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# Marine Licence Application for Dredging and Sea Disposal

Version 1.0

Marine (Scotland) Act 2010



### Acronyms

Please note the following acronyms referred to in this application form:

BPEO Best Practicable Environmental Option

MHWS Mean High Water Springs
MMO Marine Mammal Observer
MPA Marine Protected Area

**MS-LOT** Marine Scotland – Licensing Operations Team

PAM Passive Acoustic Monitoring
SAC Special Area of Conservation
SNH Scottish Natural Heritage
SPA Special Protection Area

SSSI Site of Special Scientific Interest WGS84 World Geodetic System 1984

### **Explanatory Notes**

The following numbered paragraphs correspond to the questions on the application form and are intended to assist in completing the form. These explanatory notes are specific to this application and so you are advised to read these in conjunction with the Marine Scotland Guidance for Marine Licence Applicants document.

### 1. Applicant Details

The person making the application who will be named as the licensee.

### 2. Dredging Contractor Details

The person whose activities produce the substance(s) or object(s) to be dredged and/or intended for sea disposal (e.g the dredging contractor).

### 3. Agent Details

Any person acting under contract (or other agreement) on behalf of any party listed as the applicant and having responsibility for the control, management or physical deposit or removal of any substance(s) or object(s).

### 4. Payment

Indicate payment method. Cheques must be made payable to: The Scottish Government.

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.

### 5. Application Type

Indicate if the application is for a new dredging site or a site that has previously been dredged. Provide the existing or previous consent/licence number, expiry date and quantity (in wet tonnes) dredged under the consent/licence up to a stated date if applicable.

### 6. Dredging and Sea Disposal Details

- (a) Give a brief description of the dredging and sea disposal operation.
- (b) Provide the proposed start date of the project. The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for the duration of the project but not exceeding 3 years. If a project will not be completed before a marine licence lapses, it will be necessary for licence holders to re-apply for a further licence to continue any ongoing work at least 14 weeks prior to the expiry date of the licence. Target duration for determination of a marine licence application is 14 weeks.
- (c) Provide the proposed completion date of the project.



(d) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points for each dredge site area. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84.

**Example:** For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55 55'44"N 2 22'11"W (WGS84).

# It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

To supplement your application, please provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

- o the full extent of the works in relation to the surrounding area;
- o latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;
- any adjacent SAC, SPA, SSSI, MPA, Ramsar or similar conservation area boundary.

Drawings and plans will be consulted upon. If they are subject to copyright, it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.

- (e) Provide details of the proposed disposal site for the dredged substance(s) or object(s) and, if necessary, any alternative disposal site(s) considered. In determining whether to grant a marine licence, MS-LOT will take into account any site nominated by the applicant. However, should this site be unsuitable, the nearest suitable disposal site for the dredged substance(s) or object(s) will be identified. Should you wish to establish a new site, please provide details in a covering letter with your application and MS-LOT will contact you to discuss your proposal before your application is determined. The cost of any site investigations to identify any new disposal site will normally be the responsibility of the applicant.
- (f) Indicate if any part of the works (dredging or sea disposal site) are located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (g) Provide a full method statement. The method statement must include details such as the rate of dredging, timing of the operation and order of the areas to be dredged.
- (h) Provide assessment of the potential impacts the works may have, including interference with other uses of the sea. Please include details of areas of concern e.g designated conservation areas, such as a SAC, SPA, SSSI, MPA or Ramsar site and shellfish harvesting areas. Further guidance on designated conservation areas can be obtained from SNH at this website: <a href="http://gateway.snh.gov.uk/sitelink/index.jsp">http://gateway.snh.gov.uk/sitelink/index.jsp</a> and guidance on shellfish harvesting areas can be obtained from <a href="http://www.foodstandards.gov.scot/">http://www.foodstandards.gov.scot/</a> with regards to the Shellfish Waters Directive (2006/113/EC) which has parameters set to protect the water quality in which edible shellfish are grown.

Applicants should also be aware of the need to pay due regard to coastal and marine archaeological matters and attention is drawn to Historic Scotland's Operational Policy Paper HP6, "Conserving the Underwater Heritage".

Any application for beach replenishment works must be cross checked as to whether the proposed site is a designated bathing water site. If so, all physical works should ideally be done outwith the Bathing Water Season (1<sup>s</sup> June to 15<sup>h</sup> September). Further guidance on the Bathing Waters Directive (2006/7/EC) can be obtained from <a href="http://apps.sepa.org.uk/bathingwaters/">http://apps.sepa.org.uk/bathingwaters/</a>.



