

Unit 8, Bridgend Business Park Strathpeffer Road, Dingwall, IV15 9SL Tel: 01349 866400 Email: info@strathcivils.co.uk Web: www.strathcivils.co.uk

Marine Scotland 375 Victoria Road Aberdeen AB11 9DB

02/03/2021

Dear Sirs

Marine Licence Application for Pontoon Renewal Moray Council – Findochty Harbour

Please find enclosed the completed Application Form on behalf of Moray Council for a Marine Licence to renew the Pontoons in Findochty Harbour, Morayshire.

The following Is a list of the enclosed documents -

- Application form & appendices I, II & III
- INT20-055_001-01G Intermarine General Arrangement Drawing
- INT20-055_ 001-02G Intermarine Access Bridge Details
- INT20-055_001-03G Intermarine Anchor System Layout
- INT20-055_001-02G Intermarine Mooring Section View (2No. copies of each drawing)
- Cheque made out to The Scottish Government for the sum of £2,365.00

If you require further information or require electronic copies of drawings etc., please contact the undersigned

Donald MacKenzie - Contact Details

Email - donald@strathcivils.co.uk

Mobile Tel. [Redacted]

[Redacted]

Donald J Mackenzie Estimator

marinescotland

T: +44 (0)1224 295579

E: ms.marinelicensing@gov.scot



Marine Licence Application for Pontoons

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
Site of Special Scientific Interv

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 pontoon site or an existing pontoon site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Pontoon(s) Details

- (a) Indicate the type of deposit, either permanent, temporary or seasonal. If temporary or seasonal, please provide plan of how and when pontoon section(s) are proposed to be deposited and removed in the method statement.
- (b) Indicate the number of pontoon sections that make up the full structure.
- (c) Complete the table to indicate the dimensions of each pontoon section making up the entire structure.
- (d) Complete the table to indicate any other substance(s) or object(s) to be deposited below MHWS, including quantity and dimensions (e.g steel mooring chain, No. 6 at 50 metres length each).
- (e) Indicate the total length of the pontoon, including any access bridge, seawards of the tidal limit of MHWS. The total length should include all sections of the pontoon that make up the entire structure.
- (f) Provide the proposed start date for installation of the pontoon(s). 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 6 years. Target duration for determination of a marine licence application is 14 weeks.
- (g) 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.

(h) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) for the boundary points of the pontoon(s) including all moorings associated (if applicable). 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°55.55'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 pontoon position(s) in relation to the surrounding area;
- o latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;
- o 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.

- (i) Indicate if the pontoon is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (j) Provide a full method statement, including plan of how, when and where pontoon section(s) are proposed to be deposited and removed.
- (k) 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".

Lochs Creran, Alsh, Duich and Long are designated as Special Areas of Conservation (SAC) under the Habitats Directive (Council Directive 92/43/EEC). Loch Creran has been selected for its bedrock and biogenic reefs of the tube worm *Serpula vermicularis* and the horse mussel, *Modiolus modiolus* and Lochs Alsh, Duich and Long for their sublittoral rock (marine) reefs. All are very sensitive to physical damage from anchors and the placement of moorings and in order to assist their protection reference should be made to the special moorings pack which can be downloaded from the following link: http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications

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







6. 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 found Scotland's National Marine Plan A copy of Plan. 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 Policy 7 (GEN 7), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

7. 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.scot/Resource/0043/00439649.pdf

Please provide pre-application consultation report with your application.

8. 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.

9. 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.



Marine Licence Application for Pontoons

Version 1.0

Marine (Scotland) Act 2010

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.

Pub	lic Register							
	ou consider that any of the information contained within or provided in supp ild not be disclosed:	ort of this application						
(a)	(a) for reasons of national security;							
(b) provi	for reasons of confidentiality of commercial or industrial information where sucided by law to protect a legitimate commercial interest?	ch confidentiality is YES NO						
	S , to either (a) or (b), please provide full justification as to why all or part of the ded should be withheld.	information you have						



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.

