

COASTAL CHANGE/EROSION AND FLOOD RISK IN MONTROSE - BRIEFING

Lines to take

- Nature is playing an important role along our coasts and helping us cope with coastal change. Many properties and infrastructure lie behind natural coastal defences (i.e. the soft coast); these natural defences must be protected.
- Coastal erosion and flooding are interlinked and both are set to worsen in the near future – this is what we see in Montrose.
- Aware of the serious erosion issues to the sand dunes that affect the Golf Course and the Town in Montrose.
- The Cabinet Secretary for Environment, Climate Change and Land Reform met representatives from the Council, the golf club and Montrose Port Authority on the beach to discuss the erosion and flooding issues when she attended the Cabinet meeting in Montrose last summer.
- Angus Council is working with local stakeholders, including the Montrose Port Authority and the Montrose Golf Club to identify the most sustainable solution.
- The Council has commissioned a flood risk study for Montrose that will consider the impacts of coastal erosion and flood risk.

Background - coastal erosion and flooding in Montrose

Coastal erosion is a natural process. It is affected by weather and tides and the actions of nature and man.

Coastal erosion is contributing to flood risk in Montrose and the dune system which was protecting the town is damaged.

Erosion and flooding has caused the coastline to retreat since 1980s and the rate is now 2m/yr and affecting the town and the golf course, designed by Old Tom Morris and the fifth oldest golf course in the world.

It is estimated that between 35 and 40m of beach has been lost to the sea since the early 1990s and that the Montrose coastline could wear away by up to 80m over the next 50 years. Storms at the end of 2013 took another 1.5m off the beach level, and 2m off the top edge of the dunes.

The Council has commissioned a flood risk study for Montrose to identify options to manage coastal erosion and flood risk in a coordinated way. The options will be considered for inclusion in the second generation Local Flood Risk Management Plan and apply for Scottish Government funding for flood risk capital monies available from 2022-28.

Some local stakeholders are in favour of a £5m hard rock armour defense to be put in place quickly. However rock armour is unlikely to be a solution and will most likely cause erosion elsewhere. Sediment management and shore-face recharge are the subjects of on-going consideration by Angus Council and Montrose Port Authority (MPA).

MPA currently has a license from Marine Scotland to dredge in the harbour and deposit the sand in designated areas out at sea. This license expires in April. If MPA

applies for a new marine licence to dispose of dredged material, the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the material and the available evidence as it relates to alternative options. This aspect is the purpose of the assessment of the Best Practicable Environmental Option. Public consultation will also form part of the determination process.

Angus Council and the MPA are investigating whether the port dredged material could be used to recharge the beach.

The National Coastal Change Assessment

The Cabinet Secretary for Environment, Climate Change and Land Reform launched the National Coastal Change Assessment (NCCA) in St Andrews last summer. The NCCA warns us to expect faster and more extensive erosion than we've been used to, increasingly affecting all asset types (buildings, infrastructure, cultural and natural heritage).

Before these trends accelerate further we have a window of opportunity to plan and adapt in advance of greater impacts. This requires cross sector and integrated adaptation and planning.

We have started **NCCA2** which will use the latest monitoring techniques to map and categorise the resilience of our coasts and identify the links between erosion and flooding.

Montrose will be one of five case study sites chosen to develop mitigation and adaptation plans with stakeholders. These will help demonstrate the need for coordinated action across the public sector.

Who is responsible for managing coast protection?

Landowners have responsibility for protecting their property from coastal erosion. Local authorities have powers (but not obligations) under the Coast Protection Act 1949 to protect land from the sea. Some local authorities (including Angus and Fife) have Shoreline Management Plans but these are not mandatory.

How is coast protection funded?

Local authorities can fund coast protection work under the 1949 Act from their general capital grant. Where there is an overlap with coastal flood risk and the works are included in the Local Flood Risk Management Plan flood risk capital monies may be available.

[Redacted]

Managing Flood Risk Team
[redacted]

January 2018

SCOTLAND: COASTAL EROSION

Issue: Rising sea levels, increased coastal erosion and erosion-enhanced flooding will progressively impact Scotland's soft coastlines, its assets and communities.

In Scotland beaches and dunes, 'natural defences', are protecting £13bn of assets; some of these are eroding and £400m assets will be threatened by 2050, if erosion continues.

Top Lines

- Coastal erosion is a naturally occurring process which periodically affects soft shorelines.
- Coastal erosion and coastal flooding are interlinked and must be considered jointly; both are set to worsen in Scotland in the near future.
- Since 2008, the Scottish Government has made available funding of £42 million per year (via the Capital settlement) to enable Local Authorities to invest in flood protection works.
- **Dynamic Coast: Scotland's National Coastal Change Assessment – phase 1**, launched in August 2017, identified past erosion and accretion rates along the coast and projects these forward to 2050.
- Faster and more extensive erosion is likely to occur, increasingly affecting all asset types (buildings, infrastructure, cultural and natural heritage).
- Many properties and infrastructure lie behind natural coastal defences (i.e. the soft coast, sand dunes); these defences must be protected.

Scottish Government has completed Dynamic Coast Phase 1 – Scotland's National Coastal Change Assessment

- The NCCA shows that the switch to increased and faster erosion has already occurred and there are currently:
 - 100 residential and 100 non-residential properties, 140 septic tanks along with 53 km of roads, 9 km of rail lines and 22 km of water supply network and over 1,500 ha of cultural and natural heritage sites within 10m of the soft coast and at risk from erosion.
 - 7,000 residential and 2,300 non-residential properties, 700 septic tanks along with 500 km of roads, 58 km of rail lines and 300 km of water supply network and 8,800 ha of cultural and natural heritage sites within 50m of the soft coast and at risk from erosion.
- Before these trends accelerate further there is a window of opportunity to plan, mitigate and adapt in advance of greater impacts. This requires cross sector and integrated adaptation and mitigation planning
- The NCCA was led and funded by the Scottish Government and managed by Scottish Natural Heritage and the research was carried out by the University of Glasgow.

Dynamic Coast phase 2 January 2018 – December 2020

- Phase 2 will investigate the resilience of Scotland's natural coastal defences (e.g. identifying where low dunes may breach), estimating how future climate change may exacerbate erosion on our soft (erodible) coast. It will include developing mitigation, adaptation & resilience plans at super sites, including St Andrews and Montrose.
- In Scotland landowners are responsible for protecting their property from coastal erosion.
- Scottish local authorities have powers (but not obligations) under the Coast Protection Act 1949 to protect land from the sea. Local authorities can fund coast protection work under the 1949 Act from their general capital grant from the Scottish Government.

- Where there is an overlap with coastal flood risk and the works are included in the Local Flood Risk Management Plan flood risk capital funds may be available.
- Shoreline Management Plans are not compulsory in Scotland and only a few local authorities (including Angus and Fife) have voluntary Plans.

Montrose coast erosion

ISSUE: Local concern raised about the coastal erosion affecting Montrose golf links and flood risk to the town. Erosion started about 20 years ago when the 6th tee disappeared and growing concern that the Montrose coastline could wear away by up to 80m over the next 50 years. Coastal erosion and flooding are interlinked and both are set to worsen in the near future in Montrose.

