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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: 07149/20/0

Reference Number: 07149

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

**Montrose Port Authority
Harbour Office
South Quay
Ferryden
Montrose
DD10 9SL**

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 05 May 2020 until 04 May 2021.

Signed: _____
Anni Mäkelä

For and on behalf of the licensing authority

Date: 05 May 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):

Harris Holden Ltd
11 Furzedown Road
Southampton
SO17 1PN

3. Name(s) and address(es) of deposit contractor(s), if different from Section 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:

Montrose Harbour within the area bounded by joining the points:

56° 42.206' N	002° 27.886' W
56° 42.208' N	002° 27.871' W
56° 42.204' N	002° 27.852' W
56° 42.178' N	002° 27.828' W
56° 42.159' N	002° 27.734' W
56° 42.211' N	002° 26.662' W
56° 42.212' N	002° 25.957' W
56° 42.166' N	002° 25.963' W
56° 42.182' N	002° 26.648' W
56° 42.168' N	002° 26.943' W
56° 42.131' N	002° 27.730' W
56° 42.107' N	002° 27.903' W
56° 42.142' N	002° 28.143' W
56° 42.160' N	002° 28.119' W
56° 42.231' N	002° 28.258' W
56° 42.338' N	002° 28.136' W
56° 42.206' N	002° 27.886' W

As shown in Annex Two.

6. Description and composition of the substances or objects:

Maintenance dredged substances or objects

As described in application dated 14 October 2019, and correspondence submitted in support of the application.

7. Location(s) at which the deposits are to be made:

Lunan Bay, FO010, within a circle with a radius of 0.25 nautical miles, centred at:

56° 39.50' N 002° 26.50' W

Montrose Bay, within the area bounded by joining the following points:

56° 45.039' N 002° 25.416' W

56° 45.017' N 002° 24.139' W

56° 42.448' N 002° 26.660' W

56° 42.446' N 002° 25.269' W

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

246,000 wet tonnes of maintenance dredged substances and objects may be deposited between 05 May 2020 and 04 May 2021.

Part 2 - Conditions

1. The licensee must deposit the substances or objects described in Part 1 of the Schedule in the following deposit area(s):

1.1 Deposit Area Name: **Lunan Bay, FO010** as defined in Part 1 of the Schedule.

Up to a maximum quantity of **221,400 wet tonnes** may be deposited during the period of validity of this licence at Lunan Bay.

1.2 Deposit Area Name: **Montrose Bay** as defined in Part 1 of the Schedule.

A minimum of **24,600 wet tonnes of sand** must be deposited during the period of validity of this licence at Montrose Bay.

1.3 **The total amount of substances or objects deposited must not exceed 246,000 wet tonnes.**

2. "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).

3. 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 disposal area(s).

4. The method of deposit must be:

Bottom Dumping

5. 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.
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 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.
 7. 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.
 8. The licensee must ensure that a dedicated watch is kept by a trained Marine Mammal Observer ("MMO") or someone following the general guidance for and acting in the role of an MMO. A watch must be undertaken prior to disposal commencing to ensure no marine mammals are within 500 metres of the disposal operation. If marine mammals are observed within this area then disposal operations should be stopped until the area has been clear for at least 20 minutes. A formal log of marine mammal sightings must be maintained whether or not marine mammals are sighted and the completed logs must be returned to the licensing authority. The log must contain the name of person acting in the role of an MMO, time of deposit activity, start and finish times of the observation period, observations of marine mammals and any action taken as a result.
 9. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.

10. 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.
11. 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.
12. Any person authorised by the licensing authority must be permitted to inspect the licensed activities at any reasonable time.
13. 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.
14. 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.
15. 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.
16. The licensee must provide a monitoring plan to the licensing authority for approval at least four weeks prior, or less if agreed with the licensing authority, to the deposit of any dredged substances and objects at Montrose Bay (as defined in Part 1 of the Schedule). The monitoring plan must describe the monitoring to be undertaken with regard to the dredged deposit of dredged substances and objects at Montrose Bay (as defined in Part 1 of the Schedule).
17. The licensee must ensure that monitoring is undertaken in line with the monitoring plan approved by the licensing authority in Condition 16 of the licence.
18. The licensee must ensure that the deposit of substances or objects north of Montrose harbour avoids Dronners Dyke and the crash sites of WWII military aircraft.
19. 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 owner of the works 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 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