



## **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

### **LICENCE FOR THE CLEARANCE, REMOVAL OR DISPOSAL OF UNEXPLODED ORDNANCE WITH THE USE OF EXPLOSIVE SUBSTANCES WITHIN THE SCOTTISH MARINE AREA**

Licence Number: 06357/18/0

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

**Aberdeen Offshore Wind Farm Limited**  
**3rd Floor, The Tun Building**  
**4 Jackson's Entry**  
**Holyrood Road**  
**Edinburgh**  
**EH8 8PJ**

#### **Under the Marine (Scotland) Act 2010,**

- 1) To use a vessel to remove any substance or object from the seabed within the Scottish marine area;
- 2) To deposit or use any explosive substance or article within the Scottish marine area either in the sea or on or under the seabed,

required in the execution of the works described in Part 2 of the Schedule attached to this licence. The issue of this licence is subject to conditions as set out in Part 3 of the Schedule.

This licence remains in force from 19<sup>th</sup> January 2018 until 30<sup>th</sup> September 2018.

Signed:

.....  
Nicola Bain

For and on behalf of the Licensing Authority

Date of Issue: 22<sup>nd</sup> January 2018

## 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 Application”** means the Application and supporting information accepted by the Licensing Authority on 3<sup>rd</sup> May 2017, by the Company for the clearance, removal or disposal of unexploded ordnance at the European Offshore Wind Deployment Centre (“EOWDC”)
- b) **“Commencement of the Works”** means the date on which the first vessel arrives on the Site to begin carrying on any Licensed Activity in connection with the Works, as described in Part 2 of this licence;
- c) **“Completion of the Works”** means the date on which the Works have been completed, or the Works have been deemed to be complete by the Licensing Authority, whichever occurs first;
- d) **“the 2010 Act”** means the Marine (Scotland) Act 2010;
- e) **“Licensable Marine Activity”** means the activities listed in section 21 of the 2010
- f) **“Licensed Activities”** means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under this licence;
- g) **“Licensee”** means “Aberdeen Offshore Wind Farm Limited (“AOWFL”)(Company Registration Number SC278869) and having its registered office at Third Floor, The Tun Building, 4 Jackson’s Entry, Holyrood Road, Edinburgh, EH8 8AE.
- h) **“the Licensing Authority”** means the Scottish Ministers;
- i) **“the Site”** means the area outlined in the Figure 1 contained in Part 4 of this licence, (Figure 2 shows the UXO clearance area 1 of 3, Figure 3 shows the UXO clearance area 2 of 3, Figure 4 shows the UXO clearance area 3 of 3);
- j) **“the Works”** means the clearance/removal/disposal of unexploded ordnance;
- k) **“MHWS”** means mean high water spring tide;

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 this licence should be addressed to:

Marine Scotland  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Email: [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

### 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 on of the licensed activities in connection with the Works. The

issuing of this licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

#### **1.4 Variation, suspension, revocation and transfer**

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke this 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 this licence from the Licensee to another person.

#### **1.5 Breach of requirement for, or conditions of, licence**

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

#### **1.6 Defences: actions taken in an emergency**

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –

- (a) 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
- (b) that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

#### **1.7 Offences relating to information**

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

## 2. **PART 2 – THE WORKS**

### 2.1 **Title of the Works**

The title of the Works to which this licence relates is the unexploded ordnance (UXO) clearance, removal or disposal activities within the European Offshore Wind Deployment Centre ("EOWDC") area.

### 2.2 **Description of the Works**

The clearance, removal or disposal of any UXO identified following geophysical surveys within the EOWDC site. It should be noted that detonation of UXO by controlled explosion will be used as a last resort should avoidance or removal not be possible.

The removal of any debris following disposal of any UXO identified following geophysical surveys within the EOWDC site.

As described in the application form submitted to Marine Scotland, dated 29<sup>th</sup> March 2017, and correspondence and additional documentation submitted in support of the application.

