

T: +44 (0)300 244 5046  
E: ms.marinelicensing@gov.scot

Mr Alex Stewart  
Ardersier Port Limited  
3rd Floor Royal Buildings  
Victoria Street  
Derby  
England  
DE1 1ES

19 September 2019

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

### **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) 2017 REGULATIONS (AS AMENDED)**

#### **DECISION NOTICE – MARINE LICENCES FOR THE CONSTRUCTION, DREDGING AND DREDGE SPOIL DEPOSIT ACTIVITIES ASSOCIATED WITH THE ARDERSIER PORT DEVELOPMENT**

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

- 1.1 On 27 November 2018, Ardersier Port Limited (Company Number 03700403), having its registered office at 3<sup>rd</sup> Floor Royal Buildings, Victoria Street, Derby, DE1 1ES (“the Applicant”), submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 for the construction, dredging and dredge spoil deposit activities associated with the Ardersier Port Development (“the Works”). The applications were accompanied by an Environmental Impact Assessment Report (“EIA Report”) as required under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”). The said applications are collectively hereinafter referred to as “the Application”.
- 1.2 The Ardersier Port Development (“the Project”) is located at the former McDermott Fabrication Yard which lies approximately 7.5 kilometres (“km”) to the west of Nairn, 3km northeast of the village of Ardersier and is bounded by

the Moray Firth to the north (“the Site”). The Site extends to 307 hectares in total (including marine and terrestrial aspects) and features an existing harbour which is protected by a naturally occurring sand and shingle spit known locally as Whiteness Head spit (“the Spit”).

- 1.3 The Works involve port entrance/inner channel dredging, quay wall construction/realignment and quayside (berthing) dredging. The Works are scheduled to start in 2019 and take up to 5 years to complete.
- 1.4 A dredge of 2,300,000 cubic metres (“m<sup>3</sup>”) of sand will be required to deepen the port entrance to -6.5 metres (“m”) chart datum. A cutter suction dredger will be used. An area of the inner channel will be dredged to -3m chart datum by either plough dredging, backhoe dredger or land based equipment. This area will represent 2-3% by volume of the overall dredge. The initial 200,000m<sup>3</sup> of appropriate dredged material will be deposited via a discharge pipeline to the inner channel as reinstatement to an inner section of the Spit. The remaining material will be stored onshore at the Site above mean high water springs. This material will then be available for use in future infrastructure projects for example as ballast in gravity foundations or as bulk fill for the A96 road dualling project. The discharge pipeline will be laid out prior to the arrival of the dredger. The dredger will then connect to the pipeline and material will be pumped directly from the vessel to the inner section of the Spit or onshore storage as required.
- 1.5 A new 464m sheet pile wall will be constructed alongside the existing quayside between points 02 to 23 in Figure 2 (Appendix 1). 400m of new quay wall will be constructed between points 4 and 10. Two short sections of existing quay wall will be removed, shown in black in Figure 2. A temporary access bund will be placed along the existing quay wall and the new wall will be installed by vibro-piling through the bund. Once the quay wall has been constructed, there will be a requirement to reduce the dredge level on the seaward side of the wall. This will be carried out by land based excavator and the material used to backfill against the new quay or taken to the temporary land storage area.
- 1.6 Marine licences were issued for dredging and quay wall construction in 2014, but no works were undertaken under these licences which have now expired.
- 1.7 Planning permission in principle for the terrestrial works to establish a port and undertake port related services for energy related uses was granted by The Highland Council on 04 February 2019.

**This decision notice contains the Scottish Ministers’ decision to grant regulatory approval for the Works as described above, in accordance with regulation 23 of the 2017 MW Regulations.**

## 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.

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

### *Shipping and Navigation*

2.3 The Applicant assessed the current and historical vessel movements in the vicinity of the Works. During the construction phase, vessel movements will be limited to a cutter suction dredger, its support vessels and up to three vessels delivering materials for the construction of the quay wall. Due to the location of the Works and the main dredging operations being outwith any shipping routes, there is considered to be no increased risks to the safe navigation of vessels during the construction phase.

2.4 When the port is operational, it is anticipated that vessel movements will equate to 680 per year. A cumulative assessment considered other ports and offshore windfarms in the vicinity of the Works. No significant effects in combination with other vessel movements in the area were identified.

2.5 Mitigation measures proposed during the construction phase include detailed risk assessments to identify control measures which will be implemented prior to any dredging operations commencing. During the operational phase, the Applicant will develop a Marine Safety Management System in consultation with relevant stakeholders and a Harbourmaster and Designated Person will be appointed to manage the risks associated with the safe navigation of vessels. Following the implementation of the proposed mitigation, the Works were assessed to have negligible effects on shipping and navigation.

### *Terrestrial Ecology & Ornithology*

2.6 Within the EIA Report an Ecological Impact Assessment ("EclA") was undertaken to identify likely significant effects arising from the Works. The EclA identified that the Works have the potential to impact a number of Important Ecological Features ("IEFs") including the Moray Firth proposed Special Protection Area ("pSPA"), the Inner Moray Firth Special Protection Area ("SPA"), Coastal Sand Dunes, Coastal Vegetated Shingle, *Lecania granulata*, Otter and a number of bird species which are all of International importance along with Whiteness Head Special Site of Scientific Interest ("SSSI") and a number of bird species which are of National importance, and a Lichen Assemblage of Regional importance.

- 2.7 The key sources of impacts predicted to result in terrestrial, ecological or ornithological effects were identified as: habitat loss due to dredging of the Spit (which lies within the Whiteness Head SSSI, Moray Firth pSPA and Inner Moray Firth SPA); dredging activities creating noise and visual disturbance, increased sedimentation and potential contamination of the waterbody (due to fuel leaks and spills); stockpiling of dredged material potentially causing disturbance to birds foraging or roosting on Whiteness Sands; and construction activities (including vibropiling of the quay wall) creating noise and visual disturbance and potential contamination of the waterbody (due to fuel leaks and spills).
- 2.8 Standard mitigation measures are outlined in the EcIA, which will be adhered to during the construction and operational phases of the Project. Following the effective implementation of these mitigation measures, the EcIA concludes that during the construction phase significant adverse effects will be suffered by the Lichen Assemblage. These effects are as a result of habitat loss due to dredging and are assessed as being of Local significance. No significant adverse effects were identified for any of the other IEFs.
- 2.9 The EcIA also concluded that there would be significant positive effects through the creation of a shingle and sand island between the newly dredged channel and the current main channel. Although modelling data suggests this island will probably be temporary, it is likely to benefit bird aggregations by providing an area for birds to roost and potentially breed which is protected from human disturbance and land based predation. These effects are assessed as being of Regional significance.
- 2.10 Disturbance to the existing roost site on Whiteness Sands will also be minimised through the use of dredge spoil to construct a permanent bund in a position where it will provide protection to the roost site. Furthermore, construction activities will not be carried out within 250m of any current roost site during the winter period. Regular bird monitoring and surveys will be undertaken as part of a Bird Monitoring Plan. The mitigation is detailed within the Natural Heritage Management Plan ("NHMP") included within the Construction Environmental Management Document ("CEMD"), which was submitted as an appendix to the EIA Report.

#### *Marine Ecology*

- 2.11 Within the EIA Report, a Marine Ecological Impact Assessment ("MEcIA") was undertaken to identify likely significant effects on designated sites, marine mammals, marine fish, intertidal and benthic habitats and ecology. A Habitats Regulation Appraisal ("HRA"), submitted as a technical appendix to the EIA Report, further considered the impact of the Works on European designated

sites. This identified a likely significant effect on the bottlenose dolphin qualifying feature of the Moray Firth SAC and the harbour seal qualifying feature of the Dornoch Firth and Morrich More SAC.

- 2.12 The MEclA identifies that the bottlenose dolphin qualifying feature of the Moray Firth SAC could be impacted by the dredging and vibropiling activities. The impact on bottlenose dolphins is discussed further in the HRA where it is concluded that providing appropriate mitigation measures are adhered to, there will be no significant effects on the integrity of the Moray Firth SAC.
- 2.13 The MEclA specifically discusses the potential for negative environmental effects on bottlenose dolphins, common dolphins, minke whales and harbour porpoises during the construction phase of the Works. Effects could be caused by sediment dispersal from dredging, water pollution, increased vessel movements or noise pollution. The MEclA concludes that providing the mitigation zone in the Marine Mammal Protection Plan (“MMPP”) (submitted as an appendix to the EIA Report) is adhered to, the magnitude of the impact of underwater noise will be low. Adherence to the mitigation detailed in the CEMD will ensure that the risk of pollution is also minimised. It is predicted that any impacts from the dredge material will be very localised and short term. The increase in vessel movements was also found to not cause a significant risk particularly if mitigation in the MMPP is adhered to.
- 2.14 The same effects of the construction works also have the potential to impact harbour and grey seals. The conclusions regarding the magnitude of the impact and the required mitigation are the same as for the cetaceans detailed in section 2.13. The MEclA identifies that any impact on harbour seals in the vicinity of the Works could also affect the Dornoch Firth and Morrich More SAC as they are a mobile species which will travel in order to find prey and to move between haul-out sites. This is discussed in the HRA where the impact on the Dornoch Firth and Morrich More SAC is assessed. The HRA concludes that providing the proposed mitigation measures are adhered to, there will be no significant effects on the integrity of the SAC from the Works. It is acknowledged in the MEclA that during construction, harbour and grey seals may be disturbed on the seal haul-out area. However, providing the mitigation detailed within the MMPP is adhered to, the impact of this disturbance is predicted to be low.
- 2.15 The Site is in the vicinity of the migratory path of Atlantic salmon (including smolts) and sea trout to the River Ness, River Moriston SAC (for which salmon is a qualifying feature) and River Beauly and therefore these species could potentially be impacted by the Works. The MEclA concluded that the effects on Atlantic salmon and sea trout of underwater noise (associated with piling

and dredging activities) and increased turbidity and sedimentation (associated with dredging activities) were not significant.

