

T: +44 (0)300 244 5046

E: MD.MarineLicensing@gov.scot

Port of Dundee Limited
1 Prince of Wales Dock
Edinburgh
EH6 7DX

19 DECEMBER 2025

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
2017 REGULATIONS

DECISION NOTICE – MARINE LICENCES TO CARRY OUT ANY FORM OF
DREDGING AND DEPOSIT ANY SUBSTANCE OR OBJECT AND TO
CONSTRUCT, ALTER OR IMPROVE WORKS ASSOCIATED WITH THE PORT OF
DUNDEE CAPITAL QUAY IMPROVEMENT

1. Application and description of the works

1.1 On 15 July 2025, Port of Dundee Limited (“the Applicant”) having its registered office at 1 Prince Of Wales Dock, Edinburgh, Midlothian, EH6 7DX submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 (“the 2010 Act”) for capital dredging, sea deposit of dredged materials and for the construction, alteration or improvements of works associated with the Applicant’s quay improvement at the Port of Dundee (hereinafter collectively referred to as “the Works”). The applications were accompanied by an Environmental Impact Assessment Report (“EIA Report”) in accordance with The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”).

1.2 The Works are located at the Port of Dundee, River Tay and involve the following licensable marine activities below Mean High Water Spring (“MHWS”).

Capital dredging and deposit of dredged substances or objects.

1.3 Capital dredging with a maximum total volume of dredged material of 490,000 cubic metres (“m³”) which includes an over dredge allowance of 0.5 metres (“m”). All dredging would be undertaken by back-hoe dredger, with the material being transported using barges. The material will be deposited at the Middle Bank (FO028) site. The dredging and disposal activities would take up to seven weeks to complete. A breakdown of the volumes, areas and depth are below:

- 45,750m³ from DunEco Quay to -6 m Chart Datum (“CD”)

- 35,700m³ from the approach to the Prince Charles Wharf (“PCW”) to -6.5 m CD
- 1,800m³ to widen the PCW berth pocket to 70 metres and to -9 m CD
- 21,750m³ from the berth pocket 200 metres to the east along the PCW extension and to -10 m CD
- 385,000m³ from Lady Shoal Approach channel to -6.5 m CD

Construction of quay wall

1.4 The Works include the installation of a new piled wall positioned immediately in front of the existing PCW to strengthen the quay structure. The wall will comprise of 48 primary piles, infilled with sheet piles, and will extend approximately 106 metres along the quay. Piling operations will be carried out using a combination of impact and vibro-piling techniques.

1.5 Localised excavation at the base of the existing quay wall may be required to remove obstructions. This will be undertaken using either land-based long-reach excavators or dredging equipment. A new beam will be installed at the pile head to enable integration with the existing PCW deck.

1.6 Existing fenders will be removed at their current locations, retained, and subsequently reinstalled by welding following completion of the wall construction. Existing ladders will also be replaced as part of the Works.

1.7 The construction Works to the PCW are expected to take approximately two months, with piling activities anticipated to require around 35 days within this period.

1.8 This decision notice contains the Scottish Ministers’ decision to grant regulatory approval for the Works as described above, in accordance with the 2017 MW Regulations by issuing marine licences under Part 4 of the 2010 Act.

2. Summary of environmental information

2.1 The environmental information provided by the Applicant was:

- An EIA Report that provided an assessment of the impact of the Works on a range of receptors.
- *Habitat’s Regulations Appraisal (“HRA”)*
- *Best Practicable Environmental Option (“BPEO”)*
- *Marine Mammals Risk Assessment*

2.2 A summary of the environmental information provided in the EIA Report is given below.

2.3 Estuarine Processes

2.3.1 The EIA report identifies that capital dredging will alter the shape of the seabed, which can influence the speed and direction of currents and subsequently affect erosion and accretion patterns. Dredging and disposal activities may also increase suspended sediment concentrations. In addition future maintenance dredging requirements were assessed.

2.3.2 The Applicant assessed these potential impacts, by recording and collecting data of current speeds and suspended sediment levels at two locations within the Firth of Tay. The Applicant used the data to calibrate a numerical model to predict changes in estuarine processes. The modelling examined sediment dispersion and deposition on the seabed, during and following the dredging and disposal activities.

2.3.3 The EIA report predicts that sediment release would be localised to the dredge and disposal sites. The impacts would be of a short duration, returning to background levels within 30 minutes to 1.5 hours. Sediment deposition would remain within the dredged and disposal areas and the thickness would gradually reduce over time through natural re-suspension. Following completion of the Works the dredged areas will remain at their new depths due to high current speeds preventing sediment accumulation. Consequently, there will be no change to maintenance dredging requirements at the Port of Dundee and no maintenance dredging will be required in the Lady Shoal approach channel.

2.3.4 The Applicant concluded that the potential effects on estuarine processes were assessed as negligible and therefore not significant.

2.4 Marine Water and Sediment Quality

2.4.1 The Applicant identifies that the Works is located within the Lower Tay Estuary transitional waterbody, which holds an overall status of 'Good'. There are also two designated Bathing Waters, Broughton Ferry and Monifieth, both rated 'Excellent', within 2 km, and there are no Shellfish Waters in the Firth of Tay.

2.4.2 The EIA report identified that there are potential impacts during construction include increased suspended sediment concentrations and possible contaminant release during dredging and deposit activities. No impacts were identified during the operational phase.

2.4.3 The Applicant collected sediment samples from the proposed dredge areas. These were analysed and compared against MD-LOT Action Levels ("ALs"). The results show contaminant concentrations are not significantly elevated. The Applicant identified some polycyclic aromatic hydrocarbons exceed AL1 on average, these levels have previously been accepted for disposal at Middle Deep and pose no risk to the marine environment. The material is considered suitable for sea disposal.

