



FOOD AND ENVIRONMENT PROTECTION ACT 1985, PART II DEPOSITS IN THE SEA (AS AMENDED) (FEPA)

LICENCE FOR THE COMPLETION OF COAST PROTECTION WORKS

Licence Number: 03392/06/0 - 2401

Reference Number: FKB/B88

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

**Sandpoint Marina
Woodyard Road
Dumbarton
G82 4BG**

to deposit in the sea the substances or articles (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 May 2007 until 23 October 2007.

Signed: [Redacted]

For and on behalf of the licensing authority

Date: 26 March 2007

SCHEDULE TO LICENCE NUMBER 03392/06/0 – 2401, DATED 26 MARCH 2007

Part 1 - Particulars

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

Arch Henderson LLP
6 Blair Court
Clydebank Business Park
Clydebank G81 2LA

2. Location of works:

Sandpoint Marina, at a point located by the coordinates:
55° 56.63N 004° 33.89.W

3. Description of works:

Coast protection works, Woodyard Road, Dumbarton

As described in application dated 28 March 2006, and correspondence submitted in support of the application.

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

Permanent Deposits

Rock armour (size range 300 mm to 500 mm), 28000 m³

Hardcore, 5000 m³

Geotextile membrane, 2000 m²

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Part 2 - Conditions

1. The licensee shall notify the licensing authority of the date of commencement and the date of completion of all operations relating to the licence. Separate notifications are required at the times of commencement and completion.
2. The licensee shall ensure that all substances or articles 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.
3. The licensee shall 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 shall, within 28 days of completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a written report to the licensing authority stating the nature and quantity of all substances and articles deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns must be provided.
5. The licensee shall 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.
6. 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 shall be immediately notified of the details.
7. In the event that the licensee wishes any of the particulars set down in Part 1 of the Schedule to be altered, the licensing authority shall 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.
8. **Supplementary Conditions**
 - a) The licensee shall ensure that no works (stockpiling of materials, vehicle movements, construction activities, etc.) within the SPA are undertaken below the tidal level of Mean High Water Springs during the period 24 October 2007 to 30 April 2008 without the prior written agreement of the licensing authority. Should it be necessary to seek the agreement of the licensing authority this must be requested no later than 21 working days in advance of the proposed start date.
 - b) The licensee shall ensure that any use of vehicles on areas of intertidal mud should be restricted to a working corridor immediately adjacent to the foot of the sea wall, no wider than the vehicle's working width (without turning).

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- c) The licensee shall undertake the licensed works strictly in accordance with the outline method statement dated April 2006, copy attached to this licence. Should it be necessary to amend the outline method statement, the licensing authority must be notified in writing at least 10 working days in advance detailing in full the proposed changes.
- d) The licensee and/or their agent will produce fortnightly reports during the period when deposits are being placed below Mean High Water Springs. The reports shall detail the quantity of licensed materials placed, the distance completed along the seaward face of the existing bund, the number of occasions work was undertaken within the SPA below Mean High Water Springs and digital photographs of the completed armoured section of the existing bund.

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. Under Section 8 of Part II of the Food and Environment Protection Act 1985 (as amended), the licensing authority may vary 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.
3. Under Section 9(1) of Part II of the Food and Environment Protection Act 1985 (as amended), it is an offence to deposit any substances or articles in contravention of the provisions of the licence. It is a defence under Section 9(3) for a person charged with such an offence to prove that the operation was carried out for the purpose of securing the safety of a vessel or vehicle or of saving life ('*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).
4. All correspondence or communications relating to the licence should be addressed to:

Fisheries Research Services (FRS)
Environment Protection Group
Marine Laboratory
PO Box 101, Victoria Road
Aberdeen AB11 9DB

Tel: (01224) 295331
Fax: (01224) 295524

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SEA (AS AMENDED) (FEPA)**

SANDPOINT MARINA LIMITED, WOODYARD ROAD, DUMBARTON

OUTLINE METHOD STATEMENT

The materials listed on the application are for all deposits below MHWS required to complete the Works.

1. The principal items on the method statement for the works are:
 - a. Regulate existing filled and bunded slope with selected hardcore from sources already on site using additional filter geotextile where the existing is damaged or missing. Works undertaken using earthworks plant and excavator bucket.
 - b. Place new, clean, imported, quarried rock onto regulated slopes using earthworks plant and excavator bucket.
 - c. Tidy site and remove any rock or hardcore which has moved beyond the site edge during construction (ongoing process).
 - d. Demobilise earthworks plant.
2. The works will take less than five months to complete and the developer will comply with any suggested moratorium on deposits.
3. The addition of 300mm of rock to the outer face of the existing slope is rather difficult to show on a 1/1000 plan (or even a larger scale) and the applicant's agent has confirmed that the as drawn perimeter line reflects the final extent of the works.
4. Hardcore materials are selected from those already on site (or possibly imported from the same sources as those on site) and broadly comply with the 6F2 classification (bridges and roadways quality) in relation to silt/fines content. Some larger materials are acceptable within the materials specification.
5. The applicant has the opportunity to regulate and fill gaps within the existing slopes with selected hardcore and has sufficient rock armour to achieve this where practical.
6. The applicant anticipates that he will be able to work from the top of the slopes but, during the 5 month working period, he may require to access the foreshore when cleaning up and finishing the works if there has been, for instance, accidental spillages of stone during the construction.

Arch Henderson LLP
Clydebank

April 2006