

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: FEPA Licence for Temporary Dock Facility

Paper No: 34/14

Date: 26 February 2014

Report of: Marine Officer
Director Natural Resources

1.0 Purpose

To seek approval to the grant of a licence to Noble Energy Falklands Limited that is a legal requirement for the planned mooring arrangement for a Temporary Dock Facility.

2.0 Recommendations

That Executive Council is advised to approve the granting by the Governor of a licence under the Food and Environmental Protection Act 1985 to authorise Noble Energy Falklands Limited to drive steel piles into the seabed in Stanley Harbour for the purposes of providing a mooring arrangement for a Temporary Dock Facility.

3.0 Additional Budgetary Implications

None

4.0 Background

4.1 Noble Energy has been in negotiation with the Falkland Islands Government for some time regarding the proposed installation of a Temporary Dock Facility east of FIPASS in Stanley Harbour.

4.2 The proposal by Noble Energy has been approved by the Lands Committee and Executive Council regarding the siting of the dock facility.

5.0 Licence Considerations

5.1 A licence would be granted in accordance with section 8 of the Food and Environmental Protection Act 1985 as applied to the Falkland Islands by virtue of the Environmental Protection (Overseas Territories) Order 1988 and the Environmental Protection (Overseas Territories) (Amendment) Order 1997.

5.2 Environmental considerations have been submitted through the following supporting documentation which has been accepted:

- 5.2.1 Environmental, Social and Health Impact Assessment; and
- 5.2.2 Environmental and Social Management Programme.

5.3 There have also been a series of meetings between the Marine Officer / Harbour Master and Noble Energy and their appointed contractor.

5.4 Maritime issues including safety of navigation have been taken into account and the Temporary Dock Facility will be lit by formal Aids to Navigation and the siting of the facility will be promulgated to the UK Hydrographic Office who has been advised of the proposed development.

5.5 The design of the Temporary Dock Facility means that the whole structure including the dolphins in the seabed can be removed.

5.6 The licence will be valid for a period of three years and six months to allow a margin to allow for installation.

6.0 Financial Implications

None

7.0 Legal Implications

7.1 The applicants require a licence from the Governor in accordance with the provisions of section 8 of the Food and Environmental Protection Act 1985 in its application to the Falkland Islands. This is because the proposed dock facility amounts to a deposit of an article in Stanley Harbour.

7.2 The Governor, when considering an application for a licence, is required by the legislation to have regard to the need to protect the marine environment, the living resources which it supports and human health. Conditions may be included in a licence to achieve these objectives, or for such other purpose as the Governor considers appropriate.

8.0 Human Resources Implications

None

APPENDIX A

FOOD AND ENVIRONMENT PROTECTION ACT 1985 (Section 8)

LICENCE

1. In exercise of my powers under section 8 of the Food and Environment Protection Act 1985, the Environment Protection (Overseas Territories) Order 1988 and the Environment Protection (Overseas Territories) (Amendment) Order 1997, I grant a licence to **Noble Energy Falklands Limited** (“the licensee”), a company whose address is Argos Building, H Jones Road, Stanley, Falkland Islands.

PURPOSE OF LICENCE

2. This licence is granted to permit the driving of steel piles into the seabed as part of the mooring arrangement for a temporary dock facility for use by the licensee in support of offshore operations.

CONDITIONS OF LICENCE

3. The position and numbers of piles will be as contained in the planning application for the Temporary Dock Facility.

DURATION OF LICENCE

4. This licence shall commence on 1st March 2014 and expire on 1st September 2017, unless on or before that date this licence is extended or revoked.

Dated this day of 2014

N R Haywood C.V.O.,
Governor