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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE CABLE INSTALLATION WORKS

Licence Number: 06771/20/0

Reference Number: 06771

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

**NorthConnect Limited**  
**c/o Shepherd + Wedderburn LLP**  
**Commercial House**  
**2 Rubislaw Terrace**  
**Aberdeen**  
**AB10 1XE**

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 01 October 2020 until 30 October 2024.

Signed:

.....  
Rebecca Bamlett

For and on behalf of the licensing authority

Date: 27 March 2020

Part 1 – Particulars

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

Affric Limited  
Lochview Office  
Loch Duntelchaig  
Farr  
Inverness  
IV2 6AW

2. Location of works:

Peterhead to 12 nautical miles within the route corridor defined by the chart in Annex One of this licence and the co-ordinates in Annex Two of this licence.

3. Description of works:

Installation of a High Voltage Direct Current (“HVDC”) Interconnector – Scotland to Norway

As described in application dated 24 July 2018, and correspondence submitted in support of the application.

4. Nature and indicative quantity of materials to be used in the works below Mean High Water Springs:

**Materials Used in Construction**

8,000m<sup>3</sup> of gravel  
72,000m<sup>3</sup> of cobbles  
2 No. HVDC cables, each of 30km  
30km of fibre optic communications cable  
3 No. HDD liner ducts, each of 250m  
3 No. Bell mouths  
3 No. Duct seals  
3,000m<sup>3</sup> of bentonite based drilling fluid  
18m<sup>3</sup> of solids containing bentonite and pulverised granite drill cuttings  
180m<sup>3</sup> bentonite

**Objects to be Removed**

2km of redundant telecommunications cable  
150m<sup>3</sup> of silt/sand

**Temporary Materials Used in Construction**

0.5km of test cable  
6 No. concrete mattresses, each of 18m<sup>2</sup>

## Part 2 - Conditions

### General Conditions

1. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 484444) of both progress and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.
2. 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 ("NLB") and their ruling complied with. The display of unauthorised marks or lights is prohibited.
3. The licensee must ensure that no deviation from the schedule specified in the licence is made without further written consent of the licensing authority.
4. The licensee must ensure that all operations relating to the licence are undertaken and operated in accordance with both the approved NorthConnect HVDC Infrastructure – UK Fisheries Liaison and Mitigation Action Plan ("FLMAP") (Revision 0 – Issue Date 30 July 2018) and the approved HVDC Cable Infrastructure - UK Marine Communications Strategy (Revision 0 – Issue Date 24 July 2018) submitted to the licensing authority in support of the application. In the event that the licensee wishes to update or amend the FLMAP or the UK Marine Communications Strategy, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval. The licensee must ensure that the following conditions are met by either the FLMAP or the UK Communications Strategy:-
  - a) The licensee must ensure that local mariners and fishermen's organisations are made fully aware of the activity through Notice(s) to Mariners, Radio Navigation Warning(s) and publication in all appropriate bulletins are issued, stating the nature and timescale of any works carried out in the marine environment relating to the cable installation operations, including any preparatory work and post lay protection or inspection. The licensee must also 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 the construction. Additionally, they may need to review their Port Marine Safety Code risk assessments.
  - b) The licensee must ensure that HMCG, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre is made aware of the works prior to commencement.
  - c) The licensee must liaise with the local Maritime Coastguard Agency ("MCA") Marine Office with regards to survey, inspection and safety requirement for the vessels utilised during the works.
  - d) The licensee must, following the completion of all operations relating to the licence, notify the licensing authority, MCA, UK Hydrographic Office ("UKHO"), 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.

5. 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.

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.
7. The licensee must ensure that the works are maintained at all times in good repair.
8. Any persons authorised by the licensing authority, must be permitted to inspect the works at any reasonable time. The licensee must, on being given reasonable notice by the licensing authority (of at least 72 hours), provide transportation to and from the site (weather permitting) for any persons authorised by the licensing authority to inspect the site.
9. 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.
10. Should the installation of the licensed works be halted before the completion of the proposed project installation, the licensee must notify the licensing authority and, within a timescale agreed by the licensing authority, submit a decommissioning plan to the licensing authority for approval. The plan must be based on best practice at that time. The licensee shall be liable for all costs.

#### Prior to the Commencement of the Works

11. 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 consent.
12. The licensee must notify HM Coastguard ("HMCG") seven days in advance of the proposed Unexploded Ordnance ("UXO") works, in this case to [zone3.hmcg.gov.uk](http://zone3.hmcg.gov.uk) and to include emergency contact information for the vessel and expected timescale of operation. The licensing authority must be notified as soon as it is identified that UXO works are required as it is likely a further marine licence will be required. Verbal communication should be made direct with HMCG at the start of the UXO works, and again to notify the end of the clearance. This can be established either using appropriate radio channels/frequencies or via telephone in this case to Aberdeen HMCG on 01224 492 334.
13. The licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all licensable marine activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than seven days prior to commencement of the

licensable marine activity. If any aspects of the licensable marine activities 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 seven days prior to commencement of the licensable marine activity.

