

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING AND DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00009905**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

**Edinburgh Marina Granton Harbour Ltd
c/o PIP Asset Management, 52 Brook Street
LONDON
W1K 5DS**

to carry out any form of dredging and deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **21 July, 2022** until **31 July, 2025**

Signed:

Thomas Inglis

For and on behalf of the Licensing Authority

Date of issue: 20 July, 2022

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Edinburgh Marina Granton Harbour Ltd
- d) "**Mean high water springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Cameron Planning
29 East Argyle Street
Helensburgh
Argyll & Bute
G84 7EJ

2.2 Location of the Licensed Activity

2.2.1 Location of production of the dredge material

Granton West Harbour,

55° 59.239' N 03° 13.626' W
55° 59.231' N 03° 13.624' W
55° 59.225' N 03° 13.685' W
55° 59.221' N 03° 13.674' W
55° 59.219' N 03° 13.655' W
55° 59.209' N 03° 13.636' W
55° 59.204' N 03° 13.631' W
55° 59.196' N 03° 13.621' W
55° 59.181' N 03° 13.605' W
55° 59.177' N 03° 13.594' W
55° 59.173' N 03° 13.588' W
55° 59.159' N 03° 13.567' W
55° 59.156' N 03° 13.564' W
55° 59.154' N 03° 13.565' W
55° 59.151' N 03° 13.565' W
55° 59.140' N 03° 13.555' W
55° 59.131' N 03° 13.561' W
55° 59.129' N 03° 13.583' W
55° 59.124' N 03° 13.582' W
55° 59.126' N 03° 13.563' W
55° 59.121' N 03° 13.564' W
55° 59.114' N 03° 13.569' W
55° 59.108' N 03° 13.577' W
55° 59.102' N 03° 13.548' W
55° 59.080' N 03° 13.404' W
55° 59.132' N 03° 13.382' W
55° 59.129' N 03° 13.407' W
55° 59.130' N 03° 13.412' W
55° 59.134' N 03° 13.409' W
55° 59.173' N 03° 13.194' W

55° 59.263' N 03° 13.247' W
55° 59.267' N 03° 13.254' W
55° 59.276' N 03° 13.250' W
55° 59.278' N 03° 13.246' W
55° 59.285' N 03° 13.246' W
55° 59.278' N 03° 13.347' W
55° 59.282' N 03° 13.354' W
55° 59.285' N 03° 13.369' W
55° 59.283' N 03° 13.382' W
55° 59.279' N 03° 13.394' W
55° 59.272' N 03° 13.401' W
55° 59.274' N 03° 13.375' W
55° 59.273' N 03° 13.360' W
55° 59.271' N 03° 13.356' W
55° 59.268' N 03° 13.355' W
55° 59.265' N 03° 13.373' W

As shown in Annex One

2.2.2 Location of deposit of the substances or objects

OXCARS MAIN authorised sea deposit site FO041 within the area bounded by joining the following points:

NARROW DEEP B authorised sea deposit site FO038 within the area bounded by joining the following points:

2.3 Description of the Licensed Activity

Capital dredging and dredge spoil deposit at the Bo'ness or Narrow Deep deposit sites.

As described in the application dated 08 June, 2022 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be dredged and substances or objects to be deposited

The licence authorises the dredging and deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

251,348 cubic metres

less any material dredged and deposited under marine licence 06807/19/0.

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The licensee must provide, as soon as is reasonably practicable prior to the licensed activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the licensed activities.

3.1.2 Any changes to the supplied details must be notified to the licensing authority, in writing, prior to any agent, contractor or sub-contractor undertaking any licensed activity.

3.1.3 The licensee must ensure that only those agents, contractors or sub-contractors notified to the licensing authority are permitted to undertake the licensed activities.

3.1.4 The licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to the Master(s) of the vessel(s) employed to undertake the operations with a copy of the licence and any additional agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activities. The licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

3.1.5 The licensee must submit full details of the vessels to be utilised in respect of the works, and their anticipated movements, to the licensing authority no later than one month, or at such a time as agreed with the licensing authority, prior to the commencement of the works. The vessel details provided must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

3.1.6 The licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

3.1.7 If by any reason of force majeure any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). Force majeure may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report force majeure incidents to the Convention Commission.

3.1.8 The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

3.1.9 Where it would appear to the licensee that there may be a delay in the submission of the reports, studies or surveys to the licensing authority then the licensee must advise the licensing authority of this fact as soon as is practicable and no later than the time by which those reports, studies or surveys ought to have been submitted to the authority under the terms of this licence.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data

must, subject to any rules permitting non-disclosure, be made publically available by the licensing authority, or by any such party appointed, at their discretion.

3.1.10 The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Environmental Impact Assessment ("EIA") report are implemented throughout the works to address significant environmental effects.

3.1.11 The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence.

3.1.12 The licensee must ensure that any debris or waste materials placed below MHWS during the construction of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above MHWS approved (as appropriate) by the Scottish Environment Protection Agency.

3.1.14 The licensee must ensure that the risk of transferring non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the works.

3.1.15 The licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system.

3.1.16 The licensee must ensure that copies of the licence are available for inspection by any persons authorised by the licensing authority at:

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) the site of the works;
- d) onboard any vessel carrying out works and
- e) any onshore premises directly associated with the licensed activities.

