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MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

**LICENCE TO DEPOSIT AND REMOVE AN OBJECT WITHIN THE UNITED KINGDOM
MARINE LICENSING AREA**

Licence Number: 06868/19/0

Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby authorise:

**Seagreen Wind Energy Limited
1 Forbury Place
43 Forbury Road
Reading
RG1 3JH**

Under the Marine and Coastal Access Act 2009,

- 1) To deposit an object within the United Kingdom marine licensing area, either in the sea or on or under the sea bed, from a vessel; and
- 2) To use a vessel to remove an object from the seabed within the United Kingdom marine licensing area.

as described in Part 2 of this licence.

This licence remains in force from 07 March 2019 until 30 April 2019.

Signed: _____

Redacted

For and on behalf of the licensing authority

Date of issue: 07 March 2019

1. PART 1 – GENERAL

1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 66(4), 115 and 322 of the Marine and Coastal Access Act 2009, and:

- a) **“the 2009 Act”** means the Marine and Coastal Access Act 2009;
- b) **“the Application”** means the marine licence application and supporting information submitted to the Licensing Authority by the Licensee on 19 December 2018;
- c) **“Licensable Marine Activity”** means the activities listed in section 66 of the 2009 Act authorised under this licence;
- d) **“Licensed Activities”** means any activity or activities listed in section 66 of the 2009 Act which is, or are authorised under this licence;
- e) **“Licensee”** means Seagreen Wind Energy Limited (Company Registration Number 06873902) and having its registered office at 1 Forbury Place, 43 Forbury Road, Reading RG1 3JH
- f) **“the Licensing Authority”** means the Scottish Ministers;
- g) **“MHWS”** means mean high water spring tide;
- h) **“the Site”** means the area outlined in the figure 1 contained in Part 4 of this licence;

All geographical co-ordinates contained within this licence are in latitude and longitude format World Geodetic System 84 (“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

Email: MS.MarineRenewables@gov.scot

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 on of the licensed activities in connection with Works. 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 72 of the 2009 Act 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 its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 72(3) of the 2009 Act.

Under section 72 (7) of the 2009 Act, on an application made by the licensee, the Licensing Authority may transfer this licence from the Licensee to another person.

Variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 72 of the 2009 Act

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 –

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

1.7 Offences relating to information

Under section 89 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 Part 4 of the 2009 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 the sheriff of any sheriffdom against a decision taken by the Licensing Authority under section 73(1) of the 2009 Act.

2. PART 2 - PARTICULARS**2.1 Name and address of agent acting on behalf of licensee (if appropriate):**

N/A

2.2 Location of works:

Located within the Seagreen Alpha and Seagreen Bravo Wind Farm sites, within the Firth of Forth Round 3 Zone, in the outer Firth of Forth, within the UK marine licensing area approximately 38 km (minimum) from the Angus coastline, off the East of Scotland, within the area bounded by joining the following points:

56° 39.317' N	001° 36.884' W	56° 40.653' N	001° 56.226' W
56° 37.913' N	001° 36.151' W	56° 40.648' N	001° 52.170' W
56° 38.053' N	001° 35.475' W	56° 39.846' N	001° 52.194' W
56° 39.923' N	001° 34.627' W	56° 39.836' N	001° 51.101' W
56° 31.903' N	001° 29.311' W	56° 39.417' N	001° 51.114' W
56° 31.724' N	001° 33.882' W	56° 38.138' N	001° 46.249' W
56° 32.983' N	001° 34.195' W	56° 38.383' N	001° 45.181' W
56° 33.329' N	001° 34.059' W	56° 39.512' N	001° 44.928' W
56° 33.383' N	001° 35.298' W	56° 40.157' N	001° 45.487' W
56° 33.051' N	001° 35.583' W	56° 40.630' N	001° 43.829' W
56° 31.666' N	001° 35.352' W	56° 40.606' N	001° 36.151' W
56° 30.923' N	001° 53.541' W	56° 39.729' N	001° 36.650' W
56° 30.803' N	001° 56.378' W	56° 39.317' N	001° 36.884' W

2.3 Description of works:

A trial installation and removal of a full scale suction pile at up to 20 locations across the Seagreen Alpha and Seagreen Bravo Wind Farm sites, with up to 2 trials taking place at each location.

