

MS.MarineRenewables@gov.scot

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

**LICENCE FOR MARINE RENEWABLES CONSTRUCTION, OPERATION AND DEPOSITS  
OF SUBSTANCES OR OBJECTS IN THE SCOTTISH MARINE AREA**

Licence Number: 04577/17/1

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

**MeyGen Limited**  
**90A George Street**  
**Edinburgh**  
**EH2 3DF**  
**Company Number: SC347501**

to:

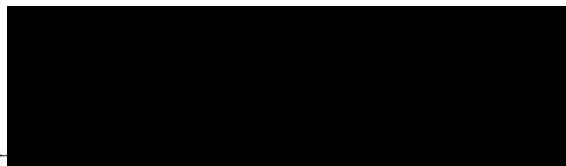
- 1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the Scottish marine area;
- 2) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded in Scotland or in the Scottish marine area; and
- 3) construct any works within the Scottish marine area in or over the sea, or under the seabed,

**Under the Marine (Scotland) Act 2010**

required in the execution (including construction, operation and maintenance) 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 the 11<sup>th</sup> September 2017 to 1<sup>st</sup> January 2041 or until the date occurring 25 years after the Final Commissioning of phase 1a of the development or until the Works have been decommissioned in accordance with an approved Decommissioning Programme, whichever of these three dates is earliest.

Signed:



Roger May

For and on behalf of the Licensing Authority

Date of issue: 11<sup>th</sup> September 2017

**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;

- a) "the 2010 Act" means the Marine (Scotland) Act 2010;
- b) "the Application" means the Application for a marine licence and Environmental Statement submitted by the licensee to the licensing authority on 19<sup>th</sup> July 2012, the Supplementary Environmental Information Statement submitted by the licensee to the licensing authority on 15<sup>th</sup> April 2013, the Marine Licence Variation Environmental Statement submitted by the licensee to the licensing authority on 29<sup>th</sup> April 2016 and the MeyGen Phase 1a As built report submitted by the licensee to the licensing authority on 17<sup>th</sup> May 2017;
- c) "authorised Marine Enforcement Officer" means a marine enforcement officer;
- d) "commencement of the works" means the date on which the first vessel arrives on the site to begin carrying out the Licensable Marine Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- e) "commencement of the licensed activities" means the date on which such activities authorised by this licence, other than the activity as defined by the 'commencement of the works', commence;
- f) "completion of the works" means the date on which final commissioning of the works takes place;
- g) "Environmental Statement" means the Environmental Statement submitted by the licensee on 19<sup>th</sup> July 2012 as part of the Application as defined above;
- h) "final commissioning of the works" means the date on which all tidal turbine generators forming the works have supplied electricity on a commercial basis or such earlier date as the Scottish Ministers deem the works to be complete;
- i) "licensable marine activity" means any activity listed in items (1), (2), (5) and (6) of section 21(1) of the 2010 Act, and "licensed activity" is construed accordingly;
- j) "the licensee" means MeyGen Limited;
- k) "licensing authority" means the Scottish Ministers;
- l) "MHWS" is mean high water spring tide;
- m) "Notice to Mariners" means the updating of the United Kingdom Hydrographic Office series of Admiralty Charts and publication to ensure they are fully up to date for the latest navigational safety information;
- n) "section 36 consent" means the consent granted by the licensing authority to MeyGen Limited under section 36 of the Electricity Act 1989 to construct and operate the works, determined on the 13<sup>th</sup> September 2013;
- o) "the site" means the area of sea within which the works are to be constructed, as set out in Part 2 of the Schedule to this licence;
- p) "Supplementary Environmental Information Statement" means the Supplementary Environmental Information Statement to the Application and Environmental Statement submitted by the licensee to the licensing authority on 15<sup>th</sup> April 2013;
- q) "Third Party Verification" means a detailed report provided by an independent accredited agency of recognised standing and reputation which certifies the integrity of the structural design of the works and its foundations for the conditions expected at the site; and
- r) "the works" means the MeyGen Tidal Energy electricity generating station Phase 1 within the Inner Sound in the Pentland Firth, as described in paragraph 2.2 of this licence.

