

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

**LICENCE FOR THE CONTINUED DEPOSIT AND OPERATION OF MARINE RENEWABLES WORKS IN THE SCOTTISH MARINE AREA**

Licence Number: 06652/18/0

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

**Offshore Renewable Energy Catapult  
Offshore House  
Albert Street  
Blyth  
Northumberland  
NE24 1LZ**

**Under the Marine (Scotland) Act 2010,**

To allow the continued presence and operation and maintenance of deposits made under marine licence 04617/13/0 as varied and as specified in Part 2 of this licence to remain on the seabed. The issue of this licence is subject to conditions as set out in Part 3 of the Schedule.

This licence remains in force from **30 August 2018** to **31 March 2029** or until the Works have been decommissioned in accordance with an approved Decommissioning Programme prior to this date, and for which a separate marine licence is required.

Signed:

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Zoe Crutchfield

For and on behalf of the Licensing Authority

Date of issue: 30<sup>th</sup> August 2018

## 1. PART 1 – GENERAL

### 1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010, and,

- a) **“the Application”** means the application for a marine licence submitted to the Licensing Authority, by the Licensee on 08 February 2018;
- b) **“Decommissioning of the Works”** includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- c) **“Decommissioning Programme”** means the programme for decommissioning the Works, to be submitted by the Licensee to the appropriate authority.
- d) **“the 2010 Act”** means the Marine (Scotland) Act 2010;
- e) **“LAT”** means lowest astronomical tide;
- f) **“Licensable Marine Activity”** means the activities listed in section 21 of the 2010 Act;
- g) **“Licensed Activities”** means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under this licence;
- h) **“Licensee”** means Offshore Renewable Energy Catapult having its registered offices at Offshore House, Albert Street, Blyth, Northumberland, NE24 1LZ and registered in Scotland having its registered number as 4659351;
- i) **“MHWS”** means mean high water spring tide;
- j) **“the Licensing Authority”** means the Scottish Ministers;
- k) **“the Site”** means the area outlined in the figure 1 contained in Part 4 of this licence; and
- l) **“the Works”** means the Levenmouth Demonstration Turbine as described in Part 2 of this licence, including operations and maintenance activities.

All geographical co-ordinates contained within this licence are in latitude and longitude format World Geodetic System 84 (“WGS84”).

### 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](mailto: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 30 (1) of the 2010 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 30(2) or (3) of the 2010 Act.

Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer this licence from the Licensee to another person.

#### **1.5 Breach of requirement for, or conditions of, licence**

Under section 39 of the 2010 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 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 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 (*'force majeure'*), and
- (b) that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

#### **1.7 Offences relating to information**

Under section 42 of the 2010 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 either Part 4 of the 2010 Act or the provisions of this licence.

## 2. PART 2 – THE WORKS

### 2.1 Title of the Works

The title of the Works to which this licence relates to is the Operation and Maintenance of the 'Levenmouth Demonstration Turbine'.

### 2.2 Description of the Works

The Levenmouth Demonstration Turbine ("LDT") has been operational since 31 March 2014 and is a single operational wind turbine and associated infrastructure, located adjacent to the Fife Energy Park ("FEP") in Methil. The LDT consists of a 7 megawatt ("MW") turbine which measures 196.2 metres (m) from mean sea level ("MSL") to blade tip. The LDT also consists of:

- A personnel bridge, which allows access to the turbine substructure from the FEP;
- An onshore crane pad within the FEP and;
- An onshore control compound which controls operation of the turbine. The Levenmouth Demonstration Turbine has been operational since 31 March 2014.

A configuration of the consented turbine, and associated infrastructure, is included at Part 4 of this Schedule.