- 2.16 Dredging will remove a relatively small section of intertidal and subtidal habitat that has built up along the Spit. However, this small section of habitat loss will not impact on the integrity of the surrounding habitats. Increased sedimentation during the dredging will be very localised and will not impact the intertidal or subtidal habitats. The dredged material is clean sand with a very small fines content so turbidity impacts will be small and localised.
- 2.17 Marine ecology is discussed further in the intertidal and benthic ecology report. Four biotopes were identified during the field survey: fine sand, mobile sand, barren shingle and littoral rock. Due to the abundance and quality of alternative sandbank habitat in the surrounding area, it is concluded that the magnitude of the impact of dredging on intertidal and subtidal habitats is negligible and no mitigation is required. The invasive non-native species ("INNS") Japanese wireweed (*Sargassum muticum*) was recorded on the north shore of the Spit. The Japanese wireweed was washed up on the shore, not attached to the substrate, and it was determined it was not growing at the location of the Works. However, the Applicant recognised the dredging of the intertidal and subtidal habitat may cause the spread of INNS and recommends, as good practice, that a marine biosecurity plan, including monitoring every three years, should be put in place for the site. The marine licence will be conditioned to require the Applicant to follow best practice measures to minimise the introduction and spread of INNS.

#### *Airborne Noise and Groundborne Vibration*

- 2.18 A Baseline Noise Survey, Construction Noise Assessment and Road Traffic Noise Assessment were undertaken. The main activities which were considered to be the noisiest included the piling and dredging works. The impacts on people or equipment within buildings and on buildings (or structures) themselves were identified. During the construction phase short term temporary moderate adverse effects were predicted. Appropriate mitigation measures will be implemented to ensure minimum disturbance to sensitive receptors.

#### *Underwater Noise*

- 2.19 A study was undertaken to model the noise levels from the dredging using a cutter suction dredger and vibropiling to install the quay wall. To represent a worst case scenario the species of concern assessed was harbour porpoise, as they are considered the most sensitive marine mammal species to underwater noise. The study concluded that the mitigation to protect them will be effective at protecting any other species present in the vicinity of the Works.

- 2.20 The noise is not predicted to cause long term negative effects on the local populations of marine mammals if the MMOP is followed. A mitigation zone will be set in advance of any vibropiling or dredging and the MMOP will be in place to ensure no marine mammals are within the mitigation zone prior to the commencement of works.
- 2.21 It has been assessed there will be temporary minor disturbance from underwater noise from dredging and vibropiling on marine mammals. Given the short term nature of the Works producing underwater noise, it is predicted that the number of individuals affected will be negligible and any disturbance will not be significant. Mitigation measures are identified within the MMPP which includes a Marine Mammal Mitigation Zone and a suitably qualified Marine Mammal Observer (“MMO”) being present during the construction works.
- 2.22 It was noted that dredging activities and the deposit of dredged material could cause disturbance to any seals that are hauled out at the Ardersier seal haul-out site. Mitigation measures relating to seals detailed within the MMPP include an additional MMO to monitor seal activity prior to dredge vessels approaching, a buffer of 50m between vessels and hauled out seals and a seal injury avoidance scheme.
- 2.23 The Applicant has indicated that a European Protected Species (“EPS”) licence will be required for the potential disturbance to cetaceans from dredging and vibropiling. The Works have the potential to produce underwater noise at levels which could cause disturbance to cetaceans.

#### *Water Environment*

- 2.24 The Applicant undertook an initial desk based review of the design of the Works in relation to the local water environment and coastal processes at the Site to understand the existing baseline conditions. A coastal processes assessment and topographic and bathymetric survey were also carried out on the Spit. On the basis of the scoping exercise, flood risk was not assessed further in the EIA report and following the baseline assessment, no further assessment was carried out on hydrology, hydrogeology or geology.
- 2.25 Sensitive receptors to impacts on the water environment and coastal processes were identified as the Spit, Whiteness Sands, the coastal waters of Whiteness Head and Whiteness Sands, and the waters and sediment of the wider Moray Firth. The following impacts were identified and assessed during both the construction and operational phases. The introduction of semi-permeable and impermeable structures may increase surface water run-off which could alter flow rates leading to hydromorphological impacts. The dredging works could impact water quality due to the production of plumes of

suspended solids. This will also be a consideration during maintenance dredging in the operational phase. Water quality may also be impacted due to the risk of accidental pollution. The dredging aspect of the Works could result in alterations to the local tidal regime, wave climate, sediment transport and coastal morphology.

- 2.26 A coastal processes assessment was carried out which predicts the scale and impact of these changes in detail. Modelling of tidal processes has been undertaken which shows that there will be no significant impact on tidal levels except to increase low water tidal range within the dredge zone. Modelling showed that there will be localised reductions in tidal velocity within the immediate vicinity of the proposed dredge channel and within the former dredged channel. Although the Works will produce localised changes in current velocities, the report concludes that these variations are insignificant in terms of the wider hydrodynamic regime of the Moray Firth. Wave modelling showed that the Works would result in a slight increase in wave height within the dredge zone however outside the immediate vicinity of the dredge zone, the Works will have no significant effect on wave climate.
- 2.27 Model runs were undertaken to simulate sand transport patterns and pathways following the completion of the dredging and construction works. Due to the large volume of sediment currently available in the local coastal system, it is considered that the removal of the dredge material to land will not be significant in terms of the wider system. Observed trends and model results all indicate that potential impacts to sediment transport and coastal morphology will be localised in extent. The assessment considers that the longshore feed of sediment along the Spit will continue, with change limited to the footprint and immediate vicinity of the dredge channel and the north-eastern fringe of Whiteness Sands.
- 2.28 The assessment identifies that monitoring of the coastal processes is important in an area with a dynamic coastline. This will inform future maintenance dredge operations and monitor the condition of designated sites. A Sediment Transport Monitoring Plan ("STMP") was submitted as a technical appendix to the EIA Report and the CEMD. This will be an active document during the construction and future operation of the port and will inform forward management decisions. In addition, the CEMD includes surface water management and pollution prevention measures which will also help to prevent adverse impacts on the water environment.

*Major Accidents & Natural Disasters*

- 2.29 The Applicant considered the vulnerability of the Works to the risks of major accidents and natural disasters. In summary, the Works will not involve the use of hazardous substances or chemicals. The risk of pollution has been



assessed in the Water Environment chapter of the EIA Report and a pollution prevention plan included in the CEMD. The Applicant identified flood risk as the only natural disaster applicable to the Site.

- 2.30 A flood risk assessment was initially prepared for the Site in 2006 which assessed the joint probabilities of coastal and fluvial flooding and examined a range of possible climate change scenarios to the 2080's. A former Environmental Statement was submitted in 2013 which included an updated Flood Risk Assessment. The assessment was agreed by Scottish Environment Protection Agency ("SEPA") and as there has been no climate change predictions published since 2013 this was scoped out of the EIA Report.

#### *Cumulative Effects*

- 2.31 An assessment of the in combination effects on different environmental topics associated with any existing and committed projects in the vicinity of the Site was undertaken by the Applicant with no significant cumulative effects being predicted.

### **3 Consultation**

- 3.1 In accordance with the 2017 MW Regulations advertisement of the Application was made in the local and national press and the application website. Notices were placed in the public domain and the opportunity given for those wishing to make representations to do so.
- 3.2 The dates of the consultation exercises are given below. The regulatory requirements regarding consultation and public engagement have been met and the responses received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken after regulatory approval is granted.

Document	Date Received	Dates of Consultation	Publication
Environmental Impact Assessment Report & Appendices	27 November 2018	21 December 2018 – 27 January 2019	Marine Scotland Website: <a href="http://marine.gov.scot/ml/ardersier-port-development">http://marine.gov.scot/ml/ardersier-port-development</a> (21 December 2018)
Marine licence applications and supporting documentation			Edinburgh Gazette (28 December 2018)  Inverness Courier (28 December 2018)

			Application Website: <a href="https://www.g-s.co.uk/projects/ardersier-inverness/">https://www.g-s.co.uk/projects/ardersier-inverness/</a>
--	--	--	---

3.3 A summary of the responses received is set out at sections 4, 5 and 6. In addition, specialist advice was sought from Marine Scotland Science (“MSS”) and the advice received is detailed at section 7.

