

T: +44 (0)300 244 5046

E: MD.MarineLicensing@gov.scot

Forth Ports Limited
Forth Ports Limited,
Carron House,
Central Dock Road,
Grangemouth,
FK3 8TY

14 June 2024

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

DECISION NOTICE – MARINE LICENCES TO CONSTRUCT, ALTER OR IMPROVE WORKS, DREDGE AND DEPOSIT DREDGED SUBSTANCES OR OBJECTS ASSOCIATED WITH THE PORT OF LEITH OUTER BERTH HARBOUR DEVELOPMENT

1. Application and description of the works

- 1.1 On 15 December 2023, Forth Ports Limited (“the Applicant”) having its registered office at Forth Ports Limited, Carron House, Central Dock Road, Grangemouth, FK3 8TY submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 (“the 2010 Act”) for the construction, alteration or improvement works, dredging and deposit of dredged substances or objects associated with the development of the harbour at Port of Leith Outer Berth (hereinafter collectively referred to as “the Works”). The applications were accompanied by an Environmental Impact Assessment Report (“EIA Report”) in accordance with The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”).
- 1.2 The Works involve extensions and expansion to previously licensed works at the Port of Leith Outer Berth to facilitate windfarm construction and to service vessels. In December 2022, the Scottish Ministers granted Marine Licences for improvement works to the Outer Berth (MS-00009818) and for the disposal of associated dredge material (MS-00009819) (“the Licensed Works”). An Environmental Impact Assessment was undertaken on the Outer Berth development to support the licence applications. However, the current water depth of the Leith approach channel significantly limits the tidal window during which deep-drafted vessels can access the Outer Berth. The Applicant proposes alterations to the Licensed Works to accommodate larger vessels that have become more prevalent in the offshore renewables sector since the original

scheme was licensed. The location and boundary of the Works is shown in Appendix 1.

1.3 The Works include the following components located below the Mean High Water Springs (“MHWS”):

- Construction of a retaining wall
- Capital dredging to deepen the approach channel to the Port
- Capital dredging to further deepen the existing berth pocket
- Deposit of dredged material at the Narrow Deep B designated sea deposit site (“Narrow Deep B deposit site”)

1.4 The works will be carried out as one continuous delivery programme. The expected time to complete the Works is approximately 12 weeks for the construction of the retaining wall and 4 months to complete the dredging and deposit works.

Construction of a Retaining Wall

1.5 The retaining wall will form a 45 meter (“m”) extension to the sheet-piled wall of the outer berth. The wall will consist of a short sheet-piled structure which will be installed by vibratory piling and completed by impact piling where required. Installation will take place from above MHWS on the existing outer berth. To facilitate access for some of the plant required for the work, some minor rock infilling of the area immediately next to the berth may be required. This infill would either be removed following completion of the Works or protected by rock armour and left in-situ.

Capital dredging and sea deposit of dredge material

1.6 Capital dredging will be carried out in two areas of the Outer Berth – The existing berth pocket and the approach channel. The berth pocket will be deepened to 13 m below chart datum and the approach channel will be deepened to 9 m below chart datum. This will require the removal of approximately 1,300,000 cubic-meters of dredge material. Dredging is expected to be primarily carried out by a trailer suction hopper dredger or a back-hoe dredger, with some plough dredging as required afterwards to smooth out the profile of the dredged area.

1.7 The material removed will be transported by barge to the Narrow Deep B deposit site and deposited there.

1.8 This decision notice contains the Scottish Ministers’ decision to grant regulatory approval for the Works as described above, in accordance with 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.
- Supplementary Report to Inform Appropriate Assessment (“SRIAA”)
- Best Practicable Environmental Option

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

Coastal Processes

2.3 To assess the potential effects on coastal processes resulting from the Works, the Applicant undertook desk-based assessments on existing site data as well as numerical modelling to understand the changes to tidal currents and suspended transport changes caused by the construction and operation of the Works.

2.4 During the construction phase, the assessment identified potential impacts on suspended sediment concentrations and seabed levels arising from sediment suspended and dispersed as a result of the Works. These impacts would arise as result of the capital dredging and deposit of dredged material. The potential for these effects was assessed as being minor adverse, which is not considered significant in EIA terms.

2.5 During the operational phase, the Works were identified as having the potential to affect the speed and direction of the tidal current. The numerical modelling undertaken showed that the effects on these factors would be small and therefore also considered minor adverse.

2.6 No significant impacts on coastal process were identified in the EIA Report and therefore no mitigation measures were proposed.

Marine Water and Sediment Quality

2.7 To assess the potential effects on marine water and sediment quality, the Applicant undertook a desk-based study of publicly available resources and undertook chemical analysis of sediment samples collected in the area to be dredged.

2.8 During the construction phase, the Works were identified as having the potential to cause a deterioration in water quality as a result of sediment-bound contaminants during the dredging and deposit activities. Due to the low contamination levels found in the sediment once tested, and the localised nature of any effect, the effects of any deterioration were assessed as being negligible, and therefore, not significant.

2.9 The Applicant does not predict any impacts on marine water and sediment quality to occur during the operational phase of the Works. As no significant impacts on marine water and sediment quality were identified in the EIA Report and no mitigation measures were proposed.

