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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

**DECISION NOTICE – MARINE LICENCES TO DREDGE AND DEPOSIT  
SUBSTANCES OR OBJECTS AND TO CONSTRUCT, ALTER OR IMPROVE  
WORKS ASSOCIATED WITH THE HUNTERSTON CONSTRUCTION YARD  
UPGRADE**

**1. Application and description of the works**

1.1 On 28 June 2024, Clydeport Operations Limited (“the Applicant”) having its registered office at 16 Robertson Street, Glasgow, Strathclyde, Scotland, G2 8DS 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 construction yard upgrade at Hunterston Construction Yard (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”). Additional information was submitted by the Applicant to the Scottish Ministers on 29 November 2024, (“Additional Information”) and related to subtidal and intertidal benthic surveys.

1.2 The Works are located at Hunterston Construction Yard, West Kilbride, North Ayrshire and involve the following licensable marine activities below Mean High Water Spring (“MHWS”):

- Construction of drainage outfalls;
- Removal of existing rock armour and bund;
- Capital dredging and deposit of dredged substances or objects;
- Construction of sub-sea revetments;

- Construction of quay wall infrastructure;
- Construction of mooring dolphins; and
- Construction of grounding pad.

- 1.3 The Works are part of a wider package of construction yard upgrades with significant terrestrial works taking place above MHWS. These include the infilling of the existing dry dock to form a working platform and the formation of 570metre (“m”) quay wall, 500millimetres back from MHWS. These works do not require marine licences and will not be considered further but may be referred to in order to place works below MHWS in context. The terrestrial works are subject to relevant planning permission from North Ayrshire Council.
- 1.4 The Works are expected to take approximately two years to complete. The construction elements below MHWS are expected to take place in the second year of construction, after the dry dock infill and quay wall works above MHWS are complete. Construction is expected to take place Monday – Saturday 7am to 7pm and Sunday 7am until 2pm. Capital dredging and sea deposit of dredged material is also projected to commence at the start of the second year of Works.

#### *Construction of drainage outfalls*

- 1.5 Prior to the construction of the new quay wall above MHWS, two drainage outfalls will be constructed to accommodate surface water run off during construction works. The outfalls comprise of tubular steel drainage pipes and will be located at either end of the new quay wall. Installation will comprise of the existing bund and rock armour being excavated by a long reach excavator at the site of the outfall. Geotextile will be installed over the area excavated to prevent the loss of fine material. The outfall pipe will then be placed in position through the bund via a crane. If necessary, the area around the pipe will be backfilled using a granular material. A flap valve will then be positioned by the crane and bolted or welded to the end of the pipe. A long reach excavator will then replace rock armour around the pipe. Installation of these pipes will be conducted from land.
- 1.6 Three further drainage outfalls will be constructed in two stages, with the initial drainage pipe being installed approximately one metre behind the rear face of the quay wall during quay wall construction. Once the quay wall is complete the second stage will be undertaken. Excavation will be carried out to determine the placement of the installed pipe and required location of the remaining pipe. A hole will be cut through the rear face of the sheet pile quay wall and the remaining outfall pipe craned into position and connected to the installed pipe. This process will be repeated at the front face of the quay wall and the entry points sealed and strengthened as necessary and backfilled with granular material. Flap valves will then be positioned by the crane and bolted or welded to the end of the pipe. Due to the location of the drainage pipes below MHWS, works will take place at low tides.
- 1.7 Installation of the drainage outfalls is expected to take place in the second year of the construction works and are projected to take place over seven months.

*Removal of existing rock armour and bund.*

- 1.8 As part of the construction of the quay wall above MHWS the existing sand bund and the rock armoured revetment located on the seaward face of the new quay must be removed. This will allow vessels to berth at the quay during operation. Long-reach excavators will be used to remove the rock armour, down to -10m Chart Datum ("CD"). Works will start at the top of the revetment and work to the bottom. The excavated rock will be deposited in a dumper and taken above MHWS to either be stored whole or crushed for repurposing elsewhere on site. Once the revetment removal is complete the bund material will be excavated in the same manner. Bund material will be taken above MHWS to be stockpiled and then disposed of. Divers will be utilised to confirm the presence of any residual material along the quay wall after initial excavation and any remaining material will be removed by the same method as above. The work is projected to commence at the start of the second year of Works and is estimated to take place over eight months.

*Capital dredging and deposit of dredged substances or objects.*

- 1.9 The Applicant wishes to upgrade facilities at Hunterston Construction Yard to facilitate a variety of end uses including the safe mooring of vessels and the handling of cargoes to support the offshore wind industry. Capital dredging of up to 1,546,660 cubic metres ("m<sup>3</sup>") of dredge material from an area adjacent to the new quay wall, to a depth of -12m CD, will allow for the safe navigation and manoeuvring of vessels to and from the quay. It is expected that the majority of dredging will be undertaken by a trailer suction hopper dredger. A cutter-suction dredger and back-hoe dredger may also be utilised for the removal of specific hard sediments where required. Dredging will commence at the start of the second year of Works and is estimated to last 130 days with dredging taking place 24 hours a day, seven days a week. The Applicant's preferred option for the deposit of dredge material is beneficial use above MHWS as infill material forming part of the dry dock infill works. Dredged material will be assessed for suitability for infill use, should it not be suitable then it will be deposited at licenced sea deposit sites Cloch Point (MA021), Birch Point (MA019) and Brodick (MA017).

*Construction of sub-sea revetments*

- 1.10 On completion of the quay wall above MHWS, sub-sea revetments will be installed to finish the quay wall at the southwest and northern ends and protect the side slopes that will be created as part of the dredging. The revetments will be added after the removal of the existing rock armour and bund and once dredging in front of the quay wall is complete. The side slopes will be prepared as part of the dredging operations and once complete a crane will place rolls of geotextile at the top of the slopes. The geotextile will mitigate against the loss of fine material through the revetment. Divers will secure the top of the geotextile with pins and then roll out and secure the bottom ends with further pins. Two layers of rock armour, each 500mm deep will then be placed in position on the side slopes using a long reach excavator. Divers will inspect each layer after construction to ensure correct placement. The construction will take place during

the second year of Works and will be part of a package of works expected to take six months to complete.

#### *Construction of quay wall infrastructure*

- 1.11 On completion of the quay wall above MHWS, a number of pieces of quay wall infrastructure will be added below MHWS. Anodes will be fixed using a top and bottom steel bracket which will be welded to the quay structure to provide electrical continuity to the anode. The anodes will be designed so that no part of the anode protrudes beyond the fender line of the quay structure.
- 1.12 To complete the quay wall infrastructure, 19 ladders and 20 handhold chains will be secured to the quay wall via stainless steel brackets and 32 fenders will be installed. Two elastomeric units and a steel fender panel will be used to form each fender which will be attached to threaded steel sockets pre-cast into the concrete wall structure. All of the infrastructure will be positioned via crane and secured by a dive team using the appropriate fixings.
- 1.13 The infrastructure installation is part of a suite of works projected to start in the second quarter of the second year of construction and is expected to take six months to complete.

#### *Construction of grounding pad*

- 1.14 Construction of a grounding pad is required immediately in front of the new quay wall in order to provide a level area for vessels to become grounded at low tide levels. It will be constructed once the quay wall and dredging are complete and the existing bund and rock revetment are removed. The grounding pad will be formed using a suitable granular material that can be considered to be self-compacting below water, such as Class 6A material. A geotextile will be placed at the site of the grounding pad via a long reach excavator positioned on a barge or on the quay. The geotextile will be unrolled by divers and secured in position to provide stability to the seabed and provide a suitable separation layer between the grounding pad and the seabed. The granular material to form the grounding pad will be deposited at the site via bottom dumping from a split hopper barge. The material will then be spread evenly across the pad by the long reach excavators. Bathymetric survey techniques will be used to ensure a flat, even spread. The grounding pad is expected to be installed during the third quarter of the second year of construction and will take approximately two months to complete.

#### *Construction of mooring dolphins*

- 1.15 The final phase of construction works will see the installation of up to five mooring dolphins, to provide suitable mooring points for vessels using the quay. It is anticipated that the dolphins will be installed once the quay wall, grounding pad and dredging are complete. The dolphins will be formed by installing a reinforced concrete cap supported on raking tubular steel piles which will be driven down into the seabed. To construct the dolphins, a crane will be used to lift temporary piles into position and a vibrating hammer will drive the piles into the seabed. An impact hammer may be used if resistance is encountered. Piling gates will then

be positioned by the crane and fixed in place by welding to the temporary piles. The permanent raking piles will then be positioned by the crane through the piling gates and driven into the seabed using the same methodology as the temporary piles. This method will be repeated until all the piles for all the dolphins are installed. The piles will then be prepared for the concrete caps to be installed. Work on any required preparation will take place from a temporary access platform which may be part of the piling gate. Once the preparation is complete the pre-cast concrete cap shells will be placed on the piles and reinforced as necessary. The shells will then be filled with concrete and any furniture anchors for mooring bollards etc, will be placed in the concrete. The furniture will then be installed once the concrete has cured.

