marinescotland

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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: 07008/20/0 Reference Number: 07008

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

**Mr N.L. Ross**
**Kildinny Farm**
**Forteviot**
**Perth**
**PH2 9DD**

to deposit in the Scottish marine area the substances or objects (except for dredge spoil) used in the execution of the licensed activity 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 30 January 2020 until 29 January 2026.

[Redacted]

Signed: .....

Rebecca Bamlett

For and on behalf of the licensing authority

Date: 30 January 2020

SCHEDULE TO LICENCE NUMBER: 07008/20/0 DATED: 30 January 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"):

   Loch na Cille, Argyll and Bute at points located by the coordinates

   55° 57.612' N 005° 41.652' W
   55° 57.608' N 005° 41.656' W

   As shown in Annex One.

3. Description of licensed activity:

   As per application

   As described in application dated 26 April 2019, and correspondence submitted in support of the application.

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

   2 Private Moorings

SCHEDULE TO LICENCE NUMBER: 07008/20/0 DATED: 30 January 2020

Part 2 - Conditions

1. The licensee must ensure that only the licensed objects are deposited during the execution of the licensed activity and that all substances or objects deposited during the licensed activity are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

2. 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.

3. The licensee must submit a written report regarding the deposit of the licensed objects to the licensing authority. The written report must be submitted on the forms provided by the licensing authority no later than 31 July 2021

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 activity 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 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. The licensee must ensure that all moorings and vessels at the moorings are within the site at all states of the tide.

7. 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.

8. The licensee must ensure that appropriate steps are taken to minimise damage to the seabed by the licensed activity.

9. 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.

10. The licence must ensure that best method of practice is used to minimise re-suspension of sediment during the licensed activity.

11. 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.

12. The licensee must ensure that the licensed objects do not encroach on any recognised anchorage, either charted or noted in nautical publications.

13. 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.

14. The licensee must ensure that the licensed objects are maintained at all times in good repair.

15. 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 licensed objects as required by licence.
    b) The maintenance of the licensed objects.
    c) The drifting or wreck of the licensed objects.

    The licensee must be liable for any expenses incurred in securing such assistance.

16. In the event of the licensed activity being discontinued the licensed objects must be removed and the site cleared to the satisfaction of the licensing authority.

17. The licensee must remove the licensed objects from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further approval of the licensing authority. The licensee shall be liable for any expense incurred.

18. Any person authorised by the licensing authority must be permitted to inspect the site at any reasonable time.

19. If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

20. 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.

21. 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.

22. If a new licence is required, the licensee must make an application at least fourteen weeks before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 29 January 2026.**

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. <u>All correspondence or communications relating to the licence should be addressed to</u>:

Licensing Operations Team
Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

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Email: ms.marinelicensing@gov.scot