

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING  
MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING**

**LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA WITHIN THE UK  
MARINE LICENSING AREA**

Licence Number: **MS-00009943**

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

**Scottish Hydro Electric Transmission Plc  
1 Waterloo Street  
6th Floor  
Glasgow  
G2 6AY**

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **02 January, 2025** until **31 December, 2031**



Signed: .....

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 04 May, 2023

## 1. PART 1 - GENERAL

### 1.1 Interpretation

In the licence, terms are Section 115 of the Marine and Coast Access Act 2009 unless otherwise stated.

- a) "**the 2009 Act**" means the Marine and Coastal Access Act 2009
- b) "**Licensed Activity**" means any activity or activities listed in section 66 of the 2009 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Scottish Hydro Electric Transmission Plc
- d) "**Mean High Water Springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and,

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Scottish Hydro Electric Transmission Plc
- d) "**Mean High Water Springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

### 1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB  
Email: MS.Marinelicensing@gov.scot

### 1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the 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 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.

Under section 71(7) of the 2009 Act, on an application made by the Licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the 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 the licence from the Licensee to another person.

### **1.5 Breach of requirement for, or conditions of, licence**

Under section 85 of the 2009 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.

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 86 of the 2009 Act, it is a defence for a person charged with an offence under section 85(1) of the 2009 Act in relation to any activity to prove that:

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, and

that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

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 –

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

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 85 of the 2009 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 2009 Act or the provisions of the licence.

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 the 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 against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

## **2. PART 2 – PARTICULARS**

### **2.1 Agent**

Aecom  
Aldgate Tower  
2 Lemn Street  
London  
E1 8FA

### **2.2 Location of the Licensed Activity**

Peterhead, Scotland to Scotland-England sea border, within the cable corridor of:

57° 19.047' N 01° 30.232' W  
 57° 18.741' N 01° 30.454' W  
 57° 21.795' N 01° 34.239' W  
 57° 23.188' N 01° 34.963' W  
 57° 24.350' N 01° 35.643' W  
 57° 24.762' N 01° 35.647' W  
 57° 24.965' N 01° 36.057' W  
 57° 25.166' N 01° 36.116' W  
 57° 25.362' N 01° 36.666' W  
 57° 25.669' N 01° 36.837' W  
 57° 18.741' N 01° 30.454' W  
 57° 19.047' N 01° 30.232' W  
 57° 18.723' N 01° 29.834' W  
 57° 10.090' N 01° 21.952' W  
 57° 09.102' N 01° 21.410' W  
 57° 07.199' N 01° 19.326' W  
 57° 05.232' N 01° 17.554' W  
 57° 05.050' N 01° 17.550' W  
 57° 04.786' N 01° 17.263' W  
 57° 04.585' N 01° 17.309' W  
 57° 04.272' N 01° 17.018' W  
 57° 03.747' N 01° 16.996' W  
 57° 03.504' N 01° 16.945' W  
 57° 03.319' N 01° 16.907' W  
 57° 03.195' N 01° 16.957' W  
 57° 03.033' N 01° 16.833' W  
 56° 58.751' N 01° 15.945' W  
 56° 55.415' N 01° 15.257' W  
 56° 52.787' N 01° 14.571' W  
 56° 45.652' N 01° 12.101' W  
 57° 26.150' N 01° 37.990' W  
 57° 27.618' N 01° 40.673' W

57° 29.066' N 01° 43.664' W  
57° 29.078' N 01° 45.095' W  
57° 29.178' N 01° 45.655' W  
57° 29.156' N 01° 45.920' W  
57° 29.017' N 01° 46.433' W  
57° 28.870' N 01° 47.434' W  
57° 28.865' N 01° 47.491' W  
57° 28.884' N 01° 47.579' W  
57° 28.903' N 01° 47.663' W  
57° 28.937' N 01° 47.713' W  
57° 28.979' N 01° 47.749' W  
57° 29.020' N 01° 47.768' W  
57° 29.074' N 01° 47.766' W  
57° 29.114' N 01° 47.750' W  
57° 29.134' N 01° 47.717' W  
57° 29.134' N 01° 47.716' W  
57° 29.135' N 01° 47.534' W  
57° 29.273' N 01° 46.590' W  
57° 29.413' N 01° 46.081' W  
57° 29.449' N 01° 45.603' W  
57° 29.346' N 01° 45.016' W  
57° 29.324' N 01° 43.469' W  
57° 27.815' N 01° 40.332' W  
57° 26.346' N 01° 37.645' W  
57° 25.824' N 01° 36.412' W  
57° 25.528' N 01° 36.249' W  
57° 25.316' N 01° 35.669' W  
57° 25.093' N 01° 35.597' W  
57° 24.881' N 01° 35.170' W  
57° 24.387' N 01° 35.146' W  
57° 23.263' N 01° 34.484' W  
57° 21.906' N 01° 33.781' W  
57° 19.047' N 01° 30.232' W  
56° 43.337' N 01° 11.750' W  
56° 37.388' N 01° 11.569' W  
56° 23.666' N 01° 08.799' W  
56° 15.595' N 01° 05.442' W  
56° 15.340' N 01° 05.833' W  
56° 23.629' N 01° 09.280' W  
56° 37.371' N 01° 12.057' W  
56° 43.326' N 01° 12.240' W  
56° 45.609' N 01° 12.586' W  
56° 52.742' N 01° 15.056' W  
56° 55.382' N 01° 15.746' W  
56° 58.721' N 01° 16.436' W  
57° 02.964' N 01° 17.313' W

