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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE SURVEY SEDIMENT REMOVAL

Licence Number: 06815/19/0

Reference Number: 06815

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

**Highlands and Islands Airports Ltd
Inverness Airport
Dalcross
Inverness
IV2 7JB**

to carry on a licensable marine activity 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 28 January 2019 until 01 August 2019.

Redacted

Signed: _____

For and on behalf of the licensing authority

Date: 28 January 2019

Part 1 - Particulars

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

Redacted

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

To be confirmed

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

To be confirmed

4. Location of works:

Moray Firth within the area bounded by joining the points

| | |
|---------------|----------------|
| 57° 32.881' N | 004° 04.152' W |
| 57° 32.906' N | 004° 04.204' W |
| 57° 32.930' N | 004° 04.255' W |
| 57° 32.955' N | 004° 04.304' W |
| 57° 32.981' N | 004° 04.354' W |
| 57° 33.007' N | 004° 04.404' W |
| 57° 33.033' N | 004° 04.453' W |
| 57° 33.059' N | 004° 04.503' W |
| 57° 32.873' N | 004° 04.163' W |
| 57° 32.898' N | 004° 04.216' W |
| 57° 32.922' N | 004° 04.268' W |
| 57° 32.948' N | 004° 04.317' W |
| 57° 32.974' N | 004° 04.367' W |
| 57° 33.000' N | 004° 04.417' W |
| 57° 33.025' N | 004° 04.467' W |
| 57° 33.051' N | 004° 04.516' W |
| 57° 32.837' N | 004° 04.104' W |
| 57° 32.856' N | 004° 04.145' W |
| 57° 32.881' N | 004° 04.198' W |
| 57° 32.904' N | 004° 04.248' W |
| 57° 33.016' N | 004° 04.654' W |
| 57° 33.116' N | 004° 04.448' W |
| 57° 32.862' N | 004° 04.940' W |
| 57° 32.776' N | 004° 04.215' W |

As shown in Annex One.

SCHEDULE TO LICENCE NUMBER: 06815/19/0

DATED: 28 JANUARY 2019

5. Description of works:

Sediment Removal - Moray Firth

As described in application dated 09 October 2018, and correspondence submitted in support of the application.

6. Quantity of material to be removed within the period of validity of the licence:

Sediment, 10 m³

Part 2 - Conditions

1. The licensee must submit a written report regarding the materials used during construction to the licensing authority. The written report shall be submitted on completion of the works and on the forms provided by the licensing authority no later than 31 March 2020.
2. The licensee must produce a full method statement for approval by SNH, including suitable mitigation measures to minimise the disruption caused to wading birds, prior to the commencement of works.
3. The licensee must 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.
4. 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.
5. The Licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
6. No deviation from the schedule specified in the licence must be made without the further written consent of the licensing authority.
7. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.
8. 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.
9. 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.
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 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.

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

12. The licensee must ensure appropriate steps are taken to minimise damage to the beach, foreshore and seabed by the works.
13. The licensee must ensure the beach, foreshore and seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the works.
14. The licensee must ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
15. The licensee must notify the licensing authority in writing of any vessel not already listed in Part 1 of this licence being used to carry out any licensed activity listed in Part 1 of this licence on behalf of the licensee. Such notification must be received by the licensing authority no less than 24 hours before the commencement of the licensed activity. Notification must include the vessel name, type, IMO number and country of registration as well as the name and address of any vessel operator or contractor.

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