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05 April 2019

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

DECISION NOTICE – MARINE LICENCES FOR THE CONSTRUCTION, MARINA INSTALLATION, CAPITAL DREDGING AND DREDGE SPOIL DEPOSIT ACTIVITIES ASSOCIATED WITH THE DEVELOPMENT OF A NEW MARINA IN THE WEST HARBOUR AT GRANTON, EDINBURGH.

1 Application and description of the works

1.1 On 28 September 2018 Edinburgh Marina Granton Harbour Ltd (“the Applicant”) having its registered office at PIP Asset Management, 43-45 Portman Square, London, W1H 6HN, submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 for the construction, capital dredging and sea disposal activities associated with the development of a new marina in the west harbour at Granton, Edinburgh (“the Works”). The applications were accompanied by an Environmental Impact Assessment Report (“EIA Report”) as required under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”). The said applications are collectively hereinafter referred to as “the Application”.

- 1.2 The Works form part of the Granton Harbour Regeneration Development. On the west side of the existing West harbour, 225 metres of sloping masonry revetment will be reconstructed and this will be extended to the south by the construction of a new quay wall, 110m in length. This will be a sheet piled wall which will be backfilled with around 19,322m³ of hardcore material to reclaim 6050m² of land.
- 1.3 The existing western breakwater (north mole) will be extended with a 50 metre concrete wall. This will have an inclined slope of rock armour on the seaward side and an additional 25 metres of rock revetment on the end for additional protection. A new 340 berth marina, extending to approximately 22,879m², will be formed by the deposit of pontoons, held in place by piles.
- 1.4 A capital dredge will be required in the area of the new marina to remove 241,365m³ of material. The top 1.2 metres, relative to current seabed level, of material from the site excluding the area around pre-dredge sample stations 8 and 9 (where elevated levels of contaminants were indicated) will be disposed of at the Oxcars or Narrow Deep disposal grounds. The sample station 8 and 9 material, along with all material from below 1.2 metres will be taken for disposal on land. It is estimated that around 86,980m³ of material will be disposed of at sea and 154,385m³ will be taken for land based disposal.
- 1.5 The location and boundary of the Works is shown in Appendix 1.

This decision notice contains the Scottish Ministers' decision to grant regulatory approval for the Works as described above, in accordance with regulation 23 of the 2017 MW Regulations.

2 Summary of environmental information

- 2.1 The environmental information provided by the Applicant was:
 - An EIA Report that provided an assessment of the impact of the Works on a range of receptors.
- 2.2 A summary of the environmental information provided in the EIA Report is given below.

Water Environment & Coastal Processes
- 2.3 The Applicant identified potential impact on the water environment through contamination of coastal water and sediments through spillages, leakages and/or sediment transfer. The dredging works could cause plumes of suspended sediment or release of contaminants. The Applicant has concluded that any effect on water quality from this would be short term and localised. The Applicant proposes to include mitigation measures to prevent

contamination within the construction environmental management plan (“CEMP”).

2.4 Potential impacts on coastal processes could be through changes in local wave climate or changes in local sediment regime. The EIA Report included a detailed wave modelling study which concluded that following construction and during a storm event from the north east, there would be a significant reduction in wave height in the west harbour, a small reduction around the middle pier and negligible change in the east harbour. It is acknowledged that there will be a slight increase in wave height on the approach to the harbour as a result of wave reflection however the EIA Report assessed this would be of negligible impact.

2.5 With regards to sediment regime, the EIA Report noted that this is driven by tidal currents and wave action. The wave modelling study concluded that wave energy would either be reduced or remain roughly the same, therefore the only potential impact on sediment transport would come from changes to tidal currents. The Applicant considered that there would be no impact on tidal currents outwith the harbour as all Works are to be carried out within the existing sheltered extent of the harbour. The Applicant concluded that the extension retains the existing harbour entrance width and connectivity with the eastern harbour and the proposed dredge depths are consistent with those currently observed. The Applicant therefore concluded that there would be no impact on tidal currents within the harbour.

Marine Ecology & Ornithology

2.6 The key impact pathways on these receptors are identified by the Applicant as coming from underwater noise from vessel movements and piling, displacement and disturbance from vessel movements and loss of habitat, onshore and near-coastal activities affecting otter movement, pollution to a water body, sediment dispersal, acoustic disturbance and vibration from construction activities and lighting.

2.7 The Applicant assessed all possible impacts of noise on seals, cetaceans and fish. They concluded that the effects will be confined to the duration of the construction phase and that the most significant effects will be within 500 metres of the Works.

2.8 The Applicant has carried out a full Habitats Regulations Appraisal to assess the impact of the Works on the Firth of Forth Special Protection Area (“SPA”), the Firth of Tay and Eden Estuary Special Area of Conservation (“SAC”), the Forth Islands SPA, the Imperial Dock Lock, Leith SPA, the Outer Firth of Forth and St Andrews Bay Complex proposed SPA (“pSPA”), the Isle of May SAC, the Berwickshire and Northumberland Coast SAC and the River Teith SAC.

This concluded that if the mitigation measures outlined in the EIA Report are adhered to along with pollution prevention measures, there will be no adverse effect on the integrity of any of the designated sites.

- 2.9 In addition to the impact on designated sites, the EIA Report assessed the specific impact on the following species: breeding birds, harbour porpoise, bottlenose dolphin, minke whale, humpback whale, grey seal, harbour seal and otters. In all cases, the EIA Report assessed the effects of the impacts as non-significant.