3.4 The consultation responses received are available to view in full here: <http://marine.gov.scot/node/18525>.

#### **4 Summary of statutory consultee responses**

4.1 Maritime and Coastguard Agency (“MCA”) responded on 07 January 2019 to confirm it had no objections to the marine licences being granted providing all maritime safety legislation is followed and the standard MCA conditions and advisories are adhered to.

4.2 SEPA responded on 23 January 2019 and referred to its Standing Guidance for the specific works associated with the Application. SEPA noted it had previously responded to the planning application. In its response to planning SEPA noted that there is no additional information available on coastal flood levels since the previous flood risk assessment was completed for these works in 2013 and so the design flood levels are still valid.

4.3 Scottish Natural Heritage (“SNH”) responded on 24 January 2019 and provided further information on 15 February 2019, 25 March 2019 and 25 June 2019. SNH also referred to responses it had provided for the previous marine licence applications, specifically advice provided on 15 November 2013. SNH advised the Works are likely to have a significant effect on the bottlenose dolphin and subtidal sandbanks qualifying interests of the Moray Firth SAC, the harbour seal population of the Dornoch Firth and Morrich More SAC, the great northern and red throated diver, long tailed duck and eider duck qualifying interests of the Moray Firth pSPA and the bar-tailed godwit and curlew interests of the Inner Moray Firth SPA. SNH confirmed that there would be no adverse effect on the salmon of the River Moriston SAC from the Works.

4.4 SNH advised there would be no adverse effect on the bottlenose dolphins of the Moray Firth SAC and harbour seals of the Dornoch Firth and Morrich More SAC if the mitigation measures described within the CEMD are implemented, this includes the MMPP and MMOP. Adherence to the CEMD will be conditioned in the marine licences. SNH recommended the sea state should be no higher than 3 for MMO procedures. SNH further advised that the best

practice measures developed for dredging activities within the Cromarty Firth should be followed. These measures have been reviewed by the Scottish Ministers and the conditions relating to the use of an MMO will be conditioned in the marine licence. Dredging activities will not take place when the sea state is not suitable for MMO use, therefore passive acoustic monitoring will not be required. No bottom dumping deposit operations will be carried out as part of the Ardersier Works and therefore the measures relating to this are not applicable. SNH further recommended that, following best practice, Ardersier should develop a works dialogue protocol with Aberdeen Harbour Board in relation to the ongoing harbour developer at Nigg Bay, Aberdeen to try to minimise the overlap in noisy works between the two projects. The Scottish Ministers have noted that the requirement for a Works Dialogue Protocol has been included as a condition of the Planning Permission in Principle and have advised the Applicant of SNH's recommendation.

- 4.5 With regards to the subtidal sandbanks of the Moray Firth SAC, SNH advised the dredging programme could have an impact. However the volumes of material are small in comparison to the extent and distribution of the sandbank feature. Further the typical species of the habitat are used to a highly mobile environment and therefore any impacts are likely to be temporary in nature. It is therefore SNH's view that the Works will not adversely affect the integrity of the site.
- 4.6 Due to the importance of the Ardersier designated seal haul-out site, SNH recommended that the MMPP needs to be reviewed to minimise disturbance prior to the commencement of the Works. SNH suggested restricting the dredging and piling activities closest to the haul-out site during late June/early July (pupping time) and early August (moulting time). MSS recommended a more precautionary restriction period and this will be conditioned on the marine licences.
- 4.7 SNH advised there would be no adverse impact on the site integrity of the Moray Firth pSPA if the dredging takes place outwith the wintering period. In further correspondence dated 25 March 2019, SNH confirmed the dredging should not take place between October and March (inclusive). The timing restrictions on dredging will be included as a condition in the marine licence.
- 4.8 SNH advised there would be no adverse effect on the Inner Moray Firth SPA subject to the mitigation detailed in the EIA Report (with particular reference to the Coastal Processes Assessment, the CEMD, the EcIA and the NHMP) being implemented. In addition, SNH noted that the commitment to construct a permanent bund to screen the Whiteness Sands roost site is fundamental to mitigate disturbance to birds. The construction of the permanent bund will be conditioned in the marine licences.

- 4.9 SNH agreed an EPS licence is required for the Works. The Applicant has subsequently submitted an EPS licence application on 19 March 2019.
- 4.10 In relation to Whiteness Sands SSSI, SNH recognised the Works would damage the SSSI features in their balancing duty assessment which considered the removal of the head of the Spit. SNH advised detailed sediment movement monitoring is fundamental and the requirement to adhere to the STMP will be conditioned in the marine licences. SNH also recommended that consideration is given to coastal change and the sustainability of the Project in light of predicted sea level rise. SNH provided information showing the dynamic nature of the Spit and particularly highlighting that the area is currently eroding. This will be monitored as described in the STMP.
- 4.11 Northern Lighthouse Board responded on 22 January 2019 and advised that it had no objection to the Works. Their recommendations regarding maritime safety communications will be conditioned on the marine licences.
- 4.12 Historic Environment Scotland advised the Works did not raise historic environment issues of national significance and had no comments to make in their response dated 17 January 2019.
- 4.13 The Highland Council responded on 20 February 2019 to advise it had no observations to make on the Application. Planning Permission in Principle (Ref No. 18/04552/PIP) relative to the terrestrial concerns of the Project was granted on 04 February 2019.

## **5 Summary of non-statutory consultee responses**

- 5.1 Whale and Dolphin Conservation ("WDC") provided its response on 22 January 2019. WDC noted that the Application does not consider the Aberdeen Harbour development that is currently being constructed at Nigg Bay, Aberdeen and advised that this should be given consideration. The works at Nigg Bay, Aberdeen were identified in the EIA Report as potentially having a cumulative effect with the Works at Ardersier. No significant cumulative effects were identified on any of the receptors in the EIA Report. The in-combination assessment in the Appropriate Assessment ("AA") also concluded that there would be no adverse impact on the Moray Firth SAC from the Nigg Bay and Ardersier works. WDC recommended the MMPP should be updated to include consideration of disturbance of harbour seals at the seal haul-out site designated in 2014. WDC advised additional mitigation was required during pupping and moulting seasons to protect the seals at the Site. In addition, WDC recommended the maximum sea state should be 2 and not 4 for MMO's. WDC noted it was their understanding all previous conditions

from the prior licence would remain in place. WDC recommendations have been taken into consideration in combination with SNH and MSS advice. Although WDC recommended that MMO procedures should not be used in sea states greater than 2, MS-LOT agree with SNH and MSS that sea state 3 is a more appropriate restriction and this will be conditioned in the marine licences.

5.2 Royal Yachting Association had no objections in their response dated 07 January 2019 and subsequent response dated 17 January 2019.

5.3 Visit Scotland ("VS") provided their response on 04 February 2019 recommending that full consideration be given to providing a tourism impact statement to ensure that any adverse local impacts on tourism, and therefore the local economy, are identified and minimised. This is discussed in more depth in section 7.4 and 7.5.

## **6 Representations from other organisations and members of the public**

6.1 No representations were received from other organisations or members of the public.

## **7 Advice from 3<sup>rd</sup> Parties**

7.1 MSS provided advice on 05 March 2019 regarding marine mammals and recommended the MMPP should be updated and amended with their recommendations. MSS advised any MMO working on the Project should have the recognised Joint Nature Conservation Committee MMO qualification as a minimum. MSS agreed with SNH comments suggesting the upper limit for MMO operations should be updated so it does not exceed sea state 3. MSS note the buffer of 50m is likely to be too small to avoid disturbance of hauled out seals however, given the wording the minimum buffer will ultimately be dictated by the seals' behaviour. It is recommended additional caution regarding seals' breeding season should be extended from June to August. MSS suggested that clarification be sought on whether or not PAM will be used. The Scottish Ministers are content that the licences will be conditioned to only permit piling and dredging activities to take place when conditions are suitable for visual monitoring so PAM will not be required. A condition will be added to the marine licences to prevent activity in the vicinity of the seal haul-out site between June and August, in line with the MSS advice.

7.2 MSS provided comments regarding diadromous fish and suggested further assessments and mitigation may be required. On the basis that the EIA Report concluded there would be no significant effects on diadromous fish and that SNH advised there would be no likely significant effect on the Atlantic salmon

designated feature of the River Moriston SAC, the Scottish Minister's are content that further assessment and mitigation is not required.

- 7.3 MSS had no additional comments regarding the physical environment and coastal processes. MSS agreed the Works will result in significant effects in relation to the water environment, but the effects will be concentrated at the head of the Spit and that a large proportion will be subject to negligible impacts.
- 7.4 MSS provided further advice regarding the socio-economic aspects on 14 March 2019. MSS agreed with VS advice that full consideration should be given to providing a tourism impact statement.
- 7.5 The former Environmental Statement submitted in 2013 included a Socio-Economic Assessment and the baseline data has not altered since this date. SNH, in their response dated 24 January 2019, recognised the social economic benefits of the Works and applied a balancing assessment in respect of the damage and loss the Works would cause to Whiteness Head SSSI. SNH also accepted that those impacts which cannot be mitigated, the loss of part of the shingle spit, are outweighed by the significant public benefits to the proposal. In addition, The Highland Council did not express any negative concerns in their response and socio-economic impacts do not appear to have been considered negatively in their decision to grant Planning Permission in Principle, instead reference is made to the economic benefit the Project will have. On this basis, and the reasoning provided above, the Scottish Ministers are of the opinion no tourism impact statement is required.

