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10 July 2025

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

DECISION NOTICE – MARINE LICENCES TO CONSTRUCT, ALTER OR IMPROVE WORKS, CARRY OUT ANY FORM OF DREDGING AND DEPOSIT ANY SUBSTANCE OR OBJECT ASSOCIATED WITH THE INVERGORDON SERVICE BASE PHASE 5 DEVELOPMENT

1. Application and description of the works

1.1 On 6 February 2025, Port of Cromarty Firth ("the Applicant") having its registered office at Port Office, Shore Road, Invergordon, Ross-shire IV18 0HD submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 ("the 2010 Act") for the construction, alteration or improvement works, dredging and deposit of dredged substances or objects associated with the development of Invergordon Service Base ("ISB") Phase 5 Development (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 on the southern edge of the town of Invergordon; on the north shore of the Cromarty Firth. The total area of the Works is shown in drawing PC4461-RHD-ZZ-SD-DR-C-1009, Volume 4 - Drawings of the EIA Report dated January 2025 and will be completed over a period of 3 years.

1.3 The Works comprise the following elements:

- Quay West Extension;
- Laydown area;
- Heavy Load Pad;
- Queens Dock West Berth;
- Roll on Roll Off ("Ro-Ro");

- Widening of Access to Quay West;
- Quayside furniture; and
- Associated services.

Quay West Extension

1.4 A berth of up to 450 metres will be constructed as a continuation of the 372 metre Quay West Berth, to provide an 822 metre long extended Quay West. The berth front will be a combination pile wall (combi-wall) structure with, in the region of 130 circular and 270 sheet piles capped by a concrete coping beam. A row of anchor piles will be installed behind the quay wall piles and tie rods will connect the two together to provide structural support. Permanent steel shutters, backfilled with concrete, will be placed below the cope beam to form a continuous flat surface for use of floating fenders. The shutters will be approximately 2.7 metres in length. The berth wall will be designed to allow the seabed to be dredged to -14 metres Chart Datum ("CD").

1.5 The berth will be able to accommodate up to three Floating Offshore Wind Turbines ("FOWT") at any one time. The berth finished surface level will be 5.9 metres above CD. At the western end of the berth, to tie in with the rock revetment, there will be a piled return wall approximately 70 metres long made up of around 20 circular piles and 40 sheet piles attached to anchor piles by tie rods.

Dredging

1.6 Dredging is proposed as part of the Works and the worst-case assessment made in the EIA Report considers a requirement for 78,900 wet tonnes ("wt") in the first year, 723,250 wt in the second year and 1,052,000 wt in year three. There are three areas to be dredged the revetment toe, an area within the laydown and the berth dredge. The total volume to be dredged is 1,854,150 wt. All dredge spoil suitable for deposit at sea will be taken to Sutors authorised deposit site (CR019) ("Sutors deposit site") and discharged from bottom opening hoppers. However, the actual dredge completed during the construction works will be determined by customer requirements and the Applicant will aim to minimise dredging where possible. If the initial user of the berth only requires -12 metres CD to undertake their project, then the initial dredge will be reduced**.**

Laydown

1.7 An extension from the existing Phase 4 platform at the west of the ISB is proposed, to provide a further 110,512 metres squared (11.05 hectares ("ha")) of laydown space. The land reclamation area will be 245 metres wide and 450 metres long. The northern and western sides of the laydown area will be protected by rock armour with the piled quay wall, providing the southern boundary and remainder of the western side of the laydown area with protection. The western revetment includes primary and secondary rock armour as it is exposed to larger current speeds and waves than the northern revetment, which will be protected by secondary rock armour only. The laydown area will be able to accommodate loads of 15 tonnes per square metre ("t/m^2") and have a platform level of +5.9 metres CD. The surface finish will be layers of compacted stone separated by geotextiles and crushed rock.

Heavy Load Pad

1.8 A 70 metre by 70 metre heavy load pad will be installed in the southeast corner of the land reclamation area, which will have a capacity to take between 25 and 30 t/m^2. This heavy load pad will accommodate a large ring crane. To provide sufficient load capacity, the heavy load pad requires to be piled. Two options for piles have been identified consisting of either cylindrical steel piles or concrete piles.

Queens Dock West Berth

1.9 The berth will be a maximum of 226.5 metres long and requires the removal of the existing rock armour on the eastern corner of Quay West. The rock armour will be replaced by a piled wall extending the existing Quay West by 30 metres in an easterly direction. The creation of the berth increases the laydown area associated with Quay West by 20 metres in an easterly direction providing approximately 0.45 ha of additional laydown.

Ro-Ro

1.10 These works involve the construction of a 30 metre wide Ro-Ro terminal, located in the northwest corner of the Queens Dock at the northern end of the new Queens Dock West Berth. The Ro-Ro will be 55 metres long, including a 12 metre length of concrete ramp. This will provide quay levels between +5 metres and +6.2 metres CD.

Widening of Access to Quay West

1.11 A triangular area measuring 31 metres by 29 metres (approximately 450 square metres) will be reclaimed at the northeastern corner of Quay West. This will provide safe access for long vehicles moving components at the port.

Quayside Furniture

1.12 Quay furniture installation will include navigation light, fenders, chains, ladders for access, and bollards. Fenders have never been installed on Quay West, and as such, this application provides for the installation of fenders on the existing Quay West berth. The bollards will be removable, to avoid the obstruction of over-quay movements.

Associated Services

1.13 Associated services will be required during construction and operation of the works. These are anticipated to include electrical supply, lighting, water supply and drainage. It is recognised that the existing outfalls are subject to point source discharge consents under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. As such, the discharge consent will need to be varied to take into account the change in arrangements. The application to vary the licence will be submitted to the Scottish Environment Protection Agency (“SEPA”).

Schedule of Works

1.14 The EIA Report includes an indicative construction programme and specifies that the proposed works will be undertaken between Q3 2025 and Q1 2028. It is anticipated that access widening, dredging and construction of the Quay West

Extension will begin early in the schedule. The quay wall construction, infilling and land reclamation of the Quay West Extension will follow in late 2026. The construction of the heavy load pad, Queens Dock West Berth and Ro-Ro will be the latest phase of works to begin and this is scheduled for Q4 2026/Q1 2027.

1.15 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. Planning Context and Operational Scenario

2.1 The EIA Report relates primarily to marine impacts but does also make reference to some terrestrial impacts. There is no requirement to apply for terrestrial planning permission for the Works and in the absence of this, the Decision Notice will consider all impacts arising from the Works.

2.2 The intention is to use the extended service base to provide facilities to support activities such as component manufacturing, marshalling, integration, assembly and operations, maintenance and decommissioning support to the offshore and floating offshore wind sector. Following discussions with windfarm developers, the Applicant has identified that the ISB is most likely to be utilised for component marshalling for fixed bottom wind projects, FOWT integration and cold pre-commissioning. As such the design of the Works aims to meet the requirements of these operations.

2.3 The EIA Report acknowledges that the scale of the Works is ambitious and requires substantial financial investment and it is possible not all elements will progress to the construction stage. The Works have been specifically designed to accommodate the Floating Offshore Wind ("FLOW") sector. It augments existing facilities with additional space and berthing capacity to accommodate larger projects. For the purpose of EIA, it has been assumed that the Works would be utilised for the integration and pre-commissioning of FOWT however the ISB will be a multi-use facility. The EIA Report considers two potential operational scenarios of port activities and the FLOW operational scenario. The FLOW operational scenario is used throughout the EIA as the basis for the operational assessment.

2.4 Some of the effects arising from the Works are linked to the intended use of ISB as a FOWT hub. The activities associated with FOWT (in particular, the construction and deposit of FOWT and other objects in the sea) may be licensable marine activities in their own right and at the stage when any marine licences for these activities are needed, it is probable that EIA requirements will be triggered, requiring EIA screening as a minimum. In addition, the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Habitats Regulations") will require consideration as part of the marine licensing process.

2.5 Consequently, although consultation representations submitted with regard to FOWT have been considered in both this decision notice and the associated Appropriate Assessment ("AA"), specific requirements will be evaluated as part of any future marine licence applications for FOWT activity and appropriate mitigation and conditions will be applied as part of that process.

