 1 October stating it was content it had sufficient information to conclude it had no objections to the Works and the proposal would not raise impacts on assets of national interest within its remit.
- 4.9 The Highland Council responded on the 29 October 2024 stating the Applicant submission and mitigation for the marine aspects were sufficient and concluded that the principle of the Works was consistent with the National Marine Planning Framework 4.
- 4.10 Scottish Environment Protection Agency (“SEPA”) responded on 06 February 2025, referring to its standing advice (‘SEPA standing advice for the Department



for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations', September 2022). This states that SEPA do not assess applications, make site-specific comments or consider the requirement for an EIA from its perspective. The standing advice does not raise specific concerns but advises that legislation and best practice in relation to pollution prevention, onshore works, dredge spoil and waste material above the low water mark, is adhered to.

## **5. Summary of representations from other consultees**

- 5.1 The Maritime and Coastguard Agency ("MCA") responded on the 7 October 2024 stating it had no objections to regulatory approval being granted provided all maritime safety legislation is followed. Advice was also provided regarding suitable bunding and storage facilities and communication with the Statutory Harbour Authority ("SHA"), Port of Cromarty Firth, as the authority responsible for safety of navigation within their waters.
  - 5.2 The Northern Lighthouse Board ("NLB") responded on the 25 September 2024 stating it had no objections regulatory approval being granted provided the appropriate issuance of notifications to marine users and adherence to mitigations contained within the project method statements. It advised that on completion of the Works "as built" plans should be supplied to the UK Hydrographic Office to enable them to revise nautical charts. These will be included as conditions on the marine licences.
  - 5.3 RYA responded on 27 September 2024 stating it had no objections to the Works.
  - 5.4 The Port of Cromarty Firth responded on the 24 October 2024 stating a works licence would be required from them prior to the construction work commencing. This will be a condition on the Marine Licence. The port also noted that the landscape and visual assessment survey dealt exclusively with the immediate use of the Works and assumed there would be a similar requirement for additional surveys for any potential future uses.
  - 5.5 Kyle of Sutherland District Salmon Fishery Board responded on the 22 October 2024 stating it had no objections to the Works.
  - 5.6 Ministry of Defence ("MOD") responded on the 7 October 2024 stating they had no objection to the Works.
  - 5.7 National Air Traffic Services ("NATS") responded on the 24 September 2024 stating that the Application does not conflict with its safeguarding criteria and therefore it has no objections to the Application.
- ██████████ Royal Society Protection Birds ("RSPB") Scotland responded on the 17 October 2024 welcoming the mitigation of employing an Ecological/Environmental Clerk of Works ("ECoW") to oversee the construction of the Works. The RSPB encouraged the Applicant to engage further on a Tern management plan. The Applicant acknowledged the concerns and indicated it would liaise with NatureScot to address. The Scottish Ministers are content that impacts on terns will be adequately addressed by the BBPP.

5.9 Scottish Water responded on 4 October concluding it had no objection to the application but advising that it could not confirm whether it was in a position to provide its services to the Works. Scottish Water directed the Applicant to seek further advice on the requirements for on site concrete batching. The Applicant was referred to guidance in relation to the water supply and foul water discharge requirements of the development.

## **6. Summary of internal advice**

6.1 The Marine Analytical Unit (“MAU”) responded on the 30 October 2024 stating their advice referred exclusively on the social and economic impacts pertaining to the construction of the inner dock. The MAU considered the assessment of socio-economic impacts within the report as being both proportionate and satisfactory.

## **7. Summary of representations from other organisations and members of the public**

7.1 The Scottish Ministers received no representations from other organisations or members of the public.

## **8. The Scottish Ministers’ Regulatory Approval and Main Determinative Issues**

### **8.1 Determination of Marine Licence Applications**

8.1.1 In determining the applications for marine licences (including the terms on which they are granted and what conditions, if any, are to be attached to them) the Scottish Ministers have had regard to:

- the need to protect the environment, protect human health, prevent interference with legitimate uses of the sea and such other matters as the Scottish Ministers consider relevant;
- the effects of any use intended to be made of the works when constructed; and
- representations received from persons with an interest in the outcome of the applications.

### **8.2 Main Determinative Issues**

8.2.1 The Scottish Ministers, having taken account of all relevant information and regulatory requirements, consider that the main determining issues are:

- the extent to which the works accord with and are supported by Scottish Government policy and the terms of the Scotland’s National Marine Plan (“NMP”); and

- the main effects of the Works on protecting the environment and human health and preventing interference with the legitimate use of the sea which are in summary, impacts on:
  - marine mammals;
  - birds.

Each of these include impacts on European Sites.