## **8 The Scottish Ministers' Considerations and Main Determinative Issues**

- 8.1 The Scottish Ministers, having taken account of all relevant information, 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 national marine plan and relevant local development plans
  - The significant effects of the Works on the environment, which are in summary:
    - impacts on marine mammals;
    - impacts on ornithology;
    - impacts on the water environment and coastal processes; and
    - impacts on Whiteness Head SSSI.

### *Policy Context*

- 8.2 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 2015 Scottish National Marine Plan (“NMP”) covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Minister’s policies for the sustainable development of Scotland’s seas and provides General Planning Principles (“GEN”), and sector specific objectives and policies, which were considered as part of the EIA process.
- 8.3 The Works are also supported by Scotland’s Third National Planning Framework (“NPF3”) which is a statement of the Scottish Government’s national planning priorities. It identifies Ardersier as being well-placed to take advantage of investment in the energy sector, both in renewables and in oil and gas. NPF3 supports the development of the Site providing that the environment of the Moray Firth is protected.
- 8.4 The Project is also in the area covered by the Highland wide Local Development Plan and the Inner Moray Firth Local Development Plan (“IMFLDP”). Ardersier is specifically identified in the IMFLDP as a site suitable for industrial use.
- 8.5 Ardersier is considered in the National Renewables Infrastructure Plan prepared by the Highlands and Islands Enterprise and Scottish Enterprise as a suitable location for off-shore renewable energy maintenance developments.
- 8.6 The Scottish Ministers are satisfied that the Works accord with and are supported by Scottish Government policy and the terms of the NMP.

### *Environmental Matters*

- 8.7 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.
- 8.8 The Scottish Ministers have considered fully and carefully the Application, supporting documentation, all relevant responses from consultees and specialist advice received.

### *Impacts on Marine Mammals and Ornithology*

- 8.9 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (“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 or European offshore marine site (either alone or in combination with other plans or projects), as defined in the 1994 Habitats Regulations.

- 8.10 Owing to the view of SNH that the Works are likely to have a significant effect on the bottlenose dolphin and subtidal sandbank qualifying interests of the Moray Firth SAC, the harbour seal qualifying interest of the Dornoch Firth and the Morrich More SAC, the great northern and red throated diver, long tailed duck and eider duck interests of the Moray Firth pSPA and the bar-tailed godwit and curlew interests of the Inner Moray Firth SPA. Marine Scotland – Licensing Operation Team (“MS-LOT”), on behalf of the Scottish Ministers, as the “competent authority”, were required to carry out an AA. Having had regard to the advice received from SNH it can be ascertained that the Works will not adversely affect the integrity of the SACs, SPA or pSPA providing the conditions identified in the AA are adhered to. Having determined that the Project will not adversely affect the integrity of the sites, and having regard to the reasons for which it was designated and the associated conservation objectives, MS-LOT concludes that the Works will not, on their own or in combination with other projects, adversely affect the integrity of the Moray Firth SAC, the Dornoch Firth and Morrich More SAC, the Moray Firth pSPA and the Inner Moray Firth SPA.
- 8.11 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA (available here: <http://marine.gov.scot/node/18524>).
- 8.12 The applicant has applied for a licence to disturb European Protected Species under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for disturbance to cetaceans during the piling and dredging operations. This will likely be granted along with the marine licences.
- 8.13 The Scottish Ministers have also had consideration for the Ardersier designated seal haul-out site which is located partly within and adjacent to the Works. The seals have the potential to be affected by underwater noise, increased turbidity and potential collision risk from vessel movements. The Scottish Ministers are content that the mitigation measures proposed in the CEMD, including the MMPP will avoid significant disturbance to the haul-out site. Although the CEMD states that MMO procedures are suitable for use in sea states 4 and above, on the advice of SNH and MSS, the marine licences will be conditioned to ensure that MMO’s are not relied on in sea states greater than 3. SNH provided further advice regarding the restriction of dredging and piling activities close to the seal haul-out site during pupping and moulting periods. MSS supported this advice and recommended that the restriction be from June to August inclusive. This will be conditioned on the marine licences.



- 8.14 The use of dredge spoil to construct a permanent bund will minimise disturbance to the existing roost site on Whiteness Sands. The Scottish Ministers are content that this, combined with the mitigation detailed within the NHMP, will ensure that disturbance to ornithology interests both within and outwith European designated sites is minimised.
- 8.15 The Scottish Ministers are content that significant marine mammal and ornithological impacts will be appropriately mitigated providing the Applicant adheres to the conditions set out in the AA and marine licences and to the mitigation measures detailed in the EIA Report and CEMD which includes all mitigation plans.

*Impacts on the Water Environment and Coastal Processes*

- 8.16 The Scottish Ministers have considered the potential impacts of the Works on the water environment and coastal processes. A coastal processes assessment was carried out to identify and assess potential changes to tidal processes, wave climate and sand transport patterns as a result of the Works. This did not identify any significant effects outwith the immediate vicinity of the dredge area. The assessment recommended however that due to the highly dynamic nature of the coastline, regular monitoring should be carried out.
- 8.17 SNH advised that there was a likely significant effect on the subtidal sandbanks of the Moray Firth SAC but due to the small proportion of the feature that would be affected and due to the highly mobile nature of the sediment, there would not be an adverse impact on the integrity of the site. This has been considered in the AA.
- 8.18 The Scottish Ministers have considered the consultation responses and are satisfied with the assessments that have been carried out and that the STMP submitted as an appendix to the EIA Report will ensure that any changes to coastal processes are suitably managed. The STMP will be conditioned on the marine licences.

*Impacts on Whiteness Head SSSI*

- 8.19 The Scottish Ministers have considered the potential impacts of the Works on the Whiteness Head SSSI. Approximately 0.024km<sup>2</sup> of the habitat of the SSSI will be lost due to the Works. SNH carried out a balancing duty assessment which considered the removal of the head of the Spit in relation to the social and economic benefits of the proposal.
- 8.20 It is acknowledged that the Works will damage the SSSI features. The EIA Report concluded that due to the dynamic nature of the coastal habitat, coastal processes will create new dune and shingle habitats over time. SNH also provided information showing the dynamic nature of the Spit and advised that

detailed sediment movement monitoring is fundamental. The Scottish Ministers are content with the monitoring proposed in the STMP and this will be conditioned in the marine licences.

## **9. The Scottish Ministers' Determination and Reasoned Conclusion**

- 9.1 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the Application have been followed.
- 9.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated, against the economic benefits which would be realised. The Scottish 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 impact on the Moray Firth SAC, the Dornoch Firth and Morrich More SAC, the Moray Firth pSPA and the Inner Moray Firth SPA; impacts on marine mammals and ornithology, impacts on the water environment and coastal processes and impacts on Whiteness Head SSSI.
- 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. In particular, the Scottish Ministers are satisfied that the Works will not adversely affect the integrity of the Moray Firth SAC, the Dornoch Firth and Morrich More SAC, the Moray Firth pSPA and the Inner Moray Firth SPA.
- 9.5 The Scottish Ministers have had regard to the requirements of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds, and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
- 9.6 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the licences to reduce environmental impacts. These include adherence to the mitigation measures submitted in the EIA Report and adherence to the CEMD.
- 9.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion is still up to date.

- 9.8 The Scottish Ministers **grant marine licences subject to conditions** under Part 4 of the Marine (Scotland) Act 2010 for the construction, dredging and dredge spoil deposit activities associated with the Ardersier Port Development at the former McDermott Fabrication Yard, Ardersier. The marine licences are attached at Appendix 2.
- 9.9 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of this determination and how a copy of this decision letter may be inspected on the Application website, in the Edinburgh Gazette and a newspaper circulating in the locality to which the Application relates is situated.
- 9.10 Copies of this decision notice have been sent to the bodies consulted on the Application including the relevant planning authority, SNH, SEPA and HES. This decision notice has also been published on the [Marine Scotland Information](#) website.
- 9.11 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 regulatory approval. The rules relating to the judicial review process can be found on the [Scottish Courts website](#). Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

Redacted

Malcolm Rose

Marine Licensing Group Leader, Marine Scotland Licensing Operations Team

A member of the staff of the Scottish Ministers

19 September 2019

## Appendix 1 – Ardersier Port Development Location

Figure 1: Areas to be dredged, area of the spit to be reinstated (area marked in red) and the temporary dredge spoil storage location (hatched black area).

