

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00009315**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

**Glasgow City Council
Exchange House,
231 George Street
Glasgow
G1 1RX**

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **30 June, 2021** until **30 September, 2021**

Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 30 June, 2021

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Glasgow City Council
- d) "**Mean high water springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Fairhurst
225 Bath Street
Glasgow
G2 4GZ

2.2 Location of the Licensed Activity

River Clyde, near Glasgow Green, Glasgow, within the area bounded by the joining points

55° 51.161' N 04° 14.730' W
55° 51.149' N 04° 14.698' W
55° 51.124' N 04° 14.728' W
55° 51.136' N 04° 14.760' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Refurbishment and repair of a tidal weir in the River Clyde, Glasgow.

As described in the application dated 07 May, 2021 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be used during the Licensed Activity

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Materials used in construction of permanent works:

Steel/iron - 2810 kg
Concrete - 65 kg

Materials used in construction of temporary works:

Steel/iron - 37 tonnes
Concrete - 40 tonnes
Gabion baskets - 25 no
Cobbles - 2,800 tonnes

Less any materials used under authority of licence numbers MS-00008751 and MS-00009136.

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must at all times construct and maintain the Licensed Activity in accordance with the licence, the application and the plans and programmes approved by the Licensing Authority.

3.1.2 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.3 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 the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.4 Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.

3.1.5 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 licensed activity.

3.1.6 All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the licensed activity must abide by the conditions of this licence.

3.1.7 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the works as required by this licence;
- b) the maintenance of the works; or
- c) the drifting or wreck of the works,

to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.8 Should the Licensee proceed to undertake the Licensed Activity under the authority of this licence, the Licensed Activity authorised under the previous marine licence in favour of Glasgow City Council, dated 26 February 2021 licence number MS-00009136 is not permitted.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 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.

3.2.2 The licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all licensable marine activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to commencement of the licensed activity. If any aspects of the licensable marine activities differ from the Proposed Activity Form in the online Marine Noise Registry, the licensee must complete and submit a new Proposed Activity Form no later than 7 days prior to commencement of the licensed activity.

3.2.3 If it is desired to display any marks or lights not required by the licence then details must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.2.4 The Licensee must, prior to and no less than seven calendar days before the Commencement of the licensed activity, notify the Licensing Authority, in writing, of the date of Commencement of the licensed activity authorised under this Licence.

3.2.5 The Licensee must inform Clydeport of the planned works and provide them with any information they require in order to update their oil spill contingency plan.

3.3 During the Licensed Activity

3.3.1 The Licensee must ensure that the Licensed Activity is maintained at all times in good repair.

3.3.2 The licensee must ensure that only the materials listed in Part 2 of the licence are used during the execution of the the licensed activity and that all materials used 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.

3.3.3 The licensee must ensure that any debris or waste materials arising during the course of the licensed activity are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.4 The Licensee must ensure that working hours within a day, must not exceed more than 12 hours during the licensed activity.

3.3.5 The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the licensed activity.

3.3.6 The licensee must ensure appropriate steps are taken to minimise damage to the foreshore and river bank by the licensed activity.

3.3.7 The licensee must ensure the foreshore and river bank is returned to the original profile, or as close as reasonably practicable, following the completion of the licensed activity.

3.3.8 If any distressed, injured or dead diadromous fish are observed during the works, the licensee must inform the licensing authority within 24 hours.

3.3.9 All efforts must be made to ensure that the piling works are done not within 01 August until 01 November inclusive.

3.4 Upon Completion of the Licensed Activity

3.4.1 The licensee shall ensure that at the expiry of the licence, the works must be altered by taking all temporary structures to a place above Mean High Water Springs.

3.4.2 In the event of the licensed activity being discontinued the licensed activity shall be removed and the site cleared to the satisfaction of the licensing authority.

3.4.3 The Licensee must, no later than 14 days following the Completion of the licensed activity notify the Licensing Authority, in writing, of the date of the Completion of the licensed activity.

3.4.4 The licensee must remove the the licensed activity 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 approval by the licensing authority. The licensee shall be liable for any expense incurred.

3.4.5 The licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later than 12 weeks from the completion of the licensed activity.

3.4.6 The licensee must submit a written report regarding the materials used during the works 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.

3.4.7 Should the licensed activity be discontinued prior to expiry date of this marine licence, the Licensee must inform the Licensing Authority in writing of the discontinuation of the licensed activity.

NOTES

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