

Marine Licence Application for Construction Projects

Version 1.0

Marine (Scotland) Act 2010

It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act.

Public Register

Do you consider that any of the information contained within or provided in support of this application should not be disclosed:

- (a) for reasons of national security; YES ☐ NO ☒
- (b) for reasons of confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest? YES ☐ NO ☒

If **YES**, to either (a) or (b), please provide full justification as to why all or part of the information you have provided should be withheld.

WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

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

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Signature [Redacted]

Date 21/11/2019

Name in BLOCK LETTERS

MR JOHN MANSON

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- Completed and signed application form ☒
- Project Drawings ☒
- Maps/Charts ☒
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority) ☐
- Method Statement ☒
- Photographs of the location of the project ☐
- Additional information e.g. consultation correspondence (if applicable) ☒
- Noise Registry – Initial Registration Form (if applicable) ☐
- Pre-application Report (if applicable) ☐
- Environmental Statement (if applicable) ☐
- Payment (if paying by cheque) ☒

1. Applicant Details

Title: **Mr** Initials: **A** Surname: **Nisbet**

Trading Title (if appropriate): **North Yell Development Council**

Address: North Yell Development Council
C/O Keldahoul, Cullivoe, Yell, Shetland.
ZE2 9DD

Name of contact (if different):

Telephone No. (inc. dialing code): **01957 744262**

Email: **keldahoul@btinternet.com**

Statutory Harbour Authority? YES ☐ NO ☒

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

2. Agent Details (if any)

Title: **Mr** Initials: **J J** Surname: **Manson**

Trading Title (if appropriate): **Arch Henderson LLP**

Address: **Stewart Building, Lerwick, Shetland.**
ZE1 0LL

Name of contact (if different):

Telephone No. (inc. dialing code): **01595 695512**

Email: **lerwick@arch-henderson.co.uk**

3. Payment

Enclosed Cheque ☒ Invoice ☐

Contact and address to send invoice to:

Applicant ☒ Agent ☐ Other ☐

If **OTHER**, please provide contact details:

Title: Initials: Surname:

Address:

Email:

4. Application Type

Is this application for a new construction site or an existing construction site:

New Site ☒ Existing Site ☐

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

Consent/Licence Number	Expiry Date

5. Project Details

(a) Brief description of the project (e.g. construction of a new sea outfall):

The construction of a new marina, slipway, boat storage and car parking areas, adjacent to the existing Cullivoe pier. The marina project includes the construction of a breakwater arm, which provides shelter to the floating pontoons within the marina. Situated within the proposed site is a slipway to launch small boats, an area to store boats taken ashore in winter, as well as car parking areas. Further details and information can be found on the drawings provided.

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

9900 m²

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

1st April 2020

(d) Proposed completion date:

1st April 2021

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

£600,000

(f) Location:

Cullivoe Pier, North Yell, Shetland. ZE2 9DD.

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude										
6	0	°	4	1	.	7	6	1	'N	0	0	1	°	0	0	.	0	6	9	'W
6	0	°	4	1	.	7	5	6	'N	0	0	0	°	5	9	.	9	4	4	'W
6	0	°	4	1	.	7	9	4	'N	0	0	0	°	5	9	.	8	9	6	'W
6	0	°	4	1	.	8	2	2	'N	0	0	0	°	5	9	.	8	7	9	'W
6	0	°	4	1	.	8	3	9	'N	0	0	1	°	0	0	.	0	2	4	'W
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W

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

YES ☒ NO ☐

If YES, please specify statutory harbour authority:

Shetland Islands Council - Cullivoe Harbour Area

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

Please see attached statement previously prepared for this project as part of the Planning application process.

(i) Potential impacts the works may have (including details of areas of concern e.g designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

The project has been subject to a full Planning Application to Shetland Islands Council, as well as an application for a Works Licence from Shetland Islands Council.

