

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR THE CONSTRUCTION, ALTERATION OR IMPROVEMENT OF WORKS IN THE SCOTTISH MARINE AREA

Licence Number: **06978/19/0**

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

**MeyGen Limited
4th Floor
Edinburgh Quay
139 Fountain Bridge
Edinburgh
EH3 9QG**

Under the Marine (Scotland) Act 2010,

- 1) to construct, alter or improve any works within the Scottish marine area in or over the sea, or on or under the seabed,

required in the execution of the works (including installation) 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 **01 October 2019 to 30 November 2036** or until removal of the Works prior to this date.

Signed:
Michael Bland

For and on behalf of the Licensing Authority

Date of issue: 01 July 2019

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 marine licence application, the marine licence application supporting information, Environmental Management Plan and Navigational Safety Plan submitted to the Licensing Authority, by the Licensee on 12 February 2019
- c) **“Commencement of the Works”** means the date on which the first vessel arrives on the Site to begin carrying on any Licensed Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- d) **“Completion of the Works”** means the date on which the Works have been installed, or the Works have been deemed complete by the Licensing Authority, whichever occurs first;
- e) **“Decommissioning of the Works”** includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- f) **“F-Gas Regulation”** means Regulation No 517/2014 of the European Parliament and of the Council of 16 April 2014 on Fluorinated Greenhouse Gases
- g) **“Licensable Marine Activity”** means the activities listed in section 21 of the 2010 act;
- h) **“Licensed Activities”** means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under this licence;
- i) **“Licensee”** means MeyGen Limited having its registered office at 4th Floor, Quay 2, 139 Fountain Bridge, Edinburgh EH3 9QG and registered in Scotland having its registered number as SC347501;
- j) **“the Licensing Authority”** means the Scottish Ministers;
- k) **“Noise Registry”** means the marine noise registry developed by the Department for Environment, Food and Rural Affairs (“DEFRA”) and the Joint Nature Conservation Committee (“JNCC”) to record human activities in UK seas that produce loud low to medium frequency (10Hz-10kHz) impulsive noise;
- l) **“OCNS list”** means the definitive ranked list of registered products held by the Offshore Chemical Notification Scheme, as assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (as amended);
- m) **“OSPAR”** means the Convention for the Protection of the Marine Environment of the North-East Atlantic;
- n) **“the Site”** means the area outlined in the figure 1 contained in Part 4 of this licence;
- o) **“TAR”** means Transportation Audit Report;
- p) **“TPC”** or **“TPV”** means Third Party Certification or Verification;
- q) **“UKHO”** means United Kingdom Hydrographic Office;
- r) **“the Works”** means the installation of a subsea hub as part of the MeyGen Tidal Energy Project, as described in Part 2 of this licence; and
- s) **“MHWS”** means mean high water spring tide;

All geographical co-ordinates contained within this licence are in latitude and longitude format World Geodetic System 84.

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

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 on of the licensed activities in connection with Works. 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 granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act.

Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) 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.

Under section 30 (8) of the 2010 Act, on an application made by the Licensee, the Licensing Authority may transfer this licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 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 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 –

- (a) 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
- (b) that the person took steps within a reasonable time to inform the Licensing Authority as 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, 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 the provisions of this 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 the sheriff of any sheriffdom against a decision taken by the Licensing Authority under section 29(1) of the 2010 Act.

2. PART 2 – THE WORKS

2.1 Description of the Works

Installation of an offshore subsea hub as part of the MeyGen Tidal Energy Project.

The subsea hub will be a painted steel tubular structure with three feet approximating an equilateral triangle that rest on the seabed. The subsea hub will be connected between the Atlantis tidal turbine and its existing export cable. A new jumper cable will then be installed to connect the subsea hub back to the Atlantis tidal turbine.

2.2 Location of the Works

Located within the MeyGen Tidal Energy Project consented area, located in the 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° 39.599' N	003° 08.428' W	58° 39.599' N	003° 08.170' W
58° 39.437' N	003° 08.428' W	58° 39.437' N	003° 08.169' W

2.3 Construction materials

This licence authorises the use of the undernoted materials required in connection with the Works, subject to the maximum amounts as specified below:

Construction materials*

Steel/Iron, 30 tonnes
Plastic/Synthetic, 1m²
Cable (jumper cable), 300 m

Less any materials already used under marine licence 06234/17/0.

