



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

### **LICENCE TO DEPOSIT OR USE ANY EXPLOSIVE SUBSTANCE OR ARTICLE WITHIN THE SCOTTISH MARINE AREA EITHER IN THE SEA OR ON OR UNDER THE SEABED AND TO USE A VEHICLE TO REMOVE ANY SUBSTANCE OR OBJECT FROM THE SEABED WITHIN THE SCOTTISH MARINE AREA**

Licence Number: **07103/20/1**

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

**Neart na Gaoithe Offshore Wind Limited  
Atria One  
144 Morrison Street  
Edinburgh  
EH3 8BE**

#### **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; and
- 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.

This licence remains in force from **16 June 2020** to **31 July 2020**.

This licence supersedes licence 07103/20/0.

Signed: .....

Michael Bland

For and on behalf of the Licensing Authority

Date: 16 June 2020



## 1. **PART 1 – GENERAL**

### 1.1 **Interpretation**

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

- a) **“the 2010 Act”** means the Marine (Scotland) Act 2010;
- b) **“the Application”** means the application and supporting information submitted on 16 September 2019 and all subsequent correspondence and information submitted in support of the application;
- c) **“Commencement of the Licensed Activities”** means the date on which the first vessel arrives on the Site to begin carrying on any Licensed Activities;
- d) **“Completion of the Licensed Activities”** means the date on which the Licensed Activities have been completed;
- e) **“FLO”** means the Fisheries Liaison Officer;
- f) **“Licensable Marine Activity”** means any activities listed in section 21(1) of the 2010 Act;
- g) **“Licensed Activities”** means any activity or activities authorised under the licence, as described in Part 2 of this licence;
- h) **“Licensee”** means Neart na Gaoithe Offshore Wind Limited (Company Number SC356223) and having its registered office at Atria One, 144 Morrison Street, Edinburgh, EH3 8EX;
- i) **“MARP”** means the Marine Archaeology Reporting Protocol;
- j) **“MHWS”** means mean high water spring tide;
- k) **“SNH”** means Scottish Natural Heritage;
- l) **“the Licensing Authority”** means the Scottish Ministers;
- m) **“the Site”** means the Neart na Gaoithe Offshore Wind Farm and export cable corridor in the Outer Firth of Forth; and
- n) **“UXO”** means unexploded ordnance.

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 Licensed Activities. 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 2010 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.

#### **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 the sheriff of any sheriffdom against a decision taken by the Licensing Authority under section 29(1) of the 2010 Act.

## **2. PART 2 – THE LICENSED ACTIVITIES**

### **2.1 Title of the Licensed Activities**

The title of the Licensed Activities to which this licence relates is the unexploded ordnance (“UXO”) detonation and removal activities associated with the Neart na Gaoithe Offshore Wind Farm project.

### **2.2 Description of the Licensed Activities**

The detonation of up to a maximum of 62 UXO targets identified following geophysical surveys within the Neart na Gaoithe Offshore Wind Farm and export cable corridor in the Outer Firth of Forth (collectively referred to as the “Site”), to include the removal of any debris following detonation of any UXO. The maximum amount of explosive per detonation will not exceed 237.5kg.

As described in the Application.

### **2.3 Location of the Licensed Activities**

As detailed in Part 4, Figure 1 of this licence.

### **2.4 Deposits and Removals**

This licence authorises the deposit or use of any explosive substance or article either in the sea or on or under the seabed and the use of a vessel to remove any substance or object from the seabed within the Scottish marine area, subject to the maximum amounts as specified below:

#### **Explosive substances or articles to be deposited**

95 no. of 10kg size donor charges  
95 no. of 300g soft-start charges

#### **Explosive substances or articles to be used**

62 no. of UXO targets up to 227kg weight  
95 no. of 10kg size donor charges (as referred to above)  
95 no. of 300g soft-start charges (as referred to above)

#### **Substance or object to be removed from the seabed**

All debris arising from the use of explosive substances or articles

Less any explosive substances or articles used or deposited under licence 07103/20/0.

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

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

The Licensee must at all times carry on the Licensed Activities in accordance with the Licence and the Application.

