

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING****LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA**

Licence Number: MD-00010976

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

**Scottish Water**  
**31-33 Henderson Drive**  
**Longman North**  
**Inverness**  
**IV1 1TR**

to construct, alter or improve works 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 **02 March, 2026** until **08 December, 2027**

[Redacted]

Signed: .....

Gerry Millar

For and on behalf of the Licensing Authority

Date of issue: 02 March, 2026

## **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 Scottish Water
- 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 Directorate - Licensing Operations Team  
375 Victoria Road  
Aberdeen  
AB11 9DB  
Email: MD.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**

George Leslie Ltd  
Blackbyres Road,  
Barrhead  
Glasgow  
G78 1TJ

### **2.2 Location of deposit of the substances or objects:**

South of Boathouse, River Nith, Within the area bound by the points::

55° 00.149' N 03° 34.489' W  
55° 00.149' N 03° 34.463' W  
55° 00.137' N 03° 34.455' W  
55° 00.139' N 03° 34.487' W

### **2.3 Description of the Licensed Activity**

Construction of Outfall and Scour Protection

As described in the application dated 16 October, 2024 and correspondence submitted in support of the application.

### **2.4 Descriptions of the materials to be used during the Licensed Activity**

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Materials used to construct permanent works:

A393 Mesh - 9 kilograms  
Concrete - 20 tonnes  
Terram 1000 - 200 square metres  
Cobbles - 1.6 tonnes  
Boulders - 216 tonnes  
160 Millimetre Pipe - 28 metres

Materials to be removed in the construction of permanent works:

Concrete - 3.84 tonnes  
Asbestos Cement Pipe - 5.25 metres

### **2.5 Contractor and Vessel Details**



### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1 The Licensee must only construct the works in accordance with this licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the works, whether or not the licence has been transferred to that person.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 All materials used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.6 The Licensee must ensure that the Licensed Activity does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the licence.

3.1.7 The Licensee must provide written notification of any serious unforeseen incident of harm to the environment or human health, or any serious unforeseen incident of interference with legitimate uses of the sea during the Licensed Activity, to the Licensing Authority within 24 hours of the incident occurring.

3.1.8 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 the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.9 Details of any marks or lights not required by the licence must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.10 Where any damage, destruction, decay or catastrophic failure that could result in a danger or obstruction to navigation is caused to the Works or deposited Objects, the Licensee must notify the Licensing Authority, the UK Hydrographic Office, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and regional fisheries contacts of such damage, destruction, decay or catastrophic failure in writing as soon as reasonably practicable but no later than six hours after becoming aware of any such damage, destruction, decay or catastrophic failure.

The Licensee must submit a plan to remedy the damage, destruction, decay or catastrophic failure, to the Licensing Authority, for its written approval, within a time period stipulated by the Licensing Authority. The Licensee must carry out the remedial action identified in the plan approved by the Licensing Authority within the period stipulated by the Licensing Authority. The Licensee shall be responsible for the cost of carrying out the activity identified in the plan.

3.1.11 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 the 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.

3.1.12 The Licensee must adopt measures to prevent the introduction and spread of invasive non-native species as a result of the Licensed Activity and adhere to the advice given in "<https://www.nonnativespecies.org/what-can-i-do/check-clean-dry>"

3.1.13 In the event of the Licensed Activity being ceased or terminated before completion, the materials used under the authority of the licence must be removed from the seabed to the satisfaction of the Licensing Authority.

3.1.14 The Licensee must ensure that the works are maintained at all times in good repair.

3.1.15 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.16 The Licensee must ensure that no Licensable Activity is carried out on saltmarsh habitat outwith the area defined within Part 2 of this licence.

3.1.17 The Licensee must ensure the storage of equipment, waste and excavated materials within the area defined within Part 2 of this licence is kept to the minimum required for efficient working.

3.1.18 The Licensee must stop all Licensable Activities and immediately report any common cordgrass (*sporobolus anglicus*) found during the Licensed Activity to the Licensing Authority and the NatureScot Sustainable Coasts and Seas team. Licensable Activities must not recommence without prior approval from the Licensing Authority.

3.1.19 The Licensee must implement mitigation measures to minimise sediment entering the River Nith, including, but not limited to, the use of silt fences.

3.1.20 The Licensee must not carry out any licensable activities between 01 December and 28 February, inclusive, and between 15 July and 15 October, inclusive.

3.1.21 The Licensee must not carry out any Licensable Activity if the temperature has stayed below zero Degrees Celsius for the duration of the previous 24 hours.

3.1.22 The Licensee must not carry out any Licensable Activity two hours before or after sunrise and sunset.

3.1.23 The Licensee must not use lighting between sunset and sunrise.

3.1.24 The Licensee must not use machinery, including generators, between sunset and sunrise.

3.1.25 The Licensee must ensure that any noisy Licensable Activities are commenced with a 'soft start' procedure when available and that Licensable Activities which cause noise disturbance, or visual disturbance from site and machinery lighting, to overwintering birds are ramped up gradually each day.

3.1.26 The Licensee must stop all Licensable Activities should natterjack toad be found on site and report any sighting to the Licensing Authority and NatureScot's Reptile and Amphibian

Policy and Advice Officer. Licensable Activities must not recommence without prior approval from the Licensing Authority.

3.1.27 The Licensee must ensure that there is no temporal overlap between the Licensable Activity and works relating to the Scottish Water Outfall development at Kelton, River Nith.

3.1.28 The Licensee must stop all Licensable Activities should great crested newt be found on site and report any sighting to the Licensing Authority and NatureScot's Reptile and Amphibian Policy and Advice Officer. Licensable Activities must not recommence without prior approval from the Licensing Authority.

### **3.2 Prior to the commencement of the Licensed Activity**

3.2.1 The Licensee must provide the name and address of any agent, contractor or sub-contractor proposed to be engaged in the activity to the Licensing Authority prior to the Commencement of the Licensed Activity.

3.2.2 The Licensee must issue local notification to marine users, including fisher's organisations, neighbouring port authorities and other local stakeholders, of the commencement of the Licensed Activity at least five days before the Commencement of the Licensed Activity.

The Licensing Authority must be sent a copy of the notification within 24 hours of the notification being sent.

3.2.3 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case Zone33@hmcg.gov.uk, is made aware of the Licensed Activity prior to commencement.

3.2.4 The Licensee must contact the local statutory harbour authority, in this case River Nith Harbour Commissioners, prior to Commencement of the Licensed Activity - Licence MD-00011187

### **3.3 During the Licensed Activity**

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.3 The Licensee must ensure that a copy of the licence is available for inspection by a Marine Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent, contractor and sub-contractor engaged in the Licensed Activity;
- c) location of the Licensed Activity;
- d) any vessel or vehicle carrying on the Licensed Activity.

3.3.4 The Licensee must provide a copy of the licence to each agent, contractor and sub-contractor engaged in the Licensed Activity and must ensure that any person engaged in the Licensed Activity is aware of the particulars in Part 2 of the licence and the conditions in Part 3 of the licence.

3.3.5 The Licensee must minimise suspension of sediment and minimise damage to the seabed when carrying on the Licensed Activity.

3.3.6 The Licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed during the Licensed Activity.

3.3.7 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

### **3.4 Upon Completion of the Licensed Activity**

3.4.1 The Licensee must submit a written report regarding the materials used during the works 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 2028.

3.4.2 The seabed must be returned as close as reasonably practicable to the original profile following completion of the Licensed Activity unless otherwise agreed in writing with 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.