

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO USE A VEHICLE, VESSEL, AIRCRAFT, MARINE STRUCTURE OR FLOATING CONTAINER TO REMOVE ANY SUBSTANCE OR OBJECT FROM THE SEABED WITHIN THE SCOTTISH MARINE AREA.

Licence Number: 07272/20/0

Reference Number: 07272

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

**Fortum Energy UK Ltd
St James House
Kensington Square
London
W8 5HD**

to use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area, in the execution of activities as 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 **08 July 2020** until **31 December 2020**

Signed: _____
Jessica Wilson

For and on behalf of the licensing authority

Date: **08 July 2020**

Part 1 - Particulars

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

**Orcades Marine Management Consultants Ltd
Innovation Centre – Orkney
Hatston Pier Road
Kirkwall
Orkney KW15 1ZL**

2. Location of activity:

Billia Croo wave test site, the European Marine Energy Centre (EMEC), located off the west coast of Orkney Mainland, Scotland, within the area bounded by joining the following points as shown at Annex 1:

| | |
|--------------|---------------|
| 58° 59.46' N | 003° 25.32' W |
| 59° 00.00' N | 003° 24.36' W |
| 58° 59.46' N | 003° 23.70' W |
| 58° 59.16' N | 003° 24.24' W |
| 58° 59.10' N | 003° 24.60' W |
| 58° 59.10' N | 003° 25.08' W |
| 58° 59.46' N | 003° 25.32' W |

3. Description of licensed activity:

Removal of the Wave Energy Converter (WEC), mooring components and all ancillary equipment, known as Penguin 1, from the seabed at Berth 5, Billia Croo Wave Test Site, Orkney. All as described in the application and supporting documents submitted on 5 March 2020.

4. Substances and objects to be removed:

WEC (Penguin 1) device comprised of:

- 410 tonne steel hull
- 6 x Concrete clump weight anchors (188m³)
- 6 x Steel subsurface buoys (6 x 10 tonne)
- 1 x 201 tonne (1800 metres) steel chain
- 5.2 tonne of steel abandonment wire
- 1 x Rotator (20 tonne of steel and 40 tonne concrete (17m³))
- 1 x Concrete ballast (631m³)
- 1 x Generator (60 tonne steel frame, 2 tonne copper windings)
- 1 x Plastic cooling water piping (200kg)
- Transformers (5 tonne iron, 500kg aluminium/steel combined)
- 1 x Frequency converter (steel, copper, aluminium and plastic 570kg)
- UPS (steel and lead 200kg)
- Switch gears LV/HV (steel, copper and plastic 510kg)
- Steel tubing (300kg)
- Steel electrical converter (200kg)
- Plastic cable buoyancy (1.5m³)
- Copper and PVC plastic electric cables (2 tonne – approximately 180 metres)
- Polyester/rubber bending restrictor (20kg)

3 x unused steel roll plates (2x 77 tonne and 1 x 105 tonne)

6 x 14 tonne (60m³ total) unused concrete clump weights

Including any other infrastructure as identified within the Method Statement and Project Information Summary submitted at application.

Part 2 - Conditions

1. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the licensed activities in order that they are clear about the extent of the activities for which the licence has been given and the conditions that are attached to the licence.
2. Any person authorised by the licensing authority will be permitted to inspect the licensed activity at any reasonable time.
3. 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 these activities.
4. The licensee must notify the licensing authority of the date of commencement and the date of completion of the licensed activities. Separate written notifications are required at the times of commencement and completion. Notification of commencement must be submitted no later than seven days prior to commencement of the licensed activities and notification of completion must be submitted no later than seven days following completion of the licensed activities.
5. The licensee must finalise a detailed Removal Method Statement for the licensed activities with Orkney Islands Council Marine Services which includes a full schedule of the activities detailing all movements and locations of the substances and objects no later than 14 days prior to the commencement of the licensed activities. The Removal Method Statement must be sent to the Licensing Authority no later than seven days prior to commencement of the activities.
6. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdri@ukho.gov.uk; tel.: 01823 484444) of completion of the activities in order that all necessary amendments to nautical publications are made.
7. The licensee must at all times comply with the Navigation Risk Assessment Addendum (Ref: OP286 submitted with application), submitted as an addendum to and to be read in conjunction with the document 'Billia Croo Wave Site Navigational Risk Assessment (NRA) – REP522'.
8. The licensee must complete a statutory sanction application for the discontinuation of the Aids to Navigation fitted to the device and submit it to the Northern Lighthouse Board via navigation@nlb.org.uk.
9. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written permission of the licensing authority. 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 licensee must immediately notify the licensing authority of the details.
10. 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 activities as required by licence.
 - b) The maintenance of the substances or objects.
 - c) The drifting or wreck of the substances or objects.

