

MARINE SCOTLAND ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: **MS-00008780**

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

Caol Regeneration Company Limited
Caol Community Centre, Glenkingie Street
Fort William, Caol PH33 7DS

to carry out any form of dredging within the Scottish marine area
as described in Part 2 of the attached Schedule. This licence is subject to the condition set out, or referred to, in Part
3 of the said Schedule.

This licence is valid from **14 August, 2020** until **13 August, 2021**

Signed:

Anni Mäkelä

For and on behalf of the Licensing Authority

Date of issue 14 August, 2020

1. PART 1 - GENERAL

1.1 Interpretation

In this 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;

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 this licence;

c) "**Licensee**" means Caol Regeneration Company Limited

d) "**Mean high water springs**" means any are submerged at mean high water spring tide;

e) "**Commencement of the licensed activity**" means the date on which the first vehical or vessel arrives on the site to begin carrying on any activities in connection with the licensed activity;

d) "**Completion of the licensed activity**" means the date on which the licensed activity have 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 this 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 this 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 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 (1) 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 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 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 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

Northern Light Consulting Limited
Unit 6B1
Blar Mhor Industrial Estate, Lochyside PH33 7PT
Fort William

2.2 Location of the Licensed Activity

Corpach, Lochaber, within the area bounded by joining points

56° 50.520' N 05° 07.625' W

56° 50.536' N 05° 07.630' W

56° 50.519' N 05° 07.484' W

56° 50.518' N 05° 07.504' W

2.3 Description of the Licensed Activity

Capital dredging with disposal of dredge material above mean high water springs.

As described in application dated 05 February, 2020

2.4 Name and address of the producer of the substances or objects:

As per the Licensee

2.5 Name(s) and address(es) of contractors:

As per Annex One.

2.6 Quantity of materials to be dredged within the period of validity of the licence:

Capital Dredgings: 7,500 wet tonnes

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 If it is desired to display any marks or lights not required by the licence then details must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.2 The Licensee must ensure that HM Coastguard, in this case nmocontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the licensed activity prior to commencement.

3.1.3 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the works as required by this licence;
- b) the maintenance of the works; or
- c) the drifting or wreck of the works,

to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.4 The Licensee must ensure that all dredge material is disposed of above the tidal level of mean high water springs. No deposit of dredged materials within the Scottish marine area is permitted.

3.1.5 "Force majeure" may apply when, due to stress of weather or any other cause, it is necessary to deposit the dredge materials at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If dredge materials are deposited in an unauthorised area, full details of the circumstances must be immediately notified to the licensing authority.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must, prior to and no less than 7 calendar days before the Commencement of the licensed activity, notify the Licensing Authority, in writing, of the date of Commencement of the licensed activity authorised under this Licence.

3.2.2 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 activity.

3.2.3 The Licensee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information through the national Notice to Mariners system at least 5 days before commencement of the licensed activity.

3.3 During the Licensed Activity

3.3.1 The Licensee must ensure that the site of the licensed activity is maintained at all times in good repair.

3.3.2 In the event of the licensed activity being discontinued the licensed activity shall be removed and the site cleared to the satisfaction of the licensing authority.

3.3.3 The Licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all material 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.

3.3.4 Any person authorised by the licensing authority must be permitted to inspect the licensed activity at any reasonable time.

3.3.5 The Licensee must provide the Master(s) of the vessel(s) employed to undertake the dredging 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 dredge materials, and the premises of any contractor responsible for the storage, transport or deposit of the dredge materials; and
- c) on board the vessel(s) employed to undertake the dredging operations.

3.3.6 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.

3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. The UKHO should also be notified within 5 days after completion that licensed activity have finished and provide the post dredge survey data to the UKHO for the update of nautical charts and publications.

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.