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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: MS-00009036

Reference Number: 00009036

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

**Roadbridge UK Ltd  
3a Falcon Gate  
Shire Park  
Welwyn Garden City  
Hertfordshire  
England  
AL7 1TW**

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

This licence shall be valid from **30 November 2020** until **28 February 2021**.

Signed: .....  
Rebecca Bamlett

For and on behalf of the licensing authority

Date: 30 November 2020

## 1. PART 1 – GENERAL

### 1.1. Interpretation

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

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

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

### 1.2. Contacts

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

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

Tel: +44 (0) 300 2445046

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

### 1.3. Other authorisations and consents

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed activities. The issuing of this licence does not absolve the licensee from obtaining such other authorisations and consents which may be required under statute.

### 1.4. Variation, suspension, revocation and transfer

Under section 30 of the 2010 Act the licensing authority may by notice vary, suspend or revoke this licence granted by them if it appears to the licensing authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act.

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

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, transfer this licence from the licensee to another person.

### **1.5. Breach of requirement for, or conditions of, licence**

Under section 39 of the 2010 Act it is an offence to carry on a licensable marine activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

### **1.6. Defences: actions taken in an emergency**

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that the activity was carried out for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure (*'force majeure'*) and that the person took steps within a reasonable time to provide full details of the matter to the licensing authority as set out in section 40(2) of the 2010 Act.

### **1.7. Offences relating to information**

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, either knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or by this licence.

### **1.8. Appeals**

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to the sheriff of any sheriffdom against a decision taken by the Scottish Ministers under section 29(1) of the 2010 Act.

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

As per licensee.

**2.2. Name and address of any other agent acting on behalf of licensee:**

Leapmoor LLP  
Gourock Municipal Buildings – Suite 3  
122 Shore Street  
Gourock  
PA19 1QZ

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

See condition 3.1.2.

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

See condition 3.1.3.

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

**2.5. Place of production of the dredge material:**

Port of Cromarty Firth Phase 4 Development, Invergordon Service Base

Area A (North Revetment), within the area bounded by joining the points:

57° 41.198' N, 004° 10.954' W  
57° 41.193' N, 004° 10.954' W  
57° 41.186' N, 004° 11.124' W  
57° 41.191' N, 004° 11.124' W

Area B (West Revetment), within the area bounded by joining the points:

57° 41.188' N, 004° 11.162' W  
57° 41.170' N, 004° 11.147' W  
57° 41.083' N, 004° 11.138' W  
57° 41.055' N, 004° 11.126' W  
57° 41.044' N, 004° 11.124' W  
57° 41.046' N, 004° 11.147' W  
57° 41.064' N, 004° 11.168' W  
57° 41.083' N, 004° 11.158' W

Area C (Berth 6), within the area bounded by joining the points:

57° 41.069' N, 004° 11.028' W  
57° 41.045' N, 004° 11.024' W

57° 41.041' N, 004° 11.124' W  
 57° 41.064' N, 004° 11.127' W

Area D (Berth 6), within the area bounded by joining the points:

57° 41.076' N, 004° 10.966' W  
 57° 41.047' N, 004° 10.961' W  
 57° 41.069' N, 004° 11.028' W  
 57° 41.045' N, 004° 11.024' W

Area E (south of Berth 6), within the area bounded by joining the points:

57° 41.057' N, 004° 10.899' W  
 57° 41.017' N, 004° 10.936' W  
 57° 40.983' N, 004° 11.264' W  
 57° 41.064' N, 004° 11.168' W  
 57° 41.046' N, 004° 11.152' W

Area F (South West Corner), within the area bounded by joining the points:

57° 41.085' N, 004° 11.131' W  
 57° 41.065' N, 004° 11.112' W  
 57° 41.064' N, 004° 11.127' W  
 57° 41.055' N, 004° 11.126' W  
 57° 41.083' N, 004° 11.138' W

As per the indicative dredge areas detailed in Annex 1.

**2.6. Description of dredging and deposit activities:**

Capital dredging and deposit of substances and objects for Port of Cromarty Firth, Phase 4 Development, Invergordon including the following:

- Dredging of Area A (North Revetment) to increase the depth by 1.0 metre;
- Dredging of Area B (West Revetment) to increase the depth by 3.0 metres;
- Dredging of Area C (Berth 6) to increase the depth by 5.0 metres;
- Dredging of Area D (Berth 6) to increase the depth by 5.0 metres;
- Dredging of Area E (south of Berth 6) to increase the depth by 6.0 metres;
- Dredging of Area F (South West Corner) to increase the depth by 5.0 metres;
- Deposit of dredge spoil (unsuitable for re-use) at the Sutors authorised dredge spoil deposit area;
- Deposit of dredge spoil (suitable for re-use) to reclaim land.