**Reason:** *To ensure compliance with the application for the marine licence and the information submitted in support of the application, in accordance with s.29(5) of the 2010 Act.*

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

The Licensee must provide, as soon as reasonably practicable in advance of their engagement in the Licensed Activities authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Licensed Activities 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 as soon as reasonably practicable, prior to any vessel, vehicle, agent, contractor or sub-contractor engaging in the Licensed Activities.

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 Licensed Activities.

The name and address of any agents, contractors or sub-contractors appointed to carry out any part, or all, of the Licensed Activities must be notified to the Licensing Authority prior to their engagement in the Licensed Activities.

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 Licensed Activities 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 Licensed Activities must abide by the conditions set out in this licence.

The Licensee must ensure that any vessels permitted to engage in the Licensed Activities 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 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 Licensed Activities 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 Licensed Activities 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.*

### 3.1.3 Force Majeure

Should the Licensee or any of their 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). *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 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.*

### 3.1.4 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 Licensed Activities are carried out in accordance with the Application documentation, in accordance with s.29(2)(a) of the 2010 Act.*

### 3.1.5 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.

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 Licensed Activities by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

Reports will include but not be limited to, the noise registry, MMO records and requirements of monitoring as detailed in condition 3.5.3, 3.5.4 and 3.5.5.

**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.*

### 3.1.6 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.

The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code ([www.marinecode.org](http://www.marinecode.org)) where appropriate while carrying on the Licensed Activities authorised under this licence.

The Licensee must ensure that any debris or waste material placed below MHWS during the construction of the Licensed Activities is removed from the Site.

The Licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the Licensed Activities.

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

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 Licensed Activities.

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

### **3.1.7 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 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 Licensed Activities; and
- d) aboard any vessels permitted to engage in the Licensed Activities.

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

### **3.1.8 Inspection of the Licensed Activities**

Any persons authorised by the Licensing Authority, must be permitted to inspect the Licensed Activities 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/Licensed Activities.

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

### **3.1.9 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 Licensed Activities as required by this licence;
- b) the maintenance of the Licensed Activities; or
- c) the drifting or wreck of the Licensed Activities,

to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

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

### **3.2 Conditions applicable to all phases of the Licensed Activities**

#### **3.2.1 UXO Detonation Restriction**

The Licensee must, where possible, avoid the detonation of UXO greater than 100kg, during the period of 3 May to 18 May.

**Reason:** *To minimise any impacts on salmon smolts and ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

#### **3.2.2 Incident Reporting**

In the event of any breach of health and safety or environmental obligations relating to the Licensed Activities 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 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 the 2010 Act.*

#### **3.2.3 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.*

#### **3.2.4 Marine Mammal Mitigation Plan**

The Licensee must ensure that the Licensed Activities are carried out in accordance with the Marine Mammal Mitigation Plan ("MMMP") (NNG-GOB-ECF-REP-0002), as updated within the Explanatory Note (NNG-PEL-ECF-MEM-0001) and subject to any modifications or amendments made within this licence.

Mitigation measures must be carried out in accordance with the Summary of Approved UXO Mitigation Measures, shown in Part 5, Figure 2 of this licence.

In the event the Licensee wishes to update or amend any of the protocols in the MMMP (as updated), the Licensee must submit details of proposed updates or amendments to the Licensing Authority in writing for its written approval no later than 28 days, or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed updates or amendments.

No Licensed Activities associated with the proposed updates or amendments may proceed prior to the granting of such approvals.

**Reason:** *To ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*



### 3.2.5 Fisheries Liaison Officer

The Licensee must appoint a Fisheries Liaison Officer (“FLO”), to maintain effective, continual communication between any contractors or sub-contractors, fishermen and other users of the sea during the Licensed Activities and which will ensure compliance with best practice guidelines when doing so.

