

Arhontia Athanasiou
Senior Consultant
NIRAS
Pentlands Science Park
Bush Loan
Penicuik EH26 0PL

AATH@NIRAS.COM

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Dear Arhontia

**PROPOSED DEVELOPMENT AT PETERHEAD HARBOUR – HARBOUR REVISION ORDER
– ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING AND SCOPING REQUEST**

1. Thank you for your email of 30 April 2024 on behalf of your client, Peterhead Harbour Authority, constituting your client's notice of its intention to submit a works Harbour Revision Order in respect of Smith Quay. Peterhead Harbour Authority is seeking an 80 metre extension to the western end of the existing 120 metre long Smith Quay.
2. It is intended that the proposed works will be authorised by a Harbour Revision Order (HRO) made under Section 14 of the Harbours Act 1964. A Marine Licence under Part IV of The Marine (Scotland) Act 2010 will also be required.
3. Under paragraph 4 of schedule 3 of the Harbours Act 1964, Ministers must decide whether a proposed application relates to a project which requires an EIA, or "screening decision". At the same time as giving a screening decision, Ministers may also give their opinion under paragraph 6 of schedule 3 about the scope and level of detail which the applicant will be required to supply in an environmental statement, where one is needed.
4. As you will be aware, where Scottish Ministers are notified of a proposed HRO which authorises a project they are required in terms of paragraph 4 of Part 1 of Schedule 3 to the 1964 Act to decide:
 - Whether that application relates to a project which is of a type specified in Annex I or Annex II to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended ("the EIA Directive"); and
 - If it relates to a project which is of a type specified in Annex II, whether taking into account the selection criteria, the project is a relevant project.
5. Ministers are also required to determine whether the project is likely to have a significant effect on a European site and, if so, whether an appropriate assessment is required in terms of regulation 48 of the Conservation (Natural Habitats & Etc) Regulation 1994.

6. Scottish Ministers have considered the characteristics of the project (as described and shown on the draft submitted plans and drawings) and have concluded that:
- The application relates to a project which is not of a type specified in Annex I;
 - The application relates to a project which is of a type specified in paragraph 10(e) of Annex II to the EIA Directive, as the application relates to the construction of a port installation; and
 - Having regard to the selection criteria, it is not a relevant project in terms of Schedule 3 to the 1964 Act.
7. Accordingly, an EIA is not required in terms of the 1964 Act.
8. The applicant has requested a pre-application scoping opinion under paragraph 3 of Schedule 3 of the Harbours Act 1964. This letter comprises the requested scoping opinion, which is provided on behalf of Scottish Ministers.
9. Scottish Ministers have consulted with the relevant environmental bodies – the Scottish Environment Protection Agency (SEPA), NatureScot and Aberdeenshire Council – on whether an Environmental Statement should be provided by the applicant under the terms of the Directive, and if so, the extent of the information referred to in Annex IV to the Directive which the applicant should supply in the statement.
10. In addition, consultees were also requested to confirm whether, in their view, the project is likely to have a significant effect on a European site and, if so, whether an appropriate assessment is likely to be required under regulation 48 of the Conservation (Natural Habitats, etc.) Regulations 1994.
11. The consultation period has now concluded. Please find the responses from the various consultees as **Annex A** to this letter.
12. We trust that you will be able to address any issues raised by the various consultees before submitting your formal application for an HRO. It would, of course, be open to the consulting bodies to object to this application for consent if they still have concerns when the application is presented.
13. Please do not hesitate to contact me if you wish to discuss any aspect of this letter or the application process.

Yours sincerely



Dario Dalla Costa
Ports Policy Advisor

ABERDEENSHIRE COUNCIL**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017****EIA Screening/Scoping Opinion for Extension to Smith Quay at Smith Quay, Smith Embankment, Peterhead Harbour, Peterhead Grid****Reference: 413188.845776**

I refer to the above and to your request for a screening opinion under Regulation 8 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Planning Authority is required to provide and record a formal screening opinion based upon an assessment of the location, nature, purpose and possible effects of the development. Based on this assessment it is my opinion that an Environmental Statement (EIA) is not required. Under the terms of the above Regulations, the proposed development is of a type listed under Schedule 2.

The following statement gives full reasons for this conclusion:

Under Schedule 2 Section 10 (g) Infrastructure Projects (Construction of harbours and port installations, including fishing harbours (unless included under schedule 1), as the proposed works are to be carried out in a site that measures less than 1 hectare, an EIA is not required.

You have the right to apply to Scottish Ministers for a screening direction should you disagree with the above opinion.

This opinion will be held for public inspection for a two year period, or until a planning application is submitted at which time the opinion will be transferred to the planning register with the application. Should you wish to discuss any matters relating to this issue please contact Alan Davidson at alan.davidson@aberdeenshire.gov.uk or on 01467 537835.

NATURESCOT

Peterhead Port Authority intend to apply for a Harbour Revision Order and a Marine Licence to create an 80m extension to the existing Smith Quay in Peterhead Harbour. Construction activities proposed include blasting, piling, rock revetment and land reclamation.

We advise that an application for this proposal will require analysis of the potential impacts of the proposal on nearby designated sites. Should Transport Scotland determine that an EIA is not required, we consider that this information could be provided in the form of a targeted environmental report.

