marinescotland

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Marine Licence Application for Construction Projects

Version 1.0

Marine (Scotland) Act 2010



Acronyms

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

BPEO Best Practicable Environmental Option
EIA Environmental Impact Assessment

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

MS-LOT Marine Scotland – Licensing Operations Team

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

SSSI Site of Special Scientific Interest WGS84 World Geodetic System 1984

Explanatory Notes

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

1. Applicant Details

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

2. Agent Details

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

3. Payment

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

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

4. Application Type

Indicate if the application is for a new construction site or an existing construction site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Project Details

- (a) Give a brief description of the project (e.g. construction of a new sea outfall).
- (b) Provide the total area of proposed works in square metres.
- (c) Provide the proposed start date of the project. The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for the duration of the project but not exceeding 3 years. If a project will not be completed before a marine licence lapses, it will be necessary for licence holders to re-apply for a further licence to continue any ongoing work at least 14 weeks prior to the expiry date of the licence. Target duration for determination of a marine licence application is 14 weeks.
- (d) Provide the proposed completion date of the project.
- (e) Provide the cost of the works seawards of the tidal limit of MHWS. This estimate should only cover



work taking place below the tidal level of MHWS and must take into consideration the cost of materials, labour fees etc.

(f) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the proposed project. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84. In a few cases, (e.g. laying of long pipelines) it may only be practicable to supply co-ordinates for the start and end points.

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

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

To supplement your application, please provide photographs of the project location and submit these with your application. Please also provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

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

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

Sewer outfalls, discharge pipes for industrial waste etc. The size and description of the pipe must be shown on the longitudinal sections and also details of its supports, foundations, methods of jointing and details of any tidal flaps.

Bridges over tidal waters: An elevation with longitudinal and cross-sections of the bridge to a suitable scale must show the dimensions of the spans and width of piers, etc. above and below MHWS and the maximum and minimum heights of the undersides of the superstructures above MHWS. The headroom above MHWS and the width of span of the nearest bridges, if any, above and below the site must be stated.

Tunnels under tidal waters: The longitudinal section of the tunnel must show the distances between the bed of the river or estuary and the top of the tunnels. Cross-sections must show the internal and external dimensions of the tunnel and particulars of construction. When a proposed future dredging level is known this must also be shown on all sections.

Overhead cables: Catenary must be supplied in addition to the site plan showing the minimum clearance of the cable at MHWS and the electrical clearance allowed.

- (g) Indicate if the project is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (h) Provide a full method statement, including schedule of works and the ultimate fate of the structure.
- (i) Provide assessment of the potential impacts the works may have, including interference with other uses of the sea. Please include details of areas of concern e.g designated conservation areas, such as a SAC, SPA, SSSI, MPA or Ramsar site and shellfish harvesting areas. Further guidance on designated conservation areas can be obtained from SNH at this website:



http://gateway.snh.gov.uk/sitelink/index.jsp and guidance on shellfish harvesting areas can be obtained from http://www.foodstandards.gov.scot/ with regards to the Shellfish Waters Directive (2006/113/EC) which has parameters set to protect the water quality in which edible shellfish are grown.

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

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

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

6. Deposits and/or Removals

- (a) Complete the table to indicate all permanent substances or objects to be deposited and/or removed from below MHWS. If you propose using types of substances or objects for which a specific box is not provided in the table, please describe the nature of such substances or objects in the box marked "other".
- (b) Please indicate the method of delivery of any substance(s) or object(s) to be placed below MHWS.
- (c) Where the proposed work involves salt marsh feeding, beach replenishment or land reclamation the description of the substances or objects must include details of its chemical quality. Where the substances or objects have not been chemically analysed, MS-LOT may request representative samples for analysis or require the applicant to arrange for analyses to be undertaken before the marine licence application can be determined.
- (d) If temporary deposits are required, please provide details as with the permanent deposits above. The temporary deposit location details (Latitude and Longitude WGS84) must be added to the form, and the period of time the site will be used must be provided. If granting a licence, MS-LOT will include on the document details of any area that has been approved as a temporary deposit site.

7. Disposal of Dredged Substance(s) or Object(s) at Sea

- (a) If you are proposing to dispose of any excess substance(s) or object(s) arising from the project at sea, a separate marine licence will be required (see Dredging and Sea Disposal application form). The granting of a marine licence for construction projects does not imply that a marine licence for sea disposal will also be granted as different assessment criteria are used to determine each type of application. If a separate application is being submitted for dredging and sea disposal then this must be accompanied with a BPEO report.
- (b) Provide the quantity of dredged substance(s) or object(s) for sea disposal in wet tonnes.