Marine Ecology

- 2.10 To assess the potential effects on marine ecology, the Applicant undertook a desk-based study to identify any benthic habitats and priority marine features (“PMF”) in the area. A number of benthic species were found within the assessed area including kelp and seaweed communities which were found around the dredge areas and is considered a PMF.
- 2.11 Three potential impacts were assessed by the Applicant as having the potential to have a detrimental effect on the kelp and seaweed communities identified; direct loss of benthic habitats within the existing berth pocket as a result of dredging, direct loss of habitat and smothering of habitat resulting within the approach channel as a result of dredging and release of contaminants during dredging activities.
- 2.12 Upon assessment, it was anticipated that there would be some unavoidable loss of habitat within the direct footprint of the approach channel, particularly in areas that are not regularly dredged. However, it is anticipated that benthic species within areas of the channel would replace those that were lost, and the habitat as a whole will recover in the short to medium term. Similarly, while some of the receptor habitats in the area will be sensitive to the effects of smothering in the immediate vicinity of the works, it is anticipated that there are sufficient resilience benthic species nearby that will recolonise the area should this occur. As a result, the effects of the dredging activities on benthic species within the approach channel to be dredged have been assessed as having a minor adverse, and therefore not significant in EIA terms.
- 2.13 Benthic species within the existing berth pocket are expecting to be resilient to dredge activity and should recover quickly, and as such the effects on benthic species within that area are considered negligible. Similarly, as discussed in paragraph 2.8, the contamination levels within the sediment have been assessed as low, so the release of said contaminants is expected to have a negligible effect on any benthic species.
- 2.14 The Applicant does not predict any impacts on marine ecology to occur during the operational phase of the Works. As no significant impacts on marine ecology were identified in the EIA Report and no mitigation measures were proposed.

Fish and Shellfish Ecology

- 2.15 To assess the potential effects on fish and shellfish ecology as a result of the Works, the Applicant undertook a desk-based study, including underwater noise modelling, to assess what fish and shellfish species were present in the area of the Works and their characteristics. The study showed that there were a number of migratory fish species that could be within the area of the Works. Of note among these fish species were the sea lamprey, river lamprey and Atlantic salmon, which are all qualifying features of the nearby River Teith Special Area of Conservation (“SAC”)
- 2.16 The Applicant identified three potential impacts on the migratory fish receptors on migratory fish receptors in the area during the construction phase; increased underwater noise as a result of the dredging activities, increased sediment concentrations in the water as a result of the dredging and deposit activities, and,

reduction of water quality as a result of sediment contaminants released during dredging and the deposit activities.

- 2.17 Based on the underwater modelling results and given the width of the migratory passage through the Firth of Forth, the effect of the underwater noise arising from the dredging was assessed as being of minor adverse significance. Given the low sensitivity of species to existing sedimentation in the area, the effects of increased sedimentation concentrations were also assessed as being minor adverse. For the reasons outlined in paragraph 2.8, the effects on water quality, and therefore on fish receptors within that water, were considered negligible.
- 2.18 No significant impacts on fish and shellfish ecology were therefore identified in the EIA report, and no adverse impacts on site integrity were identified in the SRIAA for the River Teith SAC. While the need to assess the impact on underwater sound resulting from the piling works were scoped out of the EIA report, it is noted that the Applicant is committed to following the Joint Nature Conservation Committee's ("JNCC") 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise (2010)' ("the 2010 piling protocol") throughout the piling works.
- 2.19 The Applicant has not identified any potential impacts of the Works on fish and shellfish during the operational phase.

Ornithology

- 2.20 To assess the potential effects on ornithology, the Applicant undertook project specific baseline surveys and gathered publicly available information to capture the types and frequency of the various species in attendance in the vicinity of the Works. 43 bird species were found to be directly interacting with the area of the Works. Most commonly detected was the common tern which is also noted as a designated feature of Special Protected Areas ("SPA") within or close to the area of the works.
- 2.21 The Applicant identified three potential impacts upon ornithological features as a result of the construction phase of the Works; visual disturbance at the Narrow Deep B deposit site, sediment plumes arising from the dredging and deposit activities resulting in an impairment in the ability for species to forage, and, noise disturbance arising from the construction of the retaining wall.
- 2.22 Given the temporary nature of the increase in vessel presence at the Narrow Deep B deposit site coupled with the level of habituation near to the site, the resultant effect of increased vessel presence and visual disturbance to bird receptors is considered to be negligible.
- 2.23 The sediment plume generated by dredging and deposit activities is not expected to pose a risk to potential prey species within the water column based on its contaminant levels. Any suspended sediment is expected to be localised and settle very quickly. Given the availability of other feeding areas and the adaptability of those species which might use the dredge areas to forage within, the potential effects of sedimentation on prey and feeding habits are assessed as being negligible across all assessed bird species.

2.24 Based on evidence gathered through monitoring previous construction works within the Outer Berth, the Applicant recorded a low level of bird receptor disturbance as a result of construction activities over the same time and period of the year that the Applicant wishes to carry out the Works. As such, the Applicant concludes that while there is likely to be some level of disturbance expected, a piling shroud fitted to the piling hammer is sufficient to reduce the level of any disturbance to a minor adverse level, and therefore not significant in EIA terms.

Marine Mammals

2.25 To assess the potential effects on marine mammals the Applicant undertook a desk-based study utilising existing survey data, academic research and publicly available sources to establish which marine mammals could be present in the vicinity of the Works. It was noted that harbour porpoise, bottlenose dolphins, white-beaked dolphins, minke whales, grey seals and harbour seals have been sighted within the Firth of Forth.

2.26 During the construction phase, 4 impacts upon marine mammals were identified: potential for auditory injury/behavioural change as a result of underwater noise during piling, auditory injury/behavioural change as a result of dredging works, any changes to water quality, and, any changes to prey availability.

2.27 While some disturbance as a result of underwater noise generated by the piling is anticipated, this is expected to be temporary, and no permanent injuries are expected on any species present. As such, the effects of any underwater noise generated from piling are expected to be minor adverse. As the Applicant is adopting the 2010 piling protocol, this is expected to further reduce this impact to a negligible level. On the same basis, the underwater noise from dredging is not expected to cause any permanent auditory injuries and may cause some temporary disturbance, resulting in a minor adverse effect on all species. As no significant effects have been identified for this impact, no additional mitigation has been proposed.

