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**MARINE SCOTLAND LICENSING OPERATIONS TEAM'S ("MS-LOT")  
ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR  
DESIGNATED SPECIAL AREAS OF CONSERVATION ("SAC") AND  
SPECIAL PROTECTION AREAS ("SPA") IN VIEW OF THE SITES'  
CONSERVATION OBJECTIVES.**

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE (SCOTLAND) ACT  
2010 FOR THE CONSTRUCTION OF THE NEWTON MARINA DEVELOPMENT  
AND THE ASSOCIATED LAND RECLAMATION, CAPITAL DREDGING AND  
DREDGE SPOIL DEPOSIT ACTIVITIES

SITE DETAILS: GOAT ISLAND, NEWTON MARINA DEVELOPMENT,  
STORNOWAY, ISLE OF LEWIS

<b>Name</b>	<b>Assessor or Approver</b>	<b>Date</b>
Redacted	Assessor	18/03/19
Redacted	Approver	25/04/19
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2010 FOR THE CONSTRUCTION, LAND RECLAMATION, CAPITAL DREDGING  
AND DREDGE SPOIL DEPOSIT ACTIVITIES ASSOCIATED WITH THE NEWTON  
MARINA DEVELOPMENT AT GOAT ISLAND, STORNOWAY, ISLE OF LEWIS

## **SECTION 1: BACKGROUND**

### **1 Appropriate assessment ("AA") conclusion**

- 1.1 This AA concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC, the Lewis Peatlands SPA or the Lewis Peatlands SAC (where each SAC or SPA is taken as a whole) from the Stornoway Port Authority proposal either in isolation or in combination with other plans or projects, providing that the conditions set out in Section 4 are complied with.
- 1.2 MS-LOT considers that the most up to date and best scientific advice available has been used in reaching the conclusion that the Stornoway Port Authority proposal will not adversely affect the integrity of these sites and are satisfied that no reasonable scientific doubt remains.

### **2 Introduction**

- 2.1 This is a record of the AA of the Stornoway Port Authority proposal to construct the Newton Marina Development and carry out associated land reclamation, capital dredging and dredge spoil activities at Newton Marina. The assessment has been undertaken by MS-LOT. This assessment is required under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ("the Regulations"). This AA is in accordance with Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Council Directive 2009/147/EC on the conservation of wild birds. MS-LOT, as the 'competent authority' under the Regulations, has to be satisfied that the project will not adversely affect the integrity of any European site (SAC and SPA) before it can grant consent for the project.

- 2.2 A detailed AA has been undertaken and Scottish Natural Heritage (“SNH”), has been consulted.

