



**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

**LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA**

Licence Number: MD-00011270

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

**Magallanes FOW 1 Limited  
Unit 2, Warness Park  
Haston Pier Road  
Crowness Business Park  
Kirkwall  
Orkney  
KW15 1ZL**

to construct, alter or improve works 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 **15 May, 2026** until **31 December, 2043**

Signed: .....  
Anna Shenton

For and on behalf of the Licensing Authority

Date of issue: 15 May, 2026

## **1. PART 1 - GENERAL**

### **1.1 Interpretation**

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) **"the 2010 Act"** means the Marine (Scotland) Act 2010;
- b) **"Licensed Activity"** means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) **"Licensee"** means Magallanes FOW 1 Limited;
- 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; and
- 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  
375 Victoria Road  
Aberdeen  
AB11 9DB  
Email: MD.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 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the 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 30(2) or (3) of the 2010 Act.

Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 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 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.

### **1.6 Defences: actions taken in an emergency**

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 purpose 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.

### **1.7 Offences relating to information**

Under section 42 of the 2010 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 2010 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 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**

European Marine Energy Centre Ltd  
The Charles Clouston Building  
Orkney Research and Innovation Campus  
Back Road  
Stromness  
Orkney  
KW16 3AW

### **2.2 Location of deposit of the substances or objects:**

Berth 1, European Marine Energy Centre ("EMEC") Fall of Warness  
Tidal Test Site, Orkney, within the boundary of:

59° 08.6730'N 02° 49.0480'W  
59° 08.4630'N 02° 48.6930'W  
59° 08.2820'N 02° 49.1130'W  
59° 08.5030'N 02° 49.4710'W

### **2.3 Description of the Licensed Activity**

To construct, alter or improve (including decommissioning) the Magallanes ATIR 2.0 tidal energy platform at Berth 1, Fall of Warness ("the Works").

As described in the application dated 03 November, 2025 and correspondence submitted in support of the application.

### **2.4 Descriptions of the materials to be used during the Licensed Activity**

The licence authorises the use of the undernoted construction materials required in connection with the Licensed Activity, subject to the indicative amounts as specified below:

Steel/Iron - 1084 tonnes  
Cable - 250 metres  
Composite - 18 tonnes  
Copper, steel and plastic - 30 tonnes  
Lubricant - 20 tonnes  
Diesel - 2 tonnes

### **2.5 Contractor and Vessel Details**

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1 The Licensee must only construct the Works in accordance with this licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the Works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the Works, whether or not the licence has been transferred to that person.

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

3.1.5 All materials 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.

3.1.6 The Licensee must ensure that the Licensed Activity does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the licence.

3.1.7 The Licensee must provide written notification of any serious unforeseen incident of harm to the environment or human health, or any serious unforeseen incident of interference with legitimate uses of the sea during the Licensed Activity, to the Licensing Authority within 24 hours of the incident occurring.

3.1.8 The Licensee must notify the UK Hydrographic Office at [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk), of the following information:

- a) no less than 10 days prior to the Commencement of the Licensed Activity
  - i) the start date of the Licensed Activity and proposed end date
  - ii) a description of the Licensed Activity
  - iii) details of any aids to navigation
  - iv) location of the area of the Licensed Activity (latitude and longitude coordinates in WGS84 (ETRS89) datum)
  - v) a copy of the Licence
- b) the progress of the Licensed Activity
- c) no later than 10 working days after the Completion of the Licensed Activity
  - i) the date of Completion of the Licensed Activity
  - ii) as built locations of the Works (latitude and longitude coordinates in WGS84 (ETRS89) datum)

A copy of the notification in a) and c) must be sent to the Licensing Authority within five working days of the notification being sent.

3.1.9 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.

3.1.10 There must be no Commencement of the Licensed Activity unless a Decommissioning Programme ("DP") has been submitted to and approved in writing by the Licensing Authority. The DP must outline measures for the decommissioning of the Works, restoration of the sea bed and will include without limitation, proposals for the removal of the Works, the management and timing of the removal and environmental management provisions. The Works must be decommissioned in accordance with the approved DP unless otherwise agreed by the Licensing Authority.

3.1.11 Where any damage, destruction, decay or catastrophic failure that could result in a danger or obstruction to navigation is caused to the Works, the Licensee must notify the Licensing Authority, the UK Hydrographic Office, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and regional fisheries contacts of such damage, destruction, decay or catastrophic failure in writing as soon as reasonably practicable but no later than six hours after becoming aware of any such damage, destruction, decay or catastrophic failure.

