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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING WITHIN THE SCOTTISH MARINE AREA AND TO DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE SCOTTISH MARINE AREA

Licence Number: 07251/20/0

Reference Number: 07251

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

**Fife Council
Bankhead Central
Glenrothes
KY7 6GH**

to carry out any form of dredging within the Scottish marine area and to deposit in the sea the substances or objects particulars of which are 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 24 June 2020 until 23 June 2021.

Signed:

Rebecca Bamlett

For and on behalf of the licensing authority

Date: 24 June 2020

Part 1 - Particulars

1. Name and address of the producer of the substances or objects:

As per licensee

2. Name(s) and address(es) of contractor(s), if different from Section 1 of Part 1 of the Schedule:

As per Annex One

3. Place of production of the substances or objects:

Crail Harbour within the area bounded by joining the points:

56° 15.455' N	002° 37.662' W
56° 15.441' N	002° 37.651' W
56° 15.428' N	002° 37.685' W
56° 15.429' N	002° 37.710' W
56° 15.455' N	002° 37.702' W

As shown in Annex Two.

4. Description and composition of the substances or objects:

Capital dredge substances or objects as described in application dated 27 January 2020 and correspondence submitted in support of the application.

5. Location(s) at which the deposit is to be made:

Crail Harbour at a point located by the following coordinates:

56° 15.460' N 002° 37.622' W

As shown in Annex Two.

6. Quantity of substances or objects for removal and deposit within the period of validity of the licence:

2,850 wet tonnes of capital dredge substances or objects may be removed and deposited between 24 June 2020 and 23 June 2021.

Part 2 - Conditions

1. The licensee must deposit the substances or objects described in Part 1 of the Schedule over Crail harbour wall as defined by Part 1.5 of the licence.
2. "Force majeure" may apply when, due to stress of weather or any other cause, it is necessary to deposit the substances or objects at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If substances or objects 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).
3. Only those substances or objects described in Part 1 of the Schedule shall be removed or deposited under authority of the licence.
 - a) Any unauthorised materials associated with the 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.
4. The licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all 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.
5. The licensee must provide the contractors employed to undertake the licensed activity 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; and
 - b) the premises of the producer of the substances or objects for deposit, and the premises of any contractor responsible for the storage, transport or deposit of the substances or objects.
6. The licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the licensed activities.
7. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of both progress and on completion of the licensed activity 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 ensure that no deviation from the schedule specified in the licence is made without the further written approval of the licensing authority.
9. Any person authorised by the licensing authority must be permitted to inspect the licensed activities at any reasonable time.

10. 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.
11. The licensee must notify the licensing authority in writing of the name and address of any contractor not already listed in Annex One of this licence being used to carry out any licensed activity listed in Part 1 of this licence. Such notification must be received by the licensing authority no less than 24 hours before the commencement of the licensed activity.
12. The licensee must ensure that no dredging takes place within 2km of the designated Crail Roome Bay bathing waters during the Bathing Water Season (01 June to 15 September) without prior approval of the licensing authority.
13. The licensee must ensure that, if they wish to dredge during the Bathing Water Season, any request for approval includes, but is not limited to;
 - a) An explanation of why the proposed dredging must take place during the Bathing Water Season;
 - b) A plan detailing how Marine Scotland Licensing Operations Team and Scottish Environment Protection Agency will be notified of the start and completion of the dredging activity; and
 - c) A method statement indicating the location, type and amount of material to be dredged, dredging technique to be used and any mitigation measures.
14. The licensee must make a communications plan available in the vicinity of the licensed activities, with contact information including email address and phone number, so that the public can contact the licensee for information.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activities. 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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