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SCOTLAND

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By email to:
MS.MarineRenewables@gov.scot

Marine Scotland (Marine Renewables)
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Deirdre.Cameron@hes.scot
[REDACTED]

Our case ID: 300042627
Your ref: 07141
05 February 2020

Dear Sir/Madam

Marine (Scotland) Act 2010
East of Deerness, Orkney - Marine Licence for construction and testing of half scale
Wave Energy Converter

Thank you for your email consultation of 16 January 2020 requesting our comments on this Marine Licence application.

We do not consider the application contains sufficient information to allow a decision on the granting of a licence to be reached. There are two main issues:

Lack of consideration of impacts on historic assets.

The proposed installation is located in an area on the approach to Scapa Flow, one of the most intensely militarised areas in Britain during both World Wars. While there are no recorded archaeological features within the proposed development area, it is not clear whether this is due to a genuine lack of assets or a lack of survey and reporting. It is notable that the remains of a torpedoed ship are located a few kilometres to the north and a ship sunk by a mine a few kilometres to the south. The latter is of particular concern, as it raises the potential for unexploded ordnance in the general area.

Lack of detail for mooring

The application states that the Wave Energy Converter will be moored using drag embedment anchors or gravity based foundations. No further information is given as to the dimensions, nature or potential physical impacts that these moorings could have. There is therefore not enough information to assess the impact they could have on any unidentified archaeological resource.



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It is very likely that the applicants already have information that will clarify these issues. If they can address both points raised above, we would be happy to provide additional comments.

Yours faithfully

Historic Environment Scotland

England D (Debbie)

From: Nick Salter <Nick.Salter@mcga.gov.uk>
Sent: 28 January 2020 15:22
To: MS Marine Renewables; England D (Debbie)
Cc: Helen Croxson; Thomas Bulpit
Subject: RE: Consultation (07141) - Marine Licence Application - Mocean Energy - Wave Energy Converter, East of Deerness, Orkney - by 13/02/2020

Dear Debbie,

Thank you for the opportunity to comment on the potential impact of the construction and testing of the Wave Energy Converter device on the safety of navigation.

The PEMP has been considered and it does not appear there has been an assessment on the risks to navigation. Further information should be provided on the level and type of traffic in the area, the potential hazards and proposed risk mitigation to reduce risks to ALARP.

Other requirements that need addressing are:

- Third Party Verification of the mooring system and meeting the regulatory expectation of moorings
- Emergency Response Cooperation Plan (ERCoP)
- Monitoring arrangements
- Marking and lighting – advice should be sought from the Northern Lighthouse Board
- Towage operations
- Consultations with local users in the area.

Further information can be found at <https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping>

Given at this stage that we have not seen a navigation risk assessment we are unable to provide a more formal response with our acceptance.

Best regards,

Nick



Nick Salter

Navigation Safety Advisor | Navigation Safety Branch
Maritime & Coastguard Agency | c/o Falmouth Marine Office
Pendennis Point | Castle Drive | Falmouth | Cornwall | TR11 4WZ



Safer Lives, Safer Ships, Cleaner Seas

From: navigation safety <navigationsafety@mcga.gov.uk>
Sent: 16 January 2020 11:45
To: Helen Croxson <Helen.Croxson@mcga.gov.uk>; Nick Salter <Nick.Salter@mcga.gov.uk>
Subject: FW: Consultation (07141) - Marine Licence Application - Mocean Energy - Wave Energy Converter, East of Deerness, Orkney - by 13/02/2020

From: Debbie.England@gov.scot <Debbie.England@gov.scot>

Sent: 16 January 2020 10:35

To: MS.MarineRenewables@gov.scot

Cc: Debbie.England@gov.scot

Subject: Consultation (07141) - Marine Licence Application - Mocean Energy - Wave Energy Converter, East of Deerness, Orkney - by 13/02/2020

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

07141 – Aquatera Ltd (on behalf of Mocean Energy) – Marine Licence for construction and testing of half scale Wave Energy Converter

Dear Sir/Madam,

Aquatera Ltd, on behalf of Mocean Energy, has submitted a marine licence application and supporting information to construct and test at sea a half scale prototype Wave Energy Converter, and to construct a new mooring system, at East of Deerness, approximately 5km from the Orkney coastline.

Please find the marine licence application form, project briefing note and Project Specific Environmental Management Plan.

