marinescotland

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: +44 (0)300 244 5046
E: ms.marinelicensing@gov.scot

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE ACT OF DREDGING

Licence Number: 06474/19/0 Reference Number: 06474

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

Renfrewshire Council
Renfrewshire House
Cotton Street
Paisley
PA1 1JD

to carry out dredging within the Scottish marine area as described in Part 2 of the attached Schedule.

This licence is subject to the conditions set out in Part 3 of the said schedule and is valid from **01 February 2020** until **31 January 2021.**

[Redacted]

Signed:

For and on behalf of the licensing authority

Date: 02 August 2019

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

SCHEDULE TO LICENCE NUMBER: 06474/19/0 DATED: 02 August 2019

1. PART 1 – GENERAL

1.1. Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010:

a) "the 2010 Act" means the Marine (Scotland) Act 2010
b) "licensable marine activity" means any activity listed in section 21 of the 2010 Act
c) "licensee" means the recipient of the licence
d) "the licensing authority" means the Scottish Ministers
e) "mean high water springs" means the average of high water heights occurring at the time of spring tides
f) "seabed" means the ground under the sea

All geographical co-ordinates contained within this licence are in latitude and longitude format WGS84.

1.2. Contacts

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

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

Tel: +44 (0) 300 244 5046
Email: ms.marinelicensing@gov.scot

1.3. Other authorisations and consents

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed activities. The issuing of this 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 of the 2010 Act the licensing authority may by notice vary, suspend or revoke this licence granted by them if it appears to the licensing authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, vary this licence if satisfied that the variation being applied for is not material.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, transfer this 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 provide full details of the matter to 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, either 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 by 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 the sheriff of any sheriffdom against a decision taken by the Scottish Ministers under section 29(1) of the 2010 Act.

2. PART 2 - PARTICULARS

2.1. Name and address of the producer of the substances or objects:

As per licensee.

2.2. Name(s) and address(es) of any other agents acting on behalf of licensee:

Sweco UK Ltd.
City Park, Suite 4.2
368 Alexandra Parade
Glasgow
G31 3AU

2.3. Name(s) and address(es) of any contractors or sub-contractors acting on behalf of licensee:

As per Annex Two

See condition 3.1.1

2.4. Name(s) of vessel(s) to be employed to undertake the activities authorised by the licence:

As per Annex Three

See condition 3.1.2

The vessels employed must be so constructed and equipped as to be capable of the proper performance of the activities in compliance with the conditions set out in the Schedule.

2.5. Place of production of the dredge material:

Clyde Waterfront, Renfrewshire within the area bounded by joining the following points:

55° 53.490' N 004° 23.990' W
55° 53.504' N 004° 23.976' W
58° 53.453' N 004° 23.878' W
58° 53.465' N 004° 23.866' W

As shown in Annex One.

2.6. Description of dredging and dredge spoil deposit activities:

Capital dredge to facilitate emergency berthing of commercial shipping at new berthing structure adjacent to proposed Clyde Crossing. Material to be disposed of above mean high water springs at landfill.

As described in application dated 04 July 2017, and correspondence submitted in support of the application.

2.7. Quantity of material to be dredged:

36,00 wet tonnes

3. PART 3 – CONDITIONS

3.1. General conditions

3.1.1. Agents, contractors and sub-contractors

The licensee must provide, as soon as is reasonably practicable prior to the licensed activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the licensed activities.

Any changes to the supplied details must be notified to the licensing authority, in writing, prior to any agent, contractor or sub-contractor undertaking any licensed activity.

The licensee must ensure that only those agents, contractors or sub-contractors notified to the licensing authority are permitted to undertake the licensed activities.

The licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to the Master(s) of the vessel(s) employed to undertake the operations with a copy of the licence and any additional agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activities. The licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

3.1.2. Vessels

The licensee must submit full details of the vessels to be utilised in respect of the works, and their anticipated movements, to the licensing authority no later than one month, or at such a time as agreed with the licensing authority, prior to the commencement of the works. The vessel details provided must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

3.1.3. Force Majeure

If by any reason of *force majeure* any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. 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.

3.1.4. Material alterations to the licence application

The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

3.1.5. Submission of reports to the licensing authority

Where it would appear to the licensee that there may be a delay in the submission of the reports, studies or surveys to the licensing authority then the licensee must advise the licensing authority of this fact as soon as is practicable and no later than the time by which those reports, studies or surveys ought to have been submitted to the authority under the terms of this licence.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data may, subject to any rules permitting non-disclosure, be made publically available by the licensing authority, or by any such party appointed, at their discretion.

3.1.6. Environmental protection

The licensee must ensure that all measures listed in the Schedule of Mitigation submitted as part of the Environmental Statement ("ES") report are implemented throughout the works to address significant environmental effects.

The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence.

The licensee must ensure that any debris or waste materials placed below mean high water springs during the construction of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above mean high water springs approved (as appropriate) by the Scottish Environment Protection Agency.

The licensee must ensure that the risk of transferring non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the works.

The licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system.

3.1.7. Availability of the licence for inspection

The licensee must ensure that copies of the licence are available for inspection by any persons authorised by the licensing authority at:

a) the premises of the licensee;
b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
c) the site of the works;
d) onboard any vessel carrying out works and
e) any onshore premises directly associated with the licensed activities.

3.1.8. Inspection of the works

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

3.2. Prior to commencement of the works

3.2.1. The licensee must, no later than 7 days prior to commencement of the works, notify the licensing authority of the proposed start date of the works.

3.2.2. The licensee must liaise with Peel Ports (Clydeport) with regard to the issue of a Notice to Mariners for the duration of works within the River Clyde.

3.2.3. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.

3.2.4. The licensee must transmit Marine Safety Information broadcasts when considered appropriate, both prior to and throughout, the dredging campaign.

3.2.5. The licensee must review where potential asset conflicts with Scottish Water exist and contact the Scottish Water Asset Impact Team ("AIT") (service.reolcation@scottishwater.co.uk) as soon as practicable to discuss any potential issues identified. All detailed design proposals relating to the protection or diversion of Scottish Water's assets must be submitted to AIT for review and written acceptance before any works take place.

3.2.6. The licensee must contact Scottish Water (EIA@scottishwater.co.uk) prior to works commencing to discuss the timing of works and provide Scottish Water with a detailed Construction Environmental Management Plan.

3.2.7. Prior to commencement of the works, the licensee must appoint an Environmental Clerk of Works ("ECoW") who will be responsible for ensuring that no marine mammals are present within 500m of any in-river works before the works start. If any marine mammals are observed during in-river works, ECoW must stop any in-stream works and they can only commence when the animals have moved at least 500m downstream from the site.

3.3. During the works

3.3.1. Works in the watercourse must not take place between 01 March and 31 May inclusive to allow for the safe migration of salmon and trout smolts.

3.3.2. The licensee must ensure that works are carried out in accordance with the Chapter 14: Schedule of Mitigation ("SoM") submitted as part of Volume 2 of the CWRR Environmental Statement. In the event that the licensee wishes to amend or update the SoM, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months, or at such time as agreed by the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

3.3.3. 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.

3.4. <u>On completion of the works</u>

3.4.1. The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.

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

3.4.3. The licensee must, within 28 days of completion of the works, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: sdr@ukho.gov.uk; tel.: 01823 337900) with the revised water depths, in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.

NOTES

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

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

Tel: +44 (0)300 244 5046
Email: ms.marinelicensing@gov.scot