Background

- Coastal erosion, a largely natural process, has damaged the dune system, which protects parts of Montrose, thereby increasing flood risk. The coastline has retreated since the 1980s and the maximum rate is now above 2 m/yr. This is affecting the golf course, the fifth oldest in the world.
- 40 to 60m of beach has eroded since the early 1980s and if that rate continues in the next 30 years the coastline could retreat another 70m inland. The Scottish Government's Dynamic Coast project shows the average rate of erosion has already increased, so future rates, including anticipated sea level rise, may be even faster.
- Angus Council is working with local stakeholders, including the Montrose Port Authority (MPA) and the Montrose Golf Club to identify the most sustainable solution. The Council has commissioned a flood risk study for Montrose, to be completed in July 2019, which aims to identify options to manage **coastal erosion and flood risk** in a coordinated way. Funding for these options can be considered as part of the second generation of Local Flood Risk Management Plans 2022-28 via the Local Government Capital Grant provided by Scottish Government.
- Some local stakeholders are in favour of a £5m hard rock armour defence to be put in place quickly. However such hard engineering is unlikely to be a sustainable solution and will most likely cause erosion elsewhere.
- MPA had a (now expired) licence from Marine Scotland to dredge in the harbour and deposit the sand in designated areas at sea. MPA has applied for a new marine licence to dispose of dredged material. Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the material and the available evidence as it relates to alternative options. The application is being assessed by Marine Scotland prior to going for consultation with statutory and non-statutory consultees

[Redacted]

[Redacted]

Flood Risk Management Team, Scottish Government

[Redacted]

[Redacted]

From: [Redacted]
Sent: 02 October 2018 12:13
To: [Redacted]
Subject: FW: WH debate on Tuesday 12 June
Attachments: 2018 06 05 WH General Coastal Debate Pack.doc

Hi [Redacted]

Here is the briefing pack for SoS

Should we maybe get ^[Redacted] to file the relevant documents? let me know and I can pass on all I have.

Apologies for not having filed in the first instance – it is hard to remember what happened during that busy time, although it slowly comes back to me...

[Redacted]

[Redacted] | Flood Risk Management Team | Scottish Government | Victoria Quay (Area 3H South) | Edinburgh EH6 6QQ | Scotland | UK | '[Redacted]

From: [Redacted] <[\[Redacted\]@gsi.gov.uk](mailto:[Redacted]@gsi.gov.uk)>
Sent: 08 June 2018 15:42
To: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Cc: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: WH debate on Tuesday 12 June

[Redacted]

We are expecting the speech from the MP on Monday. I have asked private office to copy you in so that you can quickly check it for us. The debate is a 09h30 on the Tuesday so there probably wont be a lot of time.

[Redacted] Here is our briefing pack – grateful if you can add the fact check in the relevant place when you receive it. The usual format is bullets (statement/rebuttal)

[Redacted] +Water and Flood Risk Management, 3rd Floor, Seacole Block, 2 Marsham Street, London, SW1P 4DF ' [Redacted] <<http://www.defra.gov.uk/>> WWW.defra.gov.uk

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Westminster Hall Debate Briefing Pack

[redacted - out of scope]

Annex B: Scottish Government Coastal Erosion Policy

Issue: Rising sea levels, increased coastal erosion and erosion-enhanced flooding will progressively impact Scotland's soft coastlines, its assets and communities.

In Scotland beaches and dunes, 'natural defences', are protecting £13bn of assets; some of these are eroding and £400m assets will be threatened by 2050, if erosion continues.

Top Lines

- Coastal erosion is a naturally occurring process which periodically affects soft shorelines.
- Coastal erosion and coastal flooding are interlinked and must be considered jointly; both are set to worsen in Scotland in the near future.
- Since 2008, the Scottish Government has made available funding of £42 million per year (via the Capital settlement) to enable Local Authorities to invest in flood protection works.
- **Dynamic Coast: Scotland's National Coastal Change Assessment – phase 1**, launched in August 2017, identified past erosion and accretion rates along the coast and projects these forward to 2050.
- Faster and more extensive erosion is likely to occur, increasingly affecting all asset types (buildings, infrastructure, cultural and natural heritage).
- Many properties and infrastructure lie behind natural coastal defences (i.e. the soft coast, sand dunes); these defences must be protected.

Scottish Government has completed Dynamic Coast Phase 1 – Scotland's National Coastal Change Assessment

- The NCCA shows that the switch to increased and faster erosion has already occurred and there are currently:
 - 100 residential and 100 non-residential properties, 140 septic tanks along with 53 km of roads, 9 km of rail lines and 22 km of water supply network and over 1,500 ha of cultural and natural heritage sites within 10m of the soft coast and at risk from erosion.
 - 7,000 residential and 2,300 non-residential properties, 700 septic tanks along with 500 km of roads, 58 km of rail lines and 300 km of water supply network and 8,800 ha of cultural and natural heritage sites within 50m of the soft coast and at risk from erosion.
- Before these trends accelerate further there is a window of opportunity to plan, mitigate and adapt in advance of greater impacts. This requires cross sector and integrated adaptation and mitigation planning
- The NCCA was led and funded by the Scottish Government and managed by Scottish Natural Heritage and the research was carried out by the University of Glasgow.

Dynamic Coast phase 2 January 2018 – December 2020

- Phase 2 will investigate the resilience of Scotland's natural coastal defences (e.g. identifying where low dunes may breach), estimating how future climate change may exacerbate erosion on our soft (erodible) coast. It will include developing mitigation, adaptation & resilience plans at super sites, including St Andrews and Montrose.
- In Scotland landowners are responsible for protecting their property from coastal erosion.
- Scottish local authorities have powers (but not obligations) under the Coast Protection Act 1949 to protect land from the sea. Local authorities can fund coast protection work under the 1949 Act from their general capital grant from the Scottish Government.
- Where there is an overlap with coastal flood risk and the works are included in the Local Flood Risk Management Plan flood risk capital funds may be available.
- Shoreline Management Plans are not compulsory in Scotland and only a few local authorities (including Angus and Fife) have voluntary Plans.

Montrose coast erosion

ISSUE: Local concern raised about the coastal erosion affecting Montrose golf links and flood risk to the town. Erosion started about 20 years ago when the 6th tee disappeared and growing concern that the Montrose coastline could wear away by up to 80m over the next 50 years. Coastal erosion and flooding are interlinked and both are set to worsen in the near future in Montrose.

Background

Coastal erosion, a largely natural process, has damaged the dune system, which protects parts of Montrose, thereby increasing flood risk. The coastline has retreated since the 1980s and the maximum rate is now above 2 m/yr. This is affecting the golf course, the fifth oldest in the world.

