

MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00010191**

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

Berwick Bank Wind Farm Limited
Inveralmond House
200 Dunkeld Road
Perth
PH1 3AQ

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from 31 July 2025 until 31 July 2075 or until the Works have been decommissioned in accordance with an approved Decommissioning Programme for which a separate marine licence is required.

[redacted]

Signed:

[redacted]

For and on behalf of the Licensing

Authority Date of issue: 31 July 2025

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are Section 115 of the Marine and Coastal Access Act 2009 unless otherwise stated, and,

“**AA**” means Appropriate Assessment;

“**AEOSI**” means Adverse Effect on Site Integrity;

“**Application**” means the Environmental Impact Assessment Report and supporting documents submitted by the Licensee on 9 December 2022 to construct and operate an offshore generating station and transmission works, it also includes the Environmental Impact Assessment Addendum Report submitted on 4 August 2023;

“**CAA**” means Civil Aviation Authority;

“**CaP**” means Cable Plan;

“**CMS**” means Construction Method Statement;

“**Commencement of the Licensed Activity**” means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;

“**Completion of the Licensed Activity**” means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

“**CTMP**” means Construction Traffic Management Plan;

“**Decommissioning Programme**” means the programme for decommissioning the Works, to be submitted by the Licensee to the Licensing Authority under section 105(2) of the Energy Act 2004;

“**DP**” means Decommissioning Programme;

“**DS**” means Design Statement;

“**DSL**” means Development Specification and Layout Plan;

“**ECoW**” means Environmental Clerk of Works;

“**EMF**” means Electromagnetic Field;

“**EMP**” means Environmental Management Plan;

“**Final Commissioning of the Works**” means the date on which all the Works have been used to supply electricity on a commercial basis to the National Grid, or such earlier date as the Licensing Authority deem the Licensed Activity to be fully commissioned;

“**FLO**” means Fisheries Liaison Officer;

“**FMMS**” means Fisheries Management and Mitigation Strategy;

“**FTCFWG**” means the Forth and Tay Commercial Fisheries Working Group;

“**FTRAG**” means the Forth and Tay Regional Advisory Group

“**GIS**” means Geographic Information Systems;

“**HES**” means Historic Environment Scotland;

“**HVDC**” means High Voltage Direct Current;

“**LAT**” means Lowest Astronomical Tide;

“**Licensed Activity**” means any activity or activities listed in section 66 of the 2009 Act which is or are authorised under the licence;

“**Licensee**” means Berwick Bank Windfarm Limited (Company Number: SC721781) having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, Scotland, PH1 3AQ;

“**Licensing Authority**” means the Scottish Ministers;

“**LMP**” means Lighting and Marking Plan;

“**MCA**” means Maritime and Coastguard Agency;

“**MGN**” means Marine Guidance Note;

“**MMO**” means Marine Mammal Observer;

“**MOD**” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, St George’s House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire, WS14 9PY or any successor body;

“**MSL**” means Mean Sea Level;

“**NERL**” means NATS En Route PLC;

“**NLB**” means Northern Lighthouse Board;

“**NSP**” means Navigational Safety Plan;

“**OFFSAB**” means Outer Firth of Forth and St Andrews Bay Complex Special Protection Area;

“**OMP**” means Operations and Maintenance Programme;

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB

www.scotland.gov.uk/marinescotland



“PAD” means Protocol for Archaeological Discovery;
 “PAM” means Passive Acoustic Monitoring;
 “PS” means Piling Strategy;
 “RSPB Scotland” means the Royal Society for the Protection of Birds Scotland;
 “RYA” means Royal Yachting Association;
 “ScotMER” means the Scottish Marine Energy Research Programme;
 “SFF” means Scottish Fishermen’s Federation;
 “SPA” means Special Protection Area;
 “the 2009 Act” means the Marine and Coastal Access Act 2009;
 “the Reports” means vessel reports detailing the operators, vessels and vehicles engaging in the Licensed Activity;
 “TPC” means Third Party Certification;
 “TPV” means Third Party Verification;
 “UKCoS” means UK Chamber of Shipping;
 “UKHO” means UK Hydrographic Office;
 “VMP” means Vessel Management Plan;
 “WSI” means Written Scheme of Investigation;
 “the Works” means the works as described in Part 2 of this licence;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Directorate - Licensing Operations Team
 375 Victoria Road
 Aberdeen
 AB11 9DB
 Email: MD.MarineRenewables@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.

