

Global Energy Nigg Ltd.
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Please ask for / Foighnich airson: **Gillian Pearson**
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Our Ref / Ur n-àireamh-iùil: **23/05528/SCRE**
Date / Ceann-là: **19th December 2023**

Dear Mr Ogilvie

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

**RIAGHAILTEAN DEALBHAI DH BAILE IS DÙTHCHA (MEASADH BUAIDH ÀRAINNEACHD)
(ALBA) 2017**

**PROPOSAL: Engineering works to form new berthing quay on the east side of the inner dock
at the port of Nigg**

LOCATION: Land 430M NW Of Nigg Welding School, Nigg, Tain

I refer to the above proposed development and to your request, dated 14th November 2023, for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (hereafter referred to as 'the 2017 Regulations').

Screening Opinion

It is considered that **Environmental Impact Assessment IS required** for the development described in the letter and information accompanying your screening request.

The rationale behind this screening opinion is as follows:

- The proposal constitutes Schedule 1 development under the 2017 Regulations – based on the supporting details included within the Screening Request which indicates that the proposed development will be capable of being utilised by vessels of over 1,350 tonnes.

Potential Significant Effects on the Receiving Environment

The following issues should be given particular regard in the EIAR:

- Impact on the **Moray Firth Special Area of Conservation**, designated for its bottlenose dolphin and subtidal sandback feature interest; both of which should be assessed as part of the EIAR. Underwater noise is likely to be the most important factor in context to piling and

subsequent construction within the dock. It is noted that a temporary piling platform/bund involving granular material to aid in the piling works are proposed which may assist reducing underwater noise effects and therefore should also be referred to/considered within the EIAR. The use of Marine Mammal Observers, soft starts and consideration of other potential disturbance factors, such as additional vessel movements, should be considered as part of a Marine Mammal Protection Plan for SAC dolphins.

- It would also be helpful to outline the duration of noise periods through piling, in what months will they occur in context to Protected Area sensitivities and effort to consider these issues in a mitigation context to reduce impacts. Experience built-upon through construction of previous quays at Nigg and mitigation methods used there should assist with this proposal.
- Changes in the movements, numbers and distribution of vessels associated with construction and operational aspects should be assessed and cumulative effects should be considered, taking into account other port and harbour developments in the Inner Moray Firth area.
- Impacts on the **Moray Firth Special Protection Area (SPA)** and **Cromarty Firth Special Protection Area (SPA)**, both of which lie relatively close to the Nigg Energy Park and include mainly non-breeding birds. Efforts to reduce disturbance, displacement and avoidance effects to non-breeding SPA birds should be considered including any best practice protocols to avoid pollution during construction and operations.
- Any potential impacts that may arise through the development facilitating offshore floating turbines should also be assessed including collision risk and displacement effects on SPA birds.
- Impact on breeding common terns which occasionally nest at Nigg should be considered in terms of construction and operational procedures. For example it would help to reduce likelihood of this species and other terns nesting if ground conditions are largely unsuitable especially in context to crucial areas identified to ensure that the development work can proceed as smoothly as possible. Please refer to NatureScot's Disturbance Distances in Selected Bird Species which identifies a maximum disturbance avoidance zone of 400m for common terns and refer further to the NatureScot consultation response for further advice in this regard.
- Impacts on the **Dornoch Firth and Morrich More Special Area of Conservation** should be considered with regard connectivity for harbour seal including potential impacts of underwater noise.
- For all the above Protected Areas, a shadow Habitats Regulations Appraisal (HRA) is provided as part of this application for all SAC and SPA features, outlining potential impacts on the above European Protected Areas and their Conservation Objectives.

Next Steps: Scoping Opinion

You are now required to prepare an Environmental Statement (ES) and submit this alongside any future planning application. We are unable to accept a planning application for EIA development where an ES has not been submitted.

Guidance on what should be included within an ES can be found in Schedule 4 of the 2017 Regulations; however, you are strongly encouraged to ask us for a Scoping Opinion under Regulation 14 prior to any work starting on the preparation of an ES. A Scoping Opinion will help to identify the main issues and also enable less significant issues to be removed from the scope of the ES at an early stage.

Scoping Opinions should be requested in writing and your request should be accompanied by as much information as possible. Doing so will enable us to identify the scope of the ES as comprehensively and accurately as possible. The more information you are able to provide, the more focused the Scoping Opinion is likely to be; this may reduce the amount of work required in the preparation of the ES.

Screening Direction from the Scottish Government

If you disagree with this Screening Opinion, you may submit a request to the Scottish Government for a Screening Direction under Regulation 7 of the 2017 Regulations.

The Scottish Government
Directorate for the Built Environment
Planning Decisions
2H South
Victoria Quay
Edinburgh, EH6 6QQ

Please note that you must notify us of any such request in writing and provide us with a copy of all documentation submitted; this enables us to make representations to the Scottish Government under Regulation 7(2).

Should you require any further information or clarification on any of the above, please do not hesitate to contact me on 01408 635219.

Yours sincerely,

Gillian Pearson
Principal Planner