

3.2. Conditions specific to all phases of the Works

3.2.1. Navigation, Lighting and Charting requirements

The Licensee must, no later than one calendar month prior to Commencement of the Works, notify the UKHO of the proposed Works, the Licensee must also notify the UKHO of the progress of the Works and of the Completion of the Works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications.

The Licensee must, no later than one calendar month prior to the Commencement of the Works, complete an "Application for Statutory Sanction to Alter / Exhibit" form and submit this to the NLB for the necessary sanction to be granted.

The Licensee must not exhibit, alter or discontinue navigational lighting of the Works without the Statutory Sanction of the Commissioners of Northern Lighthouses An 'Application for Statutory Sanction to Exhibit/Discontinue' form must be completed by the Licensee as fully as possible and returned to the NLB via e-mail to navigation@nlb.org.uk for the necessary sanction to be granted prior to exhibiting, altering or discontinuing navigational lighting.

The Licensee must, no later than one calendar month prior to Commencement of the Works and then on a weekly basis until Completion of the Works, ensure that local mariners, neighbouring port authorities, fishermen's organisations, local stakeholders and HM Coastguard, in this case the National Maritime Operations Centre (nmcccontroller@hmcg.gov.uk), are made fully aware of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that details a of the Works are promulgated in the Kingfisher Fortnightly Bulletin, no later than one calendar month prior to Commencement of the Works and then fortnightly during construction and on Completion of the Works to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

The Licensee must in the case of damage to, or destruction or decay of, the Works, notify the Licensing Authority, in writing, as soon as reasonably practicable, following such damage, destruction or decay. The Licensee must carry out any remedial action as required by the Licensing Authority in writing, which may include any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required by the Licensing Authority.

The Licensee must ensure that any vessels permitted to engage in the Works are marked in accordance with the International Rules for the Prevention of Collisions at Sea whilst under way, and in accordance with the UK Standard Marking Schedule for Offshore Installations if the vessel is secured to the seabed.

The Licensee must ensure that navigable depth is not altered by more than 5% referenced to Chart Datum unless otherwise agreed, in writing, with the Licensing Authority in consultation with the MCA and NLB.

Reason: To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.

3.2.2. Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Works during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority, including confirmation of

remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: To keep the Licensing Authority informed of any such incidents which may be in the public interest, in accordance with s.29(3)(c) of 2010 Act.

3.2.3. Bunding and storage facilities

The Licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils and lubricating fluids associated with the plant and equipment into the marine environment.

Reason: To ensure pollution prevention is undertaken, in accordance with s.29(2)(b) of the 2010 Act.

3.2.4. Restoration of the Site to its original condition

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to the condition of the site before the Works were undertaken, or to as close to its original condition as is reasonably practicable, before the expiry of the licence. The Licensee must decommission the Works to the satisfaction of the Licensing Authority, in accordance with the DP submitted to satisfy condition 3.2.1.7 of marine licence 04678/14/0. Should the Works be discontinued prior to Completion of the Works, the Licensee must inform the Licensing Authority in writing of the discontinuation of the Works.

Reason: To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010 Act.

3.3. Prior to the commencement of the Works

3.3.1. Protocol for Archaeological Discoveries

The Licensee must, no later than three months prior to the Commencement of the Works, submit in writing, a PAD and a WSI which sets out what the Licensee must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Works, to the Licensing Authority for its written approval. Such approval may be given only following consultation by the Licensing Authority with HES and any such advisors as may be required at the discretion of the Licensing Authority. Commencement of the Works cannot take place until such approval is granted. The Reporting Protocol must be implemented in full, at all times, by the Licensee.

Reason: To ensure any discovery of archaeological interest is properly and correctly reported in accordance with s.29(3)(a) of the 2010 Act.

3.4. Conditions upon Completion of the Works

3.4.1. Reporting

The Licensee must submit a written report regarding the correct amount of construction and temporary construction materials used during the Works to the Licensing Authority. The written report must be submitted no later than 28 days after the Completion of the Works.

Reason: To inform the Licensing Authority of the Completion of the Works in accordance with s.29(3)(c) of the Marine (Scotland) Act 2010

4. PART 4 – Figure 1: The export cable landfall is located at Carnoustie, just north of Buddon Ness to the south.