The Marine Licensing and Operations Team (“MS-LOT”) would welcome any comments that you have with regards to the application, in writing, to MS.MarineRenewables@gov.scot **no later than 13 February 2020**.

If you are unable to meet this deadline please contact MS-LOT on receipt of this email. If you have no comment to make please send a ‘nil’ response.

I would appreciate if you could acknowledge receipt of this email.

Yours faithfully,

Debbie

Debbie England
Marine Renewables Casework Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: +44 (0)131 244 3865
General Queries: +44 (0)300 244 5046
Email: Debbie.England@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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Northern Lighthouse Board

Your Ref: MSL 07141
Our Ref: AL/OPS/ML/O7_22_160

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Switchboard: 0131 473 3100
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Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk



Ms Debbie England
Marine Renewables Casework Officer
Marine Scotland – Marine Planning and Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

20 January 2020

Dear Debbie,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

07141 – AQUATERA LTD (ON BEHALF OF MOCEAN ENERGY) – MARINE LICENCE FOR CONSTRUCTION AND TESTING OF HALF SCALE WAVE ENERGY CONVERTER

Thank you for your email correspondence dated 16th January 2020 regarding the application submitted by the **Aquatera Ltd**, on behalf of **Mocean Energy**, for consent to install a Wave Energy Converter, named 'M100P', from April to December 2020 at a location approximately 2.8nM east of Rose Ness, Orkney.

Northern Lighthouse Board has no objection to the deployment, and requires the following:

- The WEC device is to be predominantly yellow in colour, and fitted with a light, flashing yellow once every 5 seconds (Fl. Y. 5s) and visible from all directions. The light should be mounted on the highest point of the superstructure and have a nominal range of 3 nautical miles.
- A passive radar reflector is to be fitted at a similar elevation in order to enhance the radar profile of the device.
- A yellow "St Andrews Cross" topmark shall be installed below the light. The dimension of this topmark shall be not less than 750mm long x 150mm wide.
- The device is to be marked by AIS as an Aid to Navigation, transmitting a Type 21 message. A separate AIS licence, issued by OFCOM, will be required.
- **Aquatera Ltd** liaise with all local marine stakeholders during the installation to ensure the promulgation of Notice to Mariners regarding the timeframe and nature of works
- Whilst the device is in its installation/operation/maintenance phase, it should be actively monitored, and any catastrophic failure events should be responded to as described within existing Emergency Response Plan.

For the safety of all

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001



- The accompanying Waverider buoy should be yellow in colour, and be fitted with a yellow light, flashing 5 every 20 seconds (FL. (5). Y. 20s). No topmark is required for this buoy.
- UK Hydrographic Office are provided with all relevant details, including 'as laid' positions, of all infrastructure to ensure updates are applied to appropriate navigational charts.

All navigational marking and lighting of the device or its associated infrastructure will require the Statutory Sanction of the Commissioners of Northern Lighthouses prior to deployment. This form can be downloaded from the Northern Lighthouse Board website, or on request from 'navigation@nlb.org.uk'.

Yours sincerely



Peter Douglas
Navigation Manager

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Response by OFA to Application by Mocean energy to site waver converter

We have significant concerns in relation to this proposal, one being that as an industry we were consulted some time into the process and there was a truncated time scale for meaning full discussion. This is an issue of process and proper respect towards all stakeholders potentially affected.

Although the size is below that required for a pre consultation public engagement, it is best practice and part of OIC's guidelines for aquaculture development that ourselves and Orkney Sustainable Fisheries Ltd (the de facto Inshore Fisheries Management Group for Orkney) are consulted at an early stage in the development process. Failure by other developers to do this has resulted in expensive abandonment of projects.

A large proportion of available inshore fishing grounds have already been lost cumulatively to 3 consented EMEC sites that we were party to in terms of protracted consultation with an extension at Billia Croo currently pending. Negotiation with the position of Falls of Warness EMEC site and tidal information provided by OFA members resulted in some changes to the position of that site which was of benefit to EMEC.

In this application It has been apparent that several sites were already considered and ruled out without any fisheries input. That worries us greatly and is a creeping tendency of developers to give minimal consideration to the legitimate need to consult early with fishermen.

In addition cumulative loss from Aquaculture is now very significant in terms of prime fishing ground loss for a mix of species, not just in spatial terms but also in human input pollutants which kill commercial crustaceans.

