

## SCHEDULE

Article 29

### MITIGATION MEASURES

#### **Environmental Advisory Group**

1.—(1) Prior to the commencement of the works, the Board shall establish, implement and organise an Environmental Advisory Group.

(2) The Group will advise and support the Board in the creation and implementation of the CEMD and the OEMD.

(3) The Group shall include the contractor responsible for the works and representatives as appropriate from regulatory and statutory bodies, including—

- (a) Aberdeen City Council;
- (b) Scottish Natural Heritage;
- (c) The Scottish Environment Protection Agency;
- (d) The Royal Society for the Protection of Birds;
- (e) Whale and Dolphin Conservation;
- (f) Historic Environment Scotland;
- (g) Dee District Salmon Fishery Board; and
- (h) any other parties or successor organisations as the Ministers may intimate that they wish to consult before deciding whether to approve a CEMD or an OEMD or an amendment to either of those documents.

#### **Construction and Environmental Management Document**

2. The CEMD shall include—

- (a) construction method statements;
- (b) a schedule of mitigation, including all mitigation measures proposed by the Board in connection with the works together with any associated consents and other mitigation recommended by the following consultees—
  - (i) Aberdeen City Council;
  - (ii) the Scottish Environment Protection Agency; and
  - (iii) Scottish Natural Heritage;
- (c) processes to control and action changes to the construction methodology or schedule of mitigation;
- (d) the following specific management plans—
  - (i) marine mammal protection plan;
  - (ii) vessel management plan;
  - (iii) noise and vibration mitigation plan (including hours of operation);
  - (iv) lighting plan;
  - (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) landscape mitigation and compensation management plan; and
- (xiii) Nigg Bay Site of Special Scientific Interest management plan;
- (e) a written scheme for archaeological investigation and mitigation;
- (f) methods for the investigation of the spatial extent and concentration of the sediment plume around the mouth of the River Dee and, if necessary, appropriate mitigation measures to reduce the potential for impacts on salmon smolts from increased predation;
- (g) methods for the investigation of the potential impacts on the East Tullos Burn wetlands from the culverting of the East Tullos Burn and, if necessary, appropriate mitigation to ensure that there is no adverse impact on the wetlands;
- (h) details of the appointment of an appropriately qualified Environmental Clerk of Works and of their roles and responsibilities;
- (i) methods of monitoring, auditing, reporting and communication of environmental issues on site;
- (j) methods for the investigation of contamination and ground gas on site and an assessment of ground water quality and any necessary remediation; and
- (k) details of the persons within the project team who will have responsibility and authority to suspend work on the project (or any part of it) if a potential breach of legislation or mitigation measures occurs.

### **Operational and Environmental Management Document**

#### **3. The OEMD shall include—**

- (a) a schedule of mitigation relevant to the operational phases of the harbour after the construction of the works recommended by the consultees listed in paragraph 2(b);
- (b) processes to control and action changes from the agreed schedule of mitigation;
- (c) the following specific management plans—
  - (i) habitat protection and enhancement plan;
  - (ii) Nigg Bay Site of Special Scientific Interest management plan;
  - (iii) marine mammal protection plan;
  - (iv) access management plan;
  - (v) noise management plan;
  - (vi) vessel movement plan, incorporating a code of practice to guide the behaviour of vessels in the harbour;
  - (vii) lighting plan; and
  - (viii) travel plan;
- (d) details of the appointment of a suitably qualified Compliance Manager with responsibility for the implementation of the OEMD; and
- (e) methods of monitoring, auditing, reporting and communication of environmental management on site with the Ministers and other relevant parties.

### **Restrictions on construction**

4.—(1) Impact piling and blasting shall not take place outwith the following hours:-

- (a) Monday to Friday 7 am to 7 pm;
- (b) Saturday 9 am to 4 pm,

and those activities shall not take place on Sundays.

(2) Impact piling and blasting shall not take place on any part of the seabed unless that part of the seabed lies to the landward side of a partially or wholly constructed breakwater or other effective acoustic barrier capable of providing underwater noise attenuation from impact piling and/or blasting activities.

(3) The construction of any breakwaters comprised within the works shall not commence between 1st June and 31st August in any year without the prior written consent of Scottish Natural Heritage and the Royal Society for the Protection of Birds.