14. The licensee must submit a Construction Environment Management Plan ("CEMP"), in writing, to the licensing authority for their written approval at least two months prior to the commencement of the works, or less if agreed by the licensing authority. It is not permissible for any works associated with the CEMP to proceed prior to the granting of such approval. The CEMP 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) Pollution prevention measures and pollution contingency plans;
- c) The reporting mechanisms which will be used to provide the licensing authority and any relevant stakeholders with regular updates on operations relating to the licence, including any environmental issues which have been encountered and how these have been addressed; and
- d) Risk assessments for invasive non-native species and mitigation measures to be employed should invasive non-native species be found. Risk assessments should be based on best available advice and on available data regarding where invasive non-native species are found in the vicinity of the cable corridor.
- e) Measures to assess and, where necessary, mitigate sand and clay berms resulting from ploughing.

The CEMP must also include but not be limited to the following:-

- f) All mitigation from the UK Environmental Impact Assessment Report (Revision 0 – Issue Date 30 July 2018) submitted to the licensing authority in support of the application;
- g) Vessel Management Plan;
- h) Breeding Bird Protection Plan; and
- i) Marine Mammal Protection Plan.

15. The licensee must ensure that vessels associated with cable pull activities follow the Scottish Marine Wildlife Watching Code and the Guide to Best Practice for Watching Marine Wildlife.

#### During the Works

16. Where trial installations have taken place, the installation method should be chosen to minimise rock berms. The results of any trials must be shared with Marine Scotland.

17. The licensee must ensure that the cable installation works do not encroach on any recognised anchorages within the licensed area, as illustrated on Admiralty Charts.

18. 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 prior written approval of the licensing authority.

19. 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").
20. The licensee must report all recoveries of wreck material to the Receiver of Wreck under part 9 of the Merchant Shipping Act 1995. Failure to report the recovery of wreck material to the Receiver is a criminal offence. Additional information and a report of wreck and salvage form can be found at [www.gov.uk/guidance/wreck-and-salvage-law](http://www.gov.uk/guidance/wreck-and-salvage-law).
21. The licensee must ensure that every attempt is made to bury the cable to the target burial depths at the locations shown in the Predicted Remedial and Backfill Rock Placement: Jetting + Prelay Plough – UKKEZ, drawing number NCOFF-NCT-X-XG-0008-01.
22. The licensee must ensure that only the materials listed in Part 1 of the licence are placed during the execution of the works and 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.
23. 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 ("MHWS").
24. The licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the works.
25. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
26. The licensee must ensure that the works do not affect pockmarks (submarine structures made by leaking gases) and *Sabellaria* reefs, as listed in Annex 1 of the Council Directive 92/43/EEC, by maintaining a 50 metre exclusion zone around the habitats.
27. The licensee must ensure that the works are carried out in accordance with the approved HVDC Cable Infrastructure - UK Construction Method Statement ("CMS") (Revision 1 – Issue date 24 August 2018) submitted to the licensing authority in support of the application. In the event that the licensee wishes to update or amend the CMS, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.
28. The licensee must 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 MCA.
29. The licensee must ensure that the works are carried out in accordance with the CEMP submitted in condition 14 and approved by the licensing authority. In the event that the licensee wishes to update or amend the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any

works associated with the proposed updates or amendments to proceed prior to the granting of such approval. The CEMP must remain consistent with the application and supporting information.

30. 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.
31. The licensee must ensure that vessels remain more than 50m away from the bird survey section count area 3B known as 'the Meaths'.
32. The licensee must ensure that any lighting is directed at the working area only and does not illuminate cliffs of the Buchan Ness to Collieston Coast Special Protection Area.
33. The licensee must remove all substances, objects or materials temporarily placed during the works before the expiry of this licence.
34. The licensee must ensure that if oil based drilling muds are utilised, they must be contained within a zero discharge system.

#### On Completion of the Works

35. 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 placed below MHWS under authority of the licence. Where appropriate, nil returns must be provided.
36. The licensee must remove all temporary materials used in construction listed in Part 1 of the licence before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 30 October 2024.**
37. In the event of the licensee becoming aware of information indicating that any part of the licensed works has become a danger to navigation, the licensee must immediately inform the licensing authority, MCA, UKHO, NLB, KIS-ORCA and the UK International Cable Protection Committees to communicate the hazard to the maritime community. The licensee shall be liable for all costs.
38. 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 the removal of, or alteration to, the deposits below the level of MHWS. The licensee is responsible for the payment of all costs to discharge this condition.
39. The licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry at six month intervals during the validity of the licence and no later than 12 weeks from the completion of the licensable marine activity.
40. The licensee must ensure the foreshore and seabed are returned to the original profile, or as close as reasonably practicable, following the completion of the works.

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. This must be completed to the satisfaction of the licensing authority to ensure that the safety of navigation and other legitimate users of the sea is not compromised.
42. The licensee must, two years prior to the end of life of the licensed works or of the use of the works being halted, submit a decommissioning plan to the licensing authority for approval. The plan must be based on best practice at that time. The licensee shall be liable for all costs.
43. The licensee must undertake a study to establish the electromagnetic deviation, affecting ship compasses and other navigation systems, of the high voltage cable route to the satisfaction of the MCA. On receipt of the study, the MCA reserves the right to request a deviation survey of the cable route post installation.



## 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

Tel: +44 (0)300 244 5046  
Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)