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22 November 2019

Dear Mr Cameron,

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

**MARINE (SCOTLAND) ACT 2010**

**DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE REGULATORY  
APPROVAL**

**FOR CAPITAL DREDGING AND DEPOSIT OF DREDGE SUBSTANCES OR OBJECTS AT  
THE BO'NESS OR NARROW DEEP DEPOSIT SITES ASSOCIATED WITH THE  
DEVELOPMENT OF A NEW MARINA IN THE WEST HARBOUR AT GRANTON,  
EDINBURGH.**

**1. Description of the Application**

- 1.1 On 5 April 2019 the Scottish Ministers granted in favour of Edinburgh Marina Granton Harbour Ltd, having its registered office at PIP Asset Management, 43-45 Portman Square, London, W1H 6HN ("the Company"), a marine licence under part 4 of the Marine (Scotland) Act 2010 for capital dredging and the deposit of dredge substances or objects, marine licence number 06807/19/0 ("the Marine Licence"). Condition 3.1.9 of the Marine Licence requires the Company to submit an Environmental Management Plan, for approval by the Scottish Ministers, prior to commencing the above licensed activities.
- 1.2 On 25 September 2019 the Company, submitted to the Scottish Ministers a Dredging Environmental Management Plan ("DEMP") for approval and applied for multi-stage regulatory approval in relation thereto and in accordance with condition 3.1.9 of the Marine Licence.

## 2. Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted Scottish Natural Heritage (“SNH”), Scottish Environment Protection Agency (“SEPA”), Historic Environment Scotland (“HES”), the Maritime and Coastguard Agency (“MCA”), Edinburgh Council, the Forth District Salmon Fishery Board (“Forth DSFB”), the UK Chamber of Shipping, Crown Estate Scotland, Ministry of Defence (“MOD”), Marine Safety Forum, Royal Yachting Association (“RYA”), the Royal Society for the Protection of Birds (“RSPB”), Granton and District Community Council, the Scottish Fisherman’s Federation (“SFF”), the Scottish Fisherman’s Organisation (“SFO”), the Scottish Wildlife Trust (“SWT”), Transport Scotland, Forth Ports, Whale and Dolphin Conservation (“WDC”), Visit Scotland, Scottish Water and the Association of Salmon Fishery Boards (“ASFB”) in respect of the DEMP.
- 2.2 SNH advised it was content with the details of the DEMP as far as they relate to its remit. SNH noted the Company’s intention to carry out dredging of the contaminated material at low tide and advised that at times of lower tidal states, larger amounts of intertidal habitat are available for birds to use for foraging, particularly in the eastern harbour. SNH therefore advised that there is sufficient alternative habitat available for qualifying interests of the Special Protection Areas to use during the dredging campaign. The Company amended the DEMP to clarify that dredging at low tide will only relate to the sub 1.2 metre contaminated material.
- 2.3 Scottish Water confirmed it had no objection to the DEMP. Scottish Water highlighted however that their response to the DEMP did not amount to confirmation that the marina development could be serviced. The Company confirmed drainage and water supply considerations are being considered as part of the planning applications for the marina and advised that the dredging activities were unlikely to impact Scottish Water assets.
- 2.4 RYA advised that it was unclear whether the Navigational Risk Assessment within the DEMP was complete or if it would be updated once a dredging contractor was appointed. RYA noted that the DEMP covered the key risks to the navigation but advised that the effect of wash from the dredger on small vessels should be covered in the section regarding damage to the vessels by the licensed activities. The RYA noted that the DEMP recommended publicity in local press as a method to mitigate against collision with other vessels whilst engaged in dredging. RYA highlighted however the importance of the local stakeholder liaison group as the most effective way to communicate with harbour users. RYA noted that if the dredging is completed by early April 2020 and the dredger is moored in the West Harbour whilst the licensed activities are taking place then interaction with recreational boaters will be minimal as most boats are removed from the water between October and April. The Company confirmed a draft Stakeholder Agreement has been prepared and is ready for submission to identified stakeholders. The Company also confirmed that the dredging contractor will be made aware of the need to consider other marine users during the dredging and sea deposit campaign. The Company revised the DEMP to confirm the appointment of a dredging contractor.
- 2.5 The MCA advised it has no objections to the DEMP on the understanding that an agreement has been reached between the Company and Forth Ports and the Notices to Mariners have been updated as appropriate. The Company confirmed that correspondence with Forth Ports is underway and a Notice to Mariners will be placed.



- 2.6 The NLB advised it has no objection to the DEMP and noted the identification of the dredge deposit sites. The MOD confirmed that it has no safeguarding objections to the DEMP and HES advised it had no comments to make on the DEMP.
- 2.9 SEPA advised they had no comment to make on the sea deposit aspects of the DEMP but noted any beneficial use of dredge material on land can only take place if the material meets certain standards, otherwise the material must be appropriately disposed of at licensed waste sites. SEPA highlighted that the Company has been advised to contact SEPA's local office to discuss the nature of the material to be brought ashore, appropriate disposal methods and Waste Management Licensing requirements for above Mean High Water Springs. SEPA requested that its pollution hotline telephone number be added to the DEMP. The Company revised the DEMP accordingly and confirmed it is aware of SEPA's requirements for chemical testing and waste management on land.
- 2.10 Edinburgh Council, the Forth DSFB, the UK Chamber of Shipping, Crown Estate Scotland, Marine Safety Forum, the RSPB, Granton and District Community Council, the SFF, the SFO, the SWT, Transport Scotland, Forth Ports, WDC, Visit Scotland and the ASFB did not provide any comments on the DEMP.

### **3 Reasons and Considerations on which this decision is based**

- 3.1 The Scottish Ministers have fully considered all representations received regarding the DEMP.
- 3.2 The information contained in the DEMP is within the parameters of what has already been assessed in the Environmental Impact Assessment Report ("EIA Report") submitted in respect of the Marine Licence.
- 3.3 The Company was not required to submit additional information under regulation 27 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) in relation to the application for multi-stage regulatory approval.

### **4 Reasoned Conclusion**

- 4.1 As set out above, the Scottish Ministers are satisfied that they have sufficient information to enable them to reasonably conclude that the DEMP is within the parameters which have already been considered within the EIA Report previously assessed in respect to the Marine Licence. No new significant effects on the environment have been identified when considering the information detailed within the DEMP.
- 4.2 In taking into account the information set out above the Scottish Ministers are satisfied that this information is relevant, appropriate and up to date.

### **5 Determination and Terms of Decision**

- 5.1 The Scottish Ministers, hereby approve the DEMP as submitted on 20 November 2019 and grant multi-stage regulatory approval in relation thereto.
- 5.2 In the event that the Company wishes to update or amend the DEMP, the Company must submit, in writing, details of the proposed updates or amendments to the Scottish Ministers for their written approval prior to the planned implementation of the

proposed updates or amendments. It is not permissible for any associated with the proposed updates or amendments to proceed prior to the granting of such approval.

- 5.3 Unless otherwise agreed, in writing by the Scottish Ministers, all licensed activities must proceed in accordance with the DEMP.
- 5.4 This Decision Notice has been published on the Marine Scotland licensing page of the Scottish Government's website: <http://marine.gov.scot/ml/06807-capital-dredging-and-sea-disposal-granton-harbour-edinburgh>.

Authorised on behalf of the Scottish Ministers

By a member of staff of the Scottish Government  
[Redacted]

Malcolm Rose

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22 November 2019

