

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

**LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS AND DEPOSITS OF
SUBSTANCES OR OBJECTS IN THE SCOTTISH MARINE AREA AND THE UNITED
KINGDOM MARINE LICENSING AREA**

Licence Number: 04628/19/0

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

**Moray Offshore Windfarm (East) Limited
C/O Shepherd And Wedderburn LLP
Condor House
10 St. Paul's Churchyard
London
EC4M 8AL**

To:

Under Marine (Scotland) Act 2010;

1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded in Scotland or in the Scottish marine area.

Under Marine and Coastal Access Act 2009;

1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the United Kingdom marine licensing area; and

2) construct any works within the United Kingdom marine licensing area in or over the sea, 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 July 2019** until the Works have been decommissioned in accordance with an approved Decommissioning Programme.

Signed: _____

Zoe Crutchfield

For and on behalf of the Licensing Authority

Date of issue: 19 July 2019

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 sections 66(4), 115 and 322 of the Marine and Coastal Access Act 2009, and,

- a) “the 2009 Act” means the Marine and Coastal Access Act 2009 (as amended);
- b) “the 2010 Act” means the Marine (Scotland) Act 2010;
- c) “the Application” means the Application letter, Marine Licence application form and Environmental Statement submitted to the Scottish Ministers by Moray Offshore Renewables Limited (“MORL”), on behalf of MacColl Offshore Windfarm Limited, on 2nd August 2012, and the Additional Ornithology Information submitted to the Scottish Ministers by MORL on the 17th June 2013;
- d) “Licensable Marine Activity” means the activities listed in section 66 of the 2009 Act; and section 21 of the 2010 Act authorised under this licence;
- e) “Licensee” means Moray Offshore Windfarm (East) Limited, a company formerly having their registered office in Wales C/O 7side Secretarial Limited, 1st Floor, 14/18 City Road, Cardiff, CF24 3DL and now at C/O Shepherd And Wedderburn LLP, Condor House, 10 St. Paul’s Churchyard, London, EC4M 8AL. Company Registration No: 07101438;
- f) “the Licensing Authority” means the Scottish Ministers;
- g) “Commencement of the Works” means the date on which the first vessel arrives on the Site to begin carrying on the Licensable Marine Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- h) “Completion of the Works” means the date on which the Works have been installed, or the Works have been deemed complete by the Licensing Authority;
- i) “Decommissioning of the Works” includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- j) “Decommissioning Programme” means the programme for decommissioning the relevant object(s), to be submitted by the Company to the Secretary of State under section 105(2) of the Energy Act 2004 (as amended);
- k) “the Site” means the area shaded and coloured green, and labelled ‘MacColl Windfarm’ in the figure contained in Part 4 of this licence;
- l) “the Works” means the MacColl Offshore Wind Farm, as described in Part 2 of this licence;
- m) “MHWS” means mean high water spring tide;
- n) “the Vessel Report” means the online reports made available by the Licensee on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>; and
- o) “the Persons Acting on Behalf of the Licensee Report” means the online reports made available by the Licensee on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

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

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the Licensable Marine Activity. 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 of the 2010 Act and section 72 of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke this licence if it appears to the Licensing Authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the Licensing Authority. This licence will be varied under section 30 of the 2010 Act following procedures set out in section 31 of the 2010 Act and under section 72(3) of the 2009 Act to allow the removal of Works already installed.

Under section 30 of the 2010 Act and section 72 of the 2009 Act the Licensing Authority may on an application made by the Licensee, transfer this licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act and 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.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act and section 86 of the 2009 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act and 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 ('*force majeure*') and that the person took steps within a reasonable time to provide full details of the matter to the Licensing Authority as set out in section 40(2) of the 2010 Act and section 86(2) of the 2009 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act and section 89 of the 2009 Act it is an offence for a person to make a statement which is false or misleading in a material way, either knowing the statement to be false or misleading or being reckless as to whether the statement is false or

misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act and Part 4 of the 2009 Act or by this licence.