2.4.4 Within the EIA report no mitigation measures are considered necessary due to the localised extent of disturbance, rapid dispersion of sediments, and the non-continuous nature of the dredging activities.

2.4.5 The Applicant concluded that impacts on marine water and sediment quality are predicted to be minor adverse significance and the residual impact of the works are minor adverse and not significant.

2.5 Marine and Coastal Ecology

2.5.1 The Applicant identified that the Works is located in or near several designated sites, which are considered in the shadow HRA. The Applicant undertook surveys of the seabed to map habitats and benthic communities within and around the dredge areas. The survey identified blue mussel beds at three locations, two within the Port of Dundee dredge area and one outside the Lady Shoal approach channel. Acoustic mapping indicated additional potential mussel beds near the Port and within the Lady Shoal approach channel. In addition an otter survey recorded one non-breeding holt and one potential holt/couch.

2.5.2 The EIA report identified potential impacts of loss of benthic habitats from dredging and indirect effects from increased suspended sediment concentrations and contaminant release. The EIA report also identified that underwater noise during piling can cause disturbance to otters and benthic communities.

2.5.3 The Applicant identified that most habitats within the dredge areas have low to medium sensitivity to direct loss due to the mussel beds affected being part of larger beds within the Tay and given there is no further requirement for maintenance dredging the recovery potential of the mussels beds is high. Sediment settlement following dredging would occur mainly within dredge areas, and benthic communities near the disposal site are tolerant of sediment deposition.

2.5.4 The Applicant assessed the direct habitat loss as minor adverse and not significant and the potential impact from the settlement of sediment onto benthic communities would be minor adverse and not significant. The Applicant assessed the impact from the release of sediment bound contaminants to be minor adverse and not significant. Benthic communities identified are considered to have a low sensitivity to underwater noise, therefore the Applicant concluded the potential impact would be negligible and not significant.

2.5.5 The Applicant has identified potential disturbance to otters therefore mitigation of a sensitive lighting scheme will be implemented during works to minimise the impact.

2.5.6 The EIA Report concluded otters are accustomed to port activity, and given the distance from piling works the potential impact would be minor adverse and not significant.

2.6 Fish and Shellfish Ecology

2.6.1 The EIA report identified that the Firth of Tay supports a range of fish and shellfish species, including migratory fish such as Atlantic salmon, sea trout, European eel, European smelt, and lamprey species. Potential impacts from the Proposed Scheme include injury or mortality from underwater noise during impact piling, temporary barriers to migration caused by noise or increased suspended sediment, and habitat loss or smothering from sediment settlement.

2.6.2 The Applicant undertook underwater noise modelling for migratory fish species to predict impacts from the Works. The results indicate impacts for salmon, sea trout, smelt, and European eel would be minor adverse and for lamprey species impacts would be negligible all of which are not significant. The Applicant has identified mitigation and a soft-start piling procedure will be implemented to allow fish to move away from the works and avoid injury.

2.6.3 The EIA report considers that due to the width of the Firth of Tay and the noise modelling and modelled sediment plume the Works do not present a substantial barrier to migration and the impacts were assessed as minor adverse and not significant.

2.6.4 Within the EIA report the potential impacts on benthic habitats are assessed as not significant, the Applicant concluded that impacts on fish and shellfish ecology are negligible and not significant.

2.7 Ornithology

2.7.1 The EIA report identifies several designated sites for ornithological interest could be indirectly affected by the Works. Bird surveys undertaken in 2023/24 and 2024/25 recorded low numbers of estuarine species, with pink-footed goose and herring gull most abundant in the first survey and black-headed gull and herring gull in the second. A desk-based assessment for the Lady Shoal approach channel identified 17 estuarine species with potential to occur. Potential impacts include disturbance from airborne noise during piling and vessel activity, and indirect effects through changes to prey availability.

2.7.2 Noise modelling indicates that most estuarine habitat near dredging would experience levels likely to cause only minor disturbance. Birds close to piling works could relocate to alternative habitats nearby. Given the low numbers recorded and the availability of suitable habitat, disturbance impacts are assessed as minor adverse and not significant.

2.7.3 The Applicant concluded that there is potential for indirect impacts through prey resource but no significant impacts would occur to fish/shellfish or benthic habitats. Potential indirect impacts would be negligible and not significant.

2.8 Marine Mammals

2.8.1 The EIA report identifies several designated sites for marine mammals that could be affected by the Works. Common species in the area include harbour porpoise, bottlenose dolphin, grey seal, and harbour seal, with minke whale occasionally present in summer. The Lady Shoal approach channel dredge area lies approximately 340 m from the nearest seal haul-out at Tayport - Tentsmuir Coast SSSI. Potential impacts include underwater noise from piling, disturbance from vessels and dredging activity, and indirect effects on prey availability.

2.8.2 The Applicant identifies potential impacts of permanent or temporary hearing loss to marine mammals from piling, underwater noise modelling assessed the impacts as minor adverse and not significant. Marine mammals in the Firth of Tay are habituated to vessel activity and underwater noise due to existing shipping, so disturbance is assessed as negligible and not significant.

2.8.3 The Applicant has identified mitigation to reduce the risk of impacts to marine mammals. These are implementation of soft-start piling procedures and adherence to the Scottish Marine Wildlife Watching Code as best practice.

2.8.4 The EIA report concludes that there are no significant effects on fish/shellfish, or benthic habitats and the indirect impacts to marine mammals would be negligible and not significant.