57° 03.177' N 01° 17.465' W  
 57° 03.325' N 01° 17.405' W  
 57° 03.473' N 01° 17.436' W  
 57° 03.730' N 01° 17.490' W  
 57° 04.204' N 01° 17.504' W  
 57° 04.547' N 01° 17.813' W  
 57° 04.731' N 01° 17.766' W  
 57° 04.974' N 01° 18.036' W  
 57° 05.174' N 01° 18.044' W  
 57° 07.072' N 01° 19.763' W  
 57° 08.995' N 01° 21.867' W  
 57° 10.002' N 01° 22.421' W  
 57° 18.596' N 01° 30.273' W  
 57° 18.741' N 01° 30.454' W

As shown in Annex One.

### 2.3 Description of the Licensed Activity

Construction of Eastern Green Link 2 ("EGL 2") HVDC cable and cable protection in Scottish inshore region.

Construction of cable protection within Scottish offshore region.

Removal and deposit of boulders during route clearance.

As described in the application dated 29 June, 2022 and correspondence submitted in support of the application.

### 2.4 Descriptions of the materials to be used during the Licensed Activity

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Within Scottish inshore region (0-12 Nautical Miles);  
 Concrete mattresses for crossing preparation: 765 tonnes  
 Concrete mattresses for break out point protection: 218 tonnes  
 Rock placement for cable protection: 415,582 tonnes  
 2 HVDC cables: 29 kilometres  
 Fibre Optic cable: 29 kilometres  
 Horizontal Directional Drilling Fluid: 12,000 cubic metres  
 Horizontal Directional Drilling Solid: 480 cubic metres  
 Horizontal Directional Drilling Ducting: 6 kilometres  
 Horizontal Directional Drilling Duct grout: 768 cubic metres  
 Crossing separator system: 1.4 kilometres  
 6 pre-cast concrete bridge

Within Scottish offshore region (12-200 Nautical Miles);

Rock placement for cable protection: 527,302 tonnes

Materials to be removed in the course of construction (0-200 Nautical Miles);

Steel / Iron debris: 15 tonnes

Timber debris: 5 tonnes

Plastic / Synthetic debris: 5 tonnes

Materials to be temporarily used in the course of construction:

Concrete mattresses at Horizontal Directional Drilling duct exit pits: 218 tonnes

## 2.5 Contractor and Vessel Details



### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1 The Licensee must only construct the works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the works, whether or not the licence has been transferred to that person.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 All materials used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.6 The Licensee must ensure that the Licensed Activity does not encroach on any recognised anchorage or outfall pipe, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the Licence.

3.1.7 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the 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.

3.1.8 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk) at least 10 days prior to the commencement of the works, progress during the Works and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as laid plans', in order that all necessary amendments to nautical publications are made. The information supplied must also include the start and end date of the works, a description of the works, details of any marking arrangements and positions of the work area in WGS84 format.

3.1.9 Details of any marks or lights not required by the licence must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.10 The Licensee must remove the materials from below the level of Mean High Water Springs, or make such alterations as advised by the Licensing Authority, 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 approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.11 Where any damage, destruction or decay is caused to the works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and the UK Hydrographic Officer, in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hour after becoming aware of any such damage, destruction or decay.

3.1.12 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the works as required by the 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.

3.1.13 The Licensee must ensure that any cable protection works do not compromise safe navigation through depth reduction. There must be no more than a 5% reduction in surrounding depth referenced to Chart Datum unless agreed in writing with the Licensing Authority.