- 40 to 60m of beach has eroded since the early 1980s and if that rate continues in the next 30 years the coastline could retreat another 70m inland. The Scottish Government's Dynamic Coast project shows the average rate of erosion has already increased, so future rates, including anticipated sea level rise, may be even faster.
- Angus Council is working with local stakeholders, including the Montrose Port Authority (MPA) and the Montrose Golf Club to identify the most sustainable solution. The Council has commissioned a flood risk study for Montrose, to be completed in July 2019, which aims to identify options to manage **coastal erosion and flood risk** in a coordinated way. Funding for these options can be considered as part of the second generation of Local Flood Risk Management Plans 2022-28 via the Local Government Capital Grant provided by Scottish Government.
- Some local stakeholders are in favour of a £5m hard rock armour defence to be put in place quickly. However such hard engineering is unlikely to be a sustainable solution and will most likely cause erosion elsewhere.
- MPA had a (now expired) licence from Marine Scotland to dredge in the harbour and deposit the sand in designated areas at sea. MPA has applied for a new marine licence to dispose of dredged material. Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the material and the

available evidence as it relates to alternative options. The application is being assessed by Marine Scotland prior to going for consultation with statutory and non-statutory consultees

[redacted - out of scope]

MS Marine Licensing

From: [redacted] on behalf of Minister for Rural Affairs and the Natural Environment
Sent: 13 September 2018 17:34
To: [redacted] Comms); Minister for Rural Affairs and the Natural Environment
Cc: [redacted]; Communications Rural Economy & Environment; News Desk; [redacted] Gray H (Helena); [redacted]
[redacted] Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: RE: Lines to clear - Montrose Port's dredging licence - Courier

CC'ing Cab Sec PO

[redacted]

Minister for Rural Affairs and the Natural Environment

[redacted]

MinisterRANE@gov.scot

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From: [redacted] (Comms)
Sent: 13 September 2018 17:30
To: Minister for Rural Affairs and the Natural Environment <MinisterRANE@gov.scot>
Cc: [redacted] Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted] Gray H (Helena) <Helena.Gray@gov.scot>; [redacted]

[redacted]

Subject: Lines to clear - Montrose Port's dredging licence - Courier

Hi [redacted]

Courier is asking about the Montrose Port dredging license Liam Kerr asked about in FMQs.

I would be grateful for clearance of the following line that has been agreed with policy, comms and spads.

Scottish Conservative Mr Kerr said:

"Last week, contrary to expert marine consultant advice, Marine Scotland refused to renew the port's disposal licence. The next time there's a strong easterly (wind), or swell, the port will silt up, lose depth and potentially close due to inability to dredge. Will the First Minister instruct the

cabinet secretary and Marine Scotland to immediately visit the port authority, to at the very least issue a temporary licence for 12 months, and prevent an economic and social catastrophe?”

A Scottish Government spokesperson said:

“The decision to refuse the license was based on the proposed disposal of the dredged material, rather than the dredging activity itself. Both MPA’s consultants and Marine Scotland agree that Montrose beach is retreating by up to two meters per year and that the dredged material could be used for beach nourishment.

“Marine Scotland has arranged to meet with Montrose Port Authority to discuss the license application.”

Background

Marine Scotland has refused a licence application by Montrose Port Authority (MPA) to dispose of all their dredged material to a site in Lunan Bay, to the south of Montrose Bay, it has not refused the dredging activity itself.

MPA’s dredging removes up to 100,000m³ per year from the Montrose Bay system, routinely deposited at the Lunan Bay site, which has led to a loss of beach building material from the bay, potentially reducing the beach’s resilience to storm activity and associated erosion.

In accordance with the Convention for the Protection of the Marine Environment of the North-East Atlantic (the ‘OSPAR Convention’) and under legal obligations of the Marine (Scotland) Act 2010, Marine Scotland must consider other practicable uses for dredged material. The application contained no component of beneficial use and was therefore refused. Marine Scotland officials have arranged to meet with MPA.

Thanks
[redacted]

Newsdesk
[redacted]

COASTAL EROSION AND FLOOD RISK MANAGEMENT

Issue: Rising sea levels, increased coastal erosion and erosion-enhanced flooding will progressively impact Scotland's soft coastlines, its assets and communities.

Beaches and dunes: our 'natural defences' are protecting £13bn of assets, some of these are eroding and £400m assets will be threatened by 2050, if erosion continues.

Top Lines

- Coastal erosion is a naturally occurring process which periodically affects our soft shoreline.
- Coastal erosion and coastal flooding are interlinked and must be considered jointly; both are set to worsen in the near future.
- **Dynamic Coast: Scotland's National Coastal Change – phase 1**, launched in August 2017, identified past erosion and accretion rates along the coast and projects these forward to 2050.
- We should expect faster and more extensive erosion than we've been used to, increasingly affecting all asset types (buildings, infrastructure, cultural and natural heritage).
- Nature is playing an important role along our coasts and can help us cope with climate change. Many properties and infrastructure lie behind natural coastal defences (i.e. the soft coast); these defences must be protected.

We have completed Dynamic Coast Phase 1 – Scotland's National Coastal Change Assessment

- The NCCA shows that the switch to increased and faster erosion has already occurred and there are currently:
 - 100 residential and 100 non-residential properties, 140 septic tanks along with 53 km of roads, 9 km of rail lines and 22 km of water supply network and over 1,500 ha of cultural and natural heritage sites within 10m of the soft coast and at risk from erosion.
 - 7,000 residential and 2,300 non-residential properties, 700 septic tanks along with 500 km of roads, 58 km of rail lines and 300 km of water supply network and 8,800 ha of cultural and natural heritage sites within 50m of the soft coast and at risk from erosion.
- Before these trends accelerate further we have a window of opportunity to plan, mitigate and adapt in advance of greater impacts. This requires cross sector and integrated adaptation and mitigation planning
- The NCCA was led and managed by the Scottish Government and SNH and the research was carried out by the University of Glasgow. The research was funded by CREW (The Centre for Expertise in Water).

Dynamic Coast 2 January 2018 – December 2020

- Dynamic Coast phase 2 will investigate the resilience of Scotland's natural coastal defences (e.g. identifying where low dunes may breach), estimating how future climate change may exacerbate erosion on our soft (erodible) coast. It will include developing mitigation, adaptation & resilience plans at super sites, including St Andrews and Montrose.

Coastal erosion and flooding are interlinked and both are set to worsen in the near future – this is what we see in Montrose

- Aware of the serious erosion issues to the sand dunes that affect the Golf Courses and the Town in Montrose and understand that Angus Council is working with local stakeholders to identify the most sustainable solution.
- Sediment management and shore-face recharge are the subjects of on-going consideration by Angus Council and Montrose Port Authority, which has a licence from Marine Scotland to dredge in the harbour.
- The Council has commissioned a flood risk study for Montrose that will consider the impacts of coastal erosion and flood risk.

Landowners are responsible for protecting their property from coastal erosion.

- Local authorities have powers (but not obligations) under the Coast Protection Act 1949 to protect land from the sea. Local authorities can fund coast protection work under the 1949 Act from their general capital grant.
- Where there is an overlap with coastal flood risk and the works are included in the Local Flood Risk Management Plan flood risk capital monies may be available.
- Some local authorities (including Angus and Fife) have voluntary Shoreline Management Plans.

[Redacted]

18 May 2018

COASTAL CHANGE/EROSION AND FLOOD RISK IN MONTROSE

ISSUE: Local concern raised about the coastal erosion affecting Montrose golf links and flood risk to the town. Erosion started about 20 years ago when the 6th tee disappeared and growing concern that the Montrose coastline could wear away by up to 80m over the next 50 years.

Top Lines:

- Nature is playing an important role along our coasts and helping us cope with coastal change. Many properties and infrastructure lie behind natural coastal defences like sand dunes; these natural defences must be protected.
- Aware of the serious erosion issues to the sand dunes that affect the Golf Course and the Town in Montrose and understand that Angus Council is working with local stakeholders to identify the most sustainable solution. The Council has commissioned a flood risk study for Montrose that will consider the impacts of coastal erosion and flood risk as well as potential ways to manage the coastal erosion.
- The Cabinet Secretary for Environment, Climate Change and Land Reform launched **Dynamic Coast phase 1**- the National Coastal Change Assessment (NCCA) in St Andrews in August 2017. The NCCA warns us to expect faster and more extensive erosion than we've been used to, increasingly affecting all asset types (buildings, infrastructure, cultural and natural heritage).
- The erosion maps produced as part of the NCCA will help us to plan and adapt in advance of greater impacts, enabling cross-sector and integrated adaptation approaches.
- **Dynamic Coast phase 2** started in 2018 and will consider how climate change will further alter our coast line. Phase 2 will include detailed work at sites across Scotland, including Montrose, and develop adaptation plans. Phase 2 will finish in December 2019.

