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MARINE (SCOTLAND) ACT 2010

LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS AND DEPOSITS OF
SUBSTANCES OR OBJECTS IN THE SCOTTISH MARINE AREA

Licence Number: 04483/19/0

Reference Number: FKB/Z255

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

**Inch Cape Offshore Limited
Red Rock Power Limited
5th Floor
40 Princes Street
Edinburgh
EH2 2BY**

to:

1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the Scottish marine area;

2) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded in Scotland or in the Scottish marine area

and

3) construct any works within the Scottish marine area in or over the sea, or under the Seabed

required in execution of the Works described in Part 2 of the Schedule attached to this licence. The issue of this licence is subject to conditions as set out in Part 3 of the Schedule.

This licence remains in force from **18 October 2019** until the Works have been decommissioned in accordance with an approved Decommissioning Plan.

Signed: _____

Giulia Agnisola

For and on behalf of the licensing authority

Date of issue: 18 October 2019

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,

- a) “the 2010 Act” mean the Marine (Scotland) Act 2010;
- b) “Licensable Marine Activity” means the activities listed in section 21 of the 2010 Act authorised under this licence;
- c) “Licensee” means Inch Cape Offshore Limited;
- d) “Licensing Authority” means the Scottish Ministers;
- e) “MHWS” means high water spring tide;
- f) “the Site” means the location marked with a black X within area coloured red and labelled ‘Development Area’ in the figure contained in part 4 of this licence;
- g) “the Works” means the Inch Cape Offshore Limited Meteorological Mast, as described in part 2 of this licence;
- h) “Commencement of the Works” means the date on which the first vessel arrives on Site to begin carrying on any Licensable Marine Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- i) “Completion of the Works” means the date on which the Works have been installed;
- j) “Decommissioning of the Works” means the removal of the Works from the Site at the end of the operational life; and
- k) “Decommissioning Plan” means a plan agreed with the Licensing Authority for the removal of the Works from the Site.

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

Tel: +44 (0) 1224 295579
Fax: +44 (0) 1224 295524
Email: ms.marinelicensing@scotland.gsi.gov.uk

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 out of the licensed operations. 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 of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke this licence if it appears to the Licensing Authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the Authority under section 30(2) or (3) of the 2010 Act.

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

Under section 30 of the 2010 Act the Licensing Authority may on an application made by the Licensee, 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 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 that the person took steps within a reasonable time to provide full details of the matter to 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, either 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 by 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 Inch Cape Offshore Limited Meteorological Mast”

2.2 Description of the Works

An offshore meteorological mast consisting of a berm, a gravity base structure and the meteorological mast infrastructure.

2.3 Location of the Works

Within the Inch Cape Offshore Limited lease area in the outer Firth of Tay, within the Scottish marine area, approximately 23 kilometres North East of Arbroath on the Angus Coastline, within a 500 metre radii micro-siting allowance of the centred co-ordinates:

56° 26.404' N 002° 14.489' W

2.4 Deposits

This licence authorises the deposit of the undernoted substances and objects required in connection with the Works, subject to the maximum amounts as specified below:

PERMANENT DEPOSITS

Steel, 800 tonnes

Concrete, 6041 m³

Concrete Mattresses, No 195, 10 x 3 x 0.5m, 1900m³

Stone/Rock/Gravel, size range 22-600 mm, 9475 m³

2.5 Persons responsible for the deposits of the substances or objects

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

Name of Vessel or Vehicle Registration	Operator	Type(s)
Marian Array	Gardline Geosurvey Ltd.	Wind farm operations support, Catamaran CTV
Iceni Defender	Iceni Marine Services	23m South Boat water jet catamaran
MTSL Avocet	Minerva	Catamaran (CTV)
Minerva MTSL Falcon	Minerva	Catamaran (CTV)
Windcat 15	Windcat Workboats BV	Offshore Energy Service Vessel
RIX LION	Rix Lion Workboat Ltd	Personnel Transfer and Support Vessel

