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

LICENCE FOR MARINE CABLE INSTALLATION WORKS

Licence Number: 06043/18/3

Reference Number: 06043

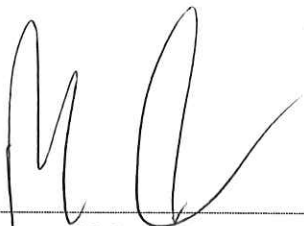
Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

Scottish Hydro Electric Transmission Ltd
Inveralmond House
200 Dunkeld Road
Perth
PH1 3AQ

to deposit in the sea the substances or objects (except for dredge spoil) used in the execution of works described in Part 1 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 2 of the said Schedule.

This licence shall be valid from 31 August 2018 to 31 August 2019.

Signed:



Malcolm Rose

For and on behalf of the licensing authority

Date: 10 September 2018

Part 1 - Particulars

1. Name and address of agent acting on behalf of licensee (if appropriate):

As per licensee

2. Location of works:

Outwith 12nm - Moray Firth Area, on a line (+/- 100 m) located by joining the points:

57° 54.299' N	02° 49.756' W
57° 57.312' N	02° 46.288' W
57° 57.334' N	02° 46.267' W
57° 57.382' N	02° 46.233' W
57° 57.405' N	02° 46.212' W
57° 57.411' N	02° 46.204' W
57° 57.418' N	02° 46.197' W
57° 57.438' N	02° 46.168' W
57° 57.471' N	02° 46.112' W
57° 57.481' N	02° 46.096' W

57° 57.489' N	02° 46.084' W
57° 57.500' N	02° 46.070' W
58° 00.582' N	02° 42.509' W
58° 00.597' N	02° 42.490' W
58° 00.598' N	02° 42.488' W
58° 00.599' N	02° 42.487' W
58° 00.614' N	02° 42.467' W
58° 00.615' N	02° 42.466' W
58° 00.615' N	02° 42.466' W
58° 00.619' N	02° 42.460' W

58° 00.624' N	02° 42.455' W
58° 00.625' N	02° 42.455' W
58° 00.626' N	02° 42.453' W
58° 00.641' N	02° 42.438' W
58° 00.643' N	02° 42.437' W
58° 00.644' N	02° 42.436' W
58° 00.660' N	02° 42.420' W
58° 02.153' N	02° 40.691' W
58° 02.888' N	02° 39.838' W
58° 05.260' N	02° 37.083' W

58° 05.714' N	02° 36.553' W
58° 05.736' N	02° 36.533' W
58° 05.753' N	02° 36.521' W
58° 05.770' N	02° 36.508' W
58° 05.791' N	02° 36.488' W
58° 05.806' N	02° 36.471' W
58° 05.821' N	02° 36.453' W

58° 05.840' N	02° 36.426' W
58° 05.854' N	02° 36.403' W
58° 05.867' N	02° 36.381' W
58° 05.887' N	02° 36.353' W
58° 06.138' N	02° 36.060' W
58° 06.324' N	02° 35.844' W
58° 06.416' N	02° 35.737' W
58° 06.508' N	02° 35.630' W
58° 07.909' N	02° 33.996' W
58° 07.924' N	02° 33.981' W
58° 07.940' N	02° 33.981' W
58° 07.952' N	02° 33.964' W
58° 08.251' N	02° 33.846' W
58° 08.268' N	02° 33.842' W
58° 08.286' N	02° 33.841' W
58° 10.918' N	02° 34.114' W
58° 10.934' N	02° 34.118' W
58° 10.951' N	02° 34.125' W
58° 10.971' N	02° 34.141' W
58° 11.011' N	02° 34.179' W
58° 11.021' N	02° 34.187' W
58° 11.037' N	02° 34.197' W
58° 11.053' N	02° 34.204' W
58° 11.070' N	02° 34.206' W
58° 13.121' N	02° 34.239' W
58° 13.174' N	02° 34.240' W
58° 13.191' N	02° 34.243' W
58° 13.207' N	02° 34.249' W
58° 13.223' N	02° 34.260' W
58° 13.242' N	02° 34.277' W
58° 13.311' N	02° 34.357' W
58° 13.325' N	02° 34.376' W
58° 13.337' N	02° 34.397' W
58° 13.345' N	02° 34.414' W
58° 13.352' N	02° 34.430' W
58° 13.360' N	02° 34.447' W
58° 13.372' N	02° 34.468' W
58° 13.386' N	02° 34.487' W
58° 14.509' N	02° 35.792' W
58° 14.531' N	02° 35.813' W
58° 14.549' N	02° 35.826' W
58° 14.571' N	02° 35.847' W
58° 14.587' N	02° 35.864' W
58° 14.607' N	02° 35.893' W
58° 14.621' N	02° 35.917' W
58° 14.641' N	02° 35.945' W
58° 15.205' N	02° 36.602' W