2.28 Changes to water quality as a result of the Works have been summarised in paragraphs 2.7 to 2.9 above. As only negligible impacts to water quality have been assessed, only a negligible effect on marine mammals is expected. Similarly, the effects on fish ecology, the main prey species, have been outlined above in paragraphs 2.15 to 2.19, and as the effects have been assessed as being minor adverse, the same conclusion is held in relation to the effects on marine mammals as a result.

2.29 The Applicant has not identified any potential impacts of the Works on fish and shellfish during the operational phase.

Cumulative Impacts

2.30 The Applicant identified 4 projects which may, in combination with the Works, result in cumulative impacts. The Applicant stated that due to the distances between these developments the only potential sources of cumulative impacts would be as a result of changes in water quality or underwater noise, with the

only receptor for these impacts being marine mammals due to their wide ranging habitats.

2.31 The Applicant concluded no significant in-combination effects from the Works with any of the identified projects due to the localised effects of these impacts and the temporary nature of construction aspects of the Works.

3. Consultation

3.1 In accordance with the 2017 MW Regulations advertisement of the application and EIA Report was made available in the Edinburgh Gazette, local press and on 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 for the consultation exercises are given below. The regulatory requirements regarding consultation and public engagement have been met and the representations received taken into consideration.

Document	Date received	Consultation Period	Publication
EIA Report & Appendices	18/12/2023	28 February 2024 – 29 March 2024	www.forthports.co.uk website (19/02/2024) Marine Scotland Information website (06/02/2024)
Marine licence application & supporting documentation			Edinburgh Gazette (23/02/2024) Edinburgh Evening News (23/02/2024)

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

4. Summary of representations from statutory consultees

4.1 NatureScot (“NS”) (operating name of Scottish Natural Heritage) responded on 11 April 2024. In its response, it stated that the Works are likely to have a significant effect of the qualifying interests of several designated sites as follows:

European Site	Feature	Pathway of significant effect
Firth of Forth SPA	various bird species	Disturbance, habitat loss, water quality effects and prey availability

Imperial Dock Lock, Leith SPA	common tern	Disturbance, habitat loss, water quality effects and prey availability
Forth Islands SPA	various bird species	Disturbance, habitat loss, water quality effects and prey availability
Outer Firth of Forth and St Andrews Bay Complex SPA	various bird species	Disturbance, habitat loss, water quality effects
River Teith SAC	sea lamprey, river lamprey and salmon	Underwater noise disturbance, water quality changes, habitat quality changes
Isle of May SAC	grey seal	Underwater noise impacts, water quality changes, prey availability changes
Firth of Tay and Eden Estuary SAC	harbour seal	Underwater noise impacts, water quality changes, prey availability changes
Berwickshire and North Northumberland SAC	grey seal	Underwater noise impacts, water quality changes, prey availability changes
Moray Firth SAC	bottlenose dolphin	Underwater noise impacts, water quality changes, prey availability changes

- 4.2 NS stated that it was content with the approach the Applicant had taken in its SRIAA in relation to the SACs listed above and that the mitigation outlined by the Applicant in relation to marine mammals and fish ecology was sufficient to conclude no adverse impact on site integrity for those sites.
- 4.3 NS however advised that given the duration and intensity of the dredging aspect of the Works, there is the potential for adverse impact on site integrity for the common tern qualifying interest of the Imperial Dock Lock SPA, the Outer Firth of Forth and St Andrews Bay Complex SPA, and the Forth Islands SPA. To avoid this impact, NS advised that the works is scheduled outside of the common tern breeding season (May to Mid-September inclusive).
- 4.4 NS concluded no adverse impact on site integrity on the Firth of Forth SPA as well as in respect of all bird qualifying interests except the common tern of the SPAs listed in paragraph 4.3 without the need for further mitigation.
- 4.5 Scottish Environment Protection Agency (“SEPA”) responded on 23 April 2024. In its response, it referred to its standing advice which states that it does not anticipate any significant environmental concerns provided that best practice measures are followed.
- 4.6 Historic Environment Scotland (“HES”) responded on 24 April 2024. In its response, it stated that they do not object to the Works. HES stated as long as the Protocol for Archaeological Discoveries as outlined in the Approach Channel Deepening Geoarchaeological Assessment Method Statement and Protocol for Archaeological Discoveries, dated January 2024 and submitted alongside the EIA report, is implemented; there will be no adverse effects on marine assets which would raise issues of national interest.

4.7 The City of Edinburgh Council responded on 06 May 2024 stating that it had no comments to make on the Works.

5. Summary of representations from non-statutory consultees

5.1 Maritime and Coastguard Agency (“MCA”) responded on 27 March 2024 noting that the Works fall within the jurisdiction of the Forth Ports Statutory Harbour Authority and that they were responsible for the safety of navigation within their waters. On the understanding that all maritime safety legislation is adhered to and all of the standard advisories from the MCA are followed, MCA confirmed that they had no objections to the Works.

5.2 North and East Coast Regional Inshore Fisheries Group responded on 29 February 2024 confirming that they had no comments on the Works.

5.3 The Royal Society for the Protection of Birds responded on 29 April 2024 confirming that they had no comments to make on the Works.

5.4 Scottish Fishermen’s Federation responded on 01 April 2024 confirming that they did not have any comments to make on the Works.

6. Summary of third party advice

6.1 Marine Directorate – Science, Evidence, Data and Digital (“MD-SEDD”) provided advice on 07 May 2024. MD-SEDD provided advice in relation to ornithological, marine mammal and marine fish ecological receptors.

