

3.2.4. The licensee must submit a detailed Construction Environmental Management Document ("CEMD") to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the commencement of the licensed activities. It is not permissible for the licensed activities to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such other advisors, organisations or stakeholders as may be required at their discretion. The CEMD must be consistent with the marine licence application, ES and supporting information.

The CEMD must include, but shall not be limited to, the following:

- a) detailed Construction Method Statements ("CMS") and Construction Environmental Management Plans ("CEMP") including the following specific management plans:
 - I. marine mammal protection plan ("MMPP");
 - II. vessel management plan ("VMP");
 - III. noise and vibration mitigation plan (including hours of operation);
 - IV. lighting plan (including strategy for dimmed and directional lighting);
 - V. traffic management plan;
 - VI. pollution prevention plan;
 - VII. otter protection plan;
 - VIII. piling management plan;
 - IX. fish species protection plan;
 - X. habitat management plan;
 - XI. waste management plan;
 - XII. Nigg Bay Site of Special Scientific Interest management plan;
 - XIII. dredging and dredge spoil deposit management and monitoring plan;
 - XIV. marine non-native species and biosecurity management plan;
 - XV. a plan to protect and appropriately locate existing abstractions and discharges in the vicinity of the licensed activities.
- b) commencement dates, duration and phasing information of key elements of construction;
- c) a schedule of mitigation and monitoring measures to protect the environment, including cross-referencing between relevant management plans or other documents;
- d) processes to control changes from the agreed schedule of mitigation;
- e) processes to detail how each and all contractors and sub-contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to, how chains of command will work including shore to vessel communications; and
- f) a process and schedule for providing the licensing authority with regular updates on construction activity, issues encountered and how these have been addressed.

In the event that the licensee wishes to request staged approval of the CEMD, the licensee must submit, in writing, a detailed schedule of the proposed CEMD submission stages and associated documents relative thereto, to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the commencement of the licensed activities.

In the event that the licensee wishes to update or amend the CEMD, the licensee must submit, in writing, details of the proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any activities associated with the proposed updates or amendments to proceed prior to the granting of such approval.

Unless otherwise agreed, in writing by the licensing authority, all licensed activities must proceed in accordance with the approved CEMD.

- 3.2.5.** The licensee must submit a detailed Dredging and Dredge Spoil Deposit Management and Monitoring Plan to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the commencement of the licensed activities. It is not permissible for the activities to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such other advisors, organisations or stakeholders as may be required at their discretion. The plan must be consistent with the marine licence application, ES, the CEMD (including CMS and CEMP) and supporting information.

The Plan must include, but shall not be limited to, the following:

- a) a detailed Dredging Management Plan which must set out the measures to be taken to minimise, as far as is practically possible, the environmental effects of dredging and dredge spoil deposit activities.
- b) a detailed Dredge Spoil Deposit Site Monitoring Plan including:
 - i. the undertaking of sampling and analysis of the dredge spoil deposit site, in accordance with Marine Scotland Guidance, to demonstrate that the dispersal of the substances or objects deposited under this licence and levels of contamination at the deposit site are in line with predictions made during the EIA. The Plan must document the actions to be taken by the licensee should levels of contamination be shown to be above acceptable limits; and
 - ii. the undertaking of bathymetric surveys of the dredge spoil deposit site prior to, at intervals during, and upon completion of the licensed activities. The Plan must document the actions to be taken by the licensee should unacceptable bathymetric conditions resulting from dredge spoil deposit activities be established.

- c) a detailed Dredging Monitoring Plan including:
 - i. the undertaking of collection and analysis of samples of the substances or objects described in Part 2 of the Schedule, in line with Marine Scotland Guidance, during dredging activities. Duplicate samples must be submitted to the licensing authority. The Plan must commit the licensee to minimum agreed timescales, from the time the samples are taken, to provide results and samples to the licensing authority and must document the actions to be taken by the licensee should levels of contamination be shown to be above acceptable limits.
- d) a detailed Water Quality Monitoring Plan including:
 - i. as a minimum, the monitoring of water quality, including levels of suspended sediments in the water column and sediment levels near the seabed, at locations and frequency to be agreed with the licensing authority, to demonstrate among other things that suspended sediment dispersal is in line with that predicated in the ES. Baseline data must be established and the Plan must document the actions to be taken by the licensee, including adaptive management, should suspended sediments be shown to be above acceptable limits.