As part of these applications, consultations have been carried out with Scottish Natural Heritage and SEPA

SNH have highlighted that the site lies partly within a proposed Special Protection Area (pSPA); identified as a feeding ground for red-throated divers. Additionally, it has been stated that it is likely that otters may be present at the proposed development site. Mitigation against these impacts, to reduce all potential impacts, include conducting regular site surveys to monitor wildlife numbers and through the strategic planning of works, including the timing of the works to avoid particular bird seasons.

SEPA have highlighted that Cullivoe is a Shellfish Water Protected Area, and outfalls would need to comply with legislation for this designation. An adjacent proposed (and separately consented) Business Park, has installed control measures to ensure outfalls limits comply with these requirements, to the satisfaction of SEPA.

6. Deposits and/or Removals

(a) **Permanent** substance(s) or object(s) to be deposited and/or removed from below MHWS (continue on a separate sheet if necessary):

Type of Deposit/Removal	Deposits		Removals	
	Description	Quantity & Dimensions (metric)	Description	Quantity & Dimensions (metric)
Steel/Iron		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Timber		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Concrete	concrete slipway surfacing	1 No.		No.
		Dimensions 20m x 10m x 200mm		Dimensions
		100T Weight (kg/tonnes)		Weight (kg/tonnes)
Plastic/Synthetic	Terram 2000 Geotextile	6070 m ²		m ²
Clay (< 0.004 mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Silt ($0.004 \leq \text{Silt} < 0.063$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Sand ($0.063 \leq \text{Sand} < 2.0$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Gravel ($2.00 \leq \text{Gravel} < 64.0$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Cobbles ($64.0 \leq \text{Cobbles} < 256.0$ mm)	Class1A	25600 Volume (m ³)		Volume (m ³)
		46000T Weight (kg/tonnes)		Weight (kg/tonnes)
Boulders (≥ 256.0 mm)	Secondary Armour, 600mm thk, 50-150 Kg. Primary Armour, single layer 2.0-3.0 Tonne.	6300 Volume (m ³)		Volume (m ³)
		12600T Weight (kg/tonnes)		Weight (kg/tonnes)

Pipe	uPVC Pipe	150 Length (m)		Length (m)
		External 0.160m Diameter (cm/m)		External Diameter (cm/m)
Other (please describe below):				

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

The vast majority of material to be used on this project will be excavated from an adjacent (and separately consented) Business Park expansion. The excess rock excavated from that project will be transported and deposited to form the core Marina breakwater and reclamation areas. This material will also be processed to obtain the capping and surfacing layers, as well as the secondary armour protection to the slopes. The primary armour stones for the slopes will be obtained from a local quarry approx 4 miles from the site, and transported using HGV's or by barge to avoid road transport.

(c) For work involving salt marsh feeding, beach replenishment or land reclamation please provide the following information relating to the substance(s) or object(s) to be deposited:

Quantity (tonnes):

58600

tonnes

Nature of substance(s) or object(s) (e.g. sand, silt, gravel etc.):

Gravel, cobbles, fragmented rock & armour stones.

Source (if sea dredged state location of origin)

Adjacent site to be developed, and local quarry

Particle size:

0.005-1.0m

Have the substance(s) or object(s) been chemically analysed?

YES ☐ NO ☒

If YES, please include the analysis data with your application

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

Type of Deposit	Description	Quantity & Dimensions (metric)
Steel/Iron		No.
		Dimensions
		Weight (kg/tonnes)
Timber		No.
		Dimensions
		Weight (kg/tonnes)

Concrete		No.
		Dimensions
		Weight (kg/tonnes)
Plastic/Synthetic		m ²
Clay (< 0.004 mm)		Volume (m ³)
		Weight (kg/tonnes)
Silt ($0.004 \leq \text{Silt} < 0.063$ mm)		Volume (m ³)
		Weight (kg/tonnes)
Sand ($0.063 \leq \text{Sand} < 2.0$ mm)		Volume (m ³)
		Weight (kg/tonnes)
Gravel ($2.00 \leq \text{Gravel} < 64.0$ mm)		Volume (m ³)
		Weight (kg/tonnes)
Cobbles ($64.0 \leq \text{Cobbles} < 256.0$ mm)		Volume (m ³)
		Weight (kg/tonnes)
Boulders (≥ 256.0 mm)		Volume (m ³)
		Weight (kg/tonnes)
Pipe		Length (m)
		External Diameter (cm/m)
Other (please describe below):		

