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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING WITHIN THE SCOTTISH MARINE AREA

Licence Number: 07019/19/0

Reference Number: 07019

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

**Holy Loch Marina
Sandbank
Dunoon
PA23 8QB**

to carry out any form of dredging within the Scottish marine area 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 04 December 2019 until 03 December 2020.

[Redacted]

Signed: _____

Anni Mäkelä

For and on behalf of the licensing authority

Date: 04 December 2019

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, contractors or sub-contractors acting on behalf of licensee (if appropriate):

Agent

Cowal Surveying Services Ltd
199 Alexandra Parade
Dunoon
Argyll

Contractor

Coastworks
8 Allanton Park Terrace
Fairlie
Ayrshire
KA29 0AW

3. Name, description, registration number and country of registration of vessel(s) to be employed to undertake the licensed activities:

<u>Name</u>	<u>Description</u>	<u>Registration Number</u>	<u>Country</u>
Challenger of Leith	Tug Boat	235058132	UK

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.

4. Place of production of the dredge material:

Holy Loch Marina, within the area bounded by joining the following points:

Material ploughed from

55° 58.950' N 004° 56.850' W
55° 59.000' N 004° 56.950' W
55° 59.050' N 004° 56.867' W
55° 59.000' N 004° 56.783' W

As shown in Annex One.

5. Description and composition of the substances or objects:

Plough dredge material comprises 70% clay and silt, 15% sand and, 15% pebbles, cobbles and boulders.

As described in application dated 06 May 2019, and correspondence submitted in support of the application.

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

9360 wet tonnes of capital dredge material

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 ensure that all dredge material is ploughed to the area bounded by joining the following points:

55° 59.065' N 004° 56.877' W
55° 59.015' N 004° 56.790' W
55° 59.038' N 004° 56.751' W
55° 59.092' N 004° 56.850' W

As shown in Annex One

3. 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.
4. "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).
5. Only material described in Part 1 of the Schedule shall be dredged under authority of the licence. Any unauthorised materials, 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.
6. The licensee must submit written reports to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects 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.
7. 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.
8. 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 works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.
9. The licensee must ensure that 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.

10. 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 activities prior to commencement.
11. The licensee must ensure that a copy of the licence is given to each contractor employed to undertake the dredging operation. 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 contractor and the premises of any agent; and
 - c) the site of the works/on board the vessel(s) employed to undertake the dredging operation.
12. The licensee must ensure that no deviation from the schedule specified in the licence must be 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 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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