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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE SCOTTISH MARINE AREA

Licence Number: 06953/20/0

Reference Number: 06953

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

**Moray Council
Transportation
Environmental Services
Moray Council
High Street
Elgin
Moray
IV30 1BX**

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 07 February 2020 until 06 February 2023.

[Redacted]

Signed:

Fiona Munro

For and on behalf of the licensing authority

Date: 07 February 2020

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):

n/a

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

As per Annex One

4. Name, description, registration number and country of registration of vessel(s) to be employed to undertake the deposits:

As per Annex One

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

5. Place of production of the substances or objects:

Findochty Harbour entrance, within the area bounded by joining the points:

57° 41.930' N : 002° 54.250' W
57° 41.930' N : 002° 54.250' W
57° 41.920' N : 002° 54.280' W
57° 41.910' N : 002° 54.270' W
57° 41.940' N : 002° 54.240' W
57° 41.920' N : 002° 54.230' W

Findochty Harbour inner basin area B, within the area bounded by joining the points:

57° 41.900' N : 002° 54.310' W
57° 41.920' N : 002° 54.280' W
57° 41.910' N : 002° 54.270' W
57° 41.900' N : 002° 54.270' W
57° 41.890' N : 002° 54.210' W
57° 41.880' N : 002° 54.220' W

Findochty Harbour inner basin area C, within the area bounded by joining the points:

57° 41.880' N : 002° 54.340' W
57° 41.900' N : 002° 54.310' W
57° 41.880' N : 002° 54.220' W
57° 41.860' N : 002° 54.240' W
57° 41.860' N : 002° 54.320' W

As shown in Annex Two.

6. Description and composition of the substances or objects:

SUBSTANCES AND OBJECTS PRODUCED DURING MAINTENANCE DREDGING

As described in application dated 18 February 2019 and correspondence submitted in support of the application.

7. Location(s) at which the deposit is to be made:

Buckie, CR040 within a radius of 0.5 nautical miles centred at the point:

57° 42.220' N 002° 57.170' W

8. Quantity of substances or objects for deposit within the period of validity of the licence:

3330 wet tonnes of maintenance dredge substances or objects may be deposited between 07 February 2020 and 06 February 2021,

3330 wet tonnes of maintenance dredge substances or objects may be deposited between 07 February 2021 and 06 February 2022,

3330 wet tonnes of maintenance dredge substances or objects may be deposited between 07 February 2022 and 06 February 2023.

Part 2 - Conditions

1. The licensee must notify the licensing authority of the date of commencement and the date of completion of all licensed activities relating to the licence. Separate notifications are required at the times of commencement and completion.
2. The licensee must deposit the substances or objects described in Part 1 of the Schedule in the following deposit area(s):
 - 2.1 Deposit Area Name and Code: **BUCKIE, CR040** within a radius of 0.5 nautical miles centred at the point:

57°42.220'N 002°57.170'W
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 must 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 deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, must be disposed of on land at an approved location above the tidal level of Mean High Water Springs.
 - b) All tank/hopper washings must be deposited in the authorised deposit area(s).
5. The method of deposit must be:

Bottom Dumping
6. The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the deposit activity. The log(s) must be kept onboard the vessel(s) throughout the deposit activity, and 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 vessel;
 - b) the nature and quantity of each substance or object loaded for deposit;
 - c) the date and time of departure from port, and the date and time of arrival at the deposit area(s), on each occasion that the vessel proceeds to the deposit area(s);
 - d) the date, time and position of commencement, and the date, time and position of

- completion, of each deposit;
- e) the course(s) and speed(s) throughout each deposit. (Multiple changes may be recorded as "various");
 - f) the weather, including wind strength and direction, sea-state and tidal set throughout each deposit;
 - g) the rate of discharge during each deposit, if appropriate, and the duration of each deposit. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
 - h) comments on the deposit activity, including any explanations for delays in the deposit;
 - i) the signature of the Master at the foot of each page of the record.
7. 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.
 8. The licensee must provide the Master(s) of the vessel(s) employed to undertake the deposit activity 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 vessel(s) employed to undertake the deposit activity.
 9. The licensee must ensure that deposit activities only take place during daylight hours and when the sea state is less than 3.
 10. The licensee must ensure that a dedicated watch is kept by a trained marine mammal observer ("MMO") or an appropriately knowledgeable person following the general guidance for, and acting in the role of an MMO. No deposit activities must take place if marine mammals are observed within 200 metres of the deposit site. If marine mammals are observed within the 200 meter buffer zone then deposit activities must not take place until the area has been clear for at least 20 minutes.
 11. The licensee must maintain a formal log whether or not marine mammals are sighted and the completed logs will be returned to the licensing authority.
 12. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the licensing authority.
 13. Any person authorised by the licensing authority must be permitted to inspect the licensed activities at any reasonable time.

14. 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.
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.
16. The licensee must notify the licensing authority in writing of the name and address of any contractor not already listed in Part 1 of this licence being used to carry out any licensed activity listed in Part 1 of this licence. Such notification must be received by the licensing authority no less than 24 hours before the commencement of the licensed activity.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activities. 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 licensing 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 licensing 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