[Redacted]

Signature

Date

01/03/2021

Name in BLOCK LETTERS

Donald J MacKenzie

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	V
•	Project Drawings	V
•	Maps/Charts	V
•	Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority)	V
•	Method Statement	V
•	Additional information e.g. photographs, consultation correspondence (if applicable)	
•	Pre-application Report (if applicable)	
•	Payment (if paying by cheque)	V







1.	Applicant Details			
	Title:	Initials:	Surname:	
	Trading Title (if a	appropriate): Mor	ray Council	
		Harbour Office ommercial Road AB56 1UN		
	Name of contact	(if different): Nico	ola Moss	
	Telephone No. (inc. dialing code): (01343563785	
	Email: Nicola	.moss@moray	.gov.uk	
	Statutory Harbou	ur Authority?	YES ■ NO □	
			titude and longitude co-ordinates (WGS84) of th ng Appendix 01 Additional Co-ordinates form if	
2.	Agent Details (if a	ny)		
	Title: Mr	Initials: N	Surname: Morrison	
	Trading Title (if a	appropriate): Stra	ath Civil Engineering Ltd	
	Strathp	Bridgend Business P peffer Road all IV15 9SL Tel 013		
	Name of contact	(if different): Dor	nald Mackenzie	
	Telephone No. (inc. dialing code): [F	Redacted]	
	Email: donalo	l@strathcivils.d	co.uk	
3.	Payment			
	Enclosed Cheque	■ Invo	oice	
	Contact and address	ss to send invoice to	·:	
	Applicant	Agent <a> I	Other	
	If OTHER, please p	orovide contact detai Initials:	ils: Surname:	
	Address:			
	Email:			



Application Type										
Is this application for a new pontoon site or an existing pontoon site:										
New Site ☐ Existing Site ■										
If an EXISTING SITE, please provide the consent/licence number and expiry date:										
Consent/Licence	Expiry Date									
Constructed ea	arly 1970's - no licence number available									
	<i>y</i>									
Pontoon Details										
(a) Type of deposi	t									
Permanent <a> I	Temporary ☐ Seasonal ☐									
(b) Number of pon	removed in method statement in section 4 (j). toon sections:									
(c) Dimensions of	pontoon sections:									
Pontoon Section	Type of Deposit (e.g steel, plastic etc.)	Length (metres)	Width (metres)							
Main Deck (4No.)	Steel Frame, Timber Deck, Plastic Floats	10.0	2.5							
Access Deck(16No.)	Steel Frame, Timber Deck, Plastic Floats	12.0	2.0							
Finger Deck (43No.)	Steel Frame, Timber Deck, Plastic Floats	5m to 10m	1.0							
(d) Any other subs	tance(s) or object(s) to be deposited below MHWS	(e.g mooring chain):							
Deposit		Quantity and D	Dimensions							

Deposit (e.g steel mooring chain)	Quantity and Dimensions (e.g No. 6 at 50 metres each)
Primary Ground Chain 28mm OL	1No. @ 68.5m 1No. @ 109.6m
Secondary Ground Chain 16mm OL	2No. @ 70.5m
Anchor Bridle Chain 37mm OL	14No. @ 13.7m
Riser Chain 16mm OL	16No. @ 12m
Anchors	16No. @ 200kg (approx)

(e) Total length of pontoon, including any access bridge, seawards of the tidal limit of MHWS: 518m (inc Fingers) metres



(f) P	17.53	sed	start	date	(Ta	rget	dur	ation	for d	etern	ninati	ion	of a	a m	arine	e lice	ence	app	licat	ion is	s 14
17th May 2021																					
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(cont	inue itude	on A	Appe	ndix ()1 Ac	lditio	nal C	o-ord	inates	form	if ned Long	cess	ary)								
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5	7	0	4	1		8	8	6	' N				2	0	5	4		3	5	0	' W
5	7	0	4	1		8	9	9	'N				2	0	5	4		3	2	6	' W
5	7	0	4	1		9	0	3	, N	1			2	0	5	4		2	8	5	, M
5	7	0	4	1		8	9	3	' N	-	-	-	2	0	5	4	+	2	1	2	, W
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See Appendix II																					
COO / Appointed in																					