2.9 Cumulative Impacts

2.9.1 The Applicant undertook a Cumulative Impact Assessment ("CIA") to consider other projects that could impact with the Works. The Port of Dundee terrestrial improvements was identified as the only project within 5 kilometres, all other projects are located further away. The Applicant identified that there could be cumulative impacts to highly mobile species such as birds, otters, and marine mammals. Due to the limited potential for effects on water quality or prey availability, the CIA focused on cumulative underwater noise impacts only.

2.9.2 The assessment considered that each project would implement mitigation to prevent permanent injury from piling noise, limiting cumulative effects to disturbance only.

2.9.3 The EIA report concluded that cumulative impacts with other projects would be minor adverse to negligible and not significant.

3. Consultation

3.1 In accordance with the 2017 MW Regulations a notice publicising the application and EIA Report must be published in the Edinburgh Gazette, in a newspaper circulating in the locality in which the Works to which the EIA Report relates are situated (or, in relation to proposed works in, on, over or under the sea, in such newspapers as are likely to come to the attention of those likely to be affected by the proposed works) and on the application website.

3.2 As such, the Applicant, in agreement with the Scottish Ministers, published the application, together with the EIA Report

(a) In The Courier and Advertiser on 7 October 2025

(b) In the Edinburgh Gazette on 8 October 2025; and

(c) On the Applicant's website: <https://www.forthports.co.uk/port-of-dundee-capital-dredge-and-quay-improvement-works/>

3.3 The Scottish Ministers made the application publicly available on its external facing website: <https://marine.gov.scot/?q=node/26819>

3.4 In addition, a consultation exercise on the application and EIA Report was undertaken in accordance with the 2017 MW Regulations for a period from 8 October 2025 to 20 November 2025. The regulatory requirements regarding consultation and public engagement have been met and the representations received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken.

3.5 A summary of the representations is set out at sections 4, 5, 6 and 7. The representations are available to view in full [here](#).

4. Summary of representations from statutory consultees

4.1 Historic and Environment Scotland ("HES") responded on 10 October 2025. It advised that the information had been reviewed and confirmed there would not be any significant impacts on heritage assets. HES stated it had no further comments as they do not raise historic environment issues of national significance and therefore it had no objection to the Works.

4.2 Scottish Environment Protection Agency ("SEPA") responded 14 October 2025. It referred the Applicant to its standing advice which states that it does not anticipate any significant environmental concerns provided that best practice measures are followed.

4.3 NatureScot (Operating name of Scottish Natural Heritage) responded on 20 November 2025. Further clarifications were requested from NatureScot with the final response from NatureScot being received on 17 December 2025. NatureScot advised that, while it broadly agrees with the conclusions presented in the Environmental Impact Assessment Report ("EIA Report") and Shadow Habitats Regulations Appraisal ("HRA"), its detailed appraisal identified areas requiring further consideration. This appraisal includes additional advice, recommended mitigation measures, and points of disagreement with certain conclusions.

4.4 In relation to Benthic Habitats NatureScot agrees with the Applicant that the Works will result in a Likely Significant Effect ("LSE") to some features, namely on estuarine habitats, subtidal sandbanks, and intertidal mudflats within the Firth of Tay and Eden Estuary Special Area of Conservation ("SAC"). The main impact of the Works will be the potential loss of blue mussel beds, which recovery is expected to be

slow, and recolonisation potential is low. Additional impacts include increased suspended sediment concentrations, smothering of benthic habitats, and sediment deposition. NatureScot advised that they do not agree with approaches outlined by the Applicant to assessing the potential impacts on blue mussels and therefore adopted a more precautionary worst case scenario approach when reaching their own conclusions. NatureScot advised dredging activities will have localised impacts on blue mussel beds and underwater noise during piling may also affect bivalve populations and agreed with the Applicant's conclusions of LSE and advised in all instances these are minor and conclude no adverse effect on site integrity.

4.5 NatureScot advised the Applicant to consider proposed mitigation measures to reduce the overall impact of the proposed activity. The proposed measures include the restricting piling between April and September to avoid the blue mussel spawning season and between April and May to protect salmon smolt migration, deployment of silt screens during dredging to reduce sediment plumes and the preparation of a robust and adaptive biosecurity plan to prevent the introduction and spread of marine invasive non-native species, including *Crepidula fornicata*. This plan should include vessel management protocols, staff training, monitoring, and reporting procedures.

4.6 In relation to Marine Ornithology NatureScot agrees with the key impact pathways that have been identified in the EIA Report which are noise and visual disturbance from vessels and piling works, changes in prey availability due to changes in water quality and displacement of prey species due to underwater noise. NatureScot state that it previously advised there were limited details on the increase in vessel movements during the Works and requested details on vessel routes, timings and number of trips including to the disposal site to assess the impact on SPA features. NatureScot are satisfied that the EIA confirms no change to vessel activity. NatureScot advised it can agree with conclusions in relation to this activity.

4.7 NatureScot does not agree with the Applicant's finding of no LSE for eider, a qualifying feature of the Outer Firth of Forth and St Andrews Bay Complex ("OFFSABC") Special Protection Area ("SPA"), due to the loss of blue mussel beds which is an important prey item. It notes insufficient detail in ornithological survey methodology and requires clarification to confirm full coverage of the survey area to agree with the EIA Report conclusion. NatureScot concludes there will be LSE on Eider based on benthic advice.

