

**MARINE AND COASTAL ACCESS ACT (2009), PART 4 MARINE LICENSING**

**LICENCE TO REMOVE A SUBSTANCE OR OBJECT FROM THE SCOTTISH MARINE AREA**

Licence Number: **MS-00008841**

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

**Moray Offshore Windfarm (East) Limited  
C/O Shepherd And Wedderburn LLP  
Condor House  
10 St. Paul's Churchyard  
London EC4M 8AL**

to remove a substance or object 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 **01 October, 2020** until **31 December, 2024**

Signed: .....

Giulia Agnisola

For and on behalf of the Licensing Authority

Date of issue 01 October, 2020

## 1. PART 1 - GENERAL

### 1.1 Interpretation

In the licence, terms are Section 115 of the Marine and Coast Access Act 2009 unless otherwise stated, and,

- a) **"the 2009 Act"** means the Marine and Coastal Access Act 2009
- b) **"Licensed Activity"** means any activity or activities listed in section 66 of the 2009 Act which is, or are authorised under the licence;
- c) **"Licensee"** means Moray Offshore Windfarm (East) 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;
- 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 Scotland  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB  
Email: MS.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 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.

Under section 71(7) of the 2009 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 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: 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, and that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

**1.7 Offences relating to information** Under section 85 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 either Part 4 of the 2009 Act or the provisions of the 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**

### **2.2 Location of the Licensed Activity**

METEOROLOGICAL MAST, MORAY EAST OFFSHORE WINDFARM, OUTER MORAY FIRTH, at a point located by the boundary of:

58° 11.240' N, 2° 49.884' W

58° 11.121' N, 2° 48.868' W

58° 10.761' N, 2° 48.921' W

58° 10.617' N, 2° 49.887' W

As shown in Annex One.

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

Removal of the Moray East Meteorological Mast situated within the Moray East Offshore Wind Farm, outer Moray Firth. All as described in the application and supporting documents submitted on 30 June 2020.

As described in application dated 30 June, 2020 and correspondence submitted in support of the application.

### **2.4 Descriptions of the substances or objects to be removed**

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

Phase 1 - Lattice tower, main deck and monopile section comprising of:

Steel/Iron - 211.59 tonnes;

Plastic (Fibre glass) - 100 m<sup>2</sup>;

Pipe - 2000 m;

Copper Electrical Cabling - 3000 m;

Phase 2 -Gravity base structure comprising of:

Steel/Iron - 75 tonnes;

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Concrete (caisson body) - 13,246.97 tonnes;  
Plastic Pipe - 1 tonne;  
Electrical Cabling - 200 kg;  
Anti-Scour Mattress - 3456 tonnes (144 x 24 tonne)

## **2.5 Contractor and Vessel Details**

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1 The Licensee must at all times construct and maintain the licensed activity in accordance with this Licence, the Application and the plans and programmes approved by the Licensing Authority.

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

3.1.3 In the event of any breach of health and safety or environmental obligations relating to the licensed activity during the period of the Licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.4 The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the licensed activity. Such notification must include a copy of the licence, and where possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.6 Removal of the substances and objects during phase 1 of the removal works must be in accordance with the Method Statement and all other supporting documents submitted with the application.

3.1.7 Removal of the substances and objects during phase 2 of the removal works must be in accordance with a Method Statement approved in writing by the Licensing Authority and all other supporting documents submitted with the application.

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

3.2.1 The Licensee must, prior to and no less than 7 calendar days before the Commencement of the licensed activity, notify the Licensing Authority, in writing, of the date of Commencement of the licensed activity authorised under this Licence.

3.2.2 The Licensee must, prior to and no less than 6 months before the commencement of phase 2 of the licensed activity, submit a Method Statement to the Licensing Authority for written approval.

3.2.3 The Licensee must ensure that HM Coastguard, in this case renewables@hmcg.gov.uk, The National Maritime Operations Centre, is made aware of the works prior to commencement.

3.2.4 The Licensee must issue local notification to marine users, including fishermen's organisations, neighbouring port authorities and other local stakeholders, to ensure that they are made fully aware of the activity.

### **3.3 During the Licensed Activity**

3.3.1 The Licensee must ensure that the Licensed Activity is maintained at all times in good repair.

3.3.2 The Licensee must notify the UK Hydrographics Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the Notice to Mariners system.

3.3.3 Any jack up barges/vessels utilised during the works, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

3.3.4 The gravity base structure and remaining monopile should be marked with a Special Mark buoy immediately following completion of phase 1 of the works. The buoy should be yellow in colour, fitted with an appropriate topmark (St Andrew's Cross). The buoy should be at least 3 metres in diameter, fitted with a radar reflector and exhibiting a yellow light flashing once every 5 seconds, with a minimum range of 3 nautical miles, mounted at a minimum of 3 metres above the waterline.

3.3.5 The UK Hydrographic Office (sdr@ukho.gov.uk) should be notified of the Special Mark buoy deployment in order that the associated chart can be revised accordingly.

3.3.6 The Licensee must monitor the performance of the Aid to Navigation (AtoN) and implement contingency plans in the event of failure or departure from the charted position, as detailed within the Marker Buoy Monitoring and Mitigation Strategy submitted to the Licensing Authority.

3.3.7 The Statutory Sanction of the Northern Lighthouse Board must be sought prior to the installation of the AtoN. "Application for Statutory Sanction" forms are available on request from navigation@nlb.org.uk. The Licensee should complete the form and return it to the Northern Lighthouse Board for processing.

3.3.8 The Licensee must issue a Notice to Mariners clearly stating the nature and duration of the deployment giving



the Latitude and Longitude in the appropriate WGS84 co-ordinate format.

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

3.4.1 The Licensee must, no later than 14 days following the Completion of the licensed activity notify the Licensing Authority, in writing, of the date of the Completion of the licensed activity.

3.4.2 The Licensee must ensure that all substances and objects are removed from the site.

3.4.3 The Licensee must take all reasonable, appropriate and practicable steps to fully clear and restore the site to its original condition to the satisfaction of the Licensing Authority no later than 30 September 2022 unless otherwise agreed in writing with the Licensing Authority. Any agreement request must be submitted in writing to the Licensing Authority with supporting evidence no later than 30 March 2022.

3.4.4 The licensee must submit a written report regarding the materials removed during each phase of the works to the licensing authority. The written report must be submitted on completion of the works and on the forms provided by the licensing authority no later than one month after completion of each phase of the works.

**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.

# Annex One – Location of Moray East Meteorological Mast

Source: [Marine Licence Application documents](#)

