

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: **MS-00008465**

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

**The Highland Council
Osprey House
Alness Point
Alness
IV17 0UP**

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 **01 November, 2021** until **31 March, 2023**

Signed:

Ellie Noble

For and on behalf of the Licensing Authority

Date of issue: 08 October, 2021

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 The Highland Council
- 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 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 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

as per Licensee

2.2 Location of the Licensed Activity

Invercoe, Glencoe Village, with the boundary of;

56° 41.152' N 05° 06.288' W

56° 41.133' N 05° 06.297' W

56° 41.145' N 05° 06.394' W

56° 41.179' N 05° 06.365' W

5° 41.15' N, 5° 6.29' W

As shown in Annex One.

2.3 Description of the Licensed Activity

A bridge replacement scheme for Invercoe Bridge on the B863 near Glencoe village.

As described in the application dated 06 March, 2020 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 to be deposited in permanent construction;

Steel Piles, Sheet Piles and Bridge Beams - 650 tonnes

Steel Reinforcement - 200 tonnes

Aluminium Bridge Parapets - 25 tonnes

Reinforced Concrete - 3000 tonnes

Geotextile - 900 m²

Kerb Drainage Units - 5 tonnes

Bridge Beam Paintwork - 3500 m²

FRP Permanent Formwork - 600 m²

Spray Waterproofing - 1500 m²

Asphalt Road Surfacing - 800 tonnes

River Bed Material - 500 tonnes

Rock Armour Scour Protection - 1500 tonnes

Materials to be deposited in temporary construction;

Steel Piling – 50 tonnes

Bridge - 200 tonnes
Pipes - 1000 tonnes
Steel Formwork - 100 tonnes
Concrete Culverts - 1500 tonnes
Timber Bog Boards - 300 tonnes
Timber Formwork - 20 tonnes
Geotextile - 3500 mm²
Gravel Working Platform - 16500 tonnes
Gravel Embankment - 10000 tonnes
Rock Armour Scour Protection - 1000 tonnes

Materials to be removed in construction;
River Bed Material – 750 tonnes
Reinforced Concrete; Existing Bridge – 5500 tonnes

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1. The Licensee must at all times construct and maintain the Licensed Activity in accordance with this Licence, the Application and the plans and programmes approved by the Licensing Authority.

3.1.2. 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 this licence has been transferred to that person

3.1.3. The Licensee must ensure that only the materials listed in Part 2 of the licence are used during the execution of the Licensed Activity and that all materials, substances or objects used 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.

3.1.4. In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of this Licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.5. 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 the licensed activity supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.6. 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.

3.1.7. The Licensee must remove the the Licensed Activity from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.8. 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.

3.2 Prior to the commencement of the Licensed Activity

3.2.1. The Licensee must complete and submit a proposed activity form in the online Marine Noise Registry for all

Licensed Activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than seven days prior to commencement of the Licensed Activity. If any aspects of the Licensed Activity differs from the proposed activity form in the online Marine Noise Registry, the Licensee must complete and submit a new proposed activity form no later than seven days prior to commencement of the Licensed Activity.

3.2.2. The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.3. The Licensee must, prior to and no less than seven 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.

3.2.4. The Licensee must ensure that HM Coastguard, in this case zone35@hmcg.gov.uk is made aware of the works prior to commencement.

3.2.5. 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.

3.2.6 The Licensee must notify 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, at least five days before commencement of the works. Details required - start date/ end date, work to be done, positions of the work area (WGS84), marking of the work area.

3.3 During the Licensed Activity

3.3.1. The Licensee must ensure that the Licensed Activity is maintained at all times in good repair.

3.3.2. 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.

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

3.3.4. 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.

3.3.5. The Licensee must ensure that best practice methods are followed to ensure that no contamination or pollution of the River Coe occurs from the Licensed Activity. This must include measures to ensure that no fine construction dust or residues fall from works on the bridge into the river below. This must include the wrapping of the bridge, where necessary, in order to ensure that all such particles are collected.

3.3.6. The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the works.

3.3.7. The Licensee must ensure appropriate steps are taken to minimise damage to the foreshore and river bank by the works.

3.3.8. The Licensee must ensure the foreshore and river bank is returned to the original profile, or as close as reasonably practicable, following the completion of the works.

3.3.9. The Licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry at 6 month intervals during the validity of the licence.

3.3.10. The Licensee must adhere to the following mitigation set out by the Highland Council Ecology Officer on 03 September 2020 in relation to otter:

- Toolbox talks should be given to site operatives to make them aware of the possibility of encountering otters on this job. If otters are found they should be allowed to leave the site of their own accord
- Ensure the passage from the sea to upstream River Coe remains passable to otters throughout the works.
- Ensure that and deep excavations are ramped, capped or covered overnight to prevent otters or other animals getting trapped inside.
- Any refuelling of machines is undertaken away from the water course, to minimise any contamination reaching the water.
- Lighting at night should be utilised only when strictly necessary and light shields or hoods should be used to direct light to the work site and minimise light pollution.

3.3.11. The Licensee must ensure that no works take place in water between 01 November 2021 and 30 November 2021 to prevent disruption of migratory fish in the River Coe.

3.3.12. The Licensee must ensure there is free access for migratory fish in both directions in the South West channel of the River Coe for the duration of the Licensed Activity.

3.3.13. The Licensee must ensure the watercourse is returned to its original course prior to 15 April 2022 and will not be altered again until after 30 November 2022.

3.3.14. The Licensee must ensure that all works taking place between 15 April 2022 and 30 November 2022 will occur within cofferdams.

3.3.15. The Licensee must ensure that vibrating of concrete within the cofferdams will only take place at low tide and when the cofferdam is not surrounded by water.

3.3.16. The Licensee must ensure the watercourse is returned to its original course prior to 31 March 2023

3.4 Upon Completion of the Licensed Activity

3.4.1. The Licensee must, no later than 14 days following the completion of the Licensed Activity notify the Licensing Authority, in writing, of the date of the completion of the works and or Licensed Activity.

3.4.2 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 2024.

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.