6.2 MD-SEDD stated, in relation to ornithological receptors, they concur with the view of NS in their consultation response dated 11 April (outlined above at paragraph 4.1) in that the Works will not cause any significant impacts on any ornithological receptors with the exception of impacts upon the common tern. MD-SEDD stated that they agree with NS regarding the pathways of impact upon common terns and that works should be taken outside of the common tern breeding season to mitigate these impacts.

6.3 MD-SEDD also stated that they were otherwise content with the baseline assessment in relation to ornithological receptors in the EIA report, however stated that they had concerns surrounding the potential of increased artificial lighting constructed during the Works. MD-SEDD highlighted the potential for disturbance on common tern features as a result of increased artificial lighting and asked for clarification from the Applicant on the issue. The Applicant confirmed that the artificial lighting scheme was the same as that already employed in the Licenced Works and would be similar to baseline conditions in other areas of the Outer Berth.

6.4 In relation to marine mammals, MD-SEDD stated that they were agreement with the NS consultation response dated 11 April (outlined above at paragraph 4.1). MD-SEDD agree that the implementation of the 2010 piling protocol is sufficient to mitigate the impacts of the underwater noise generated from piling during the construction of the retaining wall. MD-SEDD noted that no specific mitigation

measures for marine mammals have been proposed in relation to the dredging and deposit activities and advised that vessel operators follow best practice in relation to marine wildlife, as laid out in the Scottish Marine Wildlife Watching Code (NS, 2017).

- 6.5 MD-SEDD were generally content with the conclusions of the EIA in relation to diadromous fish but noted the lack of consideration given to the impact of reduced oxygen levels in the water column due to dredging and deposit activities. As the salmon populations of a number of the rivers discharging in to the Firth of Forth are categorised as 3 meaning that there is no resilience in the population for additional loss of fish. MD-SEDD advised that a condition should be included in the licences that any sightings of dead, distressed or injured fish which could be connected to the Works must be immediately reported to the Licensing Authority.

7. The Scottish Ministers' Considerations and Main Determinative Issues

Determination of Marine Licence Applications

- 7.1 In determining the applications for marine licences (including the terms on which they are granted and what conditions, if any, are to be attached to them) the Scottish Ministers have had regard to:

- the need to protect the environment, protect human health, prevent interference with legitimate uses of the sea and such other matters as the Scottish Ministers consider relevant;
- the effects of any use intended to be made of the works when constructed; and
- representations received from persons with an interest in the outcome of the applications.

Environmental Matters

- 7.2 The Scottish Ministers are satisfied that an EIA 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.

- 7.3 The Scottish Ministers have considered fully and carefully the applications, the EIA Report, and all relevant representations from consultees, and third party advice.

Main Determinative Issues

- 7.4 The Scottish Ministers, having taken account of all relevant information and regulatory requirements, 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 Scotland's National Marine Plan ("NMP"); and
- the main effects of the Works on protecting the environment and human health and preventing interference with the legitimate use of the sea which are in summary, impacts on:
 - Ornithology
 - Marine Mammals
 - Fish Ecology

Each of these include impacts on European Sites.

Policy Context

7.5 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 NMP covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Ministers' policies for the sustainable development of Scotland's seas and provides General Planning Principles, sector specific objectives and policies, specifically to develop offshore and marine renewables energy. The relevant policies were considered within the EIA report, with the Works being deemed to meet the requirements of the NMP and to be contributing towards achieving relevant sector specific policies and objectives. The Scottish Ministers agree with the Applicant's conclusions in the EIA report and are content that the Works meet the requirements of the NMP.

Impacts on European sites, and Bird, Diadromous Fish and Marine Mammal Impacts

7.6 The Conservation (Natural Habitats, &c.) Regulations 1994 ("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 (either alone or in combination with other plans or projects), as defined in the 1994 Habitat Regulations.

7.7 In line with the view of NS that the Works are likely to have a significant effect on the qualifying interests of Firth of Forth SPA, Imperial Dock Lock, Leith SPA, Forth Islands SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, River Teith SAC, Isle of May SAC, Firth of Tay and Eden Estuary SAC, Berwickshire and North Northumberland SAC or Moray Firth SAC, the Scottish Ministers, as the "competent authority", were required to carry out an Appropriate Assessment ("AA").

7.8 Having had regard to the representations made by NS, it can be ascertained that the Works will not adversely affect the integrity of any SAC or SPA providing the Applicant adheres to the conditions set out in the AA and the marine licences. Further considering the reasons for which the sites were designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not on their own or in combination with other projects, adversely affect

the integrity of the Firth of Forth SPA, Imperial Dock Lock, Leith SPA, Forth Islands SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, River Teith SAC, Isle of May SAC, Firth of Tay and Eden Estuary SAC, Berwickshire and North Northumberland SAC or Moray Firth SAC.

- 7.9 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA found here: <https://marine.gov.scot/ml/port-leith-outer-berth>.
- 7.10 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, there are no outstanding concerns in relation to the impact of the Works on marine mammals, birds, diadromous fish or European sites which would require a marine licence to be withheld.