- 1 suction pile, maximum dimensions of 9.5m diameter x 10.1m length.

2.4 Nature and quantity of all deposits below Mean High Water Springs:**TEMPORARY DEPOSITS**

Steel/Iron, 260 tonnes (1 suction pile)

3. PART 3 - CONDITIONS

1. The licensee must 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.

Reason: *To inform the Licensing Authority of the date of the works in accordance with s.71(3)(c) of the 2009 Act*

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

Reason: *To ensure environmental impacts are minimised in accordance with s.71(2)(b) of the 2009 Act*

3. The licensee must remove **all** temporary deposits listed in Part 2 of the licence before the expiry date of this licence. **This licence must not continue in force after the expiry date of 30th April 2019.**

Reason: *To ensure that the removal of deposits is carried out under an appropriate licence in accordance with s.71(3)(d) of the 2009 Act*

4. The licensee must 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.

Reason: *To ensure environmental impacts are minimised in accordance with s.71(2)(b) of the 2009 Act*

5. The licensee must notify the UK Hydrographic Office ("UKHO") and the local fishing community of both progress and on completion of the Licensed Activities 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.71(2)(b) of the 2009 Act.*

6. The licensee must prior to the commencement of the Licensed Activities 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.71(2)(b) of the 2009 Act*

7. 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 operations.

Reason: To reduce the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.

8. The licensee must ensure that no works will take place within the Designated Anchorage.

Reason: To mitigate the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act

9. The licensee must give a copy of this licence and any subsequent variations made to this licence in accordance with section 72 of the 2009 Act, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the works and must ensure that the licence and any such variation are read and understood by those persons.

Reason: To ensure the Works are carried out according to the licenced conditions in accordance with s.71(5) of the 2009 Act.

10. The licensee must consult with the responsible local navigation authority and the Harbour Authority/Commissioners where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction.

Reason: To mitigate the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act

11. The licensee must ensure appropriate steps are taken to minimise damage to the seabed by the works.

Reason: To ensure effective environmental mitigation is undertaken in accordance with s.71(2)(b) of the 2009 Act

12. The licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the Licensed Activities.

Reason: To ensure effective environmental mitigation is undertaken in accordance with s.71(2)(b) of the 2009 Act

13. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.

Reason: To ensure effective environmental mitigation is undertaken in accordance with s.71(2)(b) of the 2009 Act.

14. The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.

Reason: To ensure effective pollution prevention mitigation is undertaken in accordance with s.71(2)(b) of the 2009 Act.

15. 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.

Reason: *To mitigate the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.*

16. Any jack up barges and vessels utilised during the works when jacked up, must exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations / must exhibit the standard lights and shapes as per the International Regulations for the Prevention of Collisions at Sea.

Reason: *To mitigate the navigational risk to other legitimate users of the sea in accordance with s.71(2)(b) of the 2009 Act.*

17. The licensee must ensure that the works are maintained at all times in good repair.

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.71(2)(b) of the 2009 Act.*

18. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the Office of Communications ("OfCom").

Reason: *To ensure that the works are carried out in accordance with the Application documentation and under an appropriate licence in accordance with s.71(3)(c) of the 2009 Act.*

19. 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 licensing authority.

Reason: *To mitigate the navigational risk to other legitimate users of the sea in accordance licence with s.71(2)(b) of the 2009 Act.*

20. If the assistance of a Government Department (to include the 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 that the Licensee is aware of the financial responsibilities in accordance with s.71(2)(b) of the 2009 Act.*

21. In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.

Reason: *To mitigate the effects of the activity on the site, in accordance with s.71(3)(e) of the 2009 Act.*

22. The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee must be liable for any expense incurred.

Reason: *To mitigate the navigational risk to other legitimate users of the sea and to ensure effective environmental mitigation is undertaken in accordance with s.71(2)(b) of the 2009 Act.*

23. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.

Reason: *To ensure access to the Site for the purpose of inspection in accordance with s.71(2)(b) of the 2009 Act*

24. 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 works.