In the event that the licensee wishes to update or amend the approved Dredging and Dredge Spoil Deposit Management and Monitoring Plan, the licensee must submit, in writing, details of the proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any licensed activities associated with the proposed updates or amendments to proceed prior to the granting of such approval.

Unless otherwise agreed, in writing by the licensing authority, all licensed activities must proceed in accordance with the approved Dredging and Dredge Spoil Deposit Management and Monitoring Plan.

- 3.2.6.** The licensee must submit a detailed VMP to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the commencement of the licensed activities. It is not permissible for the activities to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such other advisors, organisations or stakeholders as may be required at their discretion.

Relative to the duration of the licensed activities, the VMP must include details on vessels, their speeds, routes and frequency of trips during the licensed activities, creation of high and low disturbance areas, a vessel free buffer zone around Girdle Ness and Greyhope Bay, and details of how vessel management will be coordinated.

Relative to the operation of the harbour, the VMP must include a code of practice to guide the behaviour of vessels in and in the vicinity of the harbour around marine mammals and rafts of birds and avoidance of the area around Girdle Ness and Greyhope Bay.

In the event that the licensee wishes to update or amend the VMP, the licensee must submit, in writing, details of the proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any activities associated with the proposed updates or amendments to proceed prior to the granting of such approval. Unless otherwise agreed in writing by the licensing authority, all licensed activities must proceed in accordance with the approved VMP.

- 3.2.7.** The licensee must submit a protocol for archaeological discovery to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the commencement of the licensed activities. It is not permissible for the licensed activities to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such advisors, organisations or stakeholders as may be required at their discretion.
- 3.2.8.** Prior to the commencement of the licensed activities, the licensee must appoint an Environmental Clerk of Works ("ECoW") who will be responsible for ensuring delivery of the CEMD. The ECoW must be on site during licensed activities, as determined by the CEMD, and shall have authority to halt activities if necessary.
- 3.2.9.** The licensee must ensure that HM Coastguard, in this case nmoccocontroller@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.
- 3.2.10.** The licensee must review where potential asset conflicts exist and contact Scottish Water's Asset Impact Team ("AIT") (service.relocation@scottishwater.co.uk) as soon as practicable to discuss any potential issues identified. All detailed design proposals relating to the protection or diversion of Scottish Water's assets must be submitted to AIT for review and written acceptance before any licensed activities take place.
- 3.2.11.** Prior to commencement of the activities, the licensee must ensure that existing abstractions and discharges in the vicinity of the licensed activities are protected, diverted or relocated to ensure functionality is maintained during the construction and operation of AHEP, with particular reference to the outfalls (United Fish Industries, Scottish Water and East Tullos Burn) and intake (Marine Scotland Science aquarium) currently located in Nigg Bay.

3.3. During the licensed activities

- 3.3.1. The licensee must ensure that the licensed activities take place in accordance with the approved indicative plans (Annex I).
- 3.3.2. The licensee must ensure that the licensed activities are carried out in accordance with the approved CEMD.
- 3.3.3. The licensee must deposit the dredge spoil substances or objects, identified for deposit as described in Part 2(8) of the Schedule, in the following deposit area(s):

Dredge Spoil Deposit Area Name and Code: ABERDEEN, CR110.

Up to a maximum quantity of **4,702,737 wet tonnes / 2,190,000 m³** may be deposited during the period of validity of this licence, within the circle area centred at:

57° 07.00' N 002° 00.00' W with a radius of 0.25 nautical miles.

