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02 August 2019

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

DECISION NOTICE – MARINE LICENCE FOR THE CONSTRUCTION OF A BRIDGE AND OUTFALLS, ALONG WITH THE REALIGNMENT OF YOKER BURN AND DREDGING ACTIVITIES, ASSOCIATED WITH THE CLYDE WATERFRONT RENFREW RIVERSIDE PROJECT (“CWRR”), RIVER CLYDE, GLASGOW.

1. Application and description of the works

- 1.1 On 04 July 2017 Renfrewshire Council (“the applicant”) having its registered office at Renfrewshire House, Cotton St, Paisley, PA1 1JD, submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 for the construction of a bridge and outfalls, along with the realignment of Yoker Burn and dredging activities (“the works”) associated with the Clyde Waterfront Renfrew Riverside (“CWRR”) project (“the project”). The application was 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”). In the application this document was referred to as an Environmental Statement (“ES”), and is therefore referred to as an ES in this decision notice.
- 1.2 The ES received was also submitted to the Scottish Ministers in relation to the associated onshore, terrestrial works for which planning permission is required. Planning Permission was sought from the Scottish Ministers by their request due to the national importance of the development under s.46 of the Town and Country Planning (Scotland) Act 1997. This Decision Notice considers only the information relevant to the marine environment.

- 1.3 The works cover an area of 62,760 m². The location and boundary of the site is shown in Appendix 1.

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 ES 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 ES is given below.

Land Use & Navigation

- 2.3 The proposal is located close to a residential area and community land. The effects of the proposal on land use were assessed in the ES and Renfrewshire Council's advice was sought. Renfrewshire Council did not provide any comments, so it was assumed that they did not hold any objections to the proposal. The proposal was granted planning permission by the Scottish Ministers in November 2018.

- 2.4 The River Clyde serves as an important Scottish waterway due to the commercial operations and recreational activities taking place in it. The planned Clyde Crossing will result in temporary disruptions to users due to the installation of coffer dams which will temporarily impede access along the edges of the river. The effects on navigation therefore are considered to be significant in the short-term, however insignificant in the long-term.

- 2.5 The Clyde Crossing has been designed so that it opens in order to allow vessels to pass through, however there is a risk that if the crossing fails, there could be temporary disruptions to navigation. In order to avoid that, Renfrewshire Council has included the construction of a layby berth at Rothesay Dock to provide a safe mooring space for vessels to use until the bridge can be opened. Therefore, the impact on navigation is considered minor and insignificant.

Geology, Soils, Hydrogeology and Contaminated Land

- 2.6 In terms of the local geology and soils, these have been assessed by Renfrewshire Council and the Scottish Ministers, as part of their decision to grant planning permission to the proposal.

- 2.7 The proposal's area is underlain by a moderately permeable aquifer, which is important for local supplies and rivers, although it does not often produce large quantities of water for abstraction.

- 2.8 The hydrological characteristics of the proposed area of works are considered to be of 'medium' sensitivity; this is due to the location of the development i.e. within a largely developed urban area, the limited use of the hydrological resource as a public or private water supply and the scale of the catchment area.

- 2.9 There are no formally designated areas of contaminated land within the proposal's boundary. However, historic use of land such as the former oil refinery, Lobnitz Dock, and residential and commercial development may have led to some localised pollution.
- 2.10 During construction, there is the potential for accidental release of pollution into the waterbody through construction plants and disturbance of contaminated sediments associated with the dredging works. During operation, there is the potential for dewatering and alteration of the groundwater regime or contamination of the waterbody through the mobilisation of contaminated sediments.
- 2.11 Renfrewshire Council has committed to mitigating such risks by the encapsulation of contaminated material in low permeability covers or disposal of such material. Therefore, these impacts are considered insignificant.