3. Summary of environmental information

3.1 The environmental information provided by the Applicant was:

- An EIA Report that provided an assessment of the impact of the Works on a range of receptors.
  - Volume 1 Non-Technical Summary
  - Volume 2 Main Assessment
  - Volume 3 Appendices
  - Volume 4 Drawings
- Best Practicable Environmental Option
- Construction Environmental Management Document ("CEMD")

3.2 A summary of the environmental information provided in the EIA Report is given below.

Cumulative Impacts

3.3 To assess the cumulative effects of the Works the Applicant defined a Zone of Influence ("ZOI") to identify projects with potential for cumulative effects with the Works and that required consideration within the EIA Report. The potential for cumulative or in-combination effects varies across environmental topics due to the dependence on a geographical ZOI. The Applicant approach followed The Institute of Environmental Management and Assessment ("IEMA") (2020), to set out useful parameters for identifying projects to include in cumulative effect assessment. A review of planned developments in the local area was conducted in order to identify projects with the potential of generating cumulative impacts with the Works.

3.4 The Applicant concluded that final cumulative effects relating to seven projects were identified. Cumulative effects assessments relating to the seven projects identified, where required, are carried out in relevant technical chapters of the EIA Report.

In-Air Noise

3.5 The Applicant assessed the effect of terrestrial noise by undertaking a noise impact assessment for the construction and operational phases of the Works.

3.6 The Applicant identified that the requirement for some short-term overnight construction activities relating to dredging and considering the proposed construction timetable, however, no adverse construction noise effects are anticipated. The Applicant's assessment of construction noise concluded that noise impacts will be non-significant for all receptors throughout the construction phase.

3.7 The Applicant predicted that no adverse operational noise effects are anticipated. The assessment of operational noise concluded that the noise impacts will be non-significant for all receptors during all operational phases.

3.8 To mitigate against any potential noise impacts the Applicant stated that careful consideration will be given to the type of plant used during each stage of the construction and operational phases. The Applicant will ensure best practice measures are employed, where practicable, to ensure noise levels are kept to a

minimum and notices of noisy works will be posted to residents in advance of activities occurring. Further information was provided by the Applicant within Section 13: In-Air Noise of the CEMD which includes mitigation and monitoring.

3.9 The Applicant concluded that with this mitigation in place and due to the Works producing sounds of a similar nature to those currently occurring at the ISB during periods of activity together with no new sound characteristics being introduced to the area, that there would be no significant effects to in-air noise associated with the Works.

Coastal Processes

3.10 The Applicant assessed the effect on coastal processes by undertaking coastal process modelling, ground investigations, bathymetric surveys and flood risk assessments.

3.11 The Applicant identified three potential impacts for the operational phase: changes to water movement; changes to sediment erosion and deposition; and flood risk. However, the impact magnitude of the current changes was determined to be low (although permanent) therefore the impacts were minor and non-significant.

3.12 The Applicant identified there would be overall changes in sediment patterns including erosion and deposition, as a result of the Works, which are expected to be small and localised. The Applicant determined that there will likely be areas of increased erosion and/or deposition as a result of the Works, but concluded the impacts were minor and non-significant.

3.13 The Applicant undertook a data-based assessment to investigate the impact of the deposit of dredge material at the Sutors deposit site. It was found that the Sutors deposit site offers a highly dispersive environment. There is no indication that sea deposit operations have caused significant infill of the Sutors deposit site in recent years, nor that the site could not accept the deposit of greater volumes of maintenance dredge material in the future. The Sutors deposit site is located within the Moray Firth Special Area of Conservation (“SAC”) designated for subtidal sandbanks. The impact of the deposit of dredge material on the subtidal sandbanks in the Moray Firth SAC was assessed and impacts were found to be minor and non-significant. The assessment concluded that no significant impacts will occur due to deposit of dredge material as part of the Works.

3.14 The Works will not connect into the public drainage system therefore it will have no effect on surface water flood risk, and as such will not impact on surface water drainage. The Applicant concluded there were no significant impacts.

3.15 The Applicant identified that the Works will add a volume of material to the Cromarty Firth. However, due to the connectivity of the Cromarty Firth to the Moray Firth and North Sea, this sea level rise will be negligible. Additionally, the Works will not result in any tangible constriction of the tidal ebb and flow and subsequently, increased risk of flooding was assessed to be negligible and non-significant. The Applicant concluded that there were no significant effects identified with regard to the risk of flooding of the Works.

3.16 The Applicant undertook an assessment in line with the Water Framework Directive requirements to evaluate changes to the status of the Inner Cromarty Firth and Outer Cromarty Firth water bodies. The Applicant found there would be no deterioration in the chemical, biological or hydromorphological status of the water bodies. Therefore, the Applicant concluded that there will be no reduction in the overall status of either water body.

3.17 The Applicant further considered the Sutors deposit site in regards to potential cumulative effects. The Applicant identified that the quayside construction project at Nigg and maintenance dredging at the ISB will also require the use of the Sutors deposit site, potentially doubling the tonnage of deposited dredge material. Despite the non-significant effects associated with the capital dredge deposit the Applicant has proposed to mitigate for cumulative effects. This mitigation is to undertake bathymetric surveys at the end of each dredge deposit campaign to monitor the changes and capacity, and to ensure sufficient capacity in the Sutors deposit site for subsequent deposit operations.

3.18 The Applicant concluded that once mitigation measures are implemented and adhered to, there will be minimal impact on coastal processes from the Works in either construction or operational phases.

Archaeology and Cultural Heritage

3.19 The Applicant carried out an archaeological and cultural heritage assessment using a desk-based study, walkover survey and marine geotechnical surveys in accordance with standards and guidance published by the Chartered Institute for Archaeologists and with representation from Historic Environment Scotland ("HES"). The baseline assessment investigated terrestrial and marine assets within the Works site and within a five-kilometre study area.

3.20 The assessment identified five heritage assets of high relative sensitivity to be considered in the impact assessment, 17 Category B and Category C listed buildings of low sensitivity were also taken forward for consideration in, as was the potential for unknown heritage finds or features within the Works site.

3.21 The primary mitigation for these effects is the design of the Works, which is in keeping with current harbour areas and as such, is unlikely to impact the heritage assets further.

3.22 The Applicant identified that there are no known archaeological or cultural heritage finds or features within the site boundary of the Works. The Applicant recognises there is still a potential risk of impacting unknown archaeological remains or heritage finds that may be present. These impacts could arise from the disturbance, removal or destruction of in situ remains and artefacts during construction works. To mitigate against the impact and in accordance with national and local planning policies on heritage, a Protocol for Archaeological Discovery ("PAD") is included in Section 10 of the CEMD. The PAD sets out the protocols and procedures that must be followed in the event of any unexpected archaeological discoveries. The Applicant concludes that with the implementation of this mitigation measure there will be no significant effects during the construction works.

3.23 The Applicant identified that there were potential effects during the operational phase on the settings of heritage assets. This is primarily due to the operational effects on the setting and transient visual effects caused by marine vessels and mobile infrastructure. The impact assessment found that all five heritage assets of high sensitivity would be subject to minor, adverse effects but these effects are expected to be reversible, and none were deemed to be significant.

Landscape and Visual

3.24 The Applicant carried out desk study, computer analysis and field work to inform the Landscape and Visual Impact Assessment ("LVIA"). The initial study area for the LVIA was defined as 45 kilometres ("km"). A separate residential visual amenity assessment was undertaken within 3 km of the Works.

3.25 The assessment considered potential effects during both the construction and operational phases with temporary and permanent scenarios. It also included potential operational scenarios which could be associated with floating offshore wind FLOW scenario. The study area of 45 km was defined and agreed with The Highland Council ("THC") with viewpoints selected using best practice guidance and a number of receptors considered. These included, but were not limited to, landscape character, designated and protected landscapes, areas of recreational, natural or cultural heritage and residents.

3.26 The main visual assessment considered potential visual effects on residential areas within the study area along with transport and recreational routes and also effects of potential aviation lighting at night. The assessment shows that there would only be short term significant effects.

3.27 The assessment identified effects relating to the construction and operation of the permanent elements and for the semi-permanent elements associated with the FLOW operational scenario. However the majority of effects on landscape character, landscape designations and other protected landscapes resulting from the Works would not be significant. The assessment concluded that there would be no significant effects relating to the permanent elements of the Works.

3.28 The assessment identified the effects on landscape receptors in relation to an operational scenario comprising of the assembly and integration of temporary FLOW elements to be significant. These impacts would be limited to specific times during the assembly process of turbines but due to the industrial setting at the ISB, the overall magnitude of the effects on the surrounding areas would be moderate. As such effects would vary but would be up to moderate-major and at the lower end of significance when the FOWT are fully integrated. This would be moderated by the existing baseline views to the ISB and Firth. Beyond this area of up to circa 3 km there are no further significant effects predicted from this FLOW operational scenario.