**Reason:** *To facilitate engagement with the commercial fishing industry and minimise interference with fishing operations and other users of the sea in accordance with s.29(3)(c) of the 2010 Act.*

### 3.2.6 Marine Archaeological Reporting Protocol

The Licensee must ensure the Licensed Activities will not occur within Archaeological Exclusion Zones as identified in the approved Marine Archaeological Reporting Protocol (“MARP”) and that any unexpected archaeological features discovered during the Licensed Activities are addressed following the protocol for archaeological discoveries. The MARP must be adhered to at all times during the Licensed Activities for all areas of the Licensed Activities.

**Reason:** *To ensure any discovery of archaeological interest is properly and correctly reported in accordance with s.29(3)(a) of the 2010 Act.*

### 3.2.7 Noise Monitoring

The Licensee must carry out all monitoring in accordance with the UXO Clearance Noise Monitoring Scope Overview Document (NNG-SMR-ECR-REP-0001) but subject to any modifications or amendments made within this licence. Monitoring must be undertaken at a minimum of 20 confirmed UXO targets, over a range of UXO sizes to maximum size and a range of water depths and substrates.

The monitoring must collect data to:

- allow a prediction of the source level of UXO detonations;
- characterise the propagation of noise from UXO detonations in the offshore environment;
- assess how variations associated with the condition, location, age, type of UXO and environmental factors relate to noise emissions; and
- enable an examination of any changes in impulsive characteristics of UXO detonation noise with increasing distance from the source.

The Licensing Authority and Scottish Natural Heritage (“SNH”) must be informed immediately where the timescales for monitoring are not met and if there is any unforeseen circumstance that may have an impact on the data collection.

Should monitoring fail or be unable to continue or take place the Licensee must cease all Licensed Activities immediately and notify the Licensing Authority.

No Licensed Activities may continue until alternative monitoring has been proposed to and approved by the Licensing Authority.

**Reason:** *To ensure effective monitoring is undertaken to collect data to validate the modelling of underwater noise associated with the detonation of UXO and to enable the prediction of the potential effects on marine wildlife in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

### **3.3 Prior to the Commencement of the Licensed Activities**

#### **3.3.1 Requirement for use of Bubble Curtain**

The Licensee must notify the Licensing Authority of details of any UXO in water depths less than 40m, where bubble curtains could be utilised as mitigation. The Licensee must implement bubble curtains during the use of any explosive substance or article during the detonation of such UXO as agreed with the Licensing Authority following the notification.

**Reason:** *To ensure effective mitigation of environmental damage is undertaken in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.*

#### **3.3.2 Relocation of UXO**

If any UXO is relocated and not cleared by detonation, the licensee must notify the Licensing Authority and the UK Hydrographic Office (“UKHO”) of the new position of the UXO.

If any UXO is relocated and not cleared by detonation, the licensee must issue local notification to marine users, fisherman’s organisations, neighbouring port authorities and any other local marine stakeholders, to ensure they are made fully aware of the new position of the UXO.

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

#### **3.3.3 Commencement date of the Licensed Activities**

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

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

#### **3.3.4 Noise Registry**

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

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

#### **3.3.5 Navigation**

The Licensee must, prior to Commencement of the Licensed Activities, issue local notification to marine users, fisherman’s organisations, neighbouring port authorities and any other local marine stakeholders to ensure they are made fully aware of the Licensed Activities.

The Licensee must notify Her Majesty’s Coastguard (“HMCG”) seven days in advance of the Commencement of the Licensed Activities (in this case to [renewables@hmcg.gov.uk](mailto:renewables@hmcg.gov.uk)) and include emergency contact information for the vessel and expected timescale of operation. The Licensee must send a copy of this notification to the Licensing Authority within five days

of issue. Verbal communication must be made directly with HMCG prior to the Commencement of the Licensed Activities, either using the appropriate radio channels/frequencies or via telephone, in this case to Zone 04: 01224 592 334.

The Licensee must ensure that details of the Licensed Activities are promulgated in the Kingfisher Fortnightly Bulletin, prior to the Commencement of the Licensed Activities to inform sea users of the vessel routes, the timings and the location of the Licensed Activities 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.*

### **3.4 During the Licensed Activities**

#### **3.4.1 Navigational Safety**

The Licensee must notify neighbouring port authorities, local mariners, fishermen's organisations, on a weekly basis of the progress of the Licensed Activities through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that progress of the Licensed Activities is promulgated regularly in the Kingfisher Fortnightly Bulletin to inform sea users of the vessel routes, the timings and the location of the Licensed Activities and of the relevant operations.

