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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE CONSTRUCTION WORKS

Licence Number: 05568/15/0

Reference Number: 05568

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

**Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF**

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 22 October 2015 until 21 October 2020.

[Redacted]

Signed: _____
Malcolm Rose

For and on behalf of the licensing authority

Date: 22 October 2015

Part 1 - Particulars

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

As per licensee

2. Location of works:

Forth Road Bridge, on a line located by joining the points

55° 59.35' N 003° 24.21' W

56° 00.72' N 003° 24.21' W

3. Description of works:

Construction and Maintenance works at Forth Road Bridge

As described in application dated 21 May 2015, and correspondence submitted in support of the application.

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

All deposits on bridge over MHWS

Part 2 - Conditions

1. The licensee shall notify the licensing authority of the date of commencement and the date of completion of all operations relating to the licence. Separate notifications are required at the times of commencement and completion.
2. The licensee shall 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 shall, within 28 days of completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a written report to the licensing authority stating the nature and quantity of all substances and objects deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns shall be provided.
4. The licensee shall notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 337900) 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 shall issue a Notice to Mariners in advance of the proposed start date, clearly stating the nature and duration of these operations.
6. The licensee shall 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 shall notify in writing, the Licensing Authority no later than 1 month prior to any works not already agreed in the method statement or Construction Noise Management Plan.
8. The licensee shall ensure that the relevant Noise registry "Close Out" form is completed upon completion of the works. The form can be obtained via the following web link: <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/noise-registry>. Once completed please rename the file with your application reference number, or the first 5 digits of your licence number (e.g. 05168) and the date (e.g. "05168_220814") and return the form to the email addresses below, including your name and application number in the body of the email:

MS Licensing: MS.MarineLicensing@scotland.gsi.gov.uk
JNCC: noise.monitoring@jncc.gov.uk
9. The licensee shall 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.
10. The licensee shall ensure appropriate steps are taken to minimise damage to the shoreline by the works.

11. The licensee shall ensure the shoreline is returned to the original profile, or as close as reasonably practicable, following the completion of the works.
12. The licensee shall ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
13. The licensee shall 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.
14. If it is desired to display any marks or lights not required by this licence then details shall be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
15. Any jack up barges and vessels utilised during the works when jacked up, shall exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
16. The licensee shall ensure that the works are maintained at all times in good repair.
17. The licensee shall ensure a 'soft-start' approach is adopted for all noisy activities resulting in an increase of ≥ 3 db in the ambient noise level at Long Craig Island.
18. The licensee shall ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.
19. The licensee shall 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.
20. 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.

21. In the event of the licensed operations being discontinued the works shall be removed and the site cleared to the satisfaction of the licensing authority.
22. The licensee shall 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.
23. Any person authorised by the licensing authority shall be permitted to inspect the works at any reasonable time.

24. The licensee shall 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.
25. 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 shall be immediately notified of the details.
26. The licensee shall at no time reduce the published height of the bridge or obstruct without first gaining permission from Forth Ports.
27. The licensee shall ensure that no debris and sparks will fall from the bridge while crafts/vessels are passing under the bridge.
28. The licensee shall ensure that the works do not interfere or obstruct the navigation lights on the bridge.
29. The licensee shall ensure noise does not exceed a maximum of 75db for works taking place within 400m of Long Craig Island between 1 May to 15 August (inclusive).
30. The licensee shall, no later than 1 month prior to commencement of the works, submit a Construction Noise Management Plan (CNMP) for the written approval of the Licensing Authority in consultation with SNH and any other consultee at the discretion of the Licensing Authority. This should include, but not be limited to:
 - a) specific monitoring and measures required to be undertaken by the Licensee within 400m of Long Craig Island between 1 May to 15 August (inclusive);
 - b) bi-monthly submission of noise reports during 1 May to 15 August (inclusive) the Licensee shall notify the Licensing Authority of noise levels generated during the Works within 400m of Long Craig Island. The noise reports shall include daily records, work start/stop records, delays and a summary of noise monitoring undertaken;
 - c) written obligation to cease works where noise levels exceeds the maximum limit of 75db within 400m of Long Craig Island between 1 May to 15 August (inclusive). Works shall not continue until effective mitigation is put in place, and noise monitoring equipment is working.

The Licensee shall implement the approved Construction Noise Management Plan in full, unless otherwise agreed in writing by the Licensing Authority.

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 shall 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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Fax: (01224) 295524