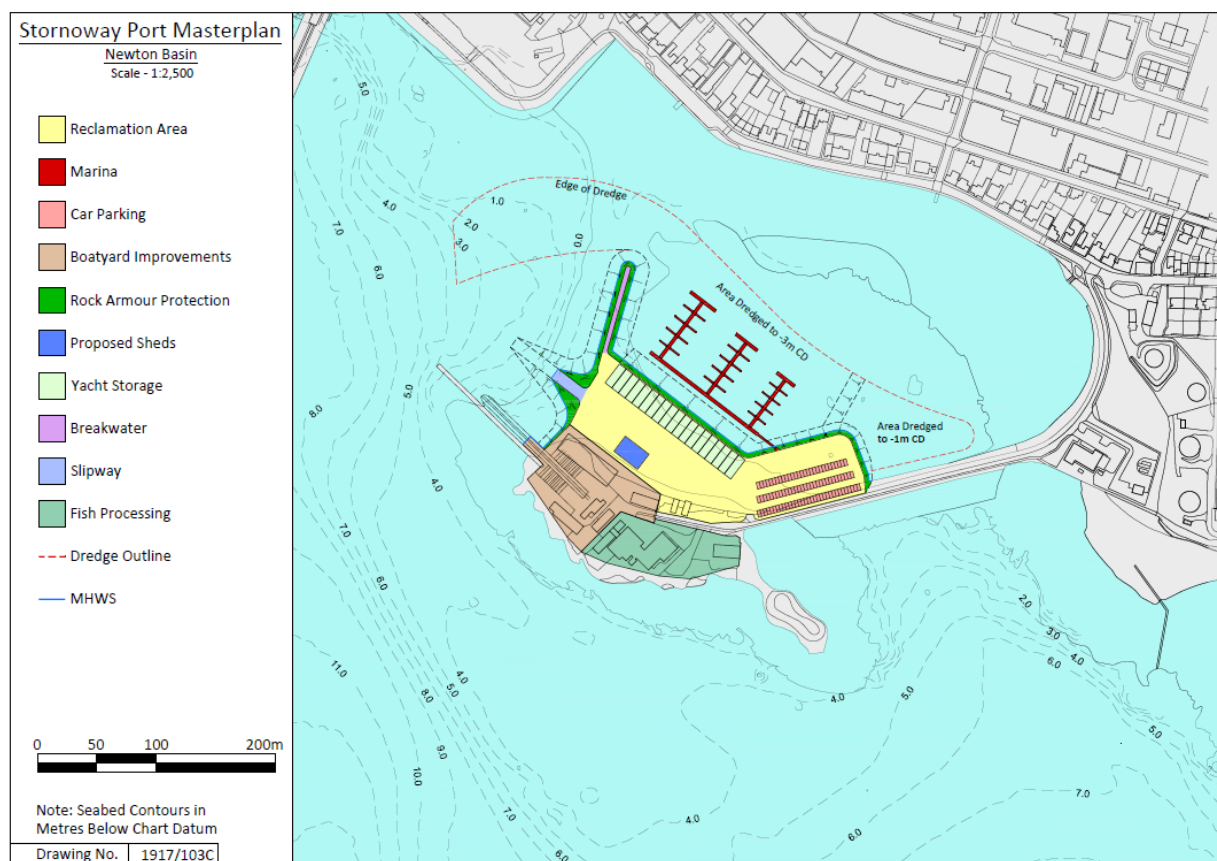
### **3 Details of proposed operation**

- 3.1 The proposal is located on the north coast of Goat Island, situated within Stornoway Harbour at the southern end of Stornoway, Isle of Lewis (“the Site”). The works cover an area of 79,700 square metres (“m<sup>2</sup>”). The location and boundary of the Site is shown in Figure 1 below.
- 3.2 The proposal involves reclamation of approximately 1.81 hectares (“ha”) of land along the north coast of Goat Island. The reclamation area will be formed through the construction of a reinforced concrete retaining wall to the north of the Site along with the formation of imported rock containment bunds to the east and west sides of the Site. An area of seabed to the north of the reclamation area along with an area on the seaward approach is to be dredged to a depth of 3 metres (“m”) Chart Datum (“CD”) producing up to 100,000 cubic metres (“m<sup>3</sup>”) of dredge spoil material. Some of this material will be used to infill the reclamation area, however, it is anticipated that up to 20,000m<sup>3</sup> (36,000 wet tonnes) of the material will be unsuitable for re-use. This remaining dredge material will be deposited (disposed of) at the Stornoway dredge spoil deposit area.
- 3.3 The marina will be formed from a 100m long floating pontoon access walkway (linked to the shore by a 24m long and 1.5m wide bridge) and three 60m long pontoon walkway legs with finger pier berths on either side. All walkways will be secured in place by vertical cantilevered steel tube piles, which will either been driven into place by hammer or installed into sockets drilled into rock below the seabed. Once constructed, the marina will provide approximately 75 berths for vessels up to 18m in length.
- 3.4 To the west of the marina, a new 75m long and 20m wide (at its base) rubble-mound breakwater, with rock armoured revetted slopes on its western and eastern perimeters, will be constructed to provide shelter for the marina.
- 3.5 A piled steel boat hoist support structure, protected on its east side by a pontoon fender, will be constructed adjacent to the breakwater.
- 3.6 To the east of the marina, a concrete-surfaced slipway with a useable area of 50m in length and 8m in width will be constructed. The overall width of the slipway structure, including the rock armour revetments, will

vary between 10m and 25m. The maximum dredge depth at the slipway will remain at 3m below CD and taper to 1.5m below CD. The sides of the slipway will be rock armoured and revetted. To provide a temporary mooring for boats following launching, a line of pontoons will be secured (via steel stanchions fixed to the concrete) along the east side of the slipway.