The Licensee must ensure Radio Navigation Warnings are issued and guard vessels are deployed during the Licensed Activities.

The Licensee must ensure the Site is clear of shipping and recreational vessels prior to any detonation of UXO.

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

#### **3.4.2 Post-detonation Search**

Following each detonation, the Licensee must carry out a post-detonation search of the mitigation zone, as detailed in the MMMP (as updated), for at least 15 minutes. Such searches must focus on any affected, injured or distressed marine mammal and any affected, injured, distressed or dead fish.

The Licensee must stop the Licensed Activities immediately if any marine mammal is visibly affected and report such sighting to the Licensing Authority within 24 hours.

The Licensee must recover any dead or injured fish resulting from the Licensed Activities, where safe to do so. The Licensee must examine such recovered fish and document any findings. The Licensee must notify the Licensing Authority of any visibly affected or dead fish within 24 hours of the sighting.

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

### **3.5 Upon completion of the Licensed Activities**

#### **3.5.1 Date of Completion of Licensed Activities**

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

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

#### **3.5.2 Restoration of the Site to its original condition**

The Licensee must ensure that any debris (including any debris from UXO detonation) or waste material, originating during the Licensed Activities is removed from the Site.

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to its original condition, 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.**

#### **3.5.3 Post-detonation Report**

The Licensee must submit a report stating the nature and quantity of all objects cleared, removed or disposed of during the Licensed Activities and the date and location of each UXO that has been detonated to the Licensing Authority in writing no later than 28 days following the Completion of the Licensed Activities.

The report must also confirm that all waste/debris from each UXO cleared by detonation has been removed; the method used to remove the debris; and details of the amount and type of explosive substance or article utilised for each UXO detonation.

The Licensee must provide the Licensing Authority with the MMO records no later than 28 days following completion of the Licensed Activities, or at any other period, including sooner should the Licensing Authority require.

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

#### **3.5.4 Monitoring Report**

The Licensee must submit a final Monitoring Report, including any associated raw data, to the Licensing Authority, SNH and Marine Scotland Science no later than five months (or such other period as is agreed in writing by the Licensing Authority) following the Completion of the Licensed Activities.

The Monitoring Report must:

- predict the source level of UXO detonations;
- characterise the propagation of noise from UXO detonations in the offshore environment;
- assess how variations associated with the condition, location, age, type of UXO and environmental factors relate to noise emissions;

- examine any changes in impulsive characteristics of UXO detonation noise with increasing distance from the source;
- compare the modelled impact ranges; and
- calculate weighted sound exposure level.

The Licensee must ensure full details of the recording equipment, deployment configuration, method of detonation and environmental data (sound speed profile of the water column, wind speed, significant wave height, tidal state, precipitation and presence of vessels within 10 km) is reported, alongside each measurement, in the Monitoring Report. Details of each UXO detonation (sequence in detonation, size, type, age, condition, position, burial, depth and donor charge used) must also be included in the Monitoring Report.

The Licensee must also submit any reports associated with the Department for Business, Energy and Industrial Strategy funded project to the Licensing Authority as soon as reasonably practicable.

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

### **3.5.5 Noise Registry Close Out**

The Licensee must complete and submit a Close-out Report for all aspects of the Licensed Activities 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 Licensed Activities.