4.8 NatureScot further advises blue mussel is an important prey item for eider, common scoter, velvet scoter and long-tailed duck and it would conclude likely significant effect for these features. It states that due to the blue mussel beds at the Lady Shoal dredge site are not dense, and it is an existing shipping lane with ongoing levels of disturbance that would limit foraging activity here, it would conclude no adverse effect on site integrity.

4.9 NatureScot provided advice on Red-throated diver stating that the Works are scheduled outside of the critical chick rearing period (June-August). However it is scheduled during their flightless moult period (mid-September to December). NatureScot advise that red-throated diver were recorded in December in the year 1 survey, and none recorded at all in the year 2 survey. After seeing the report of bird surveys provided by the Applicant NatureScot agreed with the conclusion of no LSE.

4.10 NatureScot provided advice on Slavonian Grebe and confirmed, after reviewing the report of bird surveys provided by the Applicant, agreed with the conclusion of no LSE.

4.11 NatureScot seeks assurance that turbines will not be assembled, tested, stored, or towed during the operational phase, as this could introduce additional impacts to SPA species.

4.12 NatureScot advised that mitigation includes adherence to the Joint Nature Conservation Committee ("JNCC") soft-start protocol for piling to reduce noise disturbance. NatureScot also advised that should turbine assembly or storage become part of operations, additional assessment will be required.

4.13 NatureScot states the River Tay SAC supports migratory fish species including Atlantic salmon, sea and river lamprey, European smelt, Sea trout and European eel. NatureScot agree that the key impact pathways that have been identified which are underwater noise from piling operations and dredging activity, changes in water quality and changes in habitat quality.

4.14 NatureScot advised underwater noise from piling poses a risk during the most sensitive period for Atlantic salmon in this area during smolt migration between April-May. NatureScot disagrees with the EIA Report conclusion that seasonal restrictions are unnecessary. NatureScot advises that piling should avoid April and May and soft-start procedures in line with JNCC protocol must also be implemented. This will be conditioned through the marine licence

4.15 NatureScot advise that there will be LSE to Atlantic salmon, river and sea lamprey from the River Tay SAC and an appropriate assessment is therefore required. It concluded that there will be no adverse effect on site integrity.

4.16 NatureScot advised in relation to the River Tay SAC that Otters may experience disturbance from piling and dredging. The sensitivity of the receptor is considered medium, and the magnitude of impact low, resulting in a minor adverse effect that is not significant in EIA terms. NatureScot advised there will be LSE, that the mitigation measures are deemed appropriate, and there will be no adverse impacts on site integrity.

4.17 NatureScot advised in relation to Marine Mammals that the proposal lies within the Firth of Tay and Eden Estuary SAC, which protects harbour seals, and has connectivity to bottlenose dolphins from the Moray Firth SAC. NatureScot advised that the impacts have been correctly identified as auditory injury and disturbance from underwater noise from piling operations, dredging and the presence of vessels, increased collision risk with vessels during construction and indirect effects due to changes in water quality and prey availability. NatureScot advise that collision risk and prey availability were not further assessed and should have been.

4.18 NatureScot advise that they agree with the conclusion that there will be LSE of disturbance on the harbour seal feature of Firth and Tay Eden Estuary and there will be no adverse impacts on site integrity.

4.19 NatureScot accept the conclusion of no adverse effect on site integrity for all impacts on bottlenose dolphins feature of the Moray Firth SAC.

4.20 NatureScot advised there would be LSE of disturbance from underwater noise during piling and dredging is identified, although collision risk and prey availability were not fully assessed and predictions are based on a generic qualitative review, not site specific. Noise modelling assumptions regarding pile size and hammer energy are critical; if these parameters change, further modelling must be undertaken. This will be conditioned in the marine licence. Mitigation includes the use of soft-start and ramp-up procedures, deployment of Marine Mammal Observers (“MMO”), and Passive Acoustic Monitoring (“PAM”) during periods of poor visibility. All measures must comply with JNCC protocol. This will be conditioned in the marine licence.

4.21 NatureScot confirms that, subject to implementation of embedded mitigation contained within the Applicant’s assessment of impacts to marine mammals, Table 14-1 in the EIA Report and the Applicant’s European Protected Species risk assessment the recommended mitigation measures which are to be secured through conditions in the marine licence, the Works will not adversely affect the integrity of any SAC or SPA.

4.22 Dundee City Council responded on 20 November 2025 and advised that it had no objection to the Works.

5. Summary of representations from other consultees

5.1 Northern Lighthouse Board (“NLB”) responded on 08 October 2025 and advised it had no objection to the Works. NLB recommended standard conditions including the issue of Notice to Mariners and notification to enable the update of navigational publications associated with the Works.

5.2 Fife Council responded on 20 October 2025 and advised it had no comment on the Works.

5.3 Royal Yachting Association (“RYA”) responded on 23 October 2025 and advised it had no objections to the Works.

5.4 Defence Infrastructure Organisation as part of the Ministry of Defence (“DIO”) responded on 28 October 2025 and advised it had no objection to the Works. It stated that the Lady Shoal approach channel lies just outside the boundary of Danger Area D604 Barry Buddon Range where live firing operations take place and advised that early warnings should be given if any vessel likely to be operating close to or intending to enter our SDA prior to leaving port. It provided relevant contact details to enable direct communications.

5.5 National Air Traffic Services (“NATS”) responded on 28 October 2025 and advised it had no objection to the Works. It stated that if any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, it requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

5.6 Maritime and Coastguard Agency (“MCA”) responded on 3 November 2025. MCA advised that the Works fall within the jurisdiction of a Statutory Harbour Authority (“SHA”), Dundee Harbour Authority and it is responsible for the safety of navigation within the area. The MCA has no objection to the Works provided that all maritime safety legislation is adhered to. The MCA also advised on the safe storage of potential contaminants, gaining approval of the responsible navigation authority, issuing local navigation warnings and informing The Source Data Receipt team, UK Hydrographic Office.