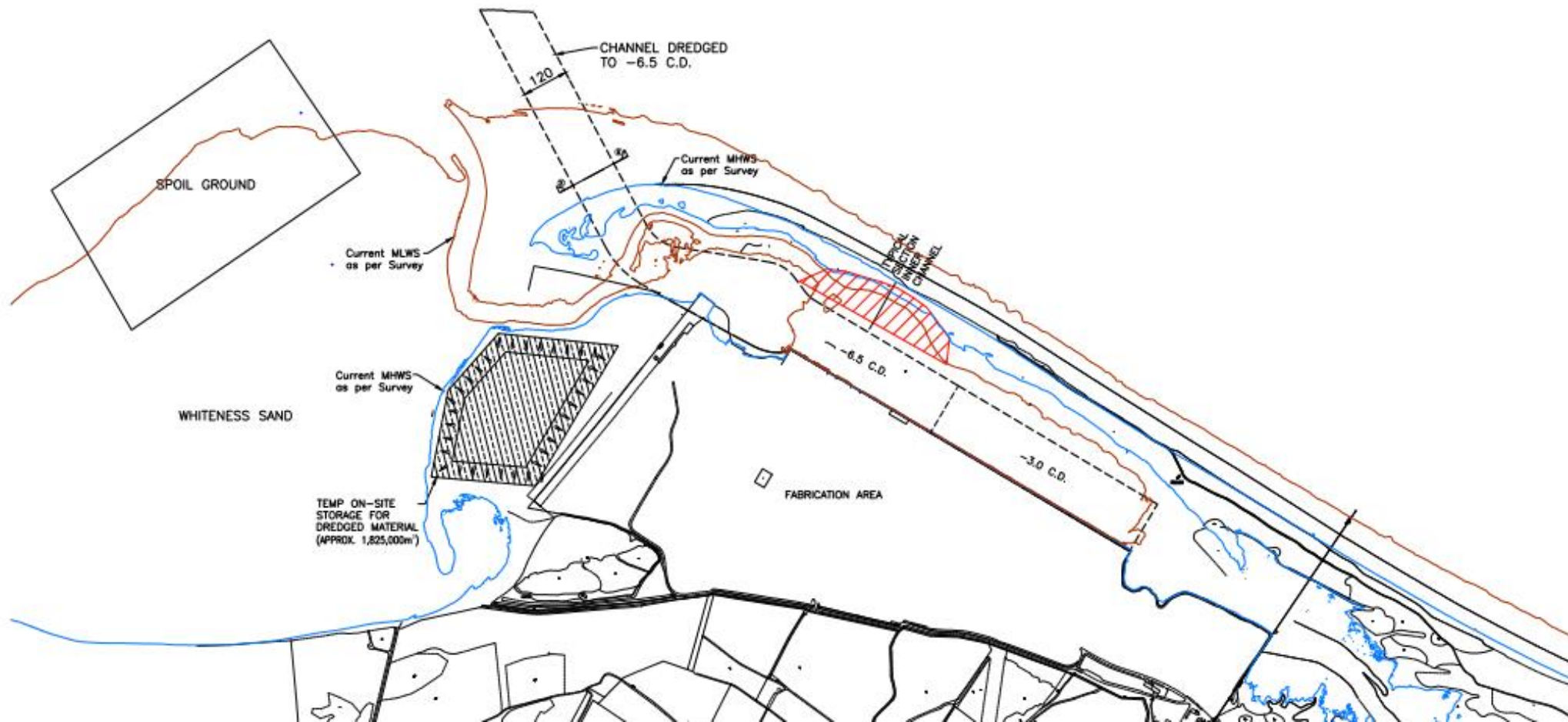


Figure 2: The location of the construction works showing the existing and new quay wall.



## **Appendix 2 – Marine licences**

T: +44 (0)300 244 5046  
E: ms.marinelicensing@gov.scot

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DREDGE AND DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE  
SCOTTISH MARINE AREA

Licence Number: 06859/19/0

Reference Number: 06859

The Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Ardersier Port Limited  
3rd Floor Royal Buildings  
Victoria Street  
Derby  
England  
DE1 1ES**

to carry out dredging and to deposit in the sea the substances or objects particulars of which are described in Part 2 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 3 of the said Schedule.

This licence is subject to the conditions set out in Part 3 of the said schedule and is valid from **19 September 2019 until 19 September 2022.**

Redacted

Signed: .....

Malcolm Rose

For and on behalf of the licensing authority

Date: 19 September 2019



## **1. PART 1 – GENERAL**

### **1.1. Interpretation**

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010:

- a) “the 2010 Act” means the Marine (Scotland) Act 2010
- b) “licensable marine activity” means any activity listed in section 21 of the 2010 Act
- c) “licensee” means the recipient of the licence
- d) “the licensing authority” means the Scottish Ministers
- e) “mean high water springs” means the average of high water heights occurring at the time of spring tides
- f) “seabed” means the ground under the sea

All geographical co-ordinates contained within this licence are in latitude and longitude format WGS84.

### **1.2. Contacts**

All correspondence or communications relating to this licence should be addressed to:

Marine Scotland  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Tel: +44 (0) 300 244 5046

Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

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

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed activities. The issuing of this 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 of the 2010 Act the licensing authority may by notice vary, suspend or revoke this licence granted by them if it appears to the licensing authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, vary this licence if satisfied that the variation being applied for is not material.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, transfer this 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 provide full details of the matter to 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, either 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 by 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 the sheriff of any sheriffdom against a decision taken by the Scottish Ministers under section 29(1) of the 2010 Act.

**2. PART 2 - PARTICULARS****2.1. Name and address of the producer of the substances or objects:**

As per licensee.

**2.2. Name(s) and address(es) of any other agents, contractors or sub-contractors acting on behalf of the licensee:**

See condition 3.1.1

**2.3. Name, description, registration number and country of registration of vessel(s) to be employed to undertake the deposits:**

See condition 3.1.2

The vessels employed must be so constructed and equipped as to be capable of the proper performance of the activities in compliance with the conditions set out in the Schedule.

**2.4. Place of production of the substances or objects:**

Ardersier Port within the area bounded by joining the following points:

57° 36.455' N	004° 00.899' W	57° 35.656' N	003° 59.151' W
57° 36.412' N	004° 00.841' W	57° 35.949' N	004° 00.135' W
57° 36.231' N	004° 00.628' W	57° 35.926' N	004° 00.161' W
57° 36.184' N	004° 00.555' W	57° 36.031' N	004° 00.512' W
57° 36.165' N	004° 00.542' W	57° 36.038' N	004° 00.595' W
57° 36.147' N	004° 00.552' W	57° 36.081' N	004° 00.703' W
57° 36.125' N	004° 00.511' W	57° 36.154' N	004° 00.782' W
57° 36.112' N	004° 00.462' W	57° 36.262' N	004° 00.874' W
57° 36.094' N	004° 00.198' W	57° 36.345' N	004° 00.955' W
57° 36.086' N	004° 00.143' W	57° 36.436' N	004° 01.038' W
57° 36.037' N	004° 00.065' W	57° 36.455' N	004° 01.052' W
57° 35.730' N	003° 59.076' W		

As shown in Figure 1 of Annex One.

**2.5. Description and composition of the substances or objects:**

Capital dredging as described in application dated 28 September 2018, and correspondence submitted in support of the application. 200,000 wet tonnes to be deposited below Mean High Water Springs as reinstatement to an inner section of the Whiteness Head Spit. The remainder of the dredged material to be deposited above Mean High Water Springs.

**2.6. Location(s) at which the deposit in the Scottish Marine Area is to be made:**

57° 36.055' N	004° 00.116' W
57° 36.075' N	004° 00.038' W
57° 36.051' N	003° 59.848' W

57° 35.974' N 003° 59.683' W  
57° 35.934' N 003° 59.689' W

As shown in Figure 1 of Annex One.

**2.7. Quantity of substances or objects to be dredged:**

2,300,000 wet tonnes

**2.8. Quantity of substances or objects for deposit within the period of validity of the licence:**

200,000 wet tonnes

of capital dredge substances or objects may be deposited between 19 September 2019 and 19 September 2022 below Mean High Water Springs.

### **3. PART 3 – CONDITIONS**

#### **3.1. General conditions**

##### **3.1.1. Agents, contractors and sub-contractors**

The licensee must provide, as soon as is reasonably practicable prior to the licensed activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the licensed activities.

Any changes to the supplied details must be notified to the licensing authority, in writing, prior to any agent, contractor or sub-contractor undertaking any licensed activity.

The licensee must ensure that only those agents, contractors or sub-contractors notified to the licensing authority are permitted to undertake the licensed activities.

The licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to the Master(s) of the vessel(s) employed to undertake the operations with a copy of the licence and any additional agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activities. The licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the activities for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

##### **3.1.2. Vessels**

The licensee must submit full details of the vessels to be utilised in respect of the activities, and their anticipated movements, to the licensing authority no later than one month, or at such a time as agreed with the licensing authority, prior to the commencement of the activities. The vessel details provided must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

##### **3.1.3. Force Majeure**

If by any reason of *force majeure* any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

**3.1.4. Material alterations to the licence application**

The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

**3.1.5. Submission of reports to the licensing authority**

Where it would appear to the licensee that there may be a delay in the submission of the reports, studies or surveys to the licensing authority then the licensee must advise the licensing authority of this fact as soon as is practicable and no later than the time by which those reports, studies or surveys ought to have been submitted to the authority under the terms of this licence.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data must, subject to any rules permitting non-disclosure, be made publically available by the licensing authority, or by any such party appointed, at their discretion.

