MARINE (SCOTLAND) ACT 2010

LICENCE FOR MARINE RENEWABLES AND OFFSHORE CONSTRUCTION WORKS

Licence Number: 05105/14/0
Reference Number: FKB/Z294

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

Argyll Tidal Limited
5 St. Vincent Place
Glasgow
G1 2DH

to deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the Scottish marine area required in connection with the construction of the works described in Part 2 of the Schedule attached to this licence. The issue of this licence is subject to the conditions set out in Part 3 of the Schedule.

This licence remains in force from 9 May 2014 until 31 March 2021.

Signed: ______________________________
For and on behalf of the licensing authority/

Date of issue: 9 May 2014
1. PART 1 – GENERAL

1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010, and:

a) “the 2010 Act” means the Marine (Scotland) Act 2010;
b) “the Application” means the marine licence application form, Environmental Appraisal and appendices submitted by the licensee to the licensing authority on 22nd December 2013 and the updated marine licence application form submitted by the licensee to the licensing authority on 4th February 2014;
c) “authorised Enforcement Officer” means a marine enforcement officer;
d) “commencement of construction” means the date on which the first vessel arrives on the site to begin construction;
e) “completion of construction” means the date on which the works have been installed;
f) “final commissioning of the works” means the date on which the tidal turbine generator forming part of the works has supplied electricity on a commercial basis to the grid;
g) “licensable marine activity” means any activity listed in items (1), (2), (5) and (6) of section 21(1) of the 2010 Act, and “licensable activity” is construed accordingly;
h) “the licensee” means Argyll Tidal Limited;
i) “licensing authority” means the Scottish Ministers;
j) “MHWS” is mean high water spring tide – the average of high water heights occurring at the time of spring tides;
k) “Notice to Mariners” means the updating and publication of the United Kingdom Hydrographic Office series of Admiralty Charts to ensure they are fully up to date for the latest navigational safety information;
l) “the site” means the area of sea within which the works are to be constructed, as set out in paragraph 2.2 of this licence;
m) “Third Party Verification” means a detailed report provided by an independent accredited agency of recognised standing and reputation which certifies the integrity of the structural design of the works and its foundations for the conditions expected at the site;
n) “the works” means the Argyll Tidal Demonstrator Project adjacent to the Kintyre Peninsula, in the North Channel off the Western coast of the Mull of Kintyre, as described in paragraph 2.2 of this licence.

All geographical co-ordinates contained within this licence are in latitude and longitude format World Geodetic System 84 (“WGS84”).
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

Tel: (01224) 295579
Fax: (01224) 295524
Email: ms.marinelicensing@scotland.qsi.gov.uk

1.3 Other authorisations and consents

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed operations. The issuing of the licence does not absolve the licensee from obtaining such other authorisations and consents etc. which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 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 the provisions of the licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of that Act.

The licensing authority may, under section 30 of the 2010 Act, on an application made by the licensee vary the licence if satisfied that the variation being applied for is not material.

The licensing authority may, under section 30 of the 2010 Act, on an application made by the licensee transfer this licence from the licensee to another person.

1.5 Breach of requirement for, or conditions of, the licence

Under section 39 of the 2010 Act it is an offence to carry on a licensable marine activity without a marine licence or 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 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 matter to 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, either 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 by this licence.
2. PART 2 – THE WORKS

2.1 Title of the works

The title of the works to which this licence relates is ‘The Argyll Tidal Demonstrator Project’.

2.2 Description of the works

The Argyll Tidal Demonstrator Project consists of a single 500kW Nautricity CoRMaT tidal turbine with contra-rotating rotors (3 upstream blades and 4 downstream blades), all foundations, moorings, electrical collection system and an export cable connecting the tidal turbine to shore, all as described in the Application.

