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Marine Licence Application for Construction Projects

Version 1.0

Marine (Scotland) Act 2010

Marine Scotland, 375 Victoria Road, Aberdeen, AB11 9DB
http://www.gov.scot/Topics/marine/Licensing/marine

Acronyms

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

BPEO	Best Practicable Environmental Option
EIA	Environmental Impact Assessment
ES	Environmental Statement
MHWS	Mean High Water Springs
MMO	Marine Mammal Observer
MPA	Marine Protected Area
MS-LOT	Marine Scotland – Licensing Operations Team
PAM	Passive Acoustic Monitoring
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 construction site or an existing construction 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. construction of a new sea outfall).

(b) Provide the total area of proposed works in square metres.

(c) 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 3 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.**

(d) Provide the proposed completion date of the project.

(e) 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.

(f) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the proposed project. 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. In a few cases, (e.g. laying of long pipelines) it may only be practicable to supply co-ordinates for the start and end points.

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 photographs of the project location and submit these with your application. Please also 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.**

Sewer outfalls, discharge pipes for industrial waste etc. The size and description of the pipe must be shown on the longitudinal sections and also details of its supports, foundations, methods of jointing and details of any tidal flaps.

Bridges over tidal waters: An elevation with longitudinal and cross-sections of the bridge to a suitable scale must show the dimensions of the spans and width of piers, etc. above and below MHWS and the maximum and minimum heights of the undersides of the superstructures above MHWS. The headroom above MHWS and the width of span of the nearest bridges, if any, above and below the site must be stated.

Tunnels under tidal waters: The longitudinal section of the tunnel must show the distances between the bed of the river or estuary and the top of the tunnels. Cross-sections must show the internal and external dimensions of the tunnel and particulars of construction. When a proposed future dredging level is known this must also be shown on all sections.

Overhead cables: Catenary must be supplied in addition to the site plan showing the minimum clearance of the cable at MHWS and the electrical clearance allowed.

(g) Indicate if the project is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.

(h) Provide a full method statement, including schedule of works and the ultimate fate of the structure.

(i) 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:

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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".

Any application for beach replenishment works must be cross checked as to whether the proposed site is a designated bathing water site. If so, all physical works should ideally be done outwith the Bathing Water Season (1st June to 15th September). Further guidance on the Bathing Waters Directive (2006/7/EC) can be obtained from http://apps.sepa.org.uk/bathingwaters/.

Where there are potential impacts from the works, please provide details of proposed mitigation, such as use of MMOs or PAM, in response to potential impacts.

6. Deposits and/or Removals

(a) Complete the table to indicate all permanent substances or objects to be deposited and/or removed from below MHWS. If you propose using types of substances or objects for which a specific box is not provided in the table, please describe the nature of such substances or objects in the box marked "other".

(b) Please indicate the method of delivery of any substance(s) or object(s) to be placed below MHWS.

(c) Where the proposed work involves salt marsh feeding, beach replenishment or land reclamation the description of the substances or objects must include details of its chemical quality. Where the substances or objects have not been chemically analysed, MS-LOT may request representative samples for analysis or require the applicant to arrange for analyses to be undertaken before the marine licence application can be determined.

(d) If temporary deposits are required, please provide details as with the permanent deposits above. The temporary deposit location details (Latitude and Longitude WGS84) must be added to the form, and the period of time the site will be used must be provided. If granting a licence, MS-LOT will include on the document details of any area that has been approved as a temporary deposit site.

7. Disposal of Dredged Substance(s) or Object(s) at Sea

(a) If you are proposing to dispose of any excess substance(s) or object(s) arising from the project at sea, a separate marine licence will be required (see Dredging and Sea Disposal application form). The granting of a marine licence for construction projects does not imply that a marine licence for sea disposal will also be granted as different assessment criteria are used to determine each type of application. If a separate application is being submitted for dredging and sea disposal then this must be accompanied with a BPEO report.

(b) Provide the quantity of dredged substance(s) or object(s) for sea disposal in wet tonnes.

8. 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.

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9. Statutory Consenting Powers

Please describe in the answer to this question what (if any) statutory responsibilities you (or your client) have to consent any aspect of the project.

10. 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 with reference to the policies, including but not limited to General Policies 7 and 13 (GEN 7 and GEN 13), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

11. Pre-Application Consultation

Certain activities will be subject to public pre-application consultation. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. The new requirement will allow those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted. Further information can be obtained from: http://www.scotland.gov.uk/Resource/0043/00439649.pdf

If applicable, please provide your pre-application consultation report with your application.

12. Consultation (other than carried out under pre-application consultation)

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

13. Environmental Assessment

(a) Under the Marine Works Environmental Impact Assessment (EIA) Regulations 2007, there may be a requirement for certain projects to undergo an EIA and produce an ES. If EIA is required, MS-LOT will not determine a marine licence application until the EIA consent decision in respect of the marine licence application has been reached. Please confirm if the project falls under Annex I or II of Directive 85/337/EEC: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN in relation to the Marine Works (EIA) Regulations 2007.