Water Quality, Drainage and Flood Risk

- 2.12 With regards to surface water quality, the applicant's assessment utilised a 1km buffer around the proposal with the assumption that beyond that, sufficient mixing would occur so that any potential pollutants are sufficiently diluted and dispersed.
- 2.13 In order to assess the potential for the occurrence of flooding, both drainage impact and flood risk assessments were undertaken, the latter through pre-development hydrodynamic modelling, which included the larger River Clyde and the smaller, White Cart and Yoker Burn waterbodies, to ensure predictions were accurate.
- 2.14 The Inner Clyde Estuary waterbody has an overall status of 'Moderate ecological potential' due to it being heavily modified. Its overall ecological status is 'Poor' and its chemical status has been ranked as 'Pass'. The main pressures on the waterbody comprise of sewage disposal, air transport, morphological alterations and diffuse pollution from farming. The Inner Clyde Estuary was assessed to have an overall 'high' sensitivity regarding water quality and a 'medium' one regarding hydrology and flood risk.
- 2.15 The White Cart waterbody was assessed to have an overall 'high' sensitivity regarding water quality and a 'low' one regarding hydrology and flood risk. The Yoker Burn waterbody on the other hand has an overall 'low' sensitivity regarding water quality and a 'high' one regarding hydrology and flood risk.
- 2.16 The Scottish Ministers undertook a Morphological Impact Assessment to gauge the impact of the works on the water quality of the Inner Clyde Estuary and White Cart waterbodies. The assessment was carried out over the waterbodies as a whole and there was no projected decrease in water quality as a result of the proposed works.
- 2.17 A review of SEPA's flood maps indicated risks of extensive flooding to the north and east of Yoker Burn and tidal flooding along the development's area. However, revised hydrodynamic modelling run by Renfrewshire Council has identified that flooding will be restricted to the immediate bankside area of the River Clyde.
- 2.18 It is expected that some temporary significant impacts on water quality may occur during construction and dredging activities, such as sediment release, resuspension and subsequent pollution from older sediments. Dredging, however, is temporary and its effects are predicted to be similar to these of the annual dredging operations taking place in the River Clyde. Resuspension of older and more-contaminated sediments is unlikely as all the dredged material will be deposited on land.

- 2.19 Further mitigation measures during construction works include the appointment of an Environmental Site Manager to supervise the works, along with the preparation of construction method statements to streamline the construction process. Adherence to SEPA's guidance and mobilisation of a suction dredger to reduce sediment resuspension, have also been proposed.
- 2.20 In terms of water quality concerns during operation, the proposed outfalls are expected to transfer sediments, however the impacts are considered to be minor. The outfalls are not expected to negatively impact on flood risk either. All drainage systems have been designed based on the relevant SEPA/CIRIA guidance.

Landscape and Visual Effects

- 2.21 The effects of the proposed Phase 4 Development on the landscape and visual resources of the site and the surrounding area during construction and operation were assessed as part of a Landscape and Visual Impact Assessment. Visual effects result from the changes in the content or character of views and visual amenity, due to changes in the landscape. The assessment of visual effects takes account of both the sensitivity of the visual receptors (individuals or groups of people) and the magnitude of the change on their views and visual amenity. Construction operations were found to have insignificant effects with the landscape having 'low' susceptibility to the type of changes proposed. Operational effects are considered insignificant with the Clyde Crossing being designed so that there is no alteration in the views of areas farther than 1km each side of the bridge. Therefore, operational effects on landscape are expected to be permanent, but localised.
- 2.22 Due to the insignificant nature of the effects predicted, no additional mitigation measures have been proposed. Good practice measures, however, will be put in place to reduce effects where possible.
- 2.23 Landscape and visual effects were assessed by Renfrewshire Council and planning permission was granted by the Scottish Ministers.

Ecology and Nature Conservation

- 2.24 Both the Inner Clyde Special Protection Area ("SPA")/Site of Special Scientific Interest ("SSSI") which are designated for their redshank, cormorant, eider, goldeneye, oystercatcher, red-breasted merganser and red-throated diver populations, and the Black Cart SPA/SSSI, which is designated for whooper swan, are located within 10km of the site. No environmental designations exist within the site.
- 2.25 Breeding and wintering birds were scoped out of the EIA report through consultation with SNH. However, following a desk-based assessment and further consultation, it is stated in the EIA report that the project could have significant effects on the nearby Barn Owl population during the construction phase. The report concluded that this could be avoided through the use of mitigation measures.
- 2.26 An Ecological Clerk of Works to supervise the works will be appointed prior to construction commencing and ecological toolbox talks will be provided to the site's personnel. Surveys to check for the presence of breeding and nesting birds have been proposed, with suitable working buffers put in place around any bird sites identified.
- 2.27 Surveys have identified the presence of otters within 250m of the works, however none of them were found to be near the works. Therefore, no mitigation has been proposed with regards to otters.

- 2.28 Diadromous fish are known to use the River Clyde and the Black and White Cart waters. Due to the hearing range of the lamprey, trout and salmon populations in the area, piling noise from the development is expected to have an effect on them, while dredging works may resuspend sediment. Renfrewshire Council, however, has committed to ceasing works during smolt migration over the months of March to May. This is therefore expected to mitigate any negative effects on diadromous fish populations.
- 2.29 Renfrewshire Council has also committed to producing a plan for the management of any potential invasive non-native species contamination around the works, prior to any works commencing.

Archaeology and Cultural Heritage

- 2.30 There are no marine historical designations within the development's area, however Renfrewshire Council undertook an archaeological desk-based assessment. Adverse effects of minor significance were predicted for two nearby assets; the London Works shipyard and the Renfrew Ferry however these were not considered to be significant for the purposes of the EIA.