We agree with the list of designated sites and potential for connectivity with features outlined in Table 5.1 of the Screening Request Report. However, we advise that there is also connectivity through foraging in and around the harbour area, of breeding seabirds from the Collieston to Whinnyfold Coast SSSI, common and sandwich terns from the Ythan Estuary, Sands of Forvie and Meikle Loch SPA and sandwich terns from the Loch of Strathbeg SPA.

As stated above, there is connectivity with European sites (Buchan Ness to Collieston Coast SPA, Ythan Estuary, Sands of Forvie and Meikle Loch SPA and Loch of Strathbeg SPA) as

there is the potential for breeding seabirds from these sites to forage in the vicinity of the harbour. Bottlenose dolphins from the Moray Firth SAC are also known to occur in the area. A Habitats Regulation Appraisal (HRA) will therefore be required to consider the potential impacts on these sites.

We consider the works are unlikely to have a significant effect, in HRA terms, on the Buchan Ness to Collieston SAC. For further information please contact Fiona Mutch, Operations Officer/North at fiona.mutch@nature.scot

SCOTTISH ENVIRONMENT PROTECTION AGENCY

As this proposal would fall under our standing advice, in relation to our interests, we would not require an EIA to be carried out.

We highlight the following sections of the standing advice which may be of particular relevance to this proposed development:

Bathing Waters

Any operation should be cross checked to see if the proposed site is in or adjacent to a designated bathing water (within 2 km). If so, all physical operations should be done outwith the Bathing Water Season (1 June to 15 September).

If works to be done within Bathing Water Season, a strong case should be made as to why a particular operation would not present a risk to Bathing Waters.

Please refer to the Bathing waters section of our website www2.sepa.org.uk/bathingwaters/ for further guidance on the Bathing Waters Directive (2006/7/EC).

Pollution prevention

Many operations could potentially give rise to risk of pollution through silt mobilisation, silt suspension or chemical or oil spillages. To prevent pollution and safeguard marine ecology interests it is vital that good working practice is adopted, and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. Measures need to be in place to minimise the release of sediment plumes and to contain and prevent construction and waste materials e.g., paint from falling from a structure into the water body beneath. Where appropriate, mitigation measures should be sought within method statements and onsite compliance should be confirmed through site visits.

Please refer to gpp-5-works-and-maintenance-in-or-near-water.pdf (netregs.org.uk). This includes working with concrete, cement and grout.

SEPA has no objection to the release of sediment tracing material into the water environment for the undertaking of a dispersion study (e.g. for aquaculture or septic tank flows). However, we strongly recommend the use of biodegradable material. We do not consider the use of non-biodegradable products (e.g. microplastic beads) to be the best environmental option.

On-shore works and restoration

With regard to works on the shoreline, the applicant should refer to the appropriate sections in the Guidance for Pollution Prevention (GPPs) and CIRIA Guidance, in particular C744 Coastal

and marine environmental site guide. 2nd edition, 2015 CIRIA. Disturbance to the shoreline should be minimised and the shore restored to as near its former condition following the works as reasonably possible on completion of the works. SEPA recommends that new infrastructure, including sea outfalls (including septic tank outfalls), be buried where possible and redundant structures and materials be removed.

Please refer to [CAR_a_practical_guide.pdf](#) ([sepa.org.uk](#)) for a guide to The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) including an overview; definitions of the regimes; levels of authorisation and the General Binding Rules. The developer should consider if waste deposition could constitute landfill and should therefore be subject to authorisation under PPC and should comply with all relevant environmental legislation and to check our website at [www.sepa.org.uk/regulations/](#) and contact SEPA via the online form with any site-specific issues. Where appropriate, any waste materials should be removed and disposed of at a licensed onshore site.

Dredge spoil

Dredged material should be disposed of at an offshore sea disposal site and that work must be carried out in line with best dredging practices. Material should be deposited on the beach below MHWS and allowed to disperse naturally. If any dredged material accumulates above MHWS, disposal operations must cease until the material has dispersed.

Waste material (includes dredge spoil) above the low water mark

Waste material, which includes dredge spoil, deposited above the low water mark is subject to Waste Management Licensing controls regulated by SEPA unless it is subject to a licence issued under Part 4 of the Marine (Scotland) Act 2010 (which can extend to Mean High Water Spring Tide including within estuaries, rivers and channels), in which case it is excluded from such controls. However, if the waste deposition could constitute a landfill, then PPC not Waste Management Licensing would apply, and in this situation no Marine Licence exclusion is provided for.

Where dredge spoil is used for land reclamation works or harbour works then the method of construction will determine how the activity is regulated. If the works are carried out by way of deposit of material directly onto the intertidal zone or within a permeable bunded area (for example a bund made of placed stones) then the works will be considered to be occurring in the marine environment and will be regulated by Marine Scotland. If the works are constructed by way of initially creating an impermeable bund (such as a sheet piled metal wall) then the use of waste such as dredge spoil for infill works will be considered to be occurring above mean high water springs and therefore will be controlled by SEPA. Such works would require either a waste management licence or a waste management exemption.

The applicant should consult the local SEPA Regulatory Services team (see contact sheet for details) for advice on whether or not the proposed waste deposition would constitute a landfill and hence fall within PPC regulation, including for the controlled placement of dredged sands from harbours onto adjacent beaches and/or seabed.

For further information please contact Zoe Griffin (Senior Planning Officer) at planning.north@sepa.org.uk.