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

1.5 Breach of requirement for, or conditions of, licence

Under section 85 of the 2009 Act, it is an offence to carry on a licensable marine activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 86 of the 2009 Act, it is a defence for a person charged with an offence under section 85(1) of the 2009 Act in relation to any activity to prove that:

the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure, and

that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

1.7 Offences relating to information

Under section 85 of the 2009 Act, it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2009 Act or the provisions of the licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Location of the Licensed Activity

Berwick Bank Wind Farm Offshore Transmission Infrastructure (Part 2), being the area bound by joining the following co-ordinates

56° 08.945' N 01° 41.613' W
 56° 12.097' N 01° 41.579' W
 56° 12.111' N 01° 47.420' W
 56° 15.327' N 01° 47.397' W
 56° 15.348' N 01° 53.306' W
 56° 16.194' N 01° 54.214' W
 56° 20.190' N 01° 54.311' W
 56° 20.924' N 01° 55.381' W
 56° 22.104' N 01° 55.846' W
 56° 25.255' N 01° 55.846' W
 56° 26.899' N 01° 47.032' W
 56° 24.456' N 01° 42.938' W
 56° 24.847' N 01° 36.659' W
 56° 28.787' N 01° 34.194' W
 56° 28.892' N 01° 33.937' W
 56° 29.376' N 01° 27.648' W
 56° 20.304' N 01° 27.648' W
 56° 09.057' N 01° 17.885' W

As shown in Annex One.

2.2 Description of the Licensed Activity

The Works comprise the construction, alteration or improvement of the offshore transmission infrastructure (part 2) which shall comprise of:

- a) Up to two offshore substation platforms/offshore converter station platforms, topsides (housing electrical infrastructure), and associated support structures and foundations;
- b) One interconnector cable with total length of up to 30 kilometres ("km"); and
- c) Scour protection and cable protection.

Except to the extent modified by the foregoing, all as described in the Application and by the conditions imposed by the Licensing Authority.

2.3 Descriptions of the materials to be used during the Licensed Activity

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

Steel/Iron - 70,000 tonnes

Plastic/Synthetic - 20,000 tonnes

Concrete - 48,059 cubic metres ("m³")

Stone/Rock/Gravel - 285,782 m³

Concrete bags/Mattresses - 241,200 m³

Cable - 30 km

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only construct the Works in accordance with this licence, the Application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the Works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

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

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

3.1.5 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the Works, whether or not the licence has been transferred to that person.

3.1.6 All materials used during the execution of the Works must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.7 The Licensee must ensure that the Works does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the Licence.

3.1.8 The Licensee must provide written notification of any serious unforeseen incident of harm to the environment or human health, or any serious unforeseen incident of interference with legitimate uses of the sea during the lifetime of the Licensed Activity, to the Licensing Authority within 24 hours of the incident occurring.

3.1.9 The Licensee must remove the materials from below the level of Mean High Water Springs, or make such alterations as directed by the Licensing Authority, at Timescales to be determined by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replace those materials without further approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.10 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the Works as required by the licence;
- b) the maintenance of the Works; or
- c) the drifting or wreck of the Works, to include broadcast of navigational warnings

then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.11 The Licensee must notify the Licensing Authority in writing of any leakage of fluorinated greenhouse gasses within 24 hours.

3.1.12 The Licensee must seek prior written approval from the Licensing Authority for any chemicals in an open system which are to be utilised in the construction, operation and maintenance of the Licensed Activity. Requests for approval must be submitted in writing to the Licensing Authority no later than one month prior to its intended use or such other period as agreed by the Licensing Authority. The Licensee must ensure that no chemicals are used in an open system without the prior written approval of the Licensing Authority.

If the proposed chemical is on the Offshore Chemical Notification Scheme list, the approval request must include the chemical name, volume or quantity to be used, the Offshore Chemical Notification Scheme list grouping or rank and the proposed frequency of use.

If the proposed chemical is not on the Offshore Chemical Notification Scheme list, the approval request must include details of chemical to be used, including safety data sheet, depth and current at the location of the Licensed Activity, quantities or volumes and the proposed frequency of use.

The Licensee must notify the Licensing Authority of the types of chemicals to be used in a closed containment

system prior to use.

The Licensee should take all practicable steps to avoid leakages from a closed containment system into the UK marine licensing area. Any such leakages must be reported to the Licensing Authority as soon as practicable.

3.1.13 The Licensee must ensure suitable