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MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

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

Licence Number: 07009/19/0

Reference Number: 07009

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

National Grid NSN Link Limited
35 Homer Road
Solihull
West Midlands
B91 3QJ

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 16 August 2019 until 30 September 2020.

[Redacted]

Signed: _____

Anni Mäkelä

For and on behalf of the licensing authority

Date: 16 August 2019

Part 1 - Particulars

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

As per licensee

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

Within the Scottish offshore marine area (12 - 200 Nautical Miles) along the route of the subsea cable, on a line (+/- 150m) connected by the following points:

57° 19.783' N	002° 15.333' E
57° 16.500' N	002° 10.817' E
57° 16.333' N	002° 10.433' E
57° 15.450' N	002° 08.800' E
57° 10.433' N	002° 00.450' E
57° 09.850' N	001° 59.367' E
57° 08.183' N	001° 56.267' E
57° 07.117' N	001° 53.050' E
57° 04.517' N	001° 45.833' E
57° 02.050' N	001° 38.850' E
56° 59.133' N	001° 30.617' E
56° 55.967' N	001° 22.467' E
56° 50.450' N	001° 15.567' E
56° 50.200' N	001° 14.900' E
56° 48.100' N	001° 12.633' E
56° 47.917' N	001° 11.950' E
56° 44.850' N	001° 08.700' E
56° 42.483' N	001° 05.950' E
56° 42.367' N	001° 05.517' E
56° 39.000' N	001° 01.833' E
56° 38.250' N	001° 00.300' E
56° 42.367' N	001° 04.450' E
56° 42.633' N	001° 04.967' E
56° 43.067' N	001° 05.917' E
56° 48.000' N	001° 11.483' E
56° 48.200' N	001° 11.817' E
56° 49.767' N	001° 14.017' E
56° 50.517' N	001° 20.600' E
56° 54.533' N	001° 26.083' E
56° 57.900' N	001° 30.617' E
56° 59.500' N	001° 41.333' E
57° 03.250' N	001° 48.250' E
57° 05.733' N	001° 55.717' E
57° 08.317' N	001° 56.350' E
57° 08.667' N	001° 59.917' E
57° 16.567' N	002° 10.000' E
57° 17.350' N	002° 11.467' E
57° 19.783' N	002° 15.333' E

As shown in Annex One and subject to condition 24 in Part 2 of the licence.

3. Description of the works:

Placement of rock protection and armour over the HVDC cable within the Scottish offshore marine area.

As described in application dated 29 April 2019, 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:

Rock Armour (size range ≥ 256 mm), 110000 Te

Less any rock armour deposited under licence 06601/18/0.
This licence supersedes licence 06601/18/0.

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 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.
 3. 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.
 4. 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 their ruling complied with. The display of unauthorised marks or lights is prohibited.
 5. 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.
 6. The licensee must ensure that the works are maintained at all times in good repair.
 7. 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.
 8. 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 the prior 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. 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.
 11. The licensee must remove the works 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 approval of the licensing authority. The licensee shall be liable for any expense incurred.

12. No works can take place other than in accordance with the approved method statement as described in the application dated 21 November 2017, and correspondence submitted in support of that application.
13. No works can take place other than in accordance with the approved Cable Burial Risk Assessment dated 24 May 2018, and correspondence submitted in support of that application.
14. 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).
15. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.
16. No works can take place other than in accordance with the approved Fisheries Liaison and Mitigation Action Plan (FLMAP) (submitted to the Licensing Authority in support of the application dated 13 December 2017). Any updates or amendments which are proposed to be made by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval before any works can recommence.
17. No works can take place other than in accordance with the approved Environmental Statement Signposting Document and Highlighted Environmental Statement (submitted to the Licensing Authority in support of the application dated 13 December 2017).
18. 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.
19. 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.

Prior to Commencement of the Works

20. The licensee must notify the licensing authority of the date of commencement of all operations relating to the licence. Separate notifications are required at the times of commencement and completion.
21. 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.
22. 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.

23. The licensee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

During the Works

24. No works can be carried out within the area of the East of Gannet and Montrose Fields NC MPA (as indicated in Annex Two).
25. The licensee must ensure that the use of rock is minimised wherever possible.
26. The licensee must ensure that every attempt be made to bury the cable to the target burial depths.
27. The licensee must ensure that real-time data relating to rock protection or post-lay surveying is provided to relevant recipients in accordance with the approved FLMAP, either by the immediate dissemination of data or by the presence of a fisheries observer on board any vessel undertaking such work.
28. The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the works.

On Completion of the Works

29. The licensee must, following the completion of all operations relating to the licence, 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 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.
30. 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.
31. 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 2020.

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 72 of the Marine and Coastal Access Act 2009, 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 85 of the Marine and Coastal Access Act 2009, 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 86 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

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Email: ms.marinelicensing@gov.scot