- 3.7 A new rock armoured passing place, with a surfaced area of 0.01ha, will be constructed to the north-east of the Site.

**Figure 1 - Location of the Newton Marina Development**



## 4 Consultation

- 4.1 SNH were consulted on the Stornoway Port Authority proposal on 21 December 2018 and provided a response on 25 January 2019.

## 5 Main points raised during consultation

- 5.1 In its response on 25 January 2019, SNH advised that they concurred with the conclusions of the Habitats Regulations Assessment report dated 12 July 2018 provided by Stornoway Port Authority ("the HRA Report") that

the proposal is likely to have significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC. SNH therefore advised that an AA was required for the Inner Hebrides and the Minches SAC.

- 5.2 SNH also advised that whilst there was a potential pathway for impact on the otter qualifying interest of the Lewis Peatlands SAC and the red throated diver qualifying interest of the Lewis Peatlands SPA, in their view there was no likelihood of an impact on the conservation objectives of the sites warranting further consideration. SNH further advised that the proposal would not have a likely significant effect on any other features of the Lewis Peatlands SAC and SPA.

## SECTION 2: INFORMATION ON NATURA SITES

### 6 Background information and qualifying interests for the relevant Natura sites

- 6.1 This section provides links to the SNH Interactive website where the background information on the site being considered in this assessment is available. The qualifying interests for the site are listed as are the conservation objectives.

**Table 1 Name of Natura site affected and current status**

<p><b><u>Inner Hebrides and the Minches SAC</u></b> <a href="https://sitelink.nature.scot/site/10508">https://sitelink.nature.scot/site/10508</a></p> <p><b><u>Lewis Peatlands SAC</u></b> <a href="https://sitelink.nature.scot/site/8289">https://sitelink.nature.scot/site/8289</a></p> <p><b><u>Lewis Peatland SPA</u></b> <a href="https://sitelink.nature.scot/site/8524">https://sitelink.nature.scot/site/8524</a></p>
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**Table 2 European qualifying interests**

<p><b><u>Inner Hebrides and the Minches SAC</u></b></p> <ul style="list-style-type: none"><li>• Harbour Porpoise (<i>Phocoena phocoena</i>)</li></ul>
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### **Lewis Peatlands SAC**

- Blanket Bog (*Blanket bogs*)
- Depressions on peat substrates (*Depressions on peat substrates of the Rhynchosporion*)
- Otter (*Lutra lutra*)
- Acid peat-stained lakes and ponds (*Natural dystrophic lakes and ponds*)
- Wet heathland with cross-leaved heath (*Northern Atlantic wet heaths with Erica tetralix*)
- Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels (*Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanjuncetea*)

### **Lewis Peatlands SPA**

- Black-throated diver (*Gavia arctica*), breeding
- Dunlin (*Calidris alpina schinzii*), breeding
- Golden Eagle (*Aquila chrysaetos*), breeding
- Golden plover (*Pluvialis apricaria*), breeding
- Greenshank (*Tringa nebularia*), breeding
- Merlin (*Falco columbarius*), breeding
- Red-throated diver (*Gavia stellata*), breeding

## **Table 3 Conservation objectives**

### **Inner Hebrides and the Minches SAC**

1. To ensure that the Inner Hebrides and the Minches SAC continues to make an appropriate contribution to harbour porpoise remaining at favourable conservation status.
2. To ensure for harbour porpoise within the context of environmental changes, that the integrity of the Inner Hebrides and the Minches SAC is maintained through 2a, 2b and 2c:
  - 2a. Harbour porpoise within the Inner Hebrides and the Minches are not at significant risk from injury or killing.
  - 2b. The distribution of harbour porpoise throughout the site is maintained by avoiding significant disturbance.
  - 2c. The condition of supporting habitats and the availability of prey for harbour porpoise are maintained.