- 1.16 The mooring dolphin installation is part of a suite of works projected to start in the second quarter of the second year of construction and is expected to take six months to complete.
- 1.17 The EIA Report received was also submitted to North Ayrshire Council in relation to the associated onshore, terrestrial works and for which planning permission was granted on 02 December 2024.
- 1.18 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.
- Additional Information pertaining to subtidal and intertidal surveys and native oyster consideration.

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

2.3 Biodiversity:

2.3.1 To assess the impact of the Works on biodiversity, the Applicant determined the baseline conditions of the site. A desk-based review of existing biological records and studies from organisations including NatureScot and Marine Directorate was conducted along with field surveys to identify habitats, species present and site use. Computer modelling was used to determine underwater noise pollution.

- 2.3.2 The assessment identified potential impacts on a number of ecological receptors, including protected species, during both construction and operation of the Works. Within this chapter of the EIA Report, the Applicant considered the impact of the Works on the seagrass and blue mussel beds of the Southannan Sands Site of Special Scientific Interest (“SSSI”).
- 2.3.3 The Applicant identified seagrass beds as being of negligible to high sensitivity. The potential impacts from the construction and operational phases of the Works on the seagrass beds were identified as; smothering from increased suspended solids within the water column as a result of dredging; pollution incidents from construction activities; and the introduction of invasive non-native species (“INNS”). The Applicant concluded that the impacts would be temporary, with the exception of INNS introduction, which would be long-term. For both the construction and operational phases the magnitude of the impacts was considered negligible to moderate.
- 2.3.4 The Applicant identified blue mussel beds as being of negligible to medium sensitivity. The potential impacts of the construction and operational phases of the Works on the blue mussel beds were identified as increased turbidity and suspended solids within the water column as a result of dredging. This may reduce light penetration leading to a reduction in the availability of phytoplankton as food. Pollution incidents from construction activities and the introduction of INNS were also considered potential impacts. However, the Applicant concluded that the impacts would be temporary, and for both the construction and operational phases, the magnitude of the impacts was considered negligible to moderate.
- 2.3.5 The Applicant also identified potential impacts on otters, marine mammals and fish arising from the construction phase of the Works. The main impacts were identified as underwater noise generated by construction activities including piling and dredging, which could result in changes in behaviour, disturbance, injury or death. For the operation phase of the Works the potential impacts were identified as vessel strikes, particularly for large fish and marine mammals. Licences to disturb cetaceans and basking shark will be secured prior to the Works commencing.
- 2.3.6 The Applicant identified potential impacts on wintering birds during the construction phase of the Works, these being disturbance from noise and vehicle movements.

2.3.7 Within the EIA Report the Applicant set out mitigation for the protection of species potentially impacted by the Works. The Applicant proposed to specify all mitigation measures, including biosecurity and pollution prevention measures, in a Construction Environment Management Plan (“CEMP”). The CEMP will be approved by Scottish Ministers prior to the construction phase commencing. An independent Ecological/Environmental Clerk of Works (“ECoW”) will also be employed to audit and report on adherence to the CEMP. To mitigate against effects of underwater noise on marine mammals, a Marine Mammal Protection Plan (“MMPP”) will be implemented and a Marine Mammal Observer (“MMO”) will be required to observe for marine mammal presence during the construction phase of the Works. The MMPP also details mitigation to reduce collision risk with large fish and marine mammals during the operational phase. An Ornithological Clerk of Works (“OCoW”) will be present during the construction phase of the Works to undertake disturbance monitoring to mitigate against potential impacts on wintering birds. During the operation phases speed limits will be employed to mitigate against disturbance to birds as a result of vehicle movements and permanent lighting will be fitted with shades to reduce light spill to habitats within the Southannan Sands SSSI.

2.3.8 The Applicant concluded that once mitigation had been implemented there would be no significant effects on protected species or priority marine features (“PMFs”) from the Works during either construction or operational phases. It anticipates that a small number of birds, marine mammals, otter and basking shark may be disturbed or displaced during the Works, but these impacts would not affect the favourable conservation status of the species concerned and are not significant in EIA terms.

#### *Additional Information*

##### *Subtidal Habitats*

2.3.9 Within the Additional Information submitted the Applicant assessed the baseline conditions of subtidal habitats and fauna. This was done through site surveys including bathymetry and side-scan sonar surveys, targeted transects informed by the bathymetry surveys, and infaunal microbenthic invertebrate analysis. The surveys identified PMFs not linked to the SSSI, ‘kelp and seaweed communities on sublittoral sediment’ (“kelp feature”) and ‘burrowed mud’. Burrowed mud was outwith the area of concern for the Works and was not considered further. The survey also could not rule out the presence of ‘tide swept coarse sands with burrowing bivalves’ (“coarse sands feature”), however identification of this PMF was not conclusive due to the absence of certain characterising species. The Applicant decided to adopt a conservative approach and the coarse sands feature has been considered in the Additional Information.

- 2.3.10 The Additional Information identified potential impacts on the PMF communities from the construction and operational phases of the Works. The baseline survey identified that the kelp feature was sparse and impoverished, and that the presence of tide swept coarse sands with burrowing bivalves could not conclusively be ruled out in the dredge area. However, the location of both PMFs relative to the dredge area means that the features will be lost during the construction phase of the Works. Areas of the features outside the dredge area will be retained, however these may be temporarily damaged as a result of sediment deposition, turbidity from dredging works or a pollution incident during both construction and operational phases. The Applicant also identified the potential impact of the introduction of INNS from construction activities and vessel movements in both phases of the Works. Introduction of INNS could result in long term damage or degradation of the remaining PMFs through INNS outcompeting native flora or fauna. The Applicant identified the kelp feature as being of medium sensitivity, with the impact being of low magnitude. The coarse sands feature in the dredge area was identified as being of medium to high sensitivity and the impact on the PMF as being of major magnitude. However coarse sand was found to extend beyond the dredge area into the wider dredge plume buffer area. The Applicant has identified an area of 243,573 square metres that are considered to be potential coarse sands habitat. The sensitivity of the coarse sand in this area is considered low with the impact being of low magnitude and therefore not significant in EIA terms.
- 2.3.11 Within the Additional Information the Applicant considered the cumulative effect of the Works when combined with other projects in the vicinity. It concluded that the magnitude of impacts on both PMFs are considered to be of low to negligible magnitude and affecting only a small area of the relative PMFs. When cumulative effects are taken into consideration, the Applicant concluded that alterations to the overall conservation status of the features is not considered likely and is not significant in EIA terms.
- 2.3.12 Within the Additional Information the Applicant considered the requirements for mitigation and monitoring and concluded that the mitigation and monitoring measures outlined in the EIA Report are sufficient in both construction and operational phases to minimise any impacts on the PMFs. Mitigation measures include the development of a biosecurity plan to mitigate against the introduction of INNS; adherence to the CEMP including the following of good practice guidelines for construction; the deployment of an ECoW to ensure adherence to the CEMP, and the development of and adherence to a Pollution Incident Plan.



2.3.13 Within the Additional Information the Applicant considered the opportunities for habitat compensation and enhancement. It concluded that as the wider subtidal survey identified a significant proportion of residual PMFs present in the wider area of the Works, alternative biodiversity enhancement would provide more value as an appropriate mitigation measure. The Applicant considered that the most appropriate enhancement measures would incorporate development of a long-term enhancement, management and monitoring plan for the Southannan Sands SSSI, taking a phased approach over five years. A detailed enhancement plan will be developed through consultation and agreement with NatureScot, North Ayrshire Council and Scottish Ministers.

#### *Intertidal Habitats*

2.3.14 Within the Additional Information submitted the Applicant assessed the baseline conditions of intertidal habitats and fauna. A Phase II survey was undertaken primarily to establish the presence and condition of blue mussel beds, seagrass beds and native oysters within the area of, and adjacent to, the Works. A minimum of 30 quadrats per seagrass bed were used to conduct the survey, using five to six transects with random placement of quadrats along these transects. For the blue mussel receptor 21 quadrats were used.

2.3.15 The Additional Information considered the results of the Phase II blue mussel survey, which identified that the area of mussels was not a contiguous bed, but rather a series of small patches of mussels. Gaps between the patches varied from 10-30 centimetres in the densest part of the bed, to one to two metres in the sparsest. The Applicant concluded that the impacts on the mussel bed detailed in the EIA Report remained valid.