Background

Coastal erosion, a natural process, has damaged the dune system thereby increasing flood risk. The coastline has retreated since 1980s and the rate is now 2m/yr, affecting the golf course, designed by Old Tom Morris and the fifth oldest golf course in the world.

It is estimated that between 35 and 40m of beach has eroded since the early 1990s and that the Montrose coastline could wear away by up to 80m over the next 50 years.

Angus Council is working with local stakeholders, including the Montrose Port Authority (MPA) and the Montrose Golf Club to identify the most sustainable solution. The Council has commissioned a flood risk study for Montrose which aims to identify options to manage **coastal erosion and flood risk** in a coordinated way. Funding for these options can be considered as part of the second generation of Local Flood Risk Management Plans 2022-28 via the Local Government Capital Grant provided by Scottish Government.

Some local stakeholders are in favour of a £5m hard rock armour defence to be put in place quickly. However such hard engineering is unlikely to be a solution and will most likely cause erosion elsewhere. However Angus Council and the MPA have been investigating whether the port dredged material could be used to recharge the beach.

MPA has a license from Marine Scotland to dredge in the harbour and deposit the sand in designated areas out at sea. This license expires in May 2018. MPA has applied for a new marine licence to dispose of dredged material and Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the material and the available evidence as it relates to alternative options. The application is being assessed by Marine Scotland prior to going for consultation with statutory and non-statutory consultees. As the application is live it is inappropriate for the Minister to comment on it specifically.

Landowners have responsibility for protecting their property from coastal erosion. Local authorities have powers (but not obligations) under the Coast Protection Act 1949 to protect land from the sea. Some local authorities (including Angus and Fife) have Shoreline Management Plans but these are not mandatory. Local authorities can use their Local Government Capital Grant to fund **coast protection**.

[Redacted] Managing Flood Risk Team

[Redacted]

18 May 2018

MS Marine Licensing

From: [redacted]
Sent: 13 September 2018 17:22
To: [redacted] (Comms); [redacted]
Cc: [redacted] Communications Rural Economy & Environment; News Desk; [redacted] Gray H (Helena); [redacted]
Subject: RE: MEDIA QUERY: Montrose Port's dredging licence - Courier

Content for SPADs.

From: [redacted] (Comms)
Sent: 13 September 2018 17:14
To: [redacted]
Cc: [redacted] Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted] Gray H (Helena) <Helena.Gray@gov.scot>; [redacted]

Subject: RE: MEDIA QUERY: Montrose Port's dredging licence - Courier

Thanks [redacted]

I have removed the ref to Cab Sec, and rearranged some of the background. Thanks again for coming back for quickly.

any views before I put to the Min?

Courier is asking about the dredging license Liam Kerr asked about in FMQs.

Scottish Conservative Mr Kerr said:

“Last week, contrary to expert marine consultant advice, Marine Scotland refused to renew the port's disposal licence. The next time there's a strong easterly (wind), or swell, the port will silt up, lose depth and potentially close due to inability to dredge. Will the First Minister instruct the cabinet secretary and Marine Scotland to immediately visit the port authority, to at the very least issue a temporary licence for 12 months, and prevent an economic and social catastrophe?”

A Scottish Government spokesperson said:

“The decision to refuse the license was based on the proposed disposal of the dredged material, rather than the dredging activity itself. Both MPA's consultants and Marine Scotland agree that Montrose beach is retreating by up to two meters per year and that the dredged material could be used for beach nourishment.

“Marine Scotland has arranged to meet with Montrose Port Authority to discuss the license application.”

Background

Marine Scotland has refused a licence application by Montrose Port Authority (MPA) to dispose of all their dredged material to a site in Lunan Bay, to the south of Montrose Bay, it has not refused the dredging activity itself.

MPA's dredging removes up to 100,000m³ per year from the Montrose Bay system, routinely deposited at the Lunan Bay site, which has led to a loss of beach building material from the bay, potentially reducing the beach's resilience to storm activity and associated erosion.

In accordance with the Convention for the Protection of the Marine Environment of the North-East Atlantic (the 'OSPAR Convention') and under legal obligations of the Marine (Scotland) Act 2010, Marine Scotland must consider other practicable uses for dredged material. The application contained no component of beneficial use and was therefore refused. Marine Scotland officials have arranged to meet with MPA.

[redacted]
Newsdesk
[redacted]

From: [redacted]
Sent: 13 September 2018 16:58
To: [redacted] (Comms)[redacted]
Cc: [redacted] Communications Rural
Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; News Desk
<Newsdesk@gov.scot>; [redacted] Gray H (Helena) <Helena.Gray@gov.scot>;
[redacted]
Subject: RE: MEDIA QUERY: Montrose Port's dredging licence - Courier

[redacted]

Please find proposed line and background below.

[redacted]

LINE

'Marine Scotland officials have already arranged to meet with Montrose Port Authority to discuss the license application. The decision to refuse the license was based on how the Authority has proposed disposing of the dredged material, rather than the dredging activity itself.'

The Cabinet Secretary would of course be happy to follow up and discuss with the Authority as necessary'

BACKGROUND/NOTES

Marine Scotland has refused a licence application by Montrose Port Authority (MPA) to dispose of all their dredged material to a site in Lunan Bay, to the south of Montrose Bay, it has not refused the dredging activity itself.

MPA's dredging removes up to 100,000m³ per year from the Montrose Bay system, and has routinely be deposited at Lunan Bay site. This leads to a loss of beach building material from the bay, potentially reducing the beach's resilience to storm activity and associated erosion. Both MPA's consultants and Marine Scotland agree that Montrose beach is retreating by up to two meters per year and that the dredged material could be used for beach nourishment.

In accordance with the recommendations of The Convention for the Protection of the Marine Environment of the North-East Atlantic (the 'OSPAR Convention') and under legal obligations of the Marine (Scotland) Act 2010, Marine Scotland must consider other practicable uses for dredged material. The application contained no component of beneficial use and was therefore refused. Marine Scotland officials have arranged to meet with MPA.

From: [redacted] (Comms)

Sent: 13 September 2018 15:20

To: [redacted]

Cc: [redacted]

Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; News Desk <Newsdesk@gov.scot>

Subject: MEDIA QUERY: Montrose Port's dredging licence - Courier

[redacted]
Hi

To see below we have been asked why Marine Scotland has refused to renew Montrose Port's dredging license after the issue was raised by Liam Kerr at First Minister's Questions today.

I have started a line based on what was said in the chamber but would appreciate if you could come back to me as soon as possible with advise on what we can say.

A Scottish Government spokesperson said:

"As the First Minister said the Cabinet Secretary would be happy to meet and discuss the implications should Montrose Port's dredging license not be renewed."

My number is below if you would prefer to discuss,

Thanks

[redacted]

Newsdesk

[redacted]

From: [redacted]

Sent: 13 September 2018 13:55

To: [redacted]

Subject: Courier: Montrose Port

[redacted]
Hi

At FMQs today Liam Kerr warned of "economic and social catastrophe" from Marine Scotland's decision not renew Montrose Port's dredging licence.