### **Lewis Peatlands SAC**

To avoid deterioration of the qualifying habitats (listed above) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitats that the following are maintained in the long term:

- Extent of the habitat on site
- Distribution of the habitat within site

- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

### **Lewis Peatlands SPA**

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

## **SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994**

### **7 Requirement for appropriate assessment**

7.1 *Is the operation directly connected with or necessary to conservation management of the site?*

7.1.1 The operation is not directly connected with or necessary to conservation management of the site.



7.2 *Is the operation likely to have a significant effect on the qualifying interest?*

7.2.1 **Inner Hebrides and the Minches SAC**

- Harbour Porpoise (*Phocoena phocoena*)

7.2.2 In their response, dated 25 January 2019, SNH advised that they concurred with the HRA Report that there would be a likely significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC. This is due to the possible effects of underwater noise (during construction and operational phases) on the harbour porpoise, the potential for pollutants (dredged sediments or spilled material) to be released into the marine environment, and the impacts of increased vessel movements.

7.2.3 MS-LOT agrees with this advice and has undertaken an AA for the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC.

7.2.4 **Lewis Peatlands SAC**

- Otter (*Iutra Iutra*)

7.2.5 The HRA Report concluded that there would be a likely significant effect on the otter qualifying interest of the Lewis Peatlands SAC. SNH however advised, in their response dated 25 January 2019, that whilst there is a potential pathway for impact, it was their view that there is no likelihood of an impact on the conservation objectives of the site that warrants further consideration. SNH did however agree with the HRA Report conclusion that there would be no likely significant effect on any of the other features of the site. SNH therefore advised that no appropriate assessment should be required for the Lewis Peatlands SAC.

7.2.6 MS-LOT agrees with SNH's advice and there will be no further consideration in respect of this site or its features in this AA.

7.2.7 **Lewis Peatlands SPA**

- Red-throated Diver (*Gavia stellata*)

7.2.8 The HRA Report concluded that there would be a likely significant effect on the red-throated diver qualifying interest of the Lewis Peatlands SPA. SNH however advised, in their response dated 25

January 2019, that whilst there is a potential pathway for impact, it was their view that there is no likelihood of an impact on the conservation objectives of the site that warrants further consideration. SNH did however agree with the HRA Report conclusion that there would be no likely significant effect on any of the other features of the site. SNH therefore advised that no appropriate assessment should be required for the Lewis Peatlands SPA.

- 7.2.9 MS-LOT agrees with SNH's advice and there will be no further consideration in respect of this site or its features in this AA.

## **8 Appropriate assessment of the implications for the site in view of the site's conservation objectives.**

- 8.1 MS-LOT has considered the advice provided by SNH dated 25 January 2019 together with the HRA Report and other supporting documentation provided by the applicant to support this assessment.
- 8.2 The HRA Report identified the potential for harbour porpoise to be disturbed, injured or, in extreme circumstances, killed as a result of underwater noise generated during impact piling and dredging, increased vessel movements, both during construction and operational phases of the proposal and in the case of a pollution event.
- 8.3 In respect of underwater noise, the HRA Report concluded that considering the short term nature of the works producing underwater noise together with the mitigation measures to be employed, the number of individuals predicted to be affected would be negligible and the disturbance insignificant.
- 8.4 With regards to increased vessel movements, the HRA Report concluded that provided a wildlife code of conduct is promoted by Stornoway Port Authority and adhered to by Marina users, the risk of injury or death via ship collision would be negligible and would not have population level effects on the qualifying interest of the SAC.
- 8.5 In respect of pollution events caused by dredging, spilled material from vessels and spillage from onshore storage of fuel and chemicals, the HRA Report concluded that the risk of death or injury to individuals of the qualifying interest would be minimised to negligible providing the pollution prevention mitigation measures

within the Construction Environment Management Plan (“CEMP”) and Construction Method Statement (“CMS”) are adhered to.

