

Marine Licence Application for Sediment Sampling

Version 1.0

Marine (Scotland) Act 2010

Acronyms

Please note the following acronyms referred to in this application form:

MHWS	Mean High Water Springs
MPA	Marine Protected Area
MS-LOT	Marine Scotland – Licensing Operations Team
SAC	Special Area of Conservation
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WGS84	World Geodetic System 1984

Explanatory Notes

The following numbered paragraphs correspond to the questions on the application form and are intended to assist in completing the form. These explanatory notes are specific to this application and so you are advised to read these in conjunction with the Marine Scotland Guidance for Marine Licence Applicants document.

1. Applicant Details

The person making the application who will be named as the licensee.

2. Agent Details

Any person acting under contract (or other agreement) on behalf of any party listed as the applicant and having responsibility for the control, management or physical deposit or removal of any substance(s) or object(s).

3. Payment

Indicate payment method. Cheques must be made payable to: The Scottish Government.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

4. Application Type

Indicate if the application is for a new sediment sampling site or an existing sediment sampling site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Project Details

- (a) Give a brief description of the project e.g. sediment sampling using vibrocore.
- (b) Provide the proposed start date of the project. The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for the duration of the project but not exceeding 6 years. If a project will not be completed before a marine licence lapses, it will be necessary for licence holders to re-apply for a further licence to continue any ongoing work at least 14 weeks prior to the expiry date of the licence. **Target duration for determination of a marine licence application is 14 weeks.**
- (c) Provide the proposed completion date of the project.
- (d) Provide the cost of the works seawards of the tidal limit of MHWS. This estimate should only cover work taking place below the tidal level of MHWS and must take into consideration the cost of materials, labour fees etc.
- (e) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of each sampling location. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible

datum. Ordnance survey maps do not use WGS84.

Example: For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55°55'44"N 2°22'11"W (WGS84).

It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

To supplement your application, please provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

- the full extent of the works in relation to the surrounding area;
- latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;
- any adjacent SAC, SPA, SSSI, MPA, Ramsar or similar conservation area boundary.

Drawings and plans will be consulted upon. If they are subject to copyright, **it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.**

- (f) Indicate if the project is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (g) Provide a full method statement, including schedule of work and whether jack-up barge or vessel to be used.
- (h) Provide assessment of the potential impacts the works may have, including interference with other uses of the sea. Please include details of areas of concern e.g designated conservation areas, such as a SAC, SPA, SSSI, MPA or Ramsar site and shellfish harvesting areas. Further guidance on designated conservation areas can be obtained from SNH at this website: <http://gateway.snh.gov.uk/sitelink/index.jsp> and guidance on shellfish harvesting areas can be obtained from <http://www.foodstandards.gov.scot/> with regards to the Shellfish Waters Directive (2006/113/EC) which has parameters set to protect the water quality in which edible shellfish are grown.

Applicants should also be aware of the need to pay due regard to coastal and marine archaeological matters and attention is drawn to Historic Scotland's Operational Policy Paper HP6, "Conserving the Underwater Heritage".

Where there are potential impacts from the works, please provide details of proposed mitigation in response to potential impacts.

6. Sampling Details

- (a) Indicate all types of sampling proposed, including the number of sampling locations, sampling depth and volume of sediment for removal in cubic metres at each sampling location .

Where the project involves a number of elements, please complete all appropriate sections.

- (b) Provide the vessel name, vessel type and name and address of all vessel operators to be used for sediment sampling operations. If vessel details are not available at the time of application, please indicate this on the form as these details will be required prior to licence issue. Continue on a separate sheet if necessary.
- (c) Provide details of the vessel role (e.g guard or fisheries liaison), indicate if the vessel(s) will be stationary during any sampling work and provide details of the length of time that the vessel(s) will be stationary.

7. Noise Monitoring

Under the Marine Strategy Regulations (2010), there is now a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. Activities where this type of noise is produced include seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. Where noisy activity is being undertaken, you must complete an initial registration form for the noise registry which allows you to provide details on the proposed work. Completion of a 'close-out' form, which allows licensees to provide details of the actual dates and locations where the activities occurred, is also required within 12 weeks of the completion of the 'noisy' activity or, in the case of prolonged activities such as piling for harbour construction or wind farms, at quarterly intervals or after each phase of foundation installation.