### 2.3 **Location of the Works**

Located at the site of the EOWDC and its associated cable route, bounded by joining the following points:

57° 13'.064 N : 002° 03'.505 W	57° 12'.784 N : 001° 59'.113 W
57° 13'.054 N : 002° 03'.430 W	57° 13'.081 N : 001° 59'.873 W
57° 12'.762 N : 002° 03'.031 W	57° 12'.688 N : 001° 59'.735 W
57° 12'.662 N : 002° 02'.742 W	57° 12'.355 N : 002° 00'.774 W
57° 12'.507 N : 002° 02'.681 W	57° 12'.371 N : 002° 02'.808 W
57° 12'.526 N : 002° 02'.227 W	57° 12'.687 N : 002° 03'.306 W
57° 12'.844 N : 002° 03'.106 W	57° 12'.508 N : 002° 03'.294 W
57° 12'.911 N : 002° 03'.024 W	57° 12'.360 N : 002° 03'.177 W
57° 12'.850 N : 002° 02'.106 W	57° 12'.219 N : 002° 02'.800 W
57° 12'.610 N : 002° 01'.807 W	57° 12'.190 N : 002° 01'.878 W
57° 12'.530 N : 002° 01'.780 W	57° 12'.082 N : 002° 01'.890 W
57° 12'.558 N : 002° 01'.482 W	57° 12'.113 N : 002° 02'.867 W
57° 12'.678 N : 002° 01'.021 W	57° 12'.289 N : 002° 03'.338 W
57° 12'.863 N : 002° 00'.931 W	57° 12'.485 N : 002° 03'.491 W
57° 13'.472 N : 002° 01'.101 W	57° 12'.637 N : 002° 03'.502 W
57° 14'.660 N : 001° 58'.436 W	57° 12'.687 N : 002° 03'.406 W
57° 13'.814 N : 001° 58'.191 W	57° 12'.689 N : 002° 03'.309 W
57° 13'.439 N : 001° 59'.086 W	57° 12'.840 N : 002° 03'.606 W.
57° 12'.885 N : 001° 58'.863 W	

## 2.4 Deposits

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

Amount	Description
0.005 kg – 0.25 kg donor charge of explosive	soft start donor charge per detonation
2 kg – 10 kg charge of explosive	per high-order detonation in-situ using a donor charge

## 2.5 Persons responsible for the deposits of the substances or objects

The operators, vessels and vehicles engaging in the Works must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Name of Vessel or Vehicle Registration	Operator	Type(s)
Smit Kamara	Boskalis	ROV Support Vessel DP2 (Offshore Vessel)
Zwerver III	Boskalis	ROV Support Vessel DP1 (Multicat)
Sea Fox	Enviro-serve	24 hr Windfarm/Dive Support Vessel/Guard Vessel
EDT Hercules	EDT Shipment Ltd	DP II Dive support vessel

## 2.6 Persons acting on behalf of the Licensee

The name and address of any agents, contractors or sub-contractors appointed to carry out any part, or all, of the Works must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Role	Company Name	Address	Contact Name
UXO Survey, Target Identification, Clearance, Removal and Disposal	Boskalis	Rosmolenweg 20, PO Box 43, 3350 AA Papendrecht, The Netherlands	Andre Andringa

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

##### **3.1.1 Compliance with the Application**

The Licensee must at all times carry on the Works in accordance with this Licence, the Application and the supporting documents, which were accepted on 3<sup>rd</sup> May 2017. This includes carrying out all mitigation measures as described within the application and supporting documentation and notifying Marine Scotland of the number, size and location of any UXO discovered prior to any clearance/removal or disposal activity.

**Reason:** *To ensure compliance with the Marine Licence and Supporting documents associated with the Application and in accordance with s.29(3)(c) of the 2010 Act.*

##### **3.1.2 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 this licence has been transferred to that person.

**Reason:** *To safeguard the obligations of the licence, in accordance with s.29(5) of the Marine (Scotland) Act 2010.*

##### **3.1.3 Vessels, vehicles agents, contractors and sub-contractors**

The Licensee must provide, as soon as reasonably practicable in advance of their engagement in the Works authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Works to the Licensing Authority. Where applicable the notification must include the vessel type, vessel IMO number and vessel owner or operating company.

The Licensee must ensure that any changes to the supplied details must be notified to the Licensing Authority, in writing, immediately but normally more than 24 hours prior to any vessel, vehicle, agent, contractor or sub-contractor engaging in the Works.

The Licensee must ensure that only those vessels, vehicles, operators, agents, contractors or sub-contractors notified to the Licensing Authority are permitted to carry out any part of the Works.

