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Mr. R. Gunn
Global Energy Nigg Ltd.
Nigg Energy Park
Tain
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Our Ref: 00009031 / 00009032 / 00009033

Date: 14 December 2020

Dear Mr. Gunn,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

Global Energy Nigg Ltd. (per EnviroCentre) – Construction and Dredging – Nigg East Quay

I refer to your application to vary the marine licences 07068/20/0, 07069/20/0, and EPS 25 2019 0. The request to vary the marine licences (dated 24 September 2020) was screened under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) and a negative screening opinion was issued 26 November 2020.

I am pleased to inform you that the licensing authority has no objections to the issue of the requested marine licences, and I therefore enclose marine licence numbers MS-00009031, MS-00009032, EPS/BS-00009033. You are advised to carefully check the licence and schedule documents. If there are any errors please inform the licensing authority immediately.

The Decision Notice – Marine licence for the construction, capital dredging and deposit activities associated with the Nigg Energy Park East Quay (per Envirocentre) development at Nigg Energy Park, Cromarty Firth (dated 21 July 2020) is a record of the decision as part of the EIA licensing decision making process. The statements in the Decision Notice explain how the decision to grant the marine licences was made and are not conditions of the marine licences. The piling and dredging related definitions described in the Decision Notice reflect that described in the Non Technical Summary (dated June 2019), submitted as part of your marine licence application where it is stated that “*use of impact-hammer will be limited to where bedrock is encountered.....*” and “*165,000m³ of seabed sediment will be removed This will be achieved by means of a suction dredger and barge mounted excavator employed where stiff material is encountered*” (2.2 Proposed Development, page 4) where stiff material has been taken as bedrock.

The conditions that must be adhered to are within the marine licences MS-00009031, MS-00009032, and MS-00009033.

In terms of your request for removing the portion of condition 3.2.5 (e) on the 07068/20/0 and 3.2.7 (e) of 07069/20/0. The condition that, “artificial bird boxes must be suitable for Common and Arctic tern” is to ensure that if bird boxes are to be used, they would be appropriate for Common and Arctic tern rather than another bird species. Whether bird boxes are to be used is contained within the mitigation and management measures below Mean High Water Spring outlined in the Nigg East Quay Volume 3: Technical Appendices, Nigg Quay East Ornithology Baseline Report, dated 10 June 2019. Specifically on page 541 that, *“although there is unlikely to be an impact on breeding terns from the proposed development, it would be good practice to provide artificial nest boxes for both Common and Arctic Terns where they currently nest, over 500m from the development site. These would include raft nests which are preferred by Common Tern and nest boxes which are preferred by Arctic Tern.”*

We have considered your request that the Operational Environmental Management Document (OEMD) be agreed prior to the operation of works rather than the commencement of works. This condition has been updated that the OEMD must be in place prior to the completion of works and operations commencing.

We note that the project design may be updated to reduce the quay from 250m to 225m in length and that this has potential to reduce the amount of materials required for the works. However, the works are within the same footprint as the original design and therefore the works as proposed are covered by the licences issued.

You should note that both licences include a condition that the licensing authority must be notified of the dates of commencement and completion of the proposed works. Please ensure that separate notifications are provided prior to commencement and subsequent to completion.

Licence MS-00009032 also includes a condition requiring a written report to be submitted to the licensing authority detailing all materials used in the construction works under authority of the licence. This report can be accessed via the following link:

<https://www2.gov.scot/Topics/marine/Licensing/marine/Applications/ConstructionForm>

May I also draw your attention to the licence conditions relating to amendment of the licences or schedule documents. If circumstances arise which necessitate changes or extension to either of your licences please advise the licensing authority as soon as possible. After a licence has expired, it cannot be amended or extended in any way, and a new licence application (accompanied by the relevant fee) is required. Processing the new application may take up to fourteen weeks from the date of receipt of the application fee.

Under the Marine Licensing Appeals (Scotland) Regulations 2011 (S.S.I. 2011/203), you are entitled to appeal if you are dissatisfied with any condition in the licence. An appeal may be lodged in any sheriff court in Scotland and must be lodged no later than 21 days after the date of this letter.

You are advised to also contact Scottish Water to discuss any potential conflicts with Scottish Water assets through their Assets Impact Team at service.relocation@scottishwater.co.uk.

SEPA advise that in order to safeguard pollution prevention and 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. With regard to works on the shoreline the applicant should refer to the appropriate sections in the following guidance:

SEPA's [Pollution Prevention Guidelines](#) (PPGs) in particular PPG 6 (section 7) covers working with cement, concrete and grout).

[CIRIA](#) Guidance, in particular C584 - Coastal and Marine Environmental Site Guide.

Disturbance to the shoreline and/or seabed should be minimised and the shore restored to as near its former condition following the works as reasonably possible. All waste materials should be removed and disposed of at a licensed onshore site. Please also ensure that any jack up barges / vessels

utilised during the works, when jacked up, exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

It is advised that you liaise with the Cromarty Firth Port Authority with regard to the promulgation of Maritime Safety Information prior to, and during, the dredging campaign. During the construction campaign, you are advised to liaise with Cromarty Firth Port Authority with regard to the promulgation of Notice to Mariners stating the nature and duration of construction works. Additionally you should consult with the Northern Lighthouse Board and Cromarty Firth Port Authority to discuss any temporary navigational marking requirement prior to each phase of the construction works.

The NLB have advised that on completion of the new east quay, a fixed green light character two fixed green mounted vertically (2 FG (vert)), with a nominal range of 3 nautical miles, should be established at least 2 metres above the quay surface at the furthest south-westerly seaward extent. The Statutory Sanction of the Northern Lighthouse Board must be sought prior to the installation of the above navigation light. "Application for Statutory Sanction" forms are available on request from navigation@nlb.org.uk, the applicant should complete the form and return it to the Northern Lighthouse Board for processing.

All correspondence or communications relating to this letter or the licence document should be sent to the email or postal address detailed below.

Yours sincerely

Jacqui Cameron
Licensing Operations Team
Marine Scotland