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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING AND DEPOSIT OF MATERIALS OR SUBSTANCES

Licence Number: 06761/20/0

Reference Number: 06761

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

**Mr J D Davidson – acting on behalf of the Aberdeen Boat Club.
West Steading
Sunnyside
Maryculter
Aberdeen
AB12 5GT**

to remove 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 23 March 2020 until 17 April 2020

[Redacted]

Signed:

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Rebecca Bamlett

For and on behalf of the licensing authority

Date: 14 February 2020

Part 1 - Particulars

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

As per application

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

N/A

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

TBA

4. Place of production and deposit of the substances or objects:

River Dee, Aberdeen, within the area bounded by joining the points:

57° 08.251' N 002° 05.652' W

57° 08.244' N 002° 05.615' W

57° 08.162' N 002° 05.663' W

57° 08.169' N 002° 05.701' W

As shown in Annex One.

5. Description of the substances or objects:

As described in application dated 05 July 2018, and correspondence submitted in support of the application.

6. Quantity of materials for removal within the period of validity of the licence:

900m³ of capital dredge materials may be removed and deposited between 23 March 2020 until 17 April 2020

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. "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).
3. Only those substances or objects described in Part 1 of the Schedule shall be dredged and 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, must be deposited on land at an approved location above the tidal level of Mean High Water Springs.
4. The licensee must ensure that a log of operations is maintained during the dredging and deposit operations and must be available for inspection by any authorised Enforcement Officer. The log(s) must 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) must record in English the following information:

- a) the name of the vehicle;
 - b) the nature and quantity of each substance or object loaded for removal;
 - c) the date and time of start and finish of the licensed activity on each occasion that the vehicle is operating under the authority of the licence;
 - d) comments on the removal and offloading operations, including any explanations for delays in the operations;
 - e) the signature of the operator at the foot of each page of the record.
5. 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.
 6. The licensee must provide the operators of the vehicle(s) employed to undertake the deposit operations with a copy of the licence. The licensee must 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) on board the vehicle(s) employed to undertake the deposit operations.

7. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the licensed activities prior to commencement.
8. The licensee must ensure that the licensed activities are maintained at all times in good repair.
9. 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.
10. 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 maintenance of the licensed activity.
 - b) The drifting or wreck of the licensed activity.

The owner of the licensed activities shall be liable for any expenses incurred in securing such assistance.

11. Any person authorised by the licensing authority must be permitted to inspect the licensed activities at any reasonable time.
12. 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.
13. The licensee must ensure that the licensed activities are carried out in accordance with the method statement submitted to the licensing authority on 08 September 2019.
14. The licensee must ensure that all licensed activities are carried out in accordance with the SEPA Guidance for Pollution Prevention available at:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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. 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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Email: ms.marinelicensing@gov.scot