Noise and Vibration

- 2.31 A noise and vibration assessment was carried out, which considered the likely significant noise effects associated with the construction and operational scenarios of the project on nearby residential receptors.
- 2.32 Noise and vibration effects are expected as a result of construction activities, such as piling for the installation of the Clyde Crossing foundations and mooring dolphins for the Layby Berth at Rothesay Dock, and increased road traffic, through increased HGV movements. However, these effects are expected to be temporary, short-term and local in nature.
- 2.33 Renfrewshire Council, has committed to equipping mechanical plants with silencers and shutting noisy equipment down during periods of inactivity, in order to reduce noise and vibration impacts.
- 2.34 Operational noise and vibration through road traffic and bridge operation was identified as 'insignificant' and as such no further mitigation was proposed, aside from following best practice guidelines.

Local Air Quality

- 2.35 An assessment of baseline and future air quality was carried out for two scenarios; 2020 and 2037. The former identified that annual mean NO₂ and PM₁₀ concentrations will only be exceeded at isolated spots but not at sensitive receptors, due to increased HGV traffic and therefore, emissions. The latter indicated that annual mean concentrations for both will not be exceeded at any receptor as construction will have finished.
- 2.36 Operational impacts to local air quality have been identified as negligible for both 2020 and 2037 scenarios.
- 2.37 Renfrewshire Council has committed to following best practice in terms of dust management, and has produced a Construction Environmental Management Plan for site-specific mitigation measures.

Climate Change Mitigation and Adaptation

- 2.38 A desk-based study was undertaken to establish a baseline and predict future greenhouse gas emissions ("GHG"). Normally, during construction, GHG are expected to increase due to increased road usage by HGVs and the use of heavy plants for operations such as piling works. However, Renfrewshire Council and Sweco undertook high level calculations of route option carbon footprints as part of their preliminary plans and propose that they incorporate further carbon reduction into their tendering and procurement operations.
- 2.39 From an operational perspective, the assessment indicates the proposal will reduce journey times and distances due to the introduction of the Clyde Crossing, therefore reducing the modelled end-user carbon emissions for the opening year. This trend, however, will be reversed and annual end-user carbon emissions will increase in the longer-term (2037) due to the potential for additional infrastructure associated with the development. This modelling has already taken into account efficient traffic flows and can only be improved by promoting the use of sustainable transport, something which Renfrewshire Council is willing to undertake.

Socio-Economic Effects

- 2.40 The EIA Report discusses the socio-economic benefits of the proposal. The construction works are expected to create 51 permanent and 216 temporary, full time jobs in West Dunbartonshire and Renfrewshire. The operational phase of the proposal is expected to lead to the development of 11.4ha and 39.8ha of residential and commercial land south and north of the river, respectively, due to the enhanced connectivity provided by the works. This in turn will provide an additional 332 and 336 temporary construction jobs along with 187 and 763 jobs associated with the office sectors, in the south and north, respectively. The economic assessment concluded that there would be a positive benefit to the local community as a result of the project.

Traffic and Transport

- 2.41 Impacts on traffic and transport were identified and quantified within a Transport Assessment ("TA"). It is acknowledged that the project will add additional pressure to the local transport network during both the construction and operational phases. However, no transport of materials through the river is expected.

In terms of navigation, the Clyde Crossing has been designed so that it opens when required to accommodate the passage of vessels. Additional safety to navigation has been secured through the inclusion of the layby berth just before the bridge, so that if there are any technical difficulties associated with the bridge's opening, vessels can wait within that designated area.

3. Consultation

- 3.1 In accordance with the 2017 MW Regulations, advertisement of the application and ES 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 post consent.

Document	Date received	Dates of consultation	Publication
Environmental Statement	12 July 2017	25 July 2017 – 23 August 2017	Renfrewshire website (27 July 2017)
Marine licence applications & supporting documentation			Edinburgh Gazette (28 July 2017) Paisley Daily Express (01 August 2017) Dumbarton & Vale of Leven Reporter (01 August 2017) Evening Times (01 August 2017) Clydebank Post (02 August 2017) Paisley & Renfrewshire Gazette (02 August 2017)

- 3.3 A summary of the responses is set out at sections 4, 5 and 6. The responses are available to view in full [here](#).

4. Summary of statutory consultee responses

- 4.1 Renfrewshire Council, did not provide a consultation response. However, planning permission has been granted by the Scottish Ministers in place of Renfrewshire Council and that incorporates issues around transport, dust and terrestrial ecology.
- 4.2 The Maritime and Coastguard Agency ("MCA") responded on 21 August 2017 confirming no objection to consent being granted, subject to all maritime safety legislation being followed and the inclusion of marking and lighting along with standard conditions on the marine licences.
- 4.3 The Northern Lighthouse Board ("NLB") responded on 10 August 2017 stating no objections. Their recommendations with regards to navigation will be included as conditions of the marine licences.
- 4.4 Scottish Environmental Protection Agency ("SEPA") responded on 06 September 2017 stating that their main concern around the passage of fish during the Clyde Crossing's construction works has been removed due to the restriction of works during the downstream run of migratory fish.