8. The Scottish Ministers' Determination and Reasoned Conclusion

- 8.1 The Scottish Ministers are satisfied that an EIA has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the applications have been followed.
- 8.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated. The Ministers have undertaken this exercise in the context of national and local policies.
- 8.3 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 Scottish Ministers have considered the impacts on marine mammal, ornithological and fish receptors.
- 8.4 A European Protected Species licence is in effect (EPS/BS-00009909), valid to 31st December 2025, with appropriate conditions attached to ensure potential underwater noise impacts on marine mammals are adequately mitigated.
- 8.5 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 measures. In particular Ministers are satisfied that the Works will not adversely affect the integrity of the Firth of Forth SPA, Imperial Dock Lock, Leith SPA, Forth Islands SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, River Teith SAC, Isle of May SAC, Firth of Tay and Eden Estuary SAC, Berwickshire and North Northumberland SAC or Moray Firth SAC.
- 8.6 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 development and adherence to the mitigation measures outlined in Chapter 14 - Summary of Potential Impacts and Mitigation Measures of the Applicant's EIA Report as well as a restriction of dredging during the common tern breeding season, all piling activities conducted in accordance with the 2010 piling protocol, adherence to the relevant provisions

of The Scottish Marine Wildlife Watching Code 2017 and the requirement to keep watch for and report any distressed, injured or dead fish sighted near the area of the Works.

- 8.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion, as required under the 2017 MW Regulations, is valid.
- 8.8 The Scottish Ministers are satisfied that regard has been given to protecting the environment, protecting human health, and preventing interference with legitimate uses of the sea, as well as other factors considered to be relevant.
- 8.9 The Scottish Ministers **grant marine licences subject to conditions** under the 2010 Act for the construction, capital dredging and deposit of dredge material associated with the Leith Outer Berth Redevelopment. The marine licences are attached at Appendix 2.
- 8.10 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of the marine licences.
- 8.11 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 applications relate. The Applicant must provide copies of the public notices to the Scottish Ministers.
- 8.12 Copies of this decision notice have been sent to the bodies consulted on the applications including the relevant planning authority, NS, SEPA and HES. This decision notice has also been published on the Marine Scotland Information website.
- 8.13 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,

Peter Sparrow

Marine Licensing Group Leader, Marine Scotland - Licensing Operations Team

A member of the staff of the Scottish Ministers

14 June 2024

Appendix 1 – Marine Licences

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: **MS-00010662**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

Forth Ports Limited
Carron House
Central Dock Road
Grangemouth
FK3 8TY

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **15 June, 2024** until **31 December, 2026**

[Redacted]

Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 14 June, 2024

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Forth Ports Limited
- d) "**Mean High Water Springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

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

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the 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 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the 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 inform 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, 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 the provisions of 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 against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Royal HaskoningDHV
Edmund Street
Liverpool
L3 9NG
UK

2.2 Location of the Licensed Activity

Outer Berth, Port of Leith, Leith, within the boundary found by joining the points:

55° 59.514' N 03° 11.390' W
55° 59.604' N 03° 11.048' W
55° 59.334' N 03° 10.662' W
55° 59.201' N 03° 11.011' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Construction of a sheet piled retaining wall

As described in the application dated 18 December, 2023 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be used during the Licensed Activity

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Materials to be permanently used in the Licensed Activity

Steel/Iron Sheet Piles - 150 tonnes

Materials to be temporarily used in the course of the Licensed Activity

Steel/Iron Tubular Piles - 60 tonnes

Rock Fill - 6200 tonnes

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only construct the Works in accordance with this licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the Works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the Works, whether or not the licence has been transferred to that person.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 All materials, substances and objects used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.6 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.7 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.8 Details of any marks or lights not required by the licence must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.9 The Licensee must remove the materials, substances or objects from below the level of Mean High Water Springs, or make such alterations as advised by the Licensing Authority, 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 approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.10 Where any damage, destruction or decay is caused to the works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and the UK Hydrographic Officer, in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hour after becoming aware of any such damage, destruction or decay.

3.1.11 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

a) the failure to mark and light the works as required by the licence;

b) the maintenance of the works; or

c) the drifting or wreck of the works, to include the broadcast of navigational warnings

then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.12 The Licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry at 6 month intervals during the validity of the licence

3.1.13 In the event of the Licensed Activity being discontinued the materials used or substances and objects deposited under the authority of the licence must be removed to the satisfaction of the Licensing Authority.

3.1.14 The Licensee must ensure that the works/deposited objects are maintained at all times in good repair.

3.1.15 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.16 The licensee must ensure that the Licensed Activity is carried on in accordance with the mitigation detailed in Table 14-1 of the Port of Leith Outer Berth Development - Approach Channel Deepening Supplementary Environmental Impact Assessment Report, dated 8 December 2023.

3.1.17 The Licensee must ensure that all provisions of the 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise' (2010) ("the JNCC piling protocol") are adhered to insofar as it is in line with the other conditions of this licence.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.2 The Licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity.

3.2.3 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case nmoccontroller@hmcg.gov.uk, is made aware of the Licensed Activity prior to commencement.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.3 The Licensee shall ensure that prior to the expiry of the licence, the works must be altered by taking all temporary structures to a place above Mean High Water Springs

3.3.4 The Licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent acting on behalf of the Licensee; and
- c) the site of the Licensed Activity.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure that best practice methods are followed to ensure that no contamination or pollution of the seabed occurs from the Licensed Activity.

3.3.7 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.8 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.3.9 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.1.10 The Licensee must avoid undertaking any piling works during the common tern breeding and post breeding seasons, 01 May to 30 September, inclusive. If piling is carried out between 01 May and 30 September, inclusive the Licensee must appoint a suitably qualified and experienced Environmental Clerk of works (“ECoW”) prior to commencement of the piling activities. The ECoW must be on site during piling and is responsible for monitoring any disturbance to the common tern colony of the Imperial Dock Lock, Leith Special Area of Conservation. The ECoW must have authority to halt the piling activities if any disturbance of breeding common terns is observed and the Licensing Authority must be notified. The piling works can only re-commence with further written approval of the Licensing Authority. The ECoW must report to the Licensing Authority detailing monitoring and compliance with the Marine Licences on at least an annual basis.

