

MS-000100466



**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING  
MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING**

**LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA AND  
THE UNITED KINGDOM MARINE LICENSING AREA**

Licence Number: **MS-00010466**

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

**Seagreen 1A Limited  
No. 1 Forbury Place,  
43 Forbury Road,  
Reading  
RG1 3JH**

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 **29 November 2023** until the works have been decommissioned in accordance with an approved decommissioning programme.

Signed: .....

Kirsty Black

For and on behalf of the Licensing Authority

Date of issue: 29 November 2023

## **1. PART 1 - GENERAL**

### **1.1 Interpretation**

In the licence, terms are Section 115 of the Marine and Coastal Access Act 2009 and Section 1, 64 and 157 of the Marine Scotland Act 2010 unless otherwise stated.

- 1) **"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;
- 2) **"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;
- 3) **"F-Gas Regulation"** means Regulation No 517/2014 of the European Parliament and of the Council of 16 April 2014 on Fluorinated Greenhouse Gases;
- 4) **"Final Commissioning of the Works"** means the date on which all the Works have been used to supply electricity on a commercial basis to the National Grid, or such earlier date as the Licensing Authority deem the Works to be fully commissioned;
- 5) **"Licensed Activity"** means any activity or activities listed in section 66 of the 2009 Act and section 21 of the 2010 Act which is, or are authorised under the licence;
- 6) **"Licensee"** means Seagreen 1A Limited (Company Number 12575047) having its office registered at No.1 Forbury Place, 43 Forbury Road, Reading, England, RG1 3JH;
- 7) **"Licensing Authority"** means the Scottish Ministers;
- 8) **"Marine Mammal Monitoring Programme"** means a programme to be put in place by the licensee to monitor the effects of the Seagreen Alpha Offshore Wind Limited and Seagreen Bravo Offshore Wind Limited wind farms on marine mammals in coordination (through the Forth and Tay Regional Advisory Group ("FTRAG")), with other marine mammal monitoring programmes to be developed by other Forth and Tay projects, as required by the Licensing Authority;
- 9) **"Mean High Water Springs"** means any area submerged at mean high water spring tide;
- 10) **"OSP"** means Offshore Substation Platform, a structure used to accommodate the assets necessary for the collection, conversion and transmission of electrical power from the individual wind turbine generators;
- 11) **"the 2009 Act"** means the Marine and Coastal Access Act 2009;
- 12) **"the 2010 Act"** means the Marine (Scotland) Act 2010;
- 13) **"the 2012 Application"** means the application and supporting documents (including marine licence application form and Environmental Statement) submitted to the Scottish Ministers by Seagreen Wind Energy Limited ("SWEL"), on behalf of Seagreen Alpha Wind Energy Limited and Seagreen Bravo Wind Energy Limited, on 15 October 2012; the supplementary Environmental Information Statement ("SEIS") submitted to the Scottish Ministers by SWEL on 18 October 2013 and the SEIS Erratum submitted to the Scottish Ministers by SWEL on 11 March 2014;
- 14) **"the 2021 Application"** means the application and supporting documents submitted by Seagreen 1A Limited on 05 March 2021;
- 15) **"the 2022 Application"** means the application and supporting documents submitted by Seagreen 1A Limited on 16 August 2022;
- 16) **"the Environmental Documents"** means the Environmental Statement submitted by Seagreen Wind Energy Limited ("SWEL") on behalf of Seagreen Alpha Wind Energy Limited and Seagreen Bravo Wind Energy Limited on 15th October 2012, the Supplementary Environmental Information

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Statement (“SEIS”) submitted by SWEL on the 18th October 2013, the SEIS Erratum submitted by SWEL on 11th March 2014, the Environmental Impact Assessment Report submitted by Seagreen 1A Limited on 05 March 2021 and the Environmental Appraisal submitted by Seagreen 1A Limited on 16 August 2022;

- 17) “**the Site**” means the Location of the Licensed Activity, as specified in Part 2 of the licence;
- 18) “**the Works**” means the Licensed Activity as described in Part 2 of this licence;

All geographical co-ordinates contained within the licence are in World Geodetic System 84 (“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 Directorate  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB  
Email: MD.MarineRenewables@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 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.

Under section 71(7) of the 2009 Act, on an application made by the Licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

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 85 of the 2009 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.

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 86 of the 2009 Act, it is a defence for a person charged with an offence under section 85(1) of the 2009 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, and that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

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 85 of the 2009 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 2009 Act or the provisions of the licence.

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 the 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**

As per Licensee

### **2.2 Location of the Licensed Activity**

Outer Firth of Forth and Firth of Tay, within the area bounded by the following points:

55° 58.081' N 02° 58.550' W  
55° 57.698' N 02° 58.923' W  
55° 58.108' N 02° 59.672' W  
55° 58.535' N 02° 59.924' W  
55° 58.600' N 03° 00.016' W  
55° 58.671' N 03° 00.019' W  
55° 59.245' N 02° 59.982' W  
56° 02.463' N 02° 54.608' W  
56° 04.428' N 02° 51.314' W  
56° 05.482' N 02° 48.263' W  
56° 06.213' N 02° 43.138' W  
56° 06.255' N 02° 42.837' W  
56° 06.907' N 02° 37.664' W  
56° 08.179' N 02° 32.193' W  
56° 08.199' N 02° 32.107' W  
56° 08.894' N 02° 30.449' W  
56° 09.337' N 02° 30.392' W  
56° 09.789' N 02° 29.222' W  
56° 09.786' N 02° 28.612' W  
56° 09.788' N 02° 28.409' W  
56° 13.842' N 02° 23.292' W  
56° 17.542' N 02° 21.480' W  
56° 17.680' N 02° 21.412' W  
56° 17.690' N 02° 21.405' W  
56° 17.764' N 02° 21.355' W  
56° 17.905' N 02° 21.254' W  
56° 18.007' N 02° 21.160' W  
56° 18.061' N 02° 21.060' W  
56° 18.156' N 02° 20.949' W  
56° 20.184' N 02° 18.849' W  
56° 20.218' N 02° 18.805' W