5.7 Scottish Fishermen’s Federation (“SFF”) responded on 13 November 2025 and advised it had no comment on the Works.

5.8 North and East Coast Regional Inshore Fishery Group (“NECRIFG”) responded on 13 November 2025 and provided a nil response.

6. Summary of internal advice

6.1 Transport Scotland (“TS”) responded on 31 October 2025. TS noted that most materials will be delivered by sea and dredged material disposed at sea. TS stated that the remaining traffic would be managed through a Construction Traffic Management Plan (“CTMP”). TS advised it had no objection to the Works.

6.2 Marine Directorate – Science Evidence Data and Digital (“MD-SEDD”) responded on 17 December 2025. In its response, MD-SEDD stated that the sensitive window when the majority of salmon smolts will be emigrating to Scottish coastal waters, as identified by Malcolm et al. (2015), is from 11 April to 23 May in 2026.

6.3 MD-SEDD advised that works associated with all dredging and deposit activities should be avoided during the sensitive window due to the proximity and extent of the disposal site and the modelled sediment plumes.

6.4 MD-SEDD advised that piling is not required to be restricted during the sensitive smolt migration window due to the modelled underwater noise values. However, this is assuming that dredging and disposal is not taking place at the same time as this would significantly constrain the amount of unimpacted channel available to smolt migration between the potential impacts of dredging and disposal and predicted impact of pile driving. It will be a condition of the marine licence that piling activities cannot be undertaken by the Applicant simultaneously with dredge and deposit activities during the salmon smolt migration sensitive period.

6.5 MD-SEDD disagreed with NatureScot’s view on blue mussels regarding temporal restrictions on piling activity because the majority of the loss will be due to a different activity and pressure to the one which the proposed mitigation is intended to apply to. MD-SEDD advised that the majority of the loss will be due to physical removal and smothering from the dredging activities rather than the impacts from noise advised by NatureScot. Additionally, MD-SEDD advised that blue mussels are known to have sporadic spawning patterns that can be influenced by many factors including tidal patterns, wind-driven currents and weather events (Demmer et al., 2022). Alter et al. (2025) have also shown that metabolic stress from temperature changes as a result of global warming have influenced blue mussel spawning periods all of which

does not support NatureScot's advice that the April to May period with regard to blue mussel spawning period is a required restriction.

7. Summary of representations from other organisations and members of the public

7.1 The Scottish Ministers received no representations from other organisations or members of the public.

8. The Scottish Ministers' Regulatory Approval and Main Determinative Issues

8.1 Determination of Marine Licence Applications

8.1.1 In determining the applications for marine licences (including the terms on which they are granted and what conditions, if any, are to be attached to them) the Scottish Ministers have had regard to:

- the need to protect the environment, protect human health, prevent interference with legitimate uses of the sea and such other matters as the Scottish Ministers consider relevant;
- the effects of any use intended to be made of the Works when constructed; and
- representations received from persons with an interest in the outcome of the applications.

8.2 Main Determinative Issues

8.2.1 The Scottish Ministers, having taken account of all relevant information and regulatory requirements, consider that the main determining issues are:

- the extent to which the Works accord with and are supported by Scottish Government policy and the terms of the Scotland's National Marine Plan ("NMP"); and
- the main effects of the Works on protecting the environment and human health and preventing interference with the legitimate use of the sea which are in summary, impacts on:
 - Priority Marine Features
 - Birds
 - Diadromous fish
 - Marine mammals

Each of these include impacts on European Sites.

8.3 Policy Context

8.3.1 As the Works are proposed to take place within the Scottish marine area, they are subject to the Marine (Scotland) Act 2010 (“the 2010 Act”). The NMP covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Ministers’ policies for the sustainable development of Scotland’s seas and provides General Planning Principles, and sector specific objectives and policies, specifically to develop offshore wind and marine renewable energy. The relevant policies were considered, with the Works being deemed to meet the requirements of the NMP and to be contributing towards achieving relevant sector specific policies and objectives, specifically GEN 9 (B) – development must not result in significant impact on the national status of the PMF.

8.4 Environmental Matters

8.4.1 The Scottish Ministers are satisfied that an EIA has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their regulatory decision.

8.4.2 The Scottish Ministers have considered fully and carefully the applications, the EIA Report and all relevant representations from consultees, other organisations and internal advice.

8.4.3 The activities associated with floating offshore wind turbines (“FOWT”) (in particular, the construction and deposit of FOWT and other objects in the sea) may be licensable marine activities in their own right and at the stage when any marine licences for these activities are needed, it is probable that EIA requirements will be triggered, requiring EIA screening as a minimum. In addition, the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Habitats Regulations”) will require consideration as part of the marine licensing process.

8.4.4 Consequently, although consultation representations submitted with regard to FOWT have been considered in both this decision notice and the associated Appropriate Assessment (“AA”), specific requirements will be evaluated as part of any future marine licence applications for FOWT activity and appropriate mitigation and conditions will be applied as part of that process.

8.5 Impacts on European sites and PMFs, birds, diadromous fish and marine mammals

8.5.1 The Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Habitats Regulations”) require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European site (either alone or in combination with other plans or projects), as defined in the 1994 Habitats Regulations.

8.5.2 In line with the view of NatureScot that the Works are likely to have a significant effect on the qualifying interests of Firth of Tay and Eden Estuary SAC, Firth of Tay and Eden Estuary SPA, OFFSABC SPA, River Tay SAC and Moray Firth SAC, the Scottish Ministers, as the “competent authority”, were required to carry out an Appropriate Assessment (“AA”).

