

MARINE (SCOTLAND) ACT 2010 & MARINE AND COASTAL ACCESS ACT 2009, PART 4
MARINE LICENSING

LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS AND DEPOSIT OF
SUBSTANCES OR OBJECTS IN THE UNITED KINGDOM MARINE LICENSING AREA

Licence Number: 04061/14/2

Reference Number: FKB/Z231

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

Moray Offshore Renewables Limited
4th Floor
40 Princes Street
Edinburgh
EH2 2BY

to:

Under Marine (Scotland) Act 2010:

1) deposit and substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded in Scotland or the Scottish marine area.

Under Marine and Coastal Access Act 2009:

1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the United Kingdom marine licensing area; and

2) construct any works within the United Kingdom marine licensing area in or over the sea, or under the seabed.

required in the execution of the Works described in Part 2 of the Schedule attached to this licence. The issue of this licence is subject to conditions as set out in Part 3 of the Schedule.

This licence remains in force from **26 September 2014** until the Works have been decommissioned in accordance with an approved Decommissioning Plan.

Signed: _____

Adrian Tait

For and on behalf of the Licensing Authority

Date of issue: 26 September 2014

1. PART 1 – GENERAL

1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010 and sections 115 of the Marine and Coastal Access Act 2009, and:

- a) “the 2009 Act” means the Marine and Coastal Access Act 2009 (as amended);
- b) “the 2010 Act” mean the Marine (Scotland) Act 2010;
- c) “Licensable Marine Activity” means the activities listed in section 66 of the 2009 Act and section 21 of the 2010 Act authorised under this licence;
- d) “Licensee” means Moray Offshore Renewables Limited;
- e) “Licensing Authority” means the Scottish Ministers;
- f) “MHWS” means mean high water spring tide;
- g) “the Site” means the location as described in Part 2.3 and as illustrated in the figure contained in Part 4 of this licence;
- h) “Eastern Development Area” means part of Zone 1 of Round 3 leasing agreements in the UK Renewable Energy Zone;
- i) “the Works” means the Moray Offshore Renewables Limited Meteorological Mast, as described in Part 2 of this licence;
- j) “Commencement of the Works” means the date on which the first vessel arrives on Site to begin carrying on a Licensable Marine Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- k) “Completion of the Works” means the date on which the Works have been installed;
- l) “Decommissioning of the Works” means the removal of the Works from the Site at the end of the operational life; and
- m) “Decommissioning Plan” means a plan agreed with the Licensing Authority for the removal of the Works from the Site.

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

Tel: +44 (0) 1224 295579
Fax: +44 (0) 1224 295524
Email: ms.marinelicensing@scotland.gsi.gov.uk

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 out of the licensed operations. 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 30 of the 2010 Act and 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 the provisions of this licence or for any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act and section 72(2) or (3) of the 2009 Act.

Under section 30 of the 2010 Act and section 72 of the 2009 Act the Licensing Authority may on an application made by the Licensee, transfer this licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act and 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 40 of the 2010 Act and section 86 of the 2009 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act and section 85(1) of the 2009 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 provide full details of the matter to the Licensing Authority as set out in section 40(2) of the 2010 Act and section 86(2) of the 2009 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act and 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, either 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 and Part 4 of the 2009 Act or by this licence.

2. PART 2 – THE WORKS

2.1 Title of the Works

The title of the works to which this licence relates to is “The Moray Offshore Renewables Limited Meteorological Mast”

2.2 Description of the Works

An offshore meteorological mast consisting of a berm, a gravity base structure, rock-filled geogrid mattresses and the meteorological mast infrastructure.

2.3 Location of the Works

Within the Moray Offshore Renewables Limited Eastern Development Area in the outer Moray Firth, within the UK marine licensing area off the North East of Scotland, within a 50 metre radii micro-siting allowance of the centred co-ordinates:

58° 10.928' N 002° 49.215' W.

2.4 Deposits

This licence authorises the deposit of the undernoted substances and objects required in connection with the Works, subject to the maximum amounts as specified below:

PERMANENT DEPOSITS

Steel/Iron, 700 tonnes

Concrete, 33.5 m x 32.3 m x 16 m, 17,313 m³

Stone/Rock/Gravel, size range 0-500 mm, 15,600 m³

Concrete bags/Mattresses, No 265, 8.0 m x 2.5 m x 0.3 m, 1590 m³

2.5 Persons responsible for the deposits of the substances or objects

The operators, vessels and vehicles engaging in the Licensable Marine Activity must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Name of Vessel or Vehicle Registration	Operator	Type(s)
MV Orcadia	Damen Marine Services B.V.	Tug Vessel
MV Nordnes	Van Oord Ship Management	Bulk Carrier ESP Offshore Supply Vessel
MV Einar	Orkney Towage Company Ltd	Tug Vessel
MV Erlend	Orkney Towage Company Ltd	Tug Vessel
MV Harald	Orkney Towage Company Ltd	Tug Vessel
MV Sea Ferret	Enviro-serve Ltd	Wind farm support/crew transfer vessel
MV Strathdon	Caledonian Towage Ltd	Tug Vessel
MV Forth Jouster	Briggs Marine Contractors Ltd	Tug Vessel
MV Kestrel	Caledonian Towage Ltd	Tug Vessel
MV RV Aora	Caley Fisheries	Research Vessel
MV MTS Vanquish	Marine & Towage Services Group	Tug Vessel
MV Aurelia	SFF Services	Guard Vessel
MV Simon Stevin	Jan De Nul Group	Dynamic Positioned Fall Pipe Rock Dumping Vessel