The Licensee must submit a plan to remedy the damage, destruction, decay or catastrophic failure, to the Licensing Authority, for its written approval, within a time period stipulated by the Licensing Authority. The Licensee must carry out the remedial action identified in the plan approved by the Licensing Authority within the period stipulated by the Licensing Authority. The Licensee shall be responsible for the cost of carrying out the activity identified in the plan.

3.1.12 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the Works as required by the licence;
- b) the maintenance of the Works; or
- 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.

3.1.13 The Licensee must ensure that the Works:

- a) are predominantly yellow in colour and the device shall be lit by 2 all-round yellow lights, flashing once every five seconds (Fl. Y. 5s) with a nominal range of 3 nautical miles, mounted a minimum of 3 metres above any other obstruction;
- b) The two lights shall be synchronised, and positioned on the outer lengthwise extremities of the device;
- c) one light shall have a yellow "St Andrews Cross" topmark installed above the light; and
- d) a radar reflector of such design as to increase the conspicuity of the device to marine radar shall be installed at a similar elevation

The marking and lighting must be installed at the same time as the licensed Works and not be ceased or altered without the written authorisation of the Licensing Authority.

3.1.14 In the event of the Licensed Activity being ceased or terminated before completion, the materials used under the authority of the licence must be removed from the seabed to the satisfaction of the Licensing Authority.

3.1.15 The Licensee must ensure that the Works are maintained at all times in good repair.

3.1.16 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.

3.1.17 The Licensee must engage with EMEC and Green Marine (or any subsequent licensee of marine licence MS-00010031 (or any subsequent variation to this licence)) to facilitate the activity permitted under that licence, namely the removal of the steel subframe and associated ballast. The Licensee must undertake such engagement throughout the validity period of this licence to agree appropriate timescales, access arrangements and activity sequencing until such time as the steel subframe and associated ballast are removed.

3.1.18 The Licensed Activity must, at all times, be constructed and operated in accordance with the Project Information Summary ("PIS") revision 6.3 dated 24 February 2026 and the Navigational Risk Assessment ("NRA") revision 3.5 dated 29 April 2026 as submitted in support of the Application or otherwise approved, in writing, by the Licensing Authority. Any updates or amendments made to the approved PIS and NRA must be submitted, in writing, to the Licensing Authority for their prior written approval.

3.1.19 The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code where appropriate during the Licensed Activity.

3.1.20 There must be no Commencement of the Licensed Activity unless a valid consent, issued by the Scottish Ministers under section 36 of the Electricity Act 1989 ("Section 36 Consent") to allow the construction and operation of the Works, is in place. The Licensee must ensure that the Licensed Activity is undertaken in full compliance with the Section 36 Consent at all times throughout the duration of the Licensed Activity.

3.1.21 The Licensee must not exhibit, alter or discontinue any aids to navigation or navigational lighting and marking of the Works without the Statutory Sanction of the Commissioners of Northern Lighthouses.

### **3.2 Prior to the Commencement of the Licensed Activity**

3.2.1 The Licensee must notify the Licensing Authority in writing of the name and address of any agent, contractor or sub-contractor not already listed in Part 2 of the licence being used to carry out any Licensed Activity listed in Part 2 of the licence. Such notification must be received by the Licensing Authority no less than 24 hours before the Commencement of the Licensed Activity.

3.2.2 The Licensee must provide the name and address of any agent, contractor or sub-contractor proposed to be engaged in the activity to the Licensing Authority prior to the Commencement of the Licensed Activity.

3.2.3 The Licensee must issue local notification to marine users, including fisher's organisations, neighbouring port authorities and other local stakeholders, of the Commencement of the Licensed Activity at least five days before the Commencement of the Licensed Activity.

The Licensing Authority must be sent a copy of the notification within 24 hours of the notification being sent.

3.2.4 The Licensee must notify HM Coastguard National Maritime Operations Centre (nmoccontroller@hmcg.gov.uk), HM Coastguard (Zone2@hmcg.gov.uk), The Maritime and Coastguard Agency ([offshoreenergy.notifications@mcga.gov.uk](mailto:offshoreenergy.notifications@mcga.gov.uk)), no less than 7 days prior to the Commencement of the Licensed Activity, of the start and proposed end date of the Licensed Activity.