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56° 20.217' N 02° 18.804' W  
56° 20.532' N 02° 18.404' W  
56° 20.609' N 02° 18.444' W  
56° 20.824' N 02° 18.417' W  
56° 20.987' N 02° 18.245' W  
56° 21.022' N 02° 18.183' W  
56° 21.074' N 02° 18.103' W  
56° 21.096' N 02° 15.817' W  
56° 23.978' N 02° 10.878' W  
56° 24.007' N 02° 10.776' W  
56° 24.213' N 02° 09.090' W  
56° 24.214' N 02° 09.085' W  
56° 24.420' N 02° 07.387' W  
56° 24.421' N 02° 07.383' W  
56° 24.422' N 02° 07.371' W  
56° 24.578' N 02° 05.223' W  
56° 25.247' N 02° 03.557' W  
56° 25.277' N 02° 03.521' W  
56° 26.858' N 02° 01.912' W  
56° 27.480' N 02° 01.648' W  
56° 27.483' N 02° 01.647' W  
56° 29.402' N 02° 00.832' W  
56° 31.145' N 02° 00.091' W  
56° 35.719' N 01° 56.302' W  
56° 35.399' N 01° 55.195' W  
56° 20.744' N 02° 14.927' W  
56° 20.708' N 02° 14.033' W  
56° 20.711' N 02° 13.915' W  
56° 20.712' N 02° 13.896' W  
56° 20.767' N 02° 12.014' W  
56° 20.924' N 02° 10.401' W  
56° 21.013' N 02° 09.473' W  
56° 21.395' N 02° 08.622' W  
56° 22.352' N 02° 07.319' W  
56° 22.353' N 02° 07.318' W  
56° 23.504' N 02° 05.706' W  
56° 24.180' N 02° 04.842' W  
56° 24.180' N 02° 04.843' W  
56° 24.723' N 02° 04.178' W  
56° 24.739' N 02° 04.158' W  
56° 24.388' N 02° 05.035' W  
56° 24.384' N 02° 05.045' W  
56° 24.381' N 02° 05.055' W  
56° 24.377' N 02° 05.066' W  
56° 24.375' N 02° 05.077' W

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56° 24.373' N 02° 05.088' W  
56° 24.371' N 02° 05.100' W  
56° 24.369' N 02° 05.111' W  
56° 24.368' N 02° 05.123' W  
56° 24.209' N 02° 07.312' W  
56° 24.096' N 02° 08.240' W  
56° 24.096' N 02° 08.243' W  
56° 23.803' N 02° 10.641' W  
56° 21.106' N 02° 15.264' W  
56° 21.098' N 02° 15.278' W  
56° 20.881' N 02° 15.649' W  
56° 20.781' N 02° 15.860' W  
56° 20.744' N 02° 14.927' W  
56° 35.398' N 01° 55.180' W  
56° 35.581' N 01° 53.946' W  
56° 35.631' N 01° 53.603' W  
56° 35.600' N 01° 52.996' W  
56° 35.578' N 01° 52.466' W  
56° 34.953' N 01° 51.181' W  
56° 34.820' N 01° 50.216' W  
56° 34.603' N 01° 48.640' W  
56° 34.511' N 01° 47.527' W  
56° 34.511' N 01° 47.527' W  
56° 34.511' N 01° 47.525' W  
56° 34.512' N 01° 47.522' W  
56° 34.511' N 01° 47.519' W  
56° 34.089' N 01° 46.210' W  
56° 33.926' N 01° 46.030' W  
56° 33.702' N 01° 45.944' W  
56° 32.236' N 01° 48.110' W  
56° 32.827' N 01° 49.906' W  
56° 32.474' N 01° 50.581' W  
56° 32.228' N 01° 49.859' W  
56° 31.598' N 01° 50.846' W  
56° 31.694' N 01° 52.171' W  
56° 31.431' N 01° 53.793' W  
56° 31.261' N 01° 54.612' W  
56° 31.565' N 01° 55.457' W  
56° 31.576' N 01° 56.366' W  
56° 31.095' N 01° 59.711' W  
56° 27.435' N 02° 01.267' W  
56° 27.421' N 02° 01.273' W  
56° 26.793' N 02° 01.539' W  
56° 26.788' N 02° 01.542' W

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56° 26.782' N 02° 01.546' W  
56° 26.776' N 02° 01.550' W  
56° 26.770' N 02° 01.554' W  
56° 26.765' N 02° 01.559' W  
56° 25.168' N 02° 03.186' W  
56° 25.167' N 02° 03.186' W  
56° 25.162' N 02° 03.192' W  
56° 24.820' N 02° 03.597' W  
56° 24.604' N 02° 03.853' W  
56° 24.604' N 02° 03.854' W  
56° 24.057' N 02° 04.523' W  
56° 24.057' N 02° 04.523' W  
56° 24.054' N 02° 04.527' W  
56° 23.378' N 02° 05.390' W  
56° 23.376' N 02° 05.393' W  
56° 23.372' N 02° 05.398' W  
56° 22.221' N 02° 07.010' W  
56° 21.260' N 02° 08.320' W  
56° 21.254' N 02° 08.328' W  
56° 21.248' N 02° 08.338' W  
56° 21.242' N 02° 08.348' W  
56° 21.237' N 02° 08.358' W  
56° 21.232' N 02° 08.369' W  
56° 20.837' N 02° 09.248' W  
56° 20.832' N 02° 09.260' W  
56° 20.827' N 02° 09.272' W  
56° 20.823' N 02° 09.285' W  
56° 20.819' N 02° 09.298' W  
56° 20.815' N 02° 09.311' W  
56° 20.812' N 02° 09.325' W  
56° 20.809' N 02° 09.338' W  
56° 20.807' N 02° 09.353' W  
56° 20.805' N 02° 09.367' W  
56° 20.803' N 02° 09.381' W  
56° 20.555' N 02° 11.948' W  
56° 20.555' N 02° 11.950' W  
56° 20.555' N 02° 11.954' W  
56° 20.509' N 02° 13.554' W  
56° 20.509' N 02° 13.562' W  
56° 20.474' N 02° 14.773' W  
56° 20.438' N 02° 16.103' W  
56° 20.426' N 02° 16.535' W  
56° 20.404' N 02° 16.677' W  
56° 20.116' N 02° 18.459' W



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56° 20.068' N 02° 18.521' W  
56° 19.414' N 02° 19.311' W  
56° 17.883' N 02° 20.896' W  
56° 17.624' N 02° 21.139' W  
56° 17.385' N 02° 21.256' W  
56° 17.200' N 02° 21.246' W  
56° 16.041' N 02° 21.814' W  
56° 13.753' N 02° 22.934' W  
56° 13.745' N 02° 22.941' W  
56° 12.734' N 02° 24.220' W  
56° 11.534' N 02° 25.735' W  
56° 10.304' N 02° 27.286' W  
56° 09.553' N 02° 28.233' W  
56° 09.546' N 02° 28.244' W  
56° 09.400' N 02° 28.595' W  
56° 08.931' N 02° 29.716' W  
56° 08.012' N 02° 31.911' W  
56° 08.008' N 02° 31.923' W  
56° 07.714' N 02° 33.191' W  
56° 06.807' N 02° 37.090' W  
56° 06.702' N 02° 37.539' W  
56° 06.701' N 02° 37.546' W  
56° 06.700' N 02° 37.555' W  
56° 06.426' N 02° 39.731' W  
56° 06.345' N 02° 40.374' W  
56° 06.046' N 02° 42.743' W  
56° 05.845' N 02° 44.159' W  
56° 05.496' N 02° 46.603' W  
56° 05.280' N 02° 48.117' W  
56° 04.297' N 02° 51.139' W  
56° 03.207' N 02° 52.966' W  
56° 02.380' N 02° 54.348' W  
56° 01.577' N 02° 55.691' W  
56° 00.827' N 02° 56.944' W  
55° 59.653' N 02° 58.905' W  
55° 59.233' N 02° 59.606' W  
55° 59.177' N 02° 59.697' W  
55° 58.931' N 02° 59.713' W  
55° 58.427' N 02° 59.372' W  
55° 58.285' N 02° 59.026' W  
55° 58.269' N 02° 58.988' W  
55° 58.178' N 02° 58.775' W  
55° 58.106' N 02° 58.608' W  
55° 58.085' N 02° 58.560' W

As shown in the area delineated by a blue outline in Annex One of this licence.