2. PART 2 – THE WORKS

2.1 Title of the Works

The title of the Works to which this licence relates to is the 'MacColl Offshore Wind Farm'.

2.2 Description of the Works

An offshore wind electricity generating station, known as the MacColl Offshore Wind Farm, with a maximum generating capacity of up to 500 MW, consisting of up to 62 wind turbine generators ("WTGs") including foundations, substructures, fixtures, fittings, fixings and protections and associated infrastructure including, but not limited to, inter-array cabling to the connection point on the Offshore Sub-station Platforms ("OSPs"), a meteorological mast (should it be located in the Site) and transition pieces including access ladders, fences and landing platforms. The individual generating capacities of the WTGs proposed are to be of a rating between 6 MW and 10 MW. The rating of each WTG will be finalised at a later stage. The substructure and foundation design for the WTGs will consist of either one of, or a combination of, the following design options:

- concrete gravity base foundation with ballast and a gravel/grout bed;
- steel lattice jackets with pin piles.

2.3 Location of the Works

Within the Moray Offshore Windfarm (East) Limited Development Area on the Smith Bank in the outer Moray Firth, within the UK marine licensing area approximately 30 km (minimum) from the Caithness coastline, off the North East of Scotland, within the area bounded by joining the following points:

MacColl Offshore Wind Farm Licence area:

58° 06.543' N	002° 41.888' W	58° 03.946' N	002° 54.796' W
58° 04.473' N	002° 53.575' W	58° 04.878' N	002° 52.838' W
58° 05.383' N	002° 52.068' W	58° 05.943' N	002° 51.407' W
58° 06.583' N	002° 50.842' W	58° 07.095' N	002° 50.479' W
58° 07.566' N	002° 50.262' W	58° 07.897' N	002° 50.146' W
58° 08.329' N	002° 50.026' W	58° 08.926' N	002° 49.991' W
58° 09.810' N	002° 42.896' W	58° 10.846' N	002° 40.223' W
58° 13.147' N	002° 34.265' W	58° 13.141' N	002° 34.265' W
58° 08.080' N	002° 34.184' W	58° 07.191' N	002° 38.644' W
58° 07.058' N	002° 39.313' W	58° 06.591' N	002° 41.649' W
58° 06.590' N	002° 41.652' W	58° 06.544' N	002° 41.884' W
58° 06.544' N	002° 41.884' W	58° 08.399' N	002° 42.389' W

2.4 Deposits

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

PERMANENT DEPOSITS

Jacket and Pin Piles
 Steel/Iron, 290,000 tonne
 Plastic/Synthetic, 2,500 tonnes
 Concrete, 6,200 tonnes

Stone/Rock/Gravel, size range 50-200 mm, 40,600 m³
Concrete bags/Mattresses, 2,500 number, 6 m x 3 m x 1.5 m, 64,000 m³
Cable, 191,000 m

or
Gravity Base Foundation

Steel/Iron, 160,000 tonnes
Plastic/Synthetic, 2,500 tonnes
Concrete, 1,800,000 tonnes
Stone/Rock/Gravel, size range 50-200 mm, 3,017,000 m³
Concrete bags/Mattresses, 2,500 number, 6 m x 3 m x 1.5 m, 64,000 m³
Cable, 191,000 m
Sand, 4,200,000 m³

2.5 Persons responsible for the deposits of the substances or objects

The Licensee must ensure that the operators, vessels and vehicles engaging in the Licensable Marine Activity authorised under this licence, are fully detailed in the Vessel Report prior to their engagement in the Works. In accordance with condition 3.1.2, the Licensee must make the Vessel Reports available on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

2.6 Persons acting on behalf of the Licensee

The Licensee must ensure that the name and address of any agents, contractors or subcontractors appointed to carry out any part, or all, of the Licensable Marine Activity authorised under this licence, are fully detailed in the Persons Acting on Behalf of the Licensee Report prior to their engagement in the Works. In accordance with condition 3.1.2, the Licensee must make the Persons Acting on Behalf of the Licensee Reports available on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

3. PART 3 – CONDITIONS

3.1 General conditions

3.1.1 Licence conditions binding other parties

All conditions attached to this licence bind any person who for the time being owns, occupies or enjoys any use of the Works for which this licence has been granted in relation to those licensed activities authorised under item 5 in section 21(1) of the 2010 Act and item 7 in section 66(1) of the 2009 Act whether or not this licence has been transferred to that person.