58° 15.219' N	02° 36.621' W
58° 15.232' N	02° 36.642' W
58° 15.245' N	02° 36.673' W
58° 15.292' N	02° 36.799' W
58° 15.305' N	02° 36.829' W
58° 15.318' N	02° 36.851' W

58° 15.331' N	02° 36.869' W
58° 15.595' N	02° 37.176' W
58° 15.614' N	02° 37.194' W
58° 15.630' N	02° 37.204' W
58° 15.646' N	02° 37.211' W
58° 15.725' N	02° 37.232' W
58° 15.741' N	02° 37.239' W
58° 15.758' N	02° 37.249' W
58° 15.776' N	02° 37.267' W
58° 16.605' N	02° 38.232' W

58° 16.621' N	02° 38.248' W
58° 16.637' N	02° 38.259' W
58° 16.802' N	02° 38.353' W
58° 16.818' N	02° 38.364' W
58° 16.836' N	02° 38.382' W
58° 18.325' N	02° 40.174' W
58° 18.338' N	02° 40.189' W
58° 18.372' N	02° 40.220' W
58° 18.385' N	02° 40.233' W
58° 18.433' N	02° 40.290' W

58° 18.450' N	02° 40.314' W
58° 18.466' N	02° 40.340' W
58° 18.483' N	02° 40.364' W
58° 20.321' N	02° 42.574' W
58° 20.459' N	02° 42.740' W
58° 20.473' N	02° 42.758' W
58° 20.487' N	02° 42.784' W
58° 20.491' N	02° 42.793' W
58° 20.504' N	02° 42.815' W
58° 20.517' N	02° 42.834' W

58° 20.519' N	02° 42.836' W
58° 20.539' N	02° 42.860' W
58° 20.554' N	02° 42.876' W
58° 20.570' N	02° 42.888' W
58° 20.576' N	02° 42.891' W
58° 20.592' N	02° 42.903' W
58° 20.609' N	02° 42.920' W
58° 20.869' N	02° 43.234' W

3. Description of works:

As per application. For full coordinates please refer to application.

As described in application dated 24 June 2016, and correspondence submitted in support of the application.

4. Nature and quantity of all deposits below Mean High Water Springs:

PERMANENT DEPOSITS

Rock Quantity Total: 122,369 (Te)

Less any materials already deposited under authority of licence numbers 06043/17/0, 06043/18/1 and 06043/18/2.