Exportation of Dredge Material by Road

- 2.10 The EIA Report assessed the logistics of moving 154,385m³ of dredge material by road and concluded that there would be an average of 64 HGV movements per day for a combined total of 18 months. They consider the impact of this on the surrounding road network and concluded that there would be no material impact.

Air Quality

- 2.11 The EIA Report identified that the increased traffic for the Works could increase pollutant emissions which would impact air quality. However it is not proposed that there will be a significant impact in road traffic and with the air quality currently being good in the vicinity of the site, the Applicant concluded that an increase in exhaust emissions will have a negligible effect on air quality. The Applicant committed to monitoring air quality and consulting with the local authority if any significant increases occur.

- 2.12 Air quality could also be impacted by dust produced during the construction phase. The Applicant identified procedures which will be put in place to minimise this and proposes to include these in a dust management plan within the CEMP.

Terrestrial Noise

- 2.13 The potential sources of terrestrial noise from the construction works have been identified by the Applicant along with the closest noise sensitive receptors, which are residential flats. The Applicant has proposed to adopt best practice measure to control noise and to include this in the CEMP.

Population & Human Health

- 2.14 The EIA Report stated that these impacts are covered by the sections on air quality and terrestrial noise where there were no significant effects found. On this basis, they concluded that no further assessment is required.

Navigation

- 2.15 The Applicant identified that the potential impacts on navigation are likely to be potential obstruction, reduced space for manoeuvre and increased traffic.

The Applicant carried out a navigational impact assessment for the construction and operational phases of the Works. During the construction phase, the Applicant has identified a number of mitigation measures which will be implemented to mitigate the impact of the Works on the movement of other vessels. These will be included within the CEMP. The Applicant has also identified the new marking that will require to be installed on the approach to the marina. With regards to the operational phase, an operational management plan will be developed in liaison with stakeholders to communicate the changes to harbour users.

Climate Change

- 2.16 The Applicant concluded that the Works will not result in a significant impact on climate due to the nature of the Works. Any increase in emissions is likely to be negligible. Vulnerability of the Works to climate change would occur through flood risk which has been scoped out of the EIA Report.

Major Accidents

- 2.17 The Works during the construction phase will be controlled through the CEMP to ensure compliance with the Construction (Design and Management) Regulations 2015. Health and safety has been considered through the design process and the site is not considered to be at risk of major accidents.

Potential for Cumulative Effects

- 2.18 The EIA Report identified the in-combination effects which could arise from the other works planned as part of the Granton Harbour Regeneration Programme and concluded that because these works are to be carried out from the marine side in an already developed harbour, there will not be any cumulative effects with the terrestrial works.
- 2.19 Cumulative effects were also considered with other dredging operations which are using the same disposal sites within the Firth of Forth. Comparison with other dredging operations shows that the volume from Granton harbour is small in comparison to the total volume of material deposited at the disposal sites and also that the chemical compositions of the material are similar. On this basis the EIA Report concluded that there will be no cumulative effect on the disposal sites.

3 Consultation

- 3.1 In accordance with the 2017 MW Regulations advertisement of the Application and EIA Report was made in the local and national press and the Applicant's website. Notices were placed in the public domain and the opportunity given for those wishing to make representations to do so.

3.2 The dates of the consultation exercises are given below. The regulatory requirements regarding consultation and public engagement have been met and the responses received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken post consent.

Document	Date Received	Dates of Consultation	Publication
Environmental Impact Assessment Report & Appendices	26 October 2018	09 November 2018 – 09 December 2018	Marine Scotland Website (09 November 2018)
Marine licence Application and supporting documentation			Edinburgh Gazette (09 November 2018) Edinburgh Evening News (09 November 2018)

3.3 A summary of the responses is set out in sections 4, 5 and 6.

4 Summary of statutory consultee responses

4.1 Maritime and Coastguard Agency (“MCA”) responded on 19 December 2018 to confirm that they have no objections to the marine licences being granted providing standard conditions are adhered to. The Works are within the jurisdiction of Forth Ports as the statutory harbour authority so the MCA defer to them for further advice.

4.2 Scottish Environmental Protection Agency (“SEPA”) responded on 07 December 2018 to say that they have no objection to the Application however this response was based on the dredgings being disposed of in the marine environment. They provided a further response on 15 February 2019 to confirm that for land based disposal, the Applicant should discuss requirements with SEPA’s local regulatory team.

4.3 Scottish Natural Heritage (“SNH”) responded on 03 December 2018 to say that they support the findings of the Habitats Regulations Assessment carried out by the Applicant and to recommend that all mitigation listed in the schedule of mitigation is enforced. They agreed with the Applicant that there was a likely significant effect on the Firth of Forth SPA, the Forth Islands SPA, the Imperial Dock Lock, Leith SPA, the Outer Firth of Forth and St Andrews Bay Complex pSPA, the Isle of May SAC, the Berwickshire and North Northumberland Coast SAC and the River Teith SAC however advised that there would be no adverse effect on the site integrity of any of these sites providing the Schedule of

Mitigation as contained in the EIA Report is implemented. This will be conditioned in the marine licences.

- 4.4 In relation to the Firth of Forth SSSI, SNH concluded that there would be no impact on the geodiversity features in Granton's east harbour or at Wardie beach, to the east of the Works.
- 4.5 Northern Lighthouse Board responded to the dredging application on 13 November 2018 and the construction application on 29 November 2018. In both cases, they advised that they had no objection to the Works. They made recommendations with regards to the maritime safety communications which should be issued and also the marking and lighting that will be required for the marina following its construction. This will be conditioned on the marine licence.
- 4.6 Historic Environment Scotland had no comments to make in their response dated 03 December 2018.
- 4.7 City of Edinburgh Council responded on 11 December 2018 to say that they are content with the ecological assessments that have been undertaken and that providing all of the proposed mitigation measures, as listed in the Schedule of Mitigation, are fully adhered to, they have no further comments to make. This will be conditioned in the marine licences.

