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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING

Licence Number: 06979/20/0

Reference Number: 06979

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

**Shetland Islands Council
Ports & Harbours
Sella Ness
Shetland
ZE2 9SQ**

to carry out dredging within the Scottish marine area as described in Part 2 of the attached Schedule.

This licence shall be valid from 05 August 2020 until 30 April 2021.

Signed:

Anni Mäkelä

For and on behalf of the licensing authority

Date: 05 August 2020

Part 1 - Particulars

1. Name and address of the producer of the dredge material:

As per licensee

2. Name and address of any other agent acting on behalf of licensee:

NIRAS Consulting Ltd
St Giles Court
24 Castle Street
Cambridge
CB3 0AJ

3. Name(s) and address(es) of any dredging contractor(s) or sub-contractors acting on behalf of the licensee:

As per Annex One.

4. Place of production of the dredge material:

Toft Harbour, Shetland within the area bounded by joining the points:

60° 28.018' N : 001° 12.424' W

60° 28.051' N : 001° 12.423' W

60° 28.061' N : 001° 12.393' W

60° 28.060' N : 001° 12.318' W

60° 28.017' N : 001° 12.391' W

As shown in Annex Two.

5. Description and composition of the dredge material:

Capital dredging as described in application dated 12 February 2019, and correspondence submitted in support of the application. Material to be disposed of above mean high water springs.

6. Quantity of material to be dredged:

11,800 wet tonnes

Less any material dredged under the authority of licence 06979/19/0.

Part 2 - Conditions

1. The licensee must ensure that all dredge material is removed to above the tidal level of Mean High Water Springs. No deposit of material at sea is permitted.
2. "Force majeure" may apply when, due to stress of weather or any other cause, it is necessary to deposit the dredge material at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If material is 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. The licensee must submit written reports to the licensing authority stating the nature and total quantity, in wet tonnes, of all material dredged 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.
4. The licensee must ensure that any debris or waste materials arising during the course of the licensed activities are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.
5. The licensee must ensure that all works are carried out in accordance with the Marine Mammal Mitigation Plan, version 1 submitted on 12 June 2019.
6. The licensee must ensure that no works are carried out between 07 June and 21 July inclusive, in order to prevent disturbance to harbour seals during the pupping period.
7. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) prior to licensed activity commencing to permit promulgation of maritime safety information 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.
8. 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 licensed activities.
9. The licensee must ensure that HM Coastguard, in this case nmcccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the licensed activities prior to commencement.
10. 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.
11. Any person authorised by the licensing authority must be permitted to inspect the licensed activities at any reasonable time.
12. The licensee must ensure that a dedicated watch is kept by a trained Marine Mammal Observer (MMO) or someone else following the general guidance for, and acting in the role of, a MMO during any dredging operations.
13. The licensee must ensure that no dredging takes place when marine mammals are sighted within 50 m of the dredging activity.

14. The licensee must ensure that no dredging takes place when the visibility is less than good and when the sea state is 4 or more on the Beaufort scale.
15. 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.
16. 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.
17. 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 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