*quantities listed are indicative

2.4 Names(s) and address(es) of any other agents, contractors or sub-contractors acting on behalf of the Licensee

Persons responsible for the Works

The operators, vessels and vehicles engaging in the Works must be notified to the Licensing Authority under condition 3.1.3 prior to their engagement in the Works:

Name of Vessel or Vehicle Registration	Operator	Type(s)
To be confirmed	To be confirmed	To be confirmed

2.5 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 Works must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Role	Company Name	Address	Contact Name
To be confirmed	To be confirmed	To be confirmed	To be confirmed

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 Compliance with the Application and approved plans

The Licensee must at all times install, operate and maintain the Works in accordance with this Licence, the Application and supporting information submitted by the Licensee on 12 February 2019.

Reason: *To ensure compliance with the marine licence, the application for the marine licence and the supporting documents*

3.1.2 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.

Reason: *To safeguard the obligations of the licence, in accordance with s.29(5) of the Marine (Scotland) Act 2010.*

3.1.3 Vessels, vehicles agents, contractors and sub-contractors

The Licensee must provide, as soon as is reasonably practicable prior to the Licensed Activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities.

Any changes to the supplied details must be notified to the Licensing Authority, in writing, prior to any agent, contractor or sub-contractor undertaking any Licensed Activity.

The Licensee must ensure that only those agents, contractors or sub-contractors notified to the Licensing Authority are permitted to undertake the licensed activities.

The Licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to any agent, contractor or sub-contractor appointed to carry out any part, or all, of the Licensed Activities. The Licensee must satisfy themselves that any such agent, contractor or sub-contractor is 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.

Reason: *To ensure all parties involved in the Works are aware of the licence and its conditions to reduce the risk of a breach of the licence, in accordance with s.39(1)(b) of the 2010 Act.*

3.1.4 Force Majeure

Should the Licensee or any of its 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 OSPAR, the Licensing Authority is obliged to immediately report force majeure incidents to the OSPAR Commission.

Reason: To provide a defence for the Master to protect himself and his crew in bad weather conditions, in accordance with s.40 of the 2010 Act.

3.1.5 Material alterations to the licence application

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.

Reason: To ensure that the Works are carried out in accordance with the Application documentation, in accordance with s.29(2)(a) of the 2010 Act.

3.1.6 Submission of reports and notifications to the Licensing Authority

The Licensee must submit any reports and notifications 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 or notifications 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 or notifications ought to have been submitted to the Licensing Authority under the terms of this licence.

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.

Such reports will include, but not be limited to, Transport Audit Reports.

Reason: To ensure that all reports and notifications are submitted within a reasonable timescale after the licence is granted, in accordance with s.29(3)(c) of the 2010 Act.

3.1.7 Chemical usage

The Licensee must seek prior written approval from the Licensing Authority for any chemicals in an open system which are to be utilised in the construction, operation and maintenance of the Works. Requests for approval must be submitted in writing to the Licensing Authority no later than one month prior to its intended use or such other period as agreed by the Licensing Authority. The Licensee must ensure that no chemicals are used in an open system without the prior written approval of the Licensing Authority.

If the proposed chemical is on the OCNS list, the approval request must include the chemical name, volume or quantity to be used, the OCNS list grouping or rank and the proposed frequency of use.

If the proposed chemical is not on the OCNS list, the approval request must include details of chemical to be used, including safety data sheet, depth and current at the Site, quantities or volumes and the proposed frequency of use.

The Licensee must notify the Licensing Authority of the types of chemicals to be used in a closed containment system prior to use.

The Licensee should take all practicable steps to avoid leakages from a closed containment system into the Scottish marine area. Any such leakages must be reported to the Licensing Authority as soon as practicable.

Reason: To minimise the environmental impact in the event of a release through the use of authorised chemicals in the interest of protecting the environment, in accordance with s.29(2)(b) of the 2010 Act.

3.1.8 Fluorinated greenhouse gases

The Licensee must ensure that all equipment to be utilised in the Works which contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation No 517/2014 of the European Parliament and of the Council of 16 April 2014 on Fluorinated Greenhouse Gases (“F-Gas Regulation”) or mixtures containing any of those substances) must take precautions to prevent the unintentional release (‘leakage’) of those gases. The Licensee must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

Where leakage of fluorinated greenhouse gases is detected, the Licensee must ensure that the equipment is repaired without undue delay.

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO₂ equivalent or more and not contained in foams is checked for leakage in accordance with Article 4 of the F-Gas Regulation. Records of these checks must be kept in accordance with Article 6 of the F-Gas Regulation. These records must be submitted to the Licensing Authority annually and immediately in the event of discovery of leakage.

