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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO USE A VEHICLE, VESSEL, AIRCRAFT, MARINE STRUCTURE OR FLOATING
CONTAINED TO REMOVE AND DEPOSIT SUBSTANCES OR OBJECTS FROM THE SEABED
WITHIN THE SCOTTISH MARINE AREA

Licence Number: 06992/20/0

Reference Number: 06992

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

**Highlands and Islands Airports Ltd
Barra Airport Eoilgarry
Isle Of Barra
HS9 5YD**

to remove and deposit substances or objects from the seabed as 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 20 April 2020 until 19 April 2030.

Signed: _____
Anni Mäkelä

For and on behalf of the licensing authority

Date: 20 April 2020

Part 1 - Particulars

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

As per licensee.

2. Location of licensed activity (hereinafter referred to as "the site"):

Barra airport, removal site within the area bounded by joining the points:

57° 01.521' N 07° 26.936' W
57° 01.533' N 07° 26.911' W
57° 01.513' N 07° 26.926' W
57° 01.526' N 07° 26.906' W

Barra airport, deposit location within the area bounded by joining the points:

57° 01.582' N 07° 26.479' W
57° 01.655' N 07° 26.294' W
57° 01.603' N 07° 26.253' W
57° 01.533' N 07° 26.447' W

As shown in Annex One.

3. Description of licensed activity:

Removal of sandbanks and deposit of the removed sand as described in application dated 05 April 2019, and correspondence submitted in support of the application.

4. Nature and indicative quantity of all substances or objects to be removed and deposited below Mean High Water Springs (hereinafter referred to as "the licensed objects"):

250 tonnes of sand per year

Part 2 - Conditions

1. The licensee must ensure that any debris or waste materials arising during the course of the licensed activity are removed from the site for disposal at an approved location above the tidal level of Mean High Water Springs.
2. The licensee must submit a written report regarding the removal and deposit of the licensed substances and objects to the licensing authority. The written report must be submitted on the forms provided by the licensing authority no later than 31 July, for each year that the licence is valid.
3. 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 activity prior to commencement.
4. 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) of both progress and on completion of the licensed activities supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.
5. The licensee must make The Hydrographic Office aware of the licensed activities prior to commencement to permit the promulgation of maritime safety information.
6. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the licensed activity in order that they are clear about the extent of the licensed activity for which the licence has been given and the conditions that are attached to the licence.
7. The licensee must ensure that appropriate steps are taken to minimise damage to the foreshore and seabed by the licensed activity.
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 activity.
9. The licensee must ensure that best method of practice is used to minimise re-suspension of sediment during the licensed activity.
10. 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.
11. 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.
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 site at any reasonable time.

14. 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 licensed activities.
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. Licensed activities must not take place when harvesting of common cockles is taking place in the vicinity of the Barra airport.
17. 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.

NOTES

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