### 8.3 Policy Context

- 8.4 As the Works are proposed to take place within the Scottish marine area they are subject to the 2010 Act. The NMP covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Minister's policies for the sustainable development of Scotland's seas and provides General Planning Principles ("GEN"), which apply to the works. In addition, the NMP lays out sector specific objectives and policies for shipping, ports, harbours and ferries and specifically, sustainable growth and development of ports and harbours as a competitive sector, maximising their potential to facilitate cargo movement, passenger movement and support other sectors. The relevant policies were considered as part of the EIA process with the Works being deemed to meet the requirements of the NMP and to be contributing towards achieving relevant sector specific policies and objectives. The Works are also considered to align with the Scottish Government's Climate Change Plan and The National Planning Framework 4, The Highland-wide Local Development Plan, Inner Moray Firth Local Development Plan and the Inner Moray Firth Local Development Plan 2 – Intention to Adopt (March 2024).

### Environmental Matters

- 8.5 The Scottish Ministers are satisfied that an EIA has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their regulatory decision.
- 8.6 The Scottish Ministers have considered fully and carefully the applications, the EIA Report, and all relevant representations from consultees and internal advice.
- 8.7 Impacts on European sites, Bird and Marine Mammal Impacts
- 8.8 The Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Habitats Regulations") require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European site (either alone or in combination with other plans or projects), as defined in the 1994 Habitat Regulations.
- 8.9 In line with the view of NatureScot that the Works are likely to have a significant effect on the qualifying interests of Moray Firth Special SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth Special Protection Area SPA and Moray Firth

SPA, the Scottish Ministers, as the “competent authority”, were required to carry out an Appropriate Assessment (“AA”).

- 8.10 Having had regard to the representations made by NatureScot, it can be ascertained that the Works will not adversely affect the integrity of any SAC or SPA providing the Applicant adheres to the conditions set out in the AA and the marine licences. Considering the reasons for which the sites were designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not on their own or in combination with other projects, adversely affect the integrity of the Moray Firth Special Area of Conservation (“SAC”), Dornoch Firth and Morrich More SAC, Cromarty Firth Special Protection Area (“SPA”) and Moray Firth SPA.
- 8.11 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA, <https://marine.gov.scot/node/25547>.
- 8.12 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, there are no outstanding concerns in relation to the impact of the Works on Bird and Marine Mammals or European sites which would require a marine licence to be withheld.
- 8.13 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, there are no outstanding concerns in relation to the impact of the Works on Biodiversity and Water Environment and Coastal Processes which would require a marine licence to be withheld.

## **9. The Scottish Ministers’ Determination and Reasoned Conclusion**

- 9.1 The Scottish Ministers are satisfied that an EIA has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the applications have been followed.
- 9.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated. The Ministers have undertaken this exercise in the context of national and local policies.
- 9.3 The Scottish Ministers have considered the extent to which the Works accord with and are supported by Scottish Government policy and the terms of the NMP, and the environmental impacts of the Works. In particular, the Scottish Ministers have considered the impacts on marine mammals and birds.
- 9.4 The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works and mitigation measures. In particular Ministers are satisfied that the Works will not adversely affect the integrity of Moray Firth Special Area of Conservation (“SAC”), Dornoch Firth and Morrich More SAC, Cromarty Firth Special Protection Area (“SPA”) and Moray Firth SPA.

- 9.5 The Scottish Ministers consider that the licensing tests in respect of an EPS disturbance application for cetaceans will likely be met and an EPS licence will likely be granted.
- 9.6 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the marine licences to reduce environmental impacts. These include development and adherence to the mitigation measures outlined in the Schedule of Mitigation in the Applicant's EIA Report and submission of a Biosecurity Plan, Marine Mammal Protection Plan and Breeding Bird Protection Plan.
- 9.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion, as required under the 2017 MW Regulations, is valid.
- 9.8 The Scottish Ministers are satisfied that regard has been given to protecting the environment, protecting human health, and preventing interference with legitimate uses of the sea, as well as other factors considered to be relevant, as required by section 27 of the 2010 Act.
- 9.9 The Scottish Ministers **grant marine licences subject to conditions** under the 2010 Act for the construction, alteration or improvement associated with the development of a quayside with a vertical retaining wall associated with The Nigg Energy Park, Nigg, Ross-shire. The marine licence is attached at Appendix 1.
- 9.10 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of the marine licence.
- 9.11 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of the Scottish Minister's regulatory decision by ensuring that a copy of this decision letter is published on the application website, and within the same publications listed at paragraph [3.2] of this decision letter, namely the Edinburgh Gazette and Ross Shire Journal. The Applicant must provide copies of the public notices to the Scottish Ministers.
- 9.12 Copies of this decision notice have been sent to the bodies consulted on the applications including the local planning authority, NatureScot, SEPA and HES. This decision notice has also been published on the Scottish Minister's external facing website: Marine Scotland Information.
- 9.13 The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – <http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

Peter Sparrow

Marine Licensing Group Leader, Marine Directorate - Licensing Operations  
Team

A member of the staff of the Scottish Ministers

March 2025.

Appendix 1.

Marine Licence