We are very unhappy about the ad hoc nature of the application when dedicated and existing licensed test sites are in operation. The reasons cited to us that the 'waves' were not the right type seemed curious and leads us to the conclusion that it may be financial costs that are the underlying motive for not using the licensed EMEC sites. This also forces the question how and who will monitor the outputs if EMEC are not doing so.

Our main concern is one of precedent, that any developer for whatever reason be it financial or for other reasons can side- step use of the EMEC sites and apply for any test site they wish in Orkney waters. This is not how things were intended to work when EMEC was consented and developers must be in no doubt that the EMEC site is there for the purpose of testing devices.

No part of the sea is safe from ad hoc development if permissions are given in this type of instance which is unfair with regard to the expectations of legitimate fishers that the consented sites are where trials will take place.

Fiona Matheson Orkney Fisheries Association 11.2.2020

DEVELOPMENT AND INFRASTRUCTURE

Executive Director: Gavin Barr, BSc Hons, MSc URP, MRTPI
Council Offices, Kirkwall, Orkney, KW15 1NY



ORKNEY
ISLANDS COUNCIL

19th Feb 2020

Marine Scotland
Marine Renewables
375 Victoria Road
Aberdeen
AB11 9DB

Email: planning@orkney.gov.uk

Dear Sir/Madam

20/016/MARCON

Install a wave energy converter East of Deerness, Orkney

Thank you for consulting Orkney Islands Council (OIC) on the application for a Marine License for the Installation of a wave energy converter located to the East of Deerness, Orkney.

Orkney Islands Council advises that the LDP Supplementary Guidance: Energy notes that the principle of appropriately sited new renewable and low carbon energy development is supported, including marine, however would advise that the proposal should be assessed against the plans General and Sectoral Policies of the Marine Scotland's Sectoral Marine Plan and Pentland Firth and Orkney Waters Marine Spatial Plan which is a material consideration.

I have consulted internally within the OIC; the following matters have been raised.

Orkney Islands Council, Marine Services, as the Statutory Harbour Authority responsible for the safety of navigation within its harbour area and approaches have no comments to make on navigation issues, however they advise highlighted the following:

- It is indicate that Harbour Authority facilities are being proposed to be used for various uses – including one of the locations to recover the device in the event of any problems we would like to point out that the developer does not appear to have contacted us about this. We cannot guarantee a berth – in the documents stated as Kirkwall and / or Hatston – especially during the period April to October when we will have re-arranged vessels alongside.

Orkney Islands Council request information and clarification on the following points:

- Why is the proposal not in an area already zoned for marine energy development i.e. Billia Croo, in accordance with Marine Scotland's Sectoral Marine Plan
- There is no mention or assessment of potential impacts on the Scapa Flow proposed Special Protection Area (pSPA). The proposal appears to either be partly in or immediately adjacent to it. The proposal does not appear to have been subject to HRA for the pSPA, nor the Copinsay SPA. SNH should advise on likely impacts and whether an Appropriate Assessment is required. No data has been provided on the likely species or numbers of birds that may be disturbed.
- No early consideration appears to have been given to the impacts on fishing. The pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) shows that the proposal appears to lie within an area of high value for commercial fishing. Thus, consideration of other marine users does not yet appear to have been taken into account.
- The PFOW MSP is a material consideration in MS-LOT's determining of the marine licence. It requires early engagement with stakeholders but there appears to have been little engagement prior to the application submission (PFOW MSP General Policy 1B).

- The decommissioning section does not outline where the device will be stored/broken up once removed, therefore any impacts on local infrastructure or services cannot be determined (PFOW MSP General Policy 1B).

The full consultation responses are available to view at the following website address:
http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm (then enter the application 20/016/MARCON).

Matters raised within this response requires further clarity and information to enable the OIC to provide a full detailed response, I would be grateful you would consider the matters raised and advise us accordingly.

We would be happy to provide further feedback once the addition information is available. If you wish to discuss this further in the meantime, please do not hesitate to contact me.

Yours sincerely

Margaret Gillon MRTPI
Senior Planner

Our ref: PCS/169582
Your ref: 07141

If telephoning ask for:
Barbara Olszowy

5 February 2020

Debbie England
Marine Scotland
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: ms.marinerenewables@gov.scot

Dear Ms England

Marine (Scotland) Act 2010

**Marine Licence for construction and testing at sea of half scale prototype Wave Energy Converter, and to construct a new mooring system
East Of Deerness approximately 5km from the Orkney coastline**

Thank you for your consultation email which SEPA received on the 16 January 2020.