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

- 3.3.4. The licensee must ensure that, during the execution of the licensed activities, the risk of transferring marine non-native species to and from the location of the activities is minimised by implementing the approved marine non-native species and biosecurity management plan.
- 3.3.5. The licensee must remove all temporary stockpiles of dredged substances or objects before the expiry date of this licence.
- 3.3.6. At the authorised dredge spoil site, the licensee must ensure that a dedicated watch is kept by a trained Marine Mammal Observer ("MMO") or someone else following the general guidance for, and acting in the role of, a MMO. A 20 minute watch must be undertaken prior to dredge spoil deposit activities commencing to ensure that no marine mammals are within 500 metres of the authorised dredge spoil deposit site. If marine mammals are observed within this distance then dredge spoil deposit activities must be ceased until the area has been clear of marine mammals for at least 20 minutes.
- 3.3.7. The licensee must ensure that a formal log is maintained, whether or not marine mammals are sighted, and the completed log(s) must be returned to the licensing authority. The log(s) should contain the name of observer, time of dredge spoil deposit, start and finish times of observation, observations of marine mammals and any action taken as a result.

To ensure consistent recording of marine mammal observations, the licensee must also ensure that the MMO's formal log(s) are submitted to the following:

Offshore Industries Advisor
Joint Nature Conservation Committee
Inverdee House
Baxter Steet
Aberdeen
AB11 9QA

- 3.3.8.** The licensee must ensure that all vessels associated with dredging and dredge spoil deposit activities adhere to the approved VMP. The route to and from the disposal site is at the Master and Harbour Master's discretion, subject to Port operations and environmental conditions.
- 3.3.9.** The licensee must ensure that a log of dredge spoil deposit activities is maintained on each vessel employed to undertake deposit activities. The log(s) must be kept onboard the vessel(s) throughout the dredge spoil deposit activities, and be available for inspection by any 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.

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

- a) the name of the vessel;
 - b) the nature and quantity of each dredge spoil substance or object loaded for deposit;
 - c) the date and time of departure from port, and the date and time of arrival at the dredge spoil deposit area(s), on each occasion that the vessel proceeds to the deposit area(s);
 - d) the date, time and position of commencement, and the date, time and position of completion, of each dredge spoil deposit activity;
 - e) the course(s) and speed(s) throughout each dredge spoil deposit activity (Multiple changes may be recorded as "various");
 - f) the weather, including wind strength and direction, sea-state and tidal set throughout each dredge spoil deposit activity;
 - g) the rate of discharge during each dredge spoil deposit activity, if appropriate, and the duration of each deposit activity (If the rate of discharge is not constant, the maximum and mean rates of discharge should be indicated);
 - h) comments on the dredge spoil deposit activities, including any explanations for delays in the deposit activities; and
 - i) the signature of the Master at the foot of each page of the record.
- 3.3.10.** Only those substances or objects described in Part 2 of the Schedule must be deposited under authority of the licence.
- 3.3.11.** Any unauthorised materials associated with the dredge spoil substances or objects scheduled for deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, must be disposed of on land at an approved location above the tidal level of Mean High Water Springs.

- 3.3.12. The appointed dredger and any other floating plant in attendance during dredging and dredge spoil deposit activities must exhibit the required lights/shapes at all times, in accordance with the International Regulations for the Prevention of Collisions at Sea.
- 3.3.13. All tank/hopper washings must be deposited in the authorised dredge spoil deposit area: ABERDEEN, CR110.
- 3.3.14. The method of dredge spoil deposit shall be:
- BOTTOM DUMPING

3.4. On completion of the licensed activities

- 3.4.1. The licensee must, within 7 days of completion of the licensed activities, notify the licensing authority of the date of completion of the licensed activities.
- 3.4.2. The licensee must, within 28 days of completion of the licensed activities, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: 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.
- 3.4.3. The licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all dredge spoil substances or objects deposited under authority of the licence. The written reports must be submitted to the licensing authority annually and on the forms provided by the licensing authority.

ANNEX I – APPROVED INDICATIVE PLANS