

marinescotland

T: +44 (0)1224 295579
E: ms.marinelicensing@gov.scot



Marine Licence Application for Construction Projects

Version 1.0

Marine (Scotland) Act 2010

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:

<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 midfrequency (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.

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.

Marine Licence Application for Construction Projects

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.

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.

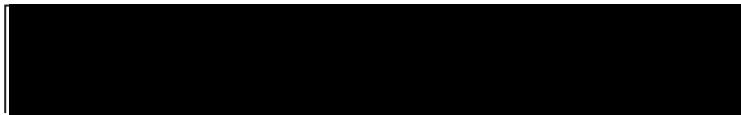
Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

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 Date



30/07/2021

Name in BLOCK LETTERS

SCOTT MUNRO

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) – Ref to Appendix F
- Pre-application Report (if applicable)
- Environmental Statement (if applicable)
- Payment (if paying by cheque)

1. Applicant Details

Title: M r . Initials: E . Surname: Rose

Trading Title (if appropriate): The Coal Authority

Address: The Coal Authority, 200 Linchfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG

Name of contact: Euan Rose

Telephone No. (inc. dialling code): 01623 637194

Email: euanrose@coal.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: S. Surname: Munro

Trading Title (if appropriate): George Leslie Ltd

Address: George Leslie, Blackbyres Road, Barrhead, Glasgow, G78 1DU

Name of contact: Scott Munro

Telephone No. (inc. dialling code): 0141 881 9131 / 07789 711091

Email: smunro@georgeleslie.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:

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 |
|---|-----------------|
| Existing Marine Licence Number for temporary pipe: 06814/91, issued by MS-LOT on 20 May 2019. | 23 January 2020 |

5. Project Details

(a) Brief description of the project:

Construction of a new sea outfall

There is a requirement to pump water under controlled conditions from the former Michael Colliery, East Wemyss, Fife. This maintains the level of mine water within the disused mine workings and prevents an uncontrolled escape, which may cause damage to the remaining infrastructure.

The works consist of the detailed design of a pumping station and outfall pipe to convey mine water from the No. 2 shaft at the former Michael Colliery to a discharge point 25m beyond the mark of Mean Low Water Spring (MLWS) in the Firth of Forth.

The overall project comprises the site clearance of the existing infrastructure and the construction of the pumping station, control building, duct for power cable installation, working platform and outfall pipeline. It will involve the design and implementation of any Ground Investigations and other required surveys to inform the detailed design.

The works requiring a Marine Licence are:

- the removal of existing temporary transfer pipework and sea outfall pipe,
- their replacement with a permanent pipe/outfall to convey water from the No.2 shaft to a discharge point with diffuser 25m beyond MLWS.

The permanent pipe outfall will be installed using below-ground construction methods excavating a channel through the existing bedrock foreshore, recycling stone for backfilling and the protection of the diffuser at pipe end.

(b) Total area of the proposed works (in square metres): **253.5m²**

Area calculated below MHWS from longitudinal section in the proposed site layout drawing 5198464-ATK-DRA-1001, including 12.5m clearance area considered from the pipe on either side and 25m at the end of the outfall pipe.

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

4/10/21

(d) Proposed completion date:

29/03/22

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

c.£ 150,000

(f) Location:

Michael Colliery, East Wemyss, Fife. Works to be within the area bounded by Points 1 to 4 on the Marine Licence Sketch (Document ref: 5198464-ATK-SKT-0001):

| Point Reference | Easting | Northing |
|-----------------|-------------|-------------|
| 1 | 333568.580m | 695967.825m |
| 2 | 333606.548m | 696002.371m |
| 3 | 333700.000m | 695917.900m |
| 4 | 333649.900m | 695868.000m |

Within this area, the coordinates for the temporary outfall pipe are:

| Point Reference | Easting | Northing |
|-----------------|-------------|-------------|
| Crosses MHWS | 333580.599m | 695975.554m |
| Pipe ends | 333641.669m | 695901.204m |

The coordinates for the proposed (New) pipe are:

| Point Reference | Easting | Northing |
|-------------------|-------------|-------------|
| Crosses MHWS | 333584.781m | 695970.059m |
| Proposed diffuser | 333665.499m | 695901.805m |