### **2.3 Description of the Licensed Activity**

Construction of offshore transmission infrastructure containing up to two Offshore Substation Platforms (“OSPs”), a network of high voltage (circa 220 kilovolts or above) subsea power cables providing inter connections between the OSPs, and a 110 kilometre high voltage alternating current export cable from the OSPs to landfall at Cockenzie (“the Works”).

Substructure and foundation design for the OSPs will be chosen from three possible concepts:

1. Tubular pile
2. Suction pile
3. Gravity base foundations

The final choice of technique will be made as part of the detailed design as and when constraints such as geotechnical issues are fully understood.

As described in the 2021 Application, the 2022 Application, the 2012 Application (in so far as it relates to the Licensed Activity) and correspondence submitted in support of the applications.

### **2.4 Descriptions of the materials to be used during the Licensed Activity**

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

Construction materials:

11,280 tonnes of steel/iron  
2 tonnes of cast iron segment - 40 No.  
195,000 metres cubed of 6 metre x 3 metre x 1.5 metre concrete mattresses – 7500 No. (approx.)  
1,020 metres squared of High Density Polyethylene Duct  
65,000 metres cubed of silt  
65,000 metres cubed of sand  
21,000 metres cubed of concrete  
242,000 tonnes of rock/stone/gravel  
4 tonnes rock net - 20 No.  
110 km cable - 15,180 tonnes  
4,000 tonnes of grout bags

Temporary construction materials:

Temporary construction materials shall include temporary sheet piling extending to mean low water springs or a temporary cofferdam with dimensions extending to 50 metres long by 12 metres wide and 7 metres high which shall be used for the purpose of providing safe trench side support during excavation and removed upon completion of the trenching works.

## **2.5 Contractor and Vessel Details**

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1 The Licensee must only construct the Works in accordance with the licence, the 2012 Application (in so far as it relates to the Licensed Activity), the 2021 Application, the 2022 Application, the Environmental Documents and any plans or programmes approved by the Licensing Authority, but subject to the following modifications or amendments made within the licence, unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the Works in accordance with the licence, the 2012 Application (in so far as it relates to the Licensed Activity), the 2021 Application, the 2022 Application, the Environmental Documents and any plans or programmes approved by the Licensing Authority, but subject to the following modifications or amendments made within the licence, unless otherwise authorised by the Licensing Authority.

3.1.3 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.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 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 as described in Part 2 of the Licence.

3.1.6 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.

3.1.7 The Licensee must remove the materials, substances or objects from below the level of Mean High Water Springs ("MHWS"), 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.

3.1.8 The Licensee must notify the Licensing Authority within one week of the Licensed Activity being ceased or terminated before completion. The Licensee must carry out any remedial action as required by the Licensing Authority. The Licensee shall be liable for all costs.

3.1.9 Where any damage, destruction or decay is caused to the Works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency ("MCA"), Northern Lighthouse Board ("NLB"), Kingfisher Information Services of Seafish and the UK Hydrographic Office, in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hour after becoming aware of any such damage, destruction or decay.

The Licensee must carry out any remedial action as required by the Licensing Authority, following consultation with the MCA, the NLB or any such advisers as required by the Licensing Authority.

3.1.10 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) 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.

3.1.11 The Licensee must ensure that the Works are maintained at all times in good repair.

3.1.12 The Licensee must ensure that the Licensed Activity is only carried out at the Location of the Licensed Activity specified in Part 2 of the licence.

3.1.13 A Marine Emergency Action Card must be completed for the Works, in line with the relevant MCA guidance, which should be sent to [oelo@mcga.gov.uk](mailto:oelo@mcga.gov.uk).

3.1.14 The Licensee must within three days following identification of a potential cable exposure, notify mariners by issuing local notifications to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the Licensing Authority, MCA, NLB, and the UK Hydrographic Office within five days.

3.1.15 Should the Licensee or any of its agents, contractors or sub-contractors, by any reason of force majeure deposit anywhere in the marine environment any substance or object, 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).

3.1.16 If, after the granting of the licence, any information upon which the granting of the licence was based has altered in any material respect, the Licensee must notify the Licensing Authority of this fact in writing as soon as is practicable.

3.1.17 The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under the licence in relation to the Licensed Activity, in writing, to the Licensing Authority for its written approval. Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval to the Licensee. Plans or the specification of studies and surveys prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of the licence.

3.1.18 The Licensee must take precautions to prevent all equipment to be utilised in the Licensed Activity which contain fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation No 517/2014 of the European Parliament and of the Council of 16 April 2014 on Fluorinated Greenhouse Gases ("F-Gas Regulation") or mixtures containing any of those substances), from unintentional release ('leakage') of those gases. The Licensee must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

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Where leakage of fluorinated greenhouse gases is detected, the Licensee must ensure that the equipment is repaired without undue delay.

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO<sub>2</sub> equivalent or more and not contained in foams is checked for leakage in accordance with Article 4 of the F-Gas Regulation. Records of these checks must be kept in accordance with Article 6 of the F-Gas Regulation. These records must be submitted to the Licensing Authority annually and immediately in the event of discovery of leakage.

Where the equipment is subject to checks for leakage under Article 4(1) of the F-Gas Regulation and leakage in the equipment has been repaired, the Licensee must ensure that the equipment is checked by a suitably certified person within one calendar month after the repair to verify that the repair has been effective. In such event, the Licensing Authority must be informed of the date of discovery, date of repair and date of inspection.

3.1.19 The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to avoid or minimise any damage to the Scottish marine area and UK marine licensing area caused as a result of the undertaking of the Licensed Activity.

3.1.20 The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code ("SMWWC") as far as possible during the Licensed Activity authorised under the licence.

3.1.21 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 MHWS.

3.1.22 The Licensee must ensure that, where practicable, all substances and objects deposited and all construction materials used during the Works are inert (or appropriately coated or protected so as to be rendered inert) and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.23 The Licensee must ensure that the risk of transferring marine non-native species to and from the Site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the construction, operation and maintenance of the Works.

3.1.24 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 Site need not be removed from the seabed.

3.1.25 No activity authorised under the licence may take place until a decommissioning programme, as defined in any section 105 notice served by the appropriate Minister, has been approved under section 106 of the Energy Act 2004 by the appropriate Minister.

3.1.26 The Licensee must submit all reports and notifications to the Licensing Authority, in writing, as are required under the licence within the time periods specified in the licence. The reports must include executive summaries, assessments and conclusions and any data will, subject to any rules permitting non-disclosure, be made publicly available by the Licensing Authority or by any such party appointed at its discretion. Reports prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of the licence.