Part 2 - Conditions

Prior to Commencement of the Works

1. In the event of simultaneous construction activity being planned with the operations relating to the licence and the Beatrice Offshore Wind Farm Limited Project, the licensee must submit an updated Offshore Installation Cumulative Impact Review to the licensing authority for their written approval, no later than four weeks prior to the commencement of operations relating to the licence. It is not permissible for operations relating to the licence to commence prior to the granting of such approval by the licensing authority.
2. The licensee must, no later than four weeks prior to the commencement of operations relating to the licence, notify the licensing authority of the proposed date of commencement of those operations relating to the licence.
3. The licensee must ensure that a copy of the licence is given to all contractors appointed to carry out any part, or all, of the operations relating to the licence. The licensee must ensure that all such contractors are clear about the extent of the works for which the licence has been given, and the conditions which are attached to the licence.
4. The licensee must ensure that details of the works are promulgated to all appropriate maritime users, through notice(s) to mariners (NtM) and/or radio navigational warnings and publication in appropriate bulletins, no later than one week prior to the commencement operations relating to the licence. The NtM must, as a minimum, state the nature and the proposed timescale of any works carried out in the marine environment relating to the deposit of substances or objects listed in part one of the licence.
5. The licensee must ensure that HM Coastguard, Aberdeen Maritime Rescue Co-ordination Centre (MRCC) is informed of the works no later than ten working days prior to the commencement of operations relating to the licence.
6. The licensee must ensure that details of operations relating to the licence are promulgated prior to commencement of the works in the Kingfisher Fortnightly Bulletin to inform maritime users, and in particular, the fishing industry of the vessel routes, the proposed timings of the works and the locations of each licensed operation along the cable corridor as defined in Part 1 of the licence.
7. The licensee must submit details of cable protection requirements to the licensing authority for their written approval no later than two months prior to the commencement of operations relating to the licence. It is not permissible for the works to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such other advisors, organisations or stakeholders as may be required at their discretion. The details must be consistent with the Marine Licence application and supporting information. The details must include the following:–
 - a) Details of the location of all the works and additional protection placement techniques;
 - b) Summaries of the survey work used to inform cable protection requirements, and suitable for review by a range of stakeholders. The summaries must include geophysical, geotechnical and benthic surveys, desk top studies and cable route studies where available;

c) A burial plan based on survey data to show proposed burial depths throughout the whole cable route. In locations where burial is not proposed it must be demonstrated, to the satisfaction of the licensing authority, that burial is not feasible. In locations where burial is not feasible, cables must be suitably protected through recognised and approved measures where practicable and cost effective, and as risk assessments direct; and

d) Proposals for post lay survey activity and programming to ensure safety of navigation to other legitimate users of the sea, and with particular relevance to fishing activity, in line with industry best practices and guidelines. Such proposals must apply to the entire cable route.

e) Proposals for further surveys to be undertaken, determined by the analysis of the data from previous survey activity and subsequent modelling and trending of seabed conditions.

8. The licensee must appoint a Fisheries Liaison Officer (FLO) no later than eight weeks prior to the commencement of operations relating to the licence, and notify the licensing authority of the identity and credentials of the FLO by including such details in the Environmental Management Plan (EMP) (see condition 11). The responsibilities of the FLO must include, but are not limited to:—

a) Establishing and maintaining effective communications between the licensee, local fishermen and their representatives and relevant stakeholders;

b) Communicating the project and any amendments to the plans and protocols and site environmental procedures to relevant stakeholders as per condition 8a;

c) Provision of information to relevant stakeholders as per condition 8a relating to the safe operation of fishing activity in areas where additional protection has been installed as defined in part 1 of the licence, including having in place local Fisheries Liaison and Mitigation Action Plans;

d) Ensuring that information is made available and circulated to relevant stakeholders as per condition 8a in a timely manner to minimise interference with fishing operations and other users of the sea; and

e) Familiarisation with relevant guidelines produced by Subsea Cables UK and a knowledge of the Crown Estate FLOWW (The Fishing Liaison with Offshore Wind and Wet Renewables Group) guidelines where they appropriately apply.

9. The licensee must submit a Fisheries Liaison and Mitigation Action Plan (FLMAP) to the licensing authority no later than eight weeks prior to the commencement of operations relating to the licence, for their written approval. It is not permissible for the works to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such advisors, organisations or stakeholders as may be required at their discretion. All operations carried on under the licence must be undertaken and operated in accordance with the approved FLMAP. Any updates or amendments made to the FLMAP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval. The FLMAP must consider the FLOWW guidelines where they appropriately apply.