These forms can be downloaded from:

<http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/noise-reduction>

Marine licence applications will not be accepted until this form has been completed and submitted.

8. Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, Marine Scotland have considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. A copy of Scotland's National Marine Plan can be found at: <http://www.gov.scot/Publications/2015/03/6517/0>

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made including reference to the policies that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

9. Consultation

Provide details of all bodies consulted and give details of any consents issued including date of issue.

10. Associated Works

Indicate whether the application is associated with any other marine projects (e.g. land reclamation, marine/harbour construction works, dredging and sea disposal etc). If this is the case, provide reference/licence number for the related marine projects.

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It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act.

Public Register

Do you consider that any of the information contained within or provided in support of this application should not be disclosed:

(a) for reasons of national security; YES NO

(b) for reasons of confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest? YES NO

If **YES**, to either (a) or (b), please provide full justification as to why all or part of the information you have provided should be withheld.

WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Signature

Alan McGowan
Digitally signed by Alan McGowan
Date: 2020.09.24 13:55:23 +01'00'

Date

24-9-2020

Name in BLOCK LETTERS

[Redacted Name]

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- Completed and signed application form
- Maps/Charts
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority)
- Method Statement
- Additional information e.g. photographs, consultation correspondence (if applicable)
- Noise Registry – Initial Registration Form (if applicable)
- Payment (if paying by cheque)

1. Applicant Details

Title: **Ms** Initials: **S** Surname: **Agnew**

Trading Title (if appropriate): **Senior Flooding Officer**

Address: **Falkirk Council, Development Services, Engineering Design Unit, Abbotsford House, Davids Loan, Falkirk, FK2 7YZ**

Name of contact (if different):

Telephone No. (inc. dialing code): **07800 631584**

Email: **sharon.agnew@falkirk.gov.uk**

Statutory Harbour Authority? YES NO

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

2. Agent Details (if any)

Title: **Mr** Initials: **Alan** Surname: **McGowan**

Trading Title (if appropriate): **Senior Associate Director of Water & Environment**

Address: **Jacobs, 95 Bothwell Street, Glasgow, G2 7HX**

Name of contact (if different):

Telephone No. (inc. dialing code): **07525 889895**

Email: **alan.mcgowan@jacobs.com**

3. Payment

Enclosed Cheque Invoice

Contact and address to send invoice to:

Applicant Agent Other

If **OTHER**, please provide contact details:

Title: Initials: Surname:

Address:

Email: **sharon.agnew@falkirk.gov.uk**

4. Application Type

Is this application for a new sediment sampling site or an existing sediment sampling site:

New Site Existing Site

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

Consent/Licence Number	Expiry Date

5. Project Details

(a) Brief description of the project (e.g. sediment sampling using vibrocore):

Ten 10kg samples are to be collected by a low ground pressure excavator from the intertidal area in front of the Petroineos petrochemical complex.

(b) Proposed start date (**Target duration for determination of a marine licence application is 14 weeks**):

28/09/2020

(c) Proposed completion date:

30/04/2021

(d) Cost of the works seawards of the tidal limit of MHWS:

£ 15000

(e) Location:

North of Petroineos petrochemical plant within the intertidal mud of the Firth of Forth estuary (central co-ordinate: 56.019015, -3.6759138).

Latitude and Longitude co-ordinates (WGS84) defining each sampling location (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude										
5	6	°	0	1	.	2	7	8	'N	0	0	3	°	4	0	.	8	5	9	'W
5	6	°	0	1	.	2	5	1	'N	0	0	3	°	4	0	.	7	8	7	'W
5	6	°	0	1	.	2	2	1	'N	0	0	3	°	4	0	.	7	2	1	'W
5	6	°	0	1	.	1	8	9	'N	0	0	3	°	4	0	.	6	5	4	'W
5	6	°	0	1	.	1	5	4	'N	0	0	3	°	4	0	.	5	9	6	'W
5	6	°	0	1	.	1	1	7	'N	0	0	3	°	4	0	.	5	5	1	'W
5	6	°	0	0	.	8	7	5	'N	0	0	3	°	4	0	.	3	1	0	'W
5	6	°	0	0	.	8	2	4	'N	0	0	3	°	4	0	.	3	4	5	'W
5	6	°	0	0	.	7	8	5	'N	0	0	3	°	4	0	.	4	0	4	'W
5	6	°	0	0	.	7	6	7	'N	0	0	3	°	4	0	.	4	9	5	'W

(f) Is the project located within the jurisdiction of a statutory harbour authority?