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3.1.27 The Licensee must ensure that rock protection is installed in line with the 2012 Application (in so far as it relates to the Licensed Activity), the 2021 Application and the 2022 Application. If rock protection is required in a location not identified in the 2012 Application, the 2021 Application or the 2022 Application, the location should be notified to the Licensing Authority prior to installation.

The Licensee must ensure that rock protection in areas not identified in the 2012 Application, the 2021 Application and the 2022 Application is kept to a minimum.

The Licensee must provide co-ordinates and details of all laid rock to the fishing industry, including the Scottish Fishermen's Federation ("SFF") and Fishermen's Mutual Association Pittenweem, and the Licensing Authority within 14 days of the completion of the rock protection works.

The Licensee must provide the type, origin and grade of rock to the Licensing Authority on completion of the rock protection works.

3.1.28 The Licensee must ensure that the Licensed Activity is carried out in strict accordance with the mitigation set out in section 12 – Schedule of Mitigation of Volume 1 of the Seagreen 1A: Offshore Export Cable Corridor Environmental Impact Assessment Report (document reference number LF000012-CST-OF-LIC-DEV-REP-0003) dated 05 March 2021, the Environmental Appraisal (document reference number LF000012-CST-OF-REP-0002) dated 16 August 2022, the Environmental Statement (document reference number A4MR-SEAG-Z-DEV275-SRP197) dated 15 August 2012 and the Supplementary Environmental Information Statement dated 18 October 2013 and the SEIS Erratum dated 11 March 2014 (in so far as they relate to the Licensed Activity) but subject to the following modifications or amendments made within the licence.

3.1.29 The Licensee must consult Inch Cape Offshore Limited during the design development phase on the overlap of the Licensed Activity and the Inch Cape Offshore Transmission Works.

3.1.30 Should the Licensee proceed to undertake the Licensed Activity under the authority of the licence, the Licensed Activity authorised under the previous marine licences in favour of Seagreen 1A Limited, dated 09 December 2021 (licence number MS-00009291), 24 June 2022 (MS-00009923) and 19 January 2023 (MS-00010019) is not permitted.

3.1.31 The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved in writing by the Licensing Authority prior to use. 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, unless approved in writing by the Licensing Authority.

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.

3.1.32 The Licensee must participate in the monitoring requirements as laid out in the 'National Research and Monitoring Strategy for Diadromous Fish' so far as they apply at a local level (the Forth and Tay). The extent and nature of the Licensee's participation is to be agreed by the Licensing Authority in consultation with the Forth and Tay Regional Advisory Group ("FTRAG").

3.1.33 The Licensee must participate in any Scottish Strategic Marine Environment Group ("SSMEG") established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, diadromous fish, marine mammals and commercial fish.

3.1.34 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 Office of Communications.

### 3.2 Prior to the Commencement of the Licensed Activity

3.2.1 The Licensee must complete and submit a proposed activity form in the online Marine Noise Registry for any Licensed Activity that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than seven days prior to Commencement of the Licensed Activity. In the event that pile foundations are to be used and piling is to be carried out for more than 10 consecutive days, the Licensee must submit at quarterly intervals, the appropriate completed noise registry form to the Licensing Authority and the Joint Nature Conservation Committee ("JNCC"), stating the date(s), location(s) and nature of such activities under authority of this licence. If any aspects of the Licensed Activity differs from the proposed activity form in the online Marine Noise Registry, the Licensee must complete and submit a new proposed activity form no later than seven days prior to Commencement of the Licensed Activity.

3.2.2 The Licensee must notify the Licensing Authority in writing of the name and address of any agent, contractor or sub-contractor not already listed in Part 2 of the licence being used to carry out any Licensed Activity listed in Part 2 of the licence. Such notification must be received by the Licensing Authority no less than five days prior to the Commencement of the Licensed Activity

3.2.3 Only those vessels, agents, contractors or sub-contractors notified to the Licensing Authority are permitted to carry out any part of the Licensed Activity.

3.2.4 The Licensee must satisfy itself that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are aware of the extent of the Licensed Activity and the conditions of the licence.

3.2.5 All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Works must abide by the conditions of the licence.

3.2.6 The Licensee must give a copy of the licence, and any subsequent variations made to the licence in accordance with section 30 of the 2010 Act and section 72 of the 2009 Act, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Works and must ensure that the licence and any such variations are read and understood by those persons.

3.2.7 The Licensee must, no later than five days prior to the Commencement of the Licensed Activity, issue local notification to marine users – including fishermen's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity.

3.2.8 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case zone4@hmcg.gov.uk, renewables@hmcg.gov.uk, is made aware of the Licensed Activity prior to Commencement of the Licensed Activity.

3.2.9 The Licensee must contact the local statutory harbour authority, in this case Forth Ports Limited, prior to Commencement of the Licensed Activity to discuss the requirements for navigational warnings and a works licence.

Forth Ports Limited must be informed of any vessels associated with the Works, with vessel names, dates and times, prior to their involvement in the Works.



3.2.10 The Licensee must, prior to and no less than one calendar month 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.

3.2.11 The Licensee must, no later than 6 months prior to the Commencement of the Licensed Activity, submit a Project Environment Management 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 NatureScot, the Royal Society for the Protection of Birds Scotland (“RSPB Scotland”), Whale and Dolphin Conservation (“WDC”), the Association of Salmon Fishery Boards and any other ecological advisors as required at the discretion of the Licensing Authority. The PEMP must be in accordance with the Environmental Documents as it relates to environmental monitoring.

The PEMP must set out measures by which the Licensee must monitor the environmental impacts of the Works. Monitoring is required throughout the lifespan of the Works where this is deemed necessary by the Licensing Authority and specifically, monitoring for cable exposure as specified in condition 3.2.18 parts I and J. Lifespan in this context includes pre-construction, construction, operational and decommissioning phases.

Monitoring should be done in such a way as to ensure that the data which is collected allows useful and valid comparisons as between different phases of the Works. Monitoring may also serve the purpose of verifying key predictions in the Environmental Documents. Additional monitoring may be required in the event that further potential adverse environmental effects are identified for which no predictions were made in the Environmental Documents.

The Licensing Authority may agree that monitoring may cease before the end of the lifespan of the Works.

The PEMP must cover, but not be limited to the following matters:

- a) Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring surveys as relevant in terms of the Environmental Documents and any subsequent surveys for:
  1. Diadromous fish;
  2. Benthic communities;
  3. Seabed scour and local sediment deposition; and
  4. Sandeels (if using Gravity Bases).
  
- b) The participation by the Licensee in surveys to be carried out in relation to marine mammals as set out in the Marine Mammal Monitoring Programme.

All the initial methodologies for the above monitoring must be approved, in writing, by the Licensing Authority and, where appropriate, in consultation with the FTRAG, referred to in condition 3.2.22 of this licence. Any pre-consent surveys carried out by the Licensee to address any of the above species may be used in part to discharge this condition.