The above details must be recorded in section 2.5 and 2.6 of this licence, if not provided at application these details and any subsequent changes will require a variation to the licence to update section 2.5 and 2.6 prior to engagement in the Works.

The Licensee must satisfy themselves that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are 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 this licence. All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Works must abide by the conditions set out in this licence.

The Licensee must give a copy of this licence, and any subsequent variations made to this licence in accordance with section 30 of the 2010 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.

**Reason:** *To ensure all parties involved in the Works are aware of the licence and its conditions to reduce the risk of a breach of the licence, in accordance with s.39(1)(b) of the 2010 Act.*

#### **3.1.4 Force Majeure**

Should the Licensee or any of their agents, contractors or sub-contractors, by any reason of force majeure deposit/remove 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/removal 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 or vehicle operator determines that it is necessary to deposit/remove the substance or object other than at the 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.

**Reason:** *To provide a defence for the Master to protect himself and his crew in bad weather conditions, in accordance with s.29(2)(b) of the 2010 Act.*

#### **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.

**Reason:** *To ensure that the Works are carried out in accordance with the Application documentation, in accordance with s.29(2)(a) of the 2010 Act.*

#### **3.1.6 Submission of plans and specification of studies and surveys to the Licensing Authority**

The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under this licence in relation to the Works, in writing, to the Licensing Authority for their 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 this licence.

Examples include but are not limited to; UXO and quantity of all UXOs cleared/removed or disposed of during the Works, Marine Mammal Recorded Sightings as described in condition 3.1.10, Noise Registry Proposed Activity Form, Marine Mammal and Fish Recording observations.

**Reason:** *To ensure that the Licensing Authority is kept informed of the progress of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.1.7 Submission of reports and notifications to the Licensing Authority**

The Licensee must submit all reports and notifications to the Licensing Authority, in writing, as are required under this licence within the time periods specified in this licence. Where it would appear to the Licensee that there may be a delay in the submission of the reports or notifications to the Licensing Authority, then the Licensee must advise the Licensing Authority of this fact as soon as is practicable and no later than the time by which those reports or notifications ought to have been submitted to the Licensing Authority under the terms of this licence.

The reports must include executive summaries, assessments and conclusions and any data will, subject to any rules permitting non-disclosure, be made publically available by the Licensing Authority or by any such party appointed at their 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 this licence.

Such reports will include, but not be limited to deposits/removal sheets and Marine Mammal Observer ("MMO") reports.

**Reason:** *To ensure that all reports and notifications are submitted within a reasonable timescale after the licence is granted, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.1.8 Chemical usage**

The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved prior to use. All chemicals which are to be 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 (as amended) or as exempted for sealed units. The Licensee must submit a report of all chemicals and quantities to be used (e.g. oils and fluorinated gases) during the Works to the Licensing Authority no later than 5 working days prior to the Commencement of the Works or within a timescale as agreed with the Licensing Authority. Any changes to the types of chemicals which are proposed to be utilised must be consulted on with the Licensing Authority before the Commencement of the Works or; as the case may be, after the Commencement of the Works but prior to their utilisation.

**Reason:** *To minimise the environmental impact in the event of a release through the use of authorised chemicals in the interest of protecting the environment, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.1.9 Fluorinated greenhouse gases**

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015 (the Regulations), or mixtures containing any of those substances) must take precautions to prevent the unintentional release ('leakage') of those gases. They must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.



Where a 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 must ensure that the equipment is checked for leaks in accordance with Annex 4 of the Regulations. Records of leak checks must be kept in accordance with Annex 6 of the Regulations. These records must be submitted to the Licensing Authority annually, and immediately in the event of discovery of any leak.

Where the equipment is subject to leak checks under Article 4(1) of the Regulations, and a leak in the equipment has been repaired, the Licensee must ensure that the equipment is checked by a 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.

**Reason:** *to ensure compliance of the Works with Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.1.10 Environmental Protection**

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 caused as a result of the undertaking of the licensed activities.