8.5.3 Having had regard to the representations made by NatureScot, it can be ascertained that the Works will not adversely affect the integrity of any SAC or SPA providing the Applicant adheres to the conditions set out in the AA and the marine licences. Considering the reasons for which the sites were designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not on their own or in combination with other projects, adversely affect the integrity of the Firth of Tay and Eden Estuary SAC, Firth of Tay and Eden Estuary SPA, OFFSABC SPA, River Tay SAC and Moray Firth SAC.

8.5.4 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA found here <https://marine.gov.scot/?q=node/27181>.

8.5.5 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, there are no outstanding concerns in relation to the impact of the Works on PMFs, birds, diadromous fish, marine mammals or European sites which would require a marine licence to be withheld.

9. The Scottish Ministers’ Determination and Reasoned Conclusion

9.1 The Scottish Ministers are satisfied that an EIA has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the applications have been followed.

9.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated. The Ministers have undertaken this exercise in the context of national and local policies.

9.3 The Scottish Ministers have considered the extent to which the Works accord with and are supported by Scottish Government policy and the terms of the NMP, and the environmental impacts of the Works. In particular, the Scottish Ministers have considered the impacts on blue mussel beds, identified ornithological species, diadromous fish and marine mammals.

9.4 The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works and mitigation measures. In particular Ministers are satisfied that the Works will not adversely affect the integrity of the Firth of Tay and Eden Estuary SAC, Firth of Tay and Eden Estuary SPA, OFFSABC SPA, River Tay SAC and Moray Firth SAC.

9.5 The Scottish Ministers consider that the licensing tests in respect of an EPS disturbance application for cetaceans will likely be met and an EPS licence will likely be granted.

9.6 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the marine licences to reduce environmental impacts. These include adherence to the mitigation measures outlined within Table 14-1 in the Applicant's EIA Report as well as adherence to the Applicant's European Protected Species risk assessment, temporal restriction with respect to piling and dredge and deposit, PAM and measures to prevent introduction and spread of Invasive Non Native Species.

9.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion, as required under the 2017 MW Regulations, is valid.

9.8 The Scottish Ministers are satisfied that regard has been given to protecting the environment, protecting human health, and preventing interference with legitimate uses of the sea, as well as other factors considered to be relevant, as required by section 27 of the 2010 Act.

9.9 The Scottish Ministers **grant marine licences subject to conditions** under the 2010 Act for the capital dredging, sea deposit of dredged materials and for the construction, alteration or improvements of works associated with the Port of Dundee capital dredge and quay improvement. The marine licences are attached at Appendix 1

9.10 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of the marine licences.

9.11 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of the Scottish Ministers' regulatory decision by ensuring that a copy of this decision letter is published on the application website, and within the same publications listed at paragraph [3.2] of this decision letter, namely the Edinburgh Gazette and The Courier and Advertiser. The Applicant must provide copies of the public notices to the Scottish Ministers.

9.12 Copies of this decision notice have been sent to the bodies consulted on the applications including the local planning authority, NatureScot, SEPA and HES. This decision notice has also been published on the Scottish Ministers' external facing website: Marine Scotland Information.

9.13 The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – <http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

Gemma Girling

Marine Licensing Group Leader, Marine Directorate - Licensing Operations
Team

A member of the staff of the Scottish Ministers

19 DECEMBER 2025

Appendix 1

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA**

Licence Number: **MS-00011344**

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

Port of Dundee Limited
Forth and Tay Navigation Service,
South Shore Road,
Grangemouth Docks,
Grangemouth
FK3 8TQ

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 **19 December, 2025** until **31 December, 2028**



Signed:

Thomas Inglis

For and on behalf of the Licensing Authority

Date of issue: 19 December, 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 Dundee Limited
- 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

Haskoning UK Ltd
Commercial Quay
84 Commercial Street
Edinburgh
EH6 6LX

2.2 Location of the Licensed Activity

Port of Dundee, Firth of Tay,

56° 27.913' N 02° 55.518' W
56° 27.929' N 02° 55.519' W
56° 27.931' N 02° 55.401' W
56° 27.915' N 02° 55.401' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Construction of a piled quay wall

As described in the application dated 15 July, 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:

Steel/Iron - Steel Piles - No of 180 - 743 tonnes
Concrete - Cover - 536m²

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, substances and objects 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 The Licensee must provide written notification of any serious unforeseen incident of harm to the environment or human health, or any serious unforeseen incident of interference with legitimate uses of the sea during the Licensed Activity, to the Licensing Authority within 24 hours of the incident occurring.

3.1.8 The Licensee must notify the UK Hydrographic Office at sdr@ukho.gov.uk of the following information:

- a) no less than 10 days prior to the Commencement of the Licensed Activity
- i) the start date of the Licensed Activity and proposed end date
- ii) a description of the Licensed Activity
- iii) details of any aids to navigation
- iv) location of the area of the Licensed Activity (latitude and longitude coordinates in WGS84 (ETRS89) datum)
- v) a copy of the Licence

- b) the progress of the Licensed Activity
- c) no later than 10 working days after the completion of the Licensed Activity
- i) the date of Completion of the Licensed Activity
- ii) as built locations of the Works/deposited Objects (latitude and longitude coordinates in WGS84 (ETRS89) datum)
- iii) post dredge surveys
- iv) details of new or changed aids to navigation

A copy of the notification in a) and c) must be sent to the Licensing Authority within five working days of the notification being sent.

