

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE DEPLOYMENT OF THREE ACOUSTIC DOPPLER CURRENT PROFILERS.

Licence Number: 06359/17/1

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

**Vattenfall
1 Tudor Street
London
EC4Y 0AH**

Under Marine (Scotland) Act 2010;

- 1) To deposit any substance or object (except for dredge spoil) within the Scottish marine area, either in the sea or on or under the seabed;
- 2) To deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded with the substance or object either in Scotland or in the Scottish marine area; and

This licence is valid from 9th October 2017 until 16th October 2017.

Signed: _____

Nicola Bain

For and on behalf of the licensing authority

Date: 9th October 2017

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/Owner
Rover Alpha	NESS Offshore

3. Location of works:

At the site of the European Offshore Wind Deployment Centre. Within the area bounded by joining the points

57° 12'.58 N : 002° 03'.05 W
 57° 12'.35 N : 002° 01'.89 W
 57° 13'.46 N : 001° 58'.97 W.

4. Description of works:

The deployment, monitoring and retrieval of three Acoustic Doppler Current Profilers (“ADCP”) on to the sea bed. To study the currents around the European Offshore Wind Deployment Centre.

Each ADCP will be installed using bottom frames. The dimensions of the frames to be used is 1.5 m x 1.5 m, height of 0.7 m and total combined weight (in air) of approximately 75 kg.

As described in application dated 21st April 2017, and correspondence submitted in support of the application.

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

Temporary Deposits:

Three, Frame Mounted, Nortek AWAC 600kHz or 1 MHz ADCPs

Frames will be 1.5 m x 1.5 m, height of 0.7 m and total combined weight (in air) of approximately 75 kg.

Part 2 - Conditions

1. The licensee must 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.

Reason: *To ensure that the Licensing Authority is aware of operations in accordance with s.29(4)a of the Marine (Scotland) Act 2010.*

2. 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.

Reason: *To ensure pollution prevention through the use of authorised deposits in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010*

3. The licensee must remove all temporary deposits listed in Part 1 of the licence before the expiry date of this licence. **This licence will not continue in force after the expiry date of 16th October 2017.**

Reason: *To ensure that the removal of deposits is carried out under an appropriate licence in accordance with s.29(3)(d) of the Marine (Scotland) Act 2010.*

4. 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.

Reason: *To prevent environmental damage in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

5. The licensee must, 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 this licence. Where appropriate, nil returns must be provided.

Reason: *To inform the Licensing Authority of the completion of the Works in accordance with s.29(3)(c) of the Marine (Scotland) Act 2010.*

6. The licensee must 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.

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.*

7. The licensee must, issue a Notice to Mariners in advance of the proposed start date clearly stating the nature and duration of these operations.

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.

8. 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 the licence has been given and the conditions that are attached to the licence.

Reason: To ensure the Works are carried out according to the licenced conditions in accordance with s.29(5) of the Marine (Scotland) Act 2010.

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

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

10. The licensee must ensure that the Works are maintained at all times in good repair.

Reason: To mitigate the navigational risk to other legitimate users of the sea and to ensure effective environmental mitigation is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.

11. 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.

Reason: To mitigate the navigational risk to other legitimate users of the sea and to ensure effective environmental mitigation is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.

12. 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.

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

13. If in the opinion of the licensing authority the assistance of a Government Department, (to include departments of administration other than the Scottish Government) 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 this licence.
- b) The maintenance of the works.
- c) The drifting or wreck of the works.

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

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

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

Reason: To mitigate the effects of the activity on the site in accordance with s.29(3)(e) of the Marine (Scotland) Act 2010.

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

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

16. The licensee must ensure that copies of the licence are available for inspection by any person authorised by the licensing authority at:

- a) the premises of the licensee; and
- b) the premises of any agent acting on behalf of the licensee; and
- c) any onshore premises directly associated with the Works; and
- d) aboard any vessels permitted to engage in the Works.

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

17. 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)(a) of the Marine (Scotland) Act 2010.

18. The licensee must ensure that Aberdeen harbour is consulted regarding the deployment of the devices.

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

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(1) 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

Email: MS.MarineRenewables@gov.scot