**3.1.6. Environmental protection**

The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Construction Environmental Management Document, subject to the amendments and modifications made within this licence and with the exception of the provision of tern rafts unless a valid marine licence is held for the deposit of these tern rafts, are implemented throughout the activities to address significant environmental effects.

The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence.

The licensee must ensure that any debris or waste materials placed below MHWS during the activities are removed from the site, as soon as is reasonably practicable, for disposal at a location above MHWS approved (as appropriate) by the Scottish Environment Protection Agency.

The licensee must ensure that the risk of transferring non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the activities.

The licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system.

**3.1.7. Availability of the licence for inspection**

The licensee must ensure that copies of the licence are available for inspection by any persons authorised by the licensing authority at:

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) the site of the activities;
- d) onboard any vessel carrying out activities and
- e) any onshore premises directly associated with the licensed activities.

**3.1.8. Inspection of the activities**

Any persons authorised by the licensing authority, must be permitted to inspect the activities at any reasonable time.

**3.1.9. Sediment Transport Monitoring Plan**

The licensee must ensure that the Sediment Transport Monitoring Plan, dated 21 September 2018, is fully implemented. In the event that the licensee wishes to update or amend any of the protocols in the Sediment Transport Monitoring Plan, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any activities associated with the proposed updates or amendments to proceed prior to the granting of such approval. If any effects on sediment processes are identified through monitoring a proposal for mitigation must be submitted for approval by the licensing authority. The licensee is responsible for carrying out any mitigation as directed by the licensing authority.

**3.2. Prior to commencement of the activities**

- 3.2.1.** The licensee must, no later than 7 days prior to commencement of the activities, notify the licensing authority of the proposed start date of the activities.
- 3.2.2.** The licensee must issue marine safety information as considered appropriate prior to the commencement of dredging activities.
- 3.2.3.** The licensee must ensure that HM Coastguard, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre, is made aware of the activities prior to commencement.
- 3.2.4.** The licensee must ensure that no stockpiling or other deposit activities occur prior to the completion of the construction of the permanent dredge spoil storage bund, constructed above MHWS in accordance with drawing 670191-018, shown in Figure 2 of Annex One.

**3.3. During the activities**

- 3.3.1.** The licensee must ensure that no dredging activities take place between 1 October and 31 March inclusive each year.
- 3.3.2.** The licensee must ensure that a minimum distance of 50m is maintained between the designated seal haul-out site and any dredging activities between 1 June and 31 August inclusive each year.
- 3.3.3.** The licensee must ensure that all activities are carried out in accordance with the approved Construction Environmental Management Document, dated 21 September 2018, and ensure that all mitigation measures listed are fully implemented, subject to the amendments and modifications made within this licence and with the exception of the provision of tern rafts unless a valid marine licence is held for the deposit of these tern rafts. In the event that the licensee wishes to update or amend any of the protocols in the Construction Environmental Management Document, the licensee

must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any activities associated with the proposed updates or amendments to proceed prior to the granting of such approval.

- 3.3.4.** The licensee must adhere to the approved Marine Mammal Protection Plan and Marine Mammal Observation Protocol, included within the Construction Environmental Management Document, dated 21 September 2018 subject to the amendments and modifications made within this licence.
- 3.3.5.** The licensee must ensure that no dredging activities take place in sea states greater than 3, or during periods of darkness or poor visibility unless a protocol has been agreed in writing with the licensing authority to protect the bottlenose dolphin feature of the Moray Firth Special Area of Conservation.
- 3.3.6.** The licensee must ensure that all visual monitoring of marine mammals is carried out by a Joint Nature Conservation Committee trained Marine Mammal Observer.
- 3.3.7.** The licensee must ensure that any dredged material for storage is placed in the area shown on drawing 670191-018, shown in Figure 2 of Annex One.
- 3.3.8.** The licensee must ensure that the stockpile of dredge material remains separate from the permanent dredge spoil storage bund to ensure that the stockpiled material can be removed without affecting the integrity of the bund.
- 3.3.9.** Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence.
  - a) 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, must be disposed of on land at an approved location above the tidal level of Mean High Water Springs.
  - b) All tank/hopper washings must be deposited in the authorised deposit area(s).
- 3.3.10.** The method of deposit must be:

#### BENEFICIAL PLACEMENT

- 3.3.11.** The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the deposit activity. The log(s) must be kept onboard the vessel(s) throughout the deposit activity, and be available for inspection by any authorised Enforcement Officer. The log(s) must 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) must 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 deposit area(s), on each occasion that the vessel proceeds to the deposit area(s);
- d) the date, time and position of commencement, and the date, time and position of completion, of each deposit;
- e) the course(s) and speed(s) throughout each deposit. (Multiple changes may be recorded as "various");
- f) the weather, including wind strength and direction, sea-state and tidal set throughout each deposit;
- g) the rate of discharge during each deposit, if appropriate, and the duration of each deposit. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
- h) comments on the deposit activity, including any explanations for delays in the deposit;
- i) the signature of the Master at the foot of each page of the record.

**3.3.12.** The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.

**3.4. On completion of the activities**

**3.4.1.** The licensee must, within 7 days of completion of the activities, notify the licensing authority of the date of completion of the activities.

**3.4.2.** The licensee must submit written reports to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects disposed of 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.

**3.4.3.** The licensee must, within 28 days of completion of the activities, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 337900) with the revised water depths, in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.



## NOTES

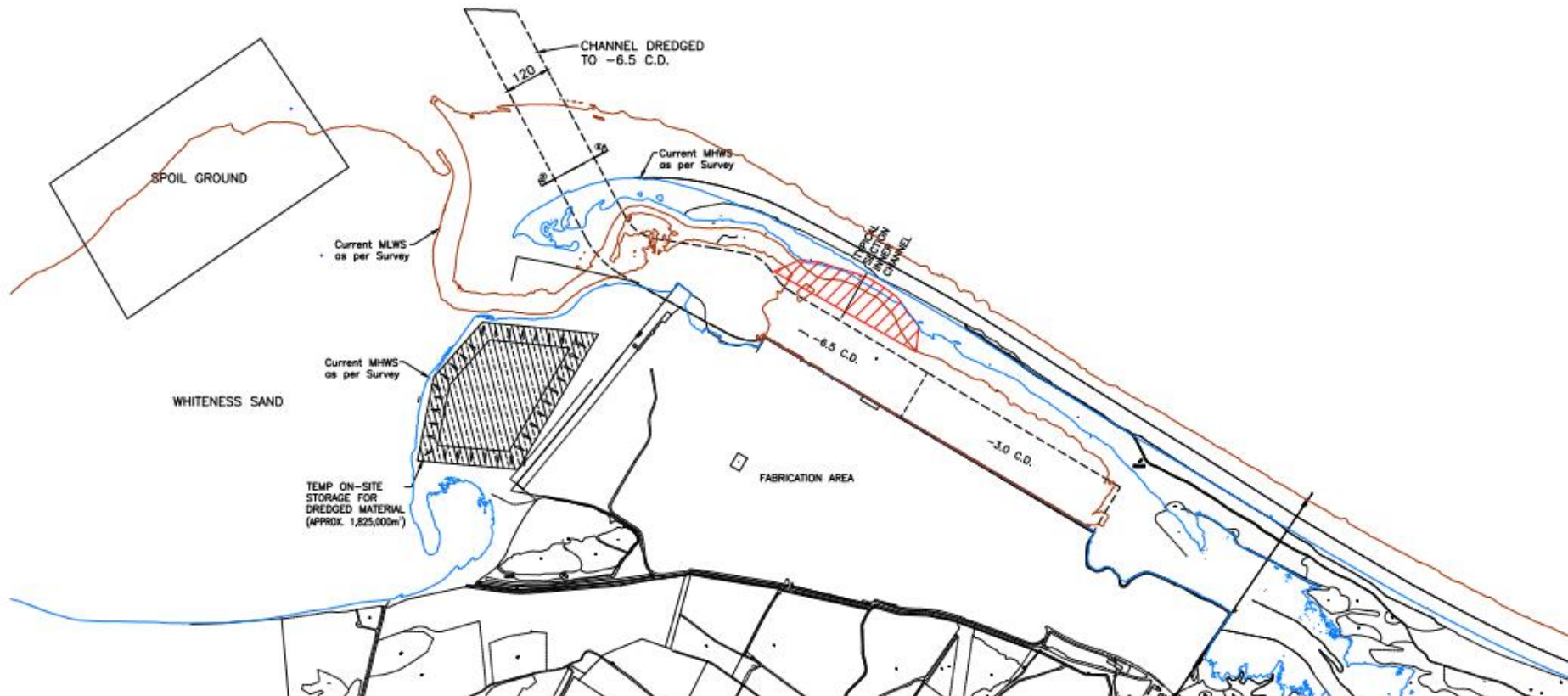
1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In 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.
3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.
4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).
5. All correspondence or communications relating to the licence should be addressed to:

Licensing Operations Team  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

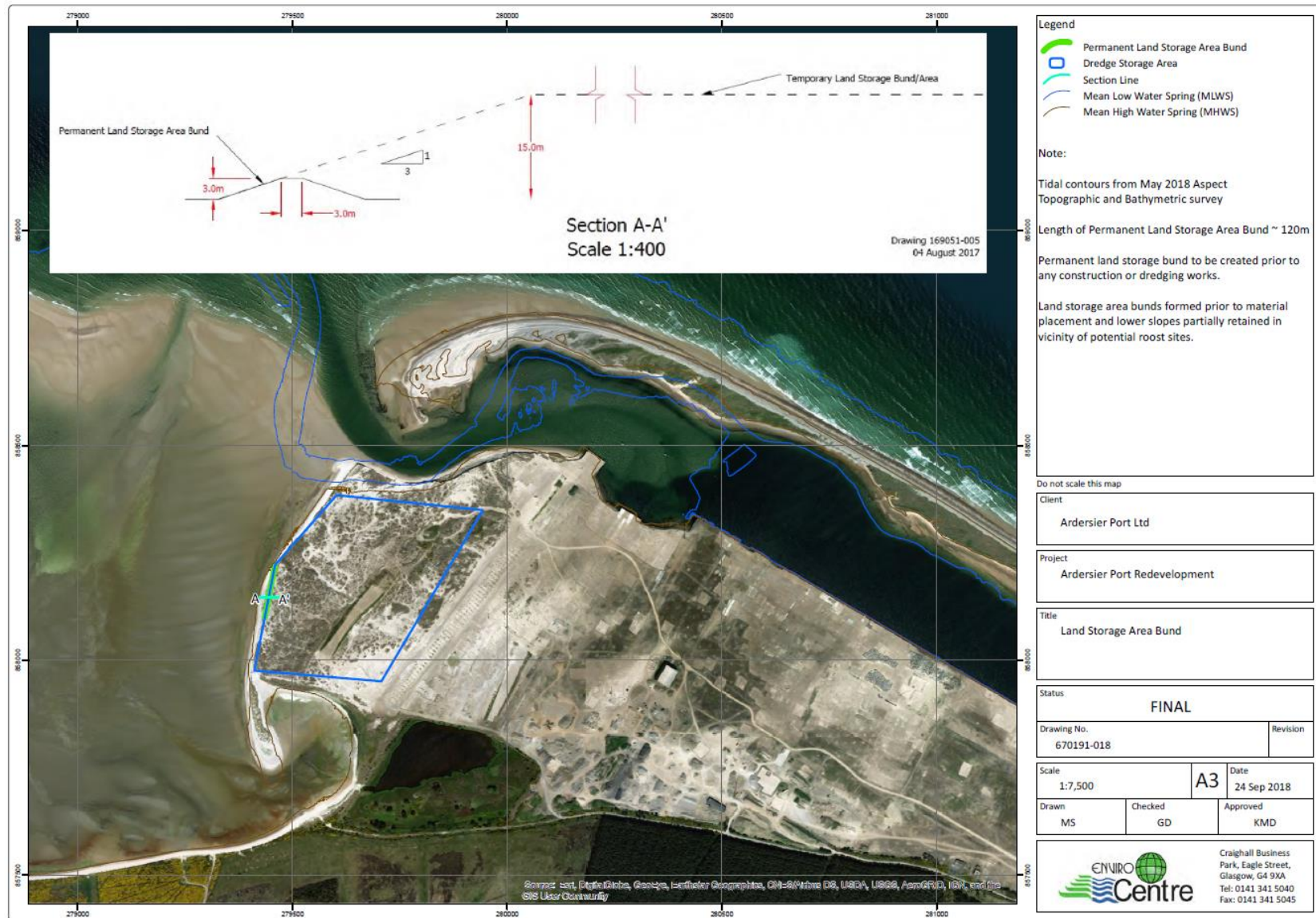
Tel: +44 (0)300 244 5046  
Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Annex One – Indicative plan showing the location of the licensed activities

**Figure 1: Areas to be dredged, area of the spit to be reinstated (area marked in red) and the temporary dredge spoil storage location (hatched black area).**



**Figure 2: Land storage area bund (Applicant drawing reference number 670191-018)**



T: +44 (0)300 244 5046  
E: ms.marinelicensing@gov.scot

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE ANY WORKS WITHIN THE SCOTTISH  
MARINE AREA

Licence Number: 06860/19/0

Reference Number: 06860

Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Ardersier Port Limited  
3rd Floor Royal Buildings  
Victoria Street  
Derby  
England  
DE1 1ES**

to construct, alter or improve works within the Scottish marine area as described in Part 2 of the attached Schedule.

This licence is subject to the conditions set out in Part 3 of the said Schedule and is valid from **19 September 2019** until **31 August 2024**.

Redacted

Signed:

Malcolm Rose

For and on behalf of the licensing authority

Date: 19 September 2019



## **1. PART 1 – GENERAL**

### **1.1. Interpretation**

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010:

- a) “the 2010 Act” means the Marine (Scotland) Act 2010
- b) “licensable marine activity” means any activity listed in section 21 of the 2010 Act
- c) “licensee” means the recipient of the licence
- d) “the licensing authority” means the Scottish Ministers
- e) “mean high water springs” means the average of high water heights occurring at the time of spring tides
- f) “seabed” means the ground under the sea

All geographical co-ordinates contained within this licence are in latitude and longitude format WGS84.

### **1.2. Contacts**

All correspondence or communications relating to this licence should be addressed to:

Marine Scotland  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Tel: +44 (0) 300 244 5046

Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

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

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed operations. The issuing of this 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 of the 2010 Act the licensing authority may by notice vary, suspend or revoke this licence granted by them if it appears to the licensing authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, vary this licence if satisfied that the variation being applied for is not material.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, transfer this 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 provide full details of the matter to 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, either 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 by 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 the sheriff of any sheriffdom against a decision taken by the Scottish Ministers under section 29(1) of the 2010 Act.

## 2. PART 2 - PARTICULARS

### 2.1. Name(s) and address(es) of any other agents, contractors or sub-contractors acting on behalf of licensee:

See condition 3.1.2

### 2.2. Location of construction works:

Ardersier Port within the area bounded by joining the following points:

57° 35.829' N	003° 59.729' W	57° 35.987' N	004° 00.365' W
57° 35.950' N	004° 00.136' W	57° 36.016' N	004° 00.356' W
57° 35.926' N	004° 00.161' W	57° 36.032' N	004° 00.395' W
57° 35.938' N	004° 00.199' W	57° 36.031' N	004° 00.512' W

As shown in Figure 1 of Annex One.

### 2.3. Description of the works:

Redevelopment of Ardersier Port including:

- Construction of a new 464m sheet piled quay wall
- Placement of temporary bund along quay wall

As described in application dated 23 November 2018, and correspondence submitted in support of the application.

### 2.4. Indicative nature and quantity of materials to be used in construction works:

Materials to be used in construction:

Steel/Iron, 6510 tonnes  
Timber, 30 tonnes  
Sand/Gravel, 474500  
Rubber fender, 15 tonnes

Materials to be removed during construction:

Steel/Iron, 460 tonnes  
Silt, 1400 tonnes  
Sand, 49500 tonnes  
Gravel, 15100 tonnes

### **3. PART 3 – CONDITIONS**

#### **3.1. General conditions**

##### **3.1.1. Licence conditions binding other parties**

All conditions attached to this licence bind any person who for the time being owns, occupies or enjoys any use of the works for which this licence has been granted in relation to those licensed activities authorised under item 5 in section 21(1) of the 2010 Act whether or not this licence has been transferred to that person.

##### **3.1.2. Agents, contractors and sub-contractors**

The licensee must provide, as soon as is reasonably practicable prior to the licensed activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the licensed activities.

Any changes to the supplied details must be notified to the licensing authority, in writing, prior to any agent, contractor or sub-contractor undertaking any licensed activity.

The licensee must ensure that only those agents, contractors or sub-contractors notified to the licensing authority are permitted to undertake the licensed activities.

The licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to any agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activities. The licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

##### **3.1.3. Vessels**

The licensee must submit full details of the vessels to be utilised in respect of the works, and their anticipated movements, to the licensing authority no later than one month, or at such a time as agreed with the licensing authority, prior to the commencement of the works. The vessel details provided must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

##### **3.1.4. Force Majeure**

If by any reason of *force majeure* any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be,



the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

### **3.1.5. Material alterations to the licence application**

The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

### **3.1.6. Submission of reports to the licensing authority**

Where it would appear to the licensee that there may be a delay in the submission of the reports, studies or surveys to the licensing authority then the licensee must advise the licensing authority of this fact as soon as is practicable and no later than the time by which those reports, studies or surveys ought to have been submitted to the authority under the terms of this licence.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data must, subject to any rules permitting non-disclosure, be made publically available by the licensing authority, or by any such party appointed, at their discretion.

### **3.1.7. Environmental protection**

The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Construction Environmental Management Document, subject to the amendments and modifications made within this licence and with the exception of the provision of tern rafts unless a valid marine licence is held for the deposit of these tern rafts, are implemented throughout the works to address significant environmental effects.