3.29 The Applicant has identified opportunities to mitigate the adverse landscape and visual effects. These include best practice measures, outlined in Section 9.9 of the EIA Report, aimed at reducing the effects during construction and operational phases. However the Applicant acknowledges these mitigation measures are insufficient enough to reduce the overall effects on any of the landscape or visual receptors.

3.30 The assessment identified that whilst there would be some potential for cumulative effects, the contribution of the Works would not be the notable factor, considering the location of the site within a separate low-lying industrial Firth landscape away from the more rural, elevated and transitional fringe landscapes where cumulative windfarm sites are present.

3.31 The Applicant concludes there is the potential for significant effects on visual receptors, relating to the operational scenario and these would be of varied, temporary, short-term significance, Visual effects would also vary from each location but would be up to moderate-major and at the lower end of significance.

Socio-economics and Human Health

3.32 To assess the impact of the Works on socio-economics and human health the Applicant conducted a desk-based review including an economic impact assessment.

3.33 Within the EIA Report the Applicant identified potential impacts on a number of receptors from both the construction and operational phases of the Works. Socio-economic impacts were identified to affect employment, housing, medical and education services, recreation and tourism and deprivation.

3.34 The assessment identified the impacts during the construction phase will be primarily associated with the creation of jobs, including direct employment, employment through the supply chain and from the induced impacts arising from the spending of wages and salaries. During operations, additional economic benefit due to income retained within the Inner Moray Firth will all produce a positive social and human health effect. Subsequently, expansion of the ISB will provide considerable positive economic impacts during the construction phase and long-term positive effects during the operational phase.

3.35 The assessment identified potential impacts on accommodation during the construction phase of the Works due to increased demand. Capacity pressures and income potential have short to medium duration effects and therefore are not considered to be significant.

3.36 The assessment also identified potential impacts on medical services to increased demand. Additionally, it identified that the creation of jobs may have a positive effect on education and training through the potential for apprenticeships and further training opportunities. No significant effects are expected from changes in demand on medical services, or changes in demand, or access to, education associated with the operational phase.

3.37 The assessment identified potential changes in the quality of, or access to, social amenities during the operational phase. Subsequently, it was determined no residential visual amenity thresholds will be breached and therefore no significant human health effects will be associated with changes to social or residential visual amenity.

3.38 The creation of jobs during the operational phase will increase the demand for worker housing and accommodation, potentially leading to negative socio-economic effect by adding pressure to the housing market. This is assessed as resulting in a

potentially moderate and significant negative effect. The potential for additional pressure on housing availability in the Inner Moray Firth is being addressed through mitigative initiatives by THC and Inverness and Cromarty Firth Green Freeport at a strategic level. The outcome of which is such that the residual effect on housing demand is determined to be non-significant for the Works.

3.39 Cumulative effects on housing demand were assessed with regard to two future housing developments. The two projects alone were not deemed significant enough to change the outcome of the assessment, but the proposals demonstrate the action and outcomes of the strategic mitigation initiatives underway to reduce negative impacts.

3.40 The assessment concluded that any potential negative socio-economic effects associated with the construction and operational phases of the Works have been assessed and determined to be non-significant, with the exception of housing demand in the operational phase. The potential for additional pressure on housing availability is being addressed through mitigation such that the residual effect on housing demand is determined to be non-significant for the Works. Under the FLOW operational scenario, the Extended Quay West is predicted to have significant economic impact benefits and corresponding positive effects on human health, due to increased prosperity and increasing living standards.

Climate Change

3.41 The Applicant undertook an assessment of the greenhouse gas emissions associated with the Works. This assessment follows the IEMA guidance and uses a Life Cycle Assessment approach to comprehensively evaluate the emissions associated with the Works. The scope of the assessment included the construction, operations and de-commissioning phases.

3.42 The assessment recognised that the Works has inherent greenhouse gas emissions associated with all phases of its lifecycle. It is also noted that the Works contributes to the effort to reduce societal greenhouse gas emissions and move towards Net Zero, therefore aligning to the legislation and policy by virtue of facilitating the development of renewable offshore wind energy production.

3.43 The Applicant identified that the total carbon emissions relating to the materials requirements, transport of those materials to the project site and estimated plant use is 197,236 tonnes.

3.44 Based on a whole lifecycle approach, the Works will provide an overwhelmingly positive contribution to achieving Scotland's national and international emissions reductions targets and ultimately to achieving Net Zero. This beneficial impact is reliant on the predicted increase in both fixed bottom and FLOW in the coming years. It was concluded that the Works will have a significant beneficial impact on greenhouse gas emissions.

Biodiversity

3.45 The Applicant provided a brief overview of the legislation, policy and guidance relevant to ecological receptors potentially affected by the Works. It outlines the

definitions of the designated sites at international, national and local levels, and links these designations to the relevant ecological topics. The impact assessment methodology specific to the ecology assessments to take place in are defined in Chapters 13: Ornithology and 14: Marine Biodiversity.

3.46 The Applicant acknowledged the environmental and economic risks associated with the spread of Invasive Non-Native Species ("INNS") and stated that the appropriate steps to check whether there are INNS in the dredge areas prior to dredge works commencing would be undertaken. If INNS are detected, the Applicant will contact the Marine Directorate and NatureScot to determine a suitable course of action.

Ornithology

3.47 The Applicant undertook an ornithological ecological impact assessment for the Works with a desk-based study and field surveys. These surveys included vantage point, breeding and wintering bird surveys. Ornithological receptors were considered and evaluated in the context of nature conservation legislation and relevant guidance. The assessment presents baseline information and anticipated impacts for ornithological receptors during the construction and operational phases. Mitigation is proposed, cumulative impacts are considered, and finally the residual impacts and their significance are assessed.

3.48 There are several designated sites relevant to the Works which have been designated specifically for ornithological interests. The Works sits directly adjacent to the Cromarty Firth Special Protection Area ("SPA"), Ramsar Site and Site of Special Scientific Interest, which are designated for breeding common tern and osprey, as well as for a variety of wintering waterfowl and wader species. To assess the potential impacts on the ornithological receptors at the site, as well as the potential impacts of the Works a combination of field surveys and a comprehensive desktop study was carried out.

3.49 The EIA Report contains species specific data from breeding bird survey reports covering eider, common and Arctic tern and was used to understand their nesting habits at the ISB over the last 10 years. These reports showed that there was a high degree of variability in where tern nest around the ISB, while their presence within the broader area is consistent. Breeding bird surveys were used to confirm the presence of species not included in the surveys. Further winter bird surveys, collating four years of data, were completed to provide a full picture of the ornithological diversity around the ISB in different seasons.

3.50 The EIA Report also contains details of vantage point surveys, undertaken from December 2023 to September 2024, which confirmed the presence of 28 species, the most active of which were common gull, herring gull, pink-footed goose, greylag goose and oystercatcher. The data collected during the vantage point surveys was used to create a collision risk model for the presence of wind turbines at the port and a separate report covering the findings of the surveys.

3.51 The Applicant identified, during the construction period of the Works, birds have the potential to be receptors to the following impacts: habitat modification in subtidal and operational areas; visual and auditory disturbance from increased human activity;

accidental physical injury or mortality from machinery and vehicles; nest site destruction or abandonment; and the accidental introduction or spread of Highly Pathogenic Avian Influenza ("HPAI").

3.52 The Applicant identified the habitat modifications due to the construction of the Works primarily impact on three species: common tern, Arctic tern and eider. If the Queens Dock West Berth is constructed, then this would remove habitat utilised by common tern and Arctic tern. Mitigation in the form of the provision of more suitable habitat for tern, prior to construction of the Works, will reduce the habitat modification effect to non-significant levels. The Tern Management Plan ("TMP") has been created to ensure that tern are appropriately considered for all activities in the ISB. A positive impact due to habitat modification is identified for eider due the creation of more rock revetment areas, providing additional suitable habitat for nesting.

3.53 The effects of disturbance and accidental physical injury or mortality on all species are expected to be minor and non-significant or less. This is also expected to be the case for habitat modification and nest site destruction and abandonment for all species except tern, where a major significant effect is expected in both cases. The effect of HPAI could range from minor non-significant to major significant, depending on the value of the species. Significant effects have been identified during the construction phase with regard to nest site destruction and abandonment, and accidental spread of HPAI.

3.54 The Applicant concluded that the mitigation measures for birds will include but are not limited to a Species Protection Plan; a TMP; nesting bird exclusion zones around the port; and the removal of nesting habitat during the non-breeding season. The implementation of these measures is expected to result in effects being no higher than minor non-significant.