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 the FTRAG to identify the appropriateness of on-going monitoring. Following such reviews, the Licensing Authority may, in consultation with the FTRAG, require the Licensee to amend the PEMP and submit such an amended PEMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation with FTRAG and any other ecological, or such other advisors as may be required at the discretion of the Licensing Authority. The PEMP, as amended from time to time, must be fully implemented by the Licensee at all times.

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The licensee must submit written reports of such monitoring surveys to the Licensing Authority at timescales to be determined by the Licensing Authority in consultation with the FTRAG. Subject to any legal restrictions regarding the treatment of the information, the results are to be made publicly available by the Licensing Authority, or by such other party appointed at their discretion.

3.2.12 In the event that pile foundations are to be used to construct the OSPs, the Licensee must, no later than 6 months prior to the Commencement of the Licensed Activity, submit a Piling Strategy ("PS"), in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors as may be required at the discretion of the Licensing Authority.

The PS must include:

- a) Full details of the proposed method and anticipated duration of pile-driving at all OSP locations;
- b) Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location; and
- c) Details of any mitigation and monitoring to be employed during pile-driving, as agreed by the Licensing Authority.

The PS must be in accordance with the Environmental Documents and reflect any surveys carried out after submission of the Environmental Documents. The PS must demonstrate how the exposure to and / or the effects of underwater noise have been mitigated in respect of the following species: bottlenose dolphin; harbour seal; grey seal; Atlantic salmon; cod; and herring.

The PS must, so far as is reasonably practicable, be consistent with the Environmental Management Plan ("EMP"), the PEMP and the Construction Method Statement ("CMS").

3.2.13 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Construction Programme ("CoP"), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with the Ministry of Defence ("MOD"), NatureScot, MCA, NLB, Scottish Environment Protection Agency ("SEPA") and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CoP must be in accordance with the Environmental Documents.

Commencement of the Licensed Activity cannot take place until such approval is granted.

The CoP must set out:

- a) The proposed date for Commencement of the Licensed Activity;
- b) The proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;
- c) The proposed timings and sequencing of construction work for all elements of the Licensed Activity;
- d) Contingency planning for poor weather or other unforeseen delays; and
- e) The scheduled date for the Final Commissioning of the Works.

The final CoP must be sent to Scottish Borders Council, Angus Council, East Lothian Council, Fife Council and Dundee City Council for information only.

3.2.14 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity submit a CMS in writing, to the Licensing Authority for its written approval. Such approval may only be granted following

consultation by the Licensing Authority with NatureScot, MCA, NLB, SFF, East Lothian Council, SEPA, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

Commencement of the Licensed Activity cannot take place until such approval is granted.

The CMS must include, but not be limited to:

- a) Methods of construction as they relate to all aspects of the Works.
- b) Details of the commencement dates, duration and phasing for the key elements of construction, the working areas, the construction procedures and good working practices for installing the Works.
- c) Details of the roles and responsibilities, chain of command and contact details of Licensee personnel, any contractors or sub-contractors involved during the construction of the Works.
- d) Details of the manner in which the construction related mitigation steps proposed in the Environmental Documents are to be delivered.

The CMS must adhere to the construction methods assessed in the Environmental Documents. The CMS also must, so far as is reasonably practicable, be consistent with the EMP, the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), the Design Statement (“DS”), the PS, the Lighting and Marking Plan (“LMP”) and the Cable Plan (“CaP”).

The final CMS must be sent to Scottish Borders Council, Angus Council, Fife Council and Dundee City Council for information only.

3.2.15 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit an EMP in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, SEPA, East Lothian Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. Commencement of the Works cannot take place until such approval is granted. 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.

The EMP must provide the over-arching framework for on-site environmental management during the phases of Licensed Activity as follows:

- a) All construction as required to be undertaken before the Completion of the Licensed Activity; and
- b) The operational lifespan of the Licensed Activity from the Completion of the Licensed Activity until the cessation of electricity generation (environment management during decommissioning is addressed by condition 3.1.25).

The EMP must be in accordance with the Environmental Documents insofar as it relates to environmental management measures. 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. It must address, but not be limited to, the following over-arching requirements for environmental management during construction:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Environmental Documents and pre-consent and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS;
- b) Marine Pollution Contingency Plan ("MPCP") to include, but not necessarily limited to, provision in respect to spills and collision incidents occurring during construction and operation of the Works, whilst taking into account existing plans for all operations including offshore installations that may have an influence on the MPCP. Practices used to refuel vessels at sea which must confirm to industry standards and to relevant legislation. The MPCP must also set out how any oil leaks within the structures are to be remedied and that such relevant repairs are required to be undertaken without undue delay;
- c) Management measures to prevent the introduction of invasive non-native marine species;
- d) A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged;
- e) The reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders (including, but not limited to, NatureScot, SEPA, MCA and NLB) with regular updates on construction activity, including any environmental issues that have been encountered and the way in which these have been addressed;

The Licensee must, no later than 3 months prior to Final Commissioning of the Works, submit an updated EMP, in writing, to cover the operation and maintenance activities for the Works to the Licensing Authority for their written approval. Such approval may only be given following consultation with NatureScot, SEPA and any other such advisors or organisations as may be required at the discretion of the Licensing Authority,

The EMP must be regularly reviewed by the Licensee and the Licensing Authority or FTRAG at intervals agreed by the Licensing Authority. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Works and updated working practices.

The EMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Environmental Documents and the PEMP.

3.2.16 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a VMP in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, NLB, the Royal Yachting Association ("RYA"), SFF, MOD, WDC and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. Commencement of the Licensed Activity cannot take place until such approval is granted.

The VMP must consider and adhere to the protocol of the SMWWC and mitigate any potential impacts from vessel activity to the breeding features of the Firth of Forth Special Protection Area ("SPA") and the Outer Firth of Forth and St Andrews Bay Complex SPA.

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

- a) The number, types and specification of vessels required;
- b) The manner in which vessel management will be coordinated, particularly during construction, but also during operation;
- c) Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the Site and indicative vessel transit corridors proposed to be used during construction and operation of the Works; and

- d) Working practices to minimise the use of ducted propellers.

The confirmed individual vessel details must be notified to the Licensing Authority in writing no later than 14 days prior to the Commencement of the Licensed Activity, and thereafter, any changes to the details supplied must be notified to the Licensing Authority, as soon as practicable, prior to any such change being implemented in the construction or operation of the Works.

The VMP must consider vessel speed (particularly in transit to and from operational activities), detail avoidance of assemblages of rafting birds and consider sensitive periods of time for disturbance of sensitive qualifying features including but not limited to guillemot fledging and auk post-colony dispersal; and

The VMP must, so far as is reasonably practicable, be consistent with the CMS, the EMP, the NSP, PEMP, the LMP and the Fisheries Management and Mitigation Strategy ("FMMS").

3.2.17 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a NSP in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB, RYA, SFF and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority.

Commencement of the Licensed Activity cannot take place until such approval is granted.

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) Temporary construction lighting and marking; and
- f) Buoyage;

The Licensee must confirm within the NSP that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note ("MGN") 543, and its annexes that may be appropriate to the Licensed Activity, or any other relevant document which may supersede this guidance prior to approval of the NSP.