5 Summary of non-statutory consultee responses

- 5.1 Defence Infrastructure Organisation did not raise any objections in their response dated 13 November 2018.
- 5.2 Forth Ports provided their response on 07 December 2018. They recommended that the sea disposal of dredge spoil should be to Oxcars or Narrow Deep and not to Bo'Ness. They require that the navigation element of the CEMP be consulted on and approved by Forth Ports as the Statutory Harbour Authority prior to any works commencing. Further, the Applicant should also discuss the requirement for a Notice to Mariners to be issued and for a Forth Ports works licence.
- 5.3 On 13 February 2019, Forth Ports provided further details of the requirements for the marine navigational risk assessment. This document should set the criteria by which the vessel movements will be undertaken for leisure craft using the marina, existing eastern harbour mooring arrangements and commercial traffic using the facility. Forth Ports are content that by the implementation of such a plan, concerns raised regarding navigation can be managed by the marina operator. The production of a navigation risk assessment will be conditioned in the marine licences.

- 5.4 Royal Society for the Protection of Birds (“RSPB”) responded on 05 December 2018 to say that they are satisfied that the relevant assessments have been made of the impact on the Firth of Forth SPA. In general, the RSPB agree with the conclusions of the assessments. Some short term disturbance may occur but this will be temporary and should not lead to permanent loss of habitat. They would however recommend that whenever possible, works should be carried out in such a way as to minimise noise and other potential sources of disturbance to birds, and at times of day which avoid low-tide feeding activity. They commented that some of the mitigation measures proposed by the Applicant may be difficult to achieve however recommended that bubble curtains and low-noise piling are conditioned on the marine licences. The RSPB concluded that there is no ecological reason why the marine licences should not be granted.
- 5.5 Royal Yachting Association (“RYA”) provided comments on 06 December 2018. They suggested that the selection of the characteristics of the outer layers of rock armour will be crucial to absorbing waves and thus reducing the reflected waves which could impact the eastern harbour. They also welcomed the development of a stakeholder agreement and requested that this is conditioned as part of the marine licence. The RYA are satisfied that any potential navigational impacts will be managed by Forth Ports as the Statutory Harbour Authority. They confirmed that providing the Works are carried out to the plans submitted, they will not adversely impact the ability of the Forth Corinthian Yacht Club to lift boats in and out of the water. The development of a stakeholder agreement will be conditioned on the marine licences.
- 5.6 The RYA recognise that although the Works have the potential to worsen the wave conditions in the entrance to the harbour, the extension to the breakwater is necessary to protect the new marina. However, they requested that provision is put in place for the actions to be taken should the Applicant be unable to complete the breakwater extension. Conditions relating to the non-completion of works are included as standard on marine licences.
- 5.7 With regards to dredging, the RYA emphasised the need to consult with other harbour users to minimise the impact of the Works. They also suggested that given there is already a maintenance dredging regime established for the east harbour, a co-ordinated approach may be possible between the Applicant/marina operators, the yacht clubs in the east harbour and Forth Ports to dredge the whole harbour.
- 5.8 Scottish Water responded on 20 November 2018 to say that they have no objections to the Application however they could not confirm that services could be provided. They provided comprehensive advice to the Applicant with

regards to the information and forms that should be provided to Scottish Water to ensure that water and sewage provision. Scottish Water identified that there are existing Scottish Water assets which could be impacted by the Works and requested that the Applicant liaise with them directly regarding this. There are no drinking water protected areas that could be affected by the Works.

- 5.9 Transport Scotland provided a response on 04 December 2018 to say that they are content that sufficient assessment has been included within the EIA Report of the impact of the land based disposal of dredge spoil on the trunk road network. Transport Scotland are in agreement with the Applicant that the construction works will not have a perceived detrimental environmental impact on the trunk road network.
- 5.10 Trinity Community Council responded on the 13 December 2018 to provide several observations which they wish to be considered. They raised concerns regarding the additional traffic that would be generated by the Works and the impact this may have on amenities and the environment. In addition, the community council have reservations about the potential impact of the Works on Wardie Bay.
- 5.11 The Edinburgh Marina Ltd provided comments on 05 December 2018 to say that they welcome the development of the west harbour however the Applicant must ensure that the Works do not affect the east harbour. They raised concerns regarding the impact of the Works on wave activity within the eastern harbour and suggested that this should be monitored to identify whether further mitigation is required post-installation.
- 5.12 They requested to be included in the stakeholder management group and noted that access to the harbour should be maintained throughout the Works.
- 5.13 They noted that the Works may affect the tidal flow and the resulting deposition of silt. They therefore requested that silt levels are monitored in the east harbour and any increase caused by the Works should be removed by the Applicant.
- 5.14 The development of a stakeholder agreement will be conditioned on the marine licences and must include agreement on monitoring of wave climate and sedimentation, access arrangements during the construction Works and ongoing maintenance dredging of the harbour. The condition lists the interested parties who must be invited to contribute to the agreement and the Edinburgh Marina Ltd are included.
- 5.15 Forth Corinthian Yacht Club provided comments on 06 December 2018. They supported the comments provided by the Edinburgh Marina Ltd and require to

maintain access to the west harbour to crane boats in and out of the harbour. They acknowledged that this is shown in the layout plan. They requested that the navigation risk assessment should reflect the interests of the Edinburgh Trinity Sea Cadets and Newhaven Coastal Rowers who require to navigate craft without engines in and out of the harbour during the construction and operation of the Harbour works.