Longitude and Latitude co-ordinates (WGS84) defining the extent of the project

| Location (e.g Quay 1 Dredge Area, Example Harbour) | Latitude | | | | | | | | | Longitude | | | | | | | | | | | | | |
|--|----------|---|---|---|---|---|---|---|---|-----------|---|----|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | | | | | | | |
| 1 (Project Extent area) | 5 | 6 | ° | 0 | 9 | . | 1 | 0 | 5 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 2 | 5 | 5 | ' | W |
| 2 (Project Extent area) | 5 | 6 | ° | 0 | 9 | . | 1 | 2 | 4 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 2 | 1 | 9 | ' | W |
| 3 (Project Extent area) | 5 | 6 | ° | 0 | 9 | . | 0 | 8 | 0 | ' | N | 0 | 0 | 3 | ° | 0 | 4 | . | 1 | 2 | 8 | ' | W |
| 4 (Project Extent area) | 5 | 6 | ° | 0 | 9 | . | 0 | 5 | 2 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 1 | 7 | 6 | ' | W |
| Temp pipe Crosses MHWS | 5 | 6 | ° | 0 | 9 | . | 1 | 1 | 0 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 2 | 4 | 4 | ' | W |
| Temp Pipe ends | 5 | 6 | ° | 0 | 9 | . | 0 | 7 | 0 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 1 | 8 | 4 | ' | W |
| Proposed new pipe Crosses MHWS | 5 | 6 | ° | 0 | 9 | . | 1 | 0 | 6 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 2 | 4 | 1 | ' | W |
| Proposed new diffuser | 5 | 6 | ° | 0 | 9 | . | 0 | 7 | 0 | ' | N | -0 | 0 | 3 | ° | 0 | 4 | . | 1 | 6 | 2 | ' | W |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |

N.B. These coordinates were obtained using the [British Geological Society's coordinate convertor](#) to transpose Eastings and Northings to Longitude and Latitude.

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

YES NO

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

Forth Ports.

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

Please see method set out in Appendix C.

(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):

The site is adjacent to the outer Forth and St. Andrew's Bay Complex Special Protection Area (SPA), with its significant feeding, roosting and nesting grounds for seabird populations including northern gannets, black-legged kittiwakes and common terns. A shadow Habitats Regulations Appraisal (sHRA) was carried out as part of the project's preliminary work and a copy of the shadow HRA is provided in Appendix E. It concluded that there may be some localised effects due to the nature of the works, particularly the presence of construction staff and machinery and the nature of the operations proposed.

An open cut excavation method will be used to excavate a trench, within which the new discharge pipe will sit. The construction method will result in the temporary removal of bedrock material from the foreshore and seabed before the new pipe is laid in the trench and the material is backfilled to provide protection to the infrastructure. This work may result in the temporary disturbance of material from the foreshore and seabed and its possible suspension in the water column, potentially causing turbidity at various states of the tide. To minimise this, work between MLWS and the diffuser end of the pipe will only be undertaken at low water but operations will include working at night to take advantage of suitable tidal conditions.

Construction methods will cause noise as the excavation work for the new pipe takes place. Construction activity will cause disturbance by the presence and movement of plant, machinery, staff and the workboat and divers on the shore and in the nearshore area. This may cause disturbance, including the displacement of food sources, to local ornithological interests and marine mammals.

Operational activities taking place outside of daylight hours will require light sources to facilitate safe working practices. This may also cause disturbance to birds, fish and marine mammals in the area but will be minimised wherever possible.

The new outfall is similar in size to the existing temporary pipe but will be offset c.15-20m to its south west.

In the post-construction period, there may be scour or changes in sediment transportation in the vicinity of the pipeline route, extending 25m beyond MLWS. This may cause impacts for navigation interests, fisheries and diving birds such as gannets.

The existing temporary pipework will be removed from the foreshore and seabed, which may also have impacts in the localised area. This may include noise disturbance from machinery lifting the *in situ* concrete collars and pipe and, possibly, physical disturbance to the seabed and foreshore as the existing infrastructure is removed for off-site recycling and disposal.

Although a likely significant effect was identified for a number of species for which the SPA has been designated, the timing, geographical extent and the short duration of the works mean that these effects would not rise to a level where the SPA's conservation objectives would fail to be met. As such, there would be no adverse effect on the integrity of the SPA as a result of the project.

