

MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00009942**

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

Hylmpulse Technologies GmbH
Wilhelm-Maybach-Straße 5, Neuenstadt am Kocher

74196

to 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 **01 August, 2024** until **30 November, 2024**

[Redacted]

Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 15 March, 2024

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are Section 115 of the Marine and Coast Access Act 2009 unless otherwise stated, and,

- a) "**the 2009 Act**" means the Marine and Coastal Access Act 2009
- b) "**Licensed Activity**" means any activity or activities listed in section 66 of the 2009 Act which is, or are authorised under the licence;
- c) "**Licensee**" means HyImpulse Technologies GmbH
- 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 Directorate - Licensing Operations Team
Scottish Government
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 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.

Under section 71(7) of the 2009 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 85 of the 2009 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 86 of the 2009 Act, it is a defence for a person charged with an offence under section 85(1) of the 2009 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, and

that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

1.7 Offences relating to information

Under section 85 of the 2009 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 2009 Act or the provisions of the 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

Shetland Space Centre Ltd
Orbital House
Castle Road
Grantown-on-Spey
Moray
PH26 3HN

2.2 Location of the Licensed Activity

North of SaxaVord Spaceport, Unst, Shetland., within a 20km radius of:

North of SaxaVord Spaceport, Unst, Shetland.
61° 18.121' N 00° 45.679' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Sea deposit of rocket debris launched from Scotland

As described in the application dated 01 July, 2022 and correspondence submitted in support of the application.

2.4 Descriptions of the substances or objects to be deposited

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

Permanent Deposits:

Rocket Nose Cone - 1.5m x 0.64m 140kg
Manacle Ring - 0.64m diameter 1.5kg steel
Hatch - 0.2m x 0.6m 1.5kg

Temporary Deposits:

Rocket Booster + Parachute - 10m x 0.64m 800kg
Droge Parachute with structural attachments - approximately 0.30m x 0.35m with lines

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only deposit the objects listed in Part 2 of the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 Only the objects listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.3 All materials, substances and objects used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.4 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.

3.1.5 Details of any marks or lights not required by the licence must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.6 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from the Licensed Activity, to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.7 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.

3.1.8 The Licensee must carry out the Licensed Activity and comply with all mitigation measures as detailed in the document Hylmpulse Launch Risk Assessment SR75-First Flight version 5.0 (HIT-SR75-LRA-005) as submitted on 07 November 2023, at all times.

3.1.9 The Licensee must ensure all communications arrangements, including advertising the launch, contact with UKHO, contact with HM Coastguard on the day of the Licensed Activity, mission deviation and confirmation of all debris being recovered, are carried out in line with the Communications Plan.

3.1.10 The Licensee must ensure the Marine Emergency Action Card provided is completed and remains up to date during the period of the activity with any required changes being submitted to OELO@mcga.gov.uk at least 5 days before launch.

3.1.11 The Licensee must recover all deposited substances or objects from below Mean High Water Springs in line with the Best Practicable Environmental Option SR75 version 1.0 as submitted to the Licensing Authority on 18 July 2023.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.2 The Licensee must issue 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 Licensed Activity in advance of launch day as per agreed timescales detailed in the Communications Plan.

3.2.3 The Licensee must provide the most up to date coordinates showing the likely splash down area within the location of the Licensed Activity, at least 24 hours prior to the Licensed Activity being carried out.

3.2.4 The Licensee must provide notification to the Licensing Authority of the exact date of the Licensed Activity at least 24 hours before it is carried out

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; and
- b) the premises of any agent acting on behalf of the Licensee.

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.

3.3.7 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 an appropriately certified safety vessel is on site for the duration of the Licensed Activity, which is suitably equipped for its role in monitoring, surveillance and communications down range, the recovery of the deposited object and must have suitably qualified personnel.

3.4 Upon Completion of the Licensed Activity

3.4.1 If a new licence is required, the Licensee must make an application at least fourteen weeks before the expiry date of the licence. This licence shall not continue in force after the expiry date of 30 November 2024.

3.4.2 The Licensee must notify the Licensing Authority regarding the deposit of the licensed objects remaining in the water after all effort has been made to recover them in line with condition 3.1.11, no later than 1 week from the date of the Licensed Activity.

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.