- 5.16 Royal Forth Yacht Club submitted comments on 08 December 2018 with particular regards to navigation, waves and siltation. In relation to navigation, continued access is required for existing users, particularly for boats without engines. They were concerned that the breakwater extension will prevent access to the eastern edge of the west harbour and the seaward slope may reduce the effective width of the channel. Further the channel will be in the lee of the extension when the wind is from the west, the prevailing direction, which will further impede the passage of sailing vessels. They also have concerns about visibility for boats entering and exiting the harbour and in particular, for boats coming from the Wardie bay racing area which is closer to the harbour than the approach channel marker.
- 5.17 In relation to waves, they requested that the situation in the east harbour is kept under review. They noted that the wave studies do demonstrate an increase in wave height in the harbour entrance and this could affect boats trying to enter the harbour to seek refuge in storm conditions. They requested that the Applicant considers the seaward slope of the breakwater extension and the void content of the material as these could mitigate the height of reflected waves.
- 5.18 They identified that Granton harbour is prone to siltation and raise concerns that the use of a silt curtain during the construction phase could mean that there is additional siltation in the east harbour. During the operational phase, they requested that the situation is monitored and mitigation put in place if siltation in the east harbour worsens.

6 Representations from other organisations and members of the public

- 6.1 Representations were received from eighteen members of the public either raising concerns or objecting to the Works. The issues raised by members of the public were also highlighted by one or more of the consultee responses detailed in section 5. The topics of concern raised in the public representations are summarised in table 1. The Scottish Ministers have considered these representations as part of their determination.

Table 1: Summary of Public Representations

Area of Concern	Number of Representations
Wave energy	11
Works affecting access to the harbour	10
Increased siltation in the east harbour	8
Issues for sail boats	7
Reduced width of harbour entrance	6
Reduced visibility	4
Damage to Wardie Bay SSSI	2
Disturbance of natural beauty and wildlife	2
Development name should be clear that it is Granton west harbour not Granton harbour	1
Road transport of dredge material	1

7 Advice from 3rd Parties

- 7.1 Marine Scotland Science (“MSS”) provided comments on 06 February 2019 regarding waves and siltation. With regards to waves in the east harbour, they confirmed that the wave studies do not demonstrate any adverse effects on the waves in this area. It is recommended that this is kept under review and appropriate mitigation put in place if adverse effects are demonstrated. In the harbour entrance, the studies do demonstrate an increase in wave height however the difference to the current state is only very close to the new breakwater so there is only a small area of the harbour entrance that will be affected. Wave heights are predicted to decrease in the middle of the channel.
- 7.2 During the construction phase, the use of the silt curtain may direct silt entering the harbour into the east harbour however this is probably a better option than not using the silt curtain because the silt curtain will ensure that any particles generated during the dredging works are confined to the west harbour. It is therefore recommended that a co-ordinated approach to dredging is adopted. During the operational phase, it is possible that the breakwater extension will direct more silt into the east harbour however this should be monitored and if there is found to be a greater need for dredging in the east harbour then this responsibility should be shared between the east and west harbours.
- 7.3 MSS provided further advice on 08 March 2019 to provide detail of proposed monitoring and mitigation. It is proposed that the wave climate is monitored in the east harbour after the construction is complete to assess if there are any negative impacts. It is suggested that the harbour users themselves would be in the best position to provide this feedback if any safety concerns arise.

8 The Scottish Ministers’ Considerations and Main Determinative Issues

8.1 The Scottish Ministers, having taken account of all relevant information, consider that the main determining issues are:

- The extent to which the Works accord with and are supported by Scottish Government policy and the terms of the national marine plan and relevant local development plans
- The significant effects of the Works on the environment, which are in summary:
 - Marine Ecology & Ornithology
 - Water Environment & Coastal Processes
 - Navigation
 - Exportation of dredge material by road

Policy Context

8.2 As the Works are proposed to take place within the Scottish marine area, they are subject to the Marine (Scotland) Act 2010 (“the 2010 Act”). The 2015 Scottish National Marine Plan (“NMP”) covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Minister’s policies for the sustainable development of Scotland’s seas and provides General Planning Principles (“GEN”), and sector specific objectives and policies, which were considered as part of the EIA process.

8.3 The Scottish Ministers are satisfied that the Works accord with and are supported by Scottish Government policy and in terms of the NMP.

Environmental Matters

8.4 The Scottish Ministers are satisfied that an environmental impact assessment 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.

8.5 The Scottish Ministers have considered fully and carefully the Application, EIA Report, supporting documentation, all relevant responses from consultees and public representations.

Possible Effects on European Protected Sites and Marine Ecology and Ornithology

8.6 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (“the 1994 Habitats Regulations”) require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European

site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the 1994 Habitats Regulations.