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 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 timeframe described in the notice. The Licensee shall be liable for all costs.

3.1.11 Where any damage, destruction, decay or catastrophic failure that could result in a danger or obstruction to navigation is caused to the Works or deposited Objects, the Licensee must notify the Licensing Authority, the UK Hydrographic Office, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and regional fisheries contacts of such damage, destruction, decay or catastrophic failure in writing as soon as reasonably practicable but no later than six hours after becoming aware of any such damage, destruction, decay or catastrophic failure.

The Licensee must submit a plan to remedy the damage, destruction, decay or catastrophic failure, to the Licensing Authority, for its written approval, within a time period stipulated by the Licensing Authority. The Licensee must carry out the remedial action identified in the plan approved by the Licensing Authority within the period stipulated by the Licensing Authority. The Licensee shall be responsible for the cost of carrying out the activity identified in the plan.

3.1.12 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.

3.1.13 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 six month intervals during the validity of the licence.

3.1.14 The Licensee must adopt measures to prevent the introduction and spread of invasive non-native species as a result of the Licensed Activity.

3.1.15 In the event of the Licensed Activity being ceased or terminated before completion, the materials used under the authority of the licence must be removed from the seabed to the satisfaction of the Licensing Authority.

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

3.1.17 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 those submitted on 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 provide the name and address of any agent, contractor or sub-contractor proposed to be engaged in the activity to the Licensing Authority prior to the Commencement of the Licensed Activity.

3.2.3 The Licensee must issue local notification to marine users, including fisher's organisations, neighbouring port authorities and other local stakeholders, of the commencement of the Licensed Activity at least five days before the Commencement of the Licensed Activity.

The Licensing Authority must be sent a copy of the notification within 24 hours of the notification being sent.

3.2.4 The Licensee must contact the local statutory harbour authority, in this case Port of Dundee Limited, prior to Commencement of the Licensed Activity.

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 must ensure that a copy of the licence is available for inspection by a Marine Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent, contractor and sub-contractor engaged in the Licensed Activity;
- c) location of the Licensed Activity;
- d) any vessel or vehicle carrying on the Licensed Activity.

3.3.4 The Licensee must provide a copy of the licence to each agent, contractor and sub-contractor engaged in the Licensed Activity and must ensure that any person engaged in the Licensed Activity is aware of the particulars in Part 2 of the licence and the conditions in Part 3 of the licence.

3.3.5 The Licensee must minimise suspension of sediment and minimise damage to the seabed when carrying on the Licensed Activity.

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

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

3.3.8. The Licensee must ensure that during the Licensed Activity:

- a) piles to be used are 700mm or less in diameter;
- b) hammer energy does not exceed 83kJm;
- c) the piling time per pile does not exceed 40 minutes; and
- d) the number of blows per pile does not exceed 42.

3.3.9 The Licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) guidelines for minimising the risk of injury to marine mammals from piling noise dated August 2010 (“JNCC guidelines”) are followed at all times in connection with piling unless further written approval is given by the Licensing Authority. The guidelines are available from the JNCC website
(<http://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol>)

3.3.10 The Licensee must ensure the mitigation measures outlined in accordance with the Port of Dundee Capital Dredge and Quay Improvement Works Construction European Protected Species Risk Assessment (reference: PC6550-RHD-XX-XX-RP-EV-0078) are adhered to at all times. Where the sea state is 3, or during the hours of darkness or where visibility is less than 200m, passive acoustic monitoring (PAM) must be conducted for 20 minutes prior to piling. If detections of any marine mammals are made, then the piling must not commence until there is a period of 20 minutes where no detections are made.

3.3.11 The Licensee must ensure that piling works carried on under authority of this marine licence are not undertaken at the same time as the works licensed under authority of marine licence MS-00011345 during the sensitive period for Atlantic Salmon smolt migration which is the period April to May annually. During 2026 the sensitive period during which the aforementioned activities are not to be undertaken simultaneously is 11 April 2026 to 23 May 2026 inclusive.

3.3.12 The Licensee must ensure that works are carried out in line with the mitigation specified in Port of Dundee Capital Dredge and Quay Improvement Works, EIA Report (Document number : PC6550-RHD-XX-XX-RP-EV-0067) and supporting documents

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 2029.

3.4.2 The seabed must be returned as close as reasonably practicable to the original profile following completion of the Licensed Activity unless otherwise agreed in writing with Licensing Authority.

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.

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-00011345**

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

Port of Dundee Limited
Forth and Tay Navigation Service,
South Shore Road,
Grangemouth Docks,
Grangemouth
FK3 8TQ

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 **19 December, 2025** until **18 December, 2028**



Signed:

Thomas Inglis

For and on behalf of the Licensing Authority

Date of issue: 19 December, 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 Dundee Limited
- 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

Haskoning UK Ltd
Commercial Quay
84 Commercial Street
Edinburgh
EH6 6LX

2.2 Location of the Licensed Activity

2.2.1 Location of production of the dredge material

Port of Dundee, Dredge Area,

56° 27.923' N 02° 55.714' W
56° 27.923' N 02° 55.678' W
56° 27.907' N 02° 55.678' W
56° 27.913' N 02° 55.537' W
56° 27.913' N 02° 55.517' W
56° 27.865' N 02° 55.603' W
56° 27.783' N 02° 55.600' W
56° 27.769' N 02° 55.720' W
56° 27.757' N 02° 55.739' W
56° 27.756' N 02° 55.826' W
56° 27.844' N 02° 55.831' W
56° 27.901' N 02° 55.713' W
56° 27.916' N 02° 55.207' W
56° 27.842' N 02° 55.072' W
56° 27.783' N 02° 55.600' W
56° 27.865' N 02° 55.603' W
56° 27.913' N 02° 55.517' W