All geographical coordinates 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

Email: [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

## **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 Licensable Marine Activity. 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(1) of the 2010 Act, the Licensing Authority may by notice vary, suspend or revoke this licence if it appears to the Licensing Authority that there has been a breach of any of the provisions of this licence. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act these are subject to the procedures set out in section 31 of the 2010 Act.

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

Under section 30 of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

## **1.5. Breach of requirement for, or conditions of, licence**

Under section 39 of the 2010 Act it is an offence to carry out 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 it is a defence for a person charged with an offence under section 39(1) of the 2010 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 matters to the Licensing Authority which are set out in section 40(2) of the 2010 Act.

## **1.7. Offences relating to information**

Under section 42 of the 2010 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 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 is 'The MeyGen Tidal Energy electricity generating station Phase 1'.

### 2.2. Description of the Works

An offshore tidal stream electricity generating station located in the Inner Sound in the Pentland Firth, between the north coast of Scotland and the Island of Stroma, known as the MeyGen Tidal Energy electricity generating station Phase 1, comprising of no more than 61 three-bladed single rotor horizontal axis turbines (each with a rotor diameter of no less than 16 metres and no more than 20 metres), all foundations, scour protection and cables connecting the offshore site to a landfall location, all as described in the Application.

### 2.3. Location of the Works

Inner Sound, Pentland Firth, between the north coast of Scotland and the Island of Stroma within the area bounded by joining the following points:

58° 39.27' N	003° 07.92' W	58° 38.79' N	003° 06.08' W
58° 39.28' N	003° 08.51' W	58° 38.94' N	003° 06.82' W
58° 39.52' N	003° 08.52' W	58° 38.53' N	003° 07.34' W
58° 39.73' N	003° 08.38' W	58° 38.44' N	003° 07.94' W
58° 39.62' N	003° 08.11' W	58° 39.15' N	003° 08.51' W
58° 39.62' N	003° 07.01' W	58° 39.31' N	003° 06.80' W
58° 39.67' N	003° 06.40' W	58° 39.55' N	003° 08.60' W
58° 39.44' N	003° 06.51' W	58° 39.76' N	003° 08.46' W
58° 38.78' N	003° 05.55' W	58° 39.65' N	003° 06.62' 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

Less any materials already deposited under the authority of licence number 04577/14/0 or 04577/15/0.

Steel, 140180 tonnes  
Concrete, 17200 m<sup>3</sup>  
Cable, 111800 m

**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:

<b>Name of vessel or vehicle registration</b>	<b>Operator</b>	<b>Type(s)</b>
C-Salvor (9103752)	Leask Marine	Multicat (Damen Dredge Helper)
C-Chariot (9759783)	Leask Marine	Multicat (Damen Dredge Helper)
Siem Daya 1 (9660102)	DAYA	Subsea Construction Vessel

**2.6. Persons acting on behalf of the Licensee**

The name and address of any agents, contractors or sub-contractors 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:

<b>Role</b>	<b>Company Name</b>	<b>Address</b>	<b>Contact Name</b>
To be confirmed	To be confirmed	To be confirmed	To be confirmed

### **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 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 any Licensable Marine Activity, 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 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.

The Licensee must ensure that 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, ensuring it is read and understood, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Works.

##### **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 or vehicle operator 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 ensure that no deviation from the schedule specified in this licence is made without the further written approval of the Licensing Authority.

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 plans and specification of studies and surveys to the Licensing Authority**

The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under this licence in relation to the Works, in writing, to the Licensing Authority for their written approval, no later than three months before the commencement of the works. Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval to the Licensee.

Plans or the specification of studies and surveys prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

**3.1.6. Submission of reports to the Licensing Authority**

The Licensee must submit all reports to the Licensing Authority, in writing, as are required under this licence within the time periods specified in this licence. Where it would appear to the Licensee that there may be a delay in the submission of the reports to the Licensing Authority, then the Licensee must advise the Licensing Authority of this fact as soon as is practicable and no later than the time by which those reports ought to have been submitted to the Licensing Authority under the terms of this licence.