The owner of the substances or objects shall be liable for any expenses incurred in securing such assistance.

11. The licensee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. The licensee must issue Notice(s) to Mariners clearly stating the nature, duration and location of these activities prior to commencement and on completion of the activities and must ensure that HM Coastguard, in this case OELO@mcga.gov.uk, is made aware of the activities prior to commencement.
12. The licensee shall consult with the responsible local navigation authority and the Harbour Authority/Commissioners, who may wish to issue local warnings to alert those navigating in the vicinity to the carrying on of the licensed activities.
13. The licensee shall ensure suitable bunding and storage facilities are employed to prevent where possible the release of fuel oils, lubricating fluids associated with the activities into the marine environment.
14. Removal of the substances and objects must be in accordance with the Method Statement and all other supporting documents submitted with the application.
15. The licensee must ensure that all substances and objects are removed from the site.
16. The licensee must take all reasonable, appropriate and practicable steps to fully clear and restore the site to its original condition to the satisfaction of the licensing authority by 31 December 2020.
17. The licensee must take appropriate steps to minimise damage to the seabed.
18. The licensee must ensure that any debris or waste materials arising during the course of the activities are removed from the site for disposal at an approved location above Mean High Water Springs.
19. The licensee must undertake a survey of the site following the removal of all substance and objects and submit the results of the survey, together with a written report, detailing the substances and objects removed during the activities, to the licensing authority. The written report must be submitted to the licensing authority no later than one month after completion of the activities.

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 shall 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 of the Marine (Scotland) Act 2010, 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