3.55 The Applicant identified that during the operational phase accidental physical injury or mortality, and visual and auditory disturbance from increased human activity were the impacts to be considered. In both cases these were found to have no effect higher than minor non-significant.

3.56 The Applicant identified the FLOW operational scenario posed an additional source of impacts. The impacts were due to displacement by the presence of FOWT, or that there could be a collision risk during pre-commissioning activities. Assessments concluded these impacts were non-significant. The provision of alternative tern habitat through the implementation of the TMP will reduce this effect significance further.

3.57 Within the CEMD the Applicant sets out mitigation in Section 12: Habitat and Species Protection Plans which includes an Ornithological Species Protection Plan. This mitigation includes measures on habitat removal, nest site destruction or abandonment, light regime, tern habitat modification, HPAI outbreak and survey and monitoring.

3.58 The Applicant concluded that with mitigation, there were no significant impacts on ornithology or on designated sites with ornithological qualifying interests. It was also concluded that no cumulative impacts with any other developments were identified.

Marine Biodiversity

3.59 The Applicant undertook a comprehensive desktop study in order to identify which marine mammal receptors may be affected by the Works. The study included a review of the Phase 4 Development EIA Report which included marine mammal observation and passive acoustic monitoring data collated during the construction of the Phase 3 Development of the Invergordon Service Base.

3.60 The EIA Report identified potential impacts on marine mammal receptors which may be associated with the Works due to changes in the movements, numbers and distribution of vessels causing disturbance and displacement during construction and operational phases. Impacts from underwater noise emissions and water quality were also identified during the construction phase.

3.61 The EIA Report considered the main impacts and identified them as underwater noise generated by construction activities including piling and dredging, which could result in changes in behaviour, disturbance, injury or death. The assessment concluded that the dredging, rock placement and rock revetment construction activities do not exceed the marine mammal disturbance threshold. The underwater noise modelling considered additional disturbance in terms of an increase in vessels present during construction. This concluded that although the number of vessels would increase their relative contribution to the existing underwater noise environment would not lead to increases which could cause additional disturbance. As such the underwater noise emissions from these construction activities are not anticipated to cause disturbance or injury to marine mammals and the potential effects are assessed as negligible, short-term, and reversible resulting in a minor non-significant effect.

3.62 The EIA Report identified the frequency and sound power level of the piling noise means it has the potential to cause injury and disturbance to marine mammal receptors.

3.63 The EIA Report identified four species of cetacean potentially occurring near the proposed works location. These include harbour porpoise, bottlenose dolphin, short-beaked common dolphin and minke whale.

3.64 The EIA Report assessed the impact of the Works on diadromous fish. It is expected that piling would have an impact on migration routes where salmon and trout may move out of an area of disturbance or not detect any levels of disturbance at all. There is some evidence to suggest that peak migration for small Atlantic salmon smolts, sea trout and European eel is predominantly nocturnal and under dark, likely due to predator avoidance. Piling for the proposed Works will only be carried out between the hours of 07:00 and 19:00 hours. Based on this evidence, it is therefore not expected that these species will be migrating past the proposed Works during piling operations. The underwater noise effects on fish are therefore assessed as negligible, short-term, and reversible, and the resulting impact is minor non-significant.

3.65 The EIA Report concluded that vessel movement impacts during the operational phase of the Works and the potential effects on marine mammals, and their associated designated sites are assessed as negligible, long-term, and reversible and the resulting effect is minor non-significant.

3.66 The EIA Report concluded underwater noise during the operational phases does not have the potential to cause disturbance or injury to marine mammals, and the potential effects are assessed as negligible resulting in a minor non-significant effect.

3.67 The EIA Report concluded there would be no impacts on water quality during construction which could have an impact on marine mammal receptors, and this is therefore not further assessed. There were no impacts identified on water quality as a result from the operational phases of the works.

3.68 The EIA Report concluded where potential significant effects on marine mammal receptors have been identified, appropriate mitigation will be provided in order to reduce the magnitude of the effect. These will include JNCC protocol for minimising the risk of injury to marine mammals from piling noise (JNCC, 2010) and follow guidance set out in SNH's 'Scottish Marine Wildlife Watching Code' (SNH, 2017c).

3.69 The Applicant identified that there is potential for cumulative effects on marine mammals during construction and operational phases with four other developments. The potential significant effects identified from the works are from injury and disturbance due to piling operations and injury due to disposal at the Sutors dredge disposal site. The Applicant concluded that the consecutive developments will not result in any single area being exposed to increased underwater noise levels for a longer duration than if the projects are considered in isolation. Therefore, the only potential cumulative effect is that marine mammals will potentially experience localised and temporary increased underwater noise levels in isolated areas of their range for a number of years. Given the localised nature of the affected areas, and the amount of available habitat, this cumulative effect is assessed as negligible, medium-term and reversible and therefore non-significant.

3.70 The Applicant concluded that through implementing effective and proportion mitigation set out in the CEMD Section 12 Habitat and Species Protection Plans during the construction phase of the Works, any effects are reduced to non-significant.

3.71 The Applicant has also indicated that a European Protected Species ("EPS") Application will be submitted prior to any works commencing.

Traffic, Transport and Navigation

3.72 The traffic considerations for the Works have been assessed utilising the IEMA Guidelines for the Environmental Assessment of Traffic and Transport Impacts (2023).

3.73 The impact assessment methodology involved a screening exercise to determine whether changes in traffic flows or Heavy Goods Vehicle movements required a detailed assessment. Due to an increase of Heavy Goods Vehicle movements, it was deemed appropriate to undertake a detailed assessment, which resulted in no identified significant impacts. Nevertheless, mitigations will be implemented to recognise best practice.

3.74 Transport and active travel provision were considered for the temporary increase in workforce during the construction phase. The temporary increase in usage of the existing public transport network is not predicted to have any tangible impact.

3.75 With respect to the Work's FLOW operational scenario, due to the scale of FOWT components, the majority of movements will be by sea. As such, traffic and transport movements are limited to personnel attending the site. The assessment concluded that the increase in vehicle traffic associated with the operational scenario will not breach the threshold to justify a detailed traffic assessment. It was concluded transport of personnel attending the site is unlikely to have a significant impact on the local road network. Considerations of public transport, parking provision and active travel also concluded no significant effects are expected under the FLOW operational scenario.

3.76 Impacts on traffic and transport will be minimised through the implementation of a Construction Traffic Management Plan ("CTMP"), to ensure that construction traffic is appropriately managed to minimise effects.

3.77 For the navigation impact assessment, potential additional vessel movements associated with the construction and operational phase (i.e. the FLOW operational scenario) were considered.

3.78 In the EIA Report cumulative impacts between the Works and other developments in terms of Traffic, Transport and Navigation were assessed and no impacts were identified.

3.79 An Initial Navigational Risk Assessment ("NRA") has been completed for both the construction phase and the FLOW operational scenario. The EIA Report states the NRA will be updated prior to both the construction phase and operational phases to take account of specific details once they are available. The NRA will be managed as a live document as the project progresses and Scottish Ministers are satisfied that this approach mitigates navigational risk sufficiently. No concerns were raised by consultees about this approach. Adherence to the NRA, as part of the CEMD, will be secured through licence condition.

3.80 The EIA Report concluded that the roads and navigational channels are of an appropriate standard and have enough additional capacity to accommodate the potential increase in vehicle and vessel movements associated with the construction phase and FLOW operational scenario.

Aviation

3.81 A desk based assessment was undertaken to identify the impact of the Works on aviation. Airports, airfields and helipads within the study area were identified, alongside radar and radio masts used for communications. Consideration was also given to flight paths and routes.

3.82 Notices to Aviation will be issued to ensure that pilots are aware of turbines located at the Extended Quay West or being towed to windfarm sites. With these Notices to Aviation in place, the risk of an aircraft colliding with a wind turbine is extremely low.

3.83 The Applicant has engaged with Highlands and Islands Aviation Ltd, who are undertaking an initial safeguarding assessment. This exercise will identify if there is a potential to affect their Instrument Flight Procedures, radar or electronic aids to navigation.

3.84 The EIA Report concluded that engaging with the aviation sector, prior to FLOW projects commencing, will enable the implementation of safeguarding assessments and mitigation measures. In addition, issuing Notices to Aviation for all assembled turbine locations and movements will help ensure that there will be no significant effects on aviation.

3.85 Aviation will be assessed and consulted on further as part of the FLOW scenario subsequent regulatory requirements as outlined in Section 2 of this decision notice.