3.2.18 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit an Emergency Response Co-operation Plan ("ERCoP") for the construction, operation, maintenance and decommissioning phases of the Works, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with the MCA and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority. Commencement of the

Licensed Activity cannot take place until such approval is granted. The ERCoP should follow the MCA template and guidance. The ERCoP must be developed in discussion with the MCA.

3.2.19 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a CaP, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, SFF, SEPA, Inch Cape Offshore Limited, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. Commencement of the Licensed Activity cannot take place until such approval is granted. The CaP must be in accordance with the Environmental Documents.

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

- a) The vessel types used in the Licensed Activity;
- b) The finalised location of the export and interconnector cables;
- c) The duration and timings of the Licensed Activity;
- d) The cable laying techniques, including measures to maximise the likelihood of achieving target burial and measures to bury cables where target burial has not initially been achieved;
- e) Measures to ensure the remediation, where practicable, of any seabed obstacles created during construction;
- f) The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- g) Technical specification of cables, including a desk based assessment of attenuation of Electromagnetic Field ("EMF") strengths and shielding;
- h) A cable burial risk assessment, to ascertain burial depths and where necessary alternative protection measures, and a mechanism for risk-based approach to protection measures where target burial has not been achieved;
- i) Survey methods and timescales for monitoring of cables through their operational life, including inspection, over trawl and post-lay;
- j) Measures to address and report to the Licensing Authority any exposure of cables or risk to users of the sea from cables; and
- k) A pre-construction survey for Annex 1 habitat and priority marine features to inform cable micro-siting and installation methods in consultation with the Licensing Authority and their advisors.

Over trawl surveys must be undertaken no later than six months following the Completion of the Licensed Activity unless otherwise agreed with the Licensing Authority. Methodologies for over trawl and timescales for these taking place must be designed in consultation with the fishing industry, including the Forth and Tay Commercial Fisheries Working Group ("FTCFWG"), and must include provision for undertaking over trawl on a representative sample of buried cable as well as mechanically protected cable. Results from over trawl surveys must be shared with the Licensing Authority and fishing representatives including the FTCFWG within three months of the over trawl survey being completed.

Use of mechanical protection for the cables, including the type of protection to be used, must be carefully planned in consultation with the fishing industry, including the FTCFWG.

Any licensed cable protection works must ensure existing and future safe navigation is not compromised. The Licensing Authority will accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Any greater reduction in depth must be agreed in writing by the Licensing Authority, in consultation with MCA and NLB.

3.2.20 The Licensee must, no later than ten days prior to Commencement of the Licensed Activity, notify the United Kingdom Hydrographic Office ("UKHO") of the proposed works to facilitate the promulgation of maritime safety information and updating of admiralty charts and publications through the national Notice to Mariners system.

The Licensee must, no later than one calendar month prior to Commencement of the Licensed Activity, ensure that local mariner's organisations and local fishermen's organisations and HM Coastguard are made fully aware of the Works through local Notice to Mariners or by any other appropriate means.

The Licensee must ensure that details of the Licensed Activity are promulgated in the Kingfisher Fortnightly Bulletin, no later than one calendar month prior to the Commencement of the Licensed Activity to inform the commercial fishing industry of the vessel routes and the timing and location of the construction activities.

The Licensee must consult with any local Harbour Master where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the Works during construction.

The Licensee must prior to Commencement of the Licensed Activity, complete an "Application for Statutory Sanction to Alter/Exhibit" form and submit this to the NLB for the necessary sanction to be granted.

3.2.21 The Licensee must, no later than 6 months prior to the Commencement of the Licensed Activity, submit a LMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB, Civil Aviation Authority ("CAA"), MOD and any such other advisors as may be required at the discretion of the Licensing Authority. The LMP must provide that the Works be lit and marked in accordance with the current MCA, CAA and MOD navigational and aviation lighting policy and guidance that is in place as at the date of the Licensing Authority approval of the LMP, or any such other documents that may supersede said guidance prior to the approval of the LMP. The LMP must also detail the navigational lighting requirements detailed in International Association of Marine Aids to Navigation and Lighthouse Authorities ("IALA") Recommendations O-139 or any other documents that may supersede said guidance prior to approval of the LMP.

The LMP must make provision for the marking and lighting of the OSPs to be amended as required by NLB or the CAA in the event that the OSPs are constructed prior to the construction of wind turbine generators forming part of Phase 1A of the Seagreen Alpha and Seagreen Bravo Offshore Wind Farms within the Site so that the marking and lighting of any OSP suits the layout of wind turbine generators located within the Site.

The Licensee must provide the LMP to the Angus Council, Fife Council, NatureScot and any other bodies as may be required at the discretion of the Licensing Authority.

3.2.22 The Licensee must, no later than 3 months prior to the Commencement of the Licensed Activity, provide the Licensing Authority (unless otherwise agreed, in writing, with the Licensing Authority) with Third Party Certification or Verification ("TPC" or "TPV") (or suitable alternative as agreed, in writing, with the Licensing Authority) for all OSPs foundations, jacket and OSP platform structures.

3.2.23 The Licensee must participate in the FTRAG or any successor group, established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, diadromous fish, marine mammals and commercial fish. The extent and nature of the Licensee's participation in the Regional Advisory Group is to be agreed by the Licensing Authority. Should a SSMEG be established (refer to condition 3.2.34), the responsibilities and obligations being delivered by the FTRAG will be subsumed by the SSMEG at a timescale to be determined by the Licensing Authority.

3.2.24 The Licensee must no later than six months prior to the Commencement of the Licensed Activity, submit a FMMS, in writing, to the Licensing Authority for its written approval, in consultation with SFF and other fisheries representatives. Commencement of the Licensed Activity cannot take place until such approval is granted. The FMMS must be defined and finalised in consultation with the FTCTFWG.

In order to inform the production of the FMMS, the Licensee must monitor or collect data as relevant and agreed with Licensing Authority.

The FMMS must include a transit plan, which must lay out guidelines to address potential interactions with fishing activity, for vessels operating in and around the Works and transiting to the Works.



As part of any finalised FMMS, the Licensee must produce and implement a mitigation strategy for each commercial fishery that can prove to the Licensing Authority that they would be adversely affected by the Works. Fishing Liaison with Offshore Wind and Wet Renewables Group guidance must be adhered to in this respect. The Licensee any contractors, or sub-contractors working for the Licensee must implement the mitigation measures committed to be carried out by the Licensee within the FMMS. The Licensee must participate in and remain a member of the FTCTFWG or any successor group formed to facilitate commercial fisheries dialogue.

3.2.25 Prior to the Commencement of the Licensed Activity, the Licensee must, at its own expense, and with the approval of the Licensing Authority in consultation with NatureScot, appoint an independent Environmental Clerk of Works ("ECoW"). The ECoW must be appointed in time to review and approve the draft versions of the first plans or programmes required to be submitted under the conditions of the licence to the Licensing Authority, in sufficient time for any pre-construction monitoring requirements, and remain in post until agreed by the Licensing Authority. The terms of appointment must also be approved by the Licensing Authority in consultation with NatureScot.

