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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO REMOVE ANY SUBSTANCE OR OBJECT FROM THE SEABED WITHIN THE
SCOTTISH MARINE AREA

Licence Number: 07123/20/0

Reference Number: 07123

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

**EDF Energy
Torness Power Station
Nuclear Generation
Dunbar
East Lothian
EH42 1QS**

to remove the substances or objects particulars of which are described in Part 1 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 2 of the said Schedule.

This licence shall be valid from 27 April 2020 until 26 April 2022.

Signed:

Rebecca Bamlett

For and on behalf of the licensing authority

Date: 27 April 2020

Part 1 - Particulars

1. Name and address of the producer of the substances or objects:

As per licensee.

2. Name and address of any other agent acting on behalf of licensee (if appropriate):

ABPmer
Quayside Suite
Medina Chambers
Town Quay
Southampton
SO14 2AQ

3. Name(s) and address(es) of vessel operators(s), if different from Sections 1 of Part 1 of the Schedule:

As per Annex One

4. Name(s) of vessel(s) to be employed to undertake the removal operations:

As per Annex One

The vessels referred to in Annex One must be so constructed and equipped as to be capable of the proper performance of the deposit operations in compliance with the conditions set out in the Schedule.

5. Place of production of the substances or objects:

Torness Power Station, within the area bounded by joining the Mean High Water Springs line and the points:

55° 58.789' N	002° 25.812' W
55° 59.125' N	002° 25.283' W
55° 58.478' N	002° 23.962' W
55° 58.323' N	002° 24.204' W

6. Description of the substances or objects:

As described in application dated 23 September 2019, and correspondence submitted in support of the application.

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7. Quantity of materials for removal within the period of validity of the licence:

600 Tonnes of Seaweed

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.
2. "Force majeure" may apply when, due to stress of weather or any other cause, it is necessary to deposit the substances or objects at a location other than that specified above because the safety of human life, or a vessel or vehicle, is threatened. If substances or objects are deposited in an unauthorised area, full details of the circumstances must be immediately notified to the licensing authority (see also notes appended to the Schedule).
3. Only those substances or objects described in Part 1 of the Schedule shall be removed under authority of the licence.
 - a) Any unauthorised materials associated with the substances or objects scheduled for deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, must be disposed of on land at an approved location above the tidal level of Mean High Water Springs.
4. The licensee must notify the licensing authority in writing of any vessel not already listed in Part 1 of this licence being used to carry out any licensed activity listed in Part 1 of this licence on behalf of the licensee. Such notification must be received by the licensing authority no less than 24 hours before the commencement of the licensed activity. Notification must include the vessel name, type, IMO number and country of registration as well as the name and address of any vessel operator or contractor.
5. The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the deposit operations. The log(s) must be kept on board the vessel(s) throughout the deposit operations, and be available for inspection by any authorised Enforcement Officer. The log(s) must be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the licensing authority.

The log(s) must record in English the following information:

- a) the name of the vessel;
 - b) the nature and quantity of each substance or object loaded for removal;
 - c) the date and time of departure from port, and the date and time of arrival at the offloading area(s), on each occasion that the vessel proceeds to the offloading area(s);
 - d) comments on the offloading operations, including any explanations for delays in the offloading operations;
 - e) the signature of the Master at the foot of each page of the record.
6. The licensee must submit written reports, to the licensing authority stating the nature and total quantity, in wet tonnes, of all substances or objects deposited under authority of the licence. The written reports must be submitted to the licensing authority annually and on the forms provided by the licensing authority.

7. The licensee must provide the Master(s) of the vessel(s) employed to undertake the deposit operations with a copy of the licence. The licensee must also ensure that copies of the licence and all other relevant documents are available for inspection by any authorised Enforcement Officer at:
 - a) the premises of the licensee;
 - b) the premises of the producer of the substances or objects for deposit, and the premises of any contractor responsible for the storage, transport or deposit of the substances or objects; and
 - c) on board the vessel(s) employed to undertake the deposit operations.
8. The licensee must issue a local notification to marine users - including fisherman's organisations, neighbouring port authorities and other local stakeholders - to ensure that they are made fully aware of the activity.
9. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
10. The appointed dredger and any other floating plant in attendance during these operations must exhibit the required lights/shapes at all times, in accordance with the International Regulations for the Prevention of Collisions at Sea.
11. The licensee must ensure that no deviation from the schedule specified in the licence must be made without the further written consent of the licensing authority.
12. The licensee must ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
13. If in the opinion of the licensing authority the assistance of a Government Department, 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 licence.
 - b) The maintenance of the works.
 - c) The drifting or wreck of the works.

The owner of the works shall be liable for any expenses incurred in securing such assistance.
14. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.
15. 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.

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

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Email: ms.marinelicensing@gov.scot