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):

| Type of Deposit/Removal | Deposits | | Removals | |
|-------------------------|--|---------------------------------------|-------------------------------|--------------------------------|
| | Description | Quantity & Dimensions (metric) | Description | Quantity & Dimensions (metric) |
| Steel/Iron | N/A | No. | N/A | No. |
| | | Dimensions | | Dimensions |
| | | Weight (kg/tonnes) | | Weight (kg/tonnes) |
| Timber | Timber slats for protection of sacrificial frame – 4 legs with c.4 pieces of timber on each. | 16 No. | N/A | No. |
| | | Dimensions 1.5m x 100mm | | Dimensions |
| | | Weight (kg/tonnes) | | Weight (kg/tonnes) |
| Concrete | Concrete collar anchors for new | 23 no. for pipe 1 no. for diffuser | Kennel block concrete collars | 20 no. |

| | | | | |
|---|---|-------------------------------------|---|---|
| | pipe: 23 no. for the pipe (reinforced with A393 mesh) 1 concrete collar placed with the diffuser | Dimensions: c.1m ² | from old pipe | Dimensions: On average = 1.6m ² each |
| | | Weight 784 kg per collar | | Weight (kg/tonnes) |
| Plastic/Synthetic | New PE pipe Diffuser | 110m x 400mm outside diameter | Old pipe (Will not be removed until new pipe in situ) | 100m x 355mm outside diameter |
| Silt (0.004 ≤ Silt < 0.063 mm) | N/A | Volume (m ³) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) | | Weight (kg/tonnes) |
| Sand (0.063 ≤ Sand < 2.0 mm) | N/A | Volume (m ³) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) | | Weight (kg/tonnes) |
| Gravel (2.00 ≤ Gravel < 64.0 mm) | N/A | Volume (m ³) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) | | Weight (kg/tonnes) |
| Cobbles (64.0 ≤ Cobbles < 256.0 mm) | N/A | Volume (m ³) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) | | Weight (kg/tonnes) |
| Boulders (≥ 256.0 mm) | Imported rock armour to protect buried new pipe Scour protection around diffuser will recycle existing rock armour and use new, imported material as necessary | Volume c. 40 m ³ | Existing rock armour will be reused where possible to reduce amount needing to be imported. To be ascertained once on site. Removed material will be kept within the site compound next to existing Shaft No.1/2. | Volume C.30m ³) |
| | | 80 tonnes | | 60 tonnes |
| Pipe | See Plastic/ synthetic above | Length (m) | See Plastic/ synthetic above | Length (m) |
| | | External Diameter (cm/m) | | External Diameter (cm/m) |
| Other (please describe below) | | | | |
| Excavated material | Excavated bedrock material will be used to backfill pipe trench, to level shore bed and provide permanent protection for new pipe | 180 tonnes | Excavated bedrock material will be used to backfill pipe trench, to level shore bed and provide permanent protection for new pipe | 50 tonnes |

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

- All excavating equipment will be delivered via land-based routes and will be operated from shore and foreshore, above MLWS.
- A workboat will be needed to assist with the placing of the pipeline, along with the diffuser unit. The tender for this part of the contract will be let at a future date so information relating to the type of boat and its harbouring arrangements is currently unavailable.
- A temporary jetty will be formed using pontoon system to allow access arrangements for workforce.
- Jetty pontoons will be delivered by road.
- The pipe will be floated into the correct position and filled with sea water to be set in its final position.

(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: **Not applicable.**

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?
If YES, please include the analysis data with your application**

YES NO

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

Intended storage area for excavated arisings is marked on site diagram SSOW 001 – MSO – Install outfall pipe Appendix A2 Photos Rev 01, Compound location. It is not expected that there will be any extraneous material as it will be used to infill the trench after installation of the pipe or will otherwise be used on-site for access track or compound construction above MHWS.