3.1.2 Vessels, agents, contractors and sub-contractors

The Licensee must ensure that prior to their engagement in the Licensable Marine Activity authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Works and, where applicable, the master's name, vessel type, vessel IMO number and vessel owner or operating company, are fully detailed in the Vessel Report and the Persons Acting on Behalf of the Licensee Reports available on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

Any changes to the supplied details must be uploaded to the Vessel Report and the Persons Acting on Behalf of the Licensee Report and the Licensing Authority must be notified, in writing, prior to any vessel, agent, contractor or sub-contractor which has not yet been notified to the Licensing Authority engaging in the Licensable Marine Activity.

Only those vessels, agents, contractors or sub-contractors detailed in the Vessel Report and the Persons Acting on Behalf of the Licensee Report are permitted to carry out any part of 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 and section 72 of the 2009 Act, ensuring it is read and understood, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Works.

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.

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.

3.1.5 Submission of specification of studies, surveys and plans to the Licensing Authority

The Licensee must submit the details and specifications of all studies, surveys and plans 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.

Specification of studies, surveys or plans 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.

3.1.6 Submission of reports to the Licensing Authority

The Licensee must submit all reports 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 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 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 must, 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.

3.1.7 Chemical usage

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.

3.1.8 Environmental protection

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area and the UK marine licensing area caused by the Licensable Marine Activity authorised under this licence.

The Licensee must ensure that any debris or waste material placed below MHWS during the construction and operation of the Works is 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 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 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 Works.

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

3.1.9 Availability of the licence for inspection

The Licensee must ensure that copies of the licence are available for inspection at any reasonable time by any authorised marine enforcement officer at:

- a) the premises of the Licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the Licensee;
- c) any onshore premises directly associated with the Works and
- d) aboard any vessel engaged in the Works.

3.1.10 Inspection of the Works

Any persons authorised by the Licensing Authority, must be permitted to inspect the Works at any reasonable time. As far as reasonably practicable, the Licensee must, 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.

3.1.11 Emergencies

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

- a) the failure to mark and light the Works as required by this 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.

3.1.12 Marine Pollution Contingency Plan (“MPCP”)

The Licensee must, no later than 3 months prior to the Commencement of the Works, submit in writing to the Licensing Authority for their written approval, a MPCP.

The MPCP must make provision in respect of spills and collision incidents occurring during the construction and operation of the Works and where such spills or collisions occur then the MPCP must be adhered to in full. The MPCP must take 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 must conform to industry standards and to relevant legislation. The MPCP must set out how any oil leaks within the WTGs are to be remedied and that such relevant repairs are required to be undertaken without undue delay.

Commencement of the Works must not occur until the Licensing Authority has given its written approval to the MPCP. The Works must be constructed and operated in accordance with the MPCP.

3.2 Conditions specific to the Works

3.2.1 Prior to the Commencement of the Works

3.2.1.1 Commencement date of the Works

The Licensee must, prior to and no less than 1 month before the Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under this licence.

3.2.1.2 Third Party Certification or Verification (“TPC” or “TPV”)

The Licensee must, no later than 3 months prior to the Commencement of the Works, provide the Licensing Authority (unless otherwise agreed, in writing, with the Licensing Authority) with TPC or TPV (or suitable alternative as agreed, in writing, with the Licensing Authority) of the basis of design for all WTG foundations, jacket and meteorological mast structures.

