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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE SCIENTIFIC SURVEY

Licence Number: 06840/19/0

Reference Number: 06840

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

**University of Aberdeen
Lighthouse Field Station
George Street,
Cromarty,
Ross-shire
IV11 8YL**

to deposit in the sea the substances or objects (except for dredge spoil) used in the execution of works 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 26 February 2019 until 25 February 2022.

Redacted

Signed: _____

For and on behalf of the licensing authority

Date: 26 February 2019



Part 1 - Particulars

1. Name and address of agent acting on behalf of licensee (if appropriate):

Moray First Marine Ltd.
Wester Oldtown
Roseisle
Elgin
Moray
IV30 5YD

2. Names, and operators, of the vessels to be employed to undertake or support the deposit, relocation or removal operations not involving decommissioning:

As per Annex One.

3. Location of works:

Cromarty Firth and Moray Firth at points located by the following coordinates:

57° 41.421' N	003° 58.951' W
57° 35.118' N	004° 05.875' W
57° 44.073' N	003° 19.776' W
57° 41.357' N	003° 05.547' W
57° 42.528' N	003° 30.163' W
57° 43.485' N	003° 25.188' W
57° 43.082' N	003° 14.977' W
57° 42.069' N	003° 10.026' W
57° 40.866' N	003° 59.667' W
57° 40.925' N	004° 00.391' W
57° 40.964' N	004° 00.830' W
57° 41.430' N	004° 00.146' W
57° 41.940' N	003° 05.280' W
57° 43.020' N	003° 09.180' W
57° 43.560' N	003° 14.460' W
57° 45.120' N	003° 20.100' W
57° 44.040' N	003° 25.200' W
57° 43.620' N	003° 30.180' W
57° 41.403' N	004° 00.356' W

As shown in Annex Two.

4. Description of works:

Scientific Instrument Deployment - Cromarty Firth & Moray Firth

As described in application dated 21 September 2018, and correspondence submitted in support of the application.

5. Nature and indicative quantity of all deposits below Mean High Water Springs:

Temporary Deposits

Up to 19 no. passive acoustic dataloggers/recorders on sub-surface or surface marked moorings

Part 2 - Conditions

1. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the execution of the works and that all substances or objects deposited during the execution of the works are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.
2. The licensee must remove all temporary deposits listed in Part 1 of the licence before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 25 February 2022.**
3. The licensee must ensure that any debris or waste materials arising during the course of the works are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.
4. The licensee must submit a written report regarding the materials used during construction to the licensing authority. The written report must be submitted on completion of the works and on the forms provided by the licensing authority no later than 31 October 2022.
5. The licensee must notify Source Data Receipt, The Hydrographic Office ("UKHO") , Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of both progress and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made. Where deployments last more than six months, the UKHO should be informed to aid in the update of charts and nautical publications.
6. The licensee must issue a Notice to Mariners in advance of the proposed start date, clearly stating that sub-surface data gathering equipment will be deployed at specific coordinates, including timescales for deployment and subsequent removal.
7. 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 activity.
8. The licensee must ensure that HM Coastguard, in this case nmoccocontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
9. 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.
10. The licensee must ensure that the works are maintained at all times in good repair.
11. The licensee must gain the approval/agreement of the responsible local navigation authority or the local Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.
12. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.

13. The licensee must ensure that no deviation from the schedule specified in the consent is made without the further written consent of the licensing authority.
14. The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plan and equipment into the marine environment.
15. The licensee must ensure that vessels access the survey area directly and maintain constant speed and direction. If dolphins are seen ahead then the vessel must slow down gradually to a no wake speed.
16. The licensee must ensure that turning engines on and off is avoided unless the vessel is going to be *in situ* for a period of one hour or more in which case the engines should be shut off. For periods of time less than one hour the engine should be left to idle.
17. 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 works as required by licence.
 - b) The maintenance of the works.
 - c) The drifting or wreck of the works.

The licensee shall be liable for any expenses incurred in securing such assistance.
18. In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.
19. Any person authorised by the licensing authority, shall be permitted to inspect the works at any reasonable time.
20. The licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:
 - a) the premises of the licensee; and
 - b) the premises of any agent acting on behalf of the licensee.
21. 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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