- 8.7 Owing to the view of SNH that the Works are likely to have a significant effect on the qualifying interests of the Firth of Forth SPA, Forth Islands SPA, Imperial Dock Lock, Leith SPA, Outer Firth of Forth and St Andrews Bay Complex pSPA, Isle of May SAC, Berwickshire and North Northumberland Coast SAC and River Teith SAC. MS-LOT, on behalf of the Scottish Ministers, as the “competent authority”, were required to carry out an Appropriate Assessment (“AA”). Having had regard to the representations made by SNH and RSPB Scotland it can be ascertained that the Works will not adversely affect the integrity of the SPAs, SACs or pSPA providing the Schedule of Mitigation contained within the EIA Report is adhered to. Having determined that the project will not adversely affect the integrity of the sites, and having regard to the reasons for which it was designated and the associated conservation objectives, MS-LOT concludes that the Works will not, on their own or in combination with other projects, adversely affect the integrity of the Firth of Forth SPA, Forth Islands SPA, Imperial Dock Lock, Leith SPA, Outer Firth of Forth and St Andrews Bay Complex pSPA, Isle of May SAC, Berwickshire and North Northumberland Coast SAC or River Teith SAC.
- 8.8 In Scotland, the Scottish Ministers are currently in the process of identifying a suite of new marine SPAs. In 2014, advice was received from the Statutory Nature Conservation Bodies on the sites most suitable for designation and at this stage they became draft SPA (“dSPA”). Once Scottish Ministers have agreed the case for a dSPA to be the subject of a public consultation, the proposal is given the status of pSPA and receives policy protection, which effectively puts such sites in the same position as designated sites, from that point forward until a decision on classification of the site is made. The policy protection for pSPA is provided by Scottish Planning Policy (paragraph 210), the UK Marine Policy Statement (paragraph 3.1.3) and the National Marine Plan for Scotland (paragraph 4.45). The Outer Firth of Forth and St Andrews Bay Complex pSPA is currently at consultation and therefore is included in the AA.
- 8.9 It is not a legal requirement under the Habitats Directive or relevant domestic regulations for the AA to assess the implications of the proposal on the pSPA. The AA includes an assessment of implications upon those sites in accordance with domestic policy. Scottish Ministers are also required to consider article 4(4) of Council Directive 2009/147/EC on the conservation of wild birds (“the Birds Directive”) in respect of the pSPA. The considerations under article 4(4) of the Birds Directive are separate and distinct to the considerations which must be assessed under this Habitats Directive assessment but they are, nevertheless, set out within the AA. Considering

article 4(4) of the Birds Directive, the Scottish Ministers concluded that the Works will not cause pollution or deterioration of habitats and any disturbance will be negligible.

- 8.10 In accordance with regulation 50 of the Conservation (Natural Habitats, &c.) Regulations 1994, regulation 33 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 and regulation 65 of the Conservation of Habitats and Species Regulations 2017 the Scottish Ministers will, as soon as reasonably practicable following the formal designation of the pSPA, review their decisions authorising the proposal. This will include a supplementary AA being undertaken concerning the implications of the proposal on the sites as designated if LSE is identified (as they are currently pSPAs their conservation objectives are currently in draft form, their conservation objectives are finalised at the point the sites are designated).
- 8.11 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA (available [here](#)). SNH agreed with all conclusions reached in the AA.
- 8.12 The RSPB recommended that bubble curtains should be used to mitigate the impact of piling on marine mammals however, having considered the advice from SNH and the potential for the works to affect marine mammals, the Scottish Ministers have concluded that the mitigation measures proposed by the applicant in the Marine Mammal Protection Protocol are sufficient and that bubble curtains are not required.
- 8.13 The Scottish Ministers are content that significant ornithological and marine mammal impacts will be appropriately mitigated providing the Applicant adheres to the conditions set out in the AA and marine licences and to the mitigation measures detailed in the EIA Report.

Water Environment and Coastal Processes

- 8.14 The Scottish Ministers have considered the potential impacts of the development on siltation within the west and east harbours. During the construction phase, there is the potential for the silt curtain to lead to increased siltation in the east harbour. There is also the potential for the proposed new breakwater extension to increase siltation in the east harbour. The Scottish Ministers have reviewed the consultation responses and the evidence submitted by the Applicant and are content that this situation can be monitored and an agreement reached between stakeholders should siltation be identified as an issue. The development of a Stakeholder Agreement will be conditioned on the marine licence and the document must include the monitoring of siltation in both the west and east harbours.

- 8.15 With regards to the wave climate, concerns were raised that the construction of the extension to the western breakwater could have a negative impact on the wave climate in the east harbour and also in the harbour mouth. The wave studies do not demonstrate increased waves in the east harbour however it is acknowledged that this should be kept under review as part of the Stakeholder Agreement. With regards to the waves in the harbour entrance, the modelling does show an increase in wave height however this is only in the area very close to the western breakwater extension and not across the full width of the channel. As for waves in the east harbour, sufficient evidence has been provided for the Scottish Ministers to be content that negative effects on the wave climate as a result of the Works are unlikely to be significant however the marine licence will be conditioned to include the development of a Stakeholder Agreement which must include ongoing monitoring and feedback arrangements should any issues arise.

Navigation

- 8.16 The Scottish Ministers have considered the potential navigational implications of the proposed Works. The Works will have an impact on the existing navigation in to and out of the harbour through the extension of the western breakwater. Particular concerns were raised in relation to the impact on boats without engines and the impact on visibility. Further advice was sought from Forth Ports as the Statutory Harbour Authority. They confirmed that these risks can be sufficiently managed through the development and implementation of a marine navigational risk assessment. The Scottish Ministers are satisfied that the development of a navigational risk assessment can be conditioned on the marine licences and that this will manage the risk of any navigational implications of the proposed Works.

9. The Scottish Ministers' Determination and Reasoned Conclusion

- 9.1 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the Application have been followed.
- 9.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated, against the economic benefits which would be realised. The Scottish Ministers have undertaken this exercise in the context of national and local policies.
- 9.3 The Scottish Ministers have considered the extent to which the 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 impact on the Firth of Forth SPA, Forth Islands SPA, Imperial Dock Lock, Leith SPA, Outer Firth of Forth and St Andrews Bay Complex pSPA, Isle of May SAC, Berwickshire and North Northumberland Coast SAC and River Teith SAC; impacts on marine

ecology and ornithology; impacts on the water environment and coastal processes; and navigation impacts.

