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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE ANY WORKS WITHIN THE SCOTTISH
MARINE AREA

Licence Number: 07207/20/0

Reference Number: 07207

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

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

to construct, alter or improve works as 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.

The licence shall be valid from 08 July 2020 until 31 December 2021.

Signed: _____

Anni Mäkelä

For and on behalf of the licensing authority

Date: 08 July 2020

Part 1 - Particulars

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

G Munachen
Fugro House
Denmore Road
Bridge of Don
Aberdeen
AB23 8JW

2. Location of the works (hereinafter referred to as "the site"):

Radwick Bay, Hoy to Murkle Bay, Caithness within a 500 m wide route corridor bound by joining the point:

58° 52.229' N	003° 23.559' W
58° 52.224' N	003° 23.059' W
58° 51.700' N	003° 23.371' W
58° 50.755' N	003° 25.843' W
58° 49.543' N	003° 29.139' W
58° 47.735' N	003° 31.135' W
58° 46.728' N	003° 31.451' W
58° 41.535' N	003° 30.329' W
58° 39.560' N	003° 29.458' W
58° 37.267' N	003° 25.536' W
58° 36.483' N	003° 25.101' W
58° 36.077' N	003° 25.860' W
58° 36.277' N	003° 26.204' W
58° 36.617' N	003° 25.685' W
58° 37.034' N	003° 26.061' W
58° 39.329' N	003° 30.011' W
58° 41.396' N	003° 30.970' W
58° 46.685' N	003° 32.109' W
58° 47.855' N	003° 31.864' W
58° 48.995' N	003° 30.756' W
58° 50.000' N	003° 29.345' W
58° 51.909' N	003° 23.884' W

shown in Annex One.

3. Description of the works:

Construction of a High Voltage Alternating Current ("HVAC") cable between Radwick Bay, Hoy and Murkle Bay, Caithness and construction of cable protection in areas of hard seabed and at cable crossing points.

As described in application dated 23 December 2020, and correspondence submitted in support of the application.

4. Nature and indicative quantity of materials used below Mean High Water Springs level in the construction, alteration or improvement of the works described in Part 1.3 of the licence:

HVAC cable, 35.795 km
Rock bags, 5500 tonne
84 no. concrete mattresses, totalling 735 tonne
Cast iron shells/split pipe, 2069m
Plastic/synthetic ducting, 566 m²
20 no. grout bags, 1 tonne each

Part 2 - Conditions

1. 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.
2. The licensee must notify the licensing authority of the date of commencement and the date of completion of all construction, alteration or improvement of works relating to the licence. Separate notifications are required at the times of commencement and completion.
3. The licensee must ensure that only the materials listed in Part 1 of the licence are used in the construction, alteration or improvement of works and that materials used 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.
4. The licensee must ensure that a copy of the 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 the licence has been granted and the conditions that are attached to the licence.
5. 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.
6. If it is desired to display any marks or lights not required by the licence then details must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.
7. 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.
8. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the licensing authority.
9. 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.

10. The licensee must ensure that the works are maintained at all times in good repair.
11. In the event of the licensed activities being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.
12. Any person authorised by the licensing authority must be permitted to inspect the works and the site of the works at any reasonable time.

13. 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; and
 - c) the site of the works.
14. Should the construction of the licensed works be halted before the completion, 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.
15. The licensee must adhere to the Fishing Liaison Mitigation Action Management Plan, Revision 1.1 submitted to the licensing authority on 23 December 2019.

Prior to the Commencement of Works

16. The licensee must submit a Vessel Management Plan detailing the timing, duration, routes and speeds of vessels used and any lighting arrangements during the works to the licensing authority for its written approval prior to works commencing. The works must not commence prior to approval of the plan.
17. The licensee must ensure that if calibration tests of the equipment used in surveys are undertaken in Bay of Ireland, no tests take place within 500 meters of the Bay of Ireland designated seal haul out site.
18. 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 prior to commencement of the licensable marine activity.
19. The licensee must notify the UK Hydrographic Office prior to works commencing to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.
20. 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 works.
21. 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.

During the Works

22. The licensee must ensure that no cable construction works at landfall sites take place between 01 April and 31 July, inclusive, as far as reasonably practicable. If construction takes

place between 01 April and 31 July, the licensee must carry out a pre-commencement survey to ensure no breeding birds are present in the area of works. If any breeding birds are found, suitable mitigation must be implemented to avoid disturbing the birds.

23. The licensee must ensure that all works must proceed in accordance with the Construction Environmental Management Plan (“CEMP”) (Document number 2742-GO-G-TB-0005), revision 05. Any updates or amendments made to the CEMP must be submitted, in writing, to the licensing authority for its written approval no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed amendments.
24. The licensee must take 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).
25. The licensee must ensure appropriate steps are taken to minimise damage to the seabed by the works.
26. The licensee must ensure that any debris or waste materials arising during the course of the works are removed from the site for disposal at an approved location above the tidal level of Mean High Water Springs.
27. The licensee must ensure that the cable is buried where in possible in line with Cost Benefit Analysis Model submitted to the licensing authority on 11 June 2020. Where burial is not possible, the cable must be protected in line with the Cost Benefit Analysis Model and the Cable Protection and Stabilisation Plan submitted included in Annex A – Project Description of the Pentland Firth East Cable Replacement Environmental Supporting Information (Document Number: 2742-GO-G-RD-0017), Revision 04.

Upon Completion of the Works

28. The licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the works or the removal of the cable.
29. The licensee must submit a written report regarding the materials used during the works to the licensing authority. The written report must be submitted on completion of the works and on the forms provided by the licensing authority no later than 31 October 2023.
30. 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 6 month intervals during the validity of the licence and at the end of the works.
31. 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, including but not limited to:
 - Details and locations of cable protection measures used;
 - Details if cable burial depths;
 - Details of the length and position of any unprotected sections of the cable; and

- Details of sections in free span.

The assessment, the purpose of which is to ensure that the safety of navigation and other legitimate uses of the sea are not compromised, must be carried out to the satisfaction of the licensing authority.

32. The licensee must, two years prior to the predicted end of life of the cable or immediately in the case of cable faulting, 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 activity. 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 licensing 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 licensing 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