- 8.6 The HRA Report also identified the potential for the habitat and prey of the harbour porpoise within the Inner Hebrides and the Minches SAC to be impacted by the proposal if sediments released during dredging or chemical pollutants are released in the marine environment as a result of dredging, spilled material from vessels and spillage from onshore storage of fuel and chemicals.
- 8.7 The HRA Report concluded that based on the hydraulic modelling of dredging for the proposal, the sediment loading of the water outside of the dredged areas would be minimal and would not impact on coastal processes within the area. The HRA Report also concluded that adherence to the pollution prevention mitigation measures within the CEMP and the CMS will minimise the risk of a pollution event occurring either during construction or whilst the marina is in operation.
- 8.8 SNH advised that they supported the conclusions of the HRA Report that the proposal would have no adverse effect on site integrity of the Inner Hebrides and the Minches SAC, provided that the proposed works are carried out in accordance with the Marine Mammal Protection Plan, CEMP and CMS.
- 8.9 MS-LOT concur with the view of SNH that, providing the conditions set out in section 4 of this AA are adhered to there will be no adverse effect on the integrity of the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC from the Stornoway Port Authority proposal in isolation.

## **9 In-combination assessment**

- 9.1        MS-LOT has carried out an in-combination assessment to ascertain whether the Stornoway Port Authority proposal will have a cumulative effect with other plans or projects which, in combination, would have the potential to affect the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC.
- 9.2        The following projects currently have an active marine licence and/or s.36 consent and associated AA which identified a likely significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC. The in-combination effects of these

plans and proposals on each of the protected sites are considered below.

### **9.3 Sgeir Mhor (Salmon) Ltd - Finfish Farm - Isle of Skye**

- 9.3.1 The project involves the installation of a finfish farm consisting of 8 ring cages, 16 grid moorings, 15 buoys and 1 feed barge and was granted a marine licence on 12 October 2017.
- 9.3.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC providing the proposal is undertaken in strict accordance with the predator control plan, detailed within the Environment Management Plan.
- 9.3.3 Provided that the Sgeir Mhor works are undertaken in accordance with the conditions set out in the AA and the Stornoway Port Authority proposal is undertaken in accordance with the conditions of this AA, MS-LOT concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC as a result of this proposal in-combination with the Sgeir Mhor works.

### **9.4 Marine Harvest Kyleakin Fish Feed Mill - Construction and Dredging - Kyleakin**

- 9.4.1 The project consists of the extension of an existing pier, the construction of a temporary jetty, the placing of a long sea outfall pipe, capital dredging, and land reclamation. The dredging area is 58,000m<sup>2</sup>, with 190,000m<sup>3</sup> of sediment being removed. The works will be carried out by a backhoe dredger with a hopper barge unloading dredged material to the temporary jetty. The dredge material will then be stockpiled for future reuse including caissons, scour protection, etc., and no sea disposal will be undertaken.
- 9.4.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC provided the works were undertaken in strict accordance with the conditions set out in the AA. MS-LOT concludes that providing the conditions in this AA are adhered to there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC as a result of this proposal in-combination with the Marine Harvest works.

**9.5 Greig Seafood Shetland - Finfish Farm – Loch Snizort East, Isle of Skye**

The works consist of an existing finfish farm, for which a marine licence was granted in 2016. The finfish farm consists of 10 ring cages of 120m circumference, 18 grid moorings, 18 buoys and 1 feed barge. The marine licence was subsequently varied to amend the licence to ensure consistency with the planning permission and an AA was undertaken by The Highland Council, which concluded that the works would not adversely affect the integrity of the Inner Hebrides and the Minches SAC. An in-combination assessment was subsequently carried out by MS-LOT which concluded no adverse impact on the site integrity of the SAC.

- 9.5.1 Provided the conditions attached to the planning permission are adhered to, MS-LOT concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC as a result of the proposal in-combination with the Greig Seafood works.