Prior to the Commencement of the Works, the Licensee must, within a timescale as agreed with the Licensing Authority agree with the Licensing Authority, in writing, the details of the appointment of a Marine Mammal Observer (“MMO”). When appointed, the MMO must, as a minimum, maintain a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals during clearance/explosive activities. The Licensee must provide the Licensing Authority with the MMO’s records no later than 14 days following Commencement of the Works, and at monthly intervals thereafter

The Licensee must ensure that Passive Acoustic Monitoring (“PAM”) and Acoustic Deterrent Devices (“ADD”) and bubble curtains (where appropriate) are utilised during the works together with small pre-detonation/soft start procedure.

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

**Reason:** *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

### 3.1.11 Availability of the licence for inspection

The Licensee must ensure that copies of this 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;
- 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.

**Reason:** *To ensure the licence is available for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

### 3.1.12 Inspection of the Works

Any persons authorised by the Licensing Authority, must be permitted to inspect the Works at any reasonable time. 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 Site/Works.

**Reason:** *To ensure access to the Site for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

### 3.1.12 Emergencies

If the assistance of a Government Department (to include departments of Administrations other than the Scottish Government) is required to deal with any emergency arising from:

- a) the failure to mark and light the Works as required by this licence; or
- b) 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.

**Reason:** *To ensure the licensee is aware of financial liabilities, in accordance with s.29(2)(b) of the 2010 Act.*

## 3.2 Conditions specific to the Works

### 3.2.1 Conditions applicable to all phases of the Works

#### 3.2.1.1 Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Works during the period of this licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

**Reason:** *To keep the Scottish Ministers informed of any such incidents which may be in the public interest, in accordance with s.29(3)(c) of 2010 Act.*

### **3.2.1.2 Bunding and storage facilities**

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

**Reason:** *To ensure pollution prevention is undertaken, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.2.1.3 Anchorage**

The Licensee must ensure that no vessel will anchor such that it causes interference with the usual traffic flow to and from Aberdeen Harbour during the Works.

The Licensee must ensure that the Works do not encroach on recognised anchorage, either charted or noted in nautical publications within the proposed consent area.

**Reason:** *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

## **3.2.2 Prior to the commencement of the Works**

### **3.2.2.1 Commencement date of the Works**

The Licensee must, prior to and no less than 24 hours before the Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under this Licence.

**Reason:** *To inform the Licensing Authority of the commencement date of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.2.2.2 Noise Registry**

The licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all aspects of the Works that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to Commencement of the Works. If any aspects of the Works differ 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 7 days prior to Commencement of the Works.

**Reason:** *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.2.2.3 Navigation and Charting**

These must be carried out for each individual detonation event. The Licensee must, within a timescale as agreed with the Licensing Authority prior to Commencement of the Works, ensure that Aberdeen Harbour Trust, local mariners, individual fishermen and fishermen's organisations, are made fully aware of the Works through local Notice to Mariners or by any other appropriate means.

The Licensee must, within a timescale as agreed with the Licensing Authority, prior to Commencement of the Works, ensure HM Coastguard (in this case the [zone3@hmcg.gov.uk](mailto:zone3@hmcg.gov.uk) telephone number 01224 592 334), are made fully aware of the Works through local Notice to Mariners and by telephone and by any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, prior to the Commencement of the Works to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

**Reason:** *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

#### **3.2.2.4 Appointment of an MMO**

Prior to the Commencement of the Works, The Licensee must, within a timescale as agreed with the Licensing Authority, agree with the Licensing Authority, in writing, the details of the appointment of a Marine Mammal Observer ("MMO").

When appointed, the MMO must, as a minimum, maintain a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals during noisy activities, as agreed in writing with the Licensing Authority.

**Reason:** *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

#### **3.2.3 During the Works**

##### **3.2.3.1 Environmental Protection**

The Licensee must ensure that any debris or waste material placed below MHWS during 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 ("SEPA").

The Licensee must ensure that the appointed MMO maintains a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals during clearance/detonation activities. The Licensee must provide the Licensing Authority with the MMO's records no later than 14 days following Commencement of the Works, and at monthly intervals thereafter.

The Licensee must ensure that a small pre-detonation/soft start procedure will be initiated before the main detonation should any UXO require disposal via detonation.

The Licensee must also ensure that Passive Acoustic Monitoring ("PAM") and Acoustic Deterrent Devices ("ADD") and bubble curtains (where appropriate) are utilised during the works together with the soft start procedure.