3.3.11 A piling shroud must be used at all times when piling takes place during the common tern breeding and post-breeding and post-breeding periods from 1 May to 30 September, inclusive.

3.3.12 The Licensee must ensure that any sighting of dead, distressed or injured fish close in the vicinity of the Works must be immediately reported to the Licensing Authority.

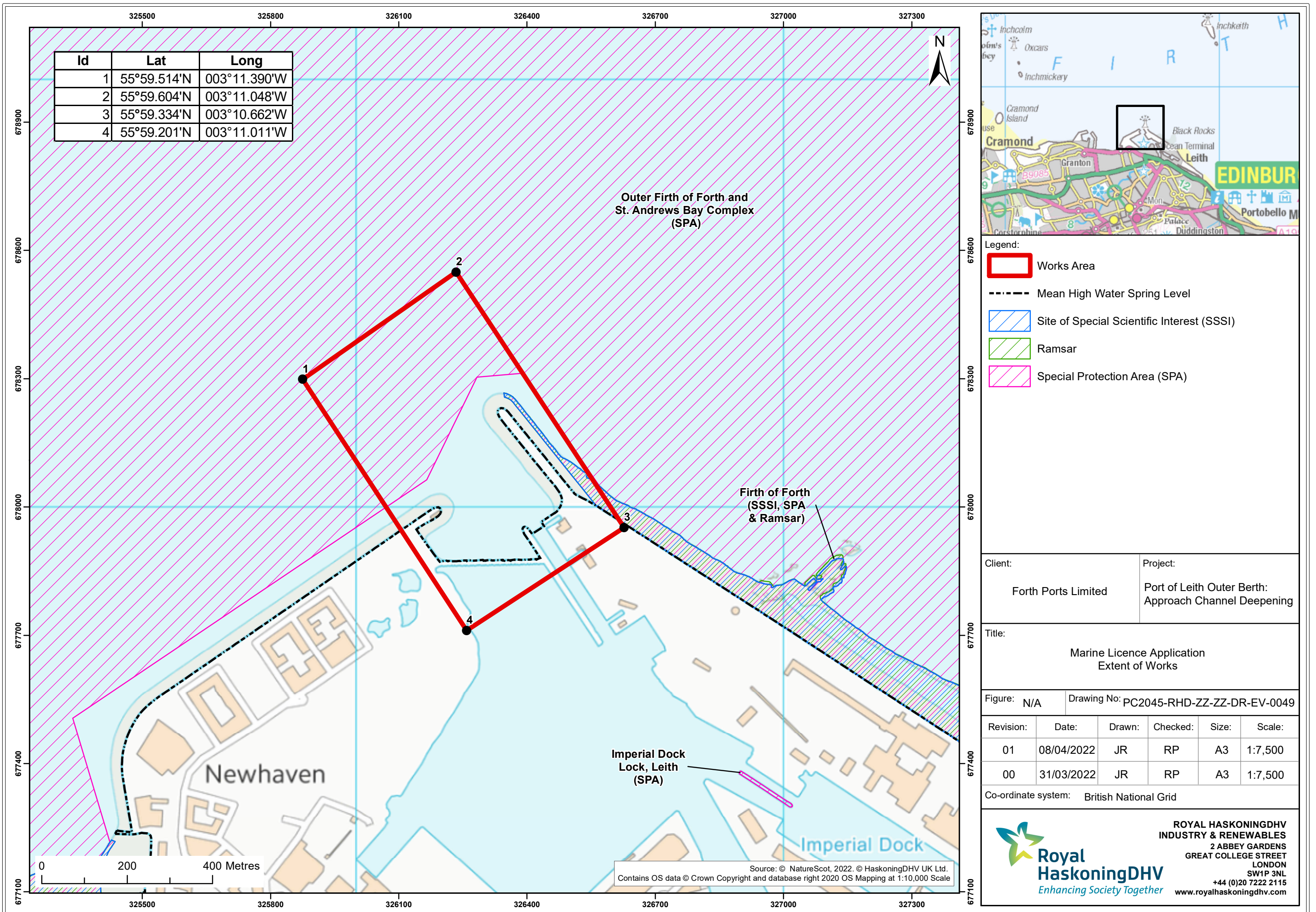
3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must submit a written report regarding the materials used during the works 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 2026.

3.4.2 The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. 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.



MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING AND DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00010663**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

**Forth Ports Limited
Forth and Tay Navigation Service,
South Shore Road
Grangemouth Docks
Grangemouth
FK3 8TQ**

to carry out any form of dredging and deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **15 June, 2024** until **31 December, 2026**

[Redacted]

Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 14 June, 2024

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Forth Ports Limited
- d) "**Mean High Water Springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

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

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the 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 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the 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 inform 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, 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 the provisions of 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 against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Royal HaskoningDHV
Edmund Street
Liverpool
L3 9NG
UK

2.2 Location of the Licensed Activity

2.2.1 Location of production of the dredge material

Leith Approach Channel, within the area found by joining the points:

56° 00.318' N 03° 12.419' N
56° 00.354' N 03° 12.010' N
55° 59.557' N 03° 11.056' N
55° 59.516' N 03° 11.168' N
55° 59.360' N 03° 10.974' N
55° 59.393' N 03° 10.891' N
55° 59.347' N 03° 10.806' N
55° 59.274' N 03° 10.973' N

As shown in Annex One

Leith Berth Pocket, within the boundary found by joining the points:

55° 59.516' N 03° 11.168' N
55° 59.557' N 03° 11.056' N
55° 59.489' N 03° 10.976' N
55° 59.393' N 03° 10.891' N
55° 59.360' N 03° 10.974' N

