

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS IN THE SCOTTISH
MARINE AREA

Licence Number: 06226/17/0

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

Under the 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) within the Scottish marine area, either 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
- 3) To construct any works within the Scottish marine area either in or over the sea, or under the seabed,

required in the execution of the Works (including construction and maintenance) described in Part 2 of the Schedule attached to this licence.

This licence must be valid from 18th January 2017 until 31st July 2017.

Signed: 

Jim McKie

For and on behalf of the licensing authority

Date: 18th January 2017

Part 1 - Particulars

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

N/A

2. Location of works:

Located with the Aberdeen Offshore Wind Farm site, approximately 2.4km offshore from Blackdog, Aberdeenshire, within the area bounded by joining the points below:

57° 14'.72 N : 002° 00'.91 W
57° 12'.36 N : 001° 58'.68 W
57° 15'.24 N : 001° 56'.87 W
57° 11'.84 N : 002° 02'.72 W.

3. Description of works:

A trial installation and removal of suction buckets and removal of a suction bucket a maximum of 10 times across three different test locations within the Aberdeen Offshore Wind Farm Site.

- 1 suction bucket, maximum dimensions of 10 m diameter x 10 m length).

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

TEMPORARY DEPOSITS

Steel/Iron, 250 tonnes (1 suction bucket)

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 inform the Licensing Authority of the date of the works in s.29 (3)(c) of the Marine Scotland Act 2010 (the 2010 Act)*

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 environmental impacts are minimised in accordance with s.29(2)(b) of the 2010 Act.*

3. The licensee must remove all temporary deposits listed in Part 1 of the licence before the expiry date of this licence. **This licence must not continue in force after the expiry date of 30th July 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 2010 Act.*

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

5. 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 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 must be provided.

Reason: *To confirm that the deposits made were in accordance with the application in accordance with s.29(3)(c) of the 2010 Act.*

6. The licensee must notify the UK Hydrographic Office ("UKHO"), 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.29(2)(b) of the 2010 Act.*

7. 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.

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

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 ensure that no works will take place within the Designated Anchorage.

Reason: To mitigate 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 give a copy of this licence and any subsequent variations made to this licence in accordance with section 30 of the 2010 Act to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the works and must ensure that the licence and any such variation are read and understood by those persons.

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

11. The licensee must consult with the responsible local navigation authority and the Harbour Authority/Commissioners where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction.

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

12. 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 2010 Act.

13. 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 environmental mitigation is undertaken in accordance with s.29(2)(b) of the 2010 Act.

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

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

15. 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 mitigation is undertaken in accordance with s.29(2)(b) of the 2010 Act.*

16. 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 2010 Act.*

17. Any jack up barges and vessels utilised during the works when jacked up, must exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations / must exhibit the standard lights and shapes as per the International Regulations for the Prevention of Collisions at Sea.

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

18. The licensee must ensure that the works are maintained at all times in good repair.

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

19. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the Office of Communications ("OfCom").

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)(b) of the 2010 Act.*

20. 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 2010 Act.*

21. If the assistance of a Government Department (to include the 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 responsibilities in accordance with s.29(2)(b) of the 2010 Act.*

22. In the event of the licensed operations being discontinued 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 2010 Act.*

23. The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee must be liable for any expense incurred.

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 2010 Act.*

24. 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)(c) of the 2010 Act.*

25. The licensee must 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.

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

26. 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 2010 Act.*

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 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: MS.MarineRenewables@gov.scot