8. Noise Monitoring

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

These forms can be downloaded from:

http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/noise-reduction

Marine licence applications will not be accepted until this form has been completed and submitted.







9. Statutory Consenting Powers

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

10. Scotland's National Marine Plan

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

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made with reference to the policies, including but not limited to General Policies 7 and 13 (GEN 7 and GEN 13), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

11. Pre-Application Consultation

Certain activities will be subject to public pre-application consultation. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. The new requirement will allow those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted. Further information can be obtained from: http://www.scotland.gov.uk/Resource/0043/00439649.pdf

If applicable, please provide your pre-application consultation report with your application.

12. Consultation (other than carried out under pre-application consultation)

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

13. Environmental Assessment

(a) Under the Marine Works Environmental Impact Assessment (EIA) Regulations 2007, there may be a requirement for certain projects to undergo an EIA and produce an ES. If EIA is required, MS-LOT will not determine a marine licence application until the EIA consent decision in respect of the marine licence application has been reached. Please confirm if the project falls under Annex I or II of Directive 85/337/EEC: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN in relation to the Marine Works (EIA) Regulations 2007.

Marine licence applications for proposals which fall under the regulations will not be accepted unless a screening opinion has been issued in relation to this.

(b) Please indicate if an EIA has been undertaken and whether it was for the marine licence application to which this application relates or for any other EIA regulator (e.g local authority). Please attach any previous ES to the application.

MS-LOT will not determine a marine licence application until the EIA consent decision in respect of any regulated activity associated with the marine licence application has been reached.

14. Associated Works

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



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It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act.

Publ	lic Register	
	you consider that any of the information contained within or provided in supported not be disclosed:	port of this application
(a)	for reasons of national security;	YES NO
(b) provi	for reasons of confidentiality of commercial or industrial information where sudided by law to protect a legitimate commercial interest?	ch confidentiality is YES NO
	S, to either (a) or (b), please provide full justification as to why all or part of the ided should be withheld.	information you have

WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Signature [Redacted]

Date

12/7/2024

Name in BLOCK LETTERS

Campbell Stewart

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

•	Completed and signed application form	\checkmark
•	Project Drawings	√
•	Maps/Charts	
•	Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority)	
•	Method Statement	√
•	Photographs of the location of the project	
•	Additional information e.g. consultation correspondence (if applicable)	
•	Noise Registry – Initial Registration Form (if applicable)	
•	Pre-application Report (if applicable)	
•	Environmental Statement (if applicable)	
•	Payment (if paying by cheque)	







	Title: Dr Initials: Campbell Surname: Fleming
	Trading Title (if appropriate): Ardersier Port
	Address: Port Approach, Ardersier, Inverness IV2 7QX
	Name of contact (if different):
	Telephone No. (inc. dialing code): [Redacted]
	Email: Campbell.Fleming@haventus.com
	Statutory Harbour Authority? YES ☐ NO ☐
	If YES , please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.
2.	Agent Details (if any)
	Title: Mr Initials: Campbell Surname: Stewart
	Trading Title (if appropriate): EnviroCentre Ltd.
	Address: Craighall Business Park, 8 Eagle Street, Glasgow, G4 9XA
	Name of contact (if different):
	Telephone No. (inc. dialing code): 0141-341-5040
	Email: cstewart@envirocentre.co.uk
3.	Payment
	Enclosed Cheque ☐ Invoice ■
	Contact and address to send invoice to:
	Applicant ■ Agent □ Other □
	If OTHER, please provide contact details:
	Title: Initials: Surname:
	Address:
	Email:
	



1. Applicant Details

Application Type						
Is this application for a new construction site or an existing construction site:						
New Site ☐ Existing Site ■						
If an EXISTING SITE , please provide the consent/licence number and	expiry date:					
Consent/Licence Number	Expiry Date					
MS-00009479	31st August 2024					
Project Details						
(a) Brief description of the project (e.g. construction of a new sea outfa						
The works are to remove historic hardstops (sheet piles) within key areas to enable the dredging back to the new quay wall. As previously highlighted, the new quay wall will be constructed entirely above MHWS and once complete, dredging will be undertaken to reveal it to the marine environment for use.						
NOTE: Please note that in the accompanying Method Statement from the contractor Bauer there is an error in the total quay wall length which states that the diaphragm wall length is 1500 m. The correct length is 659 m of wall construction.						
Previously there had been a consideration of the need for use of temporary bunds adjacent to the sheetpiles to facilitate their removal. Through discussions with the contractor and method refinement, there is no longer a need for the use of temporary bunds.						
(b) Total area of the proposed works (in square metres):						
334 m ²						
(c) Proposed start date (Target duration for determination of a weeks):	marine licence application is 14					
30th August 2024						
(d) Proposed completion date:						
31st July 2025						
(e) Cost of the works seawards of the tidal limit of MHWS: [Redacted]						
(f) Location:						
Please refer to drawing ArdPhase1-HAV-WP3-ZZ-DR-C-0001 which de	etails proposed locations of works.					
Please refer to coordinates of project on enclosed excel sheet detailing	project coordinates of works below					

4.

