

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING AND BEACH RECHARGE OF DREDGED SPOIL

Licence Number: 06288/20/0

Reference Number: 06288

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

Dysart Sailing Club
Hot Pot Wynd
Dysart
Kirkcaldy
Fife
KY1 2TQ

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 09 July 2020 until 13 July 2021.

Signed:

Rebecca Bamlett

For and on behalf of the licensing authority

Date: 09 July 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):

Bidwells
5 Atholl Place
Perth
PH1 5NE

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

James Penman Plant Hire Ltd
Unit 4-5 Merchant Place
Kirkcaldy
KY1 3NJ

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

Land Based Plant

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

5. Place of production of the substances or objects:

Dysart Harbour, Kirkcaldy, Fife within the area bounded by joining the points

56° 07.342' N 003° 07.456' W
56° 07.346' N 003° 07.451' W
56° 07.287' N 003° 07.445' W
56° 07.295' N 003° 07.461' W
56° 07.308' N 003° 07.452' W
56° 07.291' N 003° 07.461' W
56° 07.285' N 003° 07.447' W

6. Description of the substances or objects:

MAINTENANCE DREDGINGS

As described in application dated 08 February 2017, and correspondence submitted in support of the application.

7. Quantity for deposit within the period of validity of the licence:

1,200 wet tonnes of maintenance dredgings may be deposited between 14 July 2019 and 13 July 2021.

Less any material already removed under authority of licence numbers 06288/17/0 and 06288/18/0.

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 deposit area(s):

- 2.1 Deposit Area Name and/or Code:

Up to a maximum quantity of 3,600 may be deposited during the period of validity of this licence, at site DM006 Dysart Harbour within the area bounded by joining the points:

56° 07.298' N	003° 07.471' W
56° 07.283' N	003° 07.510' W
56° 07.297' N	003° 07.525' W
56° 07.312' N	003° 07.485' W

"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).

3. 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 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.
 - b) All tank/hopper washings shall be deposited in the authorised deposit area(s).
4. The site is within port limits and the licensee must gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works.
5. The method of deposit shall be:

BENEFICIAL PLACEMENT
6. The licensee shall 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 shall be submitted to the licensing authority annually and on the forms

provided by the licensing authority.

7. The licensee shall provide the contractor employed to undertake the deposit 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 deposit, and the premises of any contractor responsible for the storage, transport or deposit of the substances or objects; and
 - c) the site of the works.
8. 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.
9. The licensee shall issue a Notice to Mariners in advance of the proposed start date, clearly stating the nature and duration of these operations.
10. The licensee must ensure that no dredged material is deposited above Mean High Water Springs (MHWS). Should excess dredged material build up above MHWS, deposit operations must cease until the excess is washed away.
11. The licensee shall ensure that the works are maintained at all times in good repair.
12. 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.
13. 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.
14. 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.

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

16. 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: +44 (0)300 244 5046