As shown in Annex One

2.2.2 Location of deposit of the substances or objects

NARROW DEEP B authorised sea deposit site FO038 within the area bounded by joining the following points:

56°00.566' N 003°07.484' W
56°01.298' N 003°06.038' W
56°01.106' N 003°05.739' W
56°00.374' N 003°07.184' W

2.3 Description of the Licensed Activity

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland



Capital Dredging and Sea Disposal

As described in the application dated 18 December, 2023 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be dredged and substances or objects to be deposited

The licence authorises the dredging and deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

3,807,000 wet tonnes of material to be dredged and deposited between 15 March 2024 and 31 December 2026

2.5 Contractor and Vessel Details

As shown in Annex Two

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only deposit the Substances or objects listed in Part 2 of the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority. Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence. 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, shall be disposed of on land at an approved location above the tidal level of Mean High Water Springs. All tank/hopper washings shall be deposited in the authorised sea deposit area.

3.1.2 All materials, substances and objects used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.3 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.4 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-sdr@ukho.gov.uk ; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of t

3.1.5 The Licensee must deposit the substances or objects described in Part 2 of the marine licence in the following authorised sea deposit area: Narrow Deep B (FO038) Up to a maximum quantity of 3,807,000 wet tonnes may be deposited during the period of validity of the licence, within the area bounded by joining the points:

56°00.566' N 003°07.484' W

56°01.298' N 003°06.038' W

56°01.106' N 003°05.739' W

56°00.374' N 003°07.184' W

3.1.8 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.9 The Licensee must ensure that any sighting of dead, distressed or injured fish close in the vicinity of the Works must be immediately reported to the Licensing Authority.

3.1.10 The Licensee must ensure that the relevant provisions of The Scottish Marine Wildlife Watching Code (2017) are adhered to at all times.

3.1.11 The Licensee must not carry out any dredging activities during the common tern breeding season (01 May to 30 September inclusive).

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.2 The Licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity.

3.2.3 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case nmoccontroller@hmcg.gov.uk, is made aware of the Licensed Activity prior to commencement.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

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

3.3.3 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.4 The Licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent acting on behalf of the Licensee; and
- c) the site of the Licensed Activity.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

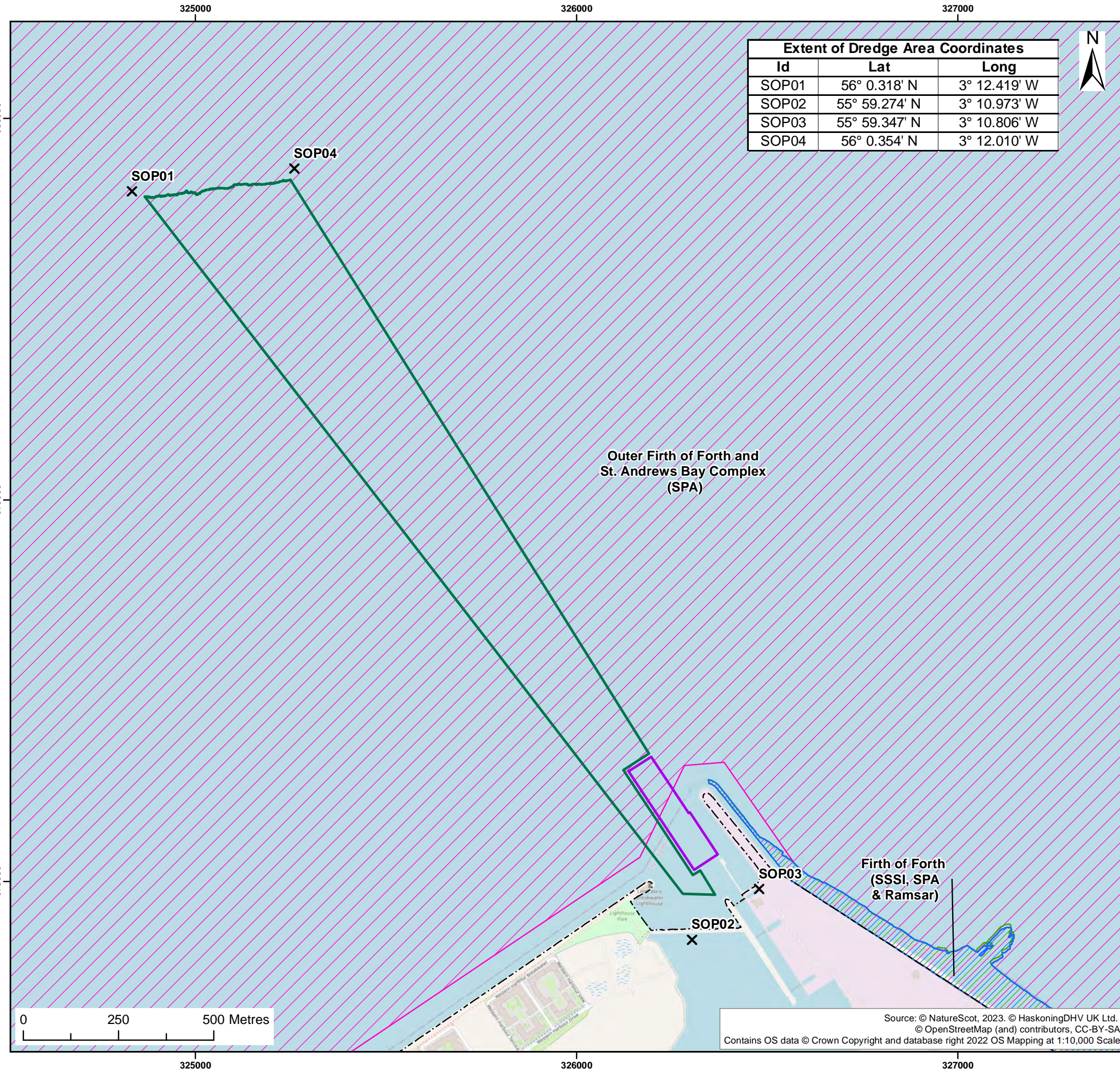
3.3.7 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must submit written reports to the Licensing Authority stating the nature and total quantity, in wet tonnes, of all substances or objects deposited 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.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. 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.