### 2.3 Location of the Works

Located in the Fife Energy Park, Methil within the Scottish marine area, near Methil Docks, at a point with the coordinates:

56° 10.422' N 003° 01.157' W

### 2.4 Deposits

This licence authorises the continued deposit of the undernoted substances and objects, as permitted by marine licence number 04617/13/0 as varied, required in connection with the Works, subject to the maximum amounts as specified below:

#### PERMANENT DEPOSITS

Steel/Iron	2,300 tonnes
Concrete	240m <sup>3</sup>

**2.5 Persons responsible for the deposits of the substances or objects**

The operators, vessels and vehicles engaging in the Works must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

<b>Name of Vessel or Vehicle Registration</b>	<b>Operator</b>	<b>Type(s)</b>
To be confirmed	To be confirmed	To be confirmed

**2.6 Persons acting on behalf of the Licensee**

The name and address of any agents, contractors or sub-contractors appointed to carry out any part, or all, of the Works must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

<b>Role</b>	<b>Company Name</b>	<b>Address</b>	<b>Contact Name</b>
To be confirmed	To be confirmed	To be confirmed	To be confirmed

### 3. PART 3 – CONDITIONS

#### 3.1 General Conditions

##### 3.1.1 Compliance with the Application and approved plans

The Licensee must at all times operate and maintain the Works in accordance with this Licence, the Application, the EIA Report, the section 36 consent and supporting documentation.

**Reason:** *To ensure compliance with the marine licence, the application for the marine licence and the supporting information.*

##### 3.1.2 Licence conditions binding other parties

All conditions attached to this licence bind any person who for the time being owns, occupies or enjoys any use of the Works for which this licence has been granted in relation to those licensed activities authorised under item 5 in section 21(1) of the 2010 Act whether or not this licence has been transferred to that person.

**Reason:** *To safeguard the obligations of the licence, in accordance with s.29(5) of the Marine (Scotland) Act 2010.*

##### 3.1.3 Vessels, vehicles agents, contractors and sub-contractors

The Licensee must provide, as soon as reasonably practicable in advance of their engagement in the Works authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Works to the Licensing Authority. Where applicable the notification must include the vessel type, vessel IMO number and vessel owner or operating company.

The Licensee must ensure that any changes to the supplied details must be notified to the Licensing Authority, in writing, 14 days prior to any vessel, vehicle, agent, contractor or sub-contractor engaging in the Works.

The Licensee must ensure that only those vessels, vehicles, operators, agents, contractors or sub-contractors notified to the Licensing Authority are permitted to carry out any part of the Works.

The above details must be recorded in section 2.5 and 2.6 of this licence, if not provided at application these details and any subsequent changes will require a variation to the licence to update section 2.5 and 2.6 prior to engagement in the Works.

The Licensee must satisfy themselves that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are aware of the extent of the Works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence. All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Works must abide by the conditions set out in this licence.

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 variations are read and understood by those persons.

**Reason:** *To ensure all parties involved in the Works are aware of the licence and its conditions to reduce the risk of a breach of the licence, in accordance with s.39(1)(b) of the 2010 Act.*

#### **3.1.4 Force Majeure**

Should the Licensee or any of their agents, contractors or sub-contractors, by any reason of *force majeure* deposit anywhere in the marine environment any substance or object, then the Licensee must notify the Licensing Authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel or vehicle operator determines that it is necessary to deposit the substance or object other than at the Site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. 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.

**Reason:** *To provide a defence for the Master to protect himself and his crew in bad weather conditions, in accordance with s.29(2)(b) of the 2010 Act.*

#### **3.1.5 Material alterations to the licence application**

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, in accordance with s.29(2)(a) of the 2010 Act.*

#### **3.1.6 Submission of plans and specification of studies and surveys to the Licensing Authority**

The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under this licence in relation to the Works, in writing, to the Licensing Authority for their written approval. Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval to the Licensee.

Plans or the specification of studies and surveys prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

**Reason:** *To ensure that the Licensing Authority is kept informed of the progress of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.1.7 Submission of reports and notifications to the Licensing Authority**

The Licensee must submit all reports and notifications to the Licensing Authority, in writing, as are required under this licence within the time periods specified in this licence. Where it would appear to the Licensee that there may be a delay in the submission of the reports or notifications to the Licensing Authority, then the Licensee must advise the Licensing Authority of this fact as soon as is practicable and no later than the time by which those reports or notifications ought to have been submitted to the Licensing Authority under the terms of this licence.

