

**MARINE SCOTLAND ACT 2010, PART 4 MARINE LICENSING**

**LICENCE TO REMOVE A SUBSTANCE OR OBJECT FROM THE SCOTTISH MARINE AREA**

Licence Number: **MS-00009021**

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

**Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk  
FK2 7YZ**

to remove a substance or object 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 **17 November, 2020** until **30 April, 2021**

Signed: .....

Anni Mäkelä

For and on behalf of the Licensing Authority

Date of issue 16 November, 2020

## **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 Falkirk 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**

Jacobs  
95 Bothwell Street  
Glasgow

United Kingdom G2 7HX

### **2.2 Location of the Licensed Activity**

Grangemouth, Firth of Forth, sampling stations at each of the following coordinate points:

56° 01.278' N 03° 40.859' W  
56° 01.251' N 03° 40.787' W  
56° 01.221' N 03° 40.721' W  
56° 01.189' N 03° 40.654' W  
56° 01.154' N 03° 40.596' W  
56° 01.117' N 03° 40.551' W  
56° 00.875' N 03° 40.310' W  
56° 00.824' N 03° 40.345' W  
56° 00.785' N 03° 40.404' W  
56° 00.767' N 03° 40.495' W

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As shown in Annex One.

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

Sediment sampling

As described in application dated 24 September, 2020 and correspondence submitted in support of the application.

### **2.4 Descriptions of the substances or objects to be removed**

This licence authorises the removal of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

10 No. sediment samples

**MS-00009021**

**16 November, 2020**

Less any samples collected under authority of licence MS-00008968.

## **2.5 Contractor and Vessel Details**

As per Annex Two

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1. In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the 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.

3.1.2. 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 sampling equipment as required by this licence;
- b) the maintenance of the sampling equipment; or
- c) the drifting or wreck of the sampling equipment

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

3.1.3. The Licensee must ensure all works are carried out in line with the Phase 7 Ground Investigation Works – Habitats Regulations Appraisal document (revision 0.5, received on 24 September 2020) which accompanied the Marine Licence application with the exception of the proposed timings of the works.

3.1.4. The licensee must ensure that works are completed no later than 29 November 2020 unless further written approval is granted by the Licensing Authority.

3.1.5. The Licensee must report any pollution incidents to the local navigation service – Forth & Tay Navigation - on 01324498584.

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

3.2.1. 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.

3.2.2. The Licensee must, prior to 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.

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

3.3.1. In the event of the Licensed Activity being discontinued the site must be cleared to the satisfaction of the

Licensing Authority.

3.3.2. The Licensee must ensure that only those agents, contractors or sub-contractors notified to the Licensing Authority are permitted to undertake the works.

3.3.3. The Licensee must ensure that a copy of the licence is given to each contractor employed to undertake the licensed activities. 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 any agent acting on behalf of the Licensee; and
- c) site of the Licensed Activity.

3.3.4. The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.5. The Licensee must ensure appropriate steps are taken to minimise damage to the foreshore by the Licensed Activity.

3.3.6. The Licensee must ensure the foreshore is returned to the original profile, or as close as reasonably practicable, following the completion of the Licensed Activity.

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

### **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 Licensed 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 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.