

MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT AN OBJECT WITHIN THE UNITED KINGDOM MARINE LICENSING AREA

Licence Number: **06190/19/0**

Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby authorise

**Seagreen Wind Energy Limited
1 Forbury Place
43 Forbury Road
Reading
RG1 3JH**

Under the Marine and Coastal Access Act 2009,

1) To deposit an object within the United Kingdom marine licensing area, either in the sea or on or under the sea bed, from a vessel

as described in Part 2 of this licence.

This licence shall be valid from **31 March 2019** until **31 March 2021**.

Signed: _____

Redacted

For and on behalf of the licensing authority

Date: 29 March 2019

1. PART 1 – GENERAL

1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 66(4), 115 and 322 of the Marine and Coastal Access Act 2009, and:

- a) **“the 2009 Act”** means the Marine and Coastal Access Act 2009;
- b) **“the Application”** means the marine licence application and supporting information submitted to the Licensing Authority by the Licensee on 31 January 2019;
- c) **“Licensable Marine Activity”** means the activities listed in section 66 of the 2009 Act authorised under this licence;
- d) **“Licensed Activities”** means any activity or activities listed in section 66 of the 2009 Act which is, or are authorised under this licence;
- e) **“Licensee”** means Seagreen Wind Energy Limited (Company Registration Number 06873902) and having its registered office at 1 Forbury Place, 43 Forbury Road, Reading RG1 3JH
- f) **“MHWS”** means mean high water springs;
- g) **“the Licensing Authority”** means the Scottish Ministers; and
- h) **“the Site”** means the area outlined in the figure 1 contained in Part 4 of this licence;

All geographical co-ordinates contained within this licence are in latitude and longitude format World Geodetic System 84.

1.2 Contacts

All correspondence or communications relating to this licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Email: MS.MarineRenewables@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying on of the licensed activities in connection with Works. The issuing of this licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 72 of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke this licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 72(3) of the 2009 Act.

Under section 72 (7) of the 2009 Act, on an application made by the licensee, the Licensing Authority may transfer this licence from the Licensee to another person.

Variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 72 of the 2009 Act.

1.5 Breach of requirement for, or conditions of, licence

Under section 85 of the 2009 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 86 of the 2009 Act it is a defence for a person charged with an offence under section 85(1) of the 2009 Act in relation to any activity to prove that:

- (a) the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure, and
- (b) that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 86(2) of the 2009 Act.

1.7 Offences relating to information

Under section 89 of the 2009 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by Part 4 of the 2009 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to the sheriff of any sheriffdom against a decision taken by the Licensing Authority under section 73(1) of the 2009 Act.

2. PART 2 – PARTICULARS

2.1 Name and address of agent acting on behalf of licensee (if appropriate)

N/A

2.2 Location of the Works

Located within the Seagreen Alpha and Seagreen Bravo Wind Farm sites, within the Firth of Forth Round 3 Zone, in the outer Firth of Forth, within the UK marine licensing area approximately 38 km (minimum) from the Angus coastline, off the East of Scotland, at a point located by the following coordinates:

56° 35.439 'N 001° 44.739 'W

2.3 Description of the Works

Deployment of a floating, buoy mounted LiDAR system, as described in application dated 19 February 2019 and supporting documentation submitted in support of the application.

2.4 Nature and quantity of all deposits below Mean High Water Springs

TEMPORARY DEPOSITS

1 floating, buoy mounted LiDAR system

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

TBC

2.6 Names(s) and address(es) of any other agents, contractors or sub-contractors acting on behalf of the licensee

TBC

3. PART 3 - CONDITIONS

- 3.1 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 inform the Licensing Authority of the date of the operations, in accordance with S.71(3)(c) of the 2009 Act.

- 3.2 The licensee must, prior to the commencement of the works ensure that HM Coastguard in this case The National Maritime Operations Centre, nmoccocontroller@hmcg.gov.uk is made aware of the works through local notice to mariners.

Reason: To reduce the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.

- 3.3 The licensee must seek the Statutory Sanction of the Commissioners of Northern Lighthouses to deploy and subsequently remove the device. The Licensee will complete and return to the Northern Lighthouse Board an Application for Statutory Sanction form prior to deployment.

Reason: To reduce the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.

- 3.4 The licensee must issue a Notice to Mariners and Radio Navigation Warnings, in advance of the deployment, clearly stating the nature and duration of the deployment.

Reason: To reduce the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.

- 3.5 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 are inert (or appropriately coated or protected so as to be rendered 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 environmental impacts are minimised, in accordance with s.71(2)(b) of the 2009 Act.

- 3.6 The licensee must remove all temporary deposits listed in Part 2 of the licence before the expiry date of this licence. **This licence must not continue in force after the expiry date of 31 March 2021.**

Reason: To ensure that the removal of deposits is carried out under an appropriate licence in accordance with s.71(3)(d) of the 2009 Act.

- 3.7 The licensee must ensure that any debris or waste materials placed below MHWS during the course of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above MHWS approved by the Scottish Environment Protection Agency.

Reason: *To ensure environmental impacts are minimised, in accordance with s.71(2)(b) of the 2009 Act.*

- 3.8 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 final audit report, in writing to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS under authority of the licence. Where appropriate, nil returns must be provided.

Reason: *To confirm that the deposits made were in accordance with the application, in accordance with s.71(3)(c) of the 2009 Act.*

- 3.9 The licensee must notify the UK Hydrographic Office, of both progress 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.71(2)(b) of the 2009 Act.*

- 3.10 The licensee must ensure that the buoy shall be yellow in colour and fitted with a navigation light Flashing Yellow five (5) times every twenty (20) seconds (F1 (5) Y 20s). The light will have a range of at least 3 nautical miles and shall be located so that it can be seen from all angles of approach in the marine environment.

Reason: *To mitigate the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.*

- 3.11 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.71(2)(b) of the 2009 Act.*

- 3.12 The licensee must ensure that the works are maintained at all times in good repair. The licensee must, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of damage to or destruction or decay of the works. The Licensing Authority will advise, in writing, of any remedial action to be taken.

Reason: *To reduce the navigational risk to other legitimate users of the sea and to ensure effective environmental mitigation is undertaken in accordance with s.71(2)(b) of the 2009 Act.*

- 3.13 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.71(3)(c) of the 2009 Act.*

- 3.14 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.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.*

- 3.15 If the assistance of a Government Department (to include departments of Administrations other than the Scottish Government), is required to deal with any emergency arising from:

The failure to mark and light the works as required by licence.
The maintenance of the works.
The drifting or wreck of the works.

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

Reason: *To ensure licensee is aware of financial liabilities, in accordance with s.71(2)(b) of the 2009 Act.*

- 3.16 In the event of the works being dis-continued the works must be removed and the site cleared to the satisfaction of the Licensing Authority. The licensee must take all reasonable, appropriate and practicable steps to remove the works and restore the site to its original condition before the works were undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority.

Reason: *To mitigate the effects of the activity on the site, in accordance with s.71(3)(e) of the 2009 Act.*

- 3.17 Any persons 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 works.

Reason: *To ensure that the licence is available for the purpose of inspection, in accordance with s.71(2)(b) of the 2009 Act.*

3.18 The licensee must ensure that copies of this licence and any subsequent amendments or variations are available for inspection by any persons authorised by the Licensing Authority at:

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

Reason: *To ensure that the licence is available for the purpose of inspection, in accordance with s.71(2)(b) of the 2009 Act.*

4. PART 4 – PROJECT LOCATION