MV Jan	Sarens Group	Barge
MV Sea Beaver	Enviro-serve Ltd	Wind farm support/crew transfer vessel

2.6 Persons acting on behalf of the Licensee

The name and address of any agent, contractor or sub-contractor appointed to carry out any part, or all, of the Licensable Marine Activity must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Drace Infrastructures UK Limited, Regina House, 2nd floor, 1-5 Queen street, London, EC4N 1SW
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3. PART 3 – CONDITIONS

3.1 General conditions

3.1.1 Licence conditions binding other parties

All conditions attached to this licence bind any person who for the time being owns, occupies or enjoys any use of the Works for which this licence has been granted in relation to those licensed activities authorised under item 5 in section 21(1) of the 2010 Act and item 7 in section 66(1) of the 2009 Act whether or not this licence has been transferred to that person.

3.1.2 Vessels, vehicles, agents, contractors and sub-contractors

The Licensee must provide, as soon as reasonably practicable in advance of their engagement in the Licensable Marine Activity authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Works. Where applicable the notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

Any changes to the supplied details must be notified to the Licensing Authority, in writing, prior to any vessel, vehicle, agent, contractor or sub-contractor engaging in the Licensable Marine Activity.

Only those vessels, vehicles, agents, contractors or sub-contractors notified to the Licensing Authority are permitted to carry out any part of the Works.

The Licensee must satisfy themselves that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are aware of the extent of the Works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence. All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Works must abide by the conditions set out in this licence.

The Licensee must give a copy of this licence, and any subsequent variations made to this licence in accordance with section 30 of the 2010 Act and 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 ensure the licence has been read and understood.

3.1.3 Force Majeure

Should the Licensee or any of their agents, contractors or sub-contractors, by any reason of *force majeure* deposit anywhere in the marine environment any substance or object, then the Licensee must notify the Licensing Authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the Site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. 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.

3.1.4 Material alterations to the licence application

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.

3.1.5 Submission of specification of studies and surveys to the Licensing Authority

The Licensee must submit the details and specifications of all studies and surveys that are required to be undertaken in relation to the Works, in writing, to the Licensing Authority for their written approval. Commencement of the studies or surveys must not occur until the Licensing Authority has given its approval to the Licensee.

3.1.6 Chemical usage

The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved in writing by the Licensing Authority prior to use. All chemicals utilised in the Works must be selected from the List of Notified Chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002, unless approved in writing by the Licensing Authority.

3.1.7 Environmental protection

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area and the UK marine licensing area caused by the Licensable Marine Activity authorised under this licence.

The Licensee must ensure that any debris or waste material placed below MHWS during the construction and operation of the Works is removed from the Site, as soon as is reasonably practicable, for disposal at a location above the MHWS approved by the Scottish Environment Protection Agency ("SEPA").

The Licensee must ensure that all substances and objects deposited during the execution of the Works 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.

The Licensee must ensure that the risk of transferring marine non-native species to and from the Site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the Works.

The Licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system. Any drill cuttings associated with the use of water-based drilling muds situated within the outer boundary of the Works need not be removed from the seabed.

3.1.8 Availability of the licence for inspection

The Licensee must ensure that copies of this licence are available for inspection at any reasonable time by any authorised marine 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) on board any vessel engaged in the Works.

3.1.9 Inspection of the Works

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 Site.

3.1.10 Emergencies

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 this 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.

3.2 Conditions specific to the Works

3.2.1 Prior to the Commencement of the Works

3.2.1.1 Third party verification

The Licensee must, prior to the Commencement of the Works, provide the Licensing Authority with third party verification of the basis of design of the meteorological mast. Commencement of the Works must not occur until the Licensing Authority has received third party verification.

3.2.1.2 Commencement date of Works

The Licensee must, prior to and no less than 1 month before the Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under the licence.

3.2.1.3 Navigational safety

The Licensee must, as soon as reasonably practicable prior to Commencement of the Works, notify the UK Hydrographic Office ("UKHO") of the proposed works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must, as soon as reasonably practicable prior to Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland, are made fully aware of the Licensable Marine Activity through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, as soon as reasonably practicable prior to Commencement of the Works to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

The Licensee must prior to Commencement of the Works, complete an "Application for Statutory Sanction to Alter/Exhibit" form and submit this to the Northern Lighthouse Board ("NLB") for the necessary sanction to be granted.