7. Disposal of Dredged Substance(s) or Object(s) at Sea

(a) Do you intend to apply for a marine licence for sea disposal of dredged substance(s) or object(s) as part of the project?

YES ☐ NO ☒

If YES, please specify nature of substance(s) or object(s) (e.g sand, gravel, silt, clay, rock etc.):

(b) Quantity of substance(s) or object(s) (wet tonnes):

wet tonnes

A separate marine licence application will be required to be submitted for sea disposal.

8. Noise Monitoring

Will loud, low to mid frequency (10Hz to 10kHz) impulsive noise be produced by the project?

YES ☐ NO ☒

If YES, which please indicate the noise generating activities and sound frequencies:

Noise Generating Activity	Sound Frequency (Hertz)
Use of Explosives	
Use of Acoustic Deterrent Devices	
Piling	
Other (please describe below):	

If you have ticked YES, please complete the Noise Registry – Initial Registration form located at:
<http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/noise-reduction>

Marine licence applications will not be accepted until this form has been completed and submitted.

9. Statutory Consenting Powers

Do you, or (if appropriate) your client, have statutory powers to consent any aspect of this project?

No

10. Scotland's National Marine Plan

Have you considered the application with reference to Scotland's National Marine Plan?

YES ☒ NO ☐

If YES, provide details of considerations made with reference to the policies, including but not limited to General Policies 7 and 13 (GEN 7 and GEN 13), that have been considered:

Some of the considerations made include:

GEN 2 Economic benefit & GEN 3 Social Benefit - The ability to provide a new marina allows those within rural communities to have access to Scottish waters. Collectively, this can provide various economic and social benefits to the Yell community. These include skills development, opportunities of trade and investment, improved quality of life, community regeneration and benefits associated with leisure: health; wellbeing; sport.

GEN7 Landscape/seascape - The aesthetical features of this proposed design is similar to that of other marina sites within the Shetland Isles. Therefore the development adopts visual features which coincide with the identity of the surrounding environment. As a key focus of the development is for leisurely use, the proposal has considered and understands the importance of the landscape and seascape for people's enjoyment of the coastal and marine environment.

GEN 8 Coastal process and flooding- With the proposed elevation of the marina being 4m CD, flooding and coastal processes have been considered.

GEN 9 Scottish Heritage – Appropriate bodies have been consulted.

GEN 13 Noise – through the control of working hours, and conducting continual surveys of the wildlife environment.

If NO, please provide an explanation of why you haven't considered the National Marine Plan?

11. Pre-Application Consultation

Is the application subject to pre-application consultation, under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013?

YES ☐ NO ☒

If **YES**, please indicate the date of the public notice for the pre-application consultation event and the type of consultation event held (a copy of the public notice must be supplied with this application):

Event Type	Date
Although not in compliance with above regulation, this project has been subject to public consultation through a full planning application to Shetland Islands Council (ref: 2018/330/PPF), and a Works Licence application to Shetland Islands Council (ref: 2018/026/WL)	Planning Permission granted on 3rd July 2019. Works Licence granted on 22nd February 2019

12. Consultation

List all bodies you have consulted and provide copies of correspondence:

Scottish Environment Protection Agency (SEPA)

Scottish Natural Heritage (SNH)

13. Environmental Assessment

(a) Does the project fall under Annex I or II of the EIA Directive?

Annex I ☐Annex II ☐

Neither ☐

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

(b) Has an EIA been undertaken:

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

YES ☐ NO ☒

YES ☐ NO ☒

14. Associated Works

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

--	--