As shown in Annex One

Lady Shoal Approach Channel, Firth of Tay,

56° 27.170' N 02° 49.450' W
56° 27.267' N 02° 49.451' W
56° 27.272' N 02° 47.642' W
56° 27.408' N 02° 45.898' W
56° 27.310' N 02° 45.871' W
56° 27.175' N 02° 47.633' W

As shown in Annex One

2.2.2 Location of deposit of the substances or objects

MIDDLE BANK (TAY) authorised sea deposit site FO028 within the area bounded by joining the following points:

56° 27.6' N 2° 55.1' W
56° 27.5' N 2° 54.9' W
56° 27.1' N 2° 55.8' W
56° 27.2' N 2° 56' W

2.3 Description of the Licensed Activity

Capital Dredge and Sea Disposal

As described in the application dated 15 July, 2025 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:

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only deposit the Substances or Objects listed in Part 2 of the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority. Only the Substances or objects listed in Part 2 of the licence may be deposited during the execution of the Licensed Activity. Any unauthorised materials associated with the substances or objects scheduled for deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, shall be disposed of on land at an approved location above the tidal level of Mean High Water Springs. All tank/hopper washings shall be deposited in the authorised sea deposit area(s).

3.1.2 All materials, substances and objects 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.

3.1.3 The Licensee must provide written notification of any serious unforeseen incident of harm to the environment or human health, or any serious unforeseen incident of interference with legitimate uses of the sea during the Licensed Activity, to the Licensing Authority within 24 hours of the incident occurring.

3.1.4 The Licensee must notify the UK Hydrographic Office at sdr@ukho.gov.uk of the following information:

- a) no less than 10 days prior to the Commencement of the Licensed Activity
 - i) the start date of the Licensed Activity and proposed end date
 - ii) a description of the Licensed Activity
 - iii) details of any aids to navigation
 - iv) location of the area of the Licensed Activity (latitude and longitude coordinates in WGS84 (ETRS89) datum)
 - v) a copy of the Licence
- b) the progress of the Licensed Activity
- c) no later than 10 working days after the completion of the Licensed Activity
 - i) the date of Completion of the Licensed Activity
 - ii) as built locations of the Works/deposited Objects (latitude and longitude coordinates in WGS84 (ETRS89) datum)

iii) post dredge surveys

iv) details of new or changed aids to navigation

A copy of the notification in a) and c) must be sent to the Licensing Authority within five working days of the notification being sent.

3.1.5 The Licensee must adopt measures to prevent the introduction and spread of invasive non-native species as a result of the Licensed Activity.

3.1.6 The Licensee must deposit the substances or objects described in Part 2 of the marine licence in the following authorised sea deposit area(s): Middle Bank, Tay (FO028): Up to a maximum quantity of 686,000 Wet Tonnes may be deposited during the period of validity of the licence, within the area bounded by joining the points:

56° 27.6' N 2° 55.1' W

56° 27.5' N 2° 54.9' W

56° 27.1' N 2° 55.8' W

56° 27.2' N 2° 56.0' W.

3.1.7 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 provide the name and address of any agent, contractor or sub-contractor proposed to be engaged in the activity to the Licensing Authority prior to the Commencement of the Licensed Activity.

3.2.2 The Licensee must issue local notification to marine users, including fisher's organisations, neighbouring port authorities and other local stakeholders, of the commencement of the Licensed Activity prior to the Commencement of the Licensed Activity.

3.2.3 The Licensee must contact the local statutory harbour authority, in this case Port of Dundee Limited, prior to Commencement of the Licensed Activity.

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 shall ensure that a log of activities is maintained on each vessel employed to undertake the Licensed Activity. The log(s) shall be kept onboard the vessel(s) throughout the Licensed Activity, and be available for inspection by any authorised Marine Enforcement Officer. The log(s) shall 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. The log(s) shall record in English the following information:

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

3.3.3 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.

3.3.4 The Licensee must ensure that a copy of the licence is available for inspection by a Marine Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent, contractor and sub-contractor engaged in the Licensed Activity;
- c) location of the Licensed Activity;
- d) any vessel or vehicle carrying on the Licensed Activity.

3.3.5 The Licensee must provide a copy of the licence to each Agent, contractor and sub-contractor engaged in the Licensed Activity and must ensure that any person engaged in the Licensed Activity is aware of the particulars in Part 2 of the licence and the conditions in Part 3 of the licence.

3.3.6 The Licensee must minimise suspension of sediment and minimise damage to the seabed when carrying on the Licensed Activity.

3.3.7 The Licensed Activity must not take place within 2 km of the designated Broughty Ferry or Monifieth bathing waters during the bathing season (01 June to 15 September inclusive) without prior approval of the Licensing Authority.

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

3.3.9 The Licensee must ensure that works carried on under authority of this marine licence are not undertaken at the same time as the piling works licensed under authority of marine licence MS-00011344 during the sensitive period for Atlantic Salmon smolt migration which is the period April to May annually. During 2026 the sensitive period during which the aforementioned activities are not to be undertaken simultaneously is 11 April 2026 to 23 May 2026 inclusive.

3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must submit written reports to the Licensing Authority stating the nature and total quantity, in wet tonnes, of all substances or objects deposited 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.

3.4.2 If a new licence is required, the Licensee' must make an application at least fourteen weeks before the expiry date of the licence. This licence shall not continue in force after the expiry date of 31 December 2028.

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.