Where there are potential impacts from the works, please provide details of proposed mitigation, such as use of MMOs or PAM, in response to potential impacts.

### 7. Details of Substance(s) or Object(s) to be Dredged

Information is required for each dredge site area listed in section 6 (d). please provide the following information:

Name of Dredge Area: For example Approach Channel or West of South Quay.

**Type (Maintenance or Capital): Maintenance dredge** applies to an area that has been dredged more than once and either annually or on a regular basis and was last dredged with the past 7 years; and a **Capital dredge** applies where an area/depth is being dredged either for the first time, or which has not been dredged within the past 7 years.

For capital dredging operations, a pre-dredge survey and sediment chemical analysis report will be required by MS-LOT prior to the issue of a sea disposal licence. Please contact MS-LOT for details in relation to specific projects. For maintenance dredging operations sites that have not been chemically analysed for more than 3 years, pre-dredge chemical analysis will be required to be undertaken. In addition to those samples analysed by the applicant, sediment sub-sample(s) must be submitted to MS-LOT as check monitoring may be required.

**Estimated Specific Gravity:** Indicate the specific gravity of the substance(s) or object(s) to be dredged from each dredge area.

**Depth:** Indicate the maximum depth (in metres) below the current seabed level, to which it is expected dredging is to be carried out, for each dredge area.

**Quantity to be Dredged per Year (wet tonnes):** Indicate the quantity of substance(s) or object(s) to be dredged (per year) from each dredge area. The quantity must be provided in wet tonnes.

### 8. Physical Composition

Indicate the approximate proportions as a percentage for each size range against each of the dredge site areas listed in section 6 (d) which are expected to be removed.

### 9. Details of Substance(s) or Object(s) Quality

Please indicate whether the substance(s) or object(s) from any of the areas to be dredged have been chemically analysed within the past 3 years. If yes, please provide details (locations, dates, results) on a separate sheet. If no, please provide justification. For capital projects, you are required to have representative sediment samples analysed at a laboratory of choice (see MS-LOT Pre-dredge Sampling Guidance document at <a href="http://www.gov.scot/Topics/marine/Licensing/marine/Applications/predredge">http://www.gov.scot/Topics/marine/Licensing/marine/Applications/predredge</a> for analytical requirements. This is liable to extend the time required to consider your application as <a href="marine-licence-applications-will-not-be-determined-without-provision-of-this-chemistry-data">marine-licence-applications-will-not-be-determined-without-provision-of-this-chemistry-data</a>.

As part of the application determination process, you are required to carry out an assessment of the chemical and physical characteristics of the substance(s) or object(s) to be deposited at sea and potential effects upon the marine environment. It is your responsibility to show that the substance(s) or object(s) are suitable to be considered for sea disposal. This assessment should form part of your BPEO.

Under section 27(2) of the Marine (Scotland) Act 2010, the licensing authority has an obligation to consider the availability of practical alternatives when considering applications involving disposal of substance(s) or object(s) at sea. All applications for sea disposal must be supported by a detailed assessment of the alternative options -BPEO assessment. This must include a statement setting out the reasons why deposit of the substance(s) or object(s) at sea is the preferred option and applications will not be considered unless they are accompanied by such an assessment. All options in the BPEO must be explored fully (as per the guidance documents) otherwise your form and BPEO are liable to be returned to you, thereby delaying processing of the application.

As part of the licence conditions, you are likely to be required to take representative samples of the dredged substance(s) or object(s) during the dredging/sea disposal operations for analysis by MS-LOT. In such cases, samples must be taken at specified locations and depths and placed in containers which will be provided. The



samples must then be returned to MS-LOT at the Marine Laboratory Aberdeen. This process enables MS-LOT to fulfil its obligations under international conventions.

## 10. Details of Vessel(s) Undertaking Dredging and Sea Disposal

Provide the vessel name, vessel type (e.g cutter-suction) and name and address of all vessel operators to be used for dredging and sea disposal operations. If vessel details are not available at the time of application, please indicate this on the form as these details will be required prior to licence issue.