To assist with streamlining the consultation process, we now focus our site specific advice where we can add best value in terms of enabling good development and protecting Scotland's environment.

We do not provide site specific advice on marine consultations for this type of proposal. Instead, please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#).

If you have any queries relating to this letter, please contact me by telephone on 01224 266600 or e-mail at planningaberdeen@sepa.org.uk.

Yours sincerely

Barbara Olszowy
Planning Officer
Planning Service

ECopy to: Debbie England, Debbie.England@gov.scot
Agent, Shane Quill, Aquatera Ltd, shane.quill@aquatera.co.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Application by Mocean energy to site waver converter

The Scottish Fishermen's Federation, on behalf of the 400 plus vessels in membership of its 8 constituent associations, The Anglo Scottish Fishermen's Association, Fife Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association (OFA), Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association wish to formally object to this application.

SFF support the OFA's significant concerns in relation to this proposal, one being that as an industry we were consulted late in the process and there was a truncated time scale for meaningful discussion. This is an issue of best practice, process and proper respect towards all marine environment stakeholders.

Although the size of the project is below that required for a pre consultation public engagement, it is best practice and part of OIC's guidelines for aquaculture development that OFA and Orkney Sustainable Fisheries Ltd (the de facto Inshore Fisheries Management Group for Orkney) are consulted at an early stage in the development process. In other cases failure by other developers to consult properly has led to serious objections which have resulted in expensive abandonment of projects.

In Orkney a large proportion of available inshore fishing grounds have already been lost cumulatively to 3 consented EMEC sites that OFA were party to in terms of protracted consultation, with an extension at Billia Croo currently pending. Negotiation with the position of Falls of Warness EMEC site and tidal information provided by OFA members resulted in some changes to the position of that site which benefitted EMEC.

In this application it has become apparent that several sites had already been considered and ruled out without any fisheries input. That worries us greatly and is a creeping tendency of developers to give minimal consideration to the legitimate need to consult early with fishermen. If the regulator was prepared to accept such a lax consultation, it would be out of sync with best practice around Scotland and would be an unwelcome precedent.

In addition cumulative loss from Aquaculture is now very significant in terms of prime fishing ground loss for a mix of species, not just in spatial terms but also in human input pollutants which kill commercial crustaceans.

We are very unhappy about the ad hoc nature of the application when dedicated and existing licensed test sites are in operation. The reasons cited to us that the 'waves' were not the right type seemed curious and leads us to the conclusion that it may be financial costs that are the underlying motive for not using the licensed EMEC sites, which have infrastructure in place to monitor tests. This will be an added cost to the project and forces the question how and who will monitor the outputs if EMEC are not doing so.

Our main concern is one of precedent, that any developer for whatever reason be it financial or for other reasons can side- step use of the EMEC sites and apply for any test site they wish in Orkney waters. This is not how things were intended to work when EMEC was consented and developers must be in no doubt that the EMEC site is there for the purpose of testing devices.

No part of the sea is safe from ad hoc development if permissions are given in this type of instance which is unfair with regard to the expectations of legitimate fishers that the already consented EMEC sites are where trials will take place.

Marine Scotland
Marine Laboratory
P. O. Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Your Ref: 07141

Our Ref:
CNS/REN/WAVE/MOCEAN
ENERGY

Date: 12th February 2020

By email only: ms.marinerenewables@gov.scot

Dear Sir / Madam,

SNH advice on Marine Licence application by Aquatera Ltd (on behalf of Mocean Energy) for the deployment and testing of a half scale wave energy converter near Deerness, Orkney

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

Thank you for consulting SNH on the Marine Licence application by Aquatera (on behalf of Mocean Energy) for the deployment and testing of a half scale wave energy converter (WEC), to the east of Rose Ness, Orkney.

Background

Mocean Energy proposes to deploy and test a half scale prototype of its M100 (i.e. 100kW) WEC. The half scale prototype (referred to as M100P) will be deployed in an area to the east and offshore from Rose Ness, Orkney, between the 1st April and the 31st December 2020 (the operational period of the test may be completed by the end of September). The exact location of the deployment within the licence boundary will be confirmed prior to anchor installation. The M100P is a hinged raft WEC, consisting of two hulls of novel shapes connected by a single hinge. Wave forcing, and the hulls' dynamics cause a rotation about the hinge, which is converted to electricity via a power take off system.