| Type of Deposit | Description | Quantity & Dimensions (metric) |
|-----------------|---|--|
| Steel/Iron | Utilised to assist with securing fencing in position during intertidal periods and prevent members of public accessing working area. | 6 No. |
| | | 475x425 x 8m H Section |
| | | 30.48 T |
| Fencing | Scaffolding poles and clips (Galvanised steel) | 40No. |
| | | 6m x 48.3mm |
| | | 1,088 kg |
| Fencing | Metal pedestrian barriers used Height: 1100mm. Width: 2274mm. Depth: 38mm. Weight: 9k | 100 No. |
| | | Height: 1100mm. Width: 2274mm. Depth: 38mm. |
| | | 900kg |
| Kentledge | Concrete kentledge blocks for anchorage system for pontoon units. (Note – exact position of the blocks will be determined once temporary work design has been completed.) | 8 No. |
| | | 1 x 1 x 1m |
| | | 19.2 T |

| | | |
|--|--|---|
| Concrete | N/A | No. |
| | | Dimensions |
| | | Weight (kg/tonnes) |
| Plastic/Synthetic | N/A | m ² |
| | | |
| Clay (< 0.004 mm) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) |
| Silt ($0.004 \leq$ Silt < 0.063 mm) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) |
| Sand ($0.063 \leq$ Sand < 2.0 mm) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) |
| Gravel ($2.00 \leq$ Gravel < 64.0 mm) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) |
| Cobbles ($64.0 \leq$ Cobbles < 256.0 mm) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) |
| Boulders (≥ 256.0 mm) | N/A | Volume (m ³) |
| | | Weight (kg/tonnes) |
| Pipe | N/A | Length (m) |
| | | External Diameter (cm/m) |
| Other (please describe below): | | |
| Pontoon jetties | High density polyethylene cubes used for pontoon system. | c. 75m ² of pontoons and 35m of handrail. Datasheet available |
| Sandbags | Sandbags with handles to keep construction elements dry and/or weight down items | 40 x large 1 tonne sandbags |
| Excavated material | N/A | |
| Rock armour | N/A | |
| Equipment | Tracked excavator used along foreshore to excavate material | 20 tonne tracked excavator x no.1; |
| | Tracked excavator used to access areas beyond MLWS from position on foreshore | Long reach excavator x no. 1; c. 35 tonnes |
| | Workboat | Size / type will be confirmed at later date |
| | Excavating attachments | Hydraulic breaker with compressor, Ripper tooth and Rock wheel, grab attachment |
| | 6-9t wheel dumper | No. 1 |
| | Sub pump | No.1 |
| | Hand tools and digging shovels | As required |
| | Survey equipment | Rotating laser, dumpy level, total station, etc. |
| | 1 no. diffuser discharge frame and necessary pipework | Including tide flex valve or similar. |
| | CAT and Genny | No. 1 |
| Heras fencing | Installed around materials & plant | |

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) |
|--|-------------------------------|
| Excavation and breaking out of bedrock to create trench using excavator-mounted hydraulic hammers. | 31.5 to 250 Hz (103 to 77 dB) |
| Use of heavy machinery for moving and placing rock armour around diffuser/discharge end of pipeline | 31.5 to 250 Hz (103 to 77 dB) |
| Other (please describe below): | |
| Rock armour will be used around the diffuser/discharge end of the pipeline as protection measures. Its installation will be subject to noise monitoring. The Agent will complete a 'Form for Registering Noisy Activities', along with the appropriate close-out documents to record the readings taken. | |

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>

PLEASE NOTE: This link no longer works but all relevant information has been found archived at: <https://www.webarchive.org.uk/wayback/archive/20150218204301/http://www.gov.scot/Topics/marine/Licensing/marine/guidance/noise-registry>. The form will be populated after the Application Number has been received.

Ref to Appendix F for Noise Registry – Initial Registration form

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:

| Policy | Description | Assessment |
|---------------------------------|--|---|
| GEN 7 Landscape/seascape | Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account. | There is currently an existing, temporary pipe on the site, which will be replaced by a permanent pipe c.5m (minimum) adjacent to the current line. The new pipe will be buried in a trench, so there will be no visual impact. 'As built' photos, consisting of aerial shots and |

