

E: MS.MarineRenewables@gov.scot

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE SCIENTIFIC INSTRUMENT DEPLOYMENT IN THE SCOTTISH MARINE AREA

Licence Number: **06182/16/0**

Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a Marine Licence authorising:

MeyGen Limited
90A George Street
Edinburgh
EH2 3DF

Under the Marine (Scotland) Act 2010,

- 1) To deposit any substance or objects (except for dredge spoil) within the Scottish marine area, either in the sea or on or under the seabed;
- 2) To deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded with the substance or object either in Scotland or in the Scottish marine area;

required in the execution of the Works (including maintenance) 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 04 November 2016 until 5 January 2017.

Signed:

Joao Queiros

For and on behalf of the Licensing Authority

Date: 04 November 2016

Part 1 - Particulars

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

N/A

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

Name of Vessel	Operator	Type(s)
C-Chariot	Leask Marine	Multipurpose Vessel
C-Odyssey	Leask Marine	Multipurpose Vessel

3. Location of works:

Located within the Inner Sound of the Pentland Firth, at a point defined by the following coordinates:

58° 39.64' N 003° 08.71' W

4. Description of works:

Deployment of Scientific Monitoring Equipment, DataFish

As described in the application dated 04 November 2016, and correspondence submitted in support of the application.

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

TEMPORARY DEPOSITS

DataFish Metocean Survey Buoy with mooring (5 tonne clump weight made from link chain and a dyneema mooring line)

Part 2 - Conditions

1. The licensee must notify the Licensing Authority of the date of commencement and the date of completion of all works relating to this licence. Separate notifications are required at the times of commencement and completion.

Reason: *To inform the Licensing Authority of the date of the works, in accordance with s.29(3)(c) of the Marine (Scotland) Act 2010 ("the 2010 Act").*

2. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the execution of the works and that all substances or objects deposited 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.

Reason: *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

3. The licensee must remove all temporary deposits listed in Part 1 of the licence before the expiry date of this licence. **This licence must not continue in force after the expiry date of 5 January 2017.**

Reason: *To ensure that the removal of deposits is carried out under an appropriate licence in accordance with s.29(3)(d) of the 2010 Act.*

4. The licensee must ensure that any debris or waste materials placed below Mean High Water Springs ("MHWS") during the course of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above MHWS approved by the Scottish Environment Protection Agency ("SEPA").

Reason: *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

5. The licensee must, within 28 days following completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a final audit, report, in writing to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS within the Scottish marine area under authority of this licence. Where appropriate, nil returns must be provided.

Reason: *To confirm that the deposits made were in accordance with the application, in accordance with s.29(3)(c) of the 2010 Act.*

6. The licensee shall ensure that the works are marked and/or lighted with a coloured, yellow, lit and displaying a yellow 'X'. The light should display a character of flash yellow one every five seconds (Fl Y 5s) with a nominal range of 2 nautical miles and be installed on the top of the pole with the 'X' below.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

7. If it is desired to display any marks or lights not required by this licence then details shall be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

8. The licensee must notify, the UK Hydrographic Office (“UKHO”), of both progress and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans', to facilitate the promulgation of maritime safety information and updating of nautical publications.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

9. The licensee must prior to the commencement of the works ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, the National Maritime Operations Centre is made fully aware of the works through local notice to mariners and any other appropriate means.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

10. The licensee must issue a Notice to Mariners and Radio Navigation Warnings, in advance of the proposed start date, clearly stating the nature and duration of these works.

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

11. The licensee must ensure that the works are maintained at all times in good repair. The licensee must notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of damage to or destruction or decay of the works. The Licensing Authority will advise, in writing, of any remedial action to be taken.

Reason: *To reduce the navigational risk to other legitimate users of the sea and to ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the 2010 Act.*

12. The licensee must ensure that no deviation from the schedule specified in this licence is made without the further written approval of the Licensing Authority. 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.

Reason: *To ensure that the works are carried out in accordance with the application documentation, and under an appropriate licence in accordance with s.29(2)(a)and(b) of the 2010 Act.*

13. The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the works without the prior written approval of the Office of Communications (“OfCom”).

Reason: *To reduce the navigational risk to other legitimate users of the sea in accordance with s.29(2)(b) of the 2010 Act.*

14. 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 licence.
- b) The maintenance of the works.
- 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.

Reason: *To ensure licensee is aware of financial liabilities, in accordance with s.29(2)(b) of the 2010 Act.*

15. In the event of the works being dis-continued prior to completion, the licensee must inform the licencing authority in writing of the discontinuation of the works. The licensee must take all reasonable, appropriate and practicable steps to remove the works and restore the site to its original condition before the works were undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority.

Reason: *To mitigate the effects of the activity on the site, in accordance with s.29(3)(e) of the 2010 Act.*

16. Any person 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.

Reason: *To ensure access to the site for the purpose of inspection in accordance with S.29(2)(c) of the 2010 Act.*

17. The licensee must ensure that copies of this licence are available for inspection at any reasonable time by any authorised 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) aboard any vessel engaged in the works.

Reason: *To ensure that the licence is available for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

NOTES

1. You are deemed to have satisfied yourself that there are no barriers or restrictions, legal or otherwise, to the carrying out of the works. The issue of this licence does not absolve the licensee from obtaining such other authorisations, consents etc. which may be required under statute.
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.
3. Under section 30(1) of the Marine (Scotland) Act 2010, the Licensing Authority may by notice vary, suspend or revoke this licence granted by them if it appears to the Licensing Authority that there has been a breach of any of the 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.
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. 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 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 inform the Licensing Authority as set out in section 40(2) of the 2010 Act. (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 this licence should be addressed to:

Licensing Operations Team
Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

E-mail: MS.MarineRenewables@gov.scot