Scottish Conservative Mr Kerr said:

"Last week, contrary to expert marine consultant advice, Marine Scotland refused to renew the port's disposal licence.

"The next time there's a strong easterly (wind), or swell, the port will silt up, lose depth and potentially close due to inability to dredge.

“Will the First Minister instruct the cabinet secretary and Marine Scotland to immediately visit the port authority, to at the very least issue a temporary licence for 12 months, and prevent an economic and social catastrophe?”

Why has Marine Scotland refused to renew the licence?

Thanks,

[redacted] The Courier	DC Thomson & Co Ltd 2 Albert Square Dundee DD1 1DD	Tel: [redacted] [redacted] thecourier.co.uk [redacted]
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From: [Redacted]

Marine Scotland Licensing Operations Team (MS-LOT)
Marine Planning and Policy (MPP)
August 2018

Minister for Rural Affairs and Natural Environment

MONTROSE PORT AUTHORITY (MPA) – MARINE LICENCE FOR DEPOSIT OF DREDGED MATERIAL – ISSUES ARISING FROM BEACH EROSION

Purpose

1. To advise the Minister of the issues and discussions to date.

Priority

2. Routine

Background

3. The Mean High Water Springs (“MHWS”) and Mean Low Water Springs (“MLWS”) at Montrose Beach and Annat Bank to the North Montrose Harbour have been in retreat for a number of years, threatening Montrose Golf Course and the Montrose beach front.
4. Traditionally, MPA has dredged and deposited the material at an established offshore disposal site in Lunan Bay to the South of Montrose.
5. MPA requires a marine licence for the deposit of dredged material at sea as it is a ‘licensable marine activity’ under the Marine (Scotland) Act 2010 (the Act). However, it is an ‘exempt activity’ for a statutory harbour authority (such as MPA) to carry out the dredging. To qualify for the exemption, MPA requires Scottish Ministers approval under Article 26 of The Marine Licensing (Exempted Activities)(Scottish Inshore Region) Order 2011.
6. When considering a deposit licence application, Scottish Ministers must have regard to the practical availability of any alternative method of dealing with the material. The applicant should undertake a Best Practicable Environmental Option (BPEO) appraisal to support any application.
7. The OSPAR Convention, to which the UK is a signatory, has ‘Guidelines for the Management of Dredged Material at Sea’ stating that sediment is a valuable natural resource and beneficial use of dredged material should be pursued to the maximum extent practicable.
8. Scotland’s statutory National Marine Plan (SNMP) includes policies relevant to dredging and deposit, stating that ‘activities in the marine environment should be resilient to coastal change and flooding and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding’ and ‘sustainable development of port and harbour facilities in support of other sectors should be supported in marine planning and decision making.’

9. SNMP also states that dredged material may be deposited at marine disposal sites or used for alternative purposes such as land reclamation or coastal nourishment, if suitable, to minimise seabed disposal.

Marine Licence Application

10. Officials from MS-LOT have met with MPA on a number of occasions regarding future dredging requirements, repeatedly advising that any future applications would need to consider beneficial use of the dredge material.

11. MPA submitted an application for 246,000 tonnes of material p.a. for 3 yrs to be deposited at Lunan Bay, as they have historically done. This application was supported by a BPEO and a Coastal Process Assessment of Montrose and surrounding coastline.

12. MPA's Coastal Process Assessment draws the following conclusions:
- no link between beach erosion and dredging, dredging mimics natural processes,
 - most of the cliff erosion is not a continuous process,
 - erosion of beach is primarily due to storm conditions,
 - between 1990 and 1992, higher erosion rates at the golf course than present but dredging volume was lower than present,
 - deposit within Montrose Bay could have some benefit for coastal management.

[Redacted]

OFFICIAL-SENSITIVE - ADVICE TO MINISTERS

[Redacted]

Marine Scotland Licensing Operations Team (MS-LOT)
Marine Planning and Policy (MPP)
Ext. [Redacted]

OFFICIAL-SENSITIVE - ADVICE TO MINISTERS

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Environment, Climate Change and Land Reform			y		
Cabinet Secretary for the Rural Economy					y

Director Marine Scotland
 Helena Gray – Marine Scotland
 [Redacted] – Marine Scotland
 [Redacted] – Environment & Forestry
 [Redacted] – Transport Scotland
 [Redacted] – Marine Scotland

[Redacted]

From: [Redacted]
Sent: 18 September 2018 10:27
To: [Redacted]
Cc: Director of Marine Scotland Mailbox; Gray H (Helena); Cabinet Secretary for the Environment, Climate Change and Land Reform; Minister for Rural Affairs and the Natural Environment; [Redacted]
Subject: FW: FMQs follow up - 13 September
Attachments: FW: Dredging Licence Montrose Port

Colleagues

Further to Thursday's FMQs, a commitment was made in the Chamber for the Cabinet Secretary to engage with Montrose Port Authority on the dredging issue. We also received attached correspondence from Liam Kerr MSP last week, asking that contact be made directly with Nik Scott-Gray of MPA (who I presume is contactable on nsg@montroseport.co.uk <<mailto:nsg@montroseport.co.uk>> ?). We will look to now put in place arrangements for a meeting and will advise when a relevant date has been secured. Grateful if you can note that briefing for the meeting may be required at short notice.

Thanks.

[Redacted]

[Redacted]

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-----Original Message-----

From: [Redacted] On Behalf Of First Minister FMQs
Sent: 13 September 2018 13:17
To: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>
Cc: First Minister <firstminister@gov.scot>; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: FMQs follow up - 13 September

PS/Cab Sec,

During FMQs today Jamie Greene raised pressures on ferry services due to an ageing fleet. The FM said the Transport Minister would be happy to discuss this issue with the member in more depth.

Liam Kerr raised concerns about Marine Scotland withdrawing a licence to dredge at Montrose Port. The FM said she would ask the Cabinet Secretary to engage with the port authority, and that the Cab Sec would also be happy to meet with the member to discuss what action is needed.

Could you follow these up please?

Thanks,

[Redacted]

[Redacted] Senior FMQ Officer | First Minister's Policy & Delivery Unit | Scottish Government |
5N.02 St Andrew's House, Edinburgh, EH1 3DG | [Redacted] | [Redacted]

MS Marine Licensing

From: [redacted] (Comms)
Sent: 13 September 2018 17:30
To: Minister for Rural Affairs and the Natural Environment
Cc: [redacted] Communications Rural Economy & Environment; News Desk; [redacted] Gray H (Helena); [redacted]
[redacted]
[redacted]
Subject: Lines to clear - Montrose Port's dredging licence - Courier

Hi [redacted]

Courier is asking about the Montrose Port dredging license Liam Kerr asked about in FMQs.

I would be grateful for clearance of the following line that has been agreed with policy, comms and spads.

Scottish Conservative Mr Kerr said:

“Last week, contrary to expert marine consultant advice, Marine Scotland refused to renew the port's disposal licence. The next time there's a strong easterly (wind), or swell, the port will silt up, lose depth and potentially close due to inability to dredge. Will the First Minister instruct the cabinet secretary and Marine Scotland to immediately visit the port authority, to at the very least issue a temporary licence for 12 months, and prevent an economic and social catastrophe?”

A Scottish Government spokesperson said:

“The decision to refuse the license was based on the proposed disposal of the dredged material, rather than the dredging activity itself. Both MPA's consultants and Marine Scotland agree that Montrose beach is retreating by up to two meters per year and that the dredged material could be used for beach nourishment.