3.1.17 Any persons authorised by the licensing authority, must be permitted to inspect the works at any reasonable time.

3.1.18 The licensee must submit a CEMP to the licensing authority for their written approval at least two months prior to the commencement of works, or less if agreed by the licensing authority. The CEMP must be consistent with the application and supporting information and must address but not be limited to:

- a) mitigation measures to prevent significant adverse impacts to environmental interests including protected areas and features, as identified in the application and supporting information
- b) Adherence to good practice measures including Guidance for Pollution Prevention
- c) Navigational Risk Assessment
- d) Construction Method Statement

3.1.20 Should the Licensee proceed to undertake the Licensed Activity under the authority of this licence, the Licensed Activity authorised under the previous marine licence in favour of Edinburgh Marina Granton Harbour, dated 05 April 2019 (licence number 06807/19/0) is not permitted.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The licensee must, no later than 7 days prior to commencement of the works, notify the licensing authority of the proposed start date of the works.

3.2.2 The licensee must liaise with Forth Ports with regard to the promulgation of Notice to Mariners or other local warnings to alert those navigating in the vicinity to the presence of the works during the construction.

3.2.3 The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.

3.2.4 The licensee must invite the Royal Forth Yacht Club, the Forth Corinthian Yacht Club, the Edinburgh Marina Ltd, the Royal Yachting Association Scotland and the Sea Cadets to contribute to a stakeholder agreement. The agreement must detail how the licensee will liaise with stakeholders with regards to the following matters:

- a) Access to the harbour during construction works
- b) Construction work schedules
- c) Development of an Operational Management Plan
- d) Monitoring of wave climate and sedimentation
- e) Maintenance dredging of the harbour
- f) Any other matters as required

3.3 During the Licensed Activity

3.3.1 The licensee must ensure that all works are carried out in accordance with the approved CEMP. In the event that the licensee wishes to amend or update the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

3.3.2 The licensee must ensure that works are carried out in accordance with the Marine Mammal Protection Plan "MMPP" (issued 28 September 2018). In the event that the licensee wishes to amend or update the MMPP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

3.3.3 The licensee must ensure that no material from a dredge depth below 1.2 metres chart datum, relative to the pre-dredge seabed level in the supporting documentation for marine licence 06807/19/0 is deposited at sea. In addition, no material from any depth in the area around VC8 & VC9 highlighted in Annex Three is permitted to be deposited at sea.

3.3.4 The licensee must deposit all dredge spoil substances, other than material from the areas listed in condition 3.3.3 in the following areas:

Deposit Area Name and Code: OXCARS MAIN, FO044

Within the area bounded by joining the points:

56° 01.200' N 03° 16.200' W	56° 00.900' N 03° 16.200' W
56° 01.350' N 03° 13.970' W	56° 00.830' N 03° 14.100' W

Deposit Area Name and Code: NARROW DEEP B, FO038

Within the area bounded by joining the points:

56° 01.300' N 03° 05.950' W	56° 01.110' N 03° 05.650' W
56° 00.380' N 03° 07.100' W	56° 00.570' N 03° 07.400' W

Up to a maximum quantity of 156,564 wet tonnes / 86,980 m³ may be deposited within these areas during the period of validity of this licence.

3.3.5 All tank/hopper washings must be deposited in the authorised dredge spoil deposit areas: OXCARS MAIN (FO044) or NARROW DEEP B (FO038).

3.3.6 The method of dredge spoil deposit for disposal purposes must be:

BOTTOM DUMPING

3.3.7 The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the dredge spoil disposal operations. The log(s) must be kept onboard the vessel(s) throughout the disposal operations, and be available for inspection by any authorised Enforcement Officer. The log(s) must be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the licensing authority.

3.3.8 The log(s) must record in English the following information:

- a) the name of the vessel;
- b) the nature and quantity of each substance or object loaded for disposal;
- c) the date and time of departure from port, and the date and time of arrival at the disposal area(s), on each occasion that the vessel proceeds to the disposal area(s);
- d) the date, time and position of commencement, and the date, time and position of completion, of each disposal operation;
- e) the course(s) and speed(s) throughout each disposal operation. (Multiple changes may be recorded as "various");
- f) the weather, including wind strength and direction, sea-state and tidal set throughout each disposal operation;
- g) the rate of discharge during each disposal operation, if appropriate, and the duration of each disposal operation. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
- h) comments on the disposal operations, including any explanations for delays in the disposal operations;
- i) the signature of the Master at the foot of each page of the record.

3.3.9 The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.

3.3.10 The licensee must ensure that, where practicable, works are carried out at times of day which avoid times of low tide feeding activity in order to minimise disturbance to birds.

3.3.11 The Licensee must ensure that no material from above the level of chart datum assessed under the previous licence (06807/19/0), as shown in Annex Four, is deposited at sea.

3.4 Upon Completion of the Licensed Activity

3.4.1 The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of

completion of the works.

3.4.2 The licensee must submit written reports to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects disposed of under authority of the licence. The written reports must be submitted to the licensing authority annually and on the forms provided by the licensing authority.

3.4.3 The licensee must, within 28 days of completion of the works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: sdr@ukho.gov.uk; tel.: 01823 337900) with the revised water depths, in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.