Major Accidents and Disasters

3.86 A review of external disasters was undertaken, and it did not identify any potential impacts on the Works.

3.87 A hazard identification workshop identified four hazards for further consideration:

i. Navigational risk associated with the movement of FOWT;
ii. Dropping a load and collapse of a crane or turbine;
iii. Collision between crane, turbine blades and vessels; and
iv. Fire.

3.88 A navigation technical feasibility assessment was completed and demonstrated that all activities could be undertaken without causing issues to other operations including cruise ship movements and operations.

3.89 The EIA Report concluded, taking into account mitigation, it is highly unlikely that the worst-case events could occur and even if they did, they are unlikely to impact anyone outwith the ISB. As such the likelihood of FLOW operational scenario causing a major accident or disaster is very low.

3.90 The EIA Report concluded that there are no scenarios which would give rise to a major accident or disaster associated with the Works FLOW scenario. Furthermore, risks can be appropriately managed by conforming to existing legislation and adhering to existing standards and guidance.

4. Consultation

4.1 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 Applicant's website.

4.2 As such, the Applicant, in agreement with the Scottish Ministers, published the application, together with the EIA Report:

(a) Ross-shire Journal on 14 February 2025.

(b) In the Edinburgh Gazette on 17 February 2025.

(c) On the Applicant's website - https://pocf.co.uk/phase-5-safeguarding-port-of-cromarty-firth-for-future-generations/

4.3 The Scottish Ministers made the application publicly available on its external facing website: https://marine.gov.scot/?q=node/24702

4.4 In addition, a consultation exercise on the application and EIA Report was undertaken in accordance with the 2017 MW Regulations for a period from 17 February 2025 to 2 April 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.

4.5 A summary of the representations is set out at sections 4, 5, 6 and 7. The representations are available to view in full https://marine.gov.scot/?q=node/24702

5. Summary of representations from statutory consultees

5.1 NatureScot (Operating name of Scottish Natural Heritage) responded to consultation on 26 March 2025 advising that the Works is likely to have a significant effect on several designated sites and the qualifying interests.

5.2 NatureScot advised the Works would have a likely significant effect on the red-breasted merganser, scaup, intertidal waterfowl, common tern and osprey qualifying interests of the Cromarty Firth SPA due to displacement effects occurring from the dredging, construction and operational activities including testing of FOWT.

5.3 NatureScot further advised the Works would have a likely significant effect on the marine waterbirds qualifying interests of the Moray Firth SPA due to disturbance and displacement as a consequence of the increased vessel use and portside operations.

5.4 NatureScot advised that the Works are likely to have a significant effect on the subtidal sandbanks qualifying interests of the Moray Firth SAC due to the possibility of the deposit of dredge material introducing non-native species affecting the subtidal habitats as well as disturbance to the bottlenose dolphin qualifying feature of the Moray Firth SAC.

5.5 NatureScot advised that the Works are likely to have a significant effect on the harbour seal qualifying interest of the Dornoch Firth and Morrich More SAC as there is connectivity between the construction, dredging, deposit of dredge material and operational activities of the Works and the SAC.

5.6 NatureScot further advised that the outer Cromarty Firth Turbine Towing Protocol ("TTP"), which is site-specific mitigation for the outer Cromarty Firth, will help reduce displacement pressures to non-breeding SPA birds. NatureScot recommend that a draft plan of bird monitoring work is submitted to support the TTP post determination and advised that the operational timings for FOWT assembly and towing in March to September are key to minimising impacts.

5.7 NatureScot advised the TMP sets out to mitigate disturbance and displacement effects of nesting terns within the confines of the port, during construction and thereafter. With full inclusion of the existing tern nesting raft, as a nature positive asset, the TMP has potential to further benefit common tern populations in context to this SPA.

5.8 NatureScot advised that the Works are likely to have a significant effect on the subtidal sandbank feature of the Moray Firth SAC. A priority marine feature horse mussel, where present, is a component part of the sandbank habitat structure and is a typical species of sandbank habitat. Horse mussel beds have a high sensitivity to heavy siltation rate changes. The volume of deposited material could potentially have considerable negative impacts on both the settled population of horse mussels that overlap with the Sutors deposit site, and larval survival success. Consequently, due to slipper limpet's (Crepidula fornicata) preference to settle on hard substrate such as shell material, horse mussel beds are vulnerable to invasion by this high impact invasive species.

5.9 However, NatureScot concluded that if the Works are carried out strictly in accordance with the mitigation below, there will be no adverse effect on the integrity of the Moray Firth SAC:

i. The deposit of dredge material in year 2 of the dredging operations can only progress subject to bathymetric surveys and sediment dispersion modelling showing limited sediment smothering effects (in agreement with Marine Directorate and NatureScot) to horse mussels, which are a key component species of subtidal sandbanks.

ii. Should the above survey/modelling indicate that medium to high impacts to SAC subtidal sandbanks are likely then deposit of dredge material from the Works should cease at Sutors.

iii. Alternatively, the Sutors deposit site should be moved to a new location combined with modelling to inform limited impacts from the deposit of dredge material at a modified location. Any new location should remain on an established vessel route to minimise other Protected Area impacts. As either option b) or c) is required to inform Year 2 onwards, we anticipate that it should allow a workable level of lead-in time to accommodate surveys and/or change.

iv. Year 1 (initial small volume) can progress without an initial assessment and in accordance with the Conservation & Management Advice for this SAC, which indicates that no further management is required for deposit at existing/licensed deposit sites, recognising that baseline deposit impacts have been present over subsequent years.

5.10 NatureScot advised sediment dispersion modelling of primary and secondary impact zones should include the outputs of deposition in centimetres to permit assessment against the Feature Activity Sensitivity Tool benchmarks. This will be conditioned through the licence.

5.11 The submission of the bathymetric surveys and sediment dispersion modelling will be conditioned through the licence. Subsequent bathymetric surveys at the end of each dredge campaign are recommended in the Schedule of Mitigation in Section 18 of the Environmental Impact Assessment Report, Volume 2 Main Assessment dated January 2025 to ensure that the mitigation is carried out this will be included in the licence conditions.

5.12 A further clarification was received from NatureScot on 22 May 2025 in relation to recent reports of widespread slipper limpet within the Moray and Cromarty Firth areas. Following these reports, the Applicant requested that NatureScot's proposed temporal restriction on deposit of dredged material become a suspensive condition. This would include a requirement that deposit of dredge material is prohibited until an updated Biosecurity Plan ("BP") is approved by the Licensing Authority. NatureScot expect that the updated BP will take full account of the evolving slipper limpet situation (records, risks and updated management advice) available at that time. This may include appropriate and sufficiently robust slipper limpet monitoring, surveillance, and reporting requirements. NatureScot advise that the "NECR588 Edition 1 Marine dredging and disposal operations and the risk of marine Invasive Non-Native Species (INNS) (NECR588)" is used to help develop the BP. NatureScot requested submission two months ahead of the commencement of dredging.

5.13 The submission, approval and adherence to the updated BP will be conditioned through the licence.

5.14 Further clarification was sought from NatureScot in regard to the TTP. NatureScot responded on 1 July 2025 and advised that the advice remained the same and is aligned with European site casework guidance. The guidance states that some plans or projects will consist of several different elements that may not be formally proposed at the same time. In such cases, where the different elements are essential to completion of the plan or project, they should be considered together in combination. NatureScot further advised to include the TTP mitigation within the AA but acknowledge that turbine towing does not form part of the current approval process but can be carried forward into an appropriate future licensing process. This can then help inform the proposal to include turbine towing and future licensing applications, thus reducing impacts to SPA birds.

5.15 The TTP is related to the FLOW operational scenario and further consideration is not required. These conditions are not included as they will be subject to separate regulatory requirements as explained in Section 2.

5.16 Further clarification was sought from NatureScot in relation to seagrass on 9 July 2025 and a response was received. NatureScot confirmed that that seagrass was not identified within the vicinity of the area of the Works and all relevant habitats had been considered as part of the assessment in relation to Cromarty Firth SPA. NatureScot concluded that there would be no likely significant impact on seagrass from the Works.

5.17 Historic and Environment Scotland HES responded to the consultation on 1 April 2025. HES advised that they do not object to the Works. HES consider there are issues with aspects of the assessment of cultural heritage impacts in the EIA Report, however using additional information sources and knowledge of the area and assets involved, it was able to assess the potential effects of the Works.

5.18 HES stated the Works would appear in views along the Cromarty Firth and from the hills to either side as an extension of the already established industrial port complex at Invergordon. Land reclamation would slightly alter the form of the Firth coastline but would be in small areas only, and adjacent to areas already altered by previous land reclamation. The Works would also involve the temporary and varying presence of tall turbines that would be visible in views from and towards several scheduled monuments. HES advised that the location of the site with regards to those monuments, and the baseline of existing industrial development, means that we do not anticipate significant adverse impacts on their settings.