SEPA also referred to their standing advice which states that they do not anticipate any adverse environmental impacts of the dredging activities providing it is carried on in line with dredging best practice. In addition, measures should be put in place to minimise the release of sediment plumes. With regards to the construction works, they again emphasise the importance of good working practices to prevent water pollution and minimise disturbance to sensitive receptors.

SEPA further advised that there were not any concerns regarding water quality or hydrology and flood risk.

- 4.5 Historic Environment Scotland ("HES") responded on 07 August 2017 confirming that there are no marine or terrestrial historic heritage sites within the works. HES also confirmed that in their view the proposals do not raise historic environment issues of national significance, therefore they do not wish to object to the proposed development.
- 4.6 SNH responded on 11 August 2017 stating that although there are natural heritage interests of international importance close to the site of the works, in their view, these will not be adversely affected by the project.

SNH advised that the works are not likely to have a significant effect on the redshank, cormorant, eider, goldeneye, oystercatcher, red-breasted merganser and red-throated diver populations of the Inner Clyde SPA and SSSI because of the separation distance between the sites and the works (approximately 730m).

The capital dredging works, although expected to alter tidal dynamics and increase the volume of tidal water, are not predicted to result in geomorphological change. SNH confirmed that any changes would not be discernible against both natural variability and the influence of other maintenance dredging operations. Therefore, there is no expectation that the capital dredging works will affect the extent and quality of the redshank's supporting habitat.

With regards to marine mammals, SNH requested the inclusion of a marine licence condition stating that the Ecological Clerk of Works (ECoW) must be present during in-river works to check for the presence of cetaceans and seals prior to the commencement of in-river works. If any cetaceans or seals are observed, in-stream works must be delayed until any animals are a safe distance away and downstream of the site.

SNH have also confirmed the Firth of Clyde is often visited by harbour and grey seals, however there are no Special Areas of Conservation ("SAC") for seals in the vicinity of the proposed works. No assessment of cetaceans was undertaken either, as cetaceans are rarely seen within the River Clyde, however SNH are content with the mitigation proposed which has been added as a marine licence condition.

SNH also confirmed there are no expected effects on freshwater migratory fish should the measures specified in the Schedule of Mitigation ("SoM") chapter of the Environmental Statement be followed. Strict accordance with the SoM for fish and the management of invasive non-native species is expected to result in no significant impacts on the environment.

Adherence to the SoM for birds, the physical environment, marine mammals, migratory fish and the management of invasive non-native species has been ensured through the addition of a marine licence condition.

5. Summary of non-statutory consultee responses

- 5.1 Royal Yachting Association Scotland ("RYA") stated no objections in their response dated 10 August 2017, but asked for conditions to ensure the right of navigation for

recreational vessels is preserved. The marine licence will include a condition to reflect this.

- 5.2 Glasgow Airport, in their response of 13 October 2017, confirmed they had no objections to the works.
- 5.3 Scottish Water, in their response of 23 August 2017, expressed no concerns about the works. Scottish Water did note that there were multiple Scottish Water assets within the site and that the applicant was to get in touch with them and confirm that there would be no interference with these assets during the development. Marine Scotland has passed on these comments to the applicant who has confirmed that they have been in contact with Scottish Water throughout the project and that there are no conflicts arising from the presence of these assets.
- 5.4 West of Scotland Archaeology Service, in their response of 09 August 2017, had no objection to the work.

6. Representations from other organisations and members of the public

- 6.1 BAE Systems Maritime – Naval Ships stated that the size of the proposed lay-by berth was smaller than the requirements of the future Shipbuilding Strategy of BAE Systems Naval Ships. The applicant confirmed that the lay-by berth size had been agreed in consultation with the port authority and that in the case of vessels that were too large to use the lay-by an operating protocol would be agreed with the Port Authority that commits the Council to open the bridge so as to enable the relevant vessel to transit the bridge at any time without having to stop, delay or use the Layby Berth.
- 6.2 One representation was received from a member of the public enquiring if the possibility of the inclusion of energy recovery from the outflows had been considered. The applicant provided reasons why this option was not practical in this case.

7. Advice from 3rd Parties

- 7.1 Marine Scotland Science (“MSS”) provided advice on diadromous fish.
- 7.2 They indicated their agreement with the proposed mitigation to reduce impacts on migratory fish. They suggested additional mitigation in the form of lookout who should keep watch for injured or distressed fish and report any incidents of these back to the appropriate authorities regardless of whether they were connected to the works. MSS suggested that the duties of the Ecological Clerk of Works’ duties be extended to include this role and all other fish observation duties.
- 7.3 Furthermore, MSS advised that if any salmon or sea trout are sighted while piling works are taking place, these should be ceased until such a time as the area is clear of them. These recommendations have been passed on to the applicant for consideration and they were included in the Construction Environmental Management Plan.

