

Ms Esther Villoria
Aberdeen Offshore Wind Farm
3rd Floor, The Tun Building
4 Jackson's Entry
Holyrood Road
Edinburgh
EH8 8PJ

Our Ref: 018/OW/AOWFL - 9

29th January 2018

Dear Ms Villoria,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

Thank you for your correspondence dated 17th November 2017 requesting that Marine Scotland Licensing Operations Team ("MS-LOT") confirms Aberdeen Offshore Windfarm Limited's ("AOWFL's) compliance with condition 3.2.4.3, *'Nature and quantity of all UXOs cleared/removed or disposed of during the Works'*, of the Unexploded Ordnance ("UXO") Clearance Marine Licence (Licence Number: 06357/17/1). In our letter dated 14th December 2017 MS-LOT confirmed AOWFL's compliance with condition 3.2.4.3, in what relates to the submission a report, in writing, to MS-LOT, stating the nature and quantity of objects cleared/removed or disposed of.

Following the submission of this report, we requested submission of further information regarding compliance with condition 3.2.3.1, *'Environmental Protection'*, of the UXO Marine Licence which states that the *"Licensee must ensure that any debris or waste material placed below MHWS [Mean High Water Springs] during the Works are removed from the Site, as soon as reasonably practicable, for disposal at a location above MHWS approved by the Scottish Environment Protection Agency ("SEPA")."*

In your correspondence of 11th December 2017 you confirmed that, *"no waste or debris was introduced onto the project site area – the only additional material being the high explosive effect of the detonations. The seven (sea mine) UXO were observed to be 'high order detonations' resulting in minimum fragmentation of material (>0.3m). Where this was the case within the UXO immediate survey area, large scale fragments of UXO were collected by the ROV, returned to surface and similarly disposed of in the vessel's skips. The vessel's skip's would be disposed of via approved and licensed disposal facility. However, this will be outwith of the UK, as the vessel sailed into German waters immediately after completion of the AOWF UXO works."*

Further to this, in your correspondence dated 20th December 2017, you provided the following information to MS-LOT;

- Volume of waste recovered to vessel approximately '30kg';
- *The 'Contractor has confirmed that the AOWF metal scrap recovered post demolition is still on board the vessel's metal scrap skip, as is standard procedure. The waste will be disposed of when skips are full in accordance with the requirements of the relevant jurisdiction (Germany)';*

- The 'vessel sailed with all recovered material from Scottish Waters on 4th November 2017';
- 'The Contractor arrived in German waters to commence an UXO project with a different Client'; and
- Copies of e-mails evidencing the circulation of the marine licence from 'AOWFL to Contractor (Boskalis) on 13th October 2017, requesting onward distribution of the marine licence'. Furthermore, the copies of the 'UXO Marine Licence was transmitted via Vattenfall's Contractor Document Control and the AOWFL UXO Project Manager personally presented hard copies of the UXO Marine Licence to the masters of the UXO vessels'.

The failure to adhere to condition 3.2.3.1 in so far as it relates to the disposal of waste at a location above MHWS approved by SEPA does constitute a breach in the licence and a non-compliance event.

However, having received details from AOWFL as above with regard to the waste recovered and where this waste was taken, MS-LOT, on behalf of the Scottish Ministers, can confirm that non-compliance action will not be taken against AOWFL in this instance. Should further UXO detonation works be conducted under the auspices of this Marine Licence, all waste and debris must be disposed of in strict accordance with the wording of Condition 3.2.3.1, i.e. at a site approved by SEPA.

Please note, should AOWFL carry out further UXO works before the expiration of the UXO Clearance Marine Licence, (licence number: 06357/17/1), a new report must be submitted.

Yours sincerely,

Nicola Bain
Marine Scotland Licensing Operations Team