

T: +44 (0)1224 295579 F: +44 (0)1224 295524  
E: MS.MarineLicensing@scotland.gsi.gov.uk

MARINE (SCOTLAND) ACT 2010

LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS

Licence Number: 04467/13/0

Reference Number: FKB/Z252

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

**Seatricity Ltd  
Stourside Place  
Station Road  
Ashford  
Kent  
TN23 1PP**

to deposit in the sea the substances or articles (except for dredge spoil) used in the execution of works 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 20 May 2013 until 31 December 2017.

Signed: \_\_\_\_\_

Robert Main

For and on behalf of the licensing authority

Date: 20 May 2013

Part 1 - Particulars

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

Aquatera Ltd  
 Stromness Business Centre  
 Stromness  
 Orkney  
 KW16 3AW

2. Names, and operators, of the vessels to be employed to undertake or support the deposit, relocation or removal operations not involving decommissioning;

- |                    |                     |               |                     |
|--------------------|---------------------|---------------|---------------------|
| a) Viking Monarch  | b) Skye Crossing    | c) Orcadia    | d) Ocean Enterprise |
| e) Sula Diving RIB | f) C Odyssey        | g) Uskmoor    | h) Challenger       |
| i) Challenge       | j) Leask Marine RIB | k) Voe Viking |                     |

Norlantic Fishing Company Ltd  
 Gannochy House  
 Gannochy  
 Edzell, DD9 7UX

Currie Brothers Ltd  
 Langafjeld  
 Easdale Loan  
 Kirkwall, KW15 1RU

Scotmarine Ltd  
 Hillside Office  
 Stromness  
 KW16 3HS

Seatricity Antigua Ltd  
 2<sup>nd</sup> Floor Alpha Building  
 Redcliffe Street, St Johns  
 Antigua, West Indies

Sula Diving  
 Janitors Flat  
 Old Academy  
 Back Road  
 Stromness  
 KW16 3AW

Leask Marine Ltd  
 Carradale  
 Weyland Bay  
 St Ola, Kirkwall  
 KW15 1TD

Delta Marine Ltd  
 5 Gladstone Terrace, Lerwick  
 Shetland, ZE1 0EG

3. Location of works:

Billia Croo, Orkney, within the area bounded by joining the points:

- |              |               |
|--------------|---------------|
| 58° 58.18' N | 003° 23.18' W |
| 58° 58.19' N | 003° 22.52' W |
| 58° 57.65' N | 003° 23.15' W |

4. Description of works:

Deployment of wave energy converters, Billia Croo, Orkney as described in application dated 29 February 2012, and correspondence submitted in support of the application.

5. Nature and quantity of all deposits below Mean High Water Springs:

**PERMANENT DEPOSITS**

Steel Chain Clump Weights, 40 tonnes  
Ancilliary Steel, 861 tonnes  
Aluminium Alloy, 33 tonnes  
Concrete, 396m<sup>3</sup>  
Synthetic Fibre - Aramid Twaron, 0.3 tonnes  
Pumps, 13.5 tonnes  
Fibre Reinforced Polyolefin, 1500m  
Aramid Reinforced PE, 600m  
Portland Cement Grout, 0.3m<sup>3</sup>  
Expoy Coating, 12.5m<sup>3</sup>  
Nylon, 1500m

Part 2 - Conditions

1. The licensee shall 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. The licensee shall ensure that all substances or objects deposited during the execution of the works are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.
3. The licensee shall ensure that any debris or waste materials arising during the course of the works are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.
4. The licensee shall, within 28 days of completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a written report to the licensing authority stating the nature and quantity of all substances and articles deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns must be provided.
5. The Licensee **must** notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (Email: [hdcfiles@ukho.gov.uk](mailto:hdcfiles@ukho.gov.uk); Tel; 01823 337900 of both progress and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.
6. The works shall be marked and/or lighted as required by the Northern Lighthouse Board and Civil Aviation Authority, and the marking to be continued unless and until the Scottish Minister rescind this direction.
7. If it is desired to display any marks or lights not required by this licence then details must be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
8. The works shall be maintained at all times in good repair.
9. No deviation from the schedule specified in the licence shall be made without the further written consent of the Licensing Authority.
10. No radio beacon or radar beacon operating in the Marine frequency bands shall be installed or used on the Works without the prior written approval of the Scottish Ministers.
11. If in the opinion of the Scottish Ministers 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.

12. In the event of the licensed operations being discontinued the works shall be removed and the site cleared to the satisfaction of the Scottish Ministers.
13. Officer of HM Coastguard, or any other person authorised by the Scottish Ministers, shall be permitted to inspect the works at any reasonable time.
14. The licensee shall inform Marine Scotland and the lighting authority when the works have been completed and the marking established.
15. The licensee shall 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 works.
16. 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 shall be immediately notified of the details.

### **17. Supplementary Conditions**

- a) The Licensee must comply with the Environmental Monitoring Plan (EMP) submitted in support of the Marine Licence application. Prior to installation, the EMP must be submitted to and signed off by Marine Scotland.
- b) The Licensee shall provide a Construction Method Statement (CMS) detailing commencement dates, duration of works and installation methods for the devices and associated infrastructure.
- c) The works should be removed from below the level of mean high water springs, or such alterations made, within one month of notice being given by Scottish Ministers at any time they consider this necessary or advisable for the safety of navigation and not replaced without further consent by Scottish Ministers. The owner of the works shall be liable for any expense incurred.
- d) The Licensee shall provide Marine Scotland with Third party Verification of the device and mooring system (chains and connectors) prior to installation.
- e) The Licensee shall ensure that during installation, maintenance and decommissioning phases, adequate notice is given by means of local Notices to Mariners and Radio Navigation Warnings, in consultation with the Director of Orkney Harbours, clearly stating the nature and duration of the works.
- f) The Licensee shall ensure a programme of 'Phased Installation' is followed. On completion of the first ring (10 floats) the Northern Lighthouse Board must be given

access to carry out an inspection of the site to assess whether the conspicuity achieved is fit for purpose. No further installation will be permitted until the first ring has approval from the Northern Lighthouse Board.

- g) The floats shall be significantly yellow in colour, by means of yellow retro-reflective panels fitted on all 8 outside surfaces and the 4 inside surfaces not connected to the cross members of each float. Each panel shall be 1500mm wide by 300mm high.
- h) The Licensee shall ensure that the position of the device(s) is actively monitored, and a contingency plan developed to respond to any reported off-station events. This shall include the transmission of local Radio Navigation Warnings.
- i) The Licensee shall ensure all lines are suitably tensioned to minimise risk of entanglement to marine mammals.
- j) To minimise the risk of transfer of invasive non-native species to the site the Licensee shall ensure any appropriate bio-fouling management practices are implemented, including the use of anti-fouling and/or foul-release systems.
- k) The Licensee shall ensure the vessel Ocean Enterprise, prior to deployment in Scottish Waters, is thoroughly inspected and cleaned as necessary if any organisms are found, to ensure no non-native species transit from Antigua.

## 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, and Section 72 of the Marine and Coastal Access Act 2009, 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, and Section 85 of the Marine and Coastal Access Act 2009, 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 and Section 86 of the Marine and Coastal Access Act 2009, 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

Tel: (01224) 295579  
Fax: (01224) 295524