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

The Licensee must ensure that should any UXO require disposal via detonation, that any controlled explosion is scheduled at a time of year which coincides with fewer adult migratory

salmonids in the area and avoids the presence of smolts as they pass through the site (most likely April to June), unless otherwise agreed in writing with the Licensing Authority.

The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code (SMWWC; [www.marinecode.org](http://www.marinecode.org)) where appropriate during the Works authorised under this licence.

**Reason:** *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.2.3.2 Marine Mammal and Fish Recording**

The Licensee must provide the Licensing Authority with the MMO's records no later than 14 days following Commencement of the Works.

Prior to, during and 24 hours following detonations, within 100 m of the detonation zone, the licensee must:

- (i) report any observations of disturbed, distressed, injured or dead salmon or sea trout
- (ii) retain fish carcasses, which can be safely collected, to be stored in an air tight container, kept cool and contact the Licensing Authority immediately to arrange for the carcasses to be analysed to determine, where possible, cause of death
- (iii) consult with the Licensing Authority, should more than 5 carcasses be reported, to agree potential temporary mitigation requirements being implemented prior to future detonations taking place.

**Reason:** *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.2.3.3 Blackdog Ranges**

Should any works be required to take place within the Blackdog Firing Range Offshore Danger Area, the Licensee must contact the MOD, in this case: Gary Archer at Barry Buddon Training Centre, Carnoustie, Angus, DD7 7RY. (DIO SD Trg-Sco BarryBuddon [TSO@mod.uk](mailto:TSO@mod.uk)) Tel: 0131 310 3426, at least one month, in advance of any seaward works commencing to enable de-confliction with planned range activity at the Black Dog Ranges.

The Licensee must ensure that where possible they avoid firing times at the Black Dog Ranges. The licensee must implement a communication and compensation plan with the DIO SD Trg-Sco Blackdog Ranges, to ensure that both parties are kept fully informed of their respective activities which may have an impact on their planned operations. The licensee must ensure that its operational activities do not adversely affect the Blackdog Ranges.

**Reason:** *To reduce the impact to other users of the sea in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

### **3.2.3.4 Navigational Safety**

The Licensee must notify Aberdeen Harbour Trust, local mariners, individual fishermen and fishermen's organisations and HM Coastguard, (in this case the [zone3@hmcg.gov.uk](mailto:zone3@hmcg.gov.uk) telephone number 01224 592 334), on a weekly basis of the progress of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that progress of the Works is promulgated regularly 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 that any vessels permitted to engage in 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.

The licensee must liaise with the marine community, including Aberdeen Harbour Trust and Radio Navigation Warnings are issued and guard vessels are deployed during the Works.

The Licensee must ensure that the Works do not encroach upon any recognised anchorage, either charted or noted in the nautical publications, within the proposed consent area.

**Reason:** *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.2.4 Conditions upon Completion of the Works**

#### **3.2.4.1 Date of Completion of the Works**

The Licensee must, no later than 14 days following the Completion of the Works, notify the Licensing Authority, in writing, of the date of Completion of the Works.

**Reason:** *To inform the Licensing Authority of the Completion of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

#### **3.2.4.2 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 Works were undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority.

**Reason:** *To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010 Act.*

#### **3.2.4.3 Nature and quantity of all UXOs cleared/removed or disposed of during the Works.**

The Licensee must, no later than 14 days following the Completion of the Works, submit a final report, in writing, to the Licensing Authority stating the nature and quantity of all objects cleared/removed or disposed of during the Works, including the manner by which the object was cleared/removed or disposed of to include the amount and type of detonation utilised (if applicable) within the Scottish marine area under the authority of this licence.

**Reason:** *To confirm that the deposits/removal/detonations made were in accordance with the Application and supporting documentation, in accordance with s.29(3)(c) of the 2010 Act.*

#### **3.2.4.4 Close-out report**

The Licensee must submit a close-out report which must include but not be limited to the requirements as set out in condition 3.2.3.2.

**Reason:** *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

#### **3.2.4.5 Noise Registry Close Out**

The licensee must complete and submit a Close-out Report for all aspects of the Works that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later than 12 weeks from the Completion of the Works.