2.3.16 The Additional Information considered the results of the Phase II intertidal seagrass survey which identified that the area of seagrass at Hunterston Sands and Fairlie Sands was smaller than estimated in the EIA Report. However, the area of seagrass at Southannan Sands was found to be larger than originally estimated in the EIA Report, and two additional beds of seagrass were identified. However, the Applicant concluded that the impacts on the seagrass beds detailed in the EIA Report remained valid.

2.3.17 The Additional Information considered the results of the Phase I intertidal survey for native oysters, as requested by NatureScot. The survey concluded that no oysters were identified within the Southannan Sands SSSI during the survey and therefore the receptor was not included in the EIA Report. The subtidal benthic survey and Phase II intertidal benthic surveys also found no indication of native oyster presence.

2.3.18 Within the Additional Information the Applicant considered the requirements for mitigation and concluded that the mitigation measures outlined in the EIA Report are sufficient in both construction and operational phases to minimise any impacts on the intertidal habitats. The Phase II intertidal surveys will be used to inform an updated CEMP, which will be subject to approval from the Scottish Ministers prior to the Works commencing.

2.3.19 The Applicant concluded that once mitigation had been implemented there would be no significant effects on intertidal habitats from the Works during either construction or operational phases. Impacts arising from suspended solids and turbidity are considered to be temporary and not significant in EIA terms.

## 2.4 Seascape, Landscape and Visual Impact Assessment

2.4.1 The Applicant carried out desk-based and field-based techniques for the Seascape, Landscape and Visual Impact Assessment ("SLVIA"). Field surveys were carried out throughout the five-kilometre radius study area to corroborate the findings of the desk-based review and collect additional information.

2.4.2 The assessment identified significant seascape, landscape and visual effects during the construction phase from increased volume of construction works, increased shipping and vehicle movements, and the temporary presence of taller structures such as high mast lighting columns, cranes, and cargo movements. Cumulatively, the operational effects were considered to only slightly increase the presence of construction works and associated activities in the immediately surrounding landscape. However, the Applicant identified significant effects when the Works are combined with other projects consented or in planning application stage and occur as a result of the wider Hunterston site development plan.

2.4.3 The Applicant identified that opportunities to mitigate adverse landscape and visual effects were limited due to the scale of the Works and the open character of the proposed site. However, consideration to the layout of the site and placement of features such as high perimeter fencing, height of lighting and placement of welfare and laydown facilities, could mitigate effects. The Applicant also identified the opportunity to incorporate small tree and shrub planting along the access road.

2.4.4 The Applicant concluded that whilst the SLVIA assessed that the Works would result in significant seascape, landscape and visual effects, these are considered acceptable.

## 2.5 Terrestrial Noise

- 2.5.1 The Applicant assessed effect of Terrestrial Noise from the Works by undertaking a field-based baseline noise survey, followed by a desk-based Noise Impact Assessment (“NIA”). Computer modelling was also used to predict worst-case scenarios. Assessment of construction phase noise during both daytime and nighttime were included in the EIA Report as dredging will take place over 24-hour periods.
- 2.5.2 The Applicant identified that noise from the Works has the potential to impact surrounding existing residential receptors. The NIA predicted neutral impacts for all daytime construction works, which are not significant in EIA terms. Nighttime works dredging works using a backhoe dredger were identified as being of moderate adverse effect for one residential receptor, however the Applicant concluded that this is not a significant impact when assessed according to Planning Advice Note 1/2011. Where an alternative dredging method is used the NIA predicted a neutral impact, in both daytime and nighttime scenarios.
- 2.5.3 The Applicant has prepared a Construction Noise Management Plan to mitigate against any potential construction noise impacts. The impact of nighttime backhoe dredging may be mitigated by adjusting dredging schedules to prioritise backhoe dredging during the daytime and where it is necessary at night, to carry out only in the close proximity to the quay wall, which is furthest away from the residential receptor.
- 2.5.4 The Applicant concluded that once mitigation had been implemented there would be no significant effects from terrestrial noise during either construction or operational phases.

## 2.6 Traffic Assessment

- 2.6.1 To assess the impact of the access traffic of the Works the Applicant determined the baseline traffic flow using a desk-based review of traffic data from 2024. Construction traffic data for the Works was estimated by the Applicant. Within the EIA Report the Applicant considered the impact of the construction and operational phases of the Works on traffic flow, severance, driver delay, non-motorised user delay and amenity, and fear and intimidation on the A78 and two minor roads, Power Station Road, and Oil Rig Road. Oil Rig Road forms the Works site access.

2.6.2 The assessment identified a maximum 11% increase in heavy good vehicle traffic on the A78 but concluded that the potential impact of construction traffic is relatively low in terms of annual average daily traffic and therefore not significant in EIA terms. The impact of severance was not considered to be significant as Works traffic will use the existing A78 trunk road network and no residential areas were identified on the route to the site, or in the vicinity of the site. Pedestrians and cyclists using Power Station Road will not be impacted during the construction phase of the Works as site traffic on this route will be low. The Applicant also identified no significant impact on driver delay and non-motorised user delay and amenity. The current level of fear and intimidation on the A78 was identified as being moderate and the Applicant concluded that the low level of construction traffic will not increase this impact. The reopening of the two minor roads to construction traffic may increase the potential impact on fear and intimidation, however, the low level of construction traffic means that the Applicant concluded the impact will be negligible. No historical road safety issues or hazardous/large load vehicle movements were identified and therefore the impact of these was concluded to be not significant in EIA terms.

2.6.3 The Applicant was satisfied that no mitigation was required to conclude no significant effects on the traffic network either in the construction or operational phases of the Works.

## 2.7 Water Environment and Coastal Processes

2.7.1 To assess the impact of the works on water quality, groundwater, tides, waves and sediment transport the Applicant determined the baseline conditions of the site. A desk-based review was conducted of level surveys of the land and seabed, review of literature, ordnance survey, geological mapping and nautical charts. Field-based ground investigation and sediment sampling were undertaken. Computer modelling of tides and waves was utilised, for both existing and future conditions.

2.7.2 The Applicant identified potential impacts on a number of receptors, including hydrology, water and sediment quality, tidal regime, wave climate and sediment transport. Potential impacts were identified for both construction and operational phases of the works.

2.7.3 During the construction phase potential impacts on hydrology, water and sediment quality from the dredging activities were identified as being of low magnitude in the immediate vicinity of the Works and negligible outwith the area of Works, due to the coarse nature of the sediment present and the weak tidal currents. The coastal modelled assessment indicated no significant deposits of sediment would occur in the Largs Channel, Southannan Sands SSSI or wider Firth of Clyde, however, the Applicant noted an increase in suspended solids for up to eight weeks during the capital dredging. This could lead to an increase in the turbidity of the water, but it was identified that suspended solids return to baseline levels around 10 days after the completion of the dredging activity, and therefore the impact was not considered significant.

2.7.4 The Applicant identified that there is a potential impact from accidental pollution incidents affecting coastal waters and sediment during both construction and operational phases of the Works. The magnitude and effect of any pollution incident would depend on the scale and nature of the incident.

2.7.5 The Applicant concluded that due to the small catchment area and the coastal location the potential impact of the operational phase of the Works on the water environment was negligible where appropriate mitigation was adhered to.

2.7.6 The computer modelling of tides and waves identified that the impact of the Works on the tidal regime, wave climate and sediment transport would be negligible. The Applicant identified that there would be a negligible impact on sediment transport as the impact on tidal velocities and wave climate was also assessed to be negligible. The Applicant concluded that prior to mitigation the impacts on tidal regime, wave climate and sediment transport are of negligible significance.

2.7.7 Within the EIA report the Applicant detailed proposed mitigation to protect the water environment. These include adherence to the CEMP, deploying an ECoW to oversee the implementation of the CEMP, undertaking a series of monitoring plans, to be agreed with SEPA, NatureScot and Scottish Ministers, and adherence to the Operational Environmental Management Document during the operational phase of the Works. The Applicant concluded that once mitigation measures are implemented and adhered to, there will be no significant effects on the water environment and coastal process from the Works in either construction or operational phases.

## 2.8 Socioeconomic and Human Health

- 2.8.1 To assess the impact of the Works on socioeconomic and human health the Applicant conducted a desk-based review of the relevant chapters within the EIA Report. The Applicant identified the following chapters as potentially demonstrating significant findings in relation to socioeconomic and human health; Construction Dust Risk Assessment; Seascape, Landscape and Visual Assessment; Terrestrial Noise and Traffic Assessment.
- 2.8.2 Within the EIA Report the Applicant identified potential impacts on a number of receptors from both the construction and operation phases of the Works. Socioeconomic impacts were identified to affect future employees, supply chain and businesses in the local area, recreational users, tourist accommodation, local residents and marine users. However, the Applicant identified the effects as of low magnitude and potentially with positive impacts including job creation, supporting the local economic supply chain and encouraging migration of workers to the area. The exception to this was short term noise impact from dredging during the construction phase, which was identified as being of a medium magnitude and may affect tourism to Millport, however the Applicant concluded that the effect would be minor.
- 2.8.3 A number of potential impacts on population and human health were identified, with local residents being the receptor most impacted. Negative effects on population characteristics, population perception and health were identified from the construction of the Works. However, the Applicant concluded that the impacts were of low magnitude and negligible impact.
- 2.8.4 Although it was concluded that no mitigation was required to conclude no significant impacts on socioeconomic and population and human health from the Works, the Applicant has identified a number of suggestions from baseline investigations. Potential actions include minimising dredging at night near the Millport Field Studies Centre, particularly during the peak season of June to August; creating a management plan during both phases to minimise crime risk on site and ensure cycle paths and footpaths are accessible; encourage apprenticeships both directly and indirectly via suppliers; and signing up to the Considerate Constructors Scheme.