3.2.1.3 Navigational and Aviation Safety and Charting

The Licensee must, as soon as reasonably practicable prior to Commencement of the Works, notify the UK Hydrographic Office (“UKHO”) of the proposed Works to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must, as soon as reasonably practicable prior to the Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland, are made fully aware of the Licensable Marine Activity through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, as soon as reasonably practicable prior to 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.

The Licensee must prior to Commencement of the Works, complete an “Application for Statutory Sanction to Alter/Exhibit” form and submit this to the Northern Lighthouse Board (“NLB”) for the necessary sanction to be granted.

The Licensee must, prior to Commencement of the Works, ensure that the location of all WTGs is made available for inclusion in the Clyde Cruising Club Sailing Directions and Anchorages.

The Licensee must, prior to the Commencement of the Works, and following confirmation of the approved Design Specification and Layout Plan (“DSLPL”) by the Licensing Authority,

provide the precise location and maximum heights of all WTGs, meteorological mast (should it be located in the Site) and construction equipment over 150 m above lowest astronomical tide ("LAT"), and details of any lighting fitted to all WTGs, to the UKHO for aviation and nautical charting purposes.

3.2.1.4 Monitoring of marine mammals

Prior to the Commencement of the Works the Licensee must 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 (such as piling), as agreed in writing with the Licensing Authority. The Licensee must provide the Licensing Authority with the MMO's records no later than 6 months following Commencement of the Works, and at 6 monthly intervals thereafter.

3.2.1.5 Noise Registry

The Licensee must, in the event that pile foundations are to be used, submit the appropriate completed noise reduction registry form to the Licensing Authority and the Joint Nature Conservation Committee ("JNCC"), stating the proposed date(s), location(s) and nature of the piling activities under authority of this licence.

3.2.1.6 Meteorological mast piling strategy

The Licensee must, in the event that pile foundations are to be used to construct the meteorological mast, no later than 6 months prior to the Commencement of the Works, submit a Meteorological Mast Piling Strategy ("MMPS"), in writing, to the Licensing Authority for their written approval. The Works must, at all times, be constructed in accordance with the approved MMPS (as updated and amended from time to time by the Licensee). Any updates or amendments made to the MMPS by the Licensee must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval.

The MMPS must include:

- Full details of the proposed method and anticipated duration of pile-driving at the meteorological mast location;
- Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location; and
- Details of mitigation and monitoring to be employed during pile-driving, as agreed by the Licensing Authority.

The MMPS must be in accordance with the Application and reflect any surveys carried out after submission of the Application, the MMPS 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; Atlantic salmon; cod; and herring.

3.2.2 During the Works

3.2.2.1 Transportation audit sheet

The Licensee must submit a Transportation Audit Report ("TAR") in line with condition 3.2.2.2 below.

3.2.2.2 Transportation audit report

The Licensee must submit to the Licensing Authority a detailed TAR for each calendar month during the construction phase of the Works. The TAR must be submitted within 14 days of the end of that calendar month.

The TAR must include the nature and quantity of all substances and objects deposited and materials used in construction (as described in Part 2 of this licence) in that calendar month. Alterations and updates can be made in the following month's TAR. Where appropriate, nil returns must be provided.

If the Licensee becomes aware of any substances, objects or materials on the TAR that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must notify the Licensing Authority as soon as practicable. The Licensee must undertake such survey as directed by the Licensing Authority to locate the substances, objects and materials. If the Licensing Authority is of the view that any accidental deposits have occurred and should be removed, then the materials must be removed by the Licensee as soon as is practicable and at the Licensee's expense.

3.2.2.3 Navigational safety

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

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

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

The Licensee must, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of injury to or destruction or decay of the Works. The Licensing Authority will advise, in writing, of any remedial action to be taken and any requirement to display aids to navigation, following consultation with the Maritime Coastguard Agency ("MCA") the NLB or any such advisers as required.

The Licensee must ensure that no radio beacon or radar beacon operating in the Marine frequency bands are installed or used on the Works without the prior written approval of the Office of Communications ("OfCom").

