

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE SCIENTIFIC SURVEY

Licence Number: 06051/16/0

Reference Number: 06051

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

Aberdeen Offshore Wind Farm Limited
Johnstone House
52-54 Rose Street
Aberdeen
AB10 1HA

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 September 2016 until 30 September 2017.

Signed: _____

Karen Major

For and on behalf of the licensing authority

Date: 26 August 2016

Part 1 - Particulars

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

As per licensee

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

TBC

3. Location of works:

Aberdeen Bay, within the area bounded by joining the points

57° 13.564' N 001° 59.993' W
57° 13.562' N 001° 59.794' W
57° 13.454' N 001° 59.797' W
57° 13.456' N 001° 59.996' W

4. Description of works:

Deployment of floating LiDAR device for wind speed and direction measurement with associated metocean buoy.

As described in application dated 01 June 2016, and correspondence submitted in support of the application.

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

Temporary Deposits

1 Floating LiDAR Device
1 Waverider Buoy

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 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.
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 objects deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns shall be provided.
5. The licensee shall notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 337900) 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 shall ensure that the works are marked and/or lighted with a Flashing Yellow light of 5 times every 20 seconds (Fl(5) Y 20s) fitted to the FORECAST Floating LiDAR unit with an increased nominal range of at least 4 nautical miles due to the volume of marine traffic, anchorage and low visibility weather conditions regularly experienced in this area, as required by the Northern Lighthouse Board. This marking is to be continued unless and until the licensing authority rescind this direction. .
7. If it is desired to display any marks or lights not required by this licence then details shall be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
8. The licensee shall ensure that the works are maintained at all times in good repair.
9. The licensee shall ensure that no deviation from the schedule specified in the consent is made without the further written consent of the licensing authority.
10. The licensee shall 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. Transmission of an AIS AtoN message will require a radio licence to be sought from OFCOM.

11. 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.

12. In the event of the licensed operations being dis-continued the works shall be removed and the site cleared to the satisfaction of the licensing authority.

13. Any person authorised by the licensing authority, shall be permitted to inspect the works at any reasonable time.

14. 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.

15. 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.

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, 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

MS.MarineRenewables@gov.scot