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 effects of the works on the environment, which are in summary:
 - ornithological impacts;
 - impacts on marine mammals;
 - impacts on diadromous fish;
 - impacts on air quality;
 - landscape and visual impacts; and
 - water quality impacts.

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 planning policy context was taken into consideration by the applicant as part of their planning application. In Scotland, the frameworks for considering planning applications are:

- The National Planning Framework (NPF);
- Strategic Development Plans (SDPs); and
- Local Development Plans (LDPs)

8.4 The Scottish Ministers are satisfied that works accord with and are supported by Scottish Government policy and the terms of the NMP and relevant local development plans.

Environmental Matters

8.5 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out. Environmental information including the ES has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the project have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.

8.6 The Scottish Ministers have considered fully and carefully the application, ES, supporting documentation and all relevant responses from consultees.

Possible Effects on Ornithological and Marine Mammal Interests

8.7 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.

8.8 SNH confirmed that the works are unlikely to have a significant effect on the qualifying interest of the Inner Clyde and the Black Cart SPAs either directly or indirectly. Therefore, MS-LOT, on behalf of the Scottish Ministers, as the "competent authority", was not required to carry out an Appropriate Assessment.

- 8.9 The Scottish Ministers are content that ornithological and marine mammal impacts will be appropriately mitigated providing the applicant adheres to the conditions set out in the marine licences and to the mitigation measures detailed in the ES.

Diadromous Fish Impacts

- 8.10 The Scottish Ministers are satisfied that the appointment of an ECoW, as detailed in the SoM chapter of the ES, with the power to stop works if required, and the prohibition of dredging activities during the downstream run of migratory fish in the spring months, will result in no significant effects on diadromous fish. Appropriate conditions are attached to the marine licences to ensure adherence to this mitigation.

Impacts on Air Quality

- 8.11 The Scottish Ministers are content that air quality impacts resulting from dust emissions associated with construction activities will be sufficiently mitigated through the implementation of the SoM chapter in the ES. A condition ensuring adherence to the SoM is attached to the construction marine licence.

Landscape and Visual Impacts

- 8.12 The Scottish Ministers are satisfied that landscape and visual impacts associated with the project will be sufficiently mitigated on the basis that the project has been designed and located to minimise landscape and visual impacts and the applicant has committed to implementing good practice measures to reduce effects where possible.

Impacts on Water Quality

- 8.13 The Scottish Ministers are content that impacts on water quality associated with the works will be sufficiently mitigated on the basis that increased suspended sediments associated with the dredging works will be temporary, with no sea disposal of sediments taking place. Pollution prevention measures and best practice with regards to ballast water management and the cleaning of plant and equipment prior to mobilisation will be implemented. The Scottish Ministers are also content with the Water Framework Directive ("WFD") assessment completed by the applicant and its conclusion of no predicted reduction in the WFD status of the Inner Clyde Estuary, the White Cart, and the Yoker Burn transitional waterbodies' water quality.

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 socio economic benefits which would be realised. The Ministers have undertaken this exercise in the context of national and local policies.
- 9.3 The Scottish Ministers have considered the extent to which the project accords with and is supported by Scottish Government policy, the terms of the NMP and local development plans and the environmental impacts of the project, in particular: the impact on the Inner Clyde SPA and SSSI; ornithological impacts; marine mammal impacts; impacts on air quality; the landscape and visual impact of the project; and impacts on water quality.
- 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 project and

mitigation. In particular the Ministers are satisfied that the proposal will not adversely affect the integrity of the Inner Clyde 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 project, the Scottish Ministers have identified conditions to be attached to the licences to reduce environmental impacts. These include adherence to the SoM submitted in support of the applications.
- 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 of a bridge and outfalls, along with the realignment of Yoker Burn and dredging activities, associated with the CWRR project in Glasgow. 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 - <http://marine.gov.scot/ml/clyde-waterfront-renfrew-riverside-cwrr>
- 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 consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – <http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours Sincerely,



Marine Licensing Group Leader, Marine Scotland Licensing Operations Team

A member of the staff of the Scottish Ministers

02 August 2019

[illegible]

Appendix 2. Marine licences 06473/19/0 and 06474/19/0

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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE CONSTRUCTION WORKS

Licence Number: 06473/19/0

Reference Number: 06473

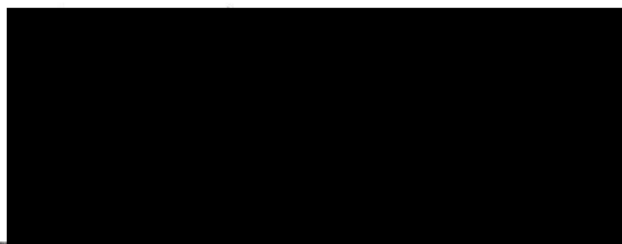
Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Renfrewshire Council
Renfrewshire House
Cotton Street
Paisley
PA1 1JD**

to construct 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 **01 February 2020** until **30 September 2022**.