2.3 Location of the works

Adjacent to the Kintyre Peninsula, in the North Channel off the South-West tip of the Mull of Kintyre within the area bounded by joining the following co-ordinates:

Device deployment area

\[
\begin{align*}
55^\circ & 17.798' \text{ N} & \quad 005^\circ & 48.825' \text{ W} \\
55^\circ & 17.899' \text{ N} & \quad 005^\circ & 48.487' \text{ W}
\end{align*}
\]

Subsea export cable corridor

\[
\begin{align*}
55^\circ & 17.956' \text{ N} & \quad 005^\circ & 48.685' \text{ W} \\
55^\circ & 17.741' \text{ N} & \quad 005^\circ & 48.627' \text{ W} \\
55^\circ & 17.974' \text{ N} & \quad 005^\circ & 47.998' \text{ W}
\end{align*}
\]

Subsea export cable landing

\[
\begin{align*}
55^\circ & 17.927' \text{ N} & \quad 005^\circ & 47.709' \text{ W}
\end{align*}
\]

2.4 Deposits

The licence authorises the deposit of the demoted substances and objects required in connection with the works, subject to the maximum amounts as specified below:

**PERMANENT DEPOSITS**

Steel, 54 tonnes
Plastic/Synthetic, 26.09 tonnes (8.57 m³)
Cable, 1000 - 1500 m

2.5 Persons responsible for the deposits of the substances or articles

The operators, vessels and vehicles permitted to engage in the licensable marine activity are:

<table>
<thead>
<tr>
<th>Name of vessel or vehicle registration</th>
<th>Operator</th>
<th>Type(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be confirmed (tbc)</td>
<td>tbc</td>
<td>tbc</td>
</tr>
</tbody>
</table>

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2.6 Persons acting on behalf of the licensee

The name and address of any agent, contractor or sub-contractor appointed to carry out any
part, or all, of the licensed activity:

To be confirmed.

3. PART 3 – CONDITIONS

3.1 General conditions

3.1.1 Licence conditions binding other parties

All conditions attached to this licence bind any person who for the time being owns, occupies
or enjoys any use of the works for which this licence has been granted in relation to those
licensed activities authorised under item 5 in section 21(1) of the 2010 Act whether or not the
licence has been transferred to that person.

3.1.2 Agents/contractors/sub-contractors

The licensee must give a copy of this licence and any subsequent variations that have been
made to the licence in accordance with section 30 of the 2010 Act to any agent, contractor or
sub-contractor appointed to carry out any part, or all, of the licensed activity. The licensee
must satisfy themselves that any such agent, contractor or sub-contractor is aware of the
extent of the works for which this licence has been granted, the activity which is licensed and
the terms of the conditions attached to the licence.

3.1.3 Vessels

The licensee must notify the licensing authority, in writing, of any vessel being used to carry
on any licensed activity under this licence on behalf of the licensee. Such notification must
be received by the licensing authority no less than 72 hours before the commencement of
construction. The notification must include the master’s name, vessel type, vessel IMO
number and vessel owner or operating company.

The licensee must ensure that a copy of this licence and any subsequent variations made to
it in accordance with section 30 of the 2010 Act have been read and understood by the
masters of any vessels being used to carry on any licensed activity under the licence, and
that a copy of this licence is held on board any such vessel.

3.1.4 Force majeure

If by any reason of force majeure any substance or object is deposited other than at the site
which is described in this licence, then the licensee must notify the licensing authority of the
full details of the circumstances of the deposit within 48 hours of the incident occurring
(failing which as soon as reasonably practicable after that period of 48 hours has elapsed).
Force majeure may be deemed to apply when, due to stress of weather or any other cause,
the master of a vessel, vehicle or marine structure determines that it is necessary to deposit
the substance or object other than at the specified site because the safety of human life or,
as the case may be, the vessel, vehicle or marine structure is threatened. 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.
3.1.5 Material alterations to the licence application

The licensee must, where any information upon which the granting of this licence was based has after the granting of the licence altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

3.1.6 Submission of reports, studies and surveys to the licensing authority

The licensee must submit all reports, studies and surveys to the licensing authority as are required under the licence within the time periods specified in the licence to allow the licensing authority to consider whether any consequential action may be required to be undertaken.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data must, subject to any rules permitting non-disclosure, be made publicly available by the licensing authority or by any such party appointed at their discretion.

3.1.7 Chemical usage

The licensee must ensure that all chemicals to be utilised in the works have received prior written consent from the licensing authority. All chemicals utilised in the works must be selected from the List of Notified Chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (this list can be viewed/downloaded on the CEFAS website).

The licensee must comply with the terms of the guidance as to the disposal of any material arising from drilling operations which will be given to the licensee by the licensing authority.

3.1.8 Environmental protection

The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence.

The licensee shall ensure appropriate steps are taken to minimise damage to the beach and foreshore by the licensed activity authorised under this licence.

The licensee must ensure that any debris or waste materials placed below the MHWS during the construction and operation of the works are removed from the site, as soon as is reasonably practicable, for disposal at a location above the MHWS approved by the Scottish Environment Protection Agency.