5.19 HES advised the Works would be visible from both Clach a' Mheirlich symbol stone (SM1675) and Newhall Point, chapel and burial ground, Balblair (SM5950) and these monuments would probably be the most affected by the Works. HES concluded the Works would not disrupt key views from these monuments to the Firth to a significant degree. HES do not anticipate the Works will result in significant adverse impacts on the settings of scheduled monuments.

5.20 SEPA responded on 18 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 and the deposit of dredge material above the low water mark is adhered to.

5.21 THC responded on 7, 17, 27 March and 9 May 2025.

5.22 THC Coastal Planner responded on 7 March 2025. The response gave an overview of the Works and summary of reviewed documents with key findings. THC referenced the relevant policy context including Scotland's National Marine Plan ("NMP"), National Planning Framework 4 and Highland-wide Local Development Plan. THC assessed the cumulative impacts of the Works noting the inclusion of monitoring by way of bathymetric surveys after the deposit of dredge material to assess capacity. THC included environmental considerations of Marine Mammals and accepted mitigation measures included in the species protection plans. THC acknowledged the impact of the Works on coastal processes, water quality, noise and vibration. THC acknowledged that the underwater noise from piling mitigation measures align with

guidance. THC requested clarification regarding the use of acoustic barriers during impact piling. THC noted that further assessment may be needed of potential impacts on nearby Native Oysters restoration project.

5.23 THC Coastal Planner agreed with the EIA Report that impacts on coastal processes were of low magnitude compared to baseline current speeds. It noted that Scottish Ministers would undertake further assessment. Having undertaken a Morphological Impact Assessment under the Water Framework Directive, Scottish Ministers are content that impacts are negligible, and no further assessment is required.

5.24 In relation to the concerns raised regarding coastal processes, water quality and noise these will be addressed through a condition ensuring adherence to the CEMD Schedule of Mitigation. Through the submission of a separate EPS Application the clarification required regarding acoustic barriers will be addressed.

5.25 In regard to nearby restoration projects of Native Oysters which are being developed by Mossy Earth, who have secured a works licence from the Applicant and hope to install a small number of suspended native oyster growing baskets. No other consultees raised concerns in this regard and in light of the ongoing communication between Mossy Earth and the Applicant, the Scottish Ministers are satisfied that no further assessment is required.

5.26 THC Strategic Projects Team responded on 17 March 2025 and acknowledged that there will be significant adverse landscape and visual effect but due to climate change and employment opportunities the Works are considered acceptable. Therefore, no objection was raised to the Works subject to THC internal delegations facilitating responses to any future Marine Directorate consultations.

5.27 THC Transport Planning responded on 17 March 2025, it was noted that there had been no pre-application engagement with Transport Planning in relation to the Works. THC noted the Applicant has not included any detailed assessment of abnormal loads. Transport Planning request that the information provided in the previous transport assessment for the Phase 4 works (earlier works licensed in 2019 to construct the existing facility) is updated, as it is necessary to assess the impact of these Works and address the concerns outlined in the response. THC requested that a formal joint working group (“JWG”) be set up to regularly monitor and manage parking, transport and road safety issues on the local road network arising from both the construction phase and from ongoing port operations to include a Travel Plan (“TP”) and the CTMP. The JWG and submission, approval and adherence to the CTMP and TP will be conditioned through the licence.

5.28 THC Contaminated Land Officer responded on 17 March 2025 and acknowledged that previous use of the site may have resulted in potential contaminated land issues. THC advise that further advice should be sought by the Applicant once plans have been finalised.

5.29 THC Community Wealth Building responded on 17 March 2025 and noted the application had been received. It stated that contact with the Applicant would be made in regard to Highland Social Value Charter.

5.30 THC Flood Risk Management Team responded on 17 March 2025 with no comment.

5.31 THC Historic Environment Team responded on 17 March 2025 and no objection was raised.

5.32 THC Infrastructure, Environment and Economy Service responded on 19 March 2025 and concluded that the Works would bring a consequent loss of amenity to car park areas. THC stated this would not be a sufficient to object to the Works, but seek for the Applicant to investigate ways to offset or compensate this loss of local amenity, through provision if a parking area elsewhere or otherwise increasing the amenity of the existing facilities. The Local Amenity Scheme ("LAS") will be conditioned through the licence

5.33 THC Strategic Projects Team responded on 27 March 2025 with a list of conditions and reasons for these. These included adherence to the EIA Report and temporal restrictions on FOWT assembly. THC also stated that submission and approval of further LVIA to include wind turbines and cruise ships should be conditioned. THC further stated that a Community Liaison Plan ("CLP") should be developed to assist with the provision of mitigation measures to minimise potential hazards to surrounding sea and land users. THC also stated that an Aviation Lighting Scheme ("ALS") for FOWT testing with maximum parameters to avoid or mitigate shadow flicker should be conditioned to ensure aviation safety and to minimise visual effects of the Works. THC also requested that the development of a scheme to compensate for the loss of local amenity, by way of provision of compensatory recreational parking be included by way of a LAS. THC stated to maximise the local socio-economic benefits the implementation of a Local Employment Scheme ("LES") should be conditioned. Submission and approval of an Operation Management Plan ("OMP") to ensure that the Works are carried out in accordance with the approved details and adherence to TTP is considered critical to mitigating the landscape and visual effects of the proposals was also requested.

5.34 The FOWT assembly, ALS and TTP are all related to the FLOW operational scenario and further consideration is not required. These conditions are therefore not included as they are associated with FLOW scenario and may be subject to separate regulatory requirements as explained in Section 2.

5.35 THC request for a condition for further LVIA detailing how cruise ships will continue to be accommodated in the port alongside FOWT. The EIA Report does not indicate that there is any change to cruise ship traffic associated with these Works alone. The Scottish Ministers are therefore content that this falls within the comments related to FOWT which do not require a condition in these marine licences associated with this decision notice.

5.36 In relation to the OMP the concept of 'change-of-use' is related to planning permissions and out-with the scope of marine licensing. The marine licence is determined on the information and proposal submitted. There is no enduring power to limit the use of constructed works beyond the duration of the construction licence therefore this will not be conditioned.

5.37 In regard to the LES, the Scottish Minsters consider that such a condition is not necessary to make the determination of the marine licence applications for the Works and it would be difficult to enforce beyond the point of submission of a LES. For these reasons, it is not considered appropriate to include as a condition.

5.38 The CLP and LAS will be conditioned through the licence.

5.39 The Environmental Health Team at THC responded on 9 May 2025. This representation from THC stated the construction noise assessment indicates that predicted noise levels can comply with recognised standards, but clarification is required regarding the proposed nighttime work activities. A revised assessment is required which considers use for general port activities for daytime and nighttime periods. This should include clarification as to whether use of the Ro-Ro quay is intended only for turbine projects or if it may be used at other times.

5.40 THC responded a cumulative noise assessment is required which considers both the new Works and existing activities. THC requested that the Applicant should be required to submit a revised construction noise assessment which includes confirmation that the predicted levels in Table 6.7.2 for construction nighttime noise includes noise from dredging operations at the port and an assessment of noise from dredging disposal operations.

5.41 THC also requested that the Applicant submit a revised operational noise assessment. THC went on to request the Applicant submit an operational noise management plan and noise mitigation scheme.

5.42 The submission of a revised construction and operational noise assessment will be conditioned through the licence. The submission, approval and adherence to operational noise management plan and noise mitigation scheme will be conditioned through the licence.

6. Summary of representations from other consultees

6.1 Maritime and Coastguard Agency ("MCA") responded on 26 February 2025. The MCA noted that the Works fall within the jurisdiction of a Statutory Harbour Authority ("SHA"). The Applicant is therefore responsible for the safety of navigation within the SHA area. The MCA confirmed they have no objections on the understanding that all maritime safety legislation is adhered to. The MCA also advised on the safe storage of potential contaminants and on issuing local navigation warnings. It further advised the Applicant to consider adopting the Port Marine Safety Code.

6.2 Northern Lighthouse Board ("NLB") responded on 19 March 2025 and had no objection to the Works. NLB recommended a number of standard conditions and provided advice in relation to the Aids to Navigation associated with the Works.