The reports must include executive summaries, assessments and conclusions and any data will, subject to any rules permitting non-disclosure, be made publically available by the Licensing Authority or by any such party appointed at their discretion.

Reports prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

Such reports will include, but not be limited to annual reports as stipulated within the PEMP.

**Reason:** *To ensure that all reports and notifications are submitted within a reasonable timescale after the licence is granted, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.1.8 Chemical usage**

The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved prior to use. All chemicals which are to be utilised in the Works must be selected from the List of Notified Chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (as amended) or as exempted for sealed units. The Licensee must submit a report of all chemicals and quantities to be used (e.g. oils and fluorinated gases) during the construction and operation of the works to the Licensing Authority no later than one calendar month prior to the Commencement of the Works. Any changes to the types of chemicals which are proposed to be utilised must be consulted on with the Licensing Authority before the Commencement of the Works or; as the case may be, after the Commencement of the Works but prior to their utilisation.

**Reason:** *To minimise the environmental impact in the event of a release through the use of authorised chemicals in the interest of protecting the environment, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.1.9 Fluorinated greenhouse gases**



The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015 (the Regulations), or mixtures containing any of those substances) must take precautions to prevent the unintentional release ('leakage') of those gases. They must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

Where a leakage of fluorinated greenhouse gases is detected, the Licensee must ensure that the equipment is repaired without undue delay.

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO<sub>2</sub> equivalent or more and not contained in foams must ensure that the equipment is checked for leaks in accordance with Annex 4 of the Regulations. Records of leak checks must be kept in accordance with Annex 6 of the Regulations. These records must be submitted to the Licensing Authority annually, and immediately in the event of discovery of any leak.

Where the equipment is subject to leak checks under Article 4(1) of the Regulations, and a leak in the equipment has been repaired, the Licensee must ensure that the equipment is checked by a certified person within **one** calendar month after the repair to verify that the repair has been effective. In such event, the Licensing Authority must be informed of the date of discovery, date of repair and date of inspection.

**Reason: to ensure compliance of the Works with Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015, in accordance with s.29(2)(b) of the 2010 Act.**

### **3.1.10 Environmental protection**

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to avoid or minimise any damage to the Scottish marine area caused as a result of the undertaking of the licensed activities.

The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code (SMWWC; [www.marinecode.org](http://www.marinecode.org)) where appropriate during all installation, operation and maintenance activities authorised under this licence.

The Licensee must ensure that the risk of transferring marine non-native species to and from the Site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the Works.

The Licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system. Any drill cuttings associated with the use of water-based drilling muds situated within Site of the Works need not be removed from the seabed.

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

### 3.1.11 Availability of the licence for inspection

The Licensee must ensure that copies of this licence and any subsequent amendments or variations are available for inspection at any reasonable time by any authorised by the Licensing Authority 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 vessels permitted to engage in the Works.

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

### 3.1.12 Inspection of the Works

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 Site/Works.

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

### 3.1.13 Emergencies

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:

- a) the failure to mark and light the Works as required by this licence;
- b) the maintenance of the Works; or
- 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 licensee is aware of financial liabilities, in accordance with s.29(2)(b) of the 2010 Act.*

## 3.2 Conditions specific to the Works

### 3.2.1 Conditions applicable to all phases of the Works

#### 3.2.1.1 Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Works during the period of this licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the incident occurring.

**Reason:** *To keep the Licensing Authority informed of any such incidents which may be in the public interest, in accordance with s.29(3)(c) of 2010 Act.*

### **3.2.1.2 Bunding and storage facilities**

The Licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils and lubricating fluids associated with the plant and equipment into the marine environment.

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

### **3.2.1.3 Restoration of the Site to its original condition**

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to its original condition before the Works were undertaken, or to as close to its original condition as is reasonably practicable, in accordance with the Project Environmental Monitoring Plan (“PEMP”) and the Decommissioning Programme (“DP”) to the satisfaction of the Licensing Authority. Should the Works be discontinued prior to expiry date of this marine licence, the Licensee must inform the Licencing Authority in writing of the discontinuation of the Works. A marine licence application will be required for the removal of Works.