3.1.14 Where potential unexpected cable exposure is identified the Licensee must notify local mariners, fishermen organisations and Kingfisher Information Services of Seafish of the location and extent of exposure within 3 days. Copies of all notices must be provided to the Licensing Authority, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish, KISORCA and the UK Hydrographic Officer within 5 days.

3.1.15 In the event of the Licensed Activity being discontinued the materials used under the authority of the licence must be removed to the satisfaction of the Licensing Authority.

3.1.16 The Licensee must ensure that the works/deposited objects are maintained at all times in good repair.

3.1.17 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

### 3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must notify the Licensing Authority in writing of the name and address of any agent, contractor or sub-contractor not already listed in Part 2 of the licence being used to carry out any Licensed Activity listed in Part 2 of the licence. Such notification must be received by the licensing authority no less than 24 hours before the commencement of the Licensed Activity

3.2.2 The Licensee must undertake a desk study to establish the levels of electromagnetic deviation affecting ship compasses and other navigation systems caused by the cable. Should the desk study establish unacceptable deviation, a deviation survey plan must be submitted to Licensing Authority for its approval. The desk study must incorporate the preferred cable lay method of bundled dipole and assess whether this adheres to the Maritime and Coastguard Agency criteria along with the worst-case cable lay method. Should the desk study establish unacceptable deviation, a deviation survey plan must be submitted to Licensing Authority for its approval.

3.2.3 The Licensee must issue local notification to marine users – including fisherman’s organisations, neighbouring port authorities and other local stakeholders – at least 5 days before the commencement of works to ensure that they are made fully aware of the Licensed Activity.

3.2.4 The Licensee must ensure that HM Coastguard, in this case Zone3@hmcg.gov.uk, Zone4@hmcg.gov.uk, Zone5@hmcg.gov.uk, Zone6@hmcg.gov.uk, Zone7@hmcg.gov.uk, is made aware of the Licensed Activity prior to Commencement.

3.2.5 The Licensee must contact the local statutory harbour authority, in this case Peterhead Port Authority, prior to Commencement of the Licensed Activity to discuss the requirements for navigational warnings and a works licence.

3.2.6 The Licensee must submit a Cable Burial and Protection Plan (CBPP) to the Licensing Authority for its written approval no later than two months prior to the Commencement of the Licensed Activity. It is not permissible for the Licensed Activity to commence prior to the granting of such approval. In granting such approval, the Licensing Authority may consult any such other advisors, organisations or stakeholders as may be required at its discretion. The CBPP must be consistent with the marine licence application and supporting information. All works must proceed in accordance with the approved CBPP. The CBPP must include the following:

- a) Details of the location of all works relating to the licence and cable laying techniques;
- b) Summaries of the survey work used to inform cable routing. The summaries must include geophysical, geotechnical and benthic surveys, desk top studies and cable route studies where available. A non-technical summary of this information must be provided;
- c) A burial plan based on survey data to show proposed burial depths throughout the whole cable route. In locations where burial is not proposed it must be demonstrated, to the satisfaction of the Licensing Authority, that burial is not feasible. In locations where burial is not feasible, cables must be suitably protected through recognised and approved measures where practicable, and as risk assessments direct;
- d) Proposals for survey activity and programming to ensure safety of navigation to other legitimate users of the sea, and with particular relevance to fishing activity, in line with industry best practices and guidelines. Such proposals must apply to the entire cable route;
- e) Proposals for further surveys to be undertaken, determined by the analysis of the data from previous survey activity and subsequent modelling and trending of seabed conditions;
- f) Best method of practice to minimise re-suspension of sediment during the works; and
- g) Steps taken to ensure existing and future safe navigation is not compromised.

3.2.7 The Licensee must submit a Construction Environmental Management Plan (“CEMP”) to the Licensing Authority for its written approval at least two months prior to Commencement of the Licensed Activity, or less if agreed by the Licensing Authority. The CEMP must be consistent with the marine licence application and supporting documents and must contain, but not be limited to, the following:

- a) Mitigation measures against the introduction of marine non-native species;
- b) Pollution prevention and management measures, including air and water pollution; and
- c) Measures to minimise, recycle and reuse waste; and
- d) results of a pre-lay survey which must be carried out to ascertain the presence of Sabellaria spinulosa reefs in the cable corridor in areas where the reefs are known to potentially be present, and details of measures such as micro routing taken to avoid, as far as practicable, damage to the reefs where they are identified.