As described in application dated 15 May 2018, updated application form dated 21 May 2018, all correspondence submitted in support of the application and all other associated information.

**2.7. Details of material to be dredged:**

Dredge Area	Dredge Depth (metres)	Clay and Silt (<0.063 mm)	Sand (0.063 ≤ Sand <	Pebbles, Cobbles and Boulders	Quantity to be dredged (wet tonnes)
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			2.0 mm)	(≤2.0 mm)	
A (North Revetment)	1.0	6%	45%	46%	1,000
B (West Revetment)	3.0	17%	46%	32%	14,400
C (Berth 6)	5.0	9%	54%	35%	22,400
D (Berth 6)	5.0	13%	60%	24%	18,560
E (south of Berth 6)	6.0	15%	58%	24%	157,800
F (South West Corner)	5.0	17%	46%	32%	45,100

**2.8. Maximum quantity of capital dredge substances or objects to be deposited at authorised dredge material deposit area CR019 – Sutors:**

296,000 wet tonnes / 148,000 m<sup>3</sup>

*Less any material already deposited under marine licence numbers 06709/18/0, 06709/19/0, 06709/19/1 and 06709/19/2.*

**2.9. Quantity of capital dredge substances or objects to be deposited for land reclamation purposes:**

214,160 wet tonnes / 107,080 m<sup>3</sup> less any dredge spoil deposited at Sutors dredge spoil deposit area as per point 2.8 above.

*Less any substances or objects already deposited under marine licence numbers 06709/18/0, 06709/19/0, 06709/19/1, 06709/19/2 and 06709/20/0.*

### 3. PART 3 – CONDITIONS

#### 3.1. General conditions

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

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

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

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

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

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

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

##### 3.1.3. Vessels

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

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

##### 3.1.4. Force Majeure

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

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

### 3.1.5. Material alterations to the licence application

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

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

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

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

### 3.1.7. Environmental protection

The licensee must ensure that all required mitigation identified in the Environmental Impact Assessment (“EIA”) process is implemented to address significant environmental effects.

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

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

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

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

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

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

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

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;  
and
- c) on board the vessel(s) employed to undertake the licensed activities.

### **3.1.9. Inspection of the licensed activities**

Any persons authorised by the licensing authority, must be permitted to inspect the licensed activities at any reasonable time. The licensee must, on being given reasonable notice by the licensing authority (of at least 72 hours), provide transportation to and from the site of the licensed activities (weather permitting) for any persons authorised by the licensing authority to inspect the activities.

### **3.1.10. Construction Environmental Management Document (“CEMD”)**

The licensee must adhere to the approved CEMD (revision 3, dated 07 August 2018) and ensure that all mitigation measures listed are fully implemented. In the event that the licensee wishes to update or amend any of the protocols in the CEMD, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

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

- 3.2.1.** The licensee must, no later than 7 days prior to commencement of the licensed activities, notify the licensing authority of the proposed start date of the activities.
- 3.2.2.** The licensee must ensure that a Notice to Mariners is issued prior to commencement of the licensed activities, clearly stating the nature and duration of the activities.
- 3.2.3.** The licensee must ensure that HM Coastguard, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre, is made aware of the licensed activities prior to commencement.

## **3.3. During the licensed activities**

- 3.3.1.** The licensee must co-ordinate movements of vessels related to the licensed activities alongside other developments and activities taking place at the same time to spread out vessel activity as far as is practically possible so that it does not occur simultaneously.
- 3.3.2.** The licensee must ensure that no dredging or dredge spoil deposit activities take place during the month of May each year.

- 3.3.3.** The appointed dredger and any other floating plant in attendance during these operations must exhibit the required lights/shapes at all times, in accordance with the International Regulations for the Prevention of Collisions at Sea.
- 3.3.4.** The licensee must ensure that all recoveries of wreck material are reported to the Receiver of Wreck within 28 days of recovery. Failure to report the recovery of wreck material to the Receiver is a criminal offence. Additional information and a report of wreck and salvage form can be found at: [www.gov.uk/guidance/wreck-and-salvage-law](http://www.gov.uk/guidance/wreck-and-salvage-law).
- 3.3.5.** The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.
- 3.3.6.** The licensee must deposit all dredge spoil substances or objects for the purposes of land reclamation in the following area:

Reclamation Area Name: Port of Cromarty Firth, Phase 4, Reclamation

Within the area bounded by joining the points:

57° 41.188' N, 004° 10.886' W	57° 41.093' N, 004° 10.871' W
57° 41.099' N, 004° 10.734' W	57° 41.059' N, 004° 10.728' W
57° 41.040' N, 004° 11.186' W	57° 41.190' N, 004° 11.195' W
57° 41.201' N, 004° 10.949' W	57° 41.186' N, 004° 10.947' W

