marinescotland

The Scottish Government

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E: MS.MarineLicensing@scotland.gsi.gov.uk

ScottishPower Renewables (UK) Ltd
Cathcart Business Park
Spean Street
Glasgow
G44 4BE

Our Ref: FKB/Z225

Date: 17 May 2011

Dear Dr Watson

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

SCOTTISHPOWER RENEWABLES (UK) LTD: INSTALLATION OF A 10MW TIDAL ARRAY, SOUND OF ISLAY

I refer to your application for a licence in respect of the above proposals.

I am pleased to inform you that the licensing authority has no objections to the issue of the requested licence, and I therefore enclose Licence Number 04050/11/0. You are advised to carefully check the licence and schedule documents and, if there are any errors, you should contact myself immediately.

You should note that the licence includes a condition that the licensing authority must be notified of the dates of commencement and completion of the proposed marine construction works. You should also note that the licence includes a condition requiring that a written report should be submitted to the licensing authority detailing all deposits made under authority of the licence. This report should be submitted on form FEP5, and copies of that form are enclosed.

I would also draw your attention to the licence conditions relating to amendment of the licence or schedule documents. If circumstances arise which necessitate changes or extension to your licence you should advise the licensing authority as soon as possible. After a licence has expired, it cannot be amended or extended in any way, and a new licence application (accompanied by the relevant fee) is required. Processing the new application may take up to two months from the date of receipt.

Under the Marine Licensing Appeals (Scotland) Regulations 2011 (S.S.I. 2011/203), you are entitled to appeal if you are dissatisfied with any condition in the licence. An appeal may be lodged in any sheriff court in Scotland and must be lodged no later than 21 days after the date of this letter.

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All correspondence or communications relating to this letter or the licence document should be sent to the address below.

Yours sincerely

[redacted]

Hazel Green
Licensing Operations Team

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MARINE (SCOTLAND) ACT 2010 AND MARINE AND COASTAL ACCESS ACT 2009

LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS

Licence Number: 04050/11/0 Reference Number: FKB/Z225

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

ScottishPower Renewables (UK) Ltd
Cathcart Business Park
Spean Street
Glasgow
G44 4BE

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 30 October 2011 until 29 October 2013.

Signed: [redacted]

Roger May

For and on behalf of the licensing authority

Date: 17 May 2011

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SCHEDULE TO LICENCE NO 04050/11/0 DATED: 17 May 2011

Part 1 - Particulars

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

   As per Licensee

2. Location of works:

   Sound Of Islay Demonstrator Array Renewable Energy Site, within the area bounded by joining the points:

   55° 50.81'N 006° 06.09'W
   55° 50.82'N 006° 05.89'W
   55° 50.76'N 006° 05.85'W
   55° 50.49'N 006° 05.77'W
   55° 49.97'N 006° 05.69'W
   55° 49.96'N 006° 05.88'W
   55° 50.54'N 006° 06.00'W

3. Description of works:
   Installation of demonstrator tidal array, Sound Of Islay

   As described in application dated 04 August 2010, and correspondence submitted in support of the application.

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

   PERMANENT DEPOSITS
   SOUND OF ISLAY DEMONSTRATOR ARRAY
   Copper, 40 tonne
   Bronze, 1 tonne
   Tubular Steel Framework, 1600 tonne
   Aluminium Anodes, 37 tonne
   Lithium batteries, 4 tonne
   Ballast weights steel/concrete, 10000 tonne
   Ancillary steel, 1600 tonne
   Blades Glass/carbon/epoxy composite, 120 tonne
   Lubricant, 30000 litres

SCHEDULE TO LICENCE NO 04050/11/0 DATED: 17 May 2011

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 only the substances or articles described in Part 1 of the Schedule shall be deposited under authority of the licence and 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 substances or articles described in Part 1 of the Schedule (the authorised deposits) shall be deposited in the following authorised deposit area:

   Sound Of Islay Demonstrator Tidal Array Test Site, within the following co-ordinates:

   55° 50.8111'N 006° 06.0861'W
   55° 50.8242'N 006° 05.8918'W
   55° 50.7621'N 006° 05.8541'W
   55° 50.4930'N 006° 05.7680'W
   55° 49.9710'N 006° 05.6908'W
   55° 49.9621'N 006° 05.8825'W
   55° 50.5360'N 006° 06.0037'W

   'Force majeure' may apply when, due to stress of weather or any other cause, it is necessary to deposit the substances or articles at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If the substances or articles are deposited in an unauthorised area, full details of the circumstances shall be immediately notified to the licensing authority.

5. 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.