| | | |
|---|---|--|
| | | those from land-based vantage points along the shoreline, will be submitted for records. |
| GEN 8 Coastal process & flooding | Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding. | The project will not have an adverse impact on coastal processes or contribute to coastal flooding. |
| GEN 9 Natural heritage | Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area. | A shadow Habitats Regulations Appraisal was produced in April 2021 and concluded that the area provides supporting habitat to a number of species for which the SPA has been designated. There is a likely significant effect on the SPA bird populations, triggering the need for an Appropriate Assessment. The AA concluded that while the works may have some localised effects, they would not negatively impact the SPA's conservation objectives and there would be no adverse effect on the SPA's integrity. |
| GEN 13 Noise | Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects. | <p>The proposed construction method will involve heavy machinery for breaking out bedrock on the foreshore and in the subtidal areas and for moving and placing rock armour. Below MHWS, this will involve excavating a pipe track through the rock at c.1m x 0.8m – 1.5m deep x 110m. For works below MLWS, there may be local 'sweetening' (i.e. trimming carried out as the foreshore rock shelves off) required. Rock armour will be placed around the diffuser/ discharge end of the installed pipe as a protection measure.</p> <p>The noise of the activities will be managed via noise monitoring and recording. They will be minimised by using the most efficient equipment. Where possible and practical to do so, acoustic barriers will be installed around the plant.</p> <p>There will be no high-frequency activities using piling hammers, only machinery to place rock armour and excavator-mounted hydraulic hammers.</p> |
| GEN 14 Air quality | Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits. | The digging-up of bedrock to create the trench may result in the creation of dust, which could be blown around and adversely affect air quality. Mitigation measures would include water spraying over the works to reduce dust clouds and staff wearing masks/filters. Works may even be suspended during particularly windy periods if there was an onshore breeze that could affect areas above MHWS. |
| GEN 15 Planning alignment | Marine and terrestrial plans should align to support marine and land-based components required by development and seek to facilitate appropriate access to the shore and sea. | Access to sea will be unrestricted. Local access to shore will be interrupted during the installation of the pipeline. |
| GEN 18 Engagement | Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes. | Letter drop to local residents has been carried out for the initial site investigation phase. A further update letter will be sent to notify of the construction phase. Information and courtesy boards will be erected at appropriate locations to update local residents and others who may |

| | | |
|--------------------------------------|--|---|
| | | use the shore, where access will be curtailed for safety reasons. Fife Council and the Fife Coast & Countryside Trust have been contacted and lines of communication opened. Forth Ports has also been contacted and will issue Notices to Mariners to advise of offshore works, as appropriate. |
| GEN 21 Cumulative impacts | Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation. | No other works taking place within 2km at the same time. |
| REC & TOURISM 2 | The extent to which the proposal is likely to adversely affect the qualities important to recreational users should be taken into account, including interfering with access to and along the shore, to the water, use of the resource for recreation or tourism purposes and existing navigational routes or navigational safety. | Beach access will be restricted with duration to be confirmed dependent on the construction method selected. A site compound is required but will not interfere with or impede any local car parking. The existing Fife Coastal Path will be maintained throughout the works. There will be no restrictions to sea for navigational purposes but Notices to Mariners will be issued to advise of works and the new outfall pipe will require an approach marker buoy to notify vessels on its completion. |
| REC & TOURISM 6 | Codes of practice for invasive non-native species and marine wildlife watching should be complied with. | Mitigation measures for Invasive Non-Native Species, e.g. 'Clean, Check, Dry' procedures will be referenced in relation to work undertaken. INNS awareness (e.g. for <i>Didemnum vexillum</i> , which is present on the south side of the Firth of Forth) and requirement for cleaning is included in site induction and toolbox talks. PPE, tools and equipment (including machines) will be cleaned prior to delivery to site and on removal. |

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:

Consultees for original CAR Licence and Marine Licence have been SEPA, MS-LOT, NatureScot (formerly SNH), Crown Estate Scotland, Wemyss Estate, Fife Council and Forth Ports.

There are ongoing discussions with SEPA over the updating of the CAR licence and discharge licences. The Coal Authority will contact the Maritime & Coastguard Agency and Northern Lighthouse Board regarding the final position of the diffuser, should it be required to be marked on charts or with a buoy.

Further engagement is planned with residents and schools as part of the project's community benefit.

Further details of correspondence with relevant authorities is contained in Appendix D.

13. Environmental Assessment

(a) Does the project fall under Annex I or II of the EIA Directive? Annex I Annex II
Neither

The project does not fall under Annex 1 or 2 of the EIA Directive therefore an EIA is not required and has not been undertaken. A shadow HRA has been completed and is attached separately, along with the existing CAR License.