6.3 Defence Infrastructure Organisation ("DIO") responded on 20 February 2025 and had no objections to the Works.

6.4 Fisheries Management Scotland ("FMS") responded on 18 March 2025. FMS advised the Works present significant risks to salmon and sea trout, due to disruption to migration. FMS raised concerns regarding migration timings and potentially

damaging activities in particular piling noise and vibration. FMS advised that suitable management and mitigation measures should be put in place to avoid negative impacts arising from the Works. These mitigation measures should include identification and protection of marine habitats, such as sea grass beds due to sea trout residing in coastal waters throughout the year. FMS strongly advised that further advice and discussion is sought from the Cromarty Firth Fishery Board ("CFFB") and it would support any such discussions.

6.5 The Scottish Ministers sought advice from MD-SEDD regarding the sensitive smoult period. This advice is included in section 7.6. and clarifies the temporal restriction dates. Scottish Ministers are content that impacts on diadromous fish will be minimised through the temporal restrictions during the sensitive smolt period as advised by MD-SEDD and no further engagement with CFFB or FMS was required.

6.6 Royal Yachting Association ("RYA") responded on 17 March 2025 stated it had no objections to the Works.

6.7 The Royal Society for the Protection of Birds Scotland ("RSPB Scotland") responded on 2 April 2025 and stated serious concerns regarding both applications. RSPB Scotland advised to allow a full assessment of the Works, further detail is required on the likely significant environmental impacts and further commitments around mitigation and the TMP.

6.8 In relation to the construction phase, RSPB Scotland suggested the provision of a second breeding raft and creation of tern nesting zone at the Port (and their retention and maintenance) is made a condition of granting the marine licence for the entire Works and explicitly included within the TMP. RSPB Scotland stated further information should be provided on the location of the proposed second raft and tern nesting zone and the on-site tern nesting zone is maintained. RSPB Scotland stated that suitable breeding habitat for terns should be delivered prior to construction commencing and must be proven to be effective. RSPB Scotland requested a condition that the testing of turbines should be reviewed annually during the tern breeding season to reduce collision risk.

6.9 RSPB Scotland stated that a draft Ornithological Species Protection Plan ("OSPP") should be provided prior to any licence, and it should include further detail on breeding and non-breeding bird mitigation plans and measures. This should include avoiding sensitive breeding periods, the use of buffers and lighting direction. RSPB Scotland stated that when replacing or constructing new areas of rock armour, creating a broader top with smaller boulders and offsetting any fencing from the edge would increase the suitability for breeding Eider. RSPB Scotland recommended contributing to funding and setting up a warden and community engagement scheme similar to Bird Aware Solent, in collaboration with other Green Freeport stakeholders and developers. RSPB Scotland stated this would tackle the wider recreational disturbance issues for both breeding and non-breeding SPA birds. RSPB Scotland support NatureScot's proposed TTP mitigation outlined.

6.10 In relation to capital dredging and sea deposit RSPB Scotland raised concerns regarding the impact to pelagic species such as sprat and sand eels due to the toxic levels and sediment dispersal. RSPB Scotland strongly recommend further investigation should be undertaken into the capacity of the trench within Sutors deposit

site, the onward path of redistributed sediment deposited in the trench and the impact trench filling will have on suspended sediment loads. In addition, modelling of deposition at different states of the tide should be considered to minimise impacts. RSPB Scotland also stated temporal restrictions to avoid bird breeding season be extended to include June and July to allow Atlantic salmon migration. RSPB Scotland also recommend that sediments showing peaks in hydrocarbons and trace metals should be dealt with in a more cautious and environmentally sensitive manner rather than being treated as anomalous.

6.11 RSPB Scotland provided a further response on 4 July 2025. RSPB Scotland acknowledged the OSPP contained within the CEMD generally addresses the concerns raised previously. However, it is noted that the mitigation measures focus on breeding birds, and the Cromarty Firth SPA is also designated for wintering/non-breeding birds. RSPB Scotland therefore requested further information on how mitigation measures will reduce the disturbance of the non-breeding birds. RSPB Scotland also requested that the mitigation regarding lighting is required to be implemented all year round.

6.12 The RSPB Scotland response also reiterated the concerns previously raised regarding the TMP and confirmed that the following condition would be required:

6.13 Prior to the commencement of any licensed activity, a revised TMP shall be submitted to and approved in writing by the Licensing Authority, in consultation with NatureScot and RSPB Scotland. Thereafter, all works shall proceed in accordance with the approved TMP. It is not permissible for any works to commence prior to approval of the TMP. The TMP must include, but is not limited to the following:

i. Details of the size, design, location, retention and maintenance plan and delivery timing for the provision of a second breeding tern raft and creation of tern nesting zone at the Port of Cromarty Firth. The on-site tern nesting zone shall be maintained for the operational lifetime of the Port, with a suitable nesting substrate, predator proof fencing, decoys, artificial shelters to protect tern chicks from summer heat and aerial predation risk. For the avoidance of doubt, these measures shall be delivered regardless of whether the proposed Queens Dock West Berth is implemented developed and shall be delivered before any licenced activity commences.

ii. Details, including delivery timings, of off-site actions to provide suitable breeding habitat for terns in the wider Cromarty Firth area. These shall be delivered prior to construction commencing and must be proven to be effective before any programme of further dissuasion techniques are undertaken at the Port.

6.14 Details of the consideration of funding and setting up a warden and community engagement scheme similar to Bird Aware Solent, in collaboration with other Green Freeport stakeholders and developers with the aim of tackling the wider recreational disturbance issues around the Cromarty Firth both to breeding and non-breeding SPA birds, including terns.

6.15 RSPB provided a further response on 10 July 2025. RSPB stated that the dredge deposit site is in close proximity to the cliff-nesting seabird colony and

depositing spoil during the breeding season will influence the movement of sprats and sandeels (their prey) into the firth, thus reducing the food availability at this critical time. RSPB strongly recommend that no spoil is deposited between April and July.

6.16 The submission of the bathymetric surveys and sediment dispersion modelling will be conditioned through the licence will address RSPB concerns regarding the impact to pelagic species.

6.17 The submission, approval and adherence to a revised OSPP will be conditioned through the licence, in order to enable mitigations in relation to over-wintering birds and lighting to be applied in line with RSPB Scotland comments. In relation to breeding birds a temporal restriction on deposit activities will be included in this licence condition.

6.18 The submission, approval and adherence to a revised TMP will be conditioned through the licence in line with the latest RSPB representation. Condition wording was provided by RSPB but required slight amendment to make the condition enforceable and reasonable and viable in light of the duration of the Marine Licences. Scottish Ministers are satisfied that the intent of the condition is retained

6.19 Scottish Fishermen's Federation responded on the 18 March 2025 and advised it had no comment to make on the Works.

6.20 Scottish Water responded on the 21 February 2025 stating that it has no objection to the Works. Scottish Water provided advice on surface water and sewer systems and how to apply for connections.

6.21 Cromarty Firth Fishery Board ("CFFB") responded on the 18 March 2025. The CFFB raised the following key concerns and recommendations regarding the protection of Atlantic salmon and sea trout and migration of smolts (juvenile salmon and sea trout) and return migration of adult salmon for spawning. CFFB stated that the proposed cessation of dredging lacks sufficient alignment with peak smolt migration periods. Noise from piling, especially during summer, may disrupt returning adult salmon. CFFB states the EIA Report inadequately addresses potential damage to seagrass beds, a critical habitat for sea trout. Given the Firth's role in a major seagrass restoration project (NatureScot, 2025), greater consideration is needed. CFFB also stated that the legal protections for Atlantic salmon are not fully represented in the report. CFFB offered to collaborate on identifying optimal timing based on migration data and requests for further engagement and additional detail on mitigation and offsetting measures. This would include CFFB being involved in discussions on primary mitigation strategies with exploration of local offsetting opportunities and knowledge gaps. CFFB recommend to avoid dredging from 15 April to 15 June as a minimum. CFFB suggested implementation of mitigation measures such as soft start procedures and vibration or push piling instead of impact piling.

6.22 Following this response from CFFB the Scottish Ministers requested advice from Marine Directorate Science Evidence Data and Digital ("MD-SEDD") in regard to smolt sensitivity periods. This advice is summarised in the Internal Advice Section 7.3.

6.23 Further advice was sought from NatureScot in relation to the impact of the works on seagrass. NatureScot advised that there was no seagrass identified within

the area and therefore concluded that there would be no likely significant impact on seagrass within the Cromarty Firth SPA.

6.24 Within the Applicant's EIA scoping report the Applicant proposed to scope out fish ecology based on no change to baseline information and the relevant mitigation associated with safeguarding water quality. No concerns were raised by NatureScot regarding seagrass during the consultation and the Scottish Ministers agreed to scope out fish ecology. In addition, no concerns were raised by NatureScot in relation to seagrass during the consultation on the Works. The submission of additional bathymetric surveys and sediment dispersion modelling will be conditioned through the licence for dredging and deposit and therefore the Scottish Ministers are content that further consideration is not required.