- 9.4 The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works and mitigation. In particular, the Scottish Ministers are satisfied that the Works will not adversely affect the integrity of the Firth of Forth SPA, Forth Islands SPA, Imperial Dock Lock, Leith SPA, Outer Firth of Forth and St Andrews Bay Complex pSPA, Isle of May SAC, Berwickshire and North Northumberland Coast SAC and River Teith SAC.
- 9.5 The Scottish Ministers have had regard to the requirements of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds, and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
- 9.6 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the licences to reduce environmental impacts. These include production of a CEMP including a navigation risk assessment, development of a Stakeholder Agreement and adherence to the schedule of mitigation submitted in the EIA Report.
- 9.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion is still up to date.
- 9.8 The Scottish Ministers **grant marine licences subject to conditions** under Part 4 of the Marine (Scotland) Act 2010 for the construction, marina installation, capital dredging and dredge spoil deposit activities associated with the construction of a marina in the west harbour at Granton, Edinburgh. The marine licences are attached at Appendix 2.
- 9.9 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of this determination and how a copy of this decision letter may be inspected on the Application website, in the Edinburgh Gazette and a newspaper circulating in the locality to which the Application relates is situated.
- 9.10 Copies of this decision notice have been sent to the bodies consulted on the Application including the relevant planning authority, SNH, SEPA and HES.
- 9.11 The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – <http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

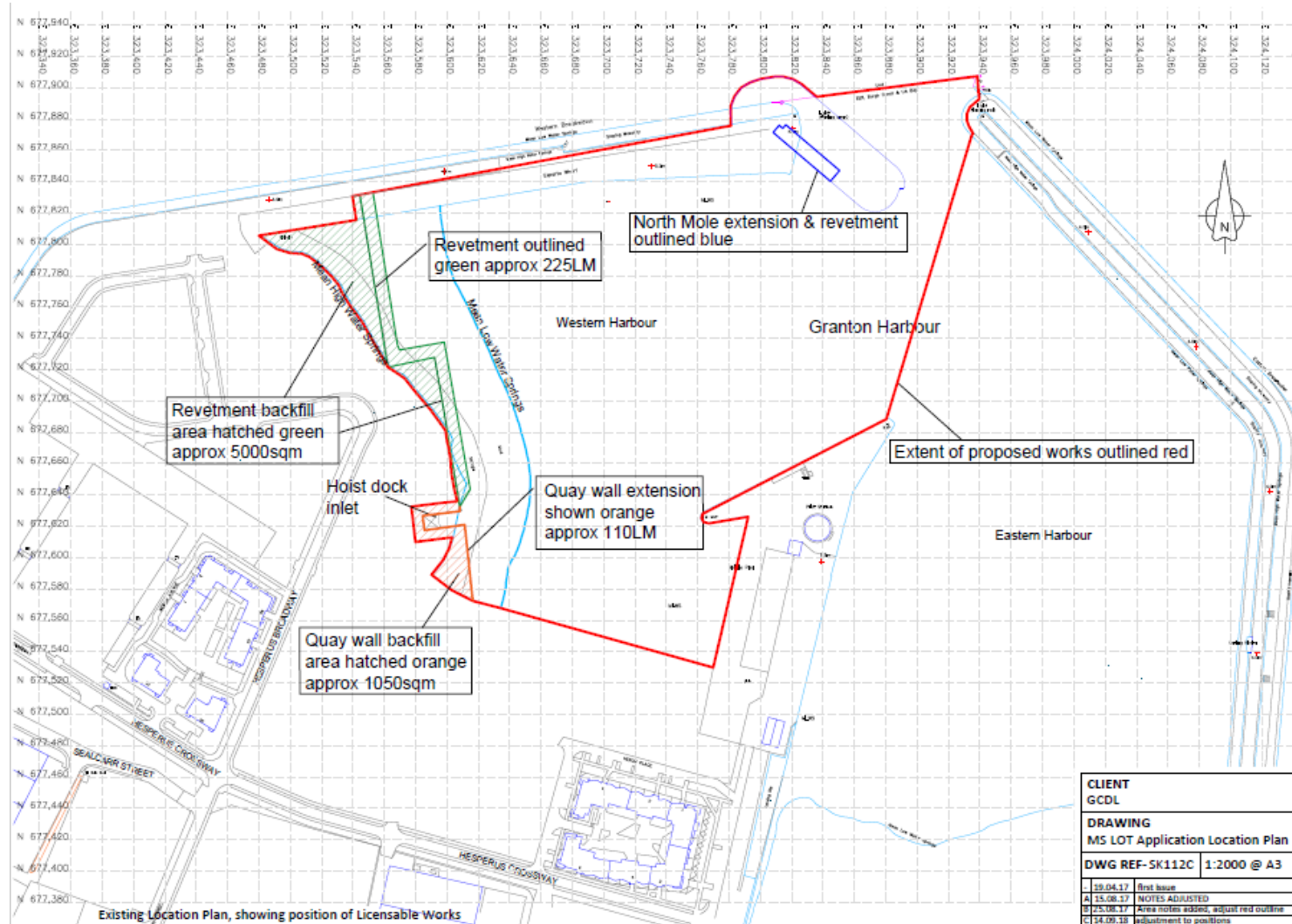
A handwritten signature in black ink, consisting of a stylized 'M' followed by a long, sweeping horizontal line that curves upwards at the end.

