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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE USE OF EXPLOSIVE SUBSTANCES

Licence Number: **06145/16/0**

Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a Marine Licence authorising:

Beatrice Offshore Windfarm Ltd
One Waterloo Street
Glasgow
G2 6AY

Under the Marine (Scotland) Act 2010,

- 1) To deposit or use any explosive substance or article within the Scottish marine area either in the sea or on or under the seabed

required in the execution of the 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 November 2016 until 28 February 2017.

Signed: _____

Karen Major

For and on behalf of the Licensing Authority

Date: 03 NOVEMBER 2016

Part 1 - Particulars

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

N/A

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

Name of Vessel	Operator	Type(s)
Smit Kamara	Boskalis	ROV Support Vessel

3. Location of works:

Located within the Beatrice Offshore Wind Farm site, within the area bounded by joining the following points:

58° 10.91' N 002° 58.46' W
 58° 11.10' N 002° 58.41' W
 58° 11.21' N 002° 58.85' W
 58° 11.29' N 002° 58.85' W
 58° 11.25' N 002° 59.18' W
 58° 11.84' N 003° 00.72' W
 58° 15.39' N 002° 57.49' W
 58° 17.22' N 002° 55.18' W
 58° 18.38' N 002° 54.95' W
 58° 19.59' N 002° 52.03' W
 58° 19.73' N 002° 50.98' W
 58° 19.64' N 002° 50.25' W
 58° 18.72' N 002° 46.81' W
 58° 18.00' N 002° 45.13' W
 58° 15.71' N 002° 47.36' W
 58° 14.38' N 002° 49.28' W
 58° 13.18' N 002° 51.24' W
 58° 12.24' N 002° 53.19' W

4. Description of works:

Unexploded Ordnance (UXO) clearance activities within the Beatrice Offshore Wind farm site

As described in application dated 19 September 2016, and correspondence submitted in support of the application.

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

N/A

Part 2 - Conditions

1. The licensee must notify the Licensing Authority of the date of commencement and the date of completion of all works relating to this licence. Separate notifications are required at the times of commencement and completion.

Reason: *To inform the Licensing Authority of the date of the works, in accordance with s.29(3)(c) of the Marine (Scotland) Act 2010 ("the 2010 Act").*

2. The licensee must, prior to any clearance activity, notify the Licensing Authority of the number and locations of all positively identified UXO targets and provide details of when clearance is to take place.

Reason: *To inform the Licensing Authority of the date of the works, in accordance with s.29(3)(c) of the Marine (Scotland) Act 2010 ("the 2010 Act").*

3. If any UXO is relocated but not cleared, the licensee must notify the Licensing Authority and The UK Hydrographic Office ("UKHO") of the new coordinates of the UXO.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

4. The licensee must ensure that all substances or objects deposited during the execution of the works do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

Reason: *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

5. The licensee must ensure that any debris or waste materials originated during the course of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above Mean High Water Springs ("MHWS") approved by the Scottish Environment Protection Agency ("SEPA").

Reason: *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

6. The licensee must, within 28 days following completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a final audit report, in writing to the Licensing Authority stating the details of any positively identified UXO and any clearance action taken below MHWS under authority of the licence. Where appropriate, nil returns shall be provided.

Reason: *To confirm that the use of explosives was in accordance with the application, in accordance with s.29(3)(c) of the 2010 Act.*

7. The licensee must notify the UKHO in advance of any clearance activity so they can issue navigation warnings via Admiralty Notice to Mariners. The licensee must also notify the UKHO during and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans' to facilitate the promulgation of maritime safety information and updating of nautical publications.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

8. The licensee must prior to the commencement of the works ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, the National Maritime Operations Centre, is made fully aware of the works through local notice to mariners and any other appropriate means.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

9. The licensee must issue Notice to Mariners and Radio Navigation Warnings, in advance the proposed start date and of any UXO clearance activities, clearly stating the nature and duration of these works.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

10. The licensee must ensure that no deviation from the schedule specified in this licence is made without the further written approval of the Licensing Authority. The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the Licensing Authority of this fact, in writing, as soon as is practicable.

Reason: *To ensure that the works are carried out in accordance with the application documentation, and under an appropriate licence, in accordance with s.29(2)(a)and(b) of the 2010 Act.*

11. The licensee must carry out all mitigation in accordance with the approved Mitigation Plan as submitted at Application by the methods detailed, unless otherwise agreed with the Licensing Authority. Any updates or amendments made to the approved Mitigation Plan must be submitted, in writing, to the Licensing Authority for their prior written approval.

Reason: *To ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

12. The licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all licensable marine activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to commencement of the licensable marine activity. If any aspects of the licensable marine activities differ from the Proposed Activity Form in the online Marine Noise Registry, the licensee must complete and submit a new Proposed Activity Form no later than 7 days prior to commencement of the licensable marine activity.

Reason: *To ensure that noisy activities are recorded in accordance with s.29(3)(c) of the 2010 Act.*

13. The licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later than 12 weeks from the completion of the licensable marine activity

Reason: *To ensure that noisy activities are recorded in accordance with s.29(3)(c) of the 2010 Act.*

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

Reason: *To ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

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

Reason: *To ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

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

Reason: *To ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

17. 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.

Reason: *To ensure effective pollution prevention is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

18. 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.

Reason: *To mitigate the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

19. 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 Office of Communications (“OfCom”).

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

20. If the assistance of a Government Department (to include departments of Devolved Administrations), 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;

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

Reason: *To ensure that the licensee is aware of the financial liabilities, in accordance with s.29(2)(b) of the 2010 Act.*

21. Any person authorised by the Licensing Authority must be permitted to inspect the works at any reasonable time. The licensee must, as far as reasonably practicable, on being given reasonable notice by the Licensing Authority (of at least 72 hours), provide transportation to and from the site for any persons authorised by the Licensing Authority to inspect the site.

Reason: *To ensure access to the site for the purpose of inspection in accordance with s.29(2)(c) of the Marine (Scotland) Act 2010.*

22. The licensee shall 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.

Reason: *To ensure the licence is available for the purpose of inspection in accordance with s.29(2)(c) of the 2010 Act.*

23. The licensee must ensure that copies of the licence are available for inspection at any reasonable time by any authorised enforcement officer at:

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) any onshore premises directly associated with the works; and
- d) aboard any vessel engaged in the works.

Reason: *To ensure that the licence is available for the purpose of inspection in accordance with s.29(2)(c) of the Marine (Scotland) Act 2010.*

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DATED: 03 NOVEMBER 2016

24. 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.

Reason: *To ensure that the works are carried out under an appropriate licence in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

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

E-mail: MS.MarineRenewables@gov.scot