“Marine Scotland has arranged to meet with Montrose Port Authority to discuss the license application.”

Background

Marine Scotland has refused a licence application by Montrose Port Authority (MPA) to dispose of all their dredged material to a site in Lunan Bay, to the south of Montrose Bay, it has not refused the dredging activity itself.

MPA's dredging removes up to 100,000m³ per year from the Montrose Bay system, routinely deposited at the Lunan Bay site, which has led to a loss of beach building material from the bay, potentially reducing the beach's resilience to storm activity and associated erosion.

In accordance with the Convention for the Protection of the Marine Environment of the North-East Atlantic (the 'OSPAR Convention') and under legal obligations of the Marine (Scotland) Act 2010, Marine Scotland must consider other practicable uses for dredged material. The application contained no component of beneficial use and was therefore refused. Marine Scotland officials have arranged to meet with MPA.

Thanks

[redacted]

Newsdesk
[redacted]

[Redacted]

From: [Redacted]
Sent: 07 February 2018 12:11
To: [Redacted]
Subject: Montrose dredging

[Redacted]

Please see below for the text of a recent letter we sent to Lewis Macdonald MSP regarding dredging at Montrose and the potential for the harbour to have to beneficially place some of the material to mitigate the erosion at Montrose golf course. As I mentioned I've got a meeting with all the stakeholders on Friday morning so I'll drop you a quick note after that meeting.

Cheers

[Redacted]

To provide you with the context, dredging and deposit activities are authorised on a case-by-case basis by licences granted under The Marine (Scotland) Act 2010. Section 27(2) of the Act states that *in considering an application for a licence to authorise an activity ... the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the substance or object.* Section 29(6) of the Act states that *The Scottish Ministers must not grant a licence to carry on any activity which is contrary to international law.*

The United Kingdom is a contracting party to The Convention for the Protection of The Marine Environment of The North-East Atlantic. Under this convention Contracting Parties are required to take all possible steps to protect the maritime area against the adverse effects of human activities. Reducing adverse effects on the marine environment from dredging and deposit of dredged material can be accomplished through the following three activities:

1. Controlling and reducing sources of contamination;
2. Maximising the use of dredged material for beneficial purposes;
3. Minimising the volumes of sediment that must be dredged by using improved Best Environmental Practices.

The polluter pays principle is one of the central guiding principles of the OSPAR convention and requires that the costs of pollution prevention, control and reduction measures must be borne by the polluter. As such, through licensing under The Act and in accordance with Scotland's National Marine Plan, beneficial use of dredged material, in line with international protocols, is encouraged.

Marine Scotland - Licensing Operations Team (MS-LOT) understands that there are a number of views and publications relating to this issue.

Any application must be supported by full consideration of the options for the fate of the material and, in concluding their Best Practicable Environmental Option (BPEO) for the use of dredged material, the applicant must provide a justified conclusion, based on the available evidence.

No marine licence application or BPEO assessment has yet been submitted by MPA to MS-LOT and MS-LOT will not pre-judge any application for a marine licence, as such, no decision has been given.

I can however confirm that officials from MS-LOT have met with MPA and advised that future applications for dredging and deposit will need to fully consider the available information and make justified assessments of the practicability of beneficial use of dredged material in line with both their own findings and the above requirements.

[Redacted]

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: [Redacted]

General Queries: +44 (0)1224 295 579

Email: [Redacted] [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Website: <http://www.gov.scot/marinescotland>

Frequently
Asked
Questions

MINISTERIAL ENGAGEMENT BRIEFING: HUMZA YOUSAF

Engagement title	Visit to Montrose Port	
Engagement timing	Date: 14 February 2018 Time: 10:30 – 11:30 - short tour of the port, followed by a presentation outlining current/future developments, and the challenges the port faces.	
Venue and full address	Montrose Port Authority, Harbour Office, South Quay, Ferryden, Montrose DD10 9SL	Port access from the roundabout on the A92 at the south end of the town.
Background/Purpose include invitation history	MACCS Diary Request Letter date: 25 October 2017 Letter reference: 2017/0039252 – Invitation from Port Chief executive to visit the port	
Relevance to core script	Engaging with key stakeholders	
Annexes	<p>Annex: A – summary of key issues and lines to take</p> <p>Annex: B - Background</p> <p>Annex C - Biographies</p>	
Official Support include mobile number(s)	Names: [Redacted]	

SUMMARY PAGE

Purpose of meeting: You were invited to visit the port by the Chief executive, Nik Scott-Gray

Key Issues:

Current application by the port for Freight Facilities Grant.

Renewed use of the rail connection to the port.

Coastal erosion at a nearby beach and the potential for this to affect/ be affected by dredging in the port.

Lines to Take:

- **Transport Scotland Officials are working on financial aspects of the application to enable a financial appraisal to be carried out. CMAL are currently reviewing the marine engineering/construction proposals and will provide TS with their report in the next couple of weeks.**
- **I appreciate the importance of rail freight for businesses looking to move goods efficiently and the contribution it makes to Scotland's economy. That is why the Scottish Government has provided considerable investment in rail freight and I was delighted to include challenging freight targets for the rail industry in the High Level Output Specification which was published in July last year.**
- **These new targets, which supplement the work being undertaken through our Rail Freight Strategy, include performance targets, a journey time metric to increase the average speed (by 10%) and a growth target to attract new freight to the network.**
- **These targets are designed to challenge Network Rail and the rail industry to secure new markets and make the use of rail freight attractive to business across Scotland. I believe that simplifying processes and a flexible approach to accommodating new rail freight traffic will be key to achieving these goals and I would be interested to learn more about your potential plans for using rail. Nature is playing an important role along our coasts and helping us cope with coastal change. Many properties and infrastructure lie behind natural coastal defences (i.e. the soft coast); these natural defences must be protected.**
- **Coastal erosion and flooding are interlinked and both are set to worsen in the near future – this is what we see in Montrose. I am aware of the serious erosion issues to the sand dunes that affect the Golf Course and the Town in Montrose.**
- **The Cabinet Secretary for Environment, Climate Change and Land Reform met representatives from the Council, the golf club and Montrose Port Authority on the beach to discuss the erosion and**

PRO FORMA – MINISTERIAL ENGAGEMENTS

flooding issues when she attended the Cabinet meeting in Montrose last summer.

- **Angus Council is working with local stakeholders, including the Montrose Port Authority and the Montrose Golf Club to identify the most sustainable solution.**
- **The Council has commissioned a flood risk study for Montrose that will consider the impacts of coastal erosion and flood risk.**

Background

Montrose is a trust port, a statutory body governed by its own local legislation and managed by a board appointed on merit through an open and transparent appointment system.

The port is situated in a sheltered haven on the River South Esk, within a mile of open sea, and offers a cost-effective alternative for vessels using Scotland's East Coast. It has excellent road and rail links with speedy access to the heartland of Scotland and the main arteries in all directions.

Developed on both the north and south banks of the river, the port offers around 1000 metres of quayside, equipped to deal with a broad variety of commercial and oil related cargoes. Extensive storage facilities comprise both open ground for general storage or fabrication and repair work, and warehousing for long-term use or as transit sheds. High standard office accommodation and engineering workshops are also in close proximity to the quayside.

The main cargoes handled at the port include fertiliser, pulp and timber.