### 11. Noise Monitoring

Under the Marine Strategy Regulations (2010), there is now a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. Activities where this type of noise is produced include seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. Where noisy activity is being undertaken, you must complete an initial registration form for the noise registry which allows you to provide details on the proposed work. Completion of a 'close-out' form, which allows licensees to provide details of the actual dates and locations where the activities occurred, is also required within 12 weeks of the completion of the 'noisy' activity or, in the case of prolonged activities such as piling for harbour construction or wind farms, at quarterly intervals or after each phase of foundation installation.

These forms can be downloaded from:

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.

### 12. Statutory Consenting Powers

Please describe in the answer to this question what (if any) statutory responsibilities you (or your client) have to consent any aspect of the project.

### 13. Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, Marine Scotland have considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. Scotland's National Marine Plan he found сору of can http://www.gov.scot/Publications/2015/03/6517/0

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made including reference to the policies that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

### 14. Consultation

Provide details of all bodies consulted and give details of any consents issued including date of issue.

### 15. Associated Works

Indicate whether the application is associated with any other marine projects (e.g. land reclamation, or marine/harbour construction works etc). If this is the case, provide reference/licence number for the related marine projects.



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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.

Publ	ic Register	
	rou consider that any of the information contained within or provided in suppold not be disclosed:	oort of this application
(a)	for reasons of national security;	YES NO
(b) provi	for reasons of confidentiality of commercial or industrial information where sudded by law to protect a legitimate commercial interest?	ch confidentiality is YES  NO
	<b>S</b> , to either (a) or (b), please provide full justification as to why all or part of the ded should be withheld.	information you have
Not a	Applicable	



### **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**

								format						

Signature		Date	
Name in BL0	OCK LETTERS		

# **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	~
•	Maps/Charts	V
•	Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority)	
•	Method Statement	V
•	BPEO Assessment	V
•	Analytical chemistry data (for capital projects)	V
•	Transportation plan (dredger route to and from disposal site – if required)	
•	Additional information e.g. photographs, consultation correspondence	
•	Noise Registry – Initial Registration Form (if applicable)	
•	Payment (if paying by cheque)	







	Title: Mr	Initials: S	Surname: Martin	
	Trading Title (if a	ppropriate): Royal Na	ational Lifeboat Institution	
	Address: West C	Quay Road, Poole, Dorse	et, BH15 1HZ	
	Name of contact	(if different):		
	Telephone No. (i	nc. dialing code): 0778	30 576896	
	Email: stuart_m	artin@rnli.org.uk		
	Statutory Harbou	r Authority? YES	S □ NO ■	
			e and longitude co-ordinates (WGS84) of the appendix 01 Additional Co-ordinates form if n	
2.	Dredging Contract	tor Details (if any)		
	Title: TBC	Initials:	Surname:	
	If the Dredging C	ontractor is the Applicar	nt shown in section 1 please tick the box	
	Trading Title (if a	ppropriate):		
	Address:			
	Name of contact	(if different):		
	Telephone No. (i	nc. dialing code):		
	Email:			
3.	Agent Details (if a	ny)		
	Title: Miss	Initials: F	Surname: Henderson	
	Trading Title (if a	ppropriate): Affric Lir	mited	
		ew Office Ountelchaig overness		
	Name of contact	(if different):		
	Telephone No. (i	nc. dialing code): 0180	08 521 498	



Email: Fiona.Henderson@Affriclimited.co.uk

**Applicant Details** 

1.	Payment		
	Enclosed Cheque	Invoice <a>I</a>	
	Contact and address to s	end invoice to:	
	Applicant	Agent	Other 🗌
	If OTHER, please provide	e contact details:	
	Title:	Initials:	Surname:
	Address:		
	Email:		

	5.	Ap	plication	on Type
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Is this application for	or a new dredging site or a site that has previously been dredged:
New Site	Previously Dredged Site

If an PREVIOUSLY DREDGED SITE, please provide the following:

Consent/Licence Number	Expiry Date	Quantity (wet tonnes) dredged under consent/licence as at (date)
04278/11/10	27 September 2014	1140 wet tonnes
06513/17/0	2 November 2020	1140 wet tonnes

# 6. Dredging and Sea Disposal Details

(a) Brief description of the dredging and sea disposal operation:

Refer to Section 2 of the RNLI Kirkcudbright Maintenance Dredge Best Practicable Environmental Opinion (BPEO) Report .

