

[Redacted]

From: MS Marine Licensing
Sent: 06 September 2018 14:07
To: [Redacted] montroseport.co.uk'
Subject: 06694 - Montrose Port Authority - Maintenance Dredging & Sea Disposal -
Montrose Harbour
Attachments: Assessment of CP in Montrose Bay_v5.pdf; Marine Licence Refusal.pdf

Dear [Redacted]

Please find attached a letter regarding your marine licence application and supporting report. A hard copy is also in the post.

Kind Regards,

[Redacted]

[Redacted]

Marine Scotland - Marine Planning & Policy

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

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Frequently
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[Redacted]

Montrose Port Authority
Harbour Office
South Quay
Ferryden
Montrose
DD10 9SL

06 September 2018

Ref: 06694

[Redacted]
Dear

Marine Scotland Licensing Operations Team ("MS-LOT") has considered your application for a marine licence to dispose of 246,000 tonnes of dredge spoil per annum over 3 years at the Lunan Bay disposal site. As part of our considerations we reviewed your Best Practicable Environmental Option (BPEO) and your Coastal Process Assessment. MS-LOT also commissioned an independent review of these documents (attached for your information) and considered the views of SNH, who MS-LOT understand has already provided Montrose Port Authority with comments on your draft BPEO.

In light of this review and in line with section 27(2) of The Marine (Scotland) Act 2010 ("the Act") in considering an application for a licence to authorise an activity mentioned in item 1 or 2 in section 21(1) (deposit of substance or object), the Scottish Ministers must have regard (among other things) to the practical availability of any alternative method of dealing with the substance or object. MS-LOT do not agree with your selected option, sending all the dredge arisings to Lunan Bay for disposal, as there are other practicable uses such as nourishment of Montrose Beach and Annat Bank.

Under section 29(1) The Scottish Ministers, having considered an application for a marine licence, must grant the licence unconditionally, grant the licence subject to such conditions as they consider appropriate or refuse the application. In this instance Scottish Ministers are refusing the application in its current form.

If Montrose Port Authority wish to submit an updated application for deposit of dredged material in the Scottish marine area it will need to be in line with the policies in Scotland's National Marine Plan including '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

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www.gov.scot/Topics/marine/Licensing/marine

harbour facilities in support of other sectors should be supported in marine planning and decision making.' In addition 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.

MS-LOT understands Montrose Port Authority will be concerned about the potential impacts of this decision on your ability to maintain safe navigation at Montrose Port and MS-LOT are happy to meet to discuss any future applications. In addition please note that Montrose Port Authority can seek an approval to dredge, without requiring a marine licence under article 26 of The Marine Licensing (Exempted Activities)(Scottish Inshore Region) Order 2011, however such an approval would not allow Montrose Port Authority to place material below Mean High Water Springs unless as part of plough dredging

Please note that under Regulation 7 of the Marine Licensing (Fees)(Scotland) Regulations 2007, the Scottish Ministers may decide that a reduced fee is payable in respect of an application in the circumstances where an application is made which is, in the opinion of the Scottish Ministers, substantially similar to an earlier application and that earlier application has been withdrawn or refused.

Yours sincerely,

[Redacted]

[Redacted]

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