Email: MS.MarineRenewables@gov.scot

Annex 1 - Project location

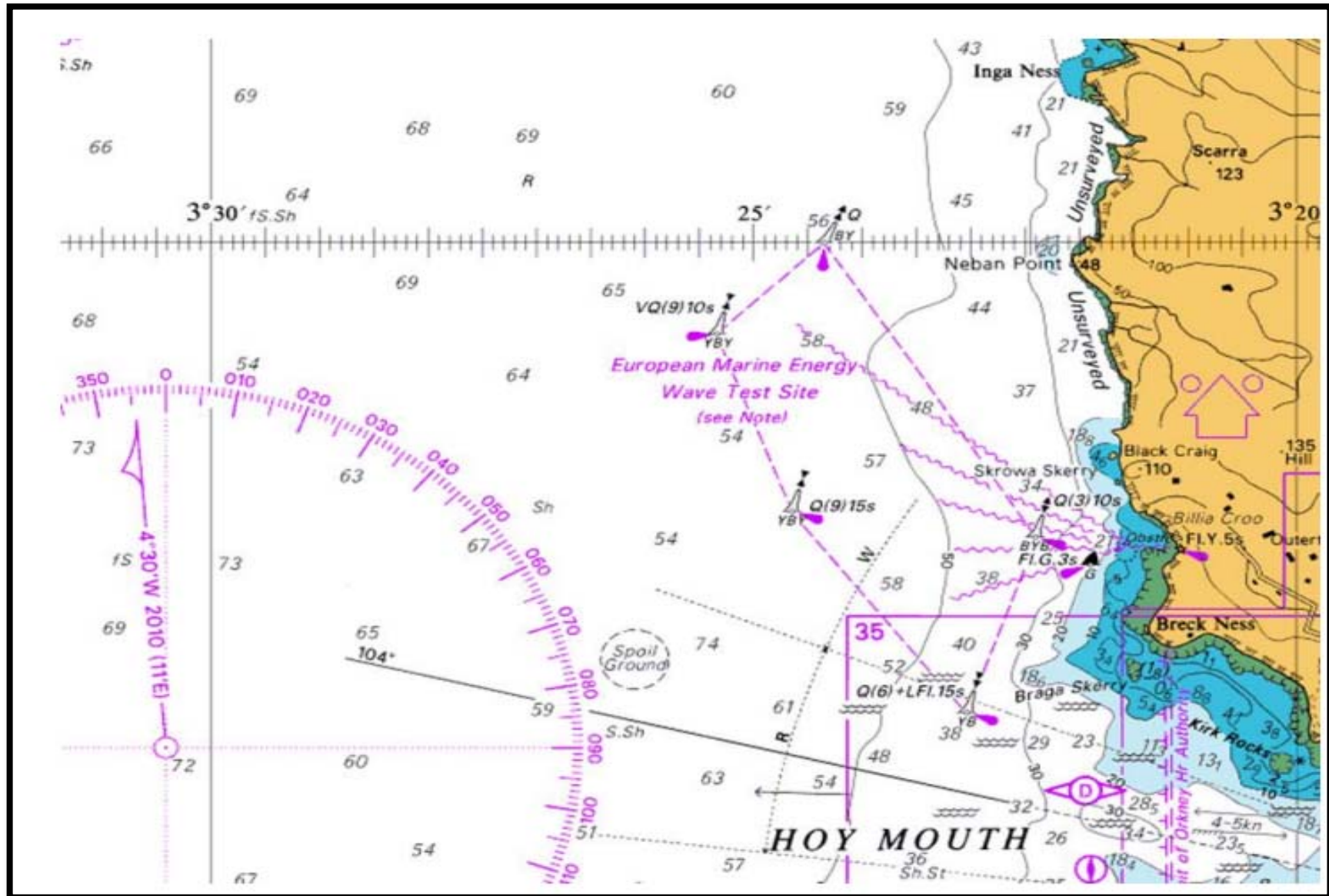


Figure 1 – Admiralty chart showing Billia Croo wave test site

Annex 1 - Project location

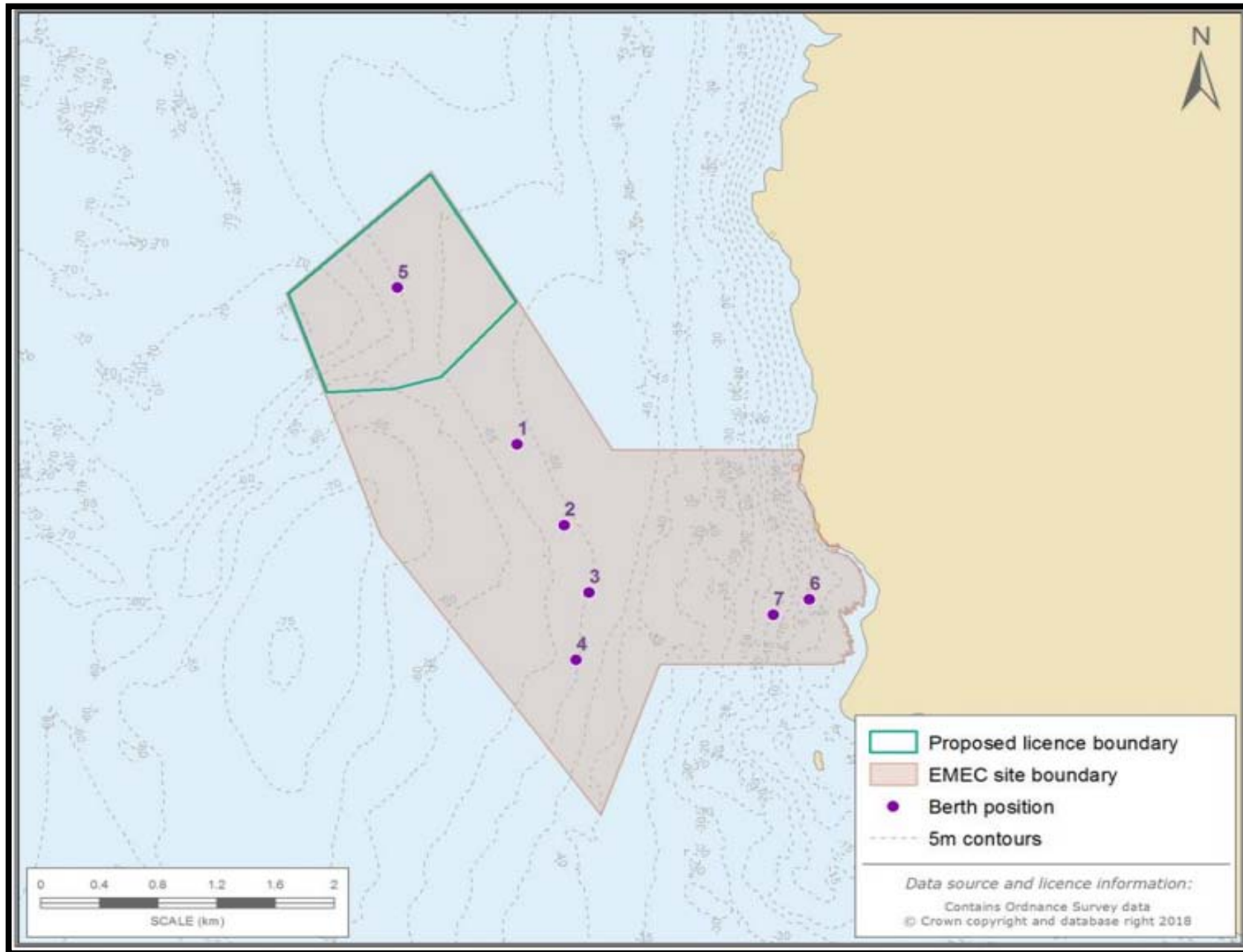


Figure 2 – EMEC site and licence boundary at berth 5