The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence.

The licensee must ensure that any debris or waste materials placed below MHWS during the construction of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above MHWS approved (as appropriate) by the Scottish Environment Protection Agency.

The licensee must ensure that all substances and materials used during the execution of the works are inert (or appropriately coated or protected so as to be rendered inert) and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

The licensee must ensure that the risk of transferring non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the works.

The licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system.

**3.1.8. Availability of the licence for inspection**

The licensee must ensure that copies of the licence are available for inspection by any persons authorised by the licensing authority at:

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) the site of the works; and
- d) any onshore premises directly associated with the licensed activities.

**3.1.9. Inspection of the works**

Any persons authorised by the licensing authority, must be permitted to inspect the works at any reasonable time.

**3.1.10. Safety of Navigation**

The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, 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 consent by the licensing authority. The licensee shall be liable for any expense incurred.

**3.1.11. Sediment Transport Monitoring Plan**

The licensee must ensure that the Sediment Transport Monitoring Plan, dated 21 September 2018, is fully implemented. In the event that the licensee wishes to update or amend any of the protocols in the Sediment Transport Monitoring Plan, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with 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.

**3.2. Prior to commencement of the works**

- 3.2.1.** The licensee must, no later than 7 days prior to commencement of the works, notify the licensing authority of the proposed start date of the works.
- 3.2.2.** The licensee must issue marine safety information as considered appropriate prior to the commencement of the works.
- 3.2.3.** The licensee must ensure that HM Coastguard, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre, is made aware of the works prior to commencement.
- 3.2.4.** The licensee must ensure that no marine construction works occur prior to the completion of the construction of the permanent dredge spoil storage bund, constructed above MHWS in accordance with drawing 670191-018, shown in Figure 2 of Annex One.

**3.3. During the works**

- 3.3.1.** The licensee must ensure that no construction works take place within 250m of any current roost site between 1 October and 31 March inclusive each year.
- 3.3.2.** The licensee must ensure that a minimum distance of 50m is maintained between the designated seal haul-out site and any piling activities between 1 June and 31 August inclusive each year.
- 3.3.3.** The licensee must ensure that only the materials listed in Part 2 of this licence are used during the construction of the works.
- 3.3.4.** The licensee must ensure that all works are carried out in accordance with the approved Construction Environmental Management Document, dated 21 September 2018, and ensure that all mitigation measures listed are fully implemented, subject to the amendments and modifications made within this licence and with the exception of the provision of tern rafts unless a valid marine licence is held for the deposit of these tern rafts. In the event that the licensee wishes to update or amend any of the protocols in the Construction Environmental Management Document, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with 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.
- 3.3.5.** The licensee must adhere to the approved Marine Mammal Protection Plan and Marine Mammal Observation Protocol, included within the Construction Environmental Management Document, dated 21 September 2018 subject to the amendments and modifications made within this licence.
- 3.3.6.** The licensee must ensure that no piling works take place in sea states greater than 3, or during periods of darkness or poor visibility unless a protocol has been agreed in writing with the licensing authority to protect the bottlenose dolphin feature of the Moray Firth Special Area of Conservation.
- 3.3.7.** The licensee must ensure that all visual monitoring of marine mammals is carried out by a Joint Nature Conservation Committee trained Marine Mammal Observer
- 3.3.8.** The licensee must ensure that the works are marked and/or lighted as required by the Northern Lighthouse Board and the marking to be continued unless and until the licensing authority rescind this direction.
- 3.3.9.** If it is desired by the licensee to display any marks or lights not required by this licence then details of such marks or lights must be submitted to the Northern Lighthouse Board and their ruling must be complied with. The display of unauthorised marks or lights is prohibited.
- 3.3.10.** The licensee must ensure that the works are maintained at all times in good repair.

- 3.3.11. The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
- 3.3.12. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
- 3.3.13. In the event of the works being discontinued prior to their completion, the licensee must remove the works and clear the site to the satisfaction of the licensing authority.
- 3.3.14. If, in the opinion of the licensing authority, the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:
  - a) The failure to mark and light the works as required by licence;
  - b) The maintenance of the works; or
  - c) The drifting or wreck of the works.

The licensee is liable for any expenses incurred in securing such assistance.

- 3.3.15. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.

#### **3.4. On completion of the works**

- 3.4.1. The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.
- 3.4.2. The licensee must submit a written report regarding the materials used during construction 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 2024. Where appropriate, nil returns must be provided.
- 3.4.3. The licensee must issue a Notice to Mariners clearly stating the as-laid positions of the buoys within the buoyed channel.
- 3.4.4. The licensee must, within 28 days of completion of the works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 337900) with a copy of the 'as built plans' along with the 'as-laid' positions of the buoyed channel, in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.

## NOTES

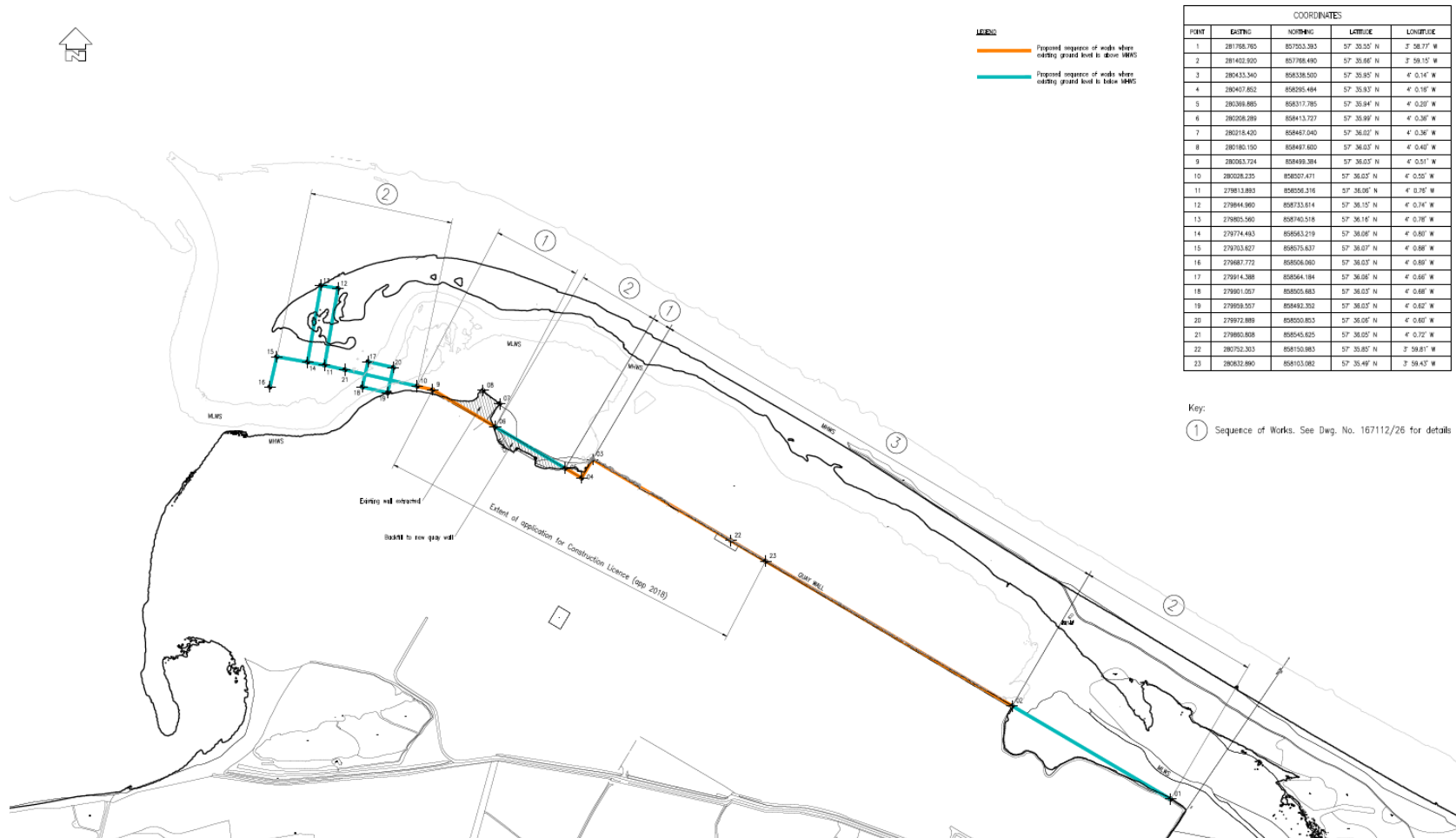
1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In 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.
3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.
4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-East Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).
5. All correspondence or communications relating to the licence should be addressed to:

Licensing Operations Team  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Tel: +44 (0)300 244 5046  
Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

## Annex One – Indicative plan showing the location of the licensed activities

**Figure 1: The location of the construction works showing the existing and new quay wall. Only the portion of the wall marked as within the “Extent of application for Construction Licence (app 2018)” is licenced under this marine licence.**



**Figure 2: Land storage area bund (Applicant drawing reference number 670191-018)**