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

(b) Has an EIA been undertaken:

for the marine licence application to which this application relates
for any other EIA regulator (e.g. local authority)

YES NO
YES NO

14. Associated Works

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

The following licences have been granted by the relevant authorities in relation to the works on site:

- Forth Ports Works Licence, dated 15 October 2015, for the construction and maintenance of a temporary outfall pipeline at the Michael Colliery, East Wemyss, Fife.
- Marine Scotland Licence number 05637/15/0, dated 9 October 2019, for the construction and maintenance of a temporary pipeline outfall at the Michael Colliery, East Wemyss, Fife (as described in the application dated 26 June 2015 and in correspondence submitted in support of the application).
- Marine Scotland Licence Number 06814/19/1, dated 20 May 2019 and valid until 23 January 2020, issued as a revision to Licence Number 06814/19/0, in relation to the removal of the temporary pipeline at the Michael Colliery, East Wemyss, Fife, particularly to deposit in the sea substances or objects, except for dredge spoil.
- Licence granted by The Crown Estate (Crown Licence No. FI-35-11), to allow works over the foreshore relating to the construction and maintenance of a temporary outfall pipeline at the former Michael Colliery in East Wemyss, Fife.
- Controlled Activities Regulations Licence CAR/L/1126664 (originally issued on 9 September 2015 and subsequent Variations) granted by SEPA in respect of the carrying out of controlled activity in connection with the former Michael Colliery. The authorised activities are for the primary purpose of providing an environmental service for the management and remediation of mine waters. The latest Variation (VN03), issued 18 January 2019, is for the installation of the permanent scheme.

APPENDIX A - MAPS SHOWING SITE IN GEOGRAPHIC CONTEXT

- FIGURE A-1** MAP OF SCOTLAND WITH SITE HIGHLIGHTED
- FIGURE A-2** MICHAEL COLLIERY, FIFE - SITE LOCATION PLAN
- FIGURE A-3** PROXIMITY OF WORKS TO DESIGNATED AREAS OF NATURE CONSERVATION AND PROTECTION IN FIRTH OF FORTH

APPENDIX B - SITE LAYOUTS

- FIGURE B-1** EXISTING SITE LAYOUT (DRAFT)
- FIGURE B-2** PROPOSED SITE LAYOUT (DRAFT)
- FIGURE B-3** PROPOSED PIPE LONGSECTION SHOWING LANDFALL (DRAFT)
- FIGURE B-4** DRAFT DRAWINGS FOR NEW PIPE ROUTE (N.B. Line of new pipe will not be affected by any amendments made to drawing.)

APPENDIX C - SAFE SYSTEMS OF WORK / METHODOLOGY FOR CONSTRUCTION OF PIPELINE

- Document C-1** SSOW 001 - MSO - Install outfall pipe Rev02
- Document C-2** SSOW 001 - MSO - Install outfall pipe. Appendix A2 Photos Rev 01

APPENDIX D - CORRESPONDENCE

This Appendix includes the following correspondence relating to the former Michael Colliery, East Wemyss:

- **D-1: Marine Scotland:** Marine Licence no. 05637/15/0 (9 October 2015) for Sea Outfall Construction Works at the Michael Colliery, East Wemyss, Fife
- **D-2: Marine Scotland:** Marine Licence no. 06814/19/1 (20 May 2019) for the removal of the temporary pipeline at the former Michael Colliery, East Wemyss, Fife
- **D-3: Scottish Environmental Protection Agency:** Water Environment (Controlled Activities) (Scotland) Regulations 2011 authorisation, CAR/L/1126664 (9 September 2015) for activities relating to the abstraction and discharge of mine water from the site of the former Michael Colliery
- **D-4: SEPA:** CAR/L/1126664 Variation 2 (VN02) 2 October 2017
- **D-5: SEPA:** CAR/L/1126664 Variation 3 (VN03) 18 January 2019
- **D-6: Forth Ports Ltd.:** Works Licence to construct and maintain a temporary outfall pipeline at the Michael Colliery, Fife - 15 October 2015
- **D-7: Fife Council:** Planning Decision 18/01464/PN

APPENDIX E - CORRESPONDENCE

This Appendix includes the following correspondence relating to the former Michael Colliery, East Wemyss:

- **E-1: 60353 Michael Colliery Shadow Habitats Regulations Appraisal:** embedded within document.
- **E-2: 60353 Michael Colliery Protected Species Survey v1.2_issue:** Ref to appendix PDF document.
- **E-3: Michael Colliery PEA v1.2_CH AR (1):** Ref to appendix PDF document.

APPENDIX F - 1 NOISE REGISTRY – INITIAL REGISTRATION FORM