

MARINE SCOTLAND ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: **MS-00009035**

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

**RWE Robin Rigg West Ltd and RWE Robin Rigg East Ltd
Westwood Way, Westwood Business Park,
Coventry
Warwickshire
CV4 8LG**

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 **13 January, 2021** until **05 November, 2035**

Signed:

Jessica Wilson

For and on behalf of the Licensing Authority

Date of issue 12 January, 2021

1. PART 1 - GENERAL

1.1 Interpretation

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 RWE Robin Rigg West Ltd and RWE Robin Rigg East Ltd
- 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 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 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 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 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 this 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

2.2 Location of the Licensed Activity

ROBIN RIGG CABLES,

54° 46.29' N, 3° 42.05' W
54° 46.2' N, 3° 41.62' W
54° 45.76' N, 3° 41.04' W
54° 44.2' N, 3° 42.11' W
54° 44.12' N, 3° 43.05' W
54° 44.3' N, 3° 43.84' W
54° 45.3' N, 3° 44.58' W
54° 45.77' N, 3° 44.2' W
54° 46.29' N, 3° 42.05' W

2.3 Description of the Licensed Activity

Potential export/inter-array cable replacement works, Robin Rigg, Solway Firth

As described in application dated 01 July, 2020 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be used during Licensed Activity

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

Concrete, 350 m³;

Rock, 100 - 300 mm³ (please confirm size range) 500 m³;

Concrete/rubber bags/mattresses, 5m x 15m 500 m³;

33kV 3 x copper cores with XLPE insulation, steel wire armoured with MDPE outer sheet, 1200m³;

MS-00009035

12 January, 2021

132kV 3 x copper cores with XLPE insulation, steel wired armoured, lead sheathed,
polypropylene yarn with bitumen 500 m;
Tyres - rubber/steel 250 m³.

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must at all times construct and maintain the Licensed Activity in accordance with the licence, the application and the plans and programmes approved by the Licensing Authority.

3.1.2 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.

3.1.3 The Licensee must ensure that only the materials, substances or objects listed in Part 2 of the licence are used during the execution of the Licensed Activity and that all materials, substances or objects used during the execution of the Licensed Activity 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.

3.1.4 The Licensee shall ensure that the cable installation works do not encroach on any recognised anchorages within the proposed consent area, as illustrated on Admiralty Charts.

3.1.5 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.

3.1.6 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 the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.7 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.

3.1.8 The Licensee must remove the materials, substances or objects 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.

3.1.9 The Licensee shall 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.

3.1.10 The Licensee shall ensure that local mariners, fishermen's organisations and the fishing community are

informed through Notice(s) to Mariners, Radio Navigation Warning(s) and publication in appropriate bulletins, stating the nature and timescale of any works carried out in the marine environment relating to the cable repair operations.

3.1.11 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 maintenance of the works.
- b) The drifting or wreck of the works.

The Licensee shall be liable for any expenses incurred in securing such assistance.

3.1.12 Any person authorised by the Licensing Authority shall be permitted to inspect the works at any reasonable time.

3.1.13 The Licensee shall ensure that copies of the licence are available for inspection by any authorised Enforcement Officer.

3.1.14 In the event of the licensed operations being discontinued, the works shall be removed and the site cleared to the satisfaction of the licensing authority.

3.1.15 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 shall be immediately notified of the details.

3.1.16 Any consented cable/pipeline protection works must ensure existing and future safe navigation is not compromised. The Licensing Authority would accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum but under no circumstances should depth reductions compromise safe navigation.

3.1.17 The Licensee shall ensure notifications of any movements regarding the mobilisation and de-mobilisation of any vessels etc in respect to these operations are forwarded to the Northern Lighthouse Board. These can be sent via e-mail to navigation@nlb.org.uk or via fax to 0131-220-0235 marked for the attention of the Navigation Department.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must, prior to and no less than seven calendar days before the Commencement of the Licensed Activity, notify the Licensing Authority, in writing, of the date of Commencement of the Licensed Activity authorised under the licence.

3.2.2 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.

3.2.3 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 nature and duration of the Licensed Activity.

3.2.4 The Licensee shall report to MS LOT prior to the start of any work, and on completion provide a report on the duration and actual activity associated with any works.

3.3 During the Licensed Activity

3.3.1 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.

3.3.2 The Licensee must ensure that all moorings and any vessels attached to the moorings are within the area bounded by the coordinates in Part 2 of the licence at all states of the tide.

3.3.3 The Licensee must ensure that the Licensed Activity is maintained at all times in good repair.

3.3.4 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.

3.3.5 Should there be any change to the as-laid cable position, the licensee shall, 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.

3.3.6 The Licensee shall ensure appropriate steps are taken to minimise damage to the seabed by the works.

3.3.7 The Licensee shall ensure the best method of practice is used to minimise re-suspension of sediment during these works.

3.3.8 The Licensee shall 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.

3.3.9 The Licensee shall consult with the local navigation authority and the Harbour Commissioners where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction. Additionally, they may need to review their Port Marine Safety Code risk assessments.

3.3.10 Any jack up barges/vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

3.3.11 The appointed dredger and any other floating plant in attendance during these operations shall exhibit the

required lights/shapes at all times, in accordance with the International Regulations for the Prevention of Collisions at Sea.

3.3.12 The works, and any associated temporary works, shall be marked and/or lighted as required by the Northern Lighthouse Board and the marking to be continued unless and until the Licensing Authority rescind this direction.

3.3.13 If it is desired to display any marks or lights not required by this licence then details shall be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.

3.3.14 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 shall 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.

3.3.15 The Licensee shall, within four weeks of becoming aware of any danger to navigation arising from any part of the licensed works, submit a mitigation plan to the licensing authority for approval. The licensee shall be liable for all costs.

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 or should the works be halted. The decommissioning plan must be based on best practice at that time. The Licensee shall be liable for all costs.

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

3.4.3 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.

3.4.4 The Licensee must, no later than 14 days following the Completion of the works and/or Licensed Activity notify the Licensing Authority, in writing, of the date of the Completion of the works and/or Licensed Activity.

3.4.5 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.

3.4.6 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.

3.4.7 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.

3.4.8 Any person authorised by the Licensing Authority shall be permitted to inspect the works at any reasonable time.

3.4.9 The Licensee shall ensure that copies of the licence are available for inspection by any authorised Enforcement Officer.

3.4.10 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 shall be immediately notified of the details.

3.4.11 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 shall 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.

3.4.12 The Licensee shall, within four weeks of becoming aware of any danger to navigation arising from any part of the licensed works, submit a mitigation plan to the licensing authority for approval. The licensee shall be liable for all costs.

3.4.13 The Licensee shall report to MS LOT prior to the start of any work, and on completion provide a report on the duration and actual activity associated with any works.

3.4.14 The licensee shall, within 28 days of completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a written report to the licensing authority stating the nature and quantity of all substances and objects deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns shall be provided.

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.