The terms of the appointment must include, but not be limited to:

- a. Quality assurance of final draft versions of all plans and programmes required under the licence;
- b. Responsible for the monitoring and reporting of compliance with the licence conditions and the environmental mitigation measures for the Works authorised by the licence;
- c. Provision of on-going advice and guidance to the Licensee in relation to achieving compliance with licence conditions, including but not limited to the conditions relating to and the implementation of the CMS, the EMP, the CaP, the PEMP, the PS and the VMP;
- d. Provision of reports on point b & c above to the Licensing Authority at timescales to be determined by the Licensing Authority;
- e. Induction and toolbox talks to onsite construction teams on environmental policy and procedures, including temporary stops and keeping a record of these;
- f. Monitoring that the Works are being constructed in accordance with the plans and the licence, the Environmental Documents and in compliance with all relevant regulations and legislation;
- g. Reviewing and reporting incidents/near misses and reporting any changes in procedures as a result to the Licensing Authority; and
- h. Agreement of a communication strategy with the Licensing Authority.

3.2.26 Prior to the Commencement of the Licensed Activity, a Fisheries Liaison Officer ("FLO"), must be appointed by the Licensee and approved, in writing, by the Licensing Authority (following consultation with SFF and the FTCTFWG). The FLO must be appointed by the Licensee for the period from Commencement of the Licensed Activity until the Final Commissioning of the Works. The identity and credentials of the FLO must be included in the EMP (referred to in condition 3.2.15). The FLO must establish and maintain effective communications between the

Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Works, and ensure compliance with best practice guidelines whilst doing so. The responsibilities of the FLO must include, but not be limited to:

- a. Establishing and maintaining effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall works and any amendments to the CMS and site environmental procedures;
- b. The provision of information relating to the safe operation of fishing activity on the Site of the Works; and
- c. Ensuring that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.



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

3.2.28 In the event that any construction materials required during the construction of the Works require to be transported by road by heavy goods vehicle (“HGV”), the assessment of which is not fully covered by condition 9 submitted in respect of the planning permission for the onshore works (planning reference: 21/00290/PPM)”, the Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Construction Traffic Management Plan (“CTMP”) in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with Transport Scotland, local authorities to be agreed with the Licensing Authority and any such other advisors as may be required at the discretion of the Licensing Authority. Commencement of the Licensed Activity cannot take place until such approval is granted.

The CTMP must include:

a) An assessment of the potential environmental impacts associated with the increase in HGV traffic on the surrounding road network, in line with the thresholds contained within the Institute of Environmental Management and Assessment Guidelines for Road Traffic. These specify that road links should be taken forward for detailed assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

b) If any abnormal loads are likely to be required during construction, a mitigation strategy for the abnormal loads on the trunk road network including swept path analysis and any accommodation measures required, incorporating the removal of street furniture, junction widening, or traffic management of road based traffic and transportation associated with the construction of the Works. All construction traffic associated with the Works must conform to the approved CTMP; and

c) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered as a result of the Works.

3.2.29 The Licensee must monitor and provide a report on the EMF produced by the Works to the Licensing Authority. The Licensee must agree the methodologies and timescales for monitoring with the Licensing Authority prior to the Commencement of the Licensed Activity as part of wider strategic monitoring on EMF.

Any agreement must be adhered to unless otherwise agreed and approved by the Licensing Authority.

3.2.30 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Development Specification and Layout Plan (“DSLPL”), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, RYA, MCA, NLB, SFF, the Chamber of Shipping, the CAA and any such other advisors or organisations as may be required at

the discretion of the Licensing Authority. Commencement of the Licensed Activity cannot take place until such approval is granted.

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

- a) The length and proposed arrangements on the seabed of all cables;
- b) A plan showing the proposed location of each individual OSP, seabed conditions, bathymetry, confirmed foundation type for each OSP and any key constraints recorded on the Site;
- c) A list of latitude and longitude coordinates accurate to three decimal places of minutes of arc for each OSP, this should also be provided as a geographic information system shape file using WGS84 format;
- d) A table or diagram of each OSP, showing dimensions; and
- e) The finishes for each OSP.

3.2.31 The Licensee must, prior to the Commencement of the Licensed Activity, submit a DS, in writing, to the Licensing Authority that includes representative visualisations from key viewpoints agreed with the Licensing Authority, based upon the DSLP, as approved by the Licensing Authority (as updated and amended from time to time by the Licensee). The DS must be provided, for information only, to the Angus Council, NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The DS must be prepared and signed off by at least one qualified landscape architect, instructed by the Licensee prior to submission to the Licensing Authority.

3.2.32 The Licensee must, prior to the Commencement of the Licensed Activity, and following confirmation of the approved DSLP by the Licensing Authority, provide the precise location and maximum heights of all OSPs and construction equipment over 150 m above lowest astronomical tide, and details of any lighting fitted to all OSPs, to the UKHO for aviation and nautical charting purposes.

3.2.33 The Licensee must create, complete and submit to the Licensing Authority on the first working day of the month, a detailed transportation audit sheet for each month during the period when construction of the Works is undertaken, for all aspects of the construction of the Works. The transportation audit sheet must include information on the loading facility, vessels, equipment, shipment routes, schedules and all materials to be deposited (as described in Part 2 of this licence) in that month. Where, following the submission of a transportation audit sheet to the Licensing Authority, any alteration is made to the component parts of the transportation audit sheet, the Licensee must notify the Licensing Authority of the alteration in the following month's transportation audit sheet.

If the Licensee becomes aware of any materials on the transportation audit sheet that are missing, or an accidental deposit occurs, the Licensee must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action. Should the Licensing Authority deem it necessary, the Licensee must undertake a side scan sonar survey in grid lines (within operational and safety constraints) across the area of the Works, to include cable routes and vessel access routes from local service port(s) to the Site to locate the materials, substances or objects. If the Licensing Authority is of the view that any accidental deposits associated with the

construction of the Works are present, then the deposits must be removed by the Licensee as soon as is practicable and at the Licensee's expense.

### **3.3 During the Licensed Activity**

3.3.1 The Licensee must ensure that copies of the licence and any subsequent amendments or variations are available for inspection at any reasonable time by any person authorised by the Licensing Authority at:

- a. the premises of the Licensee;

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- b. the premises of any agent, contractor or sub-contractor acting on behalf of the Licensee;
- c. any onshore premises directly associated with the Works; and
- d. aboard any vessels permitted to engage in the Works.

3.3.2 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.3 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.4 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed, beach and foreshore by the Licensed Activity.

3.3.5 Any persons authorised by the Licensing Authority must be permitted to inspect the Works. The Licensee must, as far as reasonably practicable, on being given reasonable notice by the Licensing Authority (of at least 72 hours), provide transportation to and from the Site for any persons authorised by the Licensing Authority to inspect the Works.

3.3.6 The Licensee must notify the UKHO of the progress of the construction of the Works to facilitate the promulgation of maritime safety information and updating of admiralty charts and publications through the national Notice to Mariners system.

