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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE CONSTRUCTION WORKS

Licence Number: 06801/19/0 Reference Number: 06801

Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

Argyll & Bute Council
Development and Infrastructure
Kilmory Castle
Kilmory Estate
Lochgilphead
PA31 8RT

to deposit in the sea the substances or objects (except for dredge spoil) used in the execution of works described in Part 1 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 2 of the said Schedule.

This licence shall be valid from 01 June 2019 until 30 June 2021.

Redacted

Signed: _____ _____

For and on behalf of the licensing authority

Date: 14 January 2019

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

SCHEDULE TO LICENCE NUMBER: 06801/19/0 DATED: 14 JANUARY 2019

Part 1 - Particulars

1. Name and address of agent acting on behalf of licensee (if appropriate):

   As per licensee.

2. Location of works:

   Helensburgh Pierhead, Helensburgh within the area bounded by joining the points:

56° 00.130' N	004° 44.055' W
56° 00.125' N	004° 44.081' W
56° 00.068' N	004° 44.123' W
56° 00.097' N	004° 44.221' W
56° 00.101' N	004° 44.226' W
56° 00.045' N	004° 44.081' W
56° 00.035' N	004° 44.105' W
56° 00.033' N	004° 44.149' W
56° 00.055' N	004° 44.227' W
56° 00.081' N	004° 44.245' W

   As shown in Annex One.

3. Description of works:

   Installation of Rock Armour - Helensburgh Pierhead, Helensburgh

   As described in application dated 30 August 2018, and correspondence submitted in support of the application.

4. Nature and indicative quantity of all deposits below Mean High Water Springs:

   Permanent Deposits
   - Primary Rock for Revetment, 5400 tonne
   - Secondary Rock for Revetment, 1200 tonne
   - Geotextile, 2500 m^2

   Permanent Removals
   - Removal – Made Ground, 1200 m^3
   - Removal - Pipe, 50 m
   - Removal - Clay, 730 tonne
   - Removal - Silt, 540 tonne
   - Removal - Gravel, 330 tonne

   Temporary Deposits
   - Barge, 100 m x 20 m

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Part 2 - Conditions

1. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the execution of the works and that all substances or objects deposited 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.

2. The licensee must remove all temporary deposits listed in Part 1 of the licence before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 30 June 2021.**

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

4. The licensee must submit a written report regarding the materials used during construction to the Licensing Authority. The written report shall be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 March 2022.

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

6. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.

7. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the consent.

8. The licensee must consult with the responsible local navigation authority and the Harbour Authority/Commissioners where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction.

9. The licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the works.

10. The licensee must ensure the foreshore and seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the works.

11. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.

12. The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.

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

14. The licensee must ensure that the works are maintained at all times in good repair.

15. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.

16. The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the works without the prior written approval of the licensing authority.

17. If in the opinion of the licensing authority the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:

    a) The failure to mark and light the works as required by licence.
    b) The maintenance of the works.
    c) The drifting or wreck of the works.

    The licensee shall be liable for any expenses incurred in securing such assistance.

18. In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.

19. The licensee must remove the works 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 consent by the licensing authority. The licensee shall be liable for any expense incurred.

20. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.

21. The licensee must ensure that copies of the licence 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) the site of the works.

22. 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.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. 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.

3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.

4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-East Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).

5. All correspondence or communications relating to the licence should be addressed to:

   Licensing Operations Team
   Marine Scotland
   Marine Laboratory
   375 Victoria Road
   Aberdeen
   AB11 9DB

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   Email: ms.marinelicensing@gov.scot