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

1 September 2021
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(c) Proposed completion date:

(d) Location of Dredging:

The proposed dredging will be undertaken at the Royal National Lifeboat Institute (RNLI) Lifeboat Station, located approximately 7km south of the town of Kirkcudbright. Please refer to Drawing KDLA-WS2320-XX-XX-DR-C-1002.

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

**Dredge Area A** 

Dieu			_																
Lat	itude	<b>)</b>								Lor	gitu	de							
5	4		4	7	-	6	9	8	' N	0	0	4	0	3		7	7	8	' W
5	4		4	7		7	0	0	' N	0	0	4	0	3		7	8	6	' W
5	4		4	7	-	7	0	5	' N	0	0	4	0	3	-	7	8	5	' W
5	4		4	7		7	0	9	' N	0	0	4	0	3		7	7	9	' W
5	4		4	7	-	6	9	9	' N	0	0	4	0	3		7	7	6	' W
									' N										' W

**Dredge Area B** 

Lat	itude	)					Lor	gitu	de				
						' N							' W
						' N							' W
						' N							' W
						' N							' W
						' N							' W
						' N							' W

**Dredge Area C** 

Lat	itude	)					Lor	gitu	de				
						'N							' W
						' N							' W
						' N							' W
						' N							' W
						' N							' W
						' N							' W

Dredge Area D

Latit	ude						Lor	ngitu	de				
					,	' N							,
					,	'N							,
					,	'N							,
					,	'N							,
					,	'N							,
					,	'N							,

Dredge Area E

itude						Lor	ngitu	de				
		-		,	N							' W
				,	N							' W
				,	N							' W
		-		,	N							' W
				,	N							' W
				,	N							' W

(e) Name	of Disposal	Site and	Oslo Code:

None - Dispersion Dredging		

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

Lat	itude	)						Lor	ngitu	de				
						,	N							' W
				-		,	N							' W
						,	N							' W
						,	N							' W



the jurisdiction of a statutory harbour authority?	YES 🗌 NO 🔳
If <b>YES</b> , please specify statutory harbour authority:	
Not Applicable	
(g) Method statement including rate of dredging, timing of the operation and dredged (continue on separate sheet if necessary):	order of the areas to be
The dredging will be undertaken using a land-based long reach backhoe excava of silt on either side of and underneath the Slipway toe. Once material is excava would deposit the dredge spoil approximately 20m away from the dredged area River Dee.	ted the long reach plant
Dredging will be carried out at a low spring tide within a 2-hour period around low dredging campaigns will last 3 to 4 days each year.	v tide. It is anticipated that
(h) Potential impacts the works may have (including details of areas of conservation and shellfish harvesting areas) and proposed mitigation in resp (continue on separate sheet if necessary):	
The Torrs to Mason's Walk, designated as a Site of Special Scientific Interest (S most corner of the Lifeboat Station site. The SSSI is designated for wenlock, ma shingle and vascular plant assemblage. The land-based plant will only sit to the existing access track to ensure that it does not enter the SSSI.	ritime cliffs, saltmarsh,
While there are no Shellfish Water Protected Areas in close proximity to the propis a classified harvesting area, namely Kirkcudbright Bay Razors, immediately at The nearest bathing waters is Brighhouse Bay, which is located in a small bay we Bay about 8km from the Lifeboat Station.	diacent to the dredge area.
Refer to Drawing 82.01 Designated Sites Sites within 20km's.	
Details of Substance(s) or Object(s) to be Dredged (Please provide details for	each of the Dredge
Areas listed in Section 5 (d) above. Continue on a separate sheet if necessary):	cach of the broage

Dredge Area	Name of Dredge Area	Type (Maintenance or Capital)	Harbour bed, Seabed or Estuary bed?	Estimated Specific Gravity	<b>Depth</b> (metres)	Quantity to be Dredged <u>per</u> Year (wet tonnes)
Α	Slipway Toe	Maintenance	Estuary Bed	2.7	< 1m	432
В						
С						
D						
E						



8. Physical Composition of Substance(s) or Object(s) to be Dredged (Please provide the approximate proportions as a percentage for each size range against each of the dredge site areas listed in Section 6 (d) above. Continue on a separate sheet if necessary):

Dredge Area	Clay and Silt (< 0.063 mm)	<b>Sand</b> (0.063 ≤ Sand < 2.0 mm)	Pebbles, Cobbles & Boulders (≤ 2.0 mm)
Α	42.70%	55.57%	1.73%
В			
С			
D			
E			