Extent of Dredge Area Coordinates		
Id	Lat	Long
SOP01	56° 0.318' N	3° 12.419' W
SOP02	55° 59.274' N	3° 10.973' W
SOP03	55° 59.347' N	3° 10.806' W
SOP04	56° 0.354' N	3° 12.010' W



Legend:

- Extent of Dredge Area Coordinates
- 13m Berth Pocket
- 9m Approach Channel
- Mean High Water Spring Level
- Site of Special Scientific Interest (SSSI)
- Ramsar
- Special Protection Area (SPA)

Client: Forth Ports Limited	Project: Port of Leith Outer Berth: Approach Channel Deepening
--------------------------------	--

Title:
Marine Licence Application Extent of Works

Figure: N/A	Drawing No: PC4514-RHD-ZZ-XX-DR-Z-0005
-------------	--

Revision:	Date:	Drawn:	Checked:	Size:	Scale:
01	12/12/2023	GC	JG	A3	1:10,000

Co-ordinate system: British National Grid



ROYAL HASKONINGDHV
 INDUSTRY & RENEWABLES
 2 ABBEY GARDENS
 GREAT COLLEGE STREET
 LONDON
 SW1P 3NL
 +44 (0)20 7222 2115
 www.royalhaskoningdhv.com

Source: © NatureScot, 2023. © HaskoningDHV UK Ltd.
 © OpenStreetMap (and) contributors, CC-BY-SA
 Contains OS data © Crown Copyright and database right 2022 OS Mapping at 1:10,000 Scale

ANNEX TWO

Vessels and contractors authorised to be used for dredge and deposit at licensed **Forth Ports locations**.

<u>Licence Number:</u>	<u>Expiry Date</u>
MS-00009819	31 December 2025
MS-00009210	25 June 2024
MS-00009166	02 December 2024
MS-00009409	21 December 2024
MS-00009759	01 December 2025
MS-00010017	31 January 2026
MS-00010442	10 March 2027
MS-00010575	25 June 2027
MS-00010663	31 December 2026

Contractors:

Foyle & Marine Dredging
The Diamond Centre,
630 Baranailt Road,
Claudy,
Derry,
N Ireland,
BT47 4EA

Peter Madsen Rederi A/S
Godthabsvej 89
DK – 8600 Skanderborg
Denmark

UK Dredging
Queen Alexandra House
Cargo Road
Cardiff
CF10 4LY

Bridlington Harbour
Gummers Wharf
West End
Bridlington,
East Yorks,
YO15 3AN

Moray Council
13 Cluny Square
Buckie
Moray
AB56 1AJ

Shearwater Dredging Ltd
Unit 12B
Barham Road
Forties Estate

Rosyth, Fife KY11 2XB

MR D Brown
Moray Council
PO Box 6760
Elgin
Moray, IV30 9BX

Wasa Dredging Ltd
Raastuvankatu 21 B
FIN-65100 Vasa
Finland

Briggs Marine & Environmental Services
Seaforth House
Seaforth Place
Burntisland
Fife
KY3 9AX

Mr D Greenwood
Wyre Marine Services Ltd
PO BOX 555
Fleetwood
Lancashire
FY7 6GE

Vessel Name	IMO/MMSI	Flag
Margarete Fighter	8705620	Denmark
Grete Fighter	7944762	Denmark
Cherry Sand	6811059	UK
Aase Madsen	7731751	Denmark
Peter Madsen	6825581	Denmark
Gypsy Race	232007074	UK
UKD Marlin	9064176	UK
UKD Orca	9491355	UK
UKD Sealion	9267314	UK
UKD Bluefin	9143427	UK
UKD Seahorse	9066655	UK
Selkie	9772369	UK
Shearwater	6822216	UK
Forth Sentinel	9031040	UK
John Madsen	7236347	Denmark
Merete Chris	6616904	Denmark
Boulder	230028680	Finland
Miika II	Non-Self Propelled	Finland
Admiral Day	7110555	UK
Doonhammer	235067101	UK
Forth Fighter	235004244	UK
Wyre Sands	232012021	UK
Wyre River	235114448	UK
Forth Trojan	9126948	UK
Forth Drummer	9676917	UK

Forth Constructor	8890592	UK
Seal Carr	8208828	UK
Boss Tug	6726852	UK
Austin B		UK
Dinopotes	9889241	UK
B305	25085Z2019	Netherlands
B306	25086Z2019	Netherlands
Wilcarry 1717		UK
TS01		UK
TS02		UK
B113		Netherlands
Chloe May	9266384	UK
Dinopotes	250013879	Ireland

The agent or licensee must notify the licensing authority immediately if a vessel not listed on the annex two is to be used for dredge and deposit. The information required by the licensing authority regarding the additional vessel(s) will be the same as the information already provided for the vessels on the annex two. **Discharge operations using any additional vessel(s) may only commence if a revised annex two, including details of the additional vessel(s), is issued by the licensing authority.**

Signed: [Redacted]

Neil Macleod

For and on behalf of the licensing authority

Date: 14 June 2024