



T: +44 (0)300 2445046
E: ms.majorprojects@gov.scot

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT DREDGING AND TO DEPOSIT DREDGED SPOIL SUBSTANCES
OR OBJECTS WITHIN THE SCOTTISH MARINE AREA

Licence Number: 05964/18/0

Reference Number: 05964

The Scottish Ministers hereby authorise:

**Aberdeen Harbour Board
Harbour Office
16 Regent Quay
Aberdeen
AB11 5SS**

to carry out dredging within the Scottish marine area and to deposit the associated dredge spoil substances or objects within the Scottish marine area, either in the sea or on or under the seabed as described in Part 2 of the attached Schedule.

This licence is subject to the conditions set out in Part 3 of the said Schedule and is valid from **26 April 2018** until **30 September 2019**.

[Redacted]

Signed: _____

[Redacted]

For and on behalf of the licensing authority

Date: 26 April 2018



1. PART 1 – GENERAL

1.1. Interpretation

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

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

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

1.2. Contacts

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

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

Tel: +44 (0) [REDACTED]
Email: ms.marinelicensing@gov.scot

1.3. Other authorisations and consents

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

1.4. Variation, suspension, revocation and transfer

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

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

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

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

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

1.6. Defences: actions taken in an emergency

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

1.7. Offences relating to information

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

1.8. Appeals

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

2. PART 2 - PARTICULARS

2.1. Name and address of the producer of the substances or objects:

As per licensee.

2.2. Name(s) and address(es) of sea disposal contractor(s):

See conditions 3.1.2 and 3.1.3.

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

See condition 3.1.2.

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

See condition 3.1.3.

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

2.5. Location of the dredging activities:

Nigg Bay, Aberdeen, within the area bounded by joining the following points:

- 57° 08.175' N 002° 02.926' W
- 57° 08.142' N 002° 03.439' W
- 57° 08.084' N 002° 03.488' W
- 57° 07.940' N 002° 03.506' W
- 57° 07.846' N 002° 03.308' W
- 57° 07.791' N 002° 02.939' W
- 57° 07.888' N 002° 02.619' W
- 57° 07.959' N 002° 02.448' W
- 57° 08.107' N 002° 02.441' W
- 57° 07.952' N 002° 02.926' W

with the Mean High Water Springs mark between 57° 08.142' N, 002° 03.439' W and 57° 07.791' N, 002° 02.939' W

2.6. Description of dredging and deposit activities:

Capital dredging and dredge spoil deposit for Aberdeen Harbour Expansion Project ("AHEP"), Nigg Bay, Aberdeen including the following activities:

- Dredging of the Harbour Basin location to achieve a seabed depth of approximately 9.0 metres below Chart Datum ("CD");
- Dredging of the North Quay location to achieve a seabed depth of approximately 9.85 metres below CD;
- Dredging of the East Quay location to achieve seabed depth of approximately 12.95 metres below CD;
- Dredging of the Entrance Channel location to achieve seabed depth of approximately 10.5 metres below CD;
- Dredging of the South East pier location to achieve seabed depth of approximately 11.45 metres below CD;
- Dredging of the South Breakwater Roundhead location to achieve seabed depth of approximately 15.24 metres below CD;
- Deposit of dredge spoil (unsuitable for re-use) at Aberdeen authorised sea disposal site;
- Temporary stockpiling of dredged material (to be used as land reclamation infill during construction of AHEP).

As described in application dated 17 May 2016, Environmental Statement ("ES") dated 04 November 2015, further information dated 26 April 2016 and all other associated information and correspondence submitted in support of the 2016 application, together with the marine licence variation request correspondence dated 08 February 2018.

2.7. Details of substances or objects to be dredged*:

Dredge Area	Dredge Depth (metres below CD)	Clay and Silt (<0.063mm)	Sand (0.063 ≤ Sand < 2.0mm)	Pebbles, Cobbles & Boulders (≤2.0mm)	Quantity to be dredged (wet tonnes)
Harbour Basin	9.0	14%	69%	17%	5,027,205
North Quay	9.85	14%	69%	17%	85,035
East Quay	12.95	14%	69%	17%	555,525
Entrance Channel	10.5	14%	69%	17%	205,932
South East Pier	11.45	14%	69%	17%	220,105
South Breakwater Roundhead	15.24	14%	69%	17%	26,198

*Quantities detailed are indicative only.

2.8. Maximum quantity of capital dredge spoil to be deposited at authorised disposal site CR110 - Aberdeen:

4,702,737 wet tonnes / 2,190,000 m³

Less any materials already deposited or removed under authority of Licence Number 05964/16/0.

2.9. Quantity of dredged spoil to be re-used in construction of AHEP:

1,417,263 wet tonnes / 660,000** m³

Less any materials already deposited or removed under authority of Licence Number 05964/16/0.

**Quantity detailed is indicative only.

3. PART 3 – CONDITIONS

3.1. General conditions

3.1.1. Licence conditions binding other parties

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

3.1.2. Agents, contractors and sub-contractors

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

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

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

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

3.1.3. Vessels

The licensee must notify the licensing authority, in writing, of any vessel being used to carry on any licensed activity under this licence on behalf of the licensee. Such notification must be received by the licensing authority no less than 72 hours before the commencement of the activities. The notification 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.

3.1.4. Force Majeure

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

3.1.5. Material alterations to the licence application

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

3.1.6. Submission of reports to the licensing authority

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

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

3.1.7. Environmental protection

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

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

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

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

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

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

3.1.8. Availability of the licence for inspection

The licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

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

3.1.9. Inspection of the licensed activities

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

3.2. Prior to the licensed activities commencing

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

3.2.2. The licensee must, no later than 1 month or at such a time as agreed with the licensing authority, prior to the commencement of dredging and dredge spoil deposit activities, notify the licensing authority of the names and addresses of the dredging and dredge spoil deposit contractors and the names of the vessels to be employed to undertake the activities.

3.2.3. The licensee must ensure that a Notice to Mariners is issued prior to commencement of the licensed activities, clearly stating the nature and duration of the activities.