The licensee must ensure that all substances and objects deposited during the execution of the works 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.

The licensee must ensure that the risk of transferring invasive non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the works.

The licensee must ensure that if oil based drilling muds are utilised they must be contained within a zero discharge system.
Any drill cuttings associated with the use of water-based drilling muds situated within the outer boundary of the works need not be removed from the seabed.

3.1.9 Availability of the licence for inspection

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, contractor or sub-contractor acting on behalf of the licensee; and

c) any onshore premises directly associated with the works.

3.1.10 Inspection of the works

Officers of HM Coastguard, or any other person authorised by the licensing authority to include an authorised Enforcement Officer, must be permitted to inspect the works at any reasonable time. The licensee must provide access, and if necessary appropriate transportation to the site or any other associated works or vessels to facilitate any inspection considered necessary by the licensing authority.

3.2 Conditions specific to the works

3.2.1 Conditions applicable to all phases of the works

3.2.1.1 Project Environmental Monitoring Programme

The licensee must, no later than 1 month prior to the commencement of construction, submit a Project Environmental Monitoring Programme (PEMP), in writing, to the licensing authority for their written approval. Such approval may only be granted following consultation by the licensing authority with Scottish Natural Heritage and any other ecological advisors as required at the discretion of the licensing authority. Upon written approval, commencement of construction can take place.

The PEMP must be in accordance with the Application and set out measures by which the licensee must monitor the environmental impacts of the works. Monitoring is required throughout the lifespan of the works but mainly upon completion of construction during the commissioning and operational phases unless deemed otherwise by the licensing authority.

Monitoring should attempt to verify the key predictions made in the Application. Additional monitoring may be required in the event that adverse environmental effects are identified for which no predictions were made in the Application.

The PEMP must cover, but not be limited to, collision / encounter interactions between the turbine and marine mammals, diving seabirds and migratory fish (primarily Atlantic salmon) as well as acoustic monitoring of the device during operation.

The PEMP is a live document and must be regularly reviewed by the licensing authority, at timescales to be determined by the licensing authority, in consultation with advisors to identify the appropriateness of on-going monitoring. Following such reviews, the licensing authority may, in consultation with advisors, require the licensee to amend the PEMP and submit such an amended PEMP, in writing, to the licensing authority for their written approval. The PEMP, as amended from time to time, must be fully implemented by the licensee at all times.
The licensee must submit written monitoring reports to the licensing authority at timescales to be determined by the licensing authority. Subject to any legal restrictions regarding the treatment of the monitoring report information, the results are to be made publicly available by the licensing authority, or by such other party appointed at their discretion.

The licensing authority may agree that monitoring may cease before the end of the lifespan of the works.

3.2.1.2 Environmental Management Plan

The licensee must, no later than 1 month prior to the commencement of construction, submit an Environmental Management Plan (EMP), in writing, to the licensing authority for their written approval. Such approval may only be granted following consultation by the licensing authority with Scottish Natural Heritage and any such other advisors or organisations as may be required at the discretion of the licensing authority. Upon written approval, commencement of construction can take place.

The works must, at all times, be constructed and operated in accordance with the approved EMP (as updated and amended from time to time by the licensee). Any updates or amendments made to the EMP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.

It must address, but not be limited to, the following over-arching requirements for environmental management through all phases of the works:

a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-licence surveys, and include the relevant parts of the Construction Method Statement (CMS);
b) Pollution prevention measures and contingency plans;
c) Management measures to prevent the introduction of invasive non-native marine species;
d) Measures to minimise, recycle, reuse and dispose of waste streams;
e) Details of chemical usage and disposal; and
f) The reporting mechanisms that will be used to provide the licensing authority and any identified stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must set out the roles, responsibilities and chain of command for the licensee personnel, any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the works.

The EMP must be informed, so far as is reasonably practicable, by the baseline surveys undertaken as part of the Application and the PEMP.

The EMP must take account of, and implement, recommendations where appropriate and reasonable from the CMS, the Operation and Maintenance Programme (OMP), the Vessel Management Plan (VMP) and the Navigation Safety Plan (NSP), as well as any other recommendations within the Application.

The EMP must be implemented in full by the licensee.
3.2.1.3 Health and safety incidents

If any serious health and safety incident occurs on the site requiring the licensee to report it to the Health and Safety Executive, then the licensee must also notify the licensing authority of the incident within 24 hours of the incident occurring.