**Reason:** *To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010 Act.*

### **3.2.1.4 Emergency Response Co-operation Plans (“ERCoP”)**

The Licensee must, in discussion with the Maritime and Coastguard Agency’s (“MCA”) Search and Rescue Branch, complete an Emergency Response Co-operation Plan (“ERCoP”) for the operation phases. The ERCoP must include full details for the operation phase of the authorised scheme in accordance with MCA recommendations contained within Marine Guidance Notice (“MGN”) 543 (or subsequent updates).

**Reason:** *To ensure the Licensing Authority is aware of the ERCoP, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.2.1.5 Third Party Certification or Verification**

The Licensee must, within 3 calendar months of the issue of this licence, provide the Licensing Authority with Third Party Certification or Verification (“TPC” or “TPV”) (or a

suitable alternative as agreed in writing with the Licensing Authority) e.g. of the basis of design of the device and turbine base.

**Reason:** *To provide independent certification or verification of the technology, materials or equipment, in accordance with s.29(2)(b) of the 2010 Act.*

### 3.2.2 Conditions upon Completion of the Works

#### 3.2.2.1 Navigational Safety

The Licensee must, where any damage, destruction or decay is caused to the Works, notify the Licensing Authority, in writing, of such damage, destruction or decay as soon as reasonably practicable following such damage, destruction or decay. The Licensee must carry out any remedial action which the Licensing Authority advises the Licensee, in writing, as requiring to be taken, which may include a requirement to display aids to navigation, following consultation by the Licensing Authority with the MCA, the NLB or any such advisers as required.

The Licensee must ensure that the devices are actively monitored during the Operation and Maintenance phases. The Licensee must ensure that a contingency plan is in place to respond to any reported catastrophic failures which may result in the devices, or part(s) of the device(s), breaking loose and becoming a buoyant hazard. This contingency plan should include the transmission of local Radio Navigation Warnings.

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”).

The Licensee must not exhibit, alter or discontinue navigational lighting of the Works without the Statutory Sanction of the Commissioners of Northern Lighthouses. An ‘Application for Statutory Sanction to Exhibit/Discontinue’ form must be completed by the Licensee as fully as possible and returned to the Northern Lighthouse Board via e-mail to [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk) for the necessary sanction to be granted prior to exhibiting, altering or discontinuing navigational lighting.

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

#### 3.2.2.2 Markings, lighting and signals of the Works

The Licensee must ensure that if it is desired to display any marks or lights not required by this licence then details shall be submitted to the NLB and their ruling complied with. The display of unauthorised marks or lights is prohibited.

**Reason:** *To ensure safe appropriate marking and lighting of the offshore Works, in accordance with s.29(2)(b) of the 2010 Act.*

#### 3.2.2.3 Operation and Maintenance of the Works

The Licensee must, no later than 2 months after issue of this licence submit an Operation and Maintenance Plan (OMP), in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The OMP must set out the procedures and good working practices for the operations and maintenance of the WTG, substructures, and cable of the Works. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

**Reason:** *To ensure compliance with the approved OMP to prevent decay of the Works and to ensure that any maintenance work is carried out under an appropriate licence in accordance with s.29(3)(b) of the 2010 Act.*

#### **3.2.2.4 Removal of the Works**

This licence does not permit the Removal of the Works, for which a separate marine licence is required.

The Licensee must, no later than 3 months prior to any proposed removal works, submit a plan for the Removal of the Works, in writing, to the Licensing Authority, along with a marine licence application for the Removal of the Works.

Removal of the Works must not occur until the Licensing Authority has given its prior written approval to the plan and issued a marine licence.