**9.6 DP Marine Energy Limited - West Islay Tidal Energy Park - South West of Islay**

- 9.6.1 The project involves the construction and operation of a tidal generating station, consisting of between 15 and 30 tidal energy convertors (“TEC”) and associated cabling located on the seabed within the array boundary making landfall at Kintra on Islay. The generating capacity of each TEC is between 1 and 2MW. No start dates have been made available yet, as there is further design work that will need to be undertaken prior to works commencing.
- 9.6.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC. Provided that the DP Marine Energy Limited works are undertaken in accordance with the terms of its consent and this proposal is undertaken in accordance with the conditions set out in this AA, MS-LOT concludes there will be no cumulative adverse impact on the site integrity of the Inner Hebrides and the Minches SAC.

**9.7 Marine Harvest (Scotland) Ltd - Finfish Farm – Bagh Dail Nan Ceann**

- 9.7.1 The works consist of an existing finfish farm, for which a marine licence was granted in 2015. The finfish farm consists of 10 ring cages of 120m circumference, 24 grid moorings, 1 boat mooring and

1 feed barge. The marine licence was subsequently varied to install two additional 120m circumference cages and to move the feed barge. An AA was undertaken by Argyll and Bute Council, which concluded that the works would not adversely affect the integrity of the Inner Hebrides and the Minches SAC. An in-combination assessment was subsequently carried out by MS-LOT which concluded no adverse impact on the site integrity of the SAC.

- 9.7.2 Provided the conditions attached to the planning permission are adhered to together with the conditions of this AA, MS-LOT concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC as a result of the proposal in-combination with the Marine Harvest works.

## **9.8 Marine Harvest (Scotland) Ltd - Finfish Farm – Sconser Quarry, Skye**

- 9.8.1 The works consist of the installation of 12 x 120m circular cages, plus installation of a feed system. An AA was undertaken by Argyll and Bute Council, which concluded that the works would not adversely affect the integrity of the Inner Hebrides and the Minches SAC. An in-combination assessment was subsequently carried out by MS-LOT which concluded no adverse impact on the site integrity of the SAC.

- 9.8.2 Provided the conditions attached to the planning permission are adhered to together with the conditions in this AA, MS-LOT concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC as a result of the proposal in-combination with the Marine Harvest works.

## **9.9 The Scottish Salmon Company – Existing Finfish Farm – Loch Odhairn**

- 9.9.1 A marine licence application was made for the renewal and variation of an existing finfish farm licence on 18 August 2018 consisting of the addition of 2 cages, 18 grid moorings and a raft onto the existing 10 cages, 22 grid moorings, 1 feed barge and 2 boat moorings. An AA was undertaken by Comhairle an Eilean Siar, which concluded that the works would not adversely affect the integrity of the Inner Hebrides and the Minches SAC. An in-combination assessment was subsequently carried out by MS-LOT which concluded no adverse impact on the site integrity of the SAC.

- 9.9.2 Provided the conditions attached to the planning permission are adhered to together with the conditions in this AA, MS-LOT concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC as a result of the proposal in-combination with The Scottish Salmon Company's proposal.

## **10 MS-LOT Conclusion**

- 10.1 MS-LOT concludes that, providing the conditions listed in section 4 are adhered to, there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC from the Stornoway Port Authority proposal either in isolation or in-combination with the other plans or projects detailed above.**

## **SECTION 4: CONDITIONS**

### **11 Conditions required**

- **The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Environmental Impact Assessment ("EIA") Report are implemented throughout the works to address significant environmental effects.**
- **The licensee must ensure that works are carried out in accordance with the Technical appendix 5.2: Marine Mammal Protection Plan (MMPP) submitted as part of the EIA Report. In the event that the licensee wishes to amend or update the MMPP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.**
- **The licensee must ensure that all works are undertaken in accordance with the Construction Environmental Management Plan (CEMP) (Revision 2, issued 14 February 2019). In the event that the licensee wishes to amend or update the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval,**

**no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.**