#### Accidents and Natural Disasters

- 2.8.5 The Applicant considered the impact of the Works on the risk of major accidents and natural disasters. An assessment of risk was undertaken in accordance with Institute of Environmental Management and Assessment guidance.

2.8.6 The assessment concluded that the Works themselves are not a source of a hazard that could result in a major accident and/or disaster and the Works will not increase the risk of significant effects due to other hazards occurring. However, the Works do interact with external sources of hazard as a result of additional vessel movements and therefore vessel movement hazards were considered as part of a Navigation Risk Assessment (“NRA”). The NRA concluded that none of the hazards identified were considered to be of high or significant risk.

2.8.7 To mitigate against major accidents in the construction phase the Applicant will ensure that mitigation measures identified in each environmental chapter of the EIA Report are implemented. In addition, the Applicant will adhere to the Construction (Design and Management) Regulations to ensure health and safety issues are adequately considered. During the operational phase standard operational procedures and protocols will be implemented to reduce the risk of major accidents and disasters. Compliance with permits and licences will also be upheld.

2.8.8 The Applicant concluded that if the mitigation measures detailed in each chapter of the EIA Report are adhered to then the risk from major accidents or natural disasters is not significant.

## 2.9 Navigation

2.9.1 To assess the impact of the Works on navigation the Applicant undertook a desk-based Navigation Risk Assessment (“NRA”). The NRA created a baseline that characterised marine traffic for busy and quiet periods and indicated marine incidents. The Applicant then used the baseline to inform hazard identification and risk assessment workshops.

2.9.2 The NRA assessed 15 hazard scenarios for the construction phase and nine hazard scenarios for the operational phase of the Works. Hazard categories identified included collisions, accidents to personnel, mooring failures, and fire. Four receptors were identified that would be impacted by the hazards: people, environment, assets and port reputation. As part of the workshops the Applicant worked with local stakeholders and subject experts to consider hazard scenarios, examine causes and embedded controls, and identify further controls to minimise risk where it was not as low as reasonably practicable.

2.9.3 Within the EIA Report the Applicant identified mitigation measures that act as embedded or further controls during both construction and operational phases of the Works. These include implementation of a suite of management plans and reviews, risk assessments, inspection and monitoring programmes, notices to mariners and adherence to legislation. After all controls were applied, the Applicant assessed only one of the 24 hazards considered 'accidents to personnel - person in the water/man overboard' as significant. To mitigate against this, the hazard will be reviewed before construction Works commence and further controls including contractor risk assessment method statements and safety boats will be considered by the Group Harbour Master.

2.9.4 Following the implementation of the identified mitigation controls, the Applicant concluded that the risk of the 24 hazard scenarios is both tolerable and as low as reasonably practicable and therefore the impact on navigation is not significant.

## 2.10 Supporting Assessments

### Air Quality

2.10.1 To assess the impact on air quality from the construction phase of the Works, the Applicant has undertaken a construction dust risk assessment. A desk-based study was conducted to establish baseline conditions.

2.10.2 The potential impact on air quality was identified from construction generated dust emissions, however as the Works are not located in an Air Quality Management Area and there are no residential receptors in the vicinity of the site, the Applicant concluded there would be no significant effects.

2.10.3 The potential impacts of dust soiling on human and ecological receptors were also considered, with the results on human health identified as low risk. The impact on ecological receptors was determined as of medium risk.

2.10.4 The Applicant proposed mitigation in the form of a site-specific Construction Dust Management Plan and concluded that where the mitigation is adhered to there would be no significant impact on air quality from the Works.

### Material Assets and Waste

2.10.5 To assess the impact of the Works on material assets and waste, the Applicant established the baseline conditions of the site and identified potential impacts during both construction and operational phases of the Works.

2.10.6 During the construction phase of the Works the Applicant identified potential waste material arising from both the construction and dredge activities. During the operational phase waste material from maintenance dredging will arise.



2.10.7 To mitigate against potential waste, the Applicant proposed the employment of a waste hierarchy that will aim to avoid and minimise waste from the construction phase. Reuse and recycling of materials will also be encouraged. For the dredge material in the construction phase the Applicant proposed the beneficial reuse of the dredge material as infill for the dry dock. This will be undertaken if the material is geotechnically suitable and available at a suitable time, if suitability is in doubt then the material will be deposited at licensed sea deposit sites. The Applicant has identified material generated by maintenance dredging in the operational phase will be, wherever possible, used for beneficial reuse.

2.10.8 The Applicant concluded that mitigation secured for other chapters of the EIA Report, including water and environmental processes, navigation, traffic management, and carbon, climate change and greenhouse gas emissions, are sufficient to conclude no significant effects from material assets and waste in both construction and operational phases.

#### Carbon, Climate Change and Greenhouse Gas Emissions Assessment

2.10.9 To assess the carbon, climate change and greenhouse gas emissions from the Works the Applicant undertook a desk-based assessment using PAS 2080 – Carbon Management in Infrastructure for both construction and operational phases.

2.10.10 The Applicant identified the capital carbon emissions for the construction phase and maintenance dredging as being 250,975 tCO<sub>2</sub>e. Carbon emissions from the construction materials were identified as the main contributor to potential climate change impacts with additional emissions from the direct use of plant and transport of materials to the site. The Applicant identified potential impacts of climate change and associated weather and sea level conditions and concluded that the Works had been designed to accommodate current weather patterns and predicted changes in sea level rise.

2.10.11 Mitigation measures for carbon reduction during the construction phase include the use of low-carbon materials; reusing materials from onsite; employing material efficiency; sourcing energy efficient plant and adopting good practice procedures; and adhering to a Site Waste Management Plan.

2.10.12 During the operational phase the Applicant identified the potential to reduce the impact of the Works through the implementation of the Energy Hierarchy. This approach identifies opportunities to reduce energy demand and therefore decrease related carbon emissions, through a four-tiered approach.

2.11 The Applicant concluded that if mitigation measures are secured there are significant opportunities to lower the carbon, climate change and greenhouse gas emissions during both construction and operational phases of the Works.

### 3. Consultation

- 3.1 In accordance with the 2017 MW Regulations a notice publicising the application and EIA Report and subsequent Additional Information 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 and any subsequent Additional Information:
  - (a) Largs & Millport Weekly, 02 October 2024 and 11 December 2024.
  - (b) In the Edinburgh Gazette on 02 October 2024 and 10 December 2024
  - (c) On the Applicant's website <https://www.hunterstonparc.com>
- 3.3 The Scottish Ministers made the application publicly available on its external facing website: [Hunterston Marine Construction Yard | marine.gov.scot](#)
- 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 02 October 2024 – 01 November 2024. A further consultation exercise in respect of the subsequent Additional Information was undertaken for a period from 12 December 2024 – 23 January 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 at: [Hunterston Marine Construction Yard | marine.gov.scot](#)

### 4. Summary of representations from statutory consultees

- 4.1 NatureScot (Operating name of Scottish Natural Heritage) responded to the initial consultation on 07 November 2024. NatureScot objected to the dredge and deposit activities due to insufficient information supplied in the EIA Report. It stated that the dredge activities could have a significant impact on the national status of PMFs found in and adjacent to the Southannan Sands SSSI and advised that a subtidal survey and intertidal Phase II survey are required in order for NatureScot to advise further on effects on these receptors from the Works.
- 4.2 In relation to the quay wall construction activities, NatureScot acknowledged the proposed mitigation in the EIA Report that aims to minimise impacts on the SSSI and PMFs from water and airborne pollution and advised that this mitigation should be reviewed once the results of the subtidal survey and intertidal Phase II survey are available.