**Reason:** *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act.*

#### **3.2.4.1 Navigational Safety**

The Licensee must ensure that; Aberdeen Harbour Trust, local mariners, individual fishermen and fishermen's organisations, and HM coastguard, (in this case the [zone3@hmcg.gov.uk](mailto:zone3@hmcg.gov.uk) telephone number 01224 592 334) are made fully aware of the Completion of the Works.

The Licensee must ensure that the Completion of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry.

**Reason:** *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

#### 4. PART 4 – PROJECT LOCATION

**Figure 1 – European Offshore Wind Deployment Centre (“EOWDC”) Project Location showing Licence Boundary at the European Offshore Wind Deployment Centre (“EOWDC”) site**

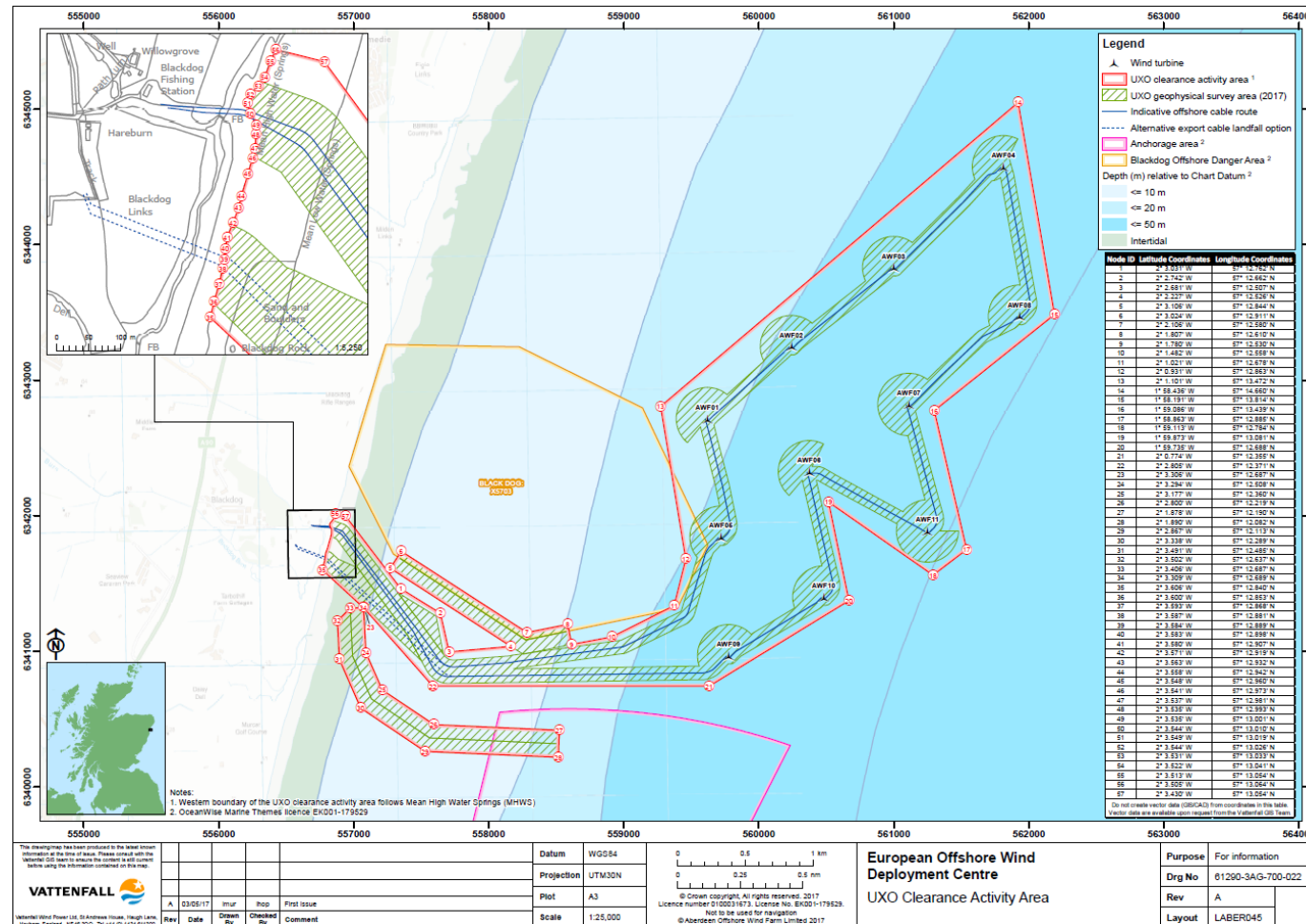
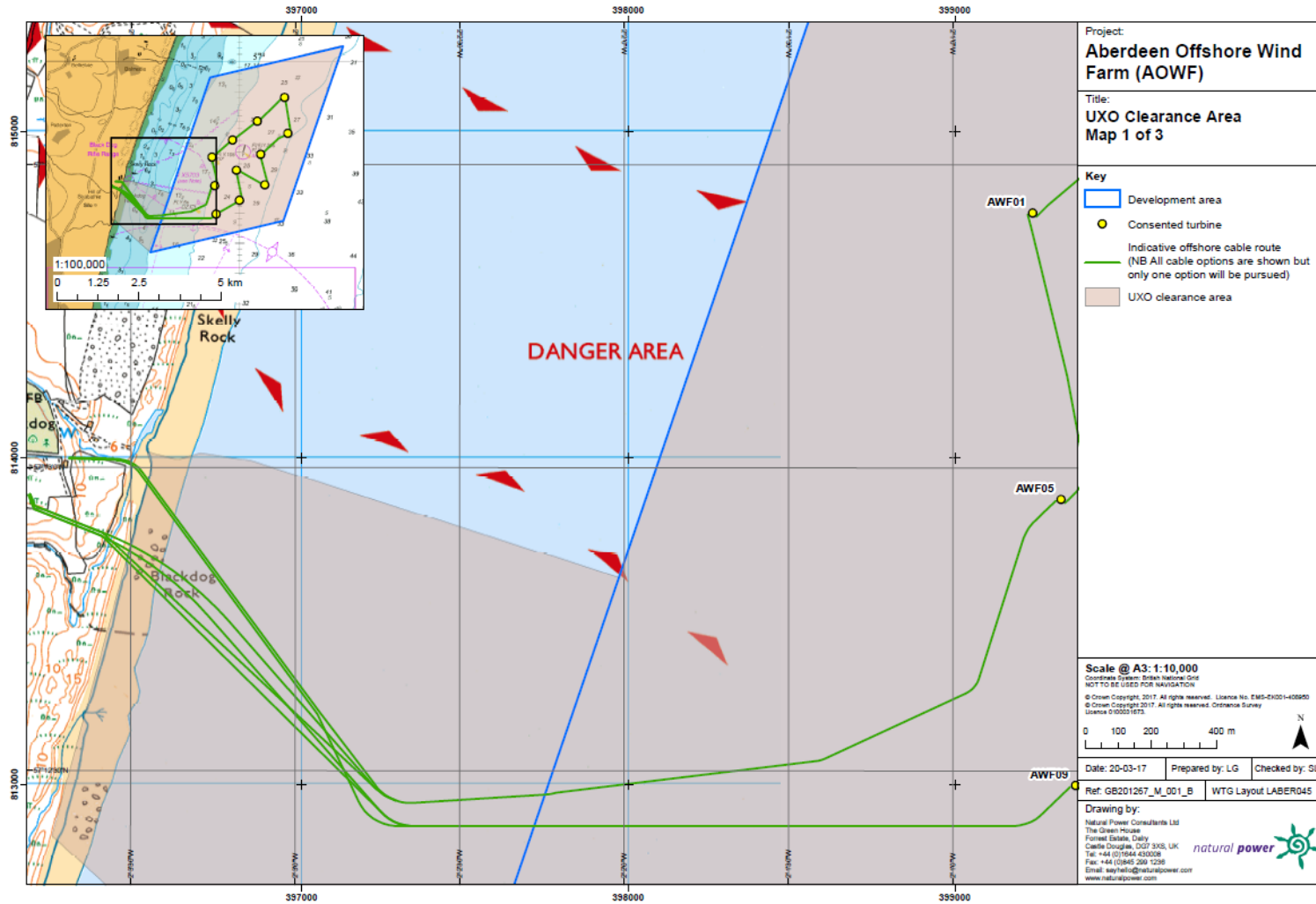