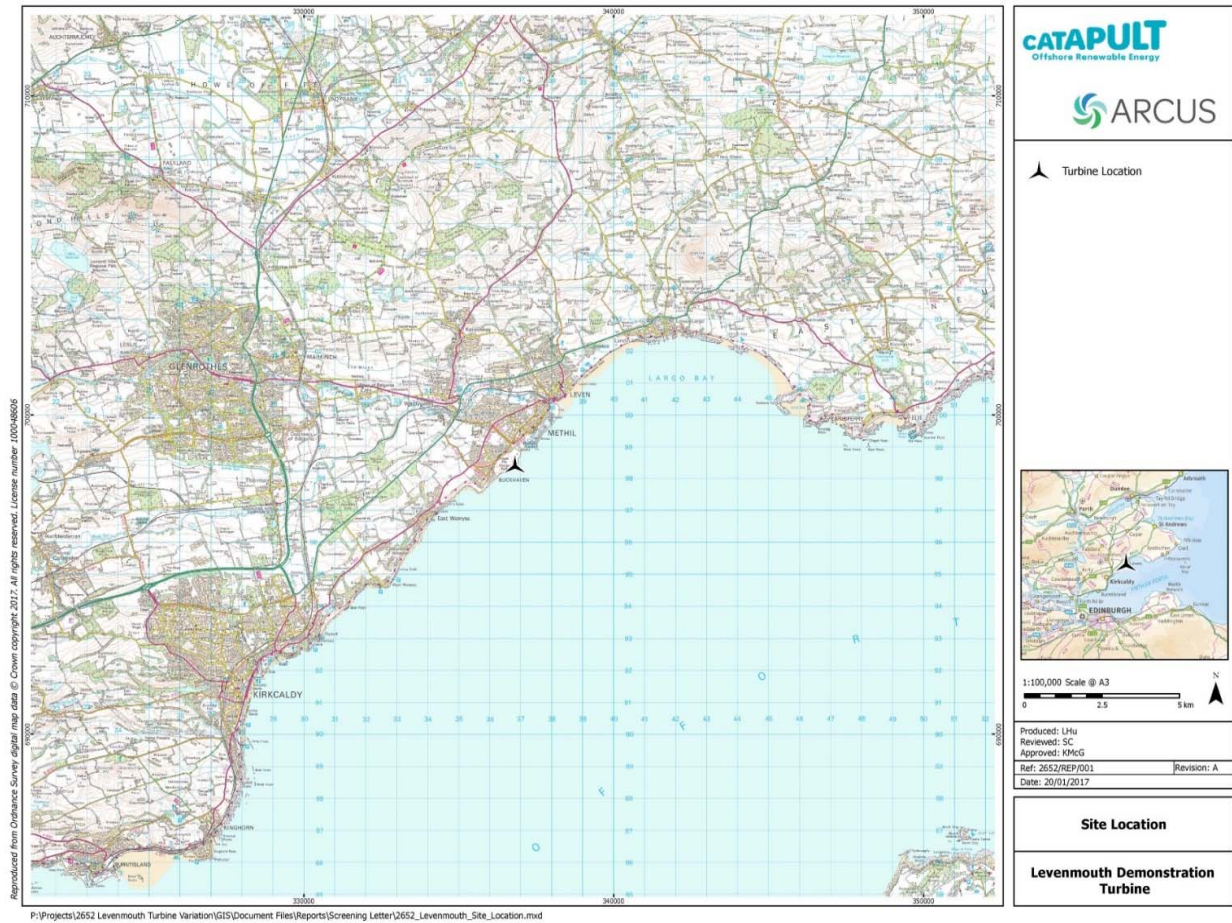
**Reason:** *To ensure that removal of works is carried out under an appropriate licence, in accordance with s.29(3)(a) of the 2010 Act.*

#### **3.2.2.5 Decommissioning**

This licence does not permit the Decommissioning of the Works, for which a separate marine licence is required.

**Reason:** *To ensure that decommissioning is carried out according to the approved decommissioning programme under an appropriate licence, in accordance with s.29(3)(d) of the 2010 Act*

**Figure 1 – Offshore Renewable Energy Catapult Development Location showing Levenmouth Demonstration Turbine at the Fife Energy Park, Methil.**



Not to scale