conservation and shellfish harvesting areas) and proposed mitigation in respondentinue on separate sheet if necessary):	onse to potential impacts						
We are not aware of any specific areas of concern directly affected by the replacement of the existing pontoons. The harbour is regularly dredged by Moray Council (under seperate licence) so the harbour bed is unlikely to support any permanent shellfish colonies etc.							
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, include General Policy 7 (GEN 7), that have been considered:	ding but not limited to						
See Appendix III - Scotlands National Maritime Plan							
i.							
If NO , please provide an explanation of why you haven't considered the National N	/larine Plan?						
The produce provide all explanation of major to street all transfers							

(k) Potential impacts the works may have (including details of areas of concern e.g designated

6.

1.	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-applica of consultation event held (a copy of the public notice must be supplied	with this application):						
	Event Type	Date						
	Moray Council are currently running a virtual public consultation via an event room on Artsteps www.artsteps.com/view/6024e62ef8788e2b1eb09d33?currentuser	Ongoing _.						
8.	Consultation							
	List all bodies you have consulted and provide copies of correspondence:							
	Moray council have not consulted other bodies other than consultation)	Planning authority (internal						
9.	Associated Works Provide details of other related marine projects, including reference/lice	ence numbers (if applicable):						
	Dredging operation by Moray Council carried out under lice Licence valid from 7th Feb 2020 to 6th Feb 2023							

Appendix I

Findochty Pontoon Replacement

Findochty Harbour Authority

List of latitude & longitude co-ordinates (WGS84) of the boundary points of the area of the harbour jurisdiction

- Commencing at 57°41.934′N 002°54.402′W on the level of high water 120m north of the war memorial
- Thence in a straight line in a northerly direction for a distance of 518m to 57°42.213′N 002°54.402′W
- Thence in a straight line in an easterly direction for a distance of 289m to 57°42.213′N 002°54.111′W
- Thence in a straight line in a southerly direction for 316m to 57°42.043′N
 002°54.111′W on the level of high water on the southern shore of Crooked Hythe
- o Thence by the level of high water to the point of commencement



Appendix II

Findochty Pontoon Replacement

Method Statement - Construction Sequence

We confirm that our resources, construction sequence and measures for protecting the environment during the works are as follows: -

Resources - Staff, labour & plant

Experienced Civil site agent

Foreman plus 2 to 4 skilled ops – exact squad size will vary depending upon the individual tasks

Telehandler

14t tracked excavator – for works on beach (above Water Level)

Workboat & 2-man crew – for existing pontoon and anchors removal and new anchor system installation

Small 15' workboat for general use

Small plant – Generator, drills, grinders etc

General

- All personnel on site to undergo site specific induction prior to first arrival on site
- All personnel to be inducted and sign on to relevant MS's and associated RA's before commencing work.
- PPE will be worn by all personnel as detailed in induction lifejackets required when working on or near the water
- An oil spill kit will be held on site at all times during the works
- Plant will be pressure washed prior to delivery to site

Consultation

- Works will follow any specific requirements detailed within the marine license.
- Advance consultation will also take place with local householders and businesses. This
 will be done by way of a hand delivered letter drop to all nearby properties. Any



feedback from discussions will be used to fine tune existing plans to minimize disruption.

Construction Sequence

Once the Marine License is in place, the construction works will progress as follows: -

