Scottish Government
Riaghaltas na h-Alba

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00011054**

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

Forth Ports Limited
Forth and Tay Navigation Service,
South Shore Road
Grangemouth Docks
Grangemouth
FK3 8TQ

to deposit any substance or object 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 **12 March, 2025** until **10 September, 2027**

[Redacted]

Signed: ……..
Gerry Millar

For and on behalf of the Licensing Authority

Date of issue: 11 March, 2025

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 Forth Ports Limited
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 Directorate - Licensing Operations Team
Scottish Government
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

As per Licensee

2.2 Location of the Licensed Activity

OXCARS MAIN authorised sea deposit site FO041 within the area bounded by joining the following points:

56° 1.2' N 3° 16.2' W
56° 1.35' N 3° 13.97' W
56° 0.83' N 3° 14.1' W
56° 0.9' N 3° 16.2' W

OXCARS EXT A authorised sea deposit site FO042 within the area bounded by joining the following points:

56° 1.2' N 3° 17' W
56° 1.2' N 3° 16.2' W
56° 0.9' N 3° 16.2' W
56° 0.9' N 3° 17' W

OXCARS EXT B authorised sea deposit site FO043 within the area bounded by joining the following points:

56° 01.196' N 3° 17.287' W
56° 01.196' N 3° 17.083' W
56° 00.896' N 3° 17.083' W
56° 00.896' N 3° 17.785' W

2.3 Description of the Licensed Activity

Deposit of Dredged Material

As described in the application dated 18 December, 2024 and correspondence submitted in support of the application.

2.4 Descriptions of the substances or objects to be deposited

The licence authorises the deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

14,000 wet tonnes of material may be deposited between 11/09/2024 and 10/09/2025
14,000 wet tonnes of material may be deposited between 11/09/2025 and 10/09/2026
14,000 wet tonnes of material may be deposited between 11/09/2026 and 10/09/2027

Minus any materials deposited under the previous licence MS-00010652

2.5 Contractor and Vessel Details

As shown in Annex Two

2.6 Location of production of the substances or objects to be deposited under the authority of the licence

Port of Granton

55° 59.285' N 03° 13.246' W
55° 59.267' N 03° 13.254' W
55° 59.173' N 03° 13.194' W
55°5 9.100' N 03° 13.313' W
55° 58.980' N 03° 13.355' W
55° 58.980' N 03° 13.380' W
55° 59.071' N 03° 13.346' W
55° 59.080' N 03° 13.404' W
55° 59.092' N 03° 13.482' W
55° 59.137' N 03° 13.471' W
55° 59.201' N 03° 13.501' W
55° 59.187' N 03° 13.611' W
55° 59.237' N 03° 13.625' W
55° 59.266' N 03° 13.353' W
55° 59.277' N 03° 13.358' W
55° 59.285' N 03° 13.246' W

As shown in Annex One.

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only deposit the Substances or objects listed in Part 2 of the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority. Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence. 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, shall be disposed of on land at an approved location above the tidal level of Mean High Water Springs. All tank/hopper washings shall be deposited in the authorised sea deposit area(s).

3.1.2 Only the Substances or objects listed in Part 2 of the licence may be deposited during the execution of the Licensed Activity.

3.1.3 All materials, substances and objects used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.4 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.

3.1.5 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk) 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.

3.1.6 The Licensee must deposit the substances or objects described in Part 2 of the marine licence in the following authorised sea deposit area(s): Oxcars Main (FO 041), Oxcars Ext A (FO 042) and Oxcars Ext B (FO043): Up to a maximum quantity of 42,000 wet tonnes may be deposited during the period of validity of the licence, within the area bounded by joining the points:

Oxcars Main:

56° 1.2' N 3° 16.2' W

56° 1.35' N 3° 13.97' W

56° 0.83' N 3° 14.1' W

56° 0.9' N 3° 16.2' W

Oxcars Ext A:

56° 1.2’ N 3° 17’ W

56° 1.2’ N 3° 16.2’ W

56° 0.9’ N 3° 16.2’ W

56° 0.9’ N 3° 17’ W

Oxcars Ext B:

56° 1.2’ N 3° 17.2’ W

56° 1.2’ N 3° 17’ W

56° 0.9’ N 3° 17’ W

56° 0.9’ N 3° 17.7’ W

3.1.7 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.8 Should the Licensee proceed to undertake the Licensed Activity under the authority of the licence, the Licensed Activity authorised under the previous marine licence in favour of Forth Ports Limited, dated 10 September 2024 (licence number MS-00010652) is not permitted.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must notify the Licensing Authority in writing of the name and address of any agent, contractor or sub-contractor not already listed in Part 2 of the licence being used to carry out any Licensed Activity listed in Part 2 of the licence. Such notification must be received by the Licensing Authority no less than 24 hours before the commencement of the Licensed Activity

3.2.2 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 Activity.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee shall ensure that a log of activities is maintained on each vessel employed to undertake the Licensed Activity. The log(s) shall be kept onboard the vessel(s) throughout the Licensed Activity, and be available for inspection by any authorised Marine Enforcement Officer. The log(s) shall be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the Licensing Authority. The log(s) shall record in English the following information:

a) the name of the vessel;
b) the nature and quantity of each substance or object loaded for deposit;
c) the date and time of departure from port, and the date and time of arrival at the authorised sea deposit area(s), on each occasion that the vessel proceeds to the designated sea deposit area(s);
d) the date, time and position of commencement, and the date, time and position of completion, of each deposit operation;
e) the course(s) and speed(s) throughout each deposit operation (multiple changes may be recorded as "various");
f) the weather, including wind strength and direction, sea-state and tidal set throughout each deposit operation;
g) the rate of discharge during each deposit operation, if appropriate, and the duration of each deposit operation (if the rate of discharge is not constant, the maximum and mean rates of discharge should be indicated);
h) comments on the deposit operations, including any explanations for delays in the deposit operations; and
i) the signature of the Master at the foot of each page of the record.

3.3.3 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.4 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;

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.3.7 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.4 Upon Completion of the Licensed Activity

3.4.1 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.

3.4.2 If a new licence is required, the Licensee' must make an application at least fourteen weeks before the expiry date of the licence. This licence shall not continue in force after the expiry date of 10 September 2027.

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.