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 Licensable Marine Activity must be notified to Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Role	Company Name	Address	Contact Name
Vessel Operator	Gardline Geosurvey Ltd.	Endeavour House, Admiralty Road, Great Yarmouth, Norfolk NR30 3NG	Andrew Mason
Vessel Operator	Windcat Workboats BV	Trawlerkade 106, 1976 CC Ijmuiden, The Netherlands	S Visman
O&M Service Provider	Wood	Wood Group, Floor 2 St Vincent Plaza, 319 St Vincent Street, Glasgow G2 5LP	Allan Drewette / John Crawford
Lifting/Fall Arrest Recertification	1 Stop Wind	168 Bath Street, Glasgow G2 4TP	Alan McKerns
O&M Service Provider	Wood	Wood Group, Floor 2 St Vincent Plaza, 319 St Vincent Street, Glasgow, G2 5LP	Conor Gilmour
Lifting/Fall Arrest Recertification	1StopWind	168 Bath Street, Glasgow, G2 4TP	Alan McKerns

3. PART 3 – CONDITIONS

3.1 General conditions

3.1.1 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.

3.1.2 Vessels, vehicles, agents, contractors and sub-contractors

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

Any changes to the supplied details must be notified to the Licensing Authority, in writing, prior to any vessel, vehicle, agent, contractor or sub-contractor engaging in the Licensable Marine Activity.

Only those vessels, vehicles, agents, contractor or sub-contractor notified to the Licensing Authority are permitted to carry out any part of the Works.

The Licensee must satisfy themselves that any masters of vessels or vehicle operators, agent, contractor or sub-contractor 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 ensure the licence has been read and understood.

3.1.3 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, vehicle or marine structure 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.

3.1.4 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.

3.1.5 Submission of specification of studies and surveys to the Licensing Authority

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

3.1.6 Chemical usage

The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved in writing by the Licensing Authority prior to use. All chemicals 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, unless approved in writing by the Licensing Authority.

3.1.7 Environmental protection

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the Licensable Marine Activity authorised under this licence.

The Licensee must ensure that any debris or waste materials placed below MHWS during the construction of the Works are removed from the Site, as soon as is reasonably practicable, for disposal at a location above the MHWS approved by the Scottish Environment Protection Agency ("SEPA").

The Licensee must ensure that all substances and objects deposited during the execution of the Works 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.

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.

3.1.8 Availability of the licence for inspection

The Licensee must ensure that copies of the licence are available for inspection at any reasonable time by any authorised marine enforcement officer 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) on board any vessel engaged in the Works.

3.1.9 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.

3.1.10 Emergencies

If the assistance of a Government Department (to include 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 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.

3.2 Conditions specific to the Works

3.2.1 Prior to the Commencement of the Works

3.2.1.1 Commencement date of Works

The Licensee must, prior to and no less than 1 month before the Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under the licence.

3.2.1.2 Navigational safety

The Licensee must, as soon as reasonably practicable prior to Commencement of the Works, notify the UK Hydrographic Office (“UKHO”) of the proposed works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must, as soon as reasonably practicable prior to Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Aberdeen, are made fully aware of the Licensable Marine Activity through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, as soon as reasonably practicable prior to Commencement of the Works to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

The Licensee must prior to Commencement of the Works, complete an “Application for Statutory Sanction to Alter/Exhibit” form and submit this to the Northern Lighthouse Board (“NLB”) for the necessary sanction to be granted.

3.2.2 During the Works

3.2.2.1 Environmental protection

The Licensee must ensure that the deposits associated with the sub-structure are kept to a minimum in order to reduce impacts to the benthic habitat and local biodiversity.

3.2.2.2 Navigational safety

The Licensee must notify the UKHO of the progress of the Works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must notify local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Aberdeen, of the progress of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that the progress of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

The Licensee must, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of injury to or destruction or decay of the Works. The Licensing Authority will advise, in writing, of any remedial action to be taken and any requirement to display aids to navigation, following consultation with the Maritime and Coastguard Agency ("MCA"), the NLB or any such advisers as required.

The Licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands are installed or used on the Works without the prior written approval of the Office of Communications ("OfCom").

3.2.2.3 Markings, lighting and signals of the Works

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the Civil Aviation Authority ("CAA") at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act.

The Licensee must ensure that no marks or lights, other than those required by virtue of this licence, are displayed unless they have been approved, in writing by Licensing Authority following consultation with the NLB and the CAA.

The Licensee must ensure that the Works is marked and lit in accordance with IALA Recommendation O-139.

The Licensee must ensure that 1 medium intensity steady red light is positioned as high as reasonable practical on the Works.

The Licensee must ensure that if the lattice mast and navigation lighting is not pre-installed and commissioned prior to flooding and ballasting operations, that a guard vessel is maintained on Site until the Site is correctly marked. The Site shall be marked with four lit cardinal buoys positioned at 500 metres distance, one in each quadrant.

3.2.2.4 Markings, lighting and signals of jack up barges and vessels

The Licensee must ensure that any vessels permitted to engage in the Works are marked in accordance with the International Rules for the Prevention of Collisions at Sea whilst under way, and in accordance with the UK Standard Marking Schedule for Offshore Installations if secured to the seabed.

3.2.2.5 Restoration of the Site to its original condition

The Licensee must ensure that if the Works are to be discontinued prior to completion, all reasonable, appropriate and practicable steps are taken to restore the Site to its original condition before any Licensable Marine Activity authorised under this licence was undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority. This licence will be varied under section 30(3) of the 2010 Act to allow the removal of Works already installed.

3.2.3 Conditions upon completion of the Works

3.2.3.1 Date of Completion of the Works

The Licensee must, no later than 1 month following the Completion of the Works, notify the Licensing Authority, in writing, of the date of Completion of the Works.

3.2.3.2 Navigational safety

The Licensee must notify the UKHO of the Completion of the Works to facilitate the promulgation of maritime safety information and updating of nautical and aviation charts and publications through the national Notice to Mariners system.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Aberdeen, are made fully aware of the Completion of the Works.

The Licensee must ensure that the Completion of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry.

The Licensee must, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of injury to or destruction or decay of the Works. The Licensing Authority will advise, in writing, of any remedial action to be taken and any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required.

The Licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands are installed or used on the Works without the prior written approval of OfCom.

3.2.3.3 Nature and quantity of deposited substances and objects

The Licensee must, no later than 1 month following the Completion of the Works, submit a written report to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Where appropriate, nil returns must be provided.

3.2.3.4 Markings, lighting and signals of the Works

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the CAA at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act.

The Licensee must ensure that no marks or lights, other than those required by virtue of this licence, are displayed unless they have been approved, in writing by Licensing Authority following consultation with the NLB and the CAA.

The Licensee must ensure that the Works is marked and lit in accordance with IALA Recommendation O-139.

The Licensee must ensure that 1 medium intensity steady red light is positioned as high as reasonable practical on the Works.

The Licensee must ensure that the marking and lighting of the Works is amended to suit the final layout of any wind farm development within the Inch Cape Offshore Limited lease area.

3.2.3.5 Maintenance of the Works

The Licensee must provide an Operational and Maintenance Plan, in writing, to the Licensing Authority within 3 months of the Completion of the Works. Notification must be provided at least 3 months in advance of any subsequent maintenance works where any additional deposits are required. In the event that these maintenance works have not been assessed previously and are considered by the Licensing Authority as being material, then a further marine licence will be required.

3.2.3.6 Decommissioning

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

At least 4 months prior to carrying out any proposed decommissioning works, the Licensee must submit, to the Licensing Authority, an application for the Decommissioning of the Works. The application must include a proposed Decommissioning Plan.

Decommissioning of the Works must not occur until the Licensing Authority has given its written approval to the Decommissioning Plan.

4. PART 4 – PROJECT LOCATION