Signed:



Malcolm Rose

For and on behalf of the licensing authority

Date: 02 August 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
375 Victoria Road
Aberdeen
AB11 9DB

Tel: +44 (0) 300 244 5046
Email: 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 acting on behalf of licensee:

Agent
Sweco UK Ltd.
City Park, Suite 4.2
368 Alexandra Parade
Glasgow
G31 3AU

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

As per Annex Two

See condition 3.1.2

2.3. Name(s) of vessel(s) to be employed to undertake the activities authorised by the licence:

As per Annex Three

See condition 3.1.3

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. Location of construction works:

Clyde Waterfront, Renfrewshire, within the areas bounded by joining the points listed below:

Clyde Crossing

55° 53.378' N 004° 23.558' W
55° 53.372' N 004° 23.533' W
55° 53.324' N 004° 23.624' W
55° 53.316' N 004° 23.602' W

Yoker Burn Culvert

55° 53.378' N 004° 23.561' W
55° 53.376' N 004° 23.563' W
55° 53.364' N 004° 23.510' W
55° 53.366' N 004° 23.508' W

Layby Berthing

55° 53.490' N 004° 23.990' W
55° 53.504' N 004° 23.976' W
55° 53.453' N 004° 23.878' W
55° 53.465' N 004° 23.866' W

Outfall 1

55° 52.950' N 004° 24.354' W

Outfall 2

55° 53.228' N 004° 23.197' W

Outfall 3

55° 53.370' N 004° 23.523' W

Outfall 4

55° 53.317' N 004° 23.599' W

Outfall 5

55° 53.381' N 004° 23.572' W

As shown in Annex One.

2.5. Description of the works:

Development of the Clyde waterfront including:

- Construction of a 190m cable-stayed twin leaf 'swing' bridge formed of two interlocking sections capable of rotating on a 90 degree axis
- Realignment of the Yoker Burn by means of a 6.0 m x 2.4m reinforced concrete box culvert
- Construction of a 120m Layby Berth with individual reinforced dolphins spaced at 40m
- Installation of 5 drainage outfalls

As described in application dated 04 July 2017, and correspondence submitted in support of the application.

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

Clyde Crossing

32 No. 1200mm diameter RC piles

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
<http://www.gov.scot/Topics/marine/Licensing/marine>



SCHEDULE TO LICENCE NUMBER: 06473/19/0

DATED: 02 August 2019

Concrete, 4700 tonnes (1875m³)

Sheet Piling, 90 tonnes (73m)

Backfill Material (granular material in accordance with the Manual for Contract Document for Highway Works), 460 tonnes (240m³)

Yoker Burn Culvert

Concrete, 127 tonnes (50m³)

Layby Berthing

Concrete, 550 tonnes (220m³)

24 No. steel tubular pipes, 202 tonnes

Sheet Piling, 400 tonnes (200m)

8 No. Rubber Fenders & 4 No. Rubber Panels (31m³)

Drainage Outfalls

5 No. 600mm diameter outfalls

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 may, 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 Environmental Statement ("ES") 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 unauthorised debris or waste materials arising during the course of the works are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.

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.

Prior to commencement of the works, the licensee must appoint an Environmental Clerk of Works ("ECoW") who will be responsible for ensuring that no marine mammals are present within 500m of any in-river works before the works start. If any marine mammals are observed during in-river works, ECoW must stop any in-stream works and they can only commence when the animals have moved at least 500m downstream from the site.

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.

3.2. 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 liaise with Peel Ports (Clydeport) with regard to the issue of a Notice to Mariners for the duration of works within the River Clyde.
- 3.2.3.** The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.
- 3.2.4.** The licensee must review where potential asset conflicts with Scottish Water exist and contact the Scottish Water Asset Impact Team ("AIT") (service.relocation@scottishwater.co.uk) as soon as practicable to discuss any potential issues identified. All detailed design proposals relating to the protection or diversion of

Scottish Water's assets must be submitted to AIT for review and written acceptance before any works take place.

- 3.2.5.** The licensee must contact Scottish Water (EIA@scottishwater.co.uk) prior to works commencing to discuss the timing of works and provide Scottish Water with a detailed Construction Environmental Management Plan.

