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Date: **03 April 2025**

Dear **Ms. Foster**,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Thank you for your screening opinion request dated 17 February 2025 in regards to the proposed works at including capital dredging, construction and improvement works at Port of Dundee ("the Proposed Works").

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(g) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations"), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment ("EIA") project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency ("SEPA"), Dundee City Council and Historic Environment Scotland ("HES") as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

Port of Dundee Limited ("The Applicant") proposes to undertake a suite of works at the Port of Dundee and Lady Shoal approach channel to accommodate the increasing needs of the offshore renewables industry. The Proposed Works form part of a wider project which includes an extension of the existing laydown area for wind turbine generators. There are no marine elements associated with the extended laydown area.

The proposed remedial works at Prince Charles Wharf include the installation of a piled wall approximately 105 metres ("m") in length, and localised excavation. The excavation will be undertaken using land-based excavators or dredging equipment, with fill required to bring the seabed to a level of -10m chart datum ("CD").

The Applicant also proposes to undertake various dredging activities including the deepening of the approaches to DunEcoQuay to -6.3m CD, the deepening of the approach to Prince Charles Wharf to -6.8m CD and the widening of the Prince Charles Wharf berth pocket by 70m and to a depth of -10.3m CD. The Applicant also proposes the deepening of the Lady Shoal approach channel to -6.5m CD. The dredge depth will be mostly less than 1m and approximately 160,000 cubic metres ("m³") dredge material is expected to be removed. This will be deposited in the licenced Middle Bank deposit site.

Location of the works

The Proposed Works are to be located at the Port of Dundee, including DunEcoQuay, Prince Charles Wharf, and the Lady Shoal approach channel in the River Tay. The Proposed Works are within the Forth of Tay and Eden Estuary SAC, Firth of Tay and Eden Estuary SPA and the Outer Firth of Forth and St Andrews Estuary SPA, located approximately 27 kilometres ("km") from the River Tay SAC and approximately 138km from the Moray Firth SAC. The Inner Tay Estuary Site of Special Scientific Interest ("SSSI") underpins the Firth of Tay and Eden Estuary SPA and part of the Firth of Tay and Eden Estuary SAC.

NatureScot advised that the Applicant appears to have overlooked the importance of the benthic habitats and marine mammal feature of the Firth of Tay and Eden Estuary SAC. NatureScot broadly agrees with the impact pathways identified in the screening report for marine benthic ecology but considers further assessment is required. NatureScot highlights that subtidal blue mussel beds are severely restricted across Scotland and advises that the Lady Shoal dredge could impact the blue mussel population. NatureScot advises that there is a need to consider benthic priority marine features, including intertidal and subtidal mussel beds and the impact pathways. NatureScot concluded that due to potentially significant impacts, and a lack of clarity about potential impact pathways that might affect benthic habitats, an EIA is required and directs the Applicant to Annex 1 of its advice for information to be included for the assessment.

NatureScot further advises that the Firth of Tay and Eden Estuary SAC supports a nationally important and highly vulnerable breeding colony of harbour seals. The population is sensitive to impacts from the Proposed Works, in particular disturbance from piling. NatureScot disagrees with conclusion in the screening report and advises that based on the information provided, it is unable to determine if likely significant effects to the harbour seal population can be avoided.

NatureScot broadly agrees with the impact pathways identified for the Outer Firth of Forth and St Andrews Bay Complex SPA. NatureScot highlights that the Proposed Works are to accommodate the increasing needs of the renewables industry and advises there is potential that significant impacts to the Outer Firth of Forth and St Andrews Bay Complex SPA and the Firth of Tay and Eden Estuary SPA have been missed during the operational phase as they were not included in the assessment. NatureScot consider that there is a lack of information and advise that an EIA is required due to the potential for significant impacts to a sensitive area. The Scottish Ministers advise the applicant to engage with NatureScot to ensure all required surveys are included.

NatureScot details that the Inner Tay Estuary SSSI underpins the Firth of Tay and Eden Estuary SPA and part of Firth of Tay and Eden Estuary SAC but advises that the protected features of the SSSI which are relevant to the Proposed Works are considered under the assessment of the SPA and SAC.

NatureScot advise that there are impact pathways through disturbance from underwater noise from piling, changes in water quality and changes in habitat availability on the protected features of the River Tay SAC. NatureScot advises that a full assessment of all impact pathways should be undertaken and this can be done through the Habitats Regulations Appraisal. Further, NatureScot noted that otter are a European Protected Species and advised the Applicant to follow its standing advice.

NatureScot advise that there are impact pathways on bottlenose dolphin protected features of the Moray Firth SAC through disturbance from underwater noise from piling and from changes in water quality. NatureScot does not agree that potential impacts to marine mammals are not considered significant and advised that due to the lack of information provided, NatureScot is not able to determine if likely significant effects can be avoided.

Characteristics of the potential impact

Dundee City Council concluded that the Proposed Works do not constitute an EIA project for its interests.

SEPA advised that the Proposed Works do not constitute an EIA project for its interests.

HES advised that it had not identified any potentially significant effects on the historic environment and therefore had no reason to consider the Proposed Works to be an EIA project.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are an EIA project under the 2017 MW Regulations and, therefore, an EIA is required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Directorate - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Dundee City Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information ([marine.gov.scot](https://www.marine.gov.scot)) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Thomas Inglis

Marine Directorate - Licensing Operations Team