The mooring system consists of two mooring lines, attached to the forward mooring point on the WEC. Marker buoys are 45m along the mooring line. Mooring lines / chains run from the marker buoys to and along the seabed and, depending on seabed conditions, are secured with either drag embedment anchors or gravity base foundations (further details not included in the application). The mooring system diameter is 310m, including 30m contingency on each mooring line. When the M100P is not connected to the mooring system, a surface buoy will keep the mooring system in place.

The WEC will not be grid connected, and there will be no export cable. However, an umbilical cable from the WEC may be used to power a piece of equipment (e.g. an ROV docking station and / or battery) placed temporarily on the seabed.

All equipment will be removed from the site once the testing is completed.



INVESTOR IN PEOPLE

SNH advice

The proposed deployment and testing of the M100P is unlikely to have a significant effect on the qualifying features on Copinsay Special Protection Area (SPA), Scapa Flow pSPA, North Orkney pSPA or Orkney Inshore Waters pSPA. The proposal is for the deployment of a half scale WEC for 6-9 months between April and December 2020. Any potential impacts will be localised and temporary in nature.

A European Protected Species (EPS) and basking shark licence will not be required. However, as indicated in the Project-specific Environmental Management Plan (PEMP), we advise the Scottish Marine Wildlife Watching Code (SMWWC) is adhered to.

We advise seabed monitoring in the location of the mooring chains / lines is undertaken to understand whether the movement of the mooring system has an impact on the seabed. Monitoring should assess the total area affected and the magnitude of the impact. This information will be important for future, larger scale, deployments.

We hope this advice is of assistance. If further information or advice is required please contact [REDACTED] in the first instance.

Yours sincerely

Dr Chris Eastham
Marine Sustainability Advisor

England D (Debbie)

From: McPhillips G (Gerard)
Sent: 07 February 2020 11:48
To: England D (Debbie)
Cc: Erskine A (Andrew); DEVENNY Alan; LOGAN Lesley
Subject: RE: Consultation (07141) - Marine Licence Application - Mocean Energy - Wave Energy Converter, East of Deerness, Orkney - by 13/02/2020

Debbie

07141 – Aquatera Ltd (on behalf of Mocean Energy) – Marine Licence for construction and testing of half scale Wave Energy Converter

Thank you for the opportunity to comment on the above Marine License application.

Having reviewed the documentation supporting the application, we note that the prototype will be towed to site offshore at Deerness in Orkney by vessel. As this will have no impact on the trunk road network, Transport Scotland has no comment to make in this instance.

Regards.

Gerard



Gerard McPhillips
Transport Scotland
Development Management Quality Manager
Roads Directorate



transport.gov.scot

From: England D (Debbie) <Debbie.England@gov.scot>
Sent: 16 January 2020 10:43
To: MS Marine Renewables <MS.MarineRenewables@gov.scot>
Cc: England D (Debbie) <Debbie.England@gov.scot>
Subject: Consultation (07141) - Marine Licence Application - Mocean Energy - Wave Energy Converter, East of Deerness, Orkney - by 13/02/2020

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

07141 – Aquatera Ltd (on behalf of Mocean Energy) – Marine Licence for construction and testing of half scale Wave Energy Converter

Dear Sir/Madam,

Aquatera Ltd, on behalf of Mocean Energy, has submitted a marine licence application and supporting information to construct and test at sea a half scale prototype Wave Energy Converter,

and to construct a new mooring system, at East of Deerness, approximately 5km from the Orkney coastline.

I have attached the marine licence application form and further supporting documents can be viewed [here](#).

The Marine Licensing and Operations Team ("MS-LOT") would welcome any comments that you have with regards to the application, in writing, to MS.MarineRenewables@gov.scot **no later than 13 February 2020**.

If you are unable to meet this deadline please contact MS-LOT on receipt of this email. If you have not responded by the above date MS-LOT will assume a 'nil' response.

I would appreciate if you could acknowledge receipt of this email.

Yours faithfully,

Debbie

Debbie England
Marine Renewables Casework Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

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Email: Debbie.England@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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