Marine Licensing Group Leader, Marine Scotland Licensing Operations Team

A member of the staff of the Scottish Ministers

05 April 2019

Appendix 1: Plan showing the location of the Granton West Harbour Development



Appendix 2: Marine licence conditions

Construction Licence

1.1. General conditions

1.1.1. 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.

1.1.2. 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.

1.1.3. Vessels

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

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

1.1.4. 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.

1.1.5. 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.

1.1.6. 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.

1.1.7. Environmental protection

The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Environmental Impact Assessment (“EIA”) Report are implemented throughout the works to address significant environmental effects.

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

The licensee must ensure that any debris or waste materials placed below MHWS during the construction of the works are removed from the site, as soon as is reasonably practicable, for disposal 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 execution of the works are inert (or appropriately coated or protected so as to be rendered inert) and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

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

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

1.1.8. Availability of the licence for inspection

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

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) the site of the works; and
- d) any onshore premises directly associated with the licensed activities.

1.1.9. Inspection of the works

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

1.1.10. Construction Environmental Management Plan (“CEMP”)

The licensee must submit a CEMP to the licensing authority for their written approval at least two months prior to the commencement of works, or less if agreed by the licensing authority. The CEMP must be consistent with the application and supporting information and must address but not be limited to:

- a) mitigation measures to prevent significant adverse impacts to environmental interests including protected areas and features, as identified in the application and supporting information
- b) Adherence to good practice measures including Guidance for Pollution Prevention
- c) Navigational Risk Assessment
- d) Construction Method Statement

1.1.11. Safety of Navigation

The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee shall be liable for any expense incurred.

1.2. Prior to commencement of the works

- 1.2.1.** The licensee must, no later than 7 days prior to commencement of the works, notify the licensing authority of the proposed start date of the works.
- 1.2.2.** The licensee must liaise with Forth Ports with regard to the promulgation of Notice to Mariners or other local warnings to alert those navigating in the vicinity to the presence of the works during the construction.
- 1.2.3.** The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.
- 1.2.4.** The licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all licensable marine activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to commencement of the licensable marine activities. If any aspects of the licensable marine activities differ from the Proposed Activity Form in the online Marine Noise Registry, the licensee must complete and submit a new Proposed Activity Form no later than 7 days prior to commencement of the licensable marine activities.

1.2.5. The licensee must invite the Royal Forth Yacht Club, the Forth Corinthian Yacht Club, the Edinburgh Marina Ltd, the Royal Yachting Association Scotland and the Sea Cadets to contribute to a stakeholder agreement. The agreement must detail how the licensee will liaise with stakeholders with regards to the following matters:

- a) Access to the harbour during construction works
- b) Construction work schedules
- c) Development of an Operational Management Plan
- d) Monitoring of wave climate and sedimentation
- e) Maintenance dredging of the harbour
- f) Any other matters as required

1.3. During the works

- 1.3.1.** The licensee must ensure that only the materials listed in Part 2 of this licence are used during the construction of the works and that all substances or objects used during the works are inert (or appropriately coated or protected so as to be rendered inert) and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.
- 1.3.2.** The licensee must ensure that all works are carried out in accordance with the approved CEMP. In the event that the licensee wishes to amend or update the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.
- 1.3.3.** The licensee must ensure that works are carried out in accordance with the Marine Mammal Protection Plan "MMPP" (issued 28 September 2018). In the event that the licensee wishes to amend or update the MMPP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.
- 1.3.4.** The licensee must ensure that the marine mammal observer protocol as detailed in the MMPP is used whenever possible and that piling works during sea states exceeding 4 and during periods of darkness and/or low visibility are minimised.
- 1.3.5.** The licensee must ensure that the works are marked and/or lighted as required by the Northern Lighthouse Board and Forth Ports and the marking to be continued unless and until the licensing authority rescind this direction.
- 1.3.6.** The licensee must liaise with the Northern Lighthouse Board and Forth Ports with regard to the required characters for the proposed navigational lights. The Statutory Sanction of the Northern Lighthouse Board must be sought prior to the installation of the aids to navigation; forms are available on request from: navigation@nlb.org.uk.
- 1.3.7.** The licensee must ensure that the navigational light and topmark for the breakwater extension (north mole) are positioned at the south-easterly end of the 25 metre rock

revetment, are at least 2 metres above MHWS and have a nominal range of 2 nautical miles.

- 1.3.8. If it is desired by the licensee to display any marks or lights not required by this licence then details of such marks or lights must be submitted to the Northern Lighthouse Board and Forth Ports and their ruling must be complied with. The display of unauthorised marks or lights is prohibited.
- 1.3.9. The licensee must ensure that the works are maintained at all times in good repair.
- 1.3.10. The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
- 1.3.11. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
- 1.3.12. In the event of the works being discontinued prior to their completion, the licensee must remove the works and clear the site to the satisfaction of the licensing authority.
- 1.3.13. If, in the opinion of the licensing authority, the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:
 - a) The failure to mark and light the works as required by licence;
 - b) The maintenance of the works; or
 - c) The drifting or wreck of the works.

The licensee is liable for any expenses incurred in securing such assistance.

- 1.3.14. 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.
- 1.3.15. The licensee must ensure that, where practicable, works are carried out at times of day which avoid times of low tide feeding activity in order to minimise disturbance to birds.

1.4. On completion of the works

- 1.4.1. The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.
- 1.4.2. The licensee must submit a written report regarding the materials used during construction to the Licensing Authority. The written report must be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 October 2022. Where appropriate, nil returns must be provided.
- 1.4.3. The licensee must, within 28 days of completion of the works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: sdr@ukho.gov.uk; tel.: 01823 337900) with a copy of the 'as built plans', in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.
- 1.4.4. 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 and no later than 12 weeks from the completion of the licensable marine activity.