The Licensee must, prior to Commencement of the Works, ensure that the location of the Works is made available for inclusion in the Clyde Cruising Club Sailing Directions and Anchorages.

3.2.1.4 Aviation safety

The Licensee must prior to Commencement of the Works, notify the Defence Geographic Centre with the following information to allow for the appropriate inclusion on aviation charts:

- a) precise location of the Works;
- b) date of commencement of construction;
- c) date of completion of construction;
- d) the height of the Works above Highest Astronomical Tide ("HAT");
- e) the maximum height of any construction equipment over 150 m above HAT; and
- f) details of any lighting fitted to the Works.

3.2.2 During the Works

3.2.2.1 Environmental protection

The Licensee must ensure that the deposits associated with the sub-structure are kept to a minimum in order to reduce impacts to the benthic habitat and local biodiversity.

3.2.2.2 Navigational safety

The Licensee must notify the UKHO of the progress of the Works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must notify local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland, of the progress of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that the progress of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

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 and any requirement to display aids to navigation, following consultation with the Maritime and Coastguard Agency ("MCA"), the NLB or any such advisers as required.

The Licensee must ensure that no radio beacon or radar beacon operating in the Marine frequency bands are installed or used on the Works without the prior written approval of the Office of Communications ("OfCom").

3.2.2.3 Markings, lighting and signals of the Works

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the Civil Aviation Authority ("CAA") at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act and section 72 of the 2009 Act.

The Licensee must ensure that no marks or lights, other than those required by virtue of this licence, are displayed unless they have been approved, in writing, by the Licensing Authority following consultation with the NLB and the CAA.

The Licensee must ensure that the Works is marked and lit in accordance with IALA Recommendation O-139.

The Licensee must ensure that 1 medium intensity steady red light is positioned as high as reasonable practical on the Works.

3.2.2.4 Markings, lighting and signals of jack up barges and vessels

The Licensee must ensure that any vessels permitted to engage in the Works are marked in accordance with the International Rules for the Prevention of Collisions at Sea whilst under way, and in accordance with the UK Standard Marking Schedule for Offshore Installations if secured to the seabed.

3.2.2.5 Restoration of the Site to its original condition

The Licensee must ensure that if the Works are to be discontinued prior to completion, all reasonable, appropriate and practicable steps are taken to restore the Site to its original condition before any Licensable Marine Activity authorised under this licence was undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority. This licence will be varied under section 30(3) of the 2010 Act and under section 72(3) of the 2009 Act to allow the removal of Works already installed.

3.2.3 Conditions upon Completion of the Works

3.2.3.1 Date of Completion of the Works

The Licensee must, no later than 1 month following the Completion of the Works, notify the Licensing Authority, in writing, of the date of Completion of the Works.

3.2.3.2 Navigational safety

The Licensee must notify the UKHO of the Completion of the Works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland, are made fully aware of the Completion of the Works.

The Licensee must ensure that the Completion of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry.

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 and any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required.

The Licensee must ensure that no radio beacon or radar beacon operating in the Marine frequency bands are installed or used on the Works without the prior written approval of OfCom.

3.2.3.3 Nature and quantity of deposited substances and objects

The Licensee must, no later than 1 month following the Completion of the Works, submit a written report to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Where appropriate, nil returns must be provided.

3.2.3.4 Markings, lighting and signals of the Works

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the CAA at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act and section 72 of the 2009 Act.

The Licensee must ensure that no marks or lights, other than those required by virtue of this licence, are displayed unless they have been approved, in writing, by the Licensing Authority following consultation with the NLB and the CAA.

The Licensee must ensure that the Works is marked and lit in accordance with IALA Recommendation O-139.

The Licensee must ensure that 1 medium intensity steady red light is positioned as high as reasonable practical on the Works.

The Licensee must ensure that the marking and lighting of the Works is amended to suit the final layout of any wind farm development within the Moray Offshore Renewables Limited lease area.

3.2.3.5 Maintenance of the Works

The Licensee must provide an Operational and Maintenance Plan, in writing, to the Licensing Authority within 3 months of the Completion of the Works. Notification must be provided at least 3 months in advance of any subsequent maintenance works where any additional deposits are required. In the event that these maintenance works have not been assessed previously and are considered by the Licensing Authority as being material, then a further marine licence will be required.

3.2.3.6 Decommissioning

This licence does not permit the Decommissioning of the Works, for which a separate marine licence is required.

At least 4 months prior to carrying out any proposed decommissioning works, the Licensee must submit, to the Licensing Authority, an application for the Decommissioning of the Works. The application must include a proposed Decommissioning Plan.

Decommissioning of the Works must not occur until the Licensing Authority has given its written approval to the Decommissioning Plan.

4. PART 4 – PROJECT LOCATION

