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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR DEPOSIT OF A MARINE PONTOON

Licence Number: 06804/19/0

Reference Number: 06804

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

**RSPB
The Lodge
Potton Road
Sandy
Beds
SG19 2DL**

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 11 January 2019 until 10 January 2025.

Signed: _____ Redacted _____

For and on behalf of the licensing authority

Date: 11 January 2019



Part 1 - Particulars

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

As per licensee.

2. Location of works:

Port Edgar Marina within the area bounded by joining the points from April to October:

55° 59.715' N 003° 24.866' W
55° 59.720' N 003° 24.865' W
55° 59.720' N 003° 24.857' W
55° 59.715' N 003° 24.857' W

Port Edgar Marina within the area bounded by joining the points from November to March:

55° 59.611' N 003° 24.832' W
55° 59.611' N 003° 24.840' W
55° 59.615' N 003° 24.838' W
55° 59.615' N 003° 24.831' W

As shown in Annex One.

3. Description of works:

Installation and deposit of pontoon - Port Edgar Marina

As described in application dated 12 September 2018, and correspondence submitted in support of the application.

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

Permanent Deposits

1 No. pontoon (8m x 8m)
4 No. galvanised open link riser chains (12m)
4 No. 40mm stud link ground chains (6m)
4 No. mooring anchors (100kg)

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 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.
3. The licensee must submit a written report regarding the correct placement of the deposits to the Licensing Authority. The written report shall be submitted on the forms provided by the Licensing Authority no later than 31 July 2020.
4. 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 works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.
5. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
6. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the consent.
7. The licensee must consult with the responsible local navigation authority and the Harbour Authority/Commissioners where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction.
8. The licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the works.
9. The licensee must ensure the foreshore and seabed are returned to the original profile, or as close as reasonably practicable, following the completion of the works.
10. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
11. The licensee must ensure that the works are marked and/or lighted as required by the Northern Lighthouse Board and the marking to be continued unless and until the licensing authority rescind this direction.
12. The licensee must ensure that:
 - a) The pontoon is marked with a yellow pole fitted with yellow 'X' topmark.
 - b) The pole must be positioned at the Northeasterly seaward extent of the pontoon.

- c) The pole must be at least 2 metres above the deck of the pontoon.
 - d) The pole must be ≥ 75 mm diameter, the 'X' topmark must be ≥ 75 cm length by 15cm width
13. The licensee must ensure that the works are maintained at all times in good repair.
14. The licensee must ensure that the works are carried out in accordance with the Biosecurity Plan for the Port Edgar Tern Raft, dated September 2018 and submitted to the licensing authority on 09 January 2019.
15. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.
16. The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the works without the prior written approval of the licensing authority.
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. The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee shall be liable for any expense incurred.
20. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.
21. 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;
 - b) the premises of any agent acting on behalf of the licensee; and
 - c) the site of the works.
22. 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

Tel: +44 (0)300 244 5046
Email: ms.marinelicensing@gov.scot