Dredging and Sea Disposal Licence

1.1. General conditions

1.1.1. Agents, contractors and sub-contractors

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

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

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

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

1.1.2. Vessels

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

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

1.1.3. Force Majeure

If by any reason of *force majeure* any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

1.1.4. Material alterations to the licence application

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

1.1.5. Submission of reports to the licensing authority

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

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data 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.

1.1.6. Environmental protection

The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Environmental Impact Assessment (“EIA”) report are implemented throughout the works to address significant environmental effects.

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

The licensee must ensure that any debris or waste materials placed below MHWS during the construction of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above MHWS approved (as appropriate) by the Scottish Environment Protection Agency.

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

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

1.1.7. Availability of the licence for inspection

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

- e) the premises of the licensee;
- f) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- g) the site of the works;
- h) onboard any vessel carrying out works and
- i) any onshore premises directly associated with the licensed activities.

1.1.8. Inspection of the works

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

1.1.9. Construction Environmental Management Plan (“CEMP”)

The licensee must submit a CEMP to the licensing authority for their written approval at least two months prior to the commencement of works, or less if agreed by the licensing authority. The CEMP must be consistent with the application and supporting information and must address but not be limited to:

- e) mitigation measures to prevent significant adverse impacts to environmental interests including protected areas and features, as identified in the application and supporting information
- f) Adherence to good practice measures including Guidance for Pollution Prevention
- g) Navigational Risk Assessment
- h) Construction Method Statement

1.2. Prior to commencement of the works

1.2.1. The licensee must, no later than 7 days prior to commencement of the works, notify the licensing authority of the proposed start date of the works.

1.2.2. The licensee must liaise with Forth Ports with regard to the promulgation of Notice to Mariners or other local warnings to alert those navigating in the vicinity to the presence of the works during the construction.

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

1.2.4. The licensee must invite the Royal Forth Yacht Club, the Forth Corinthian Yacht Club, the Edinburgh Marina Ltd, the Royal Yachting Association Scotland and the Sea Cadets to contribute to a stakeholder agreement. The agreement must detail how the licensee will liaise with stakeholders with regards to the following matters:

- g) Access to the harbour during construction works
- h) Construction work schedules
- i) Development of an Operational Management Plan
- j) Monitoring of wave climate and sedimentation
- k) Maintenance dredging of the harbour
- l) Any other matters as required

1.3. During the works

1.3.1. The licensee must ensure that all works are carried out in accordance with the approved CEMP. In the event that the licensee wishes to amend or update the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

1.3.2. The licensee must ensure that works are carried out in accordance with the Marine Mammal Protection Plan “MMPP” (issued 28 September 2018). In the event that the licensee wishes to amend or update the MMPP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

1.3.3. The licensee must ensure that no material from a dredge depth below 1.2 metres relative to the pre-dredge seabed level is deposited at sea. In addition, no material from any depth in the area around VC8 & VC9 highlighted in Annex Two is permitted to be disposed of at sea.

1.3.4. The licensee must deposit all dredge spoil substances, other than material from the areas listed in condition 3.3.3 in the following areas:

Deposit Area Name and Code: OXCARS MAIN, FO044

Within the area bounded by joining the points:

56° 01.20' N 03° 16.20' W	56° 00.90' N 03° 16.20' W
56° 01.35' N 03° 13.97' W	56° 00.83' N 03° 14.10' W

Deposit Area Name and Code: NARROW DEEP B, FO038

Within the area bounded by joining the points:

56° 01.30' N 03° 05.95' W	56° 01.11' N 03° 05.65' W
56° 00.38' N 03° 07.10' W	56° 00.57' N 03° 07.40' W

Up to a maximum quantity of **156,564 wet tonnes / 86,980 m³** may be deposited within these areas during the period of validity of this licence.

1.3.5. All tank/hopper washings must be deposited in the authorised dredge spoil deposit areas: OXCARS MAIN (FO044) or NARROW DEEP B (FO038)

1.3.6. The method of dredge spoil deposit for disposal purposes must be:

BOTTOM DUMPING

1.3.7. The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the dredge spoil disposal operations. The log(s) must be kept onboard the vessel(s) throughout the disposal operations, and be available for inspection by any authorised Enforcement Officer. 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.

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

- a) the name of the vessel;
- b) the nature and quantity of each substance or object loaded for disposal;
- c) the date and time of departure from port, and the date and time of arrival at the disposal area(s), on each occasion that the vessel proceeds to the disposal area(s);

- d) the date, time and position of commencement, and the date, time and position of completion, of each disposal operation;
- e) the course(s) and speed(s) throughout each disposal operation. (Multiple changes may be recorded as "various");
- f) the weather, including wind strength and direction, sea-state and tidal set throughout each disposal operation;
- g) the rate of discharge during each disposal operation, if appropriate, and the duration of each disposal operation. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
- h) comments on the disposal operations, including any explanations for delays in the disposal operations;
- i) the signature of the Master at the foot of each page of the record.

1.3.9. 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.

1.3.10. The licensee must ensure that, where practicable, works are carried out at times of day which avoid times of low tide feeding activity in order to minimise disturbance to birds.

1.4. On completion of the works

1.4.1. The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.

1.4.2. The licensee must submit written reports to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or 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.

1.4.3. The licensee must, within 28 days of completion of the works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: sdr@ukho.gov.uk; tel.: 01823 337900) with the revised water depths, in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.