Marine licence applications for proposals which fall under the regulations will not be accepted unless a screening opinion has been issued in relation to this.

(b) Please indicate if an EIA has been undertaken and whether it was for the marine licence application to which this application relates or for any other EIA regulator (e.g local authority). Please attach any previous ES to the application.

MS-LOT will not determine a marine licence application until the EIA consent decision in respect of any regulated activity associated with the marine licence application has been reached.

14. 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.

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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 [Redacted]

Date 03/01/2020

Name in BLOCK LETTERS Fiona Henderson

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 ☑
- Project Drawings ☑
- Maps/Charts ☑
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority) ☑
- Method Statement ☑
- Photographs of the location of the project ☐
- Additional information e.g. consultation correspondence (if applicable) ☐
- Noise Registry – Initial Registration Form (if applicable) ☐
- Pre-application Report (if applicable) ☐
- Environmental Statement (if applicable) ☐
- Payment (if paying by cheque) ☐

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1. Applicant Details

Title: Mr Initials: G Surname: Fullarton

Trading Title (if appropriate): Cromarty Community Development Trust

Address: Cromarty Post Office
8 Bank Street
Cromarty
IV11 8UY

Name of contact (if different):

Telephone No. (inc. dialing code):

Email: greg.fullarton@gmail.com

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: Ms Initials: F Surname: Henderson

Trading Title (if appropriate): Affric Limited.

Address: Lochview Office, Loch Duntelchaig, Farr, Inverness, IV2 6AW

Name of contact (if different):

Telephone No. (inc. dialing code): 01808 521498 / 07773 353399

Email: Fiona.Henderson@affriclimited.co.uk

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:

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4. Application Type

Is this application for a new construction site or an existing construction 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. construction of a new sea outfall):

Slipway repairs, widening and lengthing. Please refer to Section 2.3: Description of the Nigg Slipway Repairs: Environmental Considerations report.

(b) Total area of the proposed works (in square metres):

720 m^2

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

1st April 2020

(d) Proposed completion date:

31st December 2022

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

£500,000

(f) Location:

The Nigg slipway is located on the northern banks of the mouth of the Cromarty Firth (Grid Reference NH7967 6873). The slipway is found at the southernmost point of the B9175 beyond the Nigg Ferry Terminal. The location of the slipway is shown in Drawing 62/02/01 and the red line is shown on Drawing 2191-101A with SOP's 9,4,5,12 and MHWS delineating the Marine Licence Boundary.

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude											**Longitude**										
5	7	°	4	1	.	5	4	2	’ N		0	0	4	°	0	1	.	2	3	6	’ W
5	7	°	4	1	.	5	1	0	’ N		0	0	4	°	0	1	.	2	4	4	’ W
5	7	°	4	1	.	5	1	1	’ N		0	0	4	°	0	1	.	2	6	0	’ W
5	7	°	4	1	.	5	4	5	’ N		0	0	4	°	0	1	.	2	5	2	’ W
		°			.				’ N					°			.				’ W
		°			.				’ N					°			.				’ W
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		°			.				’ N					°			.				’ W
		°			.				’ N					°			.				’ W

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

YES ■ NO □

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

Port of Cromarty Firth

(h) Method statement including schedule of work (continue on separate sheet if necessary):

Please refer to Section 2.4: Construction Methodology of the Nigg Slipway Repairs: Environmental Considerations document.

(i) 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):

These have been considered in the Nigg Slipway Repairs: Environmental Considerations document. Please refer to Sections 5.1 - 5.6 for a detailed description of the potential impacts.

6. Deposits and/or Removals

(a) **Permanent** substance(s) or object(s) to be deposited and/or removed from below MHWS (continue on a separate sheet if necessary):

	Deposits		**Removals**	
Type of Deposit/Removal	Description	Quantity & Dimensions (metric)	Description	Quantity & Dimensions (metric)
Steel/Iron	Please see appended Table.	No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Timber		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Concrete		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Plastic/Synthetic		m^2		m^2
Clay (< 0.004 mm)		Volume (m^3)		Volume (m^3)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Silt (0.004 ≤ Silt < 0.063 mm)		Volume (m^3)		Volume (m^3)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Sand (0.063 ≤ Sand < 2.0 mm)		Volume (m^3)		Volume (m^3)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Gravel (2.00 ≤ Gravel < 64.0 mm)		Volume (m^3)		Volume (m^3)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Cobbles (64.0 ≤ Cobbles < 256.0 mm)		Volume (m^3)		Volume (m^3)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Boulders (≥ 256.0 mm)		Volume (m^3)		Volume (m^3)
		Weight (kg/tonnes)		Weight (kg/tonnes)

Pipe		Length (m) External Diameter (cm/m)		Length (m) External Diameter (cm/m)
Other (please describe below):				