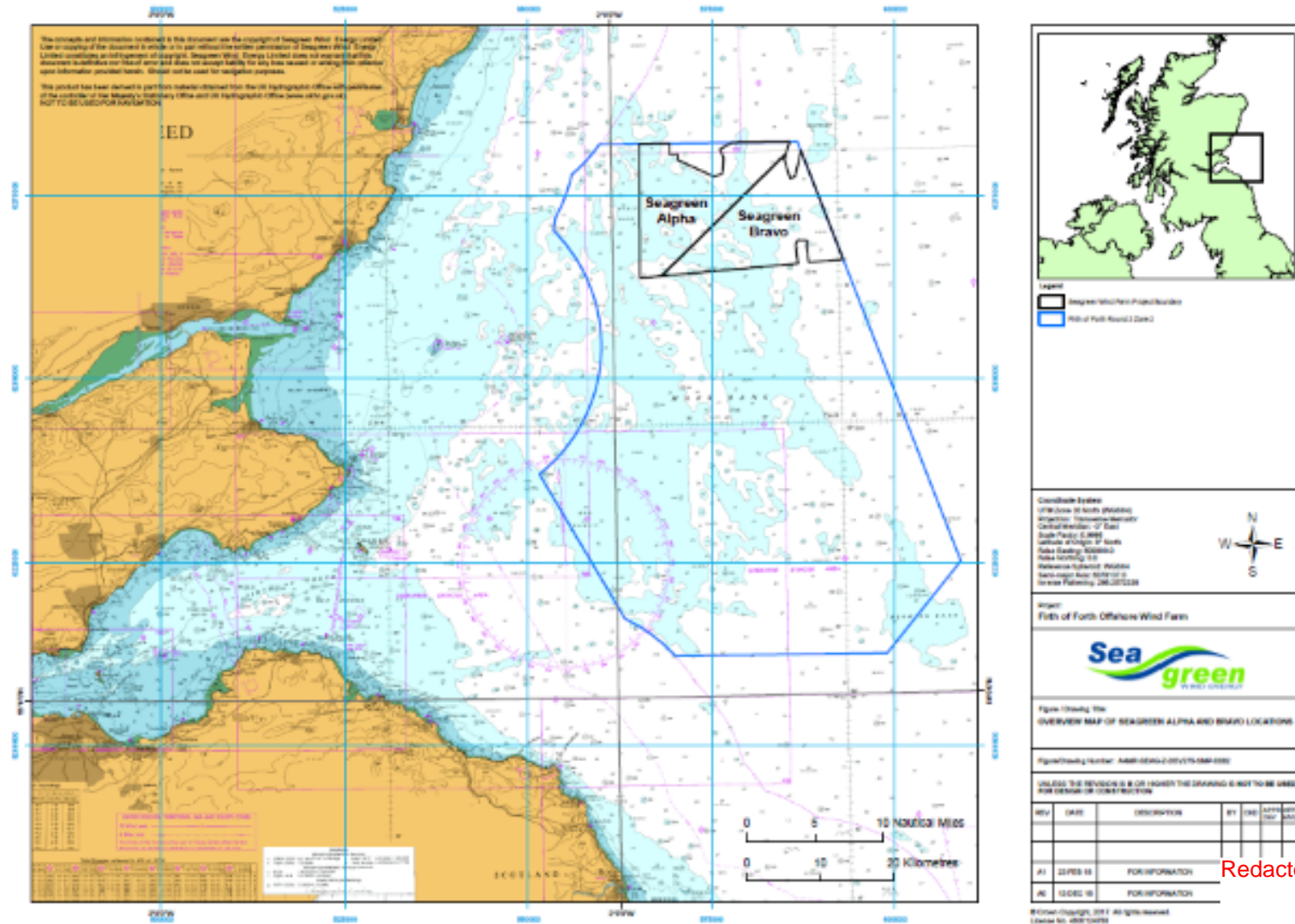
Reason: *To ensure that the licence is available for the purpose of inspection in accordance with s.71(2)(b) of the 2009 Act.*

25. 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 must be immediately notified of the details.

Reason: *To ensure that the Works are carried out under an appropriate licence in accordance with s.71(3)(d) of the 2009 Act.*

PART 4 – PROJECT LOCATION

Figure 1 – Seagreen Alpha and Seagreen Bravo Wind Farm sites, within the Firth of Forth Round 3 Zone



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