3.3. During the works

- 3.3.1.** Works in the watercourse must not take place between 01 March and 31 May inclusive to allow for the safe migration of salmon and trout smolts.
- 3.3.2.** The licensee must ensure that only the materials listed in Part 2 of this licence are used during the construction of the works and that all substances or objects used during 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.
- 3.3.3.** The licensee must ensure that works are carried out in accordance with the Chapter 14: Schedule of Mitigation ("SoM") submitted as part of Volume 2 of the CWRR Environmental Statement. In the event that the licensee wishes to amend or update the SoM, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.
- 3.3.4.** The licensee must ensure that:
- a) The layby berth is marked with 2 fixed red (vertical) lights with a nominal range of 2 nautical miles, sited approximately 2m and 3.5m above deck level on the Westernmost dolphin.
 - b) When the bridge is closed, 3 fixed red (vertical) lights with a nominal range of 3 nautical miles are shown in the centre of the span on both sides of the bridge.
 - c) When the bridge is open, a quick flashing red light is exhibited on the outside of the north span; and a quick flashing green light on the south span, each with a nominal range of 3 nautical miles. The mounting of the lights should be designed to be visible from all aspects up and down stream.
- 3.3.5.** The licensee must liaise with the Northern Lighthouse Board with regard to the required characters for the proposed navigational lights and buoyage. The Statutory Sanction of the Northern Lighthouse Board must be sought prior to the installation of the aids to navigation; forms are available on request from: navigation@nlb.org.uk.
- 3.3.6.** 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.
- 3.3.7.** The licensee must ensure that the works are maintained at all times in good repair.

- 3.3.8.** 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.
- 3.3.9.** The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
- 3.3.10.** 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.
- 3.3.11.** 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.

- 3.3.12.** 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 works

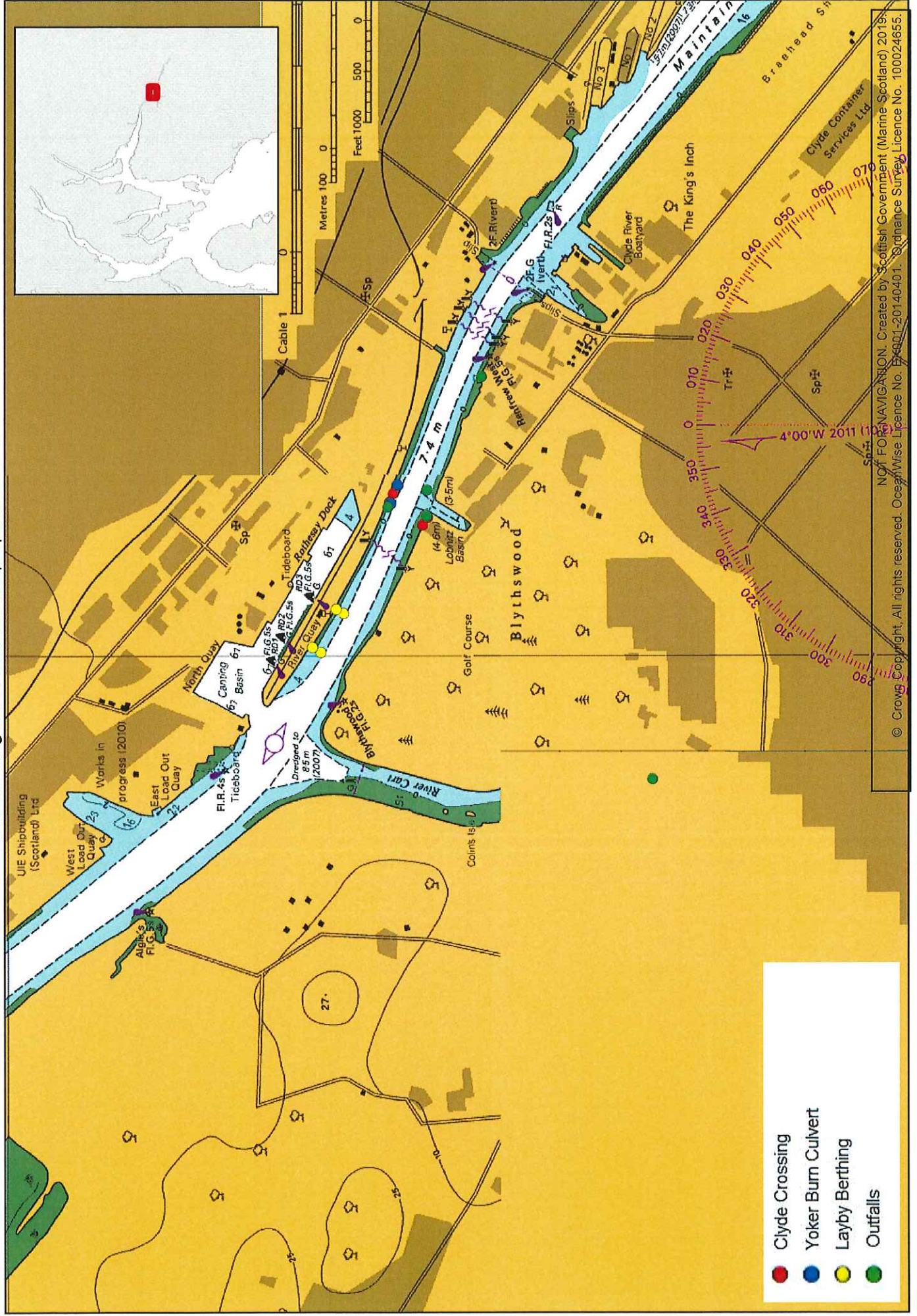
- 3.4.1.** The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.
- 3.4.2.** The licensee must submit a written report regarding the materials used during construction to the Licensing Authority. The written report must be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 30 September 2022. Where appropriate, nil returns must be provided.
- 3.4.3.** 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; tel.: 01823 337900) with a copy of the 'as built plans', 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.
- 3.4.4.** The licensee must remove all temporary materials listed in the marine licence application before the expiry date of this licence. This licence shall not continue in force after the expiry date of 30 September 2022.

