Scottish Government
Riaghaltas na h-Alba

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00011084**

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

Port of Cromarty Firth
Port Office
Shore Road
Invergordon
IV18 0HD

to construct, alter or improve works 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 **01 September, 2025** until **30 September, 2030**

[Redacted]

Signed: ……..
Gerry Millar

For and on behalf of the Licensing Authority

Date of issue: 10 July, 2025

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 Port of Cromarty Firth
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 Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
Email: MD.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

Affric Limited
Lochview Office
Loch Duntelchaig
Farr
IV2 6AW

2.2 Location of the Licensed Activity

Invergordon Service Base, Invergordon, Within the boundary of:

57° 41.182’ N 04° 11.728’ W
57° 40.930’ N 04° 11.690’ W
57° 40.958’ N 04° 11.062’ W
57° 41.027’ N 04° 11.073’ W
57° 41.049’ N 04° 10.580’ W
57° 41.220’ N 04° 10.590’ W
57° 41.236’ N 04° 10.793’ W
57° 41.220’ N 04° 10.850’ W
57° 41.178’ N 04° 11.144’ W
57° 41.047’ N 04° 11.126’ W
57° 41.063’ N 04° 10.753’ W
57° 41.216’ N 04° 10.752’ W
57° 41.194’ N 04° 10.790’ W

As shown in Annex One.

2.3 Description of the Licensed Activity

Invergordon Service Base Phase 5 Development:

Construction of a Quay West Extension;

Laydown area;

Heavy Load Pad;

Queens Dock West Berth;

Roll on Roll Off (“Ro-Ro”);

Widening of Access to Quay West;

Quayside furniture; and

Associated services.

As described in the application dated 27 January, 2025 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be used during the Licensed Activity

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Materials Used in Permanent Works:

35,000 Tonnes of Steel/Iron

87,000 Tonnes of Concrete

3000 Tonnes of Plastic/Synthetic

120,000 Tonnes of Silt

120,000 Tonnes of Sand

1,860,000 Tonnes of Gravel

900,000 Tonnes of Cobbles

230,000 Tonnes of Rock Armour Boulders

Pipe

100 Tonnes of Metal (Aluminium Alloys)

Materials removed and reused in Permanent Works:

10,000 Tonnes of Rock Armour

Materials used for Temporary Works:

25 Tonnes of Timber Shuttering

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only construct the works in accordance with this licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the works, whether or not the licence has been transferred to that person.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 All materials used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.6 The Licensee must ensure that the Licensed Activity does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the licence.

3.1.7 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.8 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.9 Details of any marks or lights not required by the licence must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.10 The Licensee must remove the materials from below the level of Mean High Water Springs, or make such alterations as advised by the Licensing Authority, within one month of notice being given by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.11 The Licensee must notify the Licensing Authority within one week of the Licensed Activity being ceased or terminated before completion and, within one month of such notification, submit a decommissioning plan to the Licensing Authority for its approval. The decommissioning plan must set out measures to be taken for decommissioning the Works and be based on best practice at that time. The licensee must carry out all measures in the approved decommissioning plan within a timescale stipulated by the Licensing Authority. Where approval for the

decommissioning plan is not given by the licensing authority, the licensee must carry out the measures to decommission the works as stipulated by the Licensing Authority in any notice served by the Licensing Authority in a time frame described in the notice. The Licensee shall be liable for all costs.

3.1.12 Where any damage, destruction or decay is caused to the works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and the UK Hydrographic Officer, in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hours after becoming aware of any such damage, destruction or decay.

3.1.13 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

a) the failure to mark and light the works as required by the licence;
b) the maintenance of the works; or
c) the drifting or wreck of the works, to include the broadcast of navigational warnings

then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.14 The Licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry at 6 month intervals during the validity of the licence.

3.1.15 In the event of the Licensed Activity being discontinued the materials used under the authority of the licence must be removed to the satisfaction of the Licensing Authority.

3.1.16 The Licensee must ensure that the works/deposited objects are maintained at all times in good repair.

3.1.17 The Licensee must ensure that all licensed activities are carried out in strict accordance with the Environmental Impact Assessment Report submitted to the Licensing Authority on 31 January 2025.

3.1.18 The Licensee must ensure that all licensed activities are carried out in strict accordance with the Schedule of Mitigation in Section 18 of the Environmental Impact Assessment Report, Volume 2 Main Assessment dated January 2025.

3.1.19 The Licensee must ensure all works must proceed in accordance with the approved Construction Environmental Management Document submitted to the Licensing Authority on 15 February 2025. Any updates or amendments made to the Construction Environmental Management Document must be submitted, in writing, to the Licensing Authority for its written approval no later than two months or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed amendments. It is not permissible for any works to proceed, prior to approval of the revised Construction Environmental Management Document.

3.1.20 Within 14 days of the date of this licence the licensee must invite The Highland Council (Local Roads Authority), Transport Scotland (Trunk Roads Authority) and Community Councils to form a Joint Working Group ("JWG") to regularly monitor and manage parking, transport and road safety issues on the local road network arising

from both the construction phase and from on-going port operations connected to the licensed activities. The remit of the JWG shall be to promote effective communication and to discuss and resolve local transport issues including the on-going review and agreement of the following:

- Travel Plan
- Construction Traffic Management Plan

The licensed activity must proceed in accordance with the Travel Plan and Construction Traffic Management Plan or any subsequent plans agreed by the JWG.