Where the equipment is subject to checks for leakage under Article 4(1) of the F-Gas Regulation and leakage in the equipment has been repaired, the Licensee must ensure that the equipment is checked by a suitably certified person within one calendar month after the repair to verify that the repair has been effective. In such event, the Licensing Authority must be informed of the date of discovery, date of repair and date of inspection.

Reason: To ensure compliance of the Works with the F-Gas Regulation and the Fluorinated Greenhouse Gases Regulations 2015, in accordance with s.29(2)(b) of the 2010 Act.

3.1.9 Environmental protection

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to avoid or minimise any damage to the Scottish marine area caused as a result of the undertaking of the licensed activities.

The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code where appropriate during all installation, operation and maintenance activities authorised under this licence.

The Licensee must ensure that any debris or waste material placed below MHWS during the construction of the Works are removed from the Site, 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 materials used 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.

The Licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system. 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.

Reason: *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

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 by the Licensing Authority 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 vessels permitted to engage in the Works.

Reason: *To ensure the licence is available for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

3.1.11 Inspection of the Works

Any persons authorised by the Licensing Authority must be permitted to inspect the Works. 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 Works. The Licensee shall ensure that the works are maintained at all times in good repair

Reason: *To ensure access to the Site for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

3.1.12 Emergencies

If the assistance of a Government Department (to include departments of Administrations other than the Scottish Government) 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.

Reason: *To ensure the Licensee is aware of financial liabilities, in accordance with s.29(2)(b) of the 2010 Act.*

3.2 Conditions specific to the Works

3.2.1 Conditions applicable to all phases of the Works

3.2.1.1 Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Works during the period of this 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.

Reason: *To keep the Licensing Authority informed of any such incidents which may be in the public interest, in accordance with s.29(3)(c) of 2010 Act.*

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 and lubricating fluids associated with the plant and equipment into the marine environment.

Reason: *To ensure pollution prevention is undertaken, in accordance with s.29(2)(b) of the 2010 Act.*

3.2.2 Prior to the commencement of the Works

3.2.2.1 Commencement date of the Works

The Licensee must, prior to and no less than 14 days before the Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under this Licence.

Reason: *To inform the Licensing Authority of the commencement date of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

3.2.2.2 Decommissioning Programme

Where the appropriate authority has, following consultation with the Licensing Authority, given notice requiring the Licensee to amend or update the Decommissioning Programme ("DP"), pursuant to section 105(2) and (5) of the Energy Act 2004, then construction of the Works may not begin until after the Licensee has submitted to the appropriate authority a DP in compliance with that notice.

Reason: *To ensure the decommissioning and removal of the works in an appropriate and environmentally acceptable manner, and in the interests of safety and environmental protection in accordance with s.29(3)(c) of the 2010 Act.*

3.2.2.3 Installation Method Statement

The Works must, at all times, be installed and maintained in accordance with the approved Installation Method Statement ("IMS") as submitted at Application. Any updates or amendments made to the approved IMS must be submitted, in writing, to the Licensing Authority for their prior written approval.

Reason: *To ensure that the Works are carried out in accordance with the Application, in accordance with s.29(2)(a) of the 2010 Act.*

3.2.2.4 Noise Registry

The Licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all aspects of the Works that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to commencement of the Works. If any aspects of the Works differ from the Proposed Activity Form in the online Marine Noise Registry, the licensee must complete and submit a new Proposed Activity Form no later than 7 days prior to commencement of the Works.

Reason: *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act.*

3.2.2.5 Navigation and Charting

The Licensee must, no later than seven days 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 Admiralty charts and publications through the national Notice to Mariners system.

The Licensee must, no later than seven days prior to Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case the National

Maritime Operations Centre, are made fully aware of the Works through local Notice to Mariners or by any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, no later than seven days 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.

Reason: *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

3.2.2.6 Third Party Certification or Verification

The Licensee must no later than one calendar month (or such other period as agreed with the Licensing Authority) prior to the Commencement of the Works, provide the Licensing Authority with TPC or TPV (or a suitable alternative as agreed in writing with the Licensing Authority) for the lifespan of the Works.

Reason: *To provide independent certification or verification of the technology, materials or equipment, in accordance with s.29(2)(b) of the 2010 Act.*

3.2.3 During the Works

3.2.3.1 Transportation Audit Report

The Licensee must submit to the Licensing Authority a detailed TAR during the installation phase of the Works. The TAR must be submitted within 7 days of the end of installation.