- An office & welfare unit and refuelling point will be set up close to the works at an agreed location.
- Heras fencing will be set up to form a site compound adjacent to the offices. Similarly, heras fencing will be set up around any work areas.
- The existing pontoons will be removed. These will be split up into manageable sized section either by unbolting or by cutting existing fixings.
- The sections will be floated to the beach area at high tide where they will be secured in position.
- At lower tide levels, the sections will be fully split up for removal from site. A tracked excavator will be used on the beach to handle individual sections.
- Works will progress working on manageable sections until all existing pontoons are removed
- The existing ladders will then be removed, again unbolting or cutting existing fixings as required and lifted out by crane
- All existing pontoon materials and ladders will be loaded onto lorries from removal from site. Depending upon available space, this may have to be carried out as removal work progresses.
- The existing anchor chains and all associated fittings can then be removed. This will be done with the help of the workboat, taking care to ensure that no original fixings are left.
- Delivery of the new pontoon units will be made in a phased manner, taking delivery of the materials in the sequence they will be installed.
- The new pontoons will be pre-assembled in sections at the harbour
- The wall guide rails will be positioned and fixed by crane and the pontoons forming Pier A will be installed
- The new anchor system will be installed and marked with temporary buoys by the workboat at the same time as Pier A is being installed
- Once Pier A is complete, the head platform and bridge/ramp will also be lifted into position and fixed in place
- Installation will continue with Pier D pontoons and fingers installed and secured to the new anchor system
- Subsequently Piers C and then B will be installed
- After all the pontoons and fingers are installed, all additional items such as safety ladders, lifebelts and fire extinguisher points will be installed



- Finally, once all installation work is complete, all fixings will be checked to confirm they are as planned and as per the design
- At this point, the installation team will demob.
- Any remaining surplus material will be removed from site for recycling or taken to a licenced tip.
- Following inspection and approval by the Client, the temporary fencing will be removed allowing access to the finished pontoons
- Once all works are complete, the office / welfare unit and all plant will be demobbed from site

Protecting the environment during the works

The main issues to address and the proposed mitigation measures are as follows: -

Plant usage near the watercourse – The most obvious environmental risk would be plant working so close to the water. Mitigation measures would include use of well-maintained and modern plant. All plant would be pressure washed prior to delivery to site and would be regularly checked for drips or leaks. Fuelling would be done at a designated refuelling point away from the water's edge, with fuel stored in a double skinned bowser. A spill kit would be maintained at all times on site.

Contamination – Removal of the existing pontoons and moorings also poses an environmental risk. This is detailed in section 2.1.4 but the main points would be to ensure that the pontoon sections are removed from the harbour and floated onto the beach whilst still intact. This would avoid contamination of the harbour with any plastic or polystyrene debris.

Drilled Fixings - Care will be taken to contain any concrete dust arising from drilling of fixings for the wall guide rails and access platform and this will be disposed of to a licensed facility

Tidal working – Given the tidal nature of the work area, as much of the works will be carried out working in the dry wherever possible. Closely programming the works following the local tides tables will maximise this. This would allow as much of the cutting and grinding (splitting the existing pontoons) to be completed in the dry as possible. This would make containing and collecting any debris a much simpler task.

Coastal weather conditions – Removal of the existing pontoons should be carried out during reasonable weather, given their poor condition. This would involve close monitoring of the weather forecast and programming the works during a suitable weather window. Additional resources could be taken to site to maximise work achieved during a suitable window.

Appendix III

Findochty Pontoon Replacement

Scotland's National Marine Plan

The Client has considered this application in relation to Scotland's National Marine Plan with reference to the policies as follows: -

Gen2 – **Economic benefit to the community** – the existing pontoons are unsafe and have been closed off to the public which has led to a substantial loss of income for local businesses and the general community who previously benefited from the pontoon users.

The derelict appearance of the existing pontoons can be assumed to be having an adverse effect on tourist footfall as well as the harbour is a less attractive place to spend time at.

The installation of a modern pontoon system, particularly with disabled access (a bridge as opposed to the existing vertical ladders) will open up opportunities for tourist based enterprises such as wildlife guides, diving guides etc. to consider starting up in the area.

Gen 3 – Social Benefit – the installation of a new pontoon system will have a beneficial effect on the social wellbeing of the local community and wider area. As well as enabling those who previously used the facility to return to their leisure activities, a new facility like this will encourage others to consider taking up sailing and sea-related activities and of course, the disabled access will open up possibilities for people who previously could not participate due to lack of access.

Gen 7 – Landscape & Seascape – The removal of the existing derelict pontoons and installation of a modern new system will greatly enhance the appearance of the harbour and surrounding area and will create a focal point of interest for the village.

The variety of boats and the general activity associated with them will encourage both locals and tourists alike to spend more time in the area



