10. The licensee must submit a Communication Strategy to the licensing authority no later than eight weeks prior to the commencement of operations relating to the licence, for their written approval. It is not permissible for the works to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such advisors, organisations

or stakeholders as may be required at their discretion. The Communication Strategy must document clearly defined procedures for the distribution of information relating to all additional protection and survey activities to the fishing industry and other legitimate users of the sea. The Communication Strategy must include the following:–

- a) Details of the timing, format and method(s) of distribution of notices of all activities relating to the placement of additional protection;
- b) Details of the timing, format and method(s) of distribution of notices of hazards to other legitimate users of the sea;
- c) Details of the timing, format and method(s) of distribution of details of any additional protection requirements including expected berm heights relative to the sea bed (this information must be distributed at least four weeks prior to the commencement of any rock placement); and
- d) Details of the timing, format and method(s) of distribution of as laid positions of additional protection including berm heights relative to the sea bed.

11. The licensee must submit an EMP to the licensing authority no later than eight weeks prior to the commencement operations relating to the licence, for their written approval. It is not permissible for the works to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such advisors, organisations or stakeholders as may be required at their discretion. All operations carried on under the licence must be undertaken and operated in accordance with the approved EMP. Any updates or amendments which are proposed to be made to the EMP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.

The EMP must be consistent with the application and supporting information as it relates to environmental management measures. It must address, but not be limited to, the following over-arching requirements for environmental management during construction:–

- a) Mitigation measures to prevent significant adverse impacts to environmental interests including protected areas and features, as identified in the application and supporting information;
- b) Mitigation measures in relation to cetacean species of the Moray Firth, including a marine mammal protection plan (MMMP);
- c) Pollution prevention measures and pollution contingency plans;
- d) Measures to minimise, recycle, re-use and dispose of waste streams;
- e) The reporting mechanisms which will be used to provide the licensing authority and any relevant stakeholders with regular updates on additional protection placement activity, including any environmental issues which have been encountered and how these have been addressed;
- f) Methods to ensure the prevention of introduction of marine non-native species; and
- g) Participation in the monitoring requirements as laid out in the 'National Research and Monitoring Strategy for Diadromous Fish' so far as they apply at a local level.

12. The licensee must send a copy of the MMMP to Whale and Dolphin Conservation (WDC) prior to the commencement of the works. A record of observations of marine mammals must be kept and submitted to the WDC, and any other agencies as directed by the Licensing Authority.

During the Works

13. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the operations relating to the licence and that all substances or objects deposited during the execution of the works are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

14. The licensee must ensure that any debris or waste materials arising during the course of the works are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.

15. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 337900) of the progress of the works and supply a copy of the licence and, wherever possible, 'as laid plans' in order that all necessary amendments to nautical publications are made. The Licensee must notify the licensing authority at the time of such notification.

16. The licensee must ensure that operations relating to the licence are carried out in accordance with the Environmental Statement, associated addendum and the details provided under Marine Licence Condition 7 (above).

17. The licensee must ensure that appropriate steps are taken to minimise damage to the seabed by operations relating to the licence.

18. The licensee must ensure that the best method of practice is used in order to minimise re-suspension of sediment during the operations relating to the licence.

19. The licensee must ensure that suitable bunding and storage facilities are employed to prevent the release into the marine environment of fuel oils and lubricating fluids associated with the plant and equipment.

21. The licensee must consult with the local navigation authority and the Harbour Commissioners, where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during operations relating to the licence.

23. The licensee must ensure that whilst any operations relating to the licence are being carried out, marking and lighting of the rock placement vessel and any other support vessels must be in accordance with the International Regulations for the Prevention of Collisions at Sea.

24. The licensee must ensure that operations relating to the licence and any associated temporary works are marked and/or lighted as required by the Northern Lighthouse Board and the marking is to be continued unless and until the licensing authority rescind this direction.

25. If it is desired by the licensee to display any marks or lights not required by this licence then details of such marks or lights must be submitted to the Northern Lighthouse Board and their ruling must be complied with. The display of unauthorised marks or lights is prohibited.

26. The licensee must ensure that vessel(s) are equipped with and use Automatic Identification System (AIS) and Automatic Radar Plotting Aid (ARPA).