Figure 2 – European Offshore Wind Deployment Centre (“EOWDC”) Project Location showing UXO clearance area 1 of 3



**Figure 3 – European Offshore Wind Deployment Centre (“EOWDC”) Project Location showing UXO clearance area 2 of 3**

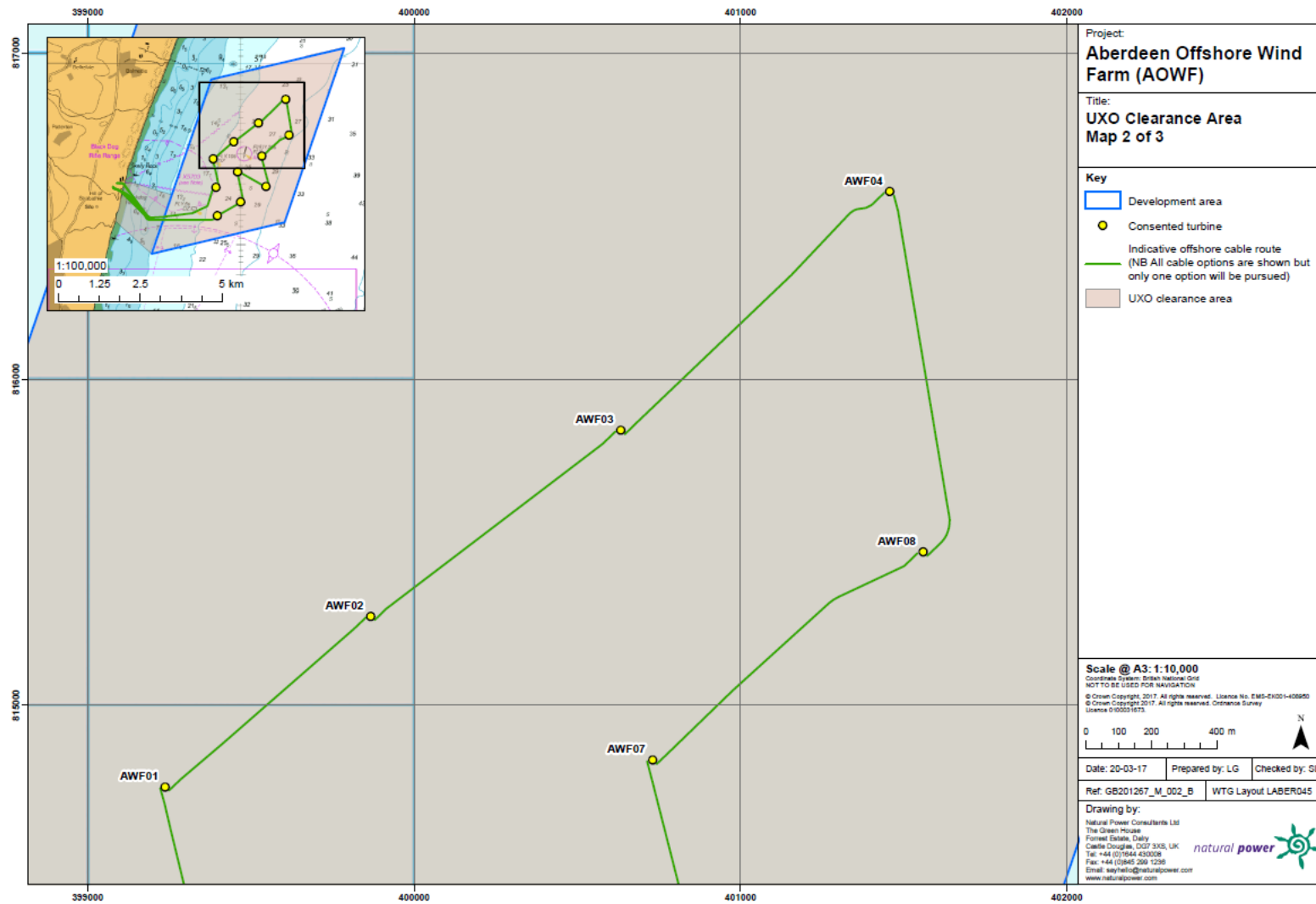


Figure 4 – European Offshore Wind Deployment Centre (“EOWDC”) Project Location showing UXO clearance area 3 of 3

