

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE SCIENTIFIC SURVEY IN THE SCOTTISH MARINE AREA

Licence Number: **06312/17/0**

Reference Number: 06312

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

Kincardine Offshore Windfarm Limited
Saltire Court
20 Castle Terrace
Edinburgh
EH1 2EN

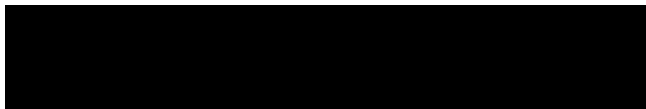
Under the Marine (Scotland) Act 2010,

1) to deposit any substance or object (except for dredge spoil) within the Scottish marine area, either in the sea or under the seabed;

required in the execution of the works described in Part 1 of the attached Schedule. The issue of this licence is subject to the conditions as set out, in Part 2 of the Schedule.

This licence remains in force from 6th April 2017 until 6th April 2023.

Signed:



Nicola Bain

For and on behalf of the licensing authority

Date: 6th April 2017

Part 1 - Particulars

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

As per licensee

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

TBC

3. Location of works:

Located within the site boundaries of the Kincardine floating offshore wind farm site at a point located by the coordinates:

56°59.47' N 001° 51'.28' W

With a 200 meter radius buffer to allow for movement due to ocean currents

4. Description of works:

Deployment of a floating, buoy mounted LiDAR system

As described in application dated 19th December 2016, and correspondence submitted in support of the application.

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

Temporary Deposits:

1 floating, buoy mounted LiDAR system (6 m x 4 m) with a 5-6 tonne sinker weight and 240 m of 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 operations relating to the licence. Separate notifications are required at the times of commencement and completion.

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

2. The licensee must, prior to the commencement of the works ensure that HM Coastguard in this case The National Maritime Operations Centre, nmoccocontroller@hmcg.gov.uk are made fully aware of the works through local Notice to Mariners.

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

3. The licensee must seek the Statutory Sanction of the Commissioners of Northern Lighthouses to deploy and subsequently remove the device. The Licensee will complete and return to the Northern Lighthouse Board an Application for Statutory Sanction form prior to deployment.

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

4. The licensee must issue a Notice to Mariners and Radio Navigation Warnings, in advance of the deployment, clearly stating the nature and duration of the deployment.

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

5. 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.*

6. 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 6th April 2023.**

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.*

7. 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.*

8. The licensee must, 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 final audit report, in writing to the Licensing Authority stating the nature and quantity of all substances and objects deposited below Mean High Water Springs under authority of the 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.*

9. 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 Admiralty charts and 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.*

10. The licensee must ensure that the buoy is yellow in colour and fitted with a navigation light Flashing Yellow five (5) times every twenty (20) seconds (F1 (5) Y 20s). The light will have a range of at least 3 nautical miles and must be located so that it can be seen from all angles of approach in the marine environment. The device must also be fitted with a radar reflector.

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

11. 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.29(2)(b) of the Marine (Scotland) Act 2010.*

12. 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 environmental mitigation is undertaken in accordance with s.29(2)(b) of the 2010 Act.*

13. 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.*

14. 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.*

15. If the assistance of a Government Department (to include departments of Administrations other than the Scottish Government), 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 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.*

16. In the event of the works being dis-continued the works must be removed and the site cleared to the satisfaction of the Licensing Authority. 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.*

17. Any persons 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 works.

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

18. The licensee must ensure that copies of this licence and any subsequent amendments or variations are available for inspection at any reasonable time by any persons authorised by the Licensing Authority 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, 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 (1) of the Marine (Scotland) Act 2010, the licensing authority may by notice vary, suspend or revoke the licence by them, if it appears to the licensing authority that there has been a breach of any of its provisions. For any 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 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.
5. 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 –
 - (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 40(2) of the 2010 Act.
6. 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

E: MS.MarineRenewables@gov.scot