- 3.3.7.** The licensee must deposit the dredge spoil substances or objects, identified for the purposes of deposit in the following area:

Deposit Area Name and Code: SUTORS, CR019

Within the area bounded by joining the points:

57° 41.250' N, 003° 59.800' W	57° 41.250' N, 003° 59.200' W
57° 41.060' N, 003° 59.200' W	57° 41.060' N, 003° 59.800' W

Up to a maximum quantity of **296,000 wet tonnes/ 148,000 m<sup>3</sup>** may be deposited within this area during the period of validity of this licence, less **any material already deposited under marine licence numbers 06709/18/0, 06709/19/0, 06709/19/1 and 06709/20/0.**

- 3.3.8.** All tank/hopper washings must be deposited in the authorised dredge spoil deposit area: SUTORS, CR019

- 3.3.9.** The method of dredge spoil deposit shall be:

**BOTTOM DUMPING**

- 3.3.10.** The licensee must ensure that a log of dredge spoil deposit activities is maintained on each vessel employed to undertake deposit activities. The log(s) must be kept onboard the vessel(s) throughout the dredge spoil deposit activities, and be available for inspection by any persons authorised by the licensing authority. The log(s) must be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the licensing authority.

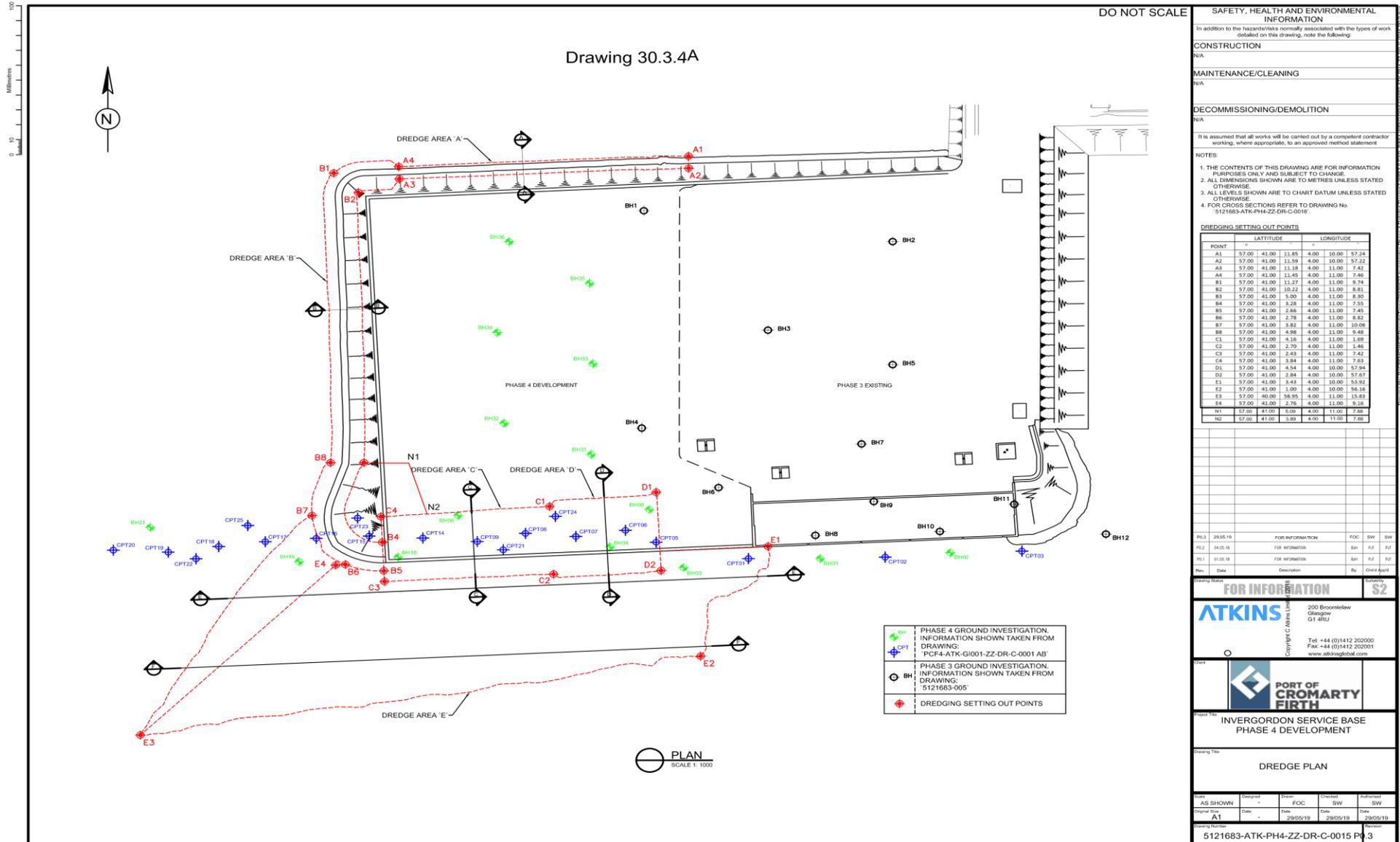
The log(s) must record in English the following information:

- a) the name of the vessel;
- b) the nature and quantity of each dredge spoil substance or object loaded for deposit;
- c) the date and time of departure from port, and the date and time of arrival at the dredge spoil deposit area(s), on each occasion that the vessel proceeds to the deposit area(s);
- d) the date, time and position of commencement, and the date, time and position of completion, of each deposit activity;
- e) the course(s) and speed(s) throughout each deposit activity. (Multiple changes may be recorded as "various");
- f) the weather, including wind strength and direction, sea-state and tidal set throughout each deposit activity;
- g) the rate of discharge during each dredge spoil deposit activity, if appropriate, and the duration of each deposit activity. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
- h) comments on dredge spoil deposit activity, including any explanations for delays in the deposit activity;
- i) the signature of the Master at the foot of each page of the record.

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

- 3.4.1.** The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.
- 3.4.2.** The licensee must, within 28 days of completion of the works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 337900) with the revised water depths in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.
- 3.4.3.** The licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects disposed of under authority of the licence. The written reports must be submitted to the licensing authority annually and on the forms provided by the licensing authority.

# Annex 1 – Indicative Dredge Areas



**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION**  
In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following:

- CONSTRUCTION**  
N/A
- MAINTENANCE/CLEANING**  
N/A
- DECOMMISSIONING/DEMOLITION**  
N/A

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.

- NOTES**
1. THE CONTENTS OF THIS DRAWING ARE FOR INFORMATION PURPOSES ONLY AND SUBJECT TO CHANGE.
  2. ALL DIMENSIONS SHOWN ARE TO METRES UNLESS STATED OTHERWISE.
  3. ALL LEVELS SHOWN ARE TO CHART DATUM UNLESS STATED OTHERWISE.
  4. FOR CROSS SECTIONS REFER TO DRAWING No. '5121683-ATK-PH4-ZZ-DR-C-0016'.

**DREDGING SETTING OUT POINTS**

POINT	LATITUDE	LONGITUDE
A1	57.00 41.00 11.85 4.00	10.00 57.24
A2	57.00 41.00 11.99 4.00	10.00 57.22
A3	57.00 41.00 11.18 4.00	11.00 7.42
A4	57.00 41.00 12.45 4.00	11.00 7.46
B1	57.00 41.00 11.27 4.00	11.00 6.74
B2	57.00 41.00 10.22 4.00	11.00 8.81
B3	57.00 41.00 5.00 4.00	11.00 8.90
B4	57.00 41.00 3.28 4.00	11.00 7.35
B5	57.00 41.00 2.96 4.00	11.00 7.45
B6	57.00 41.00 2.78 4.00	11.00 8.52
B7	57.00 41.00 3.82 4.00	11.00 10.06
B8	57.00 41.00 4.98 4.00	11.00 9.48
C1	57.00 41.00 4.16 4.00	11.00 1.69
C2	57.00 41.00 2.70 4.00	11.00 1.46
C3	57.00 41.00 2.43 4.00	11.00 7.42
C4	57.00 41.00 3.84 4.00	11.00 7.83
D1	57.00 41.00 4.54 4.00	10.00 57.84
D2	57.00 41.00 2.84 4.00	10.00 57.67
E1	57.00 41.00 3.43 4.00	10.00 53.92
E2	57.00 41.00 1.00 4.00	10.00 56.16
E3	57.00 40.00 58.95 4.00	11.00 15.83
E4	57.00 41.00 2.06 4.00	11.00 9.55
N1	57.00 41.00 1.00 4.00	11.00 7.88
N2	57.00 41.00 3.89 4.00	11.00 7.88

Rev.	Date	Description	By	CHKD	APPD
PL3	28/05/19	FOR INFORMATION	FOC	SW	SW
PL2	04/05/19	FOR INFORMATION	BAH	EXT	PLT
PL1	01/05/18	FOR INFORMATION	BAH	EXT	PLT

**FOR INFORMATION**

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**PORT OF CROMARTY FIRTH**

**INVERGORDON SERVICE BASE  
PHASE 4 DEVELOPMENT**

**DREDGE PLAN**

Issue	AS SHOWN	Revised	FOC	SW	Authorised	SW
Original Issue	A1	Date	28/05/19	28/05/19	Date	28/05/19

Drawing Number: **5121683-ATK-PH4-ZZ-DR-C-0015 P.3**