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THE MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE ANY WORKS WITHIN THE SCOTTISH
OFFSHORE REGION

Licence Number: 07357/20/0

Reference Number: 07357

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

Scottish Hydro Electric Transmission Plc
SSE
10 Henderson Road
Inverness
IV1 1SN

to deposit in the sea the substances or objects (except for dredge spoil) used in the execution of works 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.

This licence shall be valid from 03 July 2020 until 02 July 2025.

Signed: _____

Malcolm Rose

For and on behalf of the licensing authority

Date: 03 July 2020

Part 1 – Particulars

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

N/A

2. Location of works:

Outwith 12 nautical miles (north portion) - Subsea Cable located by joining the points:

59° 45.212' N	01° 44.871' W
59° 46.101' N	01° 44.427' W
59° 46.710' N	01° 44.017' W
59° 47.453' N	01° 43.791' W
59° 47.309' N	01° 43.618' W
59° 46.680' N	01° 43.811' W
59° 46.074' N	01° 44.220' W
59° 45.189' N	01° 44.662' W
59° 44.706' N	01° 44.977' W
59° 44.665' N	01° 45.230' W

Outwith 12 nautical miles (south portion) - Subsea Cable located by joining the points:

58° 44.060' N	02° 19.505' W
58° 43.910' N	02° 19.725' W
58° 41.979' N	02° 20.709' W
58° 40.621' N	02° 20.457' W
58° 39.132' N	02° 20.501' W
58° 38.553' N	02° 20.740' W
58° 37.944' N	02° 20.354' W
58° 36.867' N	02° 20.691' W
58° 36.548' N	02° 20.649' W
58° 35.900' N	02° 20.325' W
58° 35.002' N	02° 20.236' W
58° 32.412' N	02° 20.295' W
58° 32.147' N	02° 20.535' W
58° 31.610' N	02° 23.896' W
58° 29.502' N	02° 39.865' W
58° 29.610' N	02° 39.884' W
58° 32.206' N	02° 20.709' W
58° 32.511' N	02° 20.461' W
58° 34.572' N	02° 20.559' W
58° 36.184' N	02° 20.532' W

SCHEDULE TO LICENCE NUMBER: 07357/20/0

DATED: 03 July 2020

58° 36.663' N	02° 20.900' W
58° 37.943' N	02° 20.561' W
58° 38.477' N	02° 20.918' W
58° 39.847' N	02° 20.602' W
58° 41.467' N	02° 20.813' W
58° 44.063' N	02° 19.782' W
58° 44.249' N	02° 19.408' W
58° 45.401' N	02° 18.286' W
58° 47.254' N	02° 16.551' W
58° 50.457' N	02° 13.227' W

58° 55.554' N	02° 07.472' W
58° 57.240' N	02° 05.630' W
58° 57.422' N	02° 05.848' W
58° 58.063' N	02° 05.202' W
58° 58.368' N	02° 04.848' W
58° 58.556' N	02° 04.231' W
58° 59.075' N	02° 03.735' W
59° 03.550' N	01° 56.821' W
59° 04.852' N	01° 54.925' W
59° 05.724' N	01° 55.271' W

59° 06.260' N	01° 55.398' W
59° 08.858' N	01° 53.643' W
59° 09.607' N	01° 52.953' W
59° 10.804' N	01° 52.959' W
59° 12.168' N	01° 53.254' W
59° 14.851' N	01° 53.783' W
59° 16.945' N	01° 54.220' W
59° 18.459' N	01° 54.642' W
59° 18.920' N	01° 54.535' W
59° 19.159' N	01° 54.501' W

59° 19.978' N	01° 53.562' W
59° 20.809' N	01° 53.160' W
59° 20.733' N	01° 52.957' W
59° 20.069' N	01° 53.144' W
59° 19.305' N	01° 54.157' W
59° 18.621' N	01° 54.280' W
59° 18.120' N	01° 54.332' W
59° 16.384' N	01° 53.826' W
59° 15.154' N	01° 53.697' W
59° 14.381' N	01° 53.511' W

59° 12.169' N	01° 53.044' W
59° 10.816' N	01° 52.750' W
59° 09.588' N	01° 52.746' W
59° 06.690' N	01° 55.014' W
59° 06.134' N	01° 55.206' W

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
<http://www.gov.scot/Topics/marine/Licensing/marine>