3.2.1.4 Bunding and storage facilities

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

3.2.1.5 Restoration of the site to its original condition

The licensee must take all reasonable, appropriate and practicable steps to restore the site to its original condition before the licensed activities were undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the licensing authority, should the licensed activities be discontinued.

3.2.2 Prior to the commencement of construction

3.2.2.1 Commencement date of licensed activities

The licensee must, prior to and no less than one month before the intended commencement of construction, notify the licensing authority, in writing, of the date of commencement of construction authorised under the licence and confirm the date no less than 24 hours before commencement of construction.

3.2.2.2 Decommissioning Programme

Where the Secretary of State has, following consultation with the licensing authority, given notice requiring the licensee to submit to the Secretary of State a decommissioning programme, pursuant to section 106(2) and (5) of the Energy Act 2004, then construction may not begin on the site of the works until after the licensee has submitted to the Secretary of State a decommissioning programme in compliance with that notice.

3.2.2.3 Third Party Verification

The licensee must, prior to the commencement of construction, provide the licensing authority with a covering certificate of Third Party Verification of the tidal turbine, mooring system and all associated ancillary works. Commencement of construction must not occur until the licensing authority has been provided with the covering certificate detailing Third Party Verification.

3.2.2.4 Construction Method Statement

The licensee must, no later than 1 month prior to the commencement of construction submit a Construction Method Statement (CMS), in writing, to the licensing authority for their written approval. Such approval may only be granted following consultation by the licensing authority with Scottish Natural Heritage, Scottish Environment Protection Agency, Maritime and Coastguard Agency, Northern Lighthouse Board, Argyll and Bute Council and any such other advisors or organisations as may be required at the discretion of the licensing authority. Upon written approval, commencement of construction can take place.
The CMS must set out the construction procedures and good working practices for installing the works. The CMS must be in accordance with the construction methods assessed in the Application and must include details of how the construction related mitigation steps proposed in the Application are to be delivered.

The CMS must include, but is not limited to, the following information:

a) Commencement dates;

b) Working methods including the scope, frequency and hours of operations;

c) The proposed timings and sequencing of construction work for all elements of the works infrastructure;

d) Details of the location of the turbine, export cable, method of installation (including techniques and equipment) and depth of cable laying and cable landing sites;

e) Technical specification of all cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;

f) Measures to address exposure of any cables;

g) Details of mitigation measures to prevent adverse impacts to species and habitats during construction;

h) Details of how all contractors and sub-contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to and how chains of command will work;

i) Confirmation of reporting mechanisms used to provide licensing authority and relevant consultees with regular updates on construction activity, including any environmental issues encountered and how these have been addressed;

j) Vessel specification, routing, including location of vessel ports;

k) Pollution prevention measures including contingency plans;

l) Design Statement; and

m) The scheduled date for completion of construction.

The CMS must, so far as is reasonably practicable, be consistent with the EMP, OMP, VMP and NSP.

3.2.2.5 Vessel Management Plan

The licensee must, no later than 1 month prior to the commencement of construction, submit a Vessel Management Plan (VMP), in writing, to the licensing authority for their written approval. Such approval may only be granted following consultation by the licensing authority with Scottish Natural Heritage, and any such other advisors or organisations as may be required at the discretion of the licensing authority. Upon written approval, commencement of construction can take place.

The VMP must include, but not be limited to, the following details:

a) The number, types and specification of vessels required;

b) Working practices to minimise the unnecessary use of ducted propellers;

c) How vessel management will be co-ordinated, particularly during construction but also during operation; and

d) Location of working port(s), how often vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used.

The VMP must, so far as is reasonably practicable, be consistent with the EMP, PEMP, OMP, CMS and the NSP.
3.2.2.6 Navigational Safety Plan

The licensee must, no later than 1 month prior to the commencement of construction, submit a Navigational Safety Plan (NSP), in writing, to the licensing authority for their written approval. Such approval may only be granted following consultation by the licensing authority with the Maritime and Coastguard Agency, Northern Lighthouse Board and any other navigational advisors or organisations as may be required at the discretion of the licensing authority. Upon written approval, commencement of construction can take place.