Montrose Port Authority (MPA) – Freight Facilities Grant (FFG)

MPA submitted an FFG application on 7 November 2017 and are seeking £1.5 million towards the total eligible costs of the project which are £7.9 million. The proposal is to strengthen 2 existing berths and landing decks at the port, carry out some dredging and utilities servicing works to facilitate larger boats to berth and unload freight. This will consolidate existing freight flows and move some new traffic from road to sea.

Over the proposed 5 year monitoring period, it has been calculated that the grant would help deliver a minimum of £5.2 million Environmental Benefits (EBs) removing 1.26 million tonnes of freight from road and 86,000 HGV lorry trips.

Officials are still working with MPA on financial aspects of the application to enable a financial appraisal to be carried out. CMAL are currently reviewing the marine engineering/construction proposals and will provide TS with their report in the next couple of weeks.

State aid

The FFG scheme has been re-notified to the European Commission and we await their decision. State Aid Unit advise we cannot issue any new FFG grants until it has been re-approved. We expect a decision in the coming weeks (potentially end of March) and we are engaged with UKG on this.

In the meantime, we have taken advice from state aid colleagues, and as this is a ports project, a GBER registered scheme is a suitable mechanism available to us, pending the Commission's decision on FFG. No additional funding is needed as any GBER award would come from the existing FFG budget. Following advice sent to you on 17 January, we asked the state aid team to register a GBER scheme which should take about 4 weeks.

PRO FORMA – MINISTERIAL ENGAGEMENTS

Once all outstanding actions are completed, we hope to be able to issue MPA with a formal decision late Feb or early March.

Previous FFG award

In 2010, MPA were awarded £3.2m FFG towards capital costs of £8.5m (for a quay wall, deck structure, services and fees) to provide water freight services moving a range of bulk commodities by sea rather than road from various locations in Scotland and England to domestic and export markets. The commitment was to move 1.4 million tonnes by sea rather than road achieving £6.6 million in Environmental Benefits and removing some 9 million HGV lorry miles from road (107,000 HGV trips). By March 2016, the EB commitment had been repaid 2 years early and we will continue to monitor performance annually until July 2019.

Rail Connection to the Port

We understand that Montrose Port and Rix Shipping would like to understand the capability of the freight facility and the capacity of the rail network towards the Central Belt and onwards to England.

They are interested in utilising at least one freight train a day, probably starting small with containers on existing services before volumes build up to be able to sustainably support a dedicated train.

Montrose Port and Rix Shipping acknowledge that there is not yet sufficient traffic to warrant a dedicated train but they are planning to hold a Business Breakfast Meeting in the spring to encourage local companies to consider supporting the proposal.

Network Rail has had several meetings with Montrose Port and Rix Shipping to try to understand and facilitate their aspirations. The most recent meeting was in January with an agreed action to put together a realistic proposition for the Business Breakfast Meeting to determine if there is an appetite to utilise this facility. This work is on-going at present.

COASTAL CHANGE/EROSION AND FLOOD RISK IN MONTROSE

Coastal erosion is a natural process. It is affected by weather and tides and the actions of nature and man. Coastal erosion is contributing to flood risk in Montrose and the dune system which was protecting the town is damaged.

Erosion and flooding has caused the coastline to retreat since 1980s and the rate is now 2m/yr and affecting the town and the golf course, designed by Old Tom Morris and the fifth oldest golf course in the world.

It is estimated that between 35 and 40m of beach has been lost to the sea since the early 1990s and that the Montrose coastline could wear away by up to 80m over the next 50 years. Storms at the end of 2013 took another 1.5m off the beach level, and 2m off the top edge of the dunes.

The Council has commissioned a flood risk study for Montrose to identify options to manage coastal erosion and flood risk in a coordinated way. The options will be considered for inclusion in the second generation Local Flood Risk Management Plan and apply for Scottish Government funding for flood risk capital monies available from 2022-28.

Some local stakeholders are in favour of a £5m hard rock armour defence to be put in place quickly. However rock armour is unlikely to be a solution and will most likely cause erosion elsewhere. Sediment management and shore-face recharge are the subjects of on-going consideration by Angus Council and Montrose Port Authority (MPA).

MPA currently has a license from Marine Scotland to dredge in the harbour and deposit the sand in designated areas out at sea. This license expires in April. If MPA applies for a new marine licence to dispose of dredged material, the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the material and the available evidence as it relates to alternative options. This aspect is the purpose of the assessment of the Best Practicable Environmental Option. Public consultation will also form part of the determination process.

Angus Council and the MPA are investigating whether the port dredged material could be used to recharge the beach.

The National Coastal Change Assessment

The Cabinet Secretary for Environment, Climate Change and Land Reform launched the National Coastal Change Assessment (NCCA) in St Andrews last summer. The NCCA warns us to expect faster and more extensive erosion than we've been used to, increasingly affecting all asset types (buildings, infrastructure, cultural and natural heritage).

Before these trends accelerate further we have a window of opportunity to plan and adapt in advance of greater impacts. This requires cross sector and integrated adaptation and planning.

We have started NCCA2 which will use the latest monitoring techniques to map and categorise the resilience of our coasts and identify the links between erosion and flooding.

Montrose will be one of five case study sites chosen to develop mitigation and adaptation plans with stakeholders. These will help demonstrate the need for coordinated action across the public sector.

Who is responsible for managing coast protection?

Landowners have responsibility for protecting their property from coastal erosion. Local authorities have powers (but not obligations) under the Coast Protection Act 1949 to protect land from the sea. Some local authorities (including Angus and Fife) have Shoreline Management Plans but these are not mandatory.

How is coast protection funded?

Local authorities can fund coast protection work under the 1949 Act from their general capital grant. Where there is an overlap with coastal flood risk and the works are included in the Local Flood Risk Management Plan flood risk capital monies may be available.

Marine Licensing of Dredging

Dredging and deposit activities are authorised on a case-by-case basis by licences granted under The Marine (Scotland) Act 2010. Section 27(2) of the Act states that in

PRO FORMA – MINISTERIAL ENGAGEMENTS

considering an application for a licence to authorise an activity ... the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the substance or object. Section 29(6) of the Act states that The Scottish Ministers must not grant a licence to carry on any activity which is contrary to international law.

The United Kingdom is a contracting party to The Convention for the Protection of The Marine Environment of The North-East Atlantic. Under this convention Contracting Parties are required to take all possible steps to protect the maritime area against the adverse effects of human activities. Reducing adverse effects on the marine environment from dredging and deposit of dredged material can be accomplished through the following three activities:

1. Controlling and reducing sources of contamination;
2. Maximising the use of dredged material for beneficial purposes;
3. Minimising the volumes of sediment that must be dredged by using improved Best Environmental Practices.

The polluter pays principle is one of the central guiding principles of the OSPAR convention and requires that the costs of pollution prevention, control and reduction measures must be borne by the polluter. As such, through licensing under The Act and in accordance with Scotland's National Marine Plan, beneficial use of dredged material, in line with international protocols, is encouraged.

Marine Scotland - Licensing Operations Team (MS-LOT) understands that there are a number of views and publications relating to this issue.

Any application must be supported by full consideration of the options for the fate of the material and, in concluding their Best Practicable Environmental Option (BPEO) for the use of dredged material, the applicant must provide a justified conclusion, based on the available evidence.

No marine licence application or BPEO assessment has yet been submitted by MPA to MS-LOT and MS-LOT will not pre-judge any application for a marine licence, as such, no decision has been given.

