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Mr JG Gardiner
Royal Haskoning DHV
Edmund Street
Liverpool
L3 9NG

Our Ref: MS-00009818, MS-00009819 and EPS/BS-00009909

Date: 22 December 2022

Dear Mr Gardiner

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

Forth Ports Limited (per Royal Haskoning DHV) Construction Works and Dredge and Sea Deposit - Port of Leith Outer Berth

I refer to your applications for marine licences in respect of the above proposals

I am pleased to inform you that the licensing authority has no objections to the issue of the requested marine licences and European Protected Species Licence, and I therefore enclose marine licence numbers MS-00009818 and MS-00009819 as well as European Protected Species licence number EPS/BS-00009909. You are advised to carefully check the licences and schedule documents. If there are any errors please inform the licensing authority immediately.

Please also note that all wild birds their nests and eggs are protected during the breeding under the Wildlife and Countryside Act (1981) and if any birds are found nesting, the Licensee required to contact the licensing authority.

Your construction licence MS-00009818 includes a condition requiring a written report to be submitted to the licensing authority detailing all materials used in the construction works under authority of the licence. This report can be accessed via the following link:

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2020/02/marine-licensing-applications-and-guidance/documents/applications/fep5---construction-return-form/fep5---construction-return-form/govscot%3Adocument/FEP5%2B-%2Bconstruction%2Breturn%2Bform.docx>

Your licence also includes a condition to complete and submit a Marine Noise Registry (MNR) – Close-out Report. The MNR can be accessed via the following web link: <https://mnr.jncc.gov.uk/>.

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
ms.marinelicensing@gov.scot
<http://www.gov.scot/Topics/marine/Licensing/marine>



To prevent pollution and safeguard marine ecology interests it is vital that good working practice is adopted and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. With regard to works on the shoreline the applicant should refer to the appropriate sections in the following guidance:

SEPA's Guidance for Pollution Prevention (GPPs): <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>. In particular, GPP 5 (section 3) covers working with concrete, cement and grout.

CIRIA Guidance: <http://www.ciria.org/>. In particular, C584 - Coastal and Marine Environmental Site Guide.

Disturbance to the shoreline and/or seabed should be minimised and the shore restored to as near its former condition following the works as reasonably possible. All waste materials should be removed and disposed of at a licensed onshore site.

With regards to your licence for dredging and sea deposit activities, MS-0009819, you should note that the licence includes conditions requiring that each vessel undertaking deposit activities should maintain a log of deposit operations, and that a written report, or reports, summarising all deposit operations undertaken under authority of the licence should be submitted to the licensing authority. You are also advised that any appointed dredger and any other floating plant in attendance during these operations must exhibit the required lights/shapes at all times, in accordance with the International Regulations for the Prevention of Collisions at Sea.

With reference to the MCA consultation response to both these applications it should be noted that these works are to take place within the area of jurisdiction of Forth Ports Limited Statutory Harbour Authority and Forth Ports are therefore responsible for the safety of navigation within their waters. The MCA advise that Forth Ports may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

With further reference to the consultation response received from Scottish Water in response to the construction application, if it is anticipated that discharge to the combined sewer system may be required as a result of the Works, Scottish Water should be contacted directly at the earliest opportunity to discuss the connection request. The Licensee should provide strong evidence to support the intended drainage plan prior to making a connection request.

May I finally draw your attention to the licence conditions relating to amendment of the licences or schedule documents. If circumstances arise which necessitate changes or extension to either of your licences please advise the licensing authority as soon as possible. After a licence has expired, it cannot be amended or extended in any way, and a new licence application (accompanied by the relevant fee) is required. Processing the new application may take up to fourteen weeks from the date of receipt of the application fee. It should also be noted that any changes to vessel details as listed on the dredge and deposit licence should be notified to the licensing authority as a 28 day consultation period will be required on these changes. Please note that under normal circumstances dredging licences are not permitted to be extended.

Under the Marine Licensing Appeals (Scotland) Regulations 2011 (S.S.I. 2011/203), you are entitled to appeal if you are dissatisfied with any condition in the licence. An appeal may be lodged in any sheriff court in Scotland and must be lodged no later than 21 days after the date of this letter.

All correspondence or communications relating to this letter or the licence document should be sent to the email or postal address detailed below.

Yours sincerely,

Judith Horrill
Licensing Operations Team
Marine Scotland