- 4.3 NatureScot agreed with the core findings of the Coastal Modelling Study in relation to the impact of the dredge activities on coastal geomorphology and coastal processes. It advised that potential side-slope relaxation required further consideration however, on carrying out its own assessment NatureScot concluded that, in terms of coastal processes, significant adverse impacts on the Southannan Sands SSSI from the Works are not likely.
- 4.4 NatureScot advised that a licence to disturb European Protected Species (“EPS”) and basking shark will be required for the construction Works. NatureScot disagreed with the Applicant’s conclusion that marine mammals (both seals and cetaceans) have low sensitivity to underwater noise. It advised that deposit of dredged material and import of infill material to the site of Works have the potential to disturb cetaceans and that mitigation to reduce and avoid potential disturbance, in the form of a qualified MMO, is required. NatureScot further advised that the piling activities associated with the construction of the mooring dolphins have the potential to cause auditory injury and disturbance to marine mammals. It advised that the Applicant must provide a Piling Noise Management Plan, applicable to marine piling activities (mooring dolphins), for approval by the Scottish Ministers prior to any Works commencing. If terrestrial piling occurs entirely behind a bund, no additional mitigation will be required. It concluded that if mitigation is secured within the marine licences, the impact of the dredge activities and quay wall construction would be of minor significance.
- 4.5 NatureScot advised that a Species Protection Plan must be prepared by the Applicant for otter and advised that the current NatureScot guidance on any pre-construction surveys must be followed for protected species.
- 4.6 NatureScot also advised mitigation to protect breeding birds be secured in the marine licence. Mitigation includes scheduling clearance of vegetation or man-made materials for outside of the nesting season, March to August, if this is not possible, a suitably experienced ecologist should check the development site before work commences to determine the presence of any nesting birds. Where nesting birds are found, a suitably sized buffer zone should be set up around the nest and no work within this zone should commence until the young have fledged or the nest is no longer in use. It further advised that the current NatureScot guidance on dealing with construction and breeding birds is adhered to by the Applicant.
- 4.7 NatureScot noted that the disturbance distances for many wintering bird species are greater than those stated in the EIA Report and noted that there is potential impact from year-round construction work on wintering and roosting birds. It agreed with the proposed mitigation but advised additional mitigation be secured in the form of the creation and adherence to a Wintering Bird Protection Plan. Additional mitigation measures include the erection of screening fencing along main disturbance routes to reduce noise, light, and dust pollution, as well as limiting work during particularly cold weather when disturbance would have the greatest impact. Restrictions on winter working hours to reduce disturbance to roosting birds should be overseen by an OCOW and all relevant personnel on the site should be made aware of the environmental sensitivities of the site via the site induction and additional task and species-specific toolbox talks. NatureScot agreed with the proposed ongoing monitoring of bird numbers and

behaviour, however it advised that cumulative effects are possible if other projects in close proximity are consented and advised a coordinated approach with other developments, including the XLCC Factory project, to mitigate impacts on roosting waders.

- 4.8 NatureScot noted the inclusion of a Biodiversity Net Gain Assessment and Biodiversity Enhancement Management Plans (“BEMP”) in the EIA Report and advised that its guidance on habitat management plans is followed in order to articulate how the terrestrial and marine enhancement works will be delivered. It advised on details to be included in a biodiversity management plan and further advised on the use of the Hunterston Natural Capital Assessment. NatureScot stated that it will supply further advice regarding the enhancement of the marine environment when the subtidal and intertidal surveys have been completed.
- 4.9 In response to the Additional Information on 23 December 2024, NatureScot noted the identification of two PMFs associated with the Southannan Sands SSSI and an additional three PMFs in or adjacent to the SSSI. NatureScot advised that the Works will have an impact on four of the PMFs; seagrass beds; blue mussel beds; kelp and seaweed communities on sublittoral sediment; and tide swept coarse sands, but without a significant effect on their national status. For burrowed mud it concluded that there will be no or insignificant impacts only.
- 4.10 NatureScot acknowledged the compensation and enhancement measures proposed in relation to PMFs by the Applicant in the EIA Report Addendum. It noted the commitment by the Applicant to implement mitigation for impacts to PMFs and enhance biodiversity at the adjacent SSSI, and to involve regulators in the development of the enhancement plan for the SSSI. NatureScot advised that a structured monitoring programme would be the best approach initially and advised combining onsite works with offsite projects via the Scottish Marine Environment Enhancement Fund. It noted the proposal by the Applicant in the EIA Report Addendum regarding the submission, approval and implementation of a Natural Capital Management and Enhancement Plan for Southannan Sands SSSI as part of the BEMP. NatureScot advised the Applicant to use its guidance documents to clearly articulate how the combined marine and terrestrial, or separate BEMP will deliver the mitigation, compensation and enhancement works proposed.
- 4.11 In addition, NatureScot advised that to understand and minimise the impact of the dredge activities on the PMFs, modelling of Total Suspended Solids and sediment deposition impacts on sensitive species should be undertaken. It also advised that selecting a period for dredging where it will have the least impact on seagrass would be preferential. During the spring and summer, seagrass is particularly susceptible to high levels of suspended sediments reducing light penetration of the water, impacting the plants’ ability to photosynthesise.
- 4.12 NatureScot noted the inclusion of a Biosecurity Plan but advised it does not adequately follow Marine Biosecurity Planning Guidance and is missing key details including biosecurity surveillance, monitoring and reporting. It advised that the Biosecurity Plan must be updated and adhered to.
- 4.13 NatureScot reiterated its advice regarding coastal processes.

- 4.14 With regards to water and airborne pollution from the quay wall construction, NatureScot noted the mitigation proposed in the EIA Report in the form of the development of the CEMP to include; surface water management; pollution prevention measures detailed in a Pollution Prevention Plan; monitoring of the construction works by a suitably qualified ECoW; adoption of best practice guidelines; creation of a Pollution Incident Response Plan including potential pollution from concrete, oil and fuel; and adherence to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Dredging mitigation will also be detailed in the CEMP and appointed contractors will be responsible for producing site-specific Pollution Prevention Plans and CEMPs that will apply the principles of the agreed mitigation. NatureScot advised that the mitigation must be subject to approval by Scottish Ministers and adherence must be conditioned in the marine licence.
- 4.15 NatureScot reiterated its original advice regarding marine mammals and basking shark, however it advised that it is content for a Piling Noise Management Plan to consider only piling proposed for the marine environment, provided the terrestrial piling takes place entirely behind a bund, such that there is no direct contact between the pile and the water column. NatureScot noted that the EIA Report Addendum states that should the Applicant wish to proceed with the construction of the mooring dolphins a Piling Noise Management Plan will be produced post-consent, but prior to construction of the mooring dolphins commencing.
- 4.16 NatureScot also advised that the mitigation detailed in the EIA Report Addendum including the presence of an MMO during dredge deposit activities and prior to restarting any dredge activities must be adhered to throughout the duration of dredging and deposit activities.
- 4.17 NatureScot reiterated its advice regarding otter and noted the commitment within the EIA Report Addendum, that prior to construction commencing an Otter Species Protection Plan will be produced and provided to the Scottish Ministers for approval.
- 4.18 With regards breeding birds, NatureScot reiterated its advice from the initial consultation. However, it noted the mitigation proposed in the EIA Report Addendum, to update the CEMP to include vegetation clearance and buffer zones for nesting birds, as requested by NatureScot in the initial consultation. NatureScot also noted that the implementation of the mitigation will be overseen by an OCOW.
- 4.19 NatureScot reiterated its advice regarding wintering and roosting birds from the initial consultation. It noted the commitment within the EIA Report Addendum, that mitigation will be included in a Wintering Bird Plan, to be developed with NatureScot and that the implementation of the plan will be overseen by an OCoW.
- 4.20 Historic and Environment Scotland (“HES”) did not respond to the initial consultation. In response to the Additional Information, HES advised on 06 January 2025 that it had no comments.

- 4.21 Scottish Environment Protection Agency (“SEPA”) responded to the initial consultation on 17 January 2025. It advised that it is not aware of any radioactive contamination from the nearby Hunterston A and B nuclear sites. However, there is the potential for the disturbance of the foreshore and seabed as a result of dredging and deposit activities to create new pathways for discharge radionuclide chemicals to affect the public. SEPA advised that if contamination is found and it is within the scope of Environmental Authorisations (Scotland) Regulations 2018 (“EASR”), it will require an authorisation under EASR to regulate it. SEPA can advise the Applicant further on this if required.
- 4.22 SEPA also advised that the construction phase of the Works has the potential to disturb subtidal or intertidal sediments which may be potentially contaminated due to previous offshore discharges from the Hunterston A and B nuclear sites. SEPA would expect a CEMP to be conditioned as part of the marine licensing process to mitigate against potential impacts from contamination. It also noted that the working draft of the CEMP made no mention of monitoring for radioactivity or managing radioactive waste.
- 4.23 SEPA referred the Applicant to details of regulatory requirements and good practice available on the SEPA website.
- 4.24 In response to the Additional Information, SEPA advised on 28 January 2025, that the issues considered in the Additional Information fall outwith its remit. 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.
- 4.25 North Ayrshire Council did not respond to the initial consultation. In response to the Additional Information, North Ayrshire Council advised on 23 January 2025, that the terrestrial planning permission for the Works was granted to the Applicant on 02 December 2024, subject to planning conditions. The conditions include the requirement to undertake a Phase II intertidal study, the findings of which must be submitted to North Ayrshire Council and NatureScot, and for the Applicant to update the CEMP accordingly. It further advised that as the intertidal survey is pertinent to the marine licensing process the requirement for updating the CEMP must be conditioned within any marine licences.
- 4.26 The Scottish Ministers are satisfied that the Phase II intertidal study has been completed and consulted on, and that the CEMP will be updated accordingly.