The reports must include executive summaries, assessments and conclusions and any data must, subject to any rules permitting non-disclosure, be made publically available by the Licensing Authority or by any such party appointed at their discretion.

Reports prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

**3.1.7. 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 (as amended 2011), unless approved in writing by the Licensing Authority. The Licensee must submit a report of all chemicals used (e.g. oils and fluorinated gases) during the commissioning and operation of the works to the Licensing Authority one month before the commencement of the works. Any changes to the types of chemicals utilised must be consulted on with the Licensing Authority before the commissioning of the works.

**3.1.8. Fluorinated greenhouse gases**

Operators of equipment that contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015 (the Regulations), or mixtures containing any of those substances) shall take precautions to prevent the unintentional release ('leakage') of those gases. They shall take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

Where a leakage of fluorinated greenhouse gases is detected, the operators shall ensure that the equipment is repaired without undue delay.

Operators of equipment that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO<sub>2</sub> equivalent or more and not contained in foams shall ensure that the equipment is checked for leaks in accordance with Annex 4 of the Regulations. Records of leak checks shall be kept in accordance with Annex 6 of the Regulations. These records shall be submitted to Scottish Ministers annually, and immediately in the event of discovery of any leak.

Where the equipment is subject to leak checks under Article 4(1) of the Regulations, and a leak in the equipment has been repaired, the operators shall ensure that the equipment is checked by a certified natural person within one month after the repair to verify that the repair has been effective. In such event, Scottish Ministers should be informed of the date of discovery, date of repair and date of inspection.

**3.1.9. 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 caused by the Licensable Marine Activity authorised under this licence.

The Licensee must ensure that any debris or waste arising during the course of the Works are removed from the Site of the Works, 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.

Any drill cuttings associated with the use of water-based drilling muds situated within Site of the Works need not be removed from the seabed.

**3.1.10. Availability of the licence for inspection**

The Licensee must ensure that copies of this licence and any subsequent amendments or variations, 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) aboard any vessel permitted to engage in the Works.

#### **3.1.11. Inspection of the Works**

The Licensee must ensure that any persons authorised by the Licensing Authority, are 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.

#### **3.1.12. 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. Conditions applicable to all phases of the Works****3.2.1.1. Health and safety incident**

If any serious health and safety incident occurs on the Site requiring the Licensee to report it to the Health and Safety Executive, then the Licensee must also notify the Licensing Authority of the incident within 24 hours of the incident occurring.

**3.2.1.2. Bunding and Storage Facilities**

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

**3.2.1.3. Restoration of the Site to its original condition**

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to its original condition before any Licensable Marine Activity was undertaken, or to as close to its original condition as is reasonably practicable, in accordance with the PEMP and the Decommissioning Programme ("DP") to the satisfaction of the Licensing Authority. Should the Licensed Marine Activity be discontinued prior to Completion of the Works, the Licensee must inform the Licensing Authority in writing of the discontinuation of the Works.

**3.2.2. Prior to the Commencement of the Works****3.2.2.1. Shielding or burial of cables**

The licensee must, no later than three months prior to the commencement of the works, provide the licensing authority for their written approval a report detailing current 'best practice' relating to the attenuation of field strengths of cables by shielding or burial designed to minimise effects on electro-sensitive and migratory fish species. Such 'best practice' guidance as is identified must be incorporated into the Construction Method Statement, in respect of which condition 9 of the section 36 consent relates.

**3.2.2.2. Third Party Certification or Verification ("TPC" or "TPV")**

The licensee must, no later than three months prior to the Commencement of the Works, provide the licensing authority with a covering certificate of Third Party Verification of the tidal turbines, sub-structures and all associated ancillary works. Commencement of the works must not occur until the licensing authority has been provided with the covering certificate detailing Third Party Verification.

**3.2.2.3. Marine Pollution Contingency Plan**

The licensee must, no later than three months prior to the commencement of the works, submit in writing to the licensing authority for their written approval, a Marine Pollution Contingency Plan (MPCP).