5.

MHWS.

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project (continue on Appendix 01

Additional Co-ordinates form if necessary):

Lat	itude			,		Lor	gitu	de					
	0				' N				0				' W
	0				' N				0		-		' W
	٥				' N				0		-		' W
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(a)	Is	the	project	located	within	the	jurisdiction	of a	statutory	/ harbour	authority	V
(9)		uic		located	** [UIIC	Janoalouon	Oi u	olulului y	i iui boui	authority	y :

If **YES**, please specify statutory harbour authority:

Ardersier Port (Scotland) Ltd.	

(h) Method statement including schedule of work (continue on separate sheet if necessary):

Please refer to enclosed Bauer Method Statement for the details on the revised quay wall construction.

With regards to the removal of sheet piles, please see below the outline method statement to be executed by Statom, the contractor appointed to do these works.

- $\bullet \ \text{Install crane mat as per temporary works design-allowing for batter behind the existing sheets}\\$
- Reduce level excavate to apprx 1m below the waling beam
- Remove any existing capping steel work
- Remove waling beam in 5m sections using oxy/propane burning gear and lifting out with the crane.
 Lift on 40VM vibro hammer using 180T crawler crane.
- · Soft start vibrating on the first sheet pile to be removed slowly ramp up frequency and see if the pile starts to move down.
- If no movement occurs on that pile try adjacent piles until one of them starts to move
- Once one starts to move begin to extract the sheet pile max pull on the crane is 13T from 180T crane at 20m radius.
- · Lift pile into a temporary frame
- Swap vibro hammer for pitching shackle
- Use a cherry picker to access the pile in the frame, then lift out and lay down
- · Repeat until they're all out.

Works a envisaged to last for 8 weeks based on a production rate of 15 piles removed per day and scheduled to start in Mid July 2024

(i) Potential impacts the works may have (including details of areas of concern e.g designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

Please refer to the EIAR and CEMD associated with the project. The marine mammal risk assessment accompanies the application form and form part of the supporting information for the variation request.

6. Deposits and/or Removals

(a) **Permanent** substance(s) or object(s) to be deposited and/or removed from below MHWS (continue on a separate sheet if necessary):

	Deposits		Removals			
Type of Deposit/Removal	Description	Quantity & Dimensions (metric)	Description	Quantity & Dimensions (metric)		
Steel/Iron		No.	Sheetpiles	691 No.		
		Dimensions	Oncerpiics	Dimensions 18m long		
		Weight (kg/tonnes)		1090 t Weight (kg/tonnes)		
Timber		No.		No.		
		Dimensions		Dimensions		
		Weight (kg/tonnes)		Weight (kg/tonnes)		
Concrete		No.		No.		
		Dimensions		Dimensions		
		Weight (kg/tonnes)		Weight (kg/tonnes)		
Plastic/Synthetic		m ²		m ²		
Clay (< 0.004 mm)		Volume (m³)		Volume (m³)		
		Weight (kg/tonnes)		Weight (kg/tonnes)		
Silt (0.004 ≤ Silt < 0.063 mm)		Volume (m³)		Volume (m³)		
		Weight (kg/tonnes)		Weight (kg/tonnes)		
Sand (0.063 ≤ Sand < 2.0 mm)		Volume (m³)		Volume (m³)		
		Weight (kg/tonnes)		Weight (kg/tonnes)		
Gravel (2.00 ≤ Gravel < 64.0 mm)		Volume (m ³)		Volume (m ³)		
		Weight (kg/tonnes)		Weight (kg/tonnes)		
Cobbles (64.0 ≤ Cobbles < 256.0		Volume (m³)		Volume (m³)		
mm)		Weight (kg/tonnes)		Weight (kg/tonnes)		
Boulders (≥ 256.0 mm)		Volume (m³)		Volume (m³)		
		Weight (kg/tonnes)		Weight (kg/tonnes)		