YES NO

If **YES**, please specify statutory harbour authority:

Forth Ports

(g) Method statement including schedule of work and whether jack-up barge or vessel to be used (continue on separate sheet if necessary):

Ten 10kg samples will be collected by a low ground pressure excavator by digging to a maximum depth of 2m. The excavator will sit on the existing rock and grass revetment/verge to collect samples. Protective (bog) mats will be used to stabilise the excavator, if required. Samples will be taken when the tide is at a suitable level to undertake the works safely, which is considered to be 3 hours either side of low tide. It is anticipated that all samples will be collected within two days. There will be one machine operator and likely two to three additional people supervising and observing the works, all wearing hi-visibility clothing.

(h) Potential impacts the works may have (including details of areas of concern e.g. designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

The works will take place within the Firth of Forth SPA, SSSI and Ramsar. Please refer to the accompanying HRA that covers the sediment sampling. Please note, this HRA was written expecting the works to be undertaken in September.

Intertidal mud is a Priority Marine Feature. However, previous studies have shown this area to be species poor and the small volume of mud to be removed will not affect the feature in this area.

6. Sampling Details

(a) Please indicate sampling details:

Type of Sampling	Number of Sampling Locations	Sampling Depth (metres)	Volume of Sediment for Removal (from each sampling location in cubic metres)
Mechanical bucket or shovel	10	2	0.01
Grabbing – surface sediments			
Boreholes			
Trial Pits			
Other (please specify)			

(b) Details of any vessel(s) undertaking sediment sampling (please note that a marine licence cannot be issued until the vessel details have been confirmed. Continue on a separate sheet if necessary):

Vessel	Vessel Name	Type of Vessel	Name and Address of Operator
1	n/a		
2			
3			
4			
5			

(c) Further details of any vessel(s) undertaking sediment sampling (please note that a marine licence cannot be issued until the vessel details have been confirmed. Continue on a separate sheet if necessary):

Vessel	Vessel Role (e.g guard or fisheries liaison)	Vessel to be Stationary (include length of time to be stationary)
1	n/a	
2		
3		

4		
5		

7. Noise Monitoring

Will loud, low to mid frequency (10Hz to 10kHz) impulsive noise be produced by the project? YES NO

If **YES**, which please indicate the noise generating activities and sound frequencies:

Noise Generating Activity	Sound Frequency (Hertz)
Use of Explosives	
Other (please describe below):	

If you have ticked **YES**, please complete the Noise Registry – Initial Registration form located at: <http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/noise-reduction>

A marine licence application will not be accepted until this form has been completed and submitted.

8. Scotland’s National Marine Plan

Have you considered the application with reference to Scotland's National Marine Plan? YES NO

If **YES**, provide details of considerations made including reference to the policies that have been considered:

With reference to the General Policies of the NMP, there will be no economic or social impacts of the works and any visual impacts will be extremely short-lived (1-3 days) and against the backdrop of the Petroineos refinery. No historic or geologic interests will be affected by the works. There will be no deterioration in water quality or air quality as a result of the works. The works will be undertaken at low tide and present no effects on flood risk.

The area affected by the works is not accessible to members of the public and therefore no implications on recreational use have been considered. Precautions will be taken to prevent the introduction or spread of non-native species, including cleaning machinery before arriving on and leaving site. Any implications on wildlife important to recreational use of the surrounding area are covered in the accompanying HRA.

Due to proximity to the Port of Grangemouth, the Shipping, Ports, Harbours and Ferries policies have been considered. Consultation with the relevant authorities has confirmed that the works pose no risk to navigational safety.

If **NO**, please provide an explanation of why you haven't considered the National Marine Plan?

9. Consultation

List all bodies you have consulted and provide copies of correspondence:

NatureScot
Northern Lighthouse Board
Maritime and Coastguard Agency
Forth Ports

10. Associated Works

Provide details of other related marine projects, including reference/licence numbers (if applicable):

n/a