## **5. Summary of representations from other consultees**

- 5.1 Scottish Water responded to the initial consultation on 04 October 2024 stating that it has no objection to the Works. In relation to the construction phase of the Works, Scottish Water recommended the Applicant liaise with it regarding live infrastructure in the vicinity of the Works that may impact on Scottish Water assets, and surface water connections to its combined sewer system. It referred the Applicant to the process for appraising connections to the public water or wastewater infrastructure.

- 5.2 In response to the Additional Information, Scottish Water advised on 28 January 2025 that its position remained unchanged.
- 5.3 Northern Lighthouse Board (“NLB”) responded to the initial consultation on the 04 October 2024 stating it had no objection to the Works. It noted the mitigation detailed in the Navigational Risk Assessment and the Applicant’s intent to use Aids to Navigation. It also noted the intent to issue Notice to Mariners and the use of three licensed deposit sites for the deposit of dredge material. In relation to the construction aspects of the Works, NLB recommended a number of standard conditions and provided advice in relation to the Aids to Navigation associated with the Works.
- 5.4 In response to the Additional Information, NLB advised on 17 December 2024 that its position remained valid and unchanged.
- 5.5 Royal Yachting Association (“RYA”) responded to the initial consultation on the 07 October 2024 and the Additional Information on 17 January 2025 and advised that it had no comment to make on the Works.
- 5.6 Scottish Fishermen’s Federation responded to the initial consultation on the 07 October 2024 and the Additional Information on 06 January 2025 and advised that it had no comment to make on the Works.
- 5.7 ClydePort responded to the initial consultation on the 09 October 2024 and advised that it had no objection to the Works.
- 5.8 ClydePort was consulted on the Additional Information but no response was received.
- 5.9 Maritime and Coastguard Agency (“MCA”) responded to the initial consultation on the 17 October 2024. The MCA noted that the Works fall within the jurisdiction of a Statutory Harbour Authority (“SHA”), ClydePort Operations Limited (PeelPorts). The Applicant is therefore responsible for the safety of navigation within the SHA 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 and on issuing local navigation warnings. It further advised the Applicant to consider adopting the Port Marine Safety Code.
- 5.10 In response to the Additional Information, MCA confirmed on 17 December 2024 that its position remained unchanged.
- 5.11 Fairlie Community Council (“FCC”) responded to the initial consultation on the 28 October 2024. FCC noted that the EIA Report contained no reference to the infill of the dry dock should the dredge material not be suitable for this purpose. Specifically, the nature, source and transportation of the material required for the infill have not been considered. FCC objected to the Works due to the lack of consideration of the required infill material.
- 5.12 In response to the Additional Information, FCC stated that the objections it raised in the initial consultation had not been satisfactorily answered by the Applicant.

- 5.13 The Scottish Ministers are satisfied that outstanding concerns will be addressed through an updated CEMP and other post-consent plans.
- 5.14 Ministry of Defence responded to the initial consultation on the 30 October 2024 and the Additional Information on 13 December 2024 and stated that it had no objection to the Works.
- 5.15 Office for Nuclear Regulation responded to the initial consultation on 30 October 2024. It advised on the impact of the Works on the safety of the nearby nuclear site and the accommodation of the Works within emergency plan arrangements. It further advised that the Applicant should consider the cumulative impacts of the Works with the Hunterston B decommissioning project.
- 5.16 In response to the Additional Information, Office for Nuclear Regulation confirmed on 13 December 2024 that its position remained unchanged.
- 5.17 Scottish and Southern Electricity (“SSE”) did not respond to the initial consultation. In response to the Additional Information, SSE noted on 22 January 2025, that there is no reference to the existing Scottish Hydro Electric Transmission Kintyre-Hunterston subsea cables within the EIA Report. It advised the Applicant to engage with SSE regarding the progress of the Works, and to notify SSE should any of the Works take place in the vicinity of sub-sea cables. SSE concluded that they have no concerns regarding the Works.
- 5.18 Ayrshire Rivers Trust (“ART”) did not respond to the initial consultation. In response to the Additional Information, ART advised on 22 January 2025 of the potential impact of the Works on Atlantic salmon, brown trout, sea trout and European eel. It advised that dredging activities should not coincide with the migration periods of these species, mid-March to mid-June and that the Works should not impede the movement of fish populations or their access to watercourses. It further advised on pollution prevention and best practice guidelines for water crossings. ART advised that the Applicant should consult with it prior to the installation of water crossings to determine the need for fish rescue.

## **6. Summary of internal advice**

- 6.1 Transport Scotland responded to the initial consultation on 30 October 2024. It noted that the assessment of generated traffic was carried out in accordance with industry guidelines and that no hazardous or large loads are anticipated during the Works. Transport Scotland advised that no further assessment is required in relation to potential environmental effects associated with traffic or abnormal loads. It stated that Transport Scotland has no objection to the Works in terms of environmental impacts on the trunk road network.
- 6.2 In response to the Additional Information, Transport Scotland confirmed on 20 January 2025 that its position remained valid and unchanged.

## **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
  - Marine mammals
  - Birds
  - Invasive Non-Native Species
  - Diadromous Fish
  - Radiological Risk

### 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. The Scottish Ministers are satisfied that provided the mitigation measures set out above, particularly those in paragraph 4.9 the Works will be in line with General policy 9 of the NMP.

#### 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 and Additional Information 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, the Additional Information and all relevant representations from consultees and internal advice.

#### 8.5 Determining Issues

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 Habitat Regulations. Having had regard to the representations made by NatureScot, it can be ascertained that the Works are not likely to have a significant effect on any European sites.

- 8.5.2 The Works will have an impact on four of the Priority Marine Features found in and adjacent to the Southannan Sands SSSI; seagrass beds; blue mussel beds; kelp and seaweed communities on sublittoral sediment; and tide swept coarse sands. However, considering the sensitivity and magnitude of the impact, and the mitigation measures advised by NatureScot, the Scottish Ministers are content that the Works will not significantly impact the national status of the Priority Marine Features providing the Applicant adheres to the conditions set out in the marine licences. Mitigation secured in the marine licence conditions will include updating the CEMP with the results of the modelling of Total Suspended Solids and sediment deposition impacts on sensitive species, and dredge timings in relation to seagrass vulnerability during spring and summer. Mitigation will also include the creation of a Natural Capital Management and Enhancement Plan for the Southannan Sands SSSI. Scottish Ministers note that the creation of a BEMP is a condition of the planning permission and therefore is no requirement for it to be a condition of the marine licences.
- 8.5.3 The Works have the potential to impact marine mammals through noise and visual disturbance. However, Scottish Ministers are content that mitigation in the form of a Species Protection Plan (otter), the creation of a Piling Noise Management Plan, and deployment of a MMO during all dredge and deposit activities ensure there are no outstanding concerns in relation to the impact of the Works on marine mammals.
- 8.5.4 The Works have the potential to impact birds through visual disturbance. However, the Scottish Ministers are content that mitigation in the form of a Wintering Bird Protection Plan, restriction on winter working hours, clearing of vegetation outside of the breeding season, use of nesting bird buffer zones, and proposed ongoing monitoring of bird numbers and behaviour by the OCOW ensure there are no outstanding concerns in relation to the impact of the Works on birds.
- 8.5.5 The Works have the potential to spread INNS within the marine environment. However, having taken into account the biosecurity measures proposed by the Applicant and having regard to the conditions proposed by NatureScot, the Scottish Ministers are content that the Works will not negatively affect the environment through the spread of INNS, providing the Applicant adheres to the conditions set out in the marine licences, which includes the submission of, and adherence to, a Biosecurity Plan.
- 8.5.6 The Works have the potential to impact the annual migration of diadromous fish, including Atlantic salmon and sea trout. However, if the mitigation advised by ART, to restrict dredging during mid-March to mid-June, is secured as a condition in the marine licences, the Scottish Ministers are content that there are no outstanding concerns in relation to the impact of the Works on diadromous fish.

8.5.7 The Works have the potential to disturb sediment that may present a radiological risk. However, considering the findings of the EIA Report and representation from ONR, and if the mitigation advised by SEPA, to update the CEMP to include procedures should any radioactive contamination be found, is secured as a condition in the marine licences, the Scottish Ministers are content that there are no outstanding concerns in relation to the impact of the Works on radioactively contaminated sediment.