6.25 Saltburn and Westwood Community Council ("SWCC") responded on 25 April 2025 and stated disappointment at the process and manner of public consultation. The main concerns raised are in relation to sourcing and transportation of materials, the impact on the existing road networks, construction and testing of turbines and the possibility of accelerated or altered coastal erosion. SWCC also raised concerns regarding the visual impact on the houses immediately adjacent to the site.

6.26 The requirement for a CTMP will be conditioned in the licence and will include formation of a JWG including Community Councils.

6.27 Further LVIA is related to the FLOW operational scenario and therefore further consideration is not required. These conditions are not included as they will be subject to separate regulatory requirements as explained in Section 2.

7. Summary of internal advice

7.1 Transport Scotland ("TS") responded on the 19 March 2025 and confirmed that it was satisfied with the EIA Report and have no objection to the Works. TS requested that to minimise interference and maintain safety that prior to commencement of deliveries to site the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with TS. Also prior to the movement of any abnormal load, any accommodation measures required must be approved and implemented to the Planning Authority, in consultation with TS. TS advised that to ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures that prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant and approved by TS.

7.2 Transport Scotland further provided advisory notes setting out requirements relating to works within the trunk road boundary.

7.3 Submission, approval and adherence to CTMP will be conditioned through the licence.

7.4 Marine Analytical Unit ("MAU") responded on 18 March 2025 and focussed on the assessment of the social and economic impacts of the Works. MAU considered the assessment of socio-economic impacts in the EIA Report to be proportionate and satisfactory.

7.5 MD-SEDD responded on 9 May 2025 provided the following advice.

7.6 MD-SEDD advise that a sensitive window for smolt migration has been estimated by (Malcolm, I.A., Millar, C.P. and Millidine, K.J. 2015. Spatio-temporal variability in Scottish smolt emigration times and sizes. Scottish Marine and Freshwater Science Vol 6 No 2. Edinburgh: Scottish Government, 15pp. https://www2.gov.scot/Resource/0047/00472202.pdf.). Malcolm et al. (2015) identified a sensitive window, of day of year 103-145 with an estimated effect of -1.5 days per decade from 2015, when the majority of salmon smolts will be emigrating to Scottish coastal waters. The sensitive window in 2025 is considered to be 11 April to 24 May. MD-SEDD advise that dredging should be avoided during the sensitive window for smolt migration.

7.7 The Scottish Ministers acknowledge the CFFB representation regarding the sensitive smoult period, however are content that the sensitive period is suitably addressed in accordance with MD SEDD's advice and further engagement with CFFB is not required to address this. The sensitive smoult period will be conditioned for the duration the licence.

7.8 Further advice was sought from MD-SEDD and a response was received on 3 July 2025. The advice was in relation to impacts on commercial fisheries. MD-SEDD advised that it is highly unlikely there will be significant impacts to marine fish and shellfish, and therefore unlikely to be a significant impact to commercial fisheries and thus no requirement for further assessment.

8. Summary of representations from other organisations and members of the public

8.1 A member of the public responded on 10 March 2025 and commented on the narrow boundary selected to assess the impact of the changes to the marine environment. The response stated the tides have changed significantly and erosion is taking place on the shore following Phase 4 Works. The response asked for an explanation regarding the boundary for scoping within this EIA Report. Also, concerns were raised about the detrimental effect on the marine environment.

8.2 The Scottish Ministers are content that Section 7 Coastal Processes of the EIA Report adequately addresses the concerns raised and further consideration is therefore not required.

8.3 A member of the public responded on 12 March 2025 stating concerns regarding the impact on shellfish and creel fishing has not been considered.

8.4 The Scottish Ministers sought advice from MD-SEDD regarding commercial fishing (see section 7.8) and no significant impacts were identified, on this basis the

Scottish Ministers are content with the approach taken and no further consideration is required.

9. The Scottish Ministers' Regulatory Approval and Main Determinative Issues

Determination of Marine Licence Applications

9.1 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.

Main Determinative Issues

9.2 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 NMP);
- the extent to which Scottish Ministers must have regard to the intended use of the Works and the separate additional regulatory requirements for the construction and deposit of FOWT in the sea;
- the terrestrial impacts from the Works, including traffic, noise, travel, community liaison and parking;
- 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:
    - Birds
    - Marine mammals
    - Subtidal sandbanks;

  which include impacts on European sites.
    - Priority Marine Features
    - Diadromous fish

Policy Context

9.3 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 Ministers' policies for the sustainable

development of Scotland's seas and provides General Planning Principles, and sector specific objectives and policies, specifically to develop offshore wind and marine renewable energy. The relevant policies were considered, 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 Scottish Ministers are satisfied that the Works will be in line with the general policies of the NMP. Of particular note, General Policy 9 of the NMP requires that development must not result in a significant impact on the national status of a PMF. Scottish Ministers are satisfied that with the incorporated mitigations secured by licence condition; this development will not cause significant impact on the national status of any PMF.

Environmental Matters

9.4 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.

9.5 The Scottish Ministers have considered fully and carefully the applications, the EIA Report, and all relevant representations from consultees, other organisations and members of the public and internal advice.

10. Impacts on European Sites, birds, marine mammals and subtidal sandbanks

10.1 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.

10.2 In line with the view of NatureScot that the Works are likely to have a significant effect on the qualifying interests of Cromarty Firth SPA, Moray Firth SPA, Moray Firth SAC and Dornoch Firth and Morrich More SAC, the Scottish Ministers, as the "competent authority", were required to carry out an AA.

10.3 Whilst the AA considered the effects of the intended use of the Works, as detailed in section 2 of this decision notice, the activities associated with FOWT may be licensable marine activities in their own right. Consequently, the specific requirements of FOWT will be evaluated as part of any future marine licence applications for FOWT including consideration of the 1994 Regulations and any appropriate mitigation and conditions will be applied as part of that process rather than within the AA for these Works.

10.4 With regard to the Works however having considered the representations made by NatureScot and RSPB Scotland 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 Cromarty Firth SPA, Moray Firth SPA, Moray Firth SAC and Dornoch Firth and Morrich More SAC.

10.5 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA (https://marine.gov.scot/node/24702).

10.6 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 birds, marine mammals and subtidal sandbanks of European sites which would require a marine licence to be withheld.

10.7 Other significant determining issues

10.8 As no terrestrial planning permission is required in relation to these Works, the Scottish Ministers have considered terrestrial effects arising directly from the Works including traffic, noise, travel, community liaison and parking. Scottish Ministers have considered effects raised in relation to PMF's and diadromous fish. The Scottish Ministers are satisfied that these effects have been sufficiently addressed through appropriate conditions and are not considering FLOW scenarios as this is likely to be subject to separate regulatory requirements.

11. The Scottish Ministers' Determination and Reasoned Conclusion

11.1 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.

11.2 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.

11.3 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 birds, marine mammals, subtidal sandbanks, PMFs and diadromous fish.

11.4 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 Cromarty Firth SPA, Moray Firth SPA, Moray Firth SAC and Dornoch Firth and Morrich More SAC.

11.5 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.

11.6 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 the Schedule of Mitigation in the Applicant's EIA Report. Along with the adherence to a Construction Environmental Management Document and revision, submission and approval of the Biosecurity Plan, Tern Management Plan and Ornithological Species Protection Plan. Marine Licence conditions will also include submission of bathymetric surveys and sediment dispersion modelling following completion of year 1 and year 2 dredging and temporal restrictions to protect salmon smolts and breeding birds. Further conditions include a setting up of a Joint Working Group and submission and approval of Travel Plan, Construction Traffic Management Plan, Community Liaison Plan and Local Amenity Scheme in line with TS, THC and SWCC comments. Conditions in relation THC representation regarding noise will be required and include Construction and Operational Noise Assessment, Operational Noise Management Plan and Noise Mitigation Scheme.

11.7 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.

11.8 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.

11.9 The Scottish Ministers **grant marine licences subject to conditions** under the 2010 Act for the construct, alter or improve works and to dredge and deposit substances or objects associated with the Invergordon Service Base Phase 5 Development at Invergordon. The marine licences are attached at Appendix 1.

11.10 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of the marine licences.

11.11 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of the Scottish Minister's determination by ensuring that a copy of this decision letter is published on the application website, and within the same publications listed at paragraph [4.2] 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.

11.12 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 Marine Scotland Information website.

11.13 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

10 JULY 2025