(b) Method of delivery of substance(s) or object(s):

HGV's and LGV's

(c) For work involving salt marsh feeding, beach replenishment or land reclamation please provide the following information relating to the substance(s) or object(s) to be deposited:

Quantity (tonnes):

tonnes

Nature of substance(s) or object(s) (e.g. sand, silt, gravel etc.):

Source (if sea dredged state location of origin)

Particle size:

Have the substance(s) or object(s) been chemically analysed? **YES** ☐ **NO** ☐
If YES, please include the analysis data with your application

(d) **Temporary** substance(s) or object(s) to be deposited below MHWS (continue on a separate sheet if necessary):

Type of Deposit	**Description**	**Quantity & Dimensions** (metric)
Steel/Iron		No.
		Dimensions
		Weight (kg/tonnes)
Timber		No.
		Dimensions
		Weight (kg/tonnes)

Concrete		No.
		Dimensions
		Weight (kg/tonnes)
Plastic/Synthetic		m^2
Clay (< 0.004 mm)		Volume (m^3)
		Weight (kg/tonnes)
Silt (0.004 ≤ Silt < 0.063 mm)		Volume (m^3)
		Weight (kg/tonnes)
Sand (0.063 ≤ Sand < 2.0 mm)		Volume (m^3)
		Weight (kg/tonnes)
Gravel (2.00 ≤ Gravel < 64.0 mm)		Volume (m^3)
		Weight (kg/tonnes)
Cobbles (64.0 ≤ Cobbles < 256.0 mm)		Volume (m^3)
		Weight (kg/tonnes)
Boulders (≥ 256.0 mm)		Volume (m^3)
		Weight (kg/tonnes)
Pipe		Length (m)
		External Diameter (cm/m)
Other (please describe below):		

7. Disposal of Dredged Substance(s) or Object(s) at Sea

(a) Do you intend to apply for a marine licence for sea disposal of dredged substance(s) or object(s) as part of the project? YES ☐ NO ■

If **YES**, please specify nature of substance(s) or object(s) (e.g sand, gravel, silt, clay, rock etc.):

(b) Quantity of substance(s) or object(s) (wet tonnes):

wet tonnes

A separate marine licence application will be required to be submitted for sea disposal.

8. 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	
Use of Accoustic Deterrent Devices	
Piling	
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

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

9. Statutory Consenting Powers

Do you, or (if appropriate) your client, have statutory powers to consent any aspect of this project?

No

10. 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 with reference to the policies, including but not limited to General Policies 7 and 13 (GEN 7 and GEN 13), that have been considered:

Please see Section 3.5: National Marine Plan of the Nigg Slipway Repairs: Environmental Considerations document.

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

11. Pre-Application Consultation

Is the application subject to pre-application consultation, under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013? YES ☐ NO ■

If **YES,** please indicate the date of the public notice for the pre-application consultation event and the type of consultation event held (a copy of the public notice must be supplied with this application):

Event Type	Date

12. Consultation

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

13. Environmental Assessment

(a) Does the project fall under Annex I or II of the EIA Directive?

Annex I ☐ Annex II ☐ Neither ■

If **ANNEX I or ANNEX II**, please provide the screening opinion issued to you in relation to the project.

(b) Has an EIA been undertaken:

for the marine licence application to which this application relates YES ☐ NO ■
for any other EIA regulator (e.g local authority) YES ☐ NO ■

14. Associated Works

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

6 Deposits and/or Removals

(a) Permanent substances or object to be deposited and/or removed from the below MHWS

Type of Deposit/Removal	Deposits		Removal		Comments
	Description	**Quantity & Dimensions**	**Description**	**Quantity & Dimensions**	
Steel	AZ18 – 700 Sheet Piles Tie Rods	780m^2 (89t) 2t	Cutting Down Sheet Piles	70m of length to be removed in total	Total deposits 780m^3 (91t)
Timber	-	-	-	-	-
Concrete	Mass Concrete Infill to Sheet Piles Grout Precast Concrete Surfaces Ground Bearing Slab	160m^3 20m^3 70m^3 120m^3	Existing Concrete Deck Excavate Concrete infill	66m^3 120m^3	Total deposits 370m^3 Total removals 186m^3
Aluminium	-	-	-	-	-
Plastic/Synthetic	-	-	-	-	-
Rockfill	Imported Infill for below Surface Slabs	550m^3	-	-	Total deposits 550m^3
Clay (<0.004mm)	-	-	-	-	-
Silt (0.004≤Silt<0.063mm)	-	-	-	-	-
Sand (0.063≤<)	-	-	-	-	-
Gravel (2.00≤Gravel <64.0mm)	Sub-base	60m^3	-	-	-
Cobbles (64.0≤Cobbles<256.0mm)	-	-	-	-	-
Boulders (≥256.0mm)	-	-	-	-	-
Rockhead (Gneiss)	-	-	-	-	-
Bituminous Material	-	-	-	-	-