

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA

Licence Number: MD-00011039

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

Heriot-Watt University
Institute of Life and Earth Sciences, Heriot-Watt University, Edinburgh Campus,
Riccarton
EH14 4AS

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 **31 January, 2026** until **31 March, 2036**

Signed:

Gemma Girling

For and on behalf of the Licensing Authority

Date of issue: 30 January, 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 Heriot-Watt University
- 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

Lochside Associates
Treetops
Loch Flemington
Inverness
IV2 7QR

2.2 Location of deposit of the substances or objects:

Dornoch Firth, :

Plot 1

57° 50.862' N 04° 00.181' W
57° 50.958' N 04° 00.186' W
57° 50.964' N 03° 59.788' W
57° 50.868' N 03° 59.783' W

Plot 2

57° 51.251' N 03° 58.931' W
57° 51.501' N 03° 58.944' W
57° 51.505' N 03° 58.704' W
57° 51.254' N 03° 58.690' W

Plot 4

57° 51.331' N 04° 01.409' W
57° 51.397' N 04° 01.412' W
57° 51.351' N 04° 00.642' W
57° 51.286' N 04° 00.638' W

Plot 8

57° 51.430' N 03° 59.687' W
57° 51.470' N 03° 59.689' W
57° 51.475' N 03° 59.388' W
57° 51.435' N 03° 59.386' W

Plot 9

57° 50.823' N 04° 05.413' W
57° 50.871' N 04° 05.416' W
57° 51.081' N 04° 04.107' W
57° 51.033' N 04° 04.104' W

Plot 9-10

57° 51.086' N 04° 04.098' W
57° 51.177' N 04° 03.698' W
57° 51.131' N 04° 03.698' W
57° 51.045' N 04° 04.098' W

Plot 10

57° 51.221' N 04° 03.487' W
57° 51.283' N 04° 02.873' W
57° 51.208' N 04° 02.873' W
57° 51.164' N 04° 03.487' W

Plot 14 West

57° 50.483' N 04° 06.259' W

57° 50.411' N 04° 05.650' W

57° 50.390' N 04° 05.650' W

57° 50.454' N 04° 06.259' W

Plot 14 East

57° 50.420' N 04° 05.651' W

57° 50.432' N 04° 05.651' W

57° 50.300' N 04° 04.867' W

57° 50.258' N 04° 04.867' W

Plot 6

57° 51.420' N 04° 00.047' W

57° 51.423' N 03° 59.800' W

57° 51.364' N 03° 59.799' W

57° 51.362' N 04° 00.045' W

2.3 Description of the Licensed Activity

Deposit of substances, objects and live native oysters for the purpose of restoration.

As described in the application dated 16 December, 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:

Permanent materials:

Gravel - Up to 50t (35 m³) of locally quarried gravel across 40Ha.

Weathered Crushed Scallop Shell - 200T (270m³) To be mixed with gravel above to form Cultch.

Temporary materials:

80 Steel/ Iron Pins (500mm x 25mm) 40kg (attaching monitoring lines if necessary)

Biodegradable Survey line for for oyster monitoring - 240m total across 4 plots

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only deposit the Objects listed in Part 2 of the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the objects deposited under the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority.

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

3.1.4 All materials and objects 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.

3.1.5 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.

3.1.6 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.

3.1.7 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 Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans'

3.1.8 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.

3.1.9 The Licensee must ensure that outlying anchor points are not marked with buoys. Alternative means to locate anchors must be used.

3.1.10 The Licensee must ensure that there are no loose lines or ropes around site equipment.

3.1.11 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.

3.1.12 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.

- 3.1.13 In the event of the Licensed Activity being ceased or terminated before completion, the substances and objects deposited under the authority of the licence must be removed from the seabed to the satisfaction of the Licensing Authority.
- 3.1.14 The works must not exceed a maximum 5% reduction in surrounding depth referenced to chart datum, unless otherwise agreed in writing with the Licensing Authority.
- 3.1.15 The Licensee must ensure there is no deposit of cultch on plot 1 identified within Annex 1 to the Licence.
- 3.1.16 The Licensee must ensure that the deposit of oysters at plot 1 is by hand and occur outwith the horse mussel bed, with an oyster density of no greater than 10 oysters per square metre for plot 1 and maintain a 1 m radius from any horse mussel clumps (defined as two or more mussels).
- 3.1.17 The Licensee must only access plots by sea to avoid affecting intertidal seagrass beds.
- 3.1.18 The Licensee must complete a baseline survey for *crepidula fornicate* across all plots which must be completed before any cultch deposition
- 3.1.19 The Licensee must comply with the Biosecurity Plan supplied at application- entitled "DEEP Biosecurity Plan Aug 2024".
- 3.1.20 The Licensee must ensure that vessels that are unable to meet biosecurity measures within the submitted biosecurity plan must be sourced from within the Dornoch Firth or a Firth free of *crepidula fornicate*.
- 3.1.21 The Licensee must ensure that the operation of vessels only occurs during 2 hours either side of high tide.
- 3.1.22 The Licensee must ensure the best practice Wildlife Watching Codes are followed.
- 3.1.23 The Licensee is only permitted to deposit cultch outwith the seal pupping season (June–July)
- 3.1.24 The Licensee must ensure that vessels used for the deposit of cultch should not enter the Dornoch Firth in March nor October.
- 3.1.25 The Licensee must ensure that oyster deployment and monitoring operates from Meikle Ferry only, avoiding the Firth entrance.
- 3.1.26 Vessels used by the Licensee that are involved in deploying cultch must adhere to speed limits.
- 3.1.27 The Licensee must ensure that oyster deployment and monitoring at plot 2 on Annex 1 does not take place during October and November.

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 notify HM Coastguard National Maritime Operations Centre (nmoccontroller@hmcg.gov.uk), HM Coastguard (Zone3@hmcg.gov.uk), and the Maritime and Coastguard Agency, no less than 7 days prior to the Commencement of the Licensed Activity, of the following information:

a) the start date and proposed end date of the Licensed Activity.

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 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 deposit of the licensed objects to the Licensing Authority. The written report must be submitted on the forms provided by the Licensing Authority no later than 31 July 2035.

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.