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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE CABLE INSTALLATION WORKS

Licence Number: 06809/18/0

Reference Number: 06809

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

Scottish Hydro Electric Power Distribution plc
Inveralmond House
200 Dunkeld House
Perth
PH1 3AQ

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

This licence shall be valid from 21 December 2018 until 31 March 2019.

Redacted

Signed: _____

For and on behalf of the licensing authority

Date: 21 December 2018

Part 1 – Particulars

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

As per licensee.

2. Location of works:

Bute to Cumbrae within a corridor bounded by joining the points:

55° 46.510' N	05° 00.134' W
55° 46.841' N	05° 00.341' W
55° 46.881' N	04° 59.998' W
55° 46.527' N	04° 59.938' W
55° 46.576' N	04° 59.631' W
55° 46.926' N	04° 59.686' W
55° 46.930' N	04° 59.365' W
55° 46.579' N	04° 59.386' W
55° 46.412' N	04° 57.894' W
55° 46.760' N	04° 57.821' W
55° 46.704' N	04° 56.733' W
55° 46.355' N	04° 56.798' W
55° 46.336' N	04° 56.432' W
55° 46.687' N	04° 56.462' W
55° 46.743' N	04° 56.217' W
55° 46.355' N	04° 56.211' W

As shown in Annex One.

3. Description of works:

Installation of a new HVAC cable - Bute to Cumbrae

As described in application dated 27 September 2018, and correspondence submitted in support of the application.

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

Permanent Deposits

Cast Iron Shells, Split Pipe, 17.2 tonne (430 m)
Cable (5.8 km x 107 mm diameter)

Part 2 - ConditionsConditions for all Phases of Works

1. The licensee must ensure that Notice(s) to Mariners, Radio Navigation Warning(s) and publication in appropriate bulletins are provided, stating the nature and timescale of any works carried out in the marine environment relating to the cable installation operations.
2. 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.
3. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) 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.
4. The licensee must issue local notification to marine users - including fisherman's organisations, neighbouring port authorities and other local stakeholders - to ensure that they are made fully aware of the activity.
5. 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.
6. 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.
7. The licensee must ensure that no deviation from the schedule specified in the licence is made without further written consent of the licensing authority.
8. 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.
9. The licensee must ensure that the works are maintained at all times in good repair.
10. 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.

11. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.

12. The licensee must ensure that the works are marked as required by the Northern Lighthouse Board and the marking to be continued unless and until the licensing authority rescind this direction.
13. 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.
14. The works should be removed from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee shall be liable for any expense incurred.

Prior to the Commencement of the Works

15. The licensee must ensure that HM Coastguard, in this case nmcccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
16. The licensee must undertake a study to establish the electromagnetic deviation, affecting ship compasses and other navigating 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.
17. The licensee must liaise with Peel Ports, the local harbour authority for the Firth of Clyde, and the UK Hydrographic Office (UKHO) regarding the suitability of the Fintry Bay anchorage given the potential proximity to the cable route.

During the Works

18. 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.
19. 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.
20. The licensee must ensure appropriate steps are taken to minimise damage to the beach, foreshore and seabed by the works.
21. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during these works.
22. 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.
23. The licensee must ensure that:

- a) Cable marker boards are installed at all landfall sites. These boards must be diamond shaped, with dimensions 2.5 meters long and 1.5 meters wide, background painted yellow with the inscription 'Cables' painted horizontally in black. The structures must be mounted at least 4 meters above ground level.
 - b) Due care and attention is paid during the operations to ensure that the mooring for the 'Firth of Clyde Channel A' starboard hand lateral mark is not compromised.
24. The licensee must ensure that no deviation from the schedule specified in the licence is made without further written consent of the licensing authority.
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 prior written approval of the licensing authority.
26. In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.
27. The licensee must ensure that the works are carried out in accordance with section 8 of the Construction Environment Management Plan dated 05 October 2018.
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 Maritime and Coastguard Agency (MCA).

On Completion of the Works

29. The licensee must submit a written report regarding the materials used during construction to the Licensing Authority. The written report shall be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 March 2020.
30. 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, 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 to communicate the hazard to the maritime community. The licensee shall be liable for all costs.
31. 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 remove of, or alteration to, the deposits below the level of Mean High Water Springs. The licensee if responsible for the payment of all costs to discharge this condition.
32. The licensee must ensure the beach, foreshore and seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the works.
33. The licensee must, following installation, 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 corridor and a 500m zone either side of it as a hazardous area for anchoring, to help communicate the 'as laid' position of facilities to the maritime community.

34. The licensee must, two years prior to the end of life of the licensed works, 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.
35. Should the installation or use of the licensed works be halted before the proposed project end of life, 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.

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

