



MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00009307**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

**Eyemouth Harbour Trust
Harbour Office
Gunsgreen Basin
Eyemouth
TD14 5DH**

to deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **05 November, 2021** until **07 April, 2022**

Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 04 November, 2021



1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Eyemouth Harbour Trust
- d) "**Mean high water springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act.

Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a

licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Scarborough Borough Council
Whitby Harbour Office
Endeavour Wharf
Whitby
YO21 1DN

2.2 Location of the Licensed Activity

Eyemouth Harbour,

5. Place of production of the substances or objects:

Inner Entrance (Area A) within the area bounded by joining the points:

55° 52.400' N 002° 05.237' W
55° 52.405' N 002° 05.204' W
55° 52.373' N 002° 05.184' W
55° 52.373' N 002° 05.209' W

Gungreen Basin (Area B) within the area bounded by joining the points:

55° 52.445' N 002° 05.226' W
55° 52.453' N 002° 05.178' W
55° 52.406' N 002° 05.146' W
55° 52.365' N 002° 05.160' W
55° 52.365' N 002° 05.171' W
55° 52.373' N 002° 05.184' W

Outer Entrance (Area C) within the area bounded by joining the points:

55° 52.510' N 002° 05.324' W
55° 52.520' N 002° 05.285' W
55° 52.405' N 002° 05.204' W
55° 52.407' N 002° 05.214' W
55° 52.400' N 002° 05.237' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Deposit of maintenance dredging substances or objects

As described in the application dated 27 April, 2021 and correspondence submitted in support of the application.

2.4 Descriptions of the substances or objects to be deposited

The licence authorises the deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

30,000 wet tonnes of maintenance dredge materials may be deposited between 08 April 2019 and 07 April 2021,
15,000 wet tonnes of maintenance dredge materials may be deposited between 08 April 2021 and 01 November 2021,
15,000 wet tonnes of maintenance dredge materials may be deposited between 02 November and 07 April 2022.

Less any material already deposited under marine licence numbers 06746/19/0, 06746/20/0 and 06746/20/1.

2.5 Contractor and Vessel Details

As shown on Annex Two

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The licensee must deposit the substances or objects described in Part 2 of the Schedule in the following disposal area:

Deposit Area Name and/or Code: EYEMOUTH, FO080

Up to a maximum quantity of 45,000 wet tonnes may be deposited during the period of validity of this licence, within a circle centred at:

55° 52.500' N, 002° 00.000' W

with a radius of 0.25 nautical miles.

3.1.2 "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.

3.1.3 Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence:

- a) Any unauthorised materials associated with the substances or objects scheduled for disposal, 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).

3.1.4 The method of disposal must be:

Bottom Dumping

3.1.5 The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 337900) 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.

3.1.6 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.

3.1.7 The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.

3.1.8 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.

3.1.9 In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.

3.1.10 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.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the works without the prior written approval of the licensing authority.

3.2.2 The licensee must notify the licensing authority in writing of any vessel not already listed in Annex 2 of this licence being used to carry out any licensed activity listed in Part 2 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.

3.2.3 The licensee must notify the licensing authority in writing of the name and address of any contractor not already listed in Part 2 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.

3.3 During the Licensed Activity

3.3.1 The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the disposal operations. The log(s) must be kept onboard the vessel(s) throughout the disposal operations, 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 disposal;
- c) the date and time of departure from port, and the date and time of arrival at the disposal area(s), on each occasion that the vessel proceeds to the disposal area(s);
- d) the date, time and position of commencement, and the date, time and position of completion, of each disposal operation;
- e) the course(s) and speed(s) throughout each disposal operation. (Multiple changes may be recorded as "various");
- f) the weather, including wind strength and direction, sea-state and tidal set throughout each disposal operation;
- g) the rate of discharge during each disposal operation, if appropriate, and the duration of each disposal operation. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
- h) comments on the disposal operations, including any explanations for delays in the disposal operations;
- i) the signature of the Master at the foot of each page of the record.

3.3.2 The licensee must provide the Master(s) of the vessel(s) employed to undertake the disposal operations 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 disposal, and the premises of any contractor responsible for the storage, transport or disposal of the substances or objects; and
- c) on board the vessel(s) employed to undertake the disposal operations.

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

3.4 Upon Completion of the Licensed Activity

3.4.1 The licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects disposed of 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.

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.