6. 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.

7. 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.

8. 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.

9. The licensee shall ensure that the substances or articles described in Part 1 of the Schedule are located on the sea bed within the authorised deposit area, and shall undertake regular maintenance operations to relocate or remove any deposits that are located out with this area. Any deposits permanently removed from the sea bed shall be disposed of at an appropriate location above the tidal level of Mean High Water Springs.

10. The licensee shall ensure that ancillary equipment deployed or deposited during the course of the works, such as buoys, wires, ropes, ballast weights, anchors and lifting bags, etc is removed as soon as it is no longer required to prevent interference with other legitimate uses of the sea.

11. The licensee shall ensure that the methodology for installation of up to ten tidal turbines will be signed off by the Licensing Authority prior to commencement of works.

    a) The licensee shall prepare a detailed works schedule and method statement following licence issue.

    b) The licensee shall ensure that all the works are carried out in accordance with the works schedule and method statement as agreed with the licensing authority.

    c) The licensee shall put in place a contingency plan in accordance with the requirements of the Oil Pollution Preparedness, Response and Co-operation (OPRC) Convention to deal with the impact of accidental spills of oil or chemicals in the marine environment. The licensee shall also put in place a contingency plan to deal with the impact of catastrophic events on the marine environment.

12. The method of relocation or removal not involving decommissioning shall be;

    Confirmed when known

13. Names, and operators, of the vessels to be employed to undertake or support the deposit, relocation or removal operations not involving decommissioning;

    To be confirmed when known

The licensee shall ensure that all vessels employed to perform the deposit operation under this licence shall be so constructed and equipped as to be capable of the proper performance of these operations

14. The licensee shall, where appropriate, undertake monitoring of the area pre and post installation and post decommissioning of the deposits on the sea bed subject to this licence e.g. deployment of a remotely operated vehicle. The monitoring shall incorporate, if deemed to be necessary by the licensing authority, physical, chemical and biological investigations, to access the status of the authorised deposits and their impact in the receiving environment. The scope, frequency and spatial extent of the investigations shall be approved by the licensing authority.

15. The licensee shall submit, where appropriate, written reports to the licensing authority detailing the results of the monitoring. The written reports shall be prepared by the licensee detailing, where appropriate, the status of the authorised deposits and their impact on the receiving environment and their position (latitude and longitude to three decimal places of minutes). The written report should also detail the nature, quantity and fate of all deposits that are relocated and/or replaced on the sea bed during maintenance operations. Previous monitoring reports may be amended by the addition of an appendix detailing new deposits on the sea bed.

16. Should the licensing authority consider it necessary or expedient to remove all deposits made under authority of this licence, for the purpose of protecting the marine environment, the living resources it supports and human health, or of preventing interference with legitimate uses of the sea, the licensee shall undertake to remove those deposits in accordance with the requirements of the licensing authority.

17. **Supplementary Conditions**

a) The licensee will ensure that they comply with the agreed monitoring plans submitted by the licensee in support of the FEPA application. Prior to installation the monitoring plan must be signed off and held by the licensing authority.

b) The licensee will ensure that a Marine Mammal Observer (MMO) is in place on the installation vessel during the installation operations likely to cause disturbance.

c) The licensee will undertake monitoring in accordance with the Environmental Monitoring Plan (EMP) that will be signed off by SNH and the licensing authority.

d) The licensee will produce a monitoring report, within 8 weeks of all monitoring being completed at the site, reviewing all of the data collected through the monitoring plan to determine any associated impacts. This report will be submitted to the licensing authority at the appropriate time in order to allow the licensing authority to consider what, if any, action may be required as a consequence.

e) The licensee must ensure that vessel operators follow the 'soft-start' protocol which must be signed off by the licensing authority.

f) The licensee shall detail in a plan the working arrangements to be put in place during the construction period to minimise interference with other legitimate users of the sea. The plan must provide details on issuing Notices to Mariners, appointing onshore and offshore liaison officers and alerting fisheries interests.

g) If through monitoring it is determined that the device could have an adverse effect on the site integrity then further mitigation measures may be required at the discretion of the 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 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 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.

3. Under Section 30 of the Marine (Scotland) Act 2010, and Section 72 of the Marine and Coastal Assess Act 2009, 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, and Section 85 of the Marine and Coastal Access Act 2009, 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 of the Marine (Scotland) Act 2010 and Section 86 of the Marine and Coastal Access Act 2009, 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. <u>All correspondence or communications relating to the licence should be addressed to</u>:

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Marine Scotland
Marine Laboratory
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Aberdeen
AB11 9DB

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