The NSP must include, but not be limited to, the following issues:

a) Navigational safety measures;
b) Construction exclusion zones;
c) Notice(s) to Mariners and Radio Navigation Warnings;
d) Anchoring areas;
e) Buoyage;
f) Temporary construction lighting and marking;
g) Emergency response and co-ordination arrangements for the construction, operation and decommissioning phases of the works;
h) Details of how the position of the device will be actively monitored;
i) Contingency plan, detailing response measures to any off-station events; and
j) Assurance under keel clearance will be maintained at 10 metres from top of the hydrobuoy to chart datum.

The licensee must confirm within the NSP that they have taken into account and adequately addressed all of the recommendations of the Maritime and Coastguard Agency in the current Marine Guidance Note 371, and its annexes, that may be appropriate to the works, or any other relevant document which may supersede said guidance.

3.2.2.7 Navigational safety

The licensee must, as soon as practicable prior to the commencement of construction, notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts (including chart BA2199) and publications with details of device position and depth (including details of 10 metres clearance depth from top of hydrobuoy to chart datum) through the national Notice to Mariners system.

The licensee must, as soon as reasonably practicable, prior to commencement of construction, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Belfast Maritime Rescue Coordination Centre, are made fully aware of the activity through local Notice to Mariners and Local Radio Navigation Warnings.

The works must also be promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry of the vessel routes, the timings and the location of the works and of the relevant operations.

All navigational marking and lighting of the site will require the Statutory Sanction of the Northern Lighthouse Board prior to deployment.

The licensee must prior to, and no later than one month before the commencement of construction, notify the Clyde Cruising Club to permit the updating of their Sailing Directions and Anchorages publications.
3.2.3 During the construction of the works

3.2.3.1 Adherence and amendments to approved plans
The licensee must, at all times, construct the works in accordance with the approved, CMS, VMP and NSP (as updated and amended from time to time by the licensee).

Any updates or amendments made to the CMS, VMP and NSP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.

3.2.3.2 Operation and Maintenance Programme
The licensee must, no later than 1 month prior to completion of construction, submit an Operation and Maintenance Programme (OMP), in writing, to the licensing authority for their written approval. Such approval may only be granted following consultation by the licensing authority with Scottish Natural Heritage, Scottish Environment Protection Agency, Maritime and Coastguard Agency, Northern Lighthouse Board, Argyll and Bute Council and any such other advisors or organisations as may be required at the discretion of the licensing authority. The OMP must set out the procedures and good working practices for the operations and maintenance of all elements of the works. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

The OMP must include, but not be limited to, the following details:

   a) Timing of operation and maintenance activities;
   b) Operations and maintenance vessel requirements and management;
   c) All contractors roles and responsibilities during operations and maintenance; and
   d) Maintenance plan for the grid export cable and landfall site.

The OMP must, so far as is reasonably practicable, be consistent with the EMP, PEMP, VMP and NSP.

3.2.3.3 Navigational safety
The licensee must ensure the UK Hydrographic Office is notified of the works to permit the promulgation of maritime safety information and updating of nautical charts (including chart BA2199) and publications with details of device position and depth (including details of 10 metres clearance depth from top of hydrobuoy to chart datum) through the national Notice to Mariners system.

The licensee must ensure a minimum clearance of 10 metres below chart datum from the hydrobuoy is maintained. This information must also be included on the relevant nautical charts (including chart BA2199) and publications.

The licensee must notify local mariners, fishermen’s organisations and HM Coastguard, in this case Belfast Maritime Rescue Coordination Centre, of the progress of the works through local Notice to Mariners and Local Radio Navigation Warnings.

The licensee must ensure that the progress of the works are promulgated in the Kingfisher Fortnightly Bulletin 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 ensure the Clyde Cruising Club is notified of the progress of the works to permit the updating of their Sailing Directions and Anchorages publications.
The licensee must ensure the safety of navigation is not compromised by the works. The navigable depth must not be altered by more than 5% of stated chart datum unless otherwise agreed, in writing, with the licensing authority in consultation with the Maritime and Coastguard Agency and Northern Lighthouse Board.

The licensee must ensure the process of removing the infrastructure, 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 of the licensing authority. The licensee will be liable for any expense incurred.

3.2.3.4 Markings, lighting and signals of the works

The licensee must ensure that the works are marked and lit in accordance with the requirements of the Northern Lighthouse Board at all times and such marking and/or lighting must be continued unless and until such time as the licensing authority, by notice, relevantly varies this licence under section 30 of the 2010 Act.

