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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF BEACH RE-PROFILING

Licence Number: 06645/19/1 Reference Number: 06645

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

**Royal National Lifeboat Institution**
**Unit 3**
**Ruthvenfield Grove**
**Perth**
**Perthshire**
**PH1 3GL**

to relocate 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 30 April 2019 until 19 February 2025.

Signed: Redacted .....

For and on behalf of the licensing authority

Date: 30 April 2019



INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

SCHEDULE TO LICENCE NUMBER: 06645/19/1 DATED: 30 April 2019

Part 1 - Particulars

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

   As per licensee

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

   As per licensee

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

   As per licensee

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

   Land based machinery

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

5. Place of production of the substances or objects:

   Stranraer Lifeboat Station within the area bounded by the following co-ordinates:

   | | |
   |---|---|
   | 54° 54.493' N | 5° 02.097' W |
   | 54° 54.507' N | 5° 02.065' W |
   | 54° 54.517' N | 5° 02.104' W |
   | 54° 54.498' N | 5° 02.110' W |

   Tighnabruaich Lifeboat Station within the area bounded by the following co-ordinates:

   | | |
   |---|---|
   | 55° 54.412' N | 5° 13.963' W |
   | 55° 54.427' N | 5° 13.935' W |
   | 55° 54.422' N | 5° 13.917' W |
   | 55° 54.403' N | 5° 13.941' W |

   Kinghorn Lifeboat Station within the area bounded by the following co-ordinates:

   | | |
   |---|---|
   | 56° 04.107' N | 3° 10.429' W |
   | 56° 04.104' N | 3° 10.408' W |
   | 56° 04.113' N | 3° 10.403' W |
   | 56° 04.117' N | 3° 10.424' W |

   North Berwick Lifeboat Station within the area bounded by the following co-ordinates:

   | | |
   |---|---|
   | 56° 03.612' N | 2° 43.079' W |
   | 56° 03.609' N | 2° 43.123' W |
   | 56° 03.619' N | 2° 43.113' W |
   | 56° 03.617' N | 2° 43.076' W |

SCHEDULE TO LICENCE NUMBER: 06645/19/1 DATED: 30 April 2019

6. Description of the substances or objects:

Beach Material

As described in application dated 25 September 2017, and correspondence submitted in support of the application.

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

50m$^3$ of beach material may be relocated between 30 April 2019 and 19 February 2020 at each site listed in section 5. Less any material relocated under authority of licence number 06645/19/0.
50m$^3$ of beach material may be relocated between 20 February 2020 and 19 February 2021 at each site listed in section 5.
50m$^3$ of beach material may be relocated between 20 February 2021 and 19 February 2022 at each site listed in section 5.
50m$^3$ of beach material may be relocated between 20 February 2022 and 19 February 2023 at each site listed in section 5.
50m$^3$ of beach material may be relocated between 20 February 2023 and 19 February 2024 at each site listed in section 5.
50m$^3$ of beach material may be relocated between 20 February 2024 and 19 February 2025 at each site listed in section 5.

SCHEDULE TO LICENCE NUMBER: 06645/19/1 DATED: 30 April 2019

Part 2 - Conditions

1. The licensee must 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 must ensure that only the substances listed in Part 1 of the licence are relocated during the execution of the works and that all substances or objects relocated 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. The licensee must 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.

4. "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 must be immediately notified to the licensing authority (see also notes appended to the Schedule).

5. 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 activity prior to each individual works operation.

6. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of each individual works operation prior to commencement.

7. The licensee must submit written reports, to the licensing authority stating the nature and total quantity of all substances or objects relocated 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.

8. The licensee must ensure that the works are carried out in accordance with the method statement submitted to the licensing authority in support of the application on 15 February 2018 and Appendix 3, submitted on 29 June 2018.

9. If there is a requirement to import beach material to a site, the licensee must ensure that it comes from a recognised source, is of a similar nature to the receiving environment and that it is free from contaminants and contains minimal fines. If the material is to be sourced from below mean high water springs, written permission must be obtained from the licensing authority prior to works commencing.

10. The licensee must ensure that if it is required to carry out works at Kinghorn or North Berwick between 15 May and 15 September each year (bathing water season and pre-season), a written assessment is carried out of the potential of the works to affect bathing water quality with reference to the nature and scale of the works.

    If there is found to be potential for the works to impact bathing water quality, then approval from the licensing authority must be obtained prior to works commencing. Request for approval must be submitted to the licensing authority no later than 5 working days in advance of the planned commencement date of the works.

If an operational emergency situation arises where it is not possible to seek the approval of the licensing authority prior to works commencing, details must be provided to SEPA and the licensing authority, no later than 48 hours following the works.

All assessments, must be retained and be available for inspection for a period of 6 months following the works.

11. The licensee must 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.

12. The licensee must ensure that if it is necessary to carry out blanketing of groynes to enable access, the beach must returned to the original profile, or as close as reasonably practical, following the completion of the works.

13. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.

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

15. The licensee must ensure that the works are maintained at all times in good repair.

16. The licensee must ensure that no deviation from the schedule specified in the licence must be made without the further written consent of the licensing authority.

17. The licensee must ensure appropriate steps are taken to minimise damage to the beach and foreshore by the works.

18. The licensee must 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.

19. 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.

20. In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.

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

22. 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 works.

23. 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 must 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 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.

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. <u>All correspondence or communications relating to the licence should be addressed to</u>:

Licensing Operations Team
Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

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Email: ms.marinelicensing@gov.scot