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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING

Licence Number: 07221/20/0

Reference Number: 07221

Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Clydeport Operations Limited (Peel Ports)**  
**16 Robertson Street**  
**Glasgow**  
**G2 8DS**

To carry out any form of dredging within the Scottish marine area as described in Part 1 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 2 of the said Schedule.

This licence shall be valid from 01 March 2021 until 31 March 2022.

Signed: .....

Anni Mäkelä

For and on behalf of the licensing authority

Date: 05 August 2020

Part 1 - Particulars

1. Name and address of the producer of the dredge materials:

Clydeport Operations Limited (Peel Ports)  
16 Robertson Street  
Glasgow  
G2 8DS

2. Name and address of any other agent acting on behalf of licensee (if appropriate):

EnviroCentre limited  
Craighall Business Park  
8 Eagle Street  
Glasgow  
G4 9XA

3. Place of production of the dredge materials:

Ardrossan Harbour within the area bounded by joining the following points:

55° 38.539' N 004° 49.347' W  
55° 38.437' N 004° 49.280' W  
55° 38.388' N 004° 49.521' W  
55° 38.492' N 004° 49.584' W

As shown in Annex One.

4. Description of the dredge materials:

Capital dredging of 4,276 m<sup>3</sup> of material to facilitate the construction of a new berth at Ardrossan Harbour and 27,000 m<sup>3</sup> of material from the existing Arran Berth for use in construction of the new berth. The licensed activities are as follows:

- Dredging of 3,500 m<sup>3</sup> of predominantly sandy material from around the existing Arran Berth to increase the depth to -4.9m chart datum.
- Dredging of 677 m<sup>3</sup> of predominantly sandy and rocky materials from around the existing Winston pier to increase the depth to -4.9 m chart datum
- Dredging of 99 m<sup>3</sup> of predominantly rocky material from around the existing Irish Berths to increase the depth to -4.9 m chart datum
- Dredging of 27,000 m<sup>3</sup> of predominantly concrete and made ground materials from the existing Arran Berth

As described in application dated 18 December 2019, and correspondence submitted in support of the application.

5. Quantity of materials to be dredged within the period of validity of the licence:

31,276 m<sup>3</sup> of capital dredge materials may be dredged between 01 March 2021 and 31 March 2022.

Part 2 - Conditions

1. The licensee must notify the licensing authority of the date of commencement and the date of completion of all licensed activities relating to the licence. Separate notifications are required at the times of commencement and completion.
2. The licensee must ensure that all dredge material is disposed of above the tidal level of Mean High Water Springs (MHWS). No deposit of dredged materials within the Scottish marine area is permitted.
3. "Force majeure" may apply when, due to stress of weather or any other cause, it is necessary to deposit the dredge materials at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If dredge materials are deposited in an unauthorised area, full details of the circumstances must be immediately notified to the licensing authority (see also notes appended to the Schedule).
4. Only those materials described in Part 1 of the Schedule shall be dredged under authority of the licence.
  - a) Any unauthorised materials associated with the dredge materials, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, must be deposited on land at an approved location above the tidal level of MHWS.
5. The licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all material dredged 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.
6. The licensee must provide the Master(s) of the vessel(s) employed to undertake the dredging operations with a copy of the licence. The licensee must also ensure that copies of the licence and all other relevant documents are available for inspection by any authorised Enforcement Officer at:
  - a) the premises of the licensee;
  - b) the premises of the producer of the dredge materials, and the premises of any contractor responsible for the storage, transport or deposit of the dredge materials; and
  - c) on board the vessel(s) employed to undertake the dredging operations.
7. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 484444) of both progress and on completion of the licensed activities supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.
8. The licensee must issue a Notice to Mariners in advance of the proposed start date, clearly stating the nature and duration of these operations.
9. The licensee must ensure that no dredging takes place within 2 km of designated bathing waters during the Bathing Water Season (1 June to 15 September inclusive) without prior approval of the licensing authority.

10. The licensee must ensure that HM Coastguard, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre is made aware of the licensed activities prior to commencement.
11. If it is desired to display any marks or lights not required by this licence then details must be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
12. The licensee must ensure that the licensed activities are maintained at all times in good repair.
13. The licensee must ensure that no deviation from the schedule specified in the licence must be made without the further written consent of the licensing authority.
14. If in the opinion of the licensing authority the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:
  - a) The failure to mark and light the licensed activities as required by licence.
  - b) The maintenance of the licensed activities.
  - c) The drifting or wreck of the licensed activities.

The owner of the licensed activities shall be liable for any expenses incurred in securing such assistance.

15. In the event of the licensed operations being discontinued the site must be cleared to the satisfaction of the licensing authority.
16. Any person authorised by the licensing authority must be permitted to inspect the licensed activities at any reasonable time.
17. In the event of the licensee becoming aware that any of the information on which the issue of the licence was based has changed, the licensing authority must be immediately notified of the details.

## NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.
3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.
4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes 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 incident to the licensing authority. (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).
5. All correspondence or communications relating to the licence should be addressed to:

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

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