Pipe		Length (m)		Length (m)
		External		External
		Diameter		Diameter
		(cm/m)		(cm/m)
Other (please describe below	v):			
(b) Method of delivery of subs	tance(s) or object(s)	:		
N/A				
14// (
(c) For work involving salt m				on please provide the
following information relation	ng to the substance(s) or object(s) to b	e deposited:	
Quantity (tonnes):				
N/A	tonnes			
	<u></u>			
Nature of substance(s) or o	object(s) (e.g. sand,	silt, gravel etc.):		
N/A				
Source (if sea dredged sta	te location of origin)			
	<u>,</u>			
N/A				
Particle size:				
N/A				
Have the substance(s) or	obiect(s) been ch	emically analysed	l?	YES 🗌 NO 🗌
If YES, please include the				
(d) Temporary substance(s)	or object(s) to be d	eposited below MI	HWS (continue of	on a separate sheet if
necessary):				

Type of Deposit	Description	Quantity & Dimensions (metric)
Steel/Iron		No.
		Dimensions
		Weight (kg/tonnes)
Timber		No.
		Dimensions
		Weight (kg/tonnes)

Concrete		No.						
		Dimensions						
		Weight (kg/tonnes)						
Plastic/Synthetic		m ²						
Clay		Volume (m ³)						
(< 0.004 mm)		Weight (kg/tonnes)						
Silt		Volume (m ³)						
(0.004 ≤ Silt < 0.063 mm)		Weight (kg/tonnes)						
Sand		Volume (m ³)						
(0.063 ≤ Sand < 2.0 mm)		Weight (kg/tonnes)						
Gravel		Volume (m ³)						
(2.00 ≤ Gravel < 64.0 mm)		Weight (kg/tonnes)						
Cobbles		Volume (m ³)						
(64.0 ≤ Cobbles < 256.0 mm)		Weight (kg/tonnes)						
Boulders		Volume (m ³)						
(≥ 256.0 mm)		Weight (kg/tonnes)						
Pipe		Length (m)						
		External Diameter (cm/m)						
Other (please describe below):		1						
Disposal of Dredged Substance	e(s) or Object(s) at Sea							
(a) Do you intend to apply for a m dredged substance(s) or object	arine licence for sea disposal of ct(s) as part of the project?	YES NO						
If YES, please specify nature of s	ubstance(s) or object(s) (e.g sand	, gravel, silt, clay, rock etc.):						
Sea disposal of dredged ma	Sea disposal of dredged material associated with the wider project is being dealt with							
	r Capital Dredging and Marir							
Soparatory arraor nocrioe for	Capital Dicaging and Main	To Beposit Wie doo roote						
(b) Quantity of substance(s) or ob	viect(s) (wet tonnes):							
wet tonnes								

A separate marine licence application will be required to be submitted for sea disposal.



7.

Will loud, low to mid frequency (10Hz to 10kHz) impulsive noise be produced YES ■ NO □ by the project?			
If YES, which please indicate the noise generating activities and sound frequencies:			
Sound Frequency (Hertz)			
Please refer to previous information submitted			
'			
If you have ticked YES , please complete the Noise Registry – Initial Registration form located at: http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/noise-reduction Marine licence applications will not be accepted until this form has been completed and submitted.			
Statutory Consenting Powers Do you, or (if appropriate) your client, have statutory powers to consent any aspect of this project?			
No			
YES NO			
YES ☐ NO ■ Dlicies, including but not limited to dered:			
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Noise Monitoring

8.

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10.

١١.	Pre-Application Consultation	
	Is the application subject to pre-application consultation, under The Ma Licensing (Pre-application Consultation) (Scotland) Regulations 2013?	
	If YES , please indicate the date of the public notice for the pre-applica of consultation event held (a copy of the public notice must be supplied	
	Event Type	Date
12.	Consultation	
	List all bodies you have consulted and provide copies of corresponden	ce:
	Consultation has been undertaken as part of the screening SCR-0080	g request process in relation to
13.	Environmental Assessment	
	(a) Does the project fall under Annex I or II of the EIA Directive?	
	Annex I ■ Annex II Neither □	
	If ANNEX I or ANNEX II, please provide the screening opinion issu	ed to you in relation to the project.
	(b) Has an EIA been undertaken:	
	for the marine licence application to which this application relates for any other EIA regulator (e.g local authority)	YES ■ NO □ YES ■ NO □
14.	Associated Works	
	Provide details of other related marine projects, including reference/lice	ence numbers (if applicable):
	Capital Dredging and Marine Deposit - MS-00010583	