The MPCP must make provision in respect of spills and collision incidents occurring during the construction and operation of the works and where such spills or collisions occur then the MPCP must be adhered to in full. The MPCP must take into account existing plans for all operations, including offshore installations that may have an influence on the MPCP. Practices used to refuel vessels at sea must conform to industry standards and to relevant

legislation. The MPCP must set out how any oil leaks within the turbine nacelle are to be remedied and that such relevant repairs are required to be undertaken without undue delay.

Commencement of the works must not occur until the licensing authority has given its written approval to the MPCP.

#### **3.2.2.4. Commencement date of the 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 this Licence and confirm the date no less than 24 hours before commencement of the works.

#### **3.2.2.5. Environmental Clerk of Works (“ECoW”)**

The licensee must ensure that a suitably qualified and experienced Ecological Clerk(s) of Works (ECoW) / Environmental Manager(s) is, or are, appointed prior to the Commencement of the Works primarily, but not exclusively, for environmental liaison to establish and maintain effective communications between the licensee, contractors, stakeholders, conservation groups and other users of the sea during the period in which licensed activities authorised under this licence are undertaken. Prior to the Commencement of the Works the licensee must notify the licensing authority in writing of the identity, contact details and qualifications of the appointed ECoW / Environmental Manager(s).

The licensee must ensure that the ECoW / Environmental Manager(s) environmental remit includes monitoring compliance with the commitments made by the licensee in the Environmental Statement, Supplementary Environmental Information Statement and all plans or programmes required under this licence or the section 36 consent.

#### **3.2.2.6. Navigation and Charting**

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 the Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case the National Maritime Operations Centre, is made fully aware of the Licensable Marine Activity through local Notice to Mariners, or Local Radio Navigation Warnings, 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 the 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 NLB for the necessary sanction to be granted.

The licensee must prior to, and no later than one month before the commencement of the works, notify the Clyde Cruising Club to permit the updating of their Sailing Directions and Anchorages publications.

**3.2.2.7. Monitoring of marine mammals**

Prior to the commencement of the works the licensee must agree in writing the details of the appointment of a Marine Mammal Observer (MMO) with the licensing authority. The MMO must, as a minimum, maintain a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals. The licensee must provide the licensing authority with the MMO's records no later than six months following commencement of the works, and at six monthly intervals thereafter.

**3.2.2.8. Cable Installation Plan**

The licensee must submit a detailed Cable Installation Plan (CIP), including landfall works for the approval of the licensing authority in consultation with Scottish Natural Heritage, Scottish Environment Protection Agency, the Local Authorities and any other advisors as required by the licensing authority. The CIP must be submitted to the licensing authority at least three months prior to the commencement of the works. The CIP shall include:

- a) The use of geotechnical data to ascertain optimal cable burial depth along the length of the export cable (including works in the intertidal zone);
- b) The methods used for laying the cables minimising, where possible, the use of jetting in the intertidal area;
- c) Detail of cable burial depths;
- d) A burial risk assessment;
- e) The need, type, source quantity and installation method for any scour protection.

The CIP must be incorporated into the Construction Method Statement, in respect of which condition 9 of the section 36 consent relates. Cable installation must not take place until such time as the licensing authority has approved the CIP in writing.

**3.2.2.9. Cable Protection Plan**

In the event that cable protection is required the licensee must submit a Cable Protection Plan (CPP) for the approval of the licensing authority in consultation with Scottish Natural Heritage, Maritime and Coastguard Agency, Northern Lighthouse Board and any other advisors as required by the licensing authority. The CPP must be presented in conjunction with work undertaken to identify scour protection / armouring works required to protect the cable. The installation of any cable protection must not commence until the CPP has been agreed in writing by the licensing authority. The CPP must be incorporated into the Construction Method Statement, in respect of which condition 9 of the section 36 consent relates.

**3.2.2.10. Pre Construction Survey**

Prior to the commencement of the works, the licensee must undertake a side scan sonar survey in grid lines (within operational and safety constraints), across the area of the works to include the tidal array and cable route. The results of this survey must be made available to the licensing authority within 3 months of the completion of the survey, or as otherwise agreed in writing with the licensing authority, and will be used as the baseline survey should a further side scan sonar survey be necessary.