9.	Details of Substance(s) or Object(s) Quality	
	Have the dredged substance(s) or object(s) been chemically analysed	
	in the last 3 years?	YES 🔳 NO 🗌

**10. Details of Vessel(s) Undertaking Dredging and Sea Disposal** (please note that a marine licence cannot be issued until the vessel details have been confirmed. Continue on a separate sheet if necessary):

Vessel Name	Type of Vessel	Name and Address of Operator
	Land-based long reach backhoe excavator	TBC

If YES, which please indicate the noise generating activities and sound	
Noise Generating Activity	Sound Frequency (Hertz)
Use of Explosives	
Other (please describe below):	
If you have ticked <b>YES</b> , please complete the Noise Registry – Initial Rentle://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Theme	
A marine licence application will not be accepted until this form has submitted.	s been completed and
Statutory Consenting Powers	
Do you, or (if appropriate) your client, have statutory powers to consent	any aspect of this project?
No	
Scotland's National Marine Plan	
Have you considered the application with reference to Scotland's National Marine Plan?	YES ■ NO □
If <b>YES</b> , provide details of considerations made including reference to the considered:	e policies that have been
Please refer to Attached Table.	
Thease refer to Attached Table.	
If <b>NO</b> , please provide an explanation of why you haven't considered the	National Marine Plan?



11. Noise Monitoring

	List all bodies you have consulted and provide copies of correspondence:
	Not Applicable
15.	Associated Works
	Provide details of other related marine projects, including reference/licence numbers (if applicable):
	Not Applicable

14. Consultation

# 13. Scotland's National Marine Plan

The 2015 Scottish National Marine Plan (NMP) covering inshore waters is a requirement of the Act. The NMP lays out the Scottish Minister's policies for the As the project is partly below MHWS and within 12 nautical miles (nm) of the Scottish Coastline it falls within the remit of the Marine (Scotland) Act 2010. sustainable development of Scotland's seas and provides General Planning Principles (GENs), some of which apply to this project.

Some GENs are specific to environmental topics; these are identified in Table 13.1 below, along with the considerations made during the planning of the proposed dredge to meet the requirements. The NMP lays out sector specific objectives for Shipping, Ports, Harbours and Ferries. Table 13.2 details the relevant objectives and how the RNLI Kirkcudbright Maintenance Dredge contribute towards these.

Table 13.1: Applicable Scottish National Marine Plan GENs

General Planning Principles	Requirements	Maintenance Dredge of the RNLI Lifeboat Station
GEN 9: Natural heritage	Development and use of the marine environment must:	The Torrs to Mason's Walk, designated as a Site of Special
	a. Comply with legal requirements for protected areas	Scientific Interest (SSSI), starts in the northern most corner
	and protected species.	of the Lifeboat Station site. The SSSI is designated for
	b. Not result in significant impact on the national status	wenlock, maritime cliffs, saltmarsh, shingle and vascular
	of Priority Marine Features.	plant assemblage. The land-based plant will only sit to the
	riate, enhance the health	east of the Slipway on the existing access track to ensure that
	of the marine area.	it does not enter the SSSI.
GEN 12: Water quality and	Developments and activities should not result in a As discussed with the RNLI Kirkcudbright Maintenance	As discussed with the RNLI Kirkcudbright Maintenance
resource	deterioration of the quality of waters to which the Water Dredge Best Practicable Environmental Option (BPEO)	Dredge Best Practicable Environmental Option (BPEO)
	Framework Directive, Marine Strategy Framework Directive or	Report, submitted in support of the dredging and disposal
	other related Directives apply.	marine licence, the dispersion of dredge material will not
		result in the long-term deterioration of water quality or
		compliance with the directive.

Table 13.2: Applicable Scottish National Marine Plan Sector Specific Objectives

Sector		Objective	Requirement	Maintenance Dredge of the RNLI Lifeboat Station
Shipping, F	Ports,	Ports, Objective 1	Safeguarded access to ports and harbours and	While the project is not being undertaken within a
Harbours & Ferries	es		navigational safety.	port or harbour, it will allow for the launching of

area.		
maintain the 24/7/365 lifesaving service in this		
dredge will help to ensure they can continue to		
RNLI provide an essential lifesaving service and this		
build-up of material at the toe of the slipway. The		
the Lifeboat at all states of tide by removing the		