3.3.7 The Licensee must notify, from Aberdeen to Eyemouth, local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Aberdeen, of the progress of the Works through local Notice to Mariners or any other appropriate means.

3.3.8 The Licensee must ensure that progress of the Works is promulgated regularly in the Kingfisher Fortnightly Bulletin to inform the commercial fishing industry of the vessel routes and the timing and location of the construction activities.

3.3.9 The Licensee must ensure that any vessels permitted to engage in the construction of 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.

3.3.10 The Licensee must ensure that the Works in the nearshore area (with "nearshore area" defined as from MHWS to 1 kilometre ("km") below MHWS) do not exceed approximately two weeks in total, with the exception of the Horizontal Directional Drilling ("HDD") and open-cut trenching works.

3.3.11 The Licensee must notify SEPA in the event that any environmental incidents occur during the Licensed Activity in line with section 9 of Guidance for Pollution Prevention (Works and maintenance in or near water: GPP 5) available at <https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf>.

3.3.12 The Licensee must, in addition to the transportation audit sheets required to be submitted to the Licensing Authority under condition 3.2.32, following the Commencement of the Licensed Activity, submit audit reports, in writing, to the Licensing Authority, stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Such audit reports must be submitted in writing, to the Licensing Authority by the Licensee at six monthly intervals, with the first such report being required to be submitted on a date no later than six months following the Commencement of the Licensed Activity. Where appropriate, nil returns must be provided.

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3.3.13 The Licensee must ensure that any Emergency Response and Rescue Vehicle, and/or cable-laying vessel permitted to engage in the Works must be equipped with an Automatic Identification System and Automatic Radar Plotting Aids.

3.3.14 The Works shall be marked and/or lighted as required by the NLB and the marking to be continued unless and until the Licensing Authority rescind this direction. If it is desired to display any marks or lights not required by this licence then details must be submitted to the NLB and their ruling complied with. The display of unauthorised marks or lights is prohibited.

3.3.15 Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB, the CAA and the MOD 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 and under section 72 of the 2009 Act.

The Licensee must ensure that no marks or lights, other than those required by virtue of this licence, are displayed unless they have been approved, in writing, by the Licensing Authority following consultation with the NLB and the CAA.

The Licensee must ensure the Site boundaries are marked by Cardinal Mark buoys (number to be determined when final layout is known). The Cardinal Mark buoys shall be a minimum of 3 metres in diameter at the waterline, have a focal plane of at least 3 metres above the waterline and be of suitable construction for the sea conditions commonly experienced in the Outer Firth of Forth. The light range on these buoys shall be 5 nautical miles. All required buoyage shall remain in place until completion of this phase, or otherwise notified by the Licensing Authority.

3.3.16 The Licensee must, at all times, operate the Works in accordance with any plans or programmes approved by the Licensing Authority (as updated and amended from time to time by the Licensee). Any updates or amendments made to the plans or programmes by the Licensee, must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval.

3.3.17 The Licensee must, in the event that pile foundations are to be used and piling is to be carried out for more than 10 consecutive days, submit at quarterly intervals, the appropriate completed noise registry form to the Licensing Authority and the JNCC, stating the date(s), location(s) and nature of such activities under authority of this licence.

3.3.18 The Licensee must, no later than three months prior to the commissioning of the first OSP, submit an Operation and Maintenance Programme ("OMP"), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, East Lothian Council, SFF, MOD, SEPA, MCA, NLB, Angus 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 operations and the maintenance of the Works. Environmental sensitivities, including fisheries sensitivities, which may affect the timing of the operation and maintenance activities must be considered in the OMP.

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

The final OMP must be sent to MCA and East Lothian Council for information only.

### 3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must undertake and submit to the Licensing Authority, within eight weeks of the Completion of the Licensed Activity (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.

3.4.2 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.

3.4.3 The Licensee must, no later than one calendar month following the Completion of the Licensed Activity submit a final audit report, in writing, to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS and all materials used in construction within the Scottish and UK marine area under the authority of the licence.

3.4.4 The Licensee must ensure the seabed, beach and foreshore are returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

3.4.5 The Licensee must, no later than one calendar month following the Completion of the Licensed Activity notify the Licensing Authority, in writing, of the date of the Completion of the Licensed Activity.

3.4.6 The Licensee must notify the UKHO within 5 days after Completion of the Licensed Activity to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. Such notification must include a copy of the licence, and 'as built' positions and maximum heights of all OSPs, along with any sub-sea infrastructure, cable landing points and changes to navigable depths, in order that all necessary amendments to nautical publications are made.

3.4.7 The Licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry within 12 weeks of Completion of the Licensed Activity.

3.4.8 The Licensee must operate and maintain the Works in accordance with the approved OMP. The OMP and any subsequent amendments must be approved by the Licensing Authority.

The Licensing Authority must be notified at least three calendar months or such other period as agreed by the Licensing Authority in advance of any maintenance of the Works not included in the OMP and involving licensable marine activities not covered under the licence.

3.4.9 The Licensee must take all reasonable, appropriate and practicable steps at the end of the operational life of the Works to restore the Site to its original pre-construction condition, or to as close to its original condition as is reasonably practicable, in accordance with the PEMP and decommissioning programme (as defined in condition 3.1.25) to the satisfaction of the Licensing Authority.

3.4.10 The Licensee must ensure that post installation hydrographic surveys of the Site must be carried out in accordance with MCA's MGN 543 and any appropriate updates, complete post-installation hydrographic surveys of the Site or subsections thereof, to the IHO Order 1a survey standard. On completion of these surveys the data and a

corresponding report of survey must be supplied to the UKHO, with notification to the MCA hydrography manager and the Licensing Authority.

3.4.11 The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case the National Maritime Coastguard Centre are made fully aware of the Completion of the Licensed Activity. The Licensee must ensure that the Completion of the Licensed Activity is promulgated in the Kingfisher Fortnightly Bulletin to inform the commercial fishing industry.

3.4.12 The Licensee must ensure that the footprint of the completed works does not exceed approximately six metres in width in the nearshore area (with "nearshore area" defined as from MHWS to 1km below MHWS).

3.4.13 The Licensee must, no more than 1 month following the Final Commissioning of the Works, notify the Licensing Authority, in writing, of the date of the Final Commissioning of the Works

3.4.14 The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB, the CAA and MOD 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 and section 72 of the 2009 Act.

The Licensee must ensure that the required IALA availability target for Category 1 Aids to Navigation ("AtoN") is achieved through redundancy, monitoring and repair, must be in place and arrangements made to warn the mariner promptly of any AtoN fault and its subsequent return to fully operational service.

The Licensee must ensure that the marking and lighting of any OSP is amended in accordance with the LMP to suit the final layout of wind turbine generators forming part of Phase 1A of the Seagreen Alpha and Seagreen Bravo Offshore Wind Farms located within the Site.

## **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 this 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.



# Annex One to Marine Licence MS-00010466

## Chart Showing the Location of the Licensed Activity