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:

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

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



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

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING

Licence Number: 06474/19/0

Reference Number: 06474

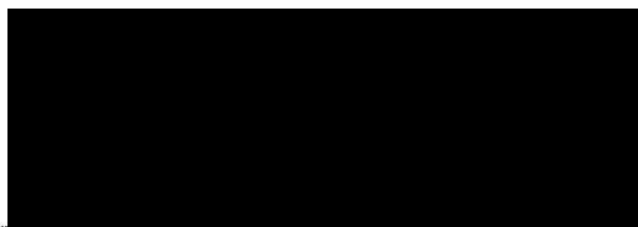
The Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Renfrewshire Council
Renfrewshire House
Cotton Street
Paisley
PA1 1JD**

to carry out dredging 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 **01 February 2020** until **31 January 2021**.

Signed:



Malcolm Rose

For and on behalf of the licensing authority

Date: 02 August 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
375 Victoria Road
Aberdeen
AB11 9DB

Tel: +44 (0) 300 244 5046

Email: 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 acting on behalf of licensee:

Sweco UK Ltd.
City Park, Suite 4.2
368 Alexandra Parade
Glasgow
G31 3AU

2.3. Name(s) and address(es) of any contractors or sub-contractors acting on behalf of licensee:

As per Annex Two

See condition 3.1.1

2.4. Name(s) of vessel(s) to be employed to undertake the activities authorised by the licence:

As per Annex Three

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.

2.5. Place of production of the dredge material:

Clyde Waterfront, Renfrewshire within the area bounded by joining the following points:

55° 53.490' N 004° 23.990' W
55° 53.504' N 004° 23.976' W
58° 53.453' N 004° 23.878' W
58° 53.465' N 004° 23.866' W

As shown in Annex One.

2.6. Description of dredging and dredge spoil deposit activities:

Capital dredge to facilitate emergency berthing of commercial shipping at new berthing structure adjacent to proposed Clyde Crossing. Material to be disposed of above mean high water springs at landfill.

As described in application dated 04 July 2017, and correspondence submitted in support of the application.

SCHEDULE TO LICENCE NUMBER: 06474/19/0

DATED: 02 August 2019

2.7. Quantity of material to be dredged:

36,00 wet tonnes

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 works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

3.1.2. 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.

3.1.3. 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 may, 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 Environmental Statement ("ES") report 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 mean high water springs during the construction of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above mean high water springs 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 works.

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 works;
- d) onboard any vessel carrying out works and
- e) any onshore premises directly associated with the licensed activities.

3.1.8. Inspection of the works

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

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 liaise with Peel Ports (Clydeport) with regard to the issue of a Notice to Mariners for the duration of works within the River Clyde.
- 3.2.3. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.
- 3.2.4. The licensee must transmit Marine Safety Information broadcasts when considered appropriate, both prior to and throughout, the dredging campaign.
- 3.2.5. The licensee must review where potential asset conflicts with Scottish Water exist and contact the Scottish Water Asset Impact Team ("AIT") (service.relocation@scottishwater.co.uk) as soon as practicable to discuss any potential issues identified. All detailed design proposals relating to the protection or diversion of Scottish Water's assets must be submitted to AIT for review and written acceptance before any works take place.
- 3.2.6. The licensee must contact Scottish Water (EIA@scottishwater.co.uk) prior to works commencing to discuss the timing of works and provide Scottish Water with a detailed Construction Environmental Management Plan.
- 3.2.7. Prior to commencement of the works, the licensee must appoint an Environmental Clerk of Works ("ECoW") who will be responsible for ensuring that no marine mammals are present within 500m of any in-river works before the works start. If any marine mammals are observed during in-river works, ECoW must stop any in-stream works and they can only commence when the animals have moved at least 500m downstream from the site.

3.3. During the works

- 3.3.1. Works in the watercourse must not take place between 01 March and 31 May inclusive to allow for the safe migration of salmon and trout smolts.
- 3.3.2. The licensee must ensure that works are carried out in accordance with the Chapter 14: Schedule of Mitigation ("SoM") submitted as part of Volume 2 of the CWRR Environmental Statement. In the event that the licensee wishes to amend or update the SoM, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

- 3.3.3.** 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 written reports to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or materials deposited 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 works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: 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:

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

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

Chart showing the location of the proposed works