Officials from MS-LOT have met with MPA and advised that future applications for dredging and deposit will need to fully consider the available information and make justified assessments of the practicability of beneficial use of dredged material in line with both their own findings and the above requirements.

Biographies

Nik Scott-Gray is an experienced Port and Logistics professional. From the beginning of his career in 1988, as a P&O graduate trainee, he has amassed experience in the operational, financial and strategic management of vessels and ports along the UK's east coast.

The role of Port Manager for both Grangemouth and Leith Ports led to Nik's appointment as Commercial and Development Manager for Forth Ports' Scottish division in 2009. He has been Chief Executive of Montrose Port Authority (MPA) since May 2015, which becomes increasingly busy handling vessels from a variety of sectors, including oil and gas and renewables, as well as a broad range of cargo activity.

Amongst his various responsibilities, Nik launched - and continues to implement - a Master Planning and Strategy process for MPA; developing new markets and directing investment towards key infrastructure projects.

[redacted]

From: [Redacted]

Marine Scotland Licensing Operations Team (MS-LOT)
Marine Planning and Policy (MPP)
August 2018

Minister for Rural Affairs and Natural Environment

MONTROSE PORT AUTHORITY (MPA) – MARINE LICENCE FOR DEPOSIT OF DREDGED MATERIAL – ISSUES ARISING FROM BEACH EROSION

Purpose

1. To advise the Minister of the issues and discussions to date.

Priority

2. Routine

Background

3. The Mean High Water Springs (“MHWS”) and Mean Low Water Springs (“MLWS”) at Montrose Beach and Annat Bank to the North Montrose Harbour have been in retreat for a number of years, threatening Montrose Golf Course and the Montrose beach front.
4. Traditionally, MPA has dredged and deposited the material at an established offshore disposal site in Lunan Bay to the South of Montrose.
5. MPA requires a marine licence for the deposit of dredged material at sea as it is a ‘licensable marine activity’ under the Marine (Scotland) Act 2010 (the Act). However, it is an ‘exempt activity’ for a statutory harbour authority (such as MPA) to carry out the dredging. To qualify for the exemption, MPA requires Scottish Ministers approval under Article 26 of The Marine Licensing (Exempted Activities)(Scottish Inshore Region) Order 2011.
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7. The OSPAR Convention, to which the UK is a signatory, has ‘Guidelines for the Management of Dredged Material at Sea’ stating that sediment is a valuable natural resource and beneficial use of dredged material should be pursued to the maximum extent practicable.
8. Scotland’s statutory National Marine Plan (SNMP) includes policies relevant to dredging and deposit, stating that ‘activities in the marine environment should be resilient to coastal change and flooding and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding’ and ‘sustainable development of port and harbour facilities in support of other sectors should be supported in marine planning and decision making.’

9. SNMP also states that dredged material may be deposited at marine disposal sites or used for alternative purposes such as land reclamation or coastal nourishment, if suitable, to minimise seabed disposal.

Marine Licence Application

10. Officials from MS-LOT have met with MPA on a number of occasions regarding future dredging requirements, repeatedly advising that any future applications would need to consider beneficial use of the dredge material.

11. MPA submitted an application for 246,000 tonnes of material p.a. for 3 yrs to be deposited at Lunan Bay, as they have historically done. This application was supported by a BPEO and a Coastal Process Assessment of Montrose and surrounding coastline.

12. MPA's Coastal Process Assessment draws the following conclusions:
- no link between beach erosion and dredging, dredging mimics natural processes,
 - most of the cliff erosion is not a continuous process,
 - erosion of beach is primarily due to storm conditions,
 - between 1990 and 1992, higher erosion rates at the golf course than present but dredging volume was lower than present,
 - deposit within Montrose Bay could have some benefit for coastal management.

[Redacted]

[Redacted]

Marine Scotland Licensing Operations Team (MS-LOT)
Marine Planning and Policy (MPP)
Ext [Redacted]

OFFICIAL-SENSITIVE - ADVICE TO MINISTERS

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Environment, Climate Change and Land Reform			y		
Cabinet Secretary for the Rural Economy					y

Director Marine Scotland
 Helena Gray – Marine Scotland
 [Redacted] – Marine Scotland
 [Redacted] – Environment & Forestry
 [Redacted] – Transport Scotland
 [Redacted] – Marine Scotland

Cabinet Secretary for Environment, Climate Change and Land Reform
cc.Minister for Transport and the Islands

Application for a marine licence under Part 4 of The Marine (Scotland) Act 2010 for the deposit in Lunan Bay of material dredged from Montrose Harbour.

Purpose

To seek your agreement to refuse, in its current form, the application submitted by Montrose Port Authority ("MPA") for a marine licence under Part 4 of The Marine (Scotland) Act 2010 for the deposit in Lunan Bay of 738000 wet tonnes of material dredged from Montrose Harbour over a 3 year period.

Priority

Routine

Background

On 17 April 2018 MPA submitted an application for the deposit in Lunan Bay of 410,000 m³ of material dredged from Montrose Harbour over a 3 year period.

Consideration of the Application

MPA has selected sea disposal for all the dredged material, ruling out any beneficial use of the material on cost grounds. They estimate costs of £2 per m³ for sea disposal and £11 per m³ beach replenishment from a dredger moored offshore.

MS-LOT is satisfied that the proposal may have an impact on the marine environment through the removal of the dredged material from Montrose Bay.

MS-LOT has concerns about the conclusions of the documents used to support the selection of sea disposal as the preferred method of dealing with the dredged material.

Consultation Summary

MPA commissioned a report assessing coastal processes in Montrose Bay which found no link between dredging and erosion in Montrose Bay and has been used to support their chosen BPEO. This report has been reviewed by the Dynamic Coast Project Team.

MS-LOT commissioned Jacobs to review MPA's BPEO and coastal processes assessment as well as the Dynamic Coast Project reviews. MS-LOT also sought comments from Scottish Natural Heritage ("SNH") on the BPEO.

SNH raised concerns that costs were being included in more than one section of the BPEO and that the BPEO was lacking in evidence to support statements about what material would be suitable for reuse as well as the assumption that beach replenishment would have little benefit.

The Dynamic Coast Project Team raised concerns that the coastal process assessment failed to disprove a link between dredging and the erosion around Montrose Golf Links frontage and that dredging was likely to exacerbate broader processes affecting the beach level.

Jacobs' review found that the costs were reflective of industry standards, but that other less engineered options could reduce the costs of beneficial placement and the basis for discounting beach replenishment as a viable method was not considered to present a balanced appraisal. They also found that removal of up to 100,000m³ per year of dredged material from the closed system of Montrose Bay can only represent a loss of sediment that is never returned and with that a loss of beach building material, which would naturally contribute to beach and dune decline.

Discussion

Under Part 4 section 27(2) of The Marine (Scotland) Act 2011 In considering an application for a marine licence to authorise the deposit of a substance or object within the Scottish marine area, the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the substance or object.

Scotland's National Marine Plan includes policy GEN 8: developments and activities in the marine environment should be resilient to coastal change and flooding and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.

Article 2 of The Convention for the Protection of the Marine Environment of the North-East Atlantic states The Contracting Parties shall, in accordance with the provisions of the Convention, take all possible steps to prevent and eliminate pollution and shall take the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected.

Recommendation

MS-LOT is of the view that you should

Determine that it is appropriate for MS-LOT to refuse, in its current form, the application submitted by MPA for a marine licence and for MS-LOT to engage with MPA and other stakeholders to further consider beneficial uses of the dredged material.