8.5.8 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, marine mammals, birds, INNS, diadromous fish or radioactively contaminated sediment, 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 seagrass beds, blue mussel beds, identified ornithological species, and marine mammals, such as otters.

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.

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 development and adherence to the mitigation measures outlined in the Schedule of Mitigation in the Applicant's EIA Report and submission of an updated Biosecurity Plan, Piling Noise Management Plan, Wintering Bird Protection Plan, Otter Species Protection Plan, Natural Capital Management and Enhancement Plan for Southannan Sands SSSI and CEMP. The CEMP must include details of mitigation in relation to nesting birds, results of the Total Suspended Solids modelling, details of dredge timings to protect seagrass beds, mitigation in relation to airborne and

waterborne pollution, results of the Phase II intertidal survey and procedure in the event that any radioactive contamination is found. Marine Licence conditions will also be included to ensure no dredging takes place without prior approval of the Scottish Ministers from 15 March to 15 June, and that an MMO is engaged during all dredge and deposit activity.

- 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 dredge and deposit substances or objects, and to construct, alter or improve works associated with the Hunterston Construction Yard Upgrade, Hunterston. 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 Minister's 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 Largs and Millport Weekly. 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 Minister's 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,

Peter Sparrow

Marine Licensing Group Leader, Marine Directorate - Licensing Operations  
Team

A member of the staff of the Scottish Ministers

21 March 2025

## Appendix One: Marine Licences

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

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

Licence Number: **MS-00010868**

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

**Clydeport Operations Limited (Peel Ports)**  
**16 Robertson Street**  
**Glasgow**  
**G2 8DS**

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 **22 March, 2025** until **21 March, 2028**

[Redacted]

Signed: .....

[Redacted]

For and on behalf of the Licensing Authority

Date of issue: 21 March, 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 Clydeport Operations Limited (Peel Ports)
- 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: MS.Marinelicensing@gov.scot

### **1.3 Other authorisations and consents**

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

### **1.4 Variation, suspension, revocation and transfer**

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

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

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

### **1.5 Breach of requirement for, or conditions of, licence**

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

### **1.6 Defences: actions taken in an emergency**

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

### **1.7 Offences relating to information**

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

### **1.8 Appeals**

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

## **2. PART 2 – PARTICULARS**

### **2.1 Agent**

EnviroCentre Ltd  
 Craighall Business Park  
 8 Eagle Street  
 Glasgow  
 G4 9XA

### **2.2 Location of the Licensed Activity**

Hunterston Construction Yard, West Kilbride, with the boundary of

55° 44.361' N 04° 53.396' W  
 55° 44.218' N 04° 53.721' W  
 55° 44.129' N 04° 53.730' W  
 55° 44.106' N 04° 53.790' W  
 55° 44.334' N 04° 54.142' W  
 55° 44.433' N 04° 54.044' W  
 55° 44.467' N 04° 53.958' W  
 55° 44.436' N 04° 53.829' W  
 55° 44.480' N 04° 53.647' W  
 55° 44.468' N 04° 53.313' W  
 55° 44.331' N 04° 53.143' W

As shown in Annex One.

### **2.3 Description of the Licensed Activity**

Construct, alter or improve quay wall

As described in the application dated 28 June, 2024 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 to be deposited in the course of the Licensed Activity:

Steel and iron x 599 tonnes  
 Concrete x 207 tonnes  
 Geotextile x 3815 square metres  
 Rock Armour x 3800 cubic metres  
 Elastomeric fender units x 32 no.  
 Low friction fender facings x 32 no.

LifeLadder units x 19 no, 304 no. modules  
Anodes x 18 cubic metres

Material to be temporarily deposited in the course of the Licensed Activity:

Plastic/Synthetic membrane x 62,500 square metres

Silt x 13,000 cubic metres

Sand x 117,900 cubic metres

Gravel x 26,200 cubic metres

Cobbles x 104,800 cubic metres

Materials to be removed in the course of the Licensed Activity:

Concrete x 10 tonnes

Sand x 4052 cubic metres

Rock Armour x 2300 cubic metres

## 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) 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 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 hour after becoming aware of any such damage, destruction or decay.

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 6 month intervals during the validity of the licence.

3.1.14 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.

3.1.15 The Licensee must ensure that the works are maintained at all times in good repair.

3.1.16 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.

3.1.17 The Licensee must ensure that the statutory sanction of the Northern Lighthouse Board is sought prior to the establishment, alteration or discontinuation of any Aid to Navigation.

### **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 contact the local statutory harbour authority, in this case ClydePort Ltd, prior to Commencement of the Licensed Activity to discuss the requirements for navigational warnings and a works licence.

3.2.4 The local Maritime and Coastguard Agency Marine Office, in this case GlasgowMO@mcga.gov.uk must be notified at least five days before commencement of the works.

3.2.5 The Licensee must submit an updated Biosecurity Plan, for the approval of the Licensing Authority, prior to the commencement of the Licensed Activities. The Biosecurity Plan must include, but is not limited to, the following:

- a) Details of biosecurity surveillance to be undertaken to ensure detection of Invasive Non-Native Species (INNS).
- b) Details of monitoring to be undertaken.
- c) Details of reporting measures should INNS be found.

The Licensee must ensure that the approved Biosecurity Plan is fully implemented and adhered to during the course of the Licensed Activities.

3.2.6 The Licensee must submit a Natural Capital Management and Enhancement Plan (NCMEP) for the Southannan Sands SSSI, for the approval of the Licensing Authority, prior to the commencement of the Licensed Activities. The Licensee must ensure that the NCMEP is adhered to and fully implemented during the course of the Licensed Activities.

3.2.7 The Licensee must submit a Piling Noise Management Plan (PNMP) for the approval of the Licensing Authority, prior to the commencement of construction of any mooring dolphins. The PNMP must include, but is not limited to, the following:

- a) Details of the number of piles to be driven, the duration of piling, impact hammer energy.
- b) Details of timing of piling (e.g. seasonal, diurnal, tidal cycle).
- c) A quantitative assessment of the number of animals likely to experience auditory injury (PTS) and disturbance, for both an individual piling event and the full piling schedule (for those species where density estimates exist).
- d) An assessment of the magnitude of these impacts relative to the population of each species, in order to determine the effect on favourable conservation status (for those species where population estimates exist).
- e) A detailed, comprehensive mitigation plan, based on the JNCC guidance (2010).
- f) Consideration of noise abatement systems to further reduce underwater noise levels, if needed.

The Licensee must ensure that the approved PNMP must be fully implemented and adhered to during the course of the Licensed Activities

3.2.8 The Licensee must submit a Winter Bird Protection Plan (WBPP) for the approval of the Licensing Authority, prior to the Licensed Activities commencing. The WBPP must include:

- a) Additional screening fencing to be erected along main disturbance routes to help reduce noise, light and dust pollution and hide movement.
- b) Consideration of work practices to avoid winter periods, or at least work stopping before dark and during particularly cold weather. The threshold for cold weather must be defined.
- c) Additional restrictions on winter working hours to reduce disturbance to roosting birds to be overseen by an Ornithological Clerk of Works (OCOW).
- d) All relevant personal on the site should be made aware of the environmental sensitivities of the site (proximity to designated sites and species of conservation concern) via the site induction and additional task and species-specific toolbox talks.

The Licensee must ensure that the approved WBPP is fully implemented and adhered to during the course of the Licensed Activities.

3.2.9 The Licensee must submit an updated Construction Environmental Management Plan (CEMP), for the approval of the Licensing Authority, prior to the commencement of the Licensed Activities. The CEMP must include, but is not limited to, the following

- a) Mitigation in relation to nesting birds.
- b) Mitigation detailed in Section 9.8 of the EIA Report regarding water and airborne pollution.
- c) Procedure in the event that any radioactive contamination is found.
- d) Results of the Total Suspended Solids and sediment deposition modelling.
- e) Detailed timings for the dredging period.
- f) Results of the Phase II intertidal survey.

The Licensee must ensure that the approved CEMP is fully implemented and adhered to during the course of the Licensed Activities.

3.2.10 The Licensee must submit a Species Protection Plan for Otter, for the approval of the Licensing Authority, prior to the commencement of the Licensed Activities. The Licensee must ensure that the approved Species Protection Plan for Otter is fully implemented and adhered to during the course of the Licensed Activities.