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.

The Licensee must ensure that navigational safety is not compromised by the Works. The navigable depth must not be altered by more than 5% of stated chart datum unless otherwise agreed, in writing, with the Licensing Authority in consultation with the MCA and NLB.

3.2.2.4 Markings, lighting and signals of the Works

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the Civil Aviation Authority (“CAA”) 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 72 of the 2009 Act.

The Licensee must not display any marks and lights additional to those required by virtue of this licence and agreed in the Lighting and Marking Plan without the written approval of the Licencing Authority following consultation with the NLB, the CAA and the MCA.

The Licensee must ensure that the meteorological mast, should it be built in the Site, is marked and lit in accordance with IALA Recommendation O-139.

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 Moray Firth. 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.

The Licensee must ensure that any meteorological mast(s) within the Site area will have marking and lighting amended to suit the layout of the wind farm as it progresses should the meteorological mast(s) be built prior to the WTGs.

3.2.2.5 Markings, lighting and signals of jack up barges and vessels

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 secured to the seabed.

3.2.2.6 Noise registry

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 reduction 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.

3.2.2.7 Bunding and storage facilities

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.

3.2.2.8 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 Licensable Marine Activity authorised under this licence was undertaken, or to as close to its original condition as is reasonably practicable, in accordance with the PEMP and the Decommissioning Programme (“DP”) to the satisfaction of the Licensing Authority. Should the Licensed Marine Activity be discontinued prior to Completion of the Works, the Licensee must inform the Licencing Authority in writing of the

discontinuation of the Works. This licence will be varied under section 72(3) of the 2009 Act to allow the removal of Works already installed.

3.2.3 Conditions upon Completion of the Works

3.2.3.1 Date of Completion of the Works

The Licensee must, no more than 1 month following the Completion of the Works, notify the Licensing Authority, in writing, of the date of Completion of the Works.

3.2.3.2 Navigational safety

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

The Licensee must, within 1 month of the Completion of the Works, provide the “as-built” positions and maximum heights of all WTGs, along with any sub-sea infrastructure, to the UKHO for aviation and nautical charting purposes.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland, 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.

The Licensee must, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of injury to or destruction or decay of the Works. The Licensing Authority will advise, in writing, of any remedial action to be taken and any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required.

The Licensee must ensure that no radio beacon or radar beacon operating in the Marine frequency bands are installed or used on the Works without the prior written approval of OfCom.

3.2.3.3 Nature and quantity of deposited substances and objects

The Licensee must no later than 1 month following the Completion of the Works, submit a final audit report to the Licensing Authority stating the nature and quantity of all substances and objects deposited within the United Kingdom marine licensing area under the authority of this licence. Where appropriate, nil returns must be provided.

3.2.3.4 Markings, lighting and signals of the Works

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

The Licensee must ensure that the required International Association of Marine Aids to Navigation and Lighthouse Authorities (“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 meteorological mast, should it be required, is marked and lit in accordance with IALA Recommendation O-139.

The Licensee must ensure that any meteorological mast(s) within the Site will have marking and lighting amended to suit the final layout of the wind farm.

3.2.3.5 Noise registry

The Licensee must, in the event that pile foundations were used, submit the appropriate completed noise reduction registry form to the Licensing Authority and the JNCC, within 12 weeks of Completion of the Works, stating the actual date(s), location(s) and nature of piling activities carried out under authority of this licence.

3.2.3.6 Operation and Maintenance of the Works

The Licensee must provide an Operation and Maintenance Programme to the Licencing Authority within 3 months of the Completion of the Works. Notification must be provided at least 3 months in advance of any subsequent maintenance works where any additional deposits are required. In the event that these works are not assessed in the Application and are considered by the Licencing Authority as being material they will require further Marine Licences.

3.2.3.7 Decommissioning

This licence does not permit the Decommissioning of the Works, for which a separate marine licence is required.

4. PART 4 – PROJECT LOCATION