59° 05.648' N	01° 55.079' W
59° 04.835' N	01° 54.718' W
59° 04.479' N	01° 54.876' W
59° 03.482' N	01° 56.659' W
59° 00.793' N	02° 00.818' W
58° 59.008' N	02° 03.571' W
58° 58.422' N	02° 04.212' W
58° 57.885' N	02° 04.994' W
58° 57.392' N	02° 05.648' W
58° 57.246' N	02° 05.421' W
58° 55.783' N	02° 06.809' W
58° 55.224' N	02° 07.634' W
58° 50.650' N	02° 12.565' W
58° 50.404' N	02° 13.045' W
58° 47.014' N	02° 16.565' W
58° 46.323' N	02° 16.912' W
58° 45.029' N	02° 18.639' W
58° 44.128' N	02° 19.326' W

A full list of coordinates are shown in Annex One, and a map of the route is shown in Annex Two.

3. Description of works:

Construction of cable protection for a High Voltage Direct Current (HVDC) cable between Weisdale Voe, Shetland and Noss Head, Caithness.

As described in application dated 12 December 2019, and correspondence submitted in support of the application.

4. Nature and indicative quantity of all deposits below Mean High Water Springs:

Rock, 245,090 tonnes

30 Concrete mattresses (dimensions; 6 x 3 x 0.3m)

7 Cable cut and peel back clumpweights (0.5m diameter, 0.2m thick concrete discs)

100 Grout bags (25kg bags)

3 Pipeline crossings support/bridge (10 x 3 x 1.5m bridges, 15 tonnes each) OR

12 Pipeline crossings support/bridge (4 x 1 x 1m supports, 10 tonnes each)

Part 2 - Conditions

1. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: srd@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 publication are made.
2. The Licencee must consult with the local navigation authority or Harbour Authority/Commissioners/Council to determine whether local navigational warnings are required.
3. 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.
4. 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.
5. 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.
6. In the event of the licensee becoming aware that any of the information on which issue of the licence was based has changed, the licensing authority must be immediately notified of the details.
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.
8. 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.
9. 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.
10. If in the opinion of the licencing authority the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with an 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.

11. The licensee must ensure that the works are maintained and in good repair.
12. 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.
13. Any person authorised by the licensing authority must be permitted to inspect the works and the site of the works at any reasonable time.
14. The licensee must ensure that the licensed activity does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area.
15. 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.
16. 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.
17. The licensee must ensure that Protocols for Archaeological Discoveries (PAD) published by Wessex Archaeology dated July 2014 are followed.

Prior to the Commencement of Works

18. 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 works, 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 and management measures outlined in Section 15 and Table 6.2, within the Shetland HVDC Link Marine Environmental Appraisal (Document Number: A-200409-S00-REPT-003), Version A02, submitted to the licensing authority on 12 December 2019.
 - b) Consideration of the timing, duration, vessel transits and speeds and any lighting during the proposed installation.

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.

19. The licensee must submit a Cable Burial and Protection Plan (CBPP) to the licensing authority for their written approval no later than two months prior to the commencement of operations relating to the licence. It is not permissible for operations relation to the licence to commence prior to the granting of such approval. In granting such approval, the licensing authority may consult any such other advisors, organisations or stakeholder as may be required at their discretion. The CBPP must be consistent with the marline 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;
- h) Best method of practice to minimise re-suspension of sediment during the works; and
- i) Steps to ensure existing and futures 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.

20. The licensee must submit a Communication Strategy to the licensing authority no later than two months prior to the commencement of operations relation to the licence, for their 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); and
 - 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.
21. The licensee must submit a Fisheries Liaison and Mitigation Action Plan (FLMAP) to the licensing authority no later than two months prior to the commencement of operations relating to the licence, for their 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 their discretion. All operations relating to the licence must be undertaken and operated in accordance with the approved FLMAP. Any updates or amendments made to the FLMAP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval. The FLMAP must include employment of a Fisheries Liaison Officer (FLO), details regarding how the licensee intends to engage with the local small craft sector and use of guard vessels to perform the following functions:
- a) Alerting other sea users of the cable laying vessel's presence
 - b) Guard any free ends of the cable on the seabed while the cable laying vessel reloads
 - c) Guard the unprotected cable between lay and burial
22. 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.
23. 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.
24. The licensee must ensure that HM Coastguard, in this case nmcccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.

During the Works

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 lighting on vessels is kept to only the minimum level required to ensure safe operations.

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 2025.
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, 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 operations. 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 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 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

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Email: ms.marinelicensing@gov.scot