### 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 foreshore and seabed by the Licensed Activity.

3.3.8 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

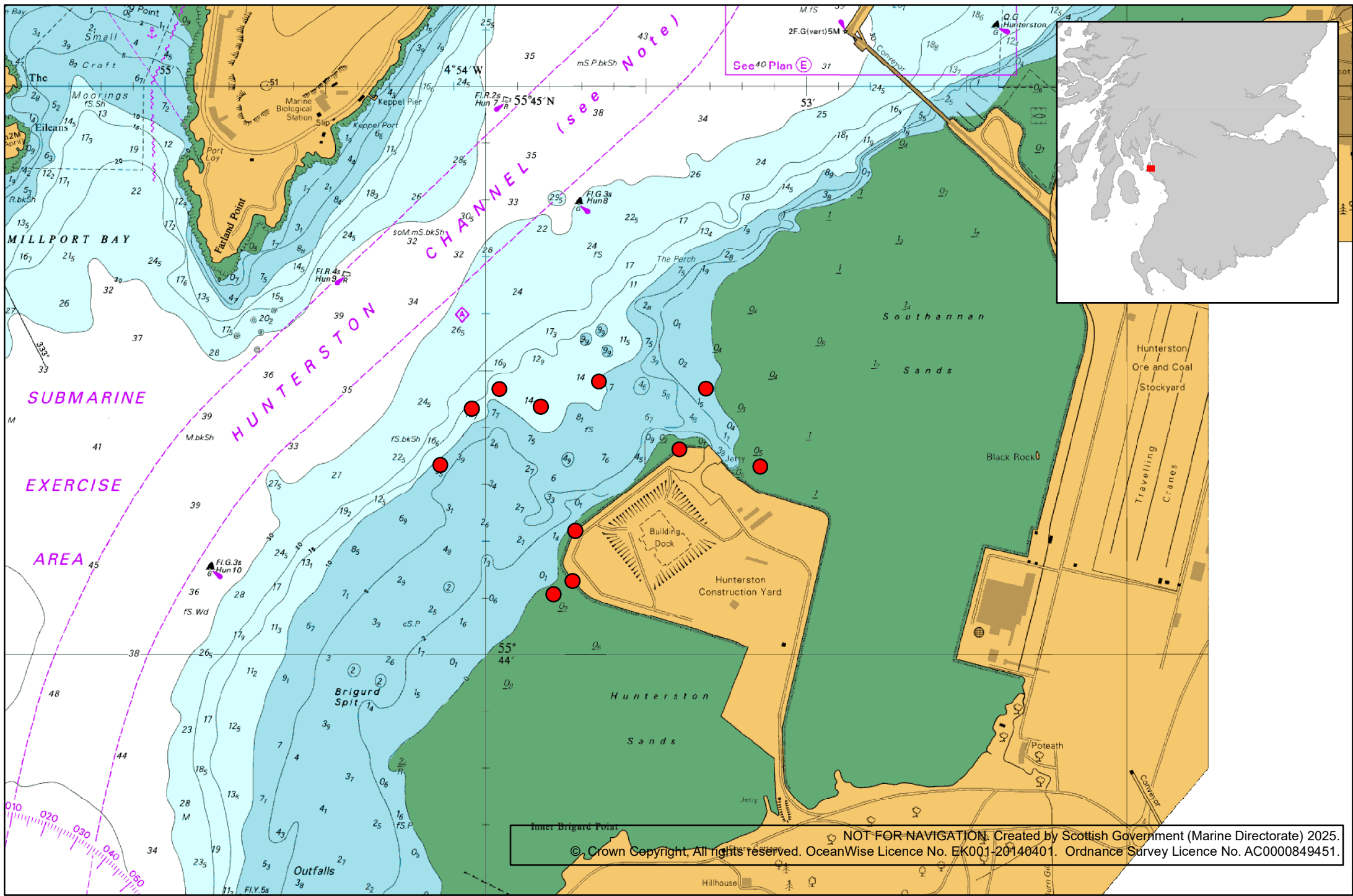
3.4.1 The Licensee must submit a written report regarding the materials used during the works to the Licensing Authority. The written report must be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 October 2029.

3.4.2 The Licensee must ensure the foreshore and 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.



**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-00010872**

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

**Clydeport Operations Limited (Peel Ports)**  
**16 Robertson Street**  
**Glasgow**  
**G2 8DS**

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 **22 March, 2025** until **21 March, 2028**

Signed: .....

[Redacted]

For and on behalf of the Licensing Authority

Date of issue: 21 March, 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 Clydeport Operations Limited (Peel Ports)
- 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: MS.Marinelicensing@gov.scot

### **1.3 Other authorisations and consents**

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

### **1.4 Variation, suspension, revocation and transfer**

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

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

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

### **1.5 Breach of requirement for, or conditions of, licence**

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

### **1.6 Defences: actions taken in an emergency**

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

### **1.7 Offences relating to information**

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

### **1.8 Appeals**

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

## **2. PART 2 – PARTICULARS**

### **2.1 Agent**

EnviroCentre Ltd  
Craighall Business Park  
8 Eagle Street  
Glasgow  
G4 9XA

### **2.2 Location of the Licensed Activity**

#### 2.2.1 Location of production of the dredge material

Hunterston, with the boundary of

55° 44.361' N 04° 53.396' W  
55° 44.218' N 04° 53.721' W  
55° 44.224' N 04° 53.760' W  
55° 44.433' N 04° 54.044' W  
55° 44.467' N 04° 53.958' W  
55° 44.436' N 04° 53.829' W  
55° 44.480' N 04° 53.647' W  
55° 44.470' N 04° 53.515' W  
55° 44.383' N 04° 53.397' W

As shown in Annex One

#### 2.2.2 Location of deposit of the substances or objects

BIRCH POINT authorised sea deposit site MA019 within a circle centred at 55° 37' N 4° 59.37' W, with a radius of 0.25 nautical miles.

BRODICK authorised sea deposit site MA017 within a circle centred at 55° 37' N 4° 59.62' W, with a radius of 0.25 nautical miles.

CLOCH POINT authorised sea deposit site MA021 within a circle centred at 55° 58.150' N 04° 52.650' W, with a radius of 0.2 nautical miles.

### **2.3 Description of the Licensed Activity**

Capital Dredge and Sea Deposit

As described in the application dated 28 June, 2024 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:

9,279,960 wet tonnes to be dredged and deposited between 22 March 2025 and 21 March 2028.

## 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 those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence. 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 Only the Substances or objects listed in Part 2 of the licence may be deposited during the execution of the Licensed Activity.

3.1.3 All 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.

3.1.4 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.

3.1.5 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk) 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.

3.1.6 The Licensee must deposit the substances or objects described in Part 2 of the marine licence in the following authorised sea deposit area(s): Brodick (MA017), Birch Point (MA019), Cloch Point (MA021), Up to a maximum quantity of 9,279,960 wet tonnes may be deposited during the period of validity of the licence, within the areas:

Brodick (MA017)

within a 0.25 nautical mile radius of: 55° 37' N 4° 59.62' W

Birch Point (MA019)

within a 0.25 nautical mile radius of: 55° 37' N 4° 59.37' W

Cloch Point (MA021)

within a 0.2 nautical mile radius of: 55° 58.150' N 04° 52.650' 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.

3.1.8 The Licensee must ensure that the statutory sanction of the Northern Lighthouse Board is sought prior to the establishment, alteration or discontinuation of any Aid to Navigation

### 3.2 Prior to the commencement of the Licensed Activity

3.2.1 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.

3.2.2 The Licensee must contact the local statutory harbour authority, in this case ClydePort Limited, prior to Commencement of the Licensed Activity to discuss the requirements for navigational warnings and a works licence.

3.2.3 The Licensee must submit an updated Construction Environmental Management Plan (CEMP), for the approval of the Licensing Authority, prior to the commencement of the Licensed Activities. The CEMP must include, but is not limited to, the following

- a) Mitigation in relation to nesting birds.
- b) Mitigation detailed in Section 9.8 of the EIA Report regarding water and airborne pollution.
- c) Procedure in the event that any radioactive contamination is found.
- d) Results of the Total Suspended Solids and sediment deposition modelling.
- e) Detailed timings for the dredging period.
- f) Results of the Phase II intertidal survey.

The Licensee must ensure that the approved CEMP is fully implemented and adhered to during the course of the Licensed Activities.

3.2.4 The Licensee must submit a Species Protection Plan for Otter, for the approval of the Licensing Authority, prior to the commencement of the Licensed Activities. The Licensee must ensure that the approved Species Protection Plan for Otter is fully implemented and adhered to during the course of the Licensed Activities.

### 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 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 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 appropriate steps are taken to minimise damage to the foreshore and seabed by 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 employ a suitably qualified Marine Mammal Observer (MMO). The MMO must be deployed during all Licensed Activities.

3.3.9 The Licensee must ensure that no Licensed Activities take place between 15 March and 15 June inclusive. If the Licensee must undertake Licensed Activities in this period the Licensee must seek approval from the Licensing Authority at least 28 days before commencement.

### 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 21 March 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.