The licensee must ensure that the export cable landfall point is marked using a Marker Board. The Marker Board shall be diamond shaped with a width of 1.5 metres and a length of 2.5 metres and painted yellow. The board shall be clearly visible from seaward, and the lowest point of the board shall be mounted at least 2 metres above ground level.

The licensee must ensure that no marks or lights, other than those required by virtue of this licence, may be displayed unless they have been approved, in writing, by the Northern Lighthouse Board and the licensing authority.

3.2.3.5 Radio beacon and radar beacon

The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands may be installed or used on the works without the prior written approval of the licensing authority.

3.2.3.6 Emergencies

If the assistance of a Government Department (to include departments of Devolved Administrations) is required 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.

3.2.4 Conditions upon completion of construction

3.2.4.1 Date of completion of construction

The licensee must no more than one week following the completion of construction notify the licensing authority, in writing, of the date of completion of construction.
3.2.4.2 Nature and quantity of deposited substances and objects

The licensee must, within 28 days of completion of construction, submit a written report to the licensing authority stating the nature and quantity of all substances and articles deposited below Mean High Water Springs under authority of this licence.

3.2.4.3 Final commissioning of the works

The licensee must ensure that final commissioning of the works takes place no later than 1 year from the date this licence is granted, or such other date from the date of the granting of this licence as the licensing authority may hereafter direct in writing.

The licensee must no more than one week following the final commissioning of the works notify the licensing authority, in writing, of the date of final commissioning of the works.

3.2.4.4 Adherence and amendments to approved plans

The licensee must, at all times, operate the works in accordance with the approved OMP, VMP, and NSP (as updated and amended from time to time by the licensee).

The license must, at all times, maintain the works in accordance with the approved OMP (as updated and amended from time to time by the licensee).

Any updates or amendments made to the OMP, VMP, and NSP by the licensee must be submitted, in writing, by the licensee to the licensing authority for their written approval.

3.2.4.5 Navigational safety

The licensee must notify the UK Hydrographic Office of the completion of construction to permit the promulgation of maritime safety information and updating of nautical charts (including chart BA2199) and publications with details of device position and depth (including details of 10 metres clearance depth from top of hydrobuoy to chart datum) through the national Notice to Mariners system.

The licensee must ensure a minimum clearance of 10 metres below chart datum from the hydrobuoy is maintained. This information must also be included on the relevant nautical charts (including chart BA2199) and publications.

The licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Belfast Maritime Rescue Coordination Centre, are made fully aware of the completion of construction through local Notice to Mariners and Local Radio Navigation Warnings.

The licensee must ensure that the completion of construction is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry.

The licensee must ensure the Clyde Cruising Club is notified of the completion of construction to permit the updating of their Sailing Directions and Anchorages publications.

The licensee must ensure the safety of navigation is not compromised by the works. The navigable depth must not be altered by more than 5% of stated chart datum unless otherwise agreed, in writing, with the licensing authority in consultation with the Maritime and Coastguard Agency and Northern Lighthouse Board.
The licensee must ensure the process of removing the infrastructure, 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 of the licensing authority. The licensee will be liable for any expense incurred.

3.2.4.6 Markings, lighting and signals of the works

The licensee must ensure that the works are marked and lit in accordance with the requirements of the Northern Lighthouse Board at all times and such marking and/or lighting must be continued unless and until such time as the licensing authority, by notice, relevantly varies this licence under section 30 of the 2010 Act.

The licensee must ensure that the export cable landfall point is marked using a Marker Board. The Marker Board shall be diamond shaped with a width of 1.5 metres and a length of 2.5 metres and painted yellow. The board shall be clearly visible from seaward, and the lowest point of the board shall be mounted at least 2 metres above ground level.

The licensee must ensure that no marks or lights, other than those required by virtue of this licence, may be displayed unless they have been approved, in writing, by the Northern Lighthouse Board and the licensing authority.

3.2.4.7 Radio beacon and radar beacon

The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands are installed or used on the works without the prior written approval of the licensing authority.

3.2.4.8 Emergencies

If the assistance of a Government Department (to include departments of Devolved Administrations) is required 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.

3.2.4.9 Environmental protection

The licensee shall ensure the beach and foreshore is returned to the original profile, or as close as reasonably practicable, following the date on which the works are decommissioned or the date on which the licence expires, whichever is the sooner.
4. PART 4 – PROJECT LOCATION