3.1.21 Within 14 days of the date of this licence the licensee must invite The Highland Council (Local Roads Authority), Transport Scotland (Trunk Roads Authority) and Community Councils to attend the first meeting of the JWG, prior to the commencement of the works. Thereafter, the licensee must invite the members of the group to meet every 3 months, or other such time period as may be agreed by the members of the group, for the duration of the construction period and every twelve months thereafter, or other such time period as may be agreed by the members of the group.

3.1.22 The licensee must ensure no fixed plant will display any name, logo, sign or advertisement unless approved by the Licensing Authority in consultation with The Highland Council.

3.1.23 The licensee must ensure prior to the installation, alteration or discontinuation of any Aid to Navigation that the Statutory Sanction of the Northern Lighthouse Board is sought by contacting navigation@nlb.org.uk to request an application form.

3.1.24 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must complete and submit a proposed activity form in the online Marine Noise Registry for all Licensed Activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than seven days prior to Commencement of the Licensed Activity. If any aspects of the Licensed Activity differ from the proposed activity form in the online Marine Noise Registry, the Licensee must complete and submit a new proposed activity form no later than seven days prior to Commencement of the Licensed Activity.

3.2.2 The Licensee must notify the Licensing Authority in writing of the name and address of any agent, contractor or sub-contractor not already listed in Part 2 of the licence being used to carry out any Licensed Activity listed in Part 2 of the licence. Such notification must be received by the Licensing Authority no less than 24 hours before the commencement of the Licensed Activity

3.2.3 The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.4 The Licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity.

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

3.2.6 The licensee must submit for approval by the Licensing Authority in consultation with The Highland Council, for its written approval prior to the commencement of licensed activity a Community Liaison Plan and adhere to the plan throughout the construction and operational phases.

3.2.7 The Licensee must submit a revised operational noise impact assessment to the Licensing Authority, in consultation with The Highland Council, for its written approval prior to the commencement of licensed activity.

3.2.8 The Licensee must submit an operational noise management plan to the Licensing Authority in consultation with The Highland Council, for its written approval prior to the commencement of licensed activity. The Licensee must ensure that the approved operational noise management plan is fully implemented and adhered to during the licensed activities.

3.2.9 The Licensee must submit a noise mitigation scheme to the Licensing Authority in consultation with The Highland Council, for its written approval prior to the commencement of licensed activity.

Thereafter the Licensee must ensure the licensed activity is carried out in accordance with the approved Noise Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Licensing Authority.

3.2.10 Prior to the commencement of any licensed activity, a revised Tern Management Plan shall be submitted to and approved in writing by the Licensing Authority, in consultation with NatureScot and RSPB Scotland. Thereafter, all works shall proceed in accordance with the approved Tern Management Plan. It is not permissible for any works to commence prior to approval of the Tern Management Plan. The Tern Management Plan must include, but is not limited to the following:

- Details of the size, design, location, retention and maintenance plan and delivery timing for the provision of a second breeding tern raft and creation of tern nesting zone at the Port of Cromarty Firth. The on-site tern nesting zone shall be designed for the operational lifetime of the Port, with a suitable nesting substrate, predator proof fencing, decoys, artificial shelters to protect tern chicks from summer heat and aerial predation risk. These measures must be delivered, regardless of whether the proposed Queens Dock West Berth is implemented, before any licensed activity commences.
- Details, including delivery timescales, of any off-site actions to provide suitable breeding habitat for terns in the wider Cromarty Firth area.
- Consideration of funding and setting up a warden and community engagement scheme similar to Bird Aware Solent, in collaboration with other Green Freeport stakeholders and developers with the aim of tackling the wider recreational disturbance issues around the Cromarty Firth both to breeding and non-breeding SPA birds, including terns.

3.2.11 Prior to the commencement of any licensed activity, a revised Ornithological Species Protection Plan shall be submitted to and approved in writing by the Licensing Authority, in consultation with NatureScot and RSPB Scotland. Thereafter, all works shall proceed in accordance with the approved Ornithological Species Protection Plan. It is not permissible for any works to commence prior to approval of the Ornithological Species Protection Plan. The Ornithological Species Protection Plan must include the following:

- Further detail on mitigation measures to reduce disturbance to non-breeding birds
- Ensure any lighting is directed downwards to the work site only at all times

- Confirmation that any deposit at the Sutors site CR019 shall not take place during the seabird breeding season, April and July inclusive.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.3 The Licensee shall ensure that prior to the expiry of the licence, the works must be altered by taking all temporary structures to a place above Mean High Water Springs

3.3.4 The Licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

a) the premises of the Licensee;
b) the premises of any agent acting on behalf of the Licensee; and
c) the site of the Licensed Activity.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.7 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.3.8 The Licensee must ensure that, within 12 months from the commencement of the works, a Local Amenity Scheme is submitted for approval by the Licensing Authority in consultation with The Highland Council. The scheme must include:

i) an offset or compensation for the loss of local amenity experienced by people using the existing three shoreside parking areas located immediately north of the extended port

ii) Opportunities for the provision of alternative recreational parking areas in the vicinity of the port or elsewhere where people can appreciate the view out over the Cromarty Firth and enable recreational access along its shoreline.

On completion of the Licensed Activity the approved scheme shall be implemented in full.

3.3.9 The licensee must ensure that prior to commencement of deliveries the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Licensing Authority in consultation with the Planning Authority and Transport Scotland.

3.3.10 The licensee must ensure that prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic management must be approved and implemented to the satisfaction of the Licensing Authority, in consultation with The Highland Council and Transport Scotland.

3.3.11 The licensee must ensure that prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

3.3.12 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must submit a written report regarding the materials used during the works to the Licensing Authority. The written report must be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 October 2031.

3.4.2 The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

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.