All works must proceed in accordance with the approved CEMP. Any updates or amendments made to the CEMP must be submitted, in writing, to the Licensing Authority for its 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 amendments. It is not permissible for any works to commence prior to approval of the CEMP.

3.2.8 The Licensee must submit a Communication Strategy to the licensing authority no later than two months prior to the commencement of operations relating to the licence, for its written approval. It is not permissible for operations to commence prior to the granting of such approval. The Communication Strategy must document clearly defined procedures for the distribution of information relating to all cable installation, protection and survey activities to the fishing industry and other legitimate users of the sea. All works must proceed in accordance with the approved Communication strategy. The Communication Strategy must include the following:

- a) Details of the timing, format and method(s) of distribution of notices of all operations relating to the licence including, but not limited to, horizontal directional drilling, boulder clearance, trenching, cable laying, backfill, surveys and additional protection;
- b) Details of the timing, format and method(s) of distribution of notices of hazards to other legitimate users of the sea;
- c) Details of the timing, format and method(s) of distribution of details of any protection requirements including expected berm heights relative to the sea bed (this information must be distributed at least four weeks prior to the commencement of any rock placement);
- d) Details of the timing, format and method(s) of distribution of as laid position of cables and protection including berm heights relative to the sea bed

3.2.9 The Licensee must submit a Protocol for Archaeological Discovery (PAD) and Written Scheme of Investigation (WSI) to the Licensing Authority for its written approval no later than two months prior to the commencement of licensed activities relating to the licence, or less if agreed by the Licensing Authority. It is not permissible for operations to commence prior to the granting of such approval. The PAD and WSI must document clearly defined procedures for potential archaeological discoveries during all cable construction, protection and survey activities. All works must proceed in accordance with the approved PAD and WSI.

3.2.10 The Licensee must submit a Fisheries Liaison and Co-existence Plan to the Licensing Authority no later than two months prior to the commencement of operations relating to the licence, for its written approval. It is not permissible for works relating to the licence to commence prior to the granting of such approval. In granting such approval, the Licensing Authority may consult any such advisors, organisations or stakeholders as may be required at its discretion. All operations relating to the licence must be undertaken and operated in accordance with the approved Fisheries Liaison and Co-existence Plan. Any updates or amendments made to the Fisheries Liaison and Co-existence Plan by the Licensee must be submitted, in writing, by the Licensee to the Licensing Authority for its written approval. The Fisheries Liaison and Co-existence Plan must include employment of a Fisheries Liaison Officer and details regarding how the Licensee intends to engage with the local small craft sector.

### 3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.3 The Licensee shall ensure that prior to the expiry of the licence, the works must be altered by taking all temporary structures to a place above Mean High Water Springs

3.3.4 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 Licensed Activity.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.7 The Licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the Licensed Activity.

3.3.8 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.9 The Licensee must adhere to mitigation measures detailed in Chapter 17 – Schedule of Mitigation of the Eastern Green Link 2 – Marine Scheme Environmental Appraisal Report Volume 2 dated June 2022 as submitted to the Licensing Authority. Any updates or amendments made to the proposed mitigation measures must be submitted, in writing, to the Licensing Authority for its 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 amendments. It is not permissible for any works to commence prior to approval of the updated or amended mitigation measures.

3.3.10 The Licensee must ensure that all vessels avoid travelling close to the Buchan Ness to Collieston Coast Special Protection Area (SPA) colony areas and breeding birds. Vessels must avoid the 2km marine extension of the SPA between 01 March and 15 September inclusive. The exception to this is vessels in Sandford Bay where works are taking place. If such vessels are required to travel in the SPA marine extension, they must avoid approaching cliffs where nesting birds are present and adhere to the Scottish Marine Wildlife Watching Code.

3.3.11 The Licensee must ensure that all vessels used during the course of the Licensed Activity utilise existing vessel and shipping corridors as far as reasonably practicable.

3.3.12 The Licensee must ensure that all vessels used during the course of the Licensed Activity adhere to the Scottish Marine Wildlife Watching Code.

### 3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must submit a decommissioning plan to the licensing authority for approval two years prior to the predicted end of life of the cable or immediately in the case of cable faulting. The plan must be based on best practice at that time. The Licensee shall be liable for all costs.

3.4.2 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.

3.4.3 The Licensee must, following installation, notify the Kingfisher Information Service Offshore Renewables and Cable Awareness and the UK International Cable Protection Committees of the 'as laid' cable corridor and a 500m zone either side of it as a hazardous area for anchoring.

3.4.4 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.

3.4.5 The Licensee must ensure the foreshore and seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the Licensed Activity.

## **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.