3.2.5 The Licensee must, no later than one calendar month prior to the Commencement of the Licensed Activity, or at an alternative date as agreed in writing with the Licensing Authority, submit an Emergency Response Co-operation Plan ("ERCoP") to the Licensing Authority for its written approval. The ERCoP must be in line with the EMEC overarching ERCoP and be agreed with the Offshore Energy Liaison Officer, HM Coastguard, MCA (oelo@mcga.gov.uk) prior to submission.

3.2.6 The Licensee must, no later than 3 calendar months prior to the Commencement of the Licensed Activity, provide the Licensing Authority with Third Party Certification or Verification ("TPC" or "TPV") (or a suitable alternative as agreed in writing with the Licensing Authority) that covers the entirety of the Works for the lifespan of the Works. The TPC or TPV should follow the guidance provided in the Offshore wind, wave and tidal energy applications: consenting and licensing manual (<https://www.gov.scot/publications/marine-scotland-consenting-licensing-manual-offshore-wind-wave-tidal-energy-applications>) or any other relevant document which may supersede this. There must be no Commencement of the Licensed Activity unless the TPC or TPV is provided as described above unless otherwise agreed with the Licensing Authority.

3.2.7 The Licensee must submit a Project Environmental Monitoring Plan ("PEMP") to the Licensing Authority in writing, for its written approval, no later than three months prior to the Commencement of the Licensed Activity.

Such approval may only be granted following consultation by the Licensing Authority with NatureScot, and any other consultees as may be required at the discretion of the Licensing Authority.

Commencement of the Licensed Activity cannot take place until such approval is granted.

The PEMP must include:

- a) details of measures to prevent the introduction and spread of invasive non-native species as a result of the Licensed Activity
- b) details of collision risk modelling to be undertaken during the operation of the device
- c) details of monitoring methods to assess potential fish behavioural changes
- d) a description of how the results of the monitoring and analysis will be reported to the Licensing Authority and timescales for reporting to the Licensing Authority

Any updates to the PEMP must be submitted in writing to the Licensing Authority for its written approval.

Implementation of the updated PEMP cannot take place until such approval is granted.

3.2.8 The Licensee must, prior to Commencement of the Licensed Activity, agree in writing with the local Maritime and Coastguard Agency marine office ([aberdeenmo@mcga.gov.uk](mailto:aberdeenmo@mcga.gov.uk)), the towage requirements associated with the Licensed Activity.

3.2.9 The Licensee must issue Local Radio Navigation Warnings in conjunction with Orkney Marine Services, prior to Commencement of the Licensed Activity clearly stating the nature and duration of the Works taking place.

### 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 shall ensure that, at least three months prior to the expiry of the licence, the Works must be altered by taking all temporary and permanent materials and structures to a place above Mean High Water Springs.

3.3.4 The Licensee must ensure that a copy of the licence is available for inspection by a Marine Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent, contractor and sub-contractor engaged in the Licensed Activity;
- c) location of the Licensed Activity;
- d) any vessel or vehicle carrying on the Licensed Activity.

3.3.5 The Licensee must provide a copy of the licence to each agent, contractor and sub-contractor engaged in the Licensed Activity and must ensure that any person engaged in the Licensed Activity is aware of the particulars in Part 2 of the licence and the conditions in Part 3 of the licence.

3.3.6 The Licensee must minimise suspension of sediment and minimise damage to the seabed when carrying on the Licensed Activity.

3.3.7 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed during the Licensed Activity.

3.3.8 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.9 The Licensee must report all dropped objects to the Licensing Authority, UK Hydrographic Office and HM Coastguard using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the Licensee becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. The Licensing Authority may require surveys to be completed and / or obstructions to be removed from the seabed at the Licensees expense.

3.3.10 The Licensee must ensure that vessel transit routes maintain a minimum distance of 500 metres from designated seal haul out sites at Seal Skerry (Eday) and Muckle and Little Green Holm to avoid disturbance to seals.

3.3.11 The Licensee must adopt measures to prevent the introduction and spread of invasive non-native species as a result of the Licensed Activity. This must include all submersible / immersible equipment (including Remote Operated Vehicles if required) to be subject to pre-use and post-use checks including checks for the presence of marine growth following check-clean-dry principles. All equipment must be free of marine growth prior to mobilisation.

### **3.4 Upon Completion of the Licensed Activity**

3.4.1 The Licensee must submit a written report regarding the materials used during the Works to the Licensing Authority. The written report must be submitted on Completion of the Licensed Activity and on the forms provided by the Licensing Authority no later than 31 October 2044.

3.4.2 The seabed must be returned as close as reasonably practicable to the original profile following Completion 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.