27. The licensee shall take all reasonable steps to ensure existing and future safe navigation is not compromised. A maximum of 5% reduction in surrounding depth referenced to Chart Datum must not be exceeded without the approval of the licensing authority in consultation with the Maritime and Coastguard Agency (MCA).

28. The licensee must ensure that local Notices to Mariners are issued as necessary following any local navigation issues arising as a result of operations relating to the licence.

29. If, in the opinion of the licensing authority, the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:—

- a) The failure to mark and light the works as required by licence;
- b) The maintenance of the works; and
- c) The drifting or wreck of the works.

The licensee is liable for any expenses incurred in securing such assistance.

30. In the event of operations relating to the licence being discontinued prior to completion, any deposits shall be removed to the satisfaction of the licensing authority.

31. The licensee must allow appropriate assistance to facilitate inspection of operations relating to the licence by any authorised Enforcement Officer.

32. The licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at the office of the licensee and on all rock placement vessels.

33. In the event of the licensee becoming aware that any of the information on which the issue of the licence was based has changed, the licensing authority must be notified as soon as reasonably practicable.

34. In the event of the licensee becoming aware of information indicating that any part of the licensed works has become a danger to navigation or protection of legitimate users of the sea, the licensee must, as soon as reasonably practicable, inform the licensing authority, the Maritime and Coastguard Agency (MCA), Northern Lighthouse Board (NLB) and the Kingfisher Information Service Offshore Renewables and Cable Awareness (KIS-ORCA) to communicate the hazard to the maritime community. The licensee is responsible for the payment of all costs to discharge this condition.

35. The licensee must, within four weeks of becoming aware of any danger to navigation or risk to any legitimate user of the sea arising from any part of the licensed works or of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation or protection of legitimate users of the sea, submit a mitigation plan to the licensing authority for approval. The mitigation plan must review the possibility for removal of, or alteration to, the deposits below the level of Mean High Water Springs. The licensee is responsible for the payment of all costs to discharge this condition.

36. The licensee must ensure that real-time data relating to additional protection requirements or post-lay surveying, either by the immediate dissemination of data or by the presence of a

fisheries observer on board any vessel undertaking such work, is provided to relevant recipients (to be agreed by the licensing authority).

On Completion of Works

37. The licensee must notify the licensing authority of the completion of all operations relating to the licence within one week of completion of operations relating to the licence.

38. The licensee must, within four weeks of completion of operations relating to the licence or within four weeks of the date of expiry of the licence, whichever is the sooner, submit a written report to the licensing authority stating the nature and quantity of all substances and articles deposited below Mean High Water Springs under authority of the licence. Where applicable, nil returns shall be provided.

39. 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) on completion of operations relating to the licence supplying a copy of the licence, and wherever possible, 'as laid plans', in order that all necessary amendments to nautical publications are made. The Licensee must notify the Licensing Authority of the notification at the time it is made.

40. The licensee must, following the completion of all operations relating to the licence, notify the licensing authority, Maritime and Coastguard Agency (MCA), UK Hydrographic Office (UKHO), Northern Lighthouse Board (NLB), the Kingfisher Information Service Offshore Renewables and Cable Awareness (KIS-ORCA) and the UK International Cable Protection Committees of the cable route and a 500m zone either side of it as a hazardous area for anchoring. The Licensee must notify the Licensing Authority of the notifications at the time they are made.

41. The licensee must undertake and submit to the licensing authority, within eight weeks of completion of operations relating to the licence (subject to operational constraints), an assessment of any risks posed by the final position of additional protection, to the satisfaction of the licensing authority, the purpose of which is to ensure that the safety of navigation and other legitimate users of the sea is not compromised. The assessment will be used to inform, where appropriate, the general requirements of condition 7 and in particular 7 e) above.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. 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 shall 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.
3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.
4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes 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 incident to the licensing authority. (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).
5. All correspondence or communications relating to the licence should be addressed to:

Licensing Operations Team
Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Tel: 0300 244 5046