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

### **3.5.6 Navigational Safety**

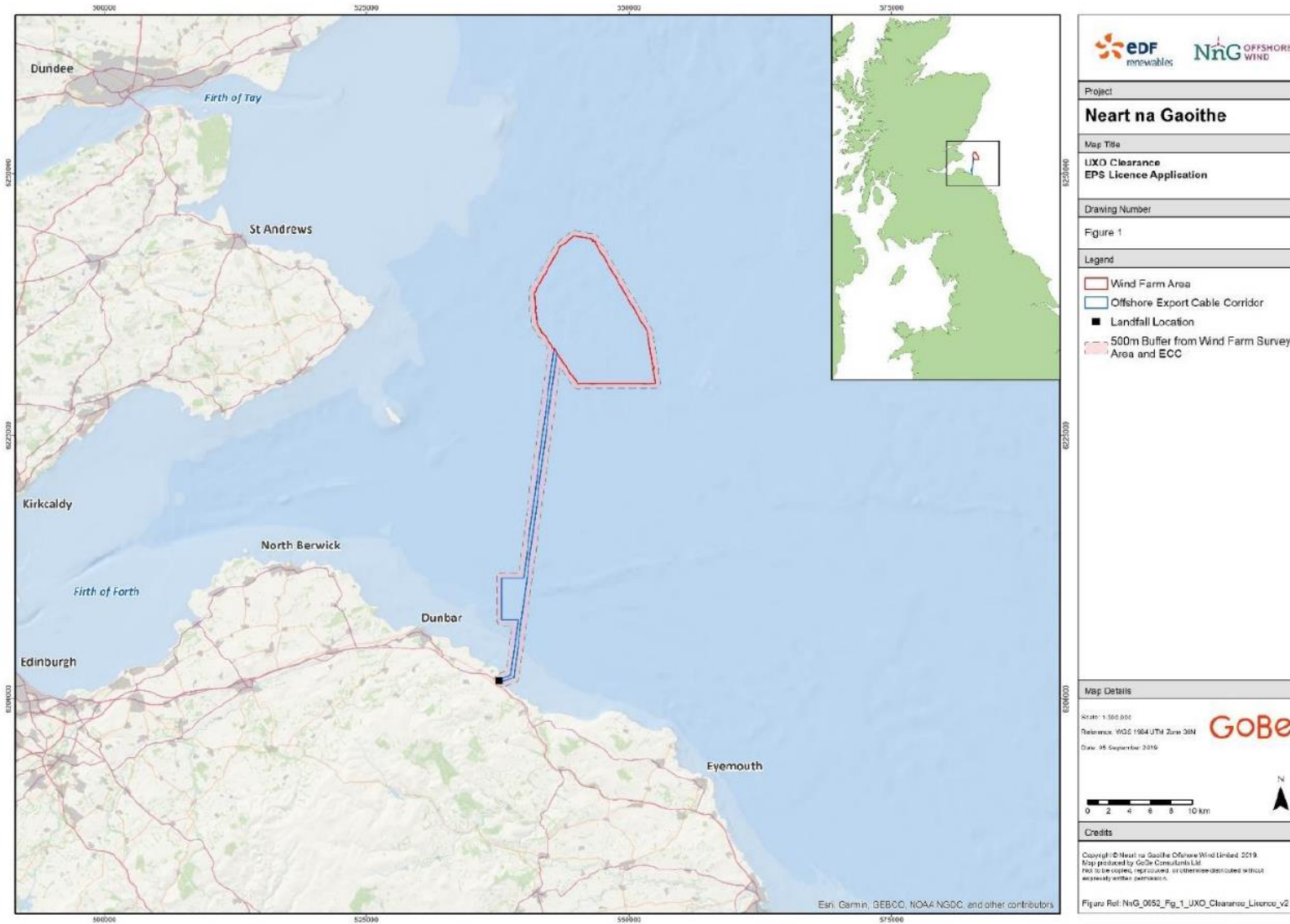
The Licensee must ensure that neighbouring port authorities, local mariners, fishermen's organisations are made fully aware of the Completion of the Licensed Activities. Verbal communication must be made direct with HMCG to notify the Completion of the Licensed Activities, either using the appropriate radio channels/frequencies or via telephone in this case to Zone 04: 01224 592 334.

The Licensee must ensure that the Completion of the Licensed Activities is promulgated in the Kingfisher Fortnightly Bulletin to inform sea users.

**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 – THE SITE LOCATION

Figure 1 – Neart na Gaoithe Offshore Wind Farm and Export Cable Corridor, Outer Firth of Forth



**5. PART 5 – MITIGATION MEASURES**  
**Figure 2 – Summary of Approved UXO Mitigation Measures**

