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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE ROCK PROTECTION WORKS

Licence Number: 06600/19/0

Reference Number: 06600

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 articles (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 12 April 2019 to 31 August 2019.

Redacted

Signed: _____

For and on behalf of the licensing authority

Date: 12 April 2019

Part 1 - Particulars

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

As per licensee

2. Location of works:

Portgordon and Noss to 12 Nautical Miles, on a line located by joining the points:

Position	Latitude	Longitude	
Portgordon	57 39' 48.400"N	003 01' 54.200"W	
2	57 41' 16.174"N	003 01' 52.683"W	
3	57 41' 25.922"N	003 01' 45.202"W	
4	57 42' 55.278"N	003 01' 32.973"W	
5	57 43' 08.936"N	003 01' 25.290"W	
6	57 43' 49.683"N	003 01' 20.537"W	
7	57 49' 26.177"N	002 55' 17.757"W	
8	57 49' 33.371"N	002 55' 15.832"W	
9	57 53' 35.890"N	002 50' 40.407"W	
10	57 53' 50.715"N	002 49' 57.985"W	
11	57 53' 56.986"N	002 49' 50.400"W	
12	57 54' 12.707"N	002 49' 50.805"W	
<hr/>			12 nm
13	57 54' 17.928"N	002 49' 45.436"W	
14	58 20' 52.169"N	002 43' 14.023"W	
15	58 27' 22.719"N	002 51' 06.462"W	
16	58 27' 42.109"N	002 52' 48.305"W	
17	58 27' 40.534"N	003 01' 35.375"W	
18	58 27' 45.057"N	003 02' 12.534"W	
19	58 27' 45.163"N	003 02' 40.386"W	
Noss Head	58 28' 02.607"N	003 03' 18.818"W	

3. Description of works:

Placement of rock protection and armour over the HVDC cable installed under the following licences: 04368/17/2 and 04878/17/0, within the 12nm limit of the Portgordon and Noss coasts.

As described in application dated 22 December 2017, and correspondence submitted in support of the application.

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

PERMANENT DEPOSITS

Rock armour (size range 10mm to 600mm), 179,127 Tonnes

Cable protection system (cast iron shell or similar), 1000 m

Less any materials already deposited under authority of Licence Number 06600/18/0 and 06600/18/1.

Part 2 – Conditions

Prior to Commencement of the Works

1. The licensee must notify the licensing authority of the date of commencement of all operations relating to the licence. Separate notifications are required at the times of commencement and completion.
2. The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
3. The licensee must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners, clearly stating the nature and duration of the works.
4. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the licence.
5. The licensee must ensure that any Cable Marker Boards currently installed should be inspected and maintained to ensure that they are fit for purpose and that the UK Hydrographic Office are informed of the final route and landing points of the new replacement cable.
6. 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 immediately notified of the details.

During the Works

7. The licensee must ensure that no rock is placed within 100m of the Horse mussel bed that forms the Noss Head MPA.
8. The licensee must ensure that boat movements and anchoring vessels associated with the works will not take place within 1km of the East Caithness Cliffs SPA during the breeding season (April to late August inclusive).
9. The licensee must ensure that rock protection works will commence on the southern end of the route at Portgordon and must take all reasonable efforts to ensure that works will be completed by 01 June 2018 to avoid effects on the squid fishery.
10. The licensee must ensure that rock protection works within the Moray Firth pSPA must not take place before 31 March 2018.
11. In the event of the licensee becoming aware of any part of the licensed works within the Noss Head MPA being free spanning the licensee must, as soon as reasonably practicable, inform the licensing authority.
12. The licensee must, within four weeks of becoming aware of any freespanning sections of cable across the Noss Head MPA, submit proposals for appropriate mitigation to the licensing authority for approval. In granting such approval, the licensing authority may consult

any such advisors, organisations or stakeholders as may be required at their discretion. The licensee is responsible for the payment of all costs to discharge this condition.

13. The licensee must ensure that real-time data relating to cable laying, rock protection or post-lay surveying is provided to relevant recipients (to be agreed by the licensing authority), either by the immediate dissemination of data or by the presence of a fisheries observer on board any vessel undertaking such work.
14. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the execution of the works 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.
15. 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.
16. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the licence.
17. The licensee must consult with the responsible local navigation authority and the Harbour Authority/Commissioners where appropriate.
18. The licensee must ensure appropriate steps are taken to minimise damage to the beach, foreshore and/or seabed by the works.
19. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
20. 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.
21. The licensee must ensure that any Cable Marker Boards currently installed should be inspected and maintained to ensure that they are fit for purpose and that the UK Hydrographic Office are informed of the final route and landing points of the new replacement cable.
22. The licensee must ensure that the works are maintained at all times in good repair.
23. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.
24. If it is desired to display any marks or lights not required by this licence then details must be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
25. The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the works without the prior written approval of the licensing authority.

26. 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.
 - c) The drifting or wreck of the works.

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

27. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.
28. The licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:
- a) the premises of the licensee;
 - b) the premises of any agent acting on behalf of the licensee;
 - c) any vessel involved in the works.
29. The licensee must ensure the works are carried out in accordance with the method statement as described in the application dated November 2017, and correspondence submitted in support of that application.
30. 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).
31. The licensee must ensure that the cable-laying vessel(s) are equipped with and use Automatic Identification System (AIS) and Automatic Radar Plotting Aid (ARPA).
32. The licensee must ensure that all operations relating to the licence must be undertaken and operated in accordance with the approved Construction Environment Management Plan (CEMP) (dated 12 November 2017). Any updates or amendments which are proposed to be made to the CEMP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval. The CEMP must be consistent with the application and supporting information as it relates to environmental management measures.
33. The licensee must ensure that all operations relating to the licence must be undertaken and operated in accordance with the approved Fisheries Liaison and Mitigation Action Plan (FLMAP) (submitted to the Licensing Authority in support of the application dated 22 December 2017). Any updates or amendments which are proposed to be made to the FLMAP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.
34. The licensee must ensure that all operations relating to the licence must be undertaken and operated in accordance with the approved Environmental Appraisal (EA) (submitted to the Licensing Authority in support of the application dated November 2017). Any updates or amendments which are proposed to be made to the EA by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.

35. The licensee must ensure that all operations and communications be undertaken and operated in accordance with the approved Communications Strategy (submitted to the Licensing Authority in support of the application dated 22 November 2017). Any updates or amendments which are proposed to be made to the Communications Strategy by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.
36. 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 immediately notified of the details.

On Completion of the Works

37. The licensee must, within 28 days of completion of the works or within 28 days 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 objects deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns must be provided.
38. 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.
39. The licensee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. Copies of the 'as laid' plans should be submitted to sdr@ukho.gov.uk in order that the associated Admiralty Charts can be revised as necessary.
40. 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.
41. The licensee must ensure the beach, foreshore and/or seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the works.
42. The licensee must undertake and submit to the licensing authority, within eight weeks of the completion of operations relating to the licence (subject to operational constraints), an assessment of any risks posed by the final sub-sea cable route, burial depths and un-trenched areas where mechanical and any other protection measures were used within the cable route, 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.

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 must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.
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

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Email: ms.marinelicensing@gov.scot