The TAR must include the nature and quantity of all materials used (as described in Part 2 of this licence).

If the Licensee becomes aware of any substances, objects or materials on the TAR that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must notify the Licensing Authority as soon as practicable. The Licensee must undertake such surveys as directed by the Licensing Authority to locate the substances, objects and materials. If the Licensing Authority is of the view that any accidental deposits have occurred and should be removed, then the materials must be removed by the Licensee as soon as is practicable and at the Licensee's expense.

Reason: *To confirm that the materials used were in accordance with the application documentation, in accordance with s.29(3)(c) of the 2010 Act and that any accidental deposits are recovered or charted appropriately in accordance with s.29(3)(c) of the 2010 Act.*

3.2.3.2 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 admiralty 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, on a weekly basis of the progress of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must in the case of damage to, or destruction or decay of, the Works, notify the Licensing Authority, in writing, as soon as reasonably practicable, following such damage, destruction or decay. The Licensee must carry out any remedial action as required by the Licensing Authority, and intimated to the Licensee in writing, which may include any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required by the Licensing Authority.

The Licensee must ensure that any vessels permitted to engage in the Works are marked in accordance with the International Rules for the Prevention of Collisions at Sea whilst under way, and in accordance with the UK Standard Marking Schedule for Offshore Installations if the vessel is secured to the seabed.

The Licensee must ensure that navigable depth is not altered by more than 5% referenced to Chart Datum unless otherwise agreed, in writing, with the Licensing Authority.

Reason: *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

3.2.4 Conditions upon Completion of the Works

3.2.4.1 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 the Works were undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority. Should the Works be discontinued prior to Completion of the Works, the Licensee must inform the Licensing Authority in writing of the discontinuation of the Works. A marine licence application will be required for the removal of Works.

Reason: *To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010 Act.*

3.2.4.2 Date of Completion of the Works

The Licensee must, no later than 7 days following the Completion of the Works, notify the Licensing Authority, in writing, of the date of Completion of the Works.

Reason: *To inform the Licensing Authority of the completion of the works, in accordance with s.29(3)(c) of the 2010 Act.*

3.2.4.3 Nature and quantity of materials used

The Licensee must, no later than 7 days following the Completion of the Works, submit a final audit report, in writing, to the Licensing Authority stating the nature and quantity of all materials used below MHWS within the Scottish marine area under the authority of this licence. Where appropriate, nil returns must be provided.

Reason: *To confirm that the materials used were in accordance with the Application, in accordance with s.29(3)(c) of the Marine (Scotland) Act 2010.*

3.2.4.4 Noise Registry Close Out

The Licensee must complete and submit a Close-out Report for all aspects of the Works that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later than 12 weeks from the Completion of the Works.

Reason: *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act.*

3.2.4.5 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 Admiralty Chart and publications through the national Notice to Mariners system.

The Licensee must, within 7 days of the Completion of the Works, provide the “as-laid” position of the subsea hub, along with any sub-sea infrastructure, to the UKHO for aviation and nautical charting purposes.

The Licensee must ensure that local mariners, fishermen’s organisations and HM coastguard, in this case the National Maritime Operations 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, where any damage, destruction or decay is caused to the Works, notify the Licensing Authority, in writing, of such damage, destruction or decay as soon as reasonably practicable following such damage, destruction or decay. The Licensee must carry out any remedial action which the Licensing Authority advises the Licensee, in writing, as requiring to be taken, which may include a requirement to display aids to navigation, following consultation by the Licensing Authority with the MCA, the NLB or any such advisers as required.

Reason: *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

3.2.4.6 Failure Reporting

The Licensee must, within two weeks of becoming aware of any danger to the environment or navigation or risk to any legitimate user of the sea arising from any failure of 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 safety of navigation or protection of the environment or legitimate users of the sea, develop a contingency plan to be submitted, in writing, to the Licensing Authority for its written approval.

The contingency plan must include the possibility for removal of, or alteration to, the materials below the level of MHWS. The Licensee must carry out any and all mitigation proposed in the contingency plan within timescales specified within the said plan and will be responsible for the payment of all costs in relation to this condition.

Reason: *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

4. PART 4 – PROJECT LOCATION

Figure 1 – MeyGen Tidal Energy Project showing Licence Boundary, Subsea Hub Boundary and Subsea Hub Location located in the Inner Sound, Pentland Firth

