

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING AND SEA DISPOSAL OF DREDGED SPOIL

Licence Number: 06271/20/0

Reference Number: 06271

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

BAE Systems Surface Ships Ltd
South Street
Scotstoun
Glasgow
G14 0XN

to deposit in the sea the substances or objects particulars of which are 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 12 June 2020 until 24 December 2020.

Signed:

Rebecca Bamlett

For and on behalf of the licensing authority

Date: 12 June 2020

Part 1 - Particulars

1. Name and address of the producer of the substances or objects:

The Producer of the substance or articles for deposit is also the Licence Holder.

2. Name and address of any other agent acting on behalf of licensee (if appropriate):

Arch Henderson LLP
142 St Vincent Street
Glasgow
G2 5LA

3. Name(s) and address(es) of sea disposal contractor(s), if different from Sections 1 of Part 1 of the Schedule:

Mr Neville Harrison
Shearwater Vessel Holdings
28/5 Sciennes Road
Edinburgh
EH9 1NX

Wyre Marine Services
Toll Ferry Terminal
Fleetwood
FY7 6BT

4. Name(s) of vessel(s) to be employed to undertake the disposal operations:

MV Shearwater Admiral Day

The vessels referred to above shall be so constructed and equipped as to be capable of the proper performance of the disposal operations in compliance with the conditions set out in the Schedule.

5. Place of production of the substances or objects:

Deep Water Berth Pit A, Scotstoun Shipyard within the area bounded by joining the points:

55° 52.901' N 004° 22.133' W
55° 52.900' N 004° 22.130' W
55° 52.881' N 004° 22.158' W
55° 52.882' N 004° 22.160' W.

Deep Water Berth Pit B, Scotstoun Shipyard within the area bounded by joining the points:

55° 52.888' N 004° 22.101' W
55° 52.877' N 004° 22.077' W
55° 52.855' N 004° 22.109' W
55° 52.867' N 004° 22.133' W.

Entrance To Dry Dock 2, Scotstoun Shipyard within the area bounded by joining the points:

55° 52.978' N 004° 22.298' W
55° 52.974' N 004° 22.278' W
55° 52.971' N 004° 22.259' W
55° 52.958' N 004° 22.266' W
55° 52.958' N 004° 22.288' W
55° 52.961' N 004° 22.284' W
55° 52.944' N 004° 22.251' W.
55° 52.940' N 004° 22.236' W
55° 52.933' N 004° 22.260' W
55° 52.929' N 004° 22.268' W
55° 52.938' N 004° 22.298' W
55° 52.942' N 004° 22.297' W
55° 52.953' N 004° 22.319' W
55° 52.957' N 004° 22.311' W
55° 52.981' N 004° 22.316' W.

6. Description of the substances or objects:

CAPITAL DREDGE MATERIALS

As described in application dated 24 January 2017, and correspondence submitted in support of the application.

7. Quantity of materials for sea disposal within the period of validity of the licence:

40,000 wet tonnes of maintenance dredge materials may be deposited between 18 July 2019 and 24 December 2020.

Less any materials already deposited under authority of Licence Numbers 06271/17/0, 06271/17/1 and 06271/17/2.

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 deposit the substances or objects described in Part 1 of the Schedule in the following disposal area(s):
 - 2.1 Deposit Area Name and/or Code: CLOCH POINT, MA021
Up to a maximum quantity of 120,000 wet tonnes may be deposited during the period of validity of this licence, within the area bounded by joining the points:
within a circle centred at 55° 58'.15 N, 004° 52'.65 W with a radius of 0.2 nautical miles.
3. "Force majeure" may apply when, due to stress of weather or any other cause, it is necessary to deposit the substances or objects at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If substances or objects are deposited in an unauthorised area, full details of the circumstances shall be immediately notified to the licensing authority. (See also notes appended to the Schedule).
4. Only those substances or objects described in Part 1 of the Schedule shall be deposited under authority of the licence.
 - a) Any unauthorised materials associated with the substances or objects scheduled for disposal, 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.
 - b) All tank/hopper washings shall be deposited in the authorised disposal area(s).
5. The method of disposal shall be:

BOTTOM DUMPING
6. The licensee shall ensure that a log of operations is maintained on each vessel employed to undertake the disposal operations. The log(s) shall be kept onboard the vessel(s) throughout the disposal operations, and be available for inspection by any authorised 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 disposal;
 - c) the date and time of departure from port, and the date and time of arrival at the disposal area(s), on each occasion that the vessel proceeds to the disposal area(s);
 - d) the date, time and position of commencement, and the date, time and position of

- completion, of each disposal operation;
- e) the course(s) and speed(s) throughout each disposal operation. (Multiple changes may be recorded as "various");
 - f) the weather, including wind strength and direction, sea-state and tidal set throughout each disposal operation;
 - g) the rate of discharge during each disposal operation, if appropriate, and the duration of each disposal operation. (If the rate of discharge is not constant, the maximum and mean rates of discharge should be indicated);
 - h) comments on the disposal operations, including any explanations for delays in the disposal operations;
 - i) the signature of the Master at the foot of each page of the record.
7. The licensee shall submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects disposed of under authority of the licence. The written reports shall be submitted to the licensing authority annually and on the forms provided by the licensing authority.
8. The licensee shall provide the Master(s) of the vessel(s) employed to undertake the disposal operations with a copy of the licence. The licensee shall also ensure that copies of the licence and all other relevant documents are available for inspection by any authorised Enforcement Officer at:
- a) the premises of the licensee;
 - b) the premises of the producer of the substances or objects for disposal, and the premises of any contractor responsible for the storage, transport or disposal of the substances or objects; and
 - c) on board the vessel(s) employed to undertake the disposal operations.
9. 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.
10. The licensee shall issue a Notice to Mariners in advance of the proposed start date, clearly stating the nature and duration of these operations.
11. The appointed dredger and any other floating plant in attendance during these operations shall exhibit the required lights/shapes at all times, in accordance with the International Regulations for the Prevention of Collisions at Sea.
12. 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.
13. The licensee shall ensure that the works are maintained at all times in good repair.

14. 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.
15. 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 owner of the works shall be liable for any expenses incurred in securing such assistance.

16. 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.
17. Any person authorised by the licensing authority shall be permitted to inspect the works at any reasonable time.
18. 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.

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

Tel: (01224) 295579