**3.2.2.11. Communications Plan**

The Licensee must develop a communications plan with MCA regarding what reports vessels working in the area should make and how vessels transiting the Pentland Firth will

be affected. The Licensee must notify the Licensing Authority, in writing, when the Communications Plan has been finalised.

### **3.2.3. During the construction of the Works**

#### **3.2.3.1. Transportation audit sheet**

The Licensee must create, complete and submit to the Licensing Authority on the first working day of the month, a detailed transportation audit sheet for each month during the period when Construction of the Works is undertaken, for all aspects of the Construction of the Works. The transportation audit sheet must include information on the loading facility, vessels, equipment, shipment routes, schedules and all materials to be deposited (e.g. piles, pipelines, turbine components, chemicals) in that month. Where, following the submission of a transportation audit sheet to the Licensing Authority, any alteration is made to the component parts of the transportation audit sheet, the Licensee must notify the Licensing Authority of the alteration in the following month's transportation audit sheet.

If the Licensee becomes aware of any substances or objects on the transportation audit sheet that are missing, or an accidental deposit occurs, the Licensee must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action. If the Licensing Authority is of the view that any accidental deposits associated with the Construction of the Works are present, then the deposits must be removed by the Licensee as soon as is practicable and at the Licensee's expense.

#### **3.2.3.2. Nature and quantity of deposited substances and objects**

The Licensee must, in addition to the transportation audit sheets required to be submitted to the Licensing Authority under condition 3.2.3.1., following the Commencement of the Works, submit audit reports, in writing, to the Licensing Authority, stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Such audit reports must be submitted in writing to the Licensing Authority, by the Licensee, at 6 monthly intervals, with the first such report being required to be submitted on a date no later than 6 months following the Commencement of the Works. Where appropriate, nil returns must be provided.

#### **3.2.3.3. 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 the National Maritime Operations Centre, of the progress of Construction of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that the progress of Construction of 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 ensure that all vessels and support vessels (including barges/jack up vessels) working in the Inner Sound permitted to engage in the Works must be equipped with and operate, an Automatic Identification System ("AIS").

The Licensee must ensure that an advisory safety zone of 150 metres should be used whilst installation work is ongoing. The safety zone should encompass all barge mooring lines to 8 metres below LAT.

The licensee must ensure the Clyde Cruising Club is notified of the progress of the works to permit the updating of their Sailing Directions and Anchorages publications.

#### **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 Northern Lighthouse Board 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.

The licensee must ensure that no marks or lights, other than those required by virtue of this licence, may be displayed unless they have been approved, in writing, by the Northern Lighthouse Board and the licensing authority.

#### **3.2.3.5. Radio beacon and radar beacon**

The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands may be installed or used on the works without the prior written approval of the Office of Communications ("OfCom").

#### **3.2.3.6. 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 the 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.

#### **3.2.3.7. Ecological Clerk of Works**

The Ecological Clerk(s) of Works (ECoW) / Environmental Manager(s) must provide regular (frequency to be agreed with the licensing authority) reports to the licensing authority as to the compliance with the commitments made by the licensee in the Environmental Statement, Supplementary Environmental Information Statement and the Project Environmental Monitoring Programme and all other plans and programmes provided by the section 36 consent to include the Vessel Management Plan, Construction Method Statement and the Navigational Safety Plan.

#### **3.2.4. Conditions upon Completion of the Works**

##### **3.2.4.1. Date of Completion of the Works**

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

**3.2.4.2. 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 the Shetland Maritime Rescue Coordination Centre 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 ensure the Clyde Cruising Club is notified of the completion of the works to permit the updating of their Sailing Directions and Anchorages publications.

**3.2.4.3. Nature and quantity of deposited substances and objects**

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

**3.2.4.4. 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 Northern Lighthouse Board 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.

**3.2.4.5. Decommissioning**

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

#### 4. PART 4 – PROJECT LOCATION

