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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR BEACH NOURISHMENT WORKS

Licence Number: 06885/19/0

Reference Number: 06885

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

**Port of Ness Harbour Limited  
47a Swainbost  
Ness  
Isle of Lewis  
HS2 0TA**

to deposit in the sea the substances or objects (except for dredge spoil) used in the execution of works 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 26 April 2019 until 25 April 2022.

Redacted

Signed:

For and on behalf of the licensing authority

Date: 26 April 2019

Part 1 - Particulars

1. Name and address of agent acting on behalf of licensee (if appropriate):

N/A

2. Name(s) and address(es) of contractor(s), if different from Section 1 of Part 1 of the Schedule:

To be confirmed

3. Location of works:

Port Of Ness Harbour, Isle Of Lewis within an area bounded by the coordinates:

58° 29.530' N 006° 13.645' W  
58° 29.560' N 006° 13.614' W  
58° 29.541' N 006° 13.572' W  
58° 29.523' N 006° 13.613' W

58° 29.527' N 006° 13.588' W  
58° 29.523' N 006° 13.583' W  
58° 29.513' N 006° 13.607' W  
58° 29.513' N 006° 13.608' W

As shown in Annex Two.

4. Description of works:

The sand will be disposed of approx. 10 metres from the area of operation, over the harbour breakwater and onto sandy beach. The sand is then dispersed by the sea therefor only half a day allows for full access to the harbour seabed.

As described in application dated 15 January 2019, and correspondence submitted in support of the application.

5. Nature and quantity of all deposits below Mean High Water Springs:

Permanent Deposits  
FINE SAND - 2174 tonne

Part 2 - Conditions

1. The licensee must notify the licensing authority of the date of commencement and the date of completion of all operations relating to the licence. Separate notifications are required at the times of commencement and completion.
2. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the execution of the works and that all substances or objects deposited during the execution of the works 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.
3. Only those substances or objects described in Part 1 of the Schedule must 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.
4. The method of disposal must be:

Bucket Scoop Excavator
5. The licensee must submit a written report regarding the materials used during construction to the Licensing Authority. The written report must be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 October 2023.
6. 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.
7. 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.
8. The licensee must ensure that the works are maintained at all times in good repair.
9. 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.
10. 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.
11. 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.
  12. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.
  13. The licensee must provide the contractor 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) the site of the works.
  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 ensure the works are undertaken according to the following requirements. Any deviations must be notified to the licensing authority for their approval in writing.
    - a) **Should excess dredged material build up below MHWS on the beach, disposal operations must cease until the excess is washed away.**
    - b) **Repeat photography of the nourishment/replenishment area must be undertaken by the licensee according to the attached protocol in Annex 1 and,**
    - c) **A formal report containing photographs and informal observations of sediment movements and beach levels must be submitted to the licensing authority no later than nine months after cessation of the works.**
  16. A log of operations must be maintained throughout the trial nourishment/replenishment operations, and be available for inspection by any authorised Enforcement Officer.
  17. The licensee must ensure that HM Coastguard, in this case, [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk). The National Maritime Operations Centre is made aware of the works prior to commencement.
  18. 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 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 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:

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

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

SCHEDULE TO LICENCE NUMBER: 06885/19/0

DATED: 26 APRIL 2019

## ANNEX 1

### Port of Ness Harbour Limited: BEACH REPLENISHMENT PHOTOGRAPHIC PROTOCOL

The licensee shall ensure that the following protocol is in place and adhered to before, during and after the beach nourishment works.

- The licensee shall produce, for the approval of the licensing authority, a plan showing and identifying (numerically) the “photographic positions” before starting the work,
- Photographs shall be taken preferentially using a digital camera,
- Photographs should be taken from three fixed points (above and to either side of the works area) on the coastal edge no more than 100m apart thus showing the view in three directions at or near low water,
- Photographs should also be taken from three fixed locations, if possible, within the inter-tidal zone,
- Photographs shall be taken, at all locations, one week before the works begin; mid-way during and one day after the completion of the works; and then one, three and six months after completion of the works and,
- Observations of sediment movement and beach levels should be logged each time photographs are taken and together submitted in a written report to the licensing authority.

In advance of deviating from the above protocol the written permission of the licensing authority is required.

Marine Scotland  
Marine Laboratory

26 April 2019