

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO REMOVE AND DEPOSIT ANY SUBSTANCE OR OBJECT FROM THE SCOTTISH MARINE AREA

Licence Number: **MS-00009860**

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

**Vattenfall Wind Power Ltd
70 St Mary Axe,
5th Floor
London
EC3A 8BE**

to remove and deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **10 September, 2022** until **09 September, 2023**

Signed:

Stef Sweeting

For and on behalf of the Licensing Authority

Date of issue: 09 September, 2022

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Vattenfall Wind Power Ltd
- d) "**Mean high water springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the 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 the 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 the 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 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.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

RSK Environment Ltd
Spring Lodge,
172 Chester Road
Helsby
WA6 0AR

2.2 Location of the Licensed Activity

A wider survey corridor (from Aberdeen Harbour to Aberdeen Offshore Windfarm), within an area bounded by joining the following points:

57° 13.595' N 01° 58.645' W
57° 10.204' N 01° 59.077' W
57° 08.600' N 02° 00.683' W
57° 08.119' N 02° 01.876' W
57° 08.112' N 02° 02.896' W
57° 08.414' N 02° 02.833' W
57° 08.748' N 02° 00.808' W
57° 10.250' N 01° 59.310' W
57° 13.663' N 01° 58.859' W
57° 13.866' N 01° 58.385' W

A 50m wide pipeline route corridor (from Aberdeen Harbour to Aberdeen Offshore Windfarm), within an area bounded by joining the following points:

57° 08.210' N 02° 02.431' W
57° 08.237' N 02° 02.438' W
57° 08.242' N 02° 01.940' W
57° 08.659' N 02° 00.786' W
57° 10.227' N 01° 59.220' W
57° 13.634' N 01° 58.775' W
57° 13.822' N 01° 58.444' W
57° 13.621' N 01° 58.731' W
57° 10.219' N 01° 59.172' W
57° 08.643' N 02° 00.747' W
57° 08.216' N 02° 01.928' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Seabed preparation activities along the proposed pipeline route corridor for the Hydrogen Turbine 1 project. The Licensed Activity includes the removal of non-UXO targets from the 50m wide pipeline route corridor defined in Part

2.2 of the licence, and the deposit of boulders within the wider survey corridor defined in Part 2.2 of the licence.

As described in the application dated 06 May, 2022 and correspondence submitted in support of the application.

2.4 Descriptions of the substances or objects to be removed and deposited

The licence authorises the removal and deposit of the undernoted substances and objects required in connection with the Licensed Activity, subject to the maximum amounts as specified below:

The removal of 300 non-UXO targets from the 50m wide pipeline route corridor defined in Part 2.2 of the licence.

Of the 300 non-UXO targets, any boulders may be deposited within the wider survey corridor defined in Part 2.2 of the licence or removed to a location onshore above mean high water springs.

Of the 300 non-UXO targets, any debris must be removed to a location onshore above mean high water springs.

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.2 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the Licensed Activity as required by the licence;
- b) the maintenance of the Licensed Activity or
- c) the drifting or wreck of the Licensed Activity, to include the broadcast of navigational warnings

then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.3 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.4 The Licensee must at all times remove and deposit substances and objects in accordance with the licence and the application and supporting information provided to the Licensing Authority.

3.1.5 The Licensee must ensure that the Licensed Activity is carried out in strict accordance with the Vattenfall Wind Power Ltd HT1 Hydrogen Demonstrator Project - UXO investigations Supporting Environmental Information dated 06 May 2022 and the Vattenfall Wind Power Ltd Ht1 UXO Investigations - Vessel Management Plan, including Appendix 1: Marine Mammal Mitigation Plan, dated 19 July 2022 but subject to the modifications or amendments made within this licence.

3.1.6 The Licensee must ensure that only the substances and objects listed in Part 2 of the licence are used during the execution of the Licensed Activity and that all substances and objects removed and deposited during the execution of the Licensed Activity do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.7 All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Licensed Activity must abide by the conditions of this licence.

3.1.8 The Licensee must, where any information upon which the granting of this licence was based has after the granting of this licence altered in any material respect, notify the Licensing Authority of this fact, in writing, as soon as reasonably practicable.

3.2 Prior to the Commencement of the Licensed Activity

3.2.1 The Licensee must notify the Licensing Authority in writing of the name and address of any agent, contractor or sub-contractor not already listed in Part 2 of the licence being used to carry out any Licensed Activity listed in Part 2 of the licence. Such notification must be received by the Licensing Authority prior to the Commencement of the Licensed Activity.

3.2.2 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) at least 10 days prior to the Commencement of the Licensed Activity. The notification must include the start date and end date of the Licensed Activity, a description of the Licensed Activity, location of the Licensed Activity (WGS84), and details of any marking arrangements.

3.2.3 The Licensee must issue local notification to marine users at least five days prior to the Commencement of the Licensed Activity – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity.

3.2.4 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case zone3@hmcg.gov.uk and renewables@hmcg.gov.uk, is made aware of the Licensed Activity prior to commencement.

3.2.5 The Licensee must contact the local statutory harbour authority, in this case Aberdeen Harbour Authority, prior to Commencement of the Licensed Activity to discuss the requirements for navigational warnings and a works licence.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of mean high water springs.

3.3.3 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 the Licensed Activity.

3.3.4 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.5 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.6 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.3.7 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.8 The Licensee must ensure that the Licensed Activity does not take place within two kilometres of any designated bathing waters during the Bathing Water Season (01 June to 15 September) without prior approval of the Licensing Authority.

3.3.9 The Licensee must ensure that all trips transiting to and from Aberdeen Harbour must only be undertaken between sunrise and sunset on any given day.

3.3.10 The Licensee must ensure that the new location of any large obstacles that may impede safe fishing activity or may cause damage to gear is promulgated to local fishers through the appropriate channels, including the Kingfisher Fortnightly Bulletin, as soon as is reasonably practicable.

3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

3.4.2 The Licensee must submit a written report regarding the removal and deposit of the licensed substances or objects to the Licensing Authority no later than 28 days following the Completion of the Licensed Activity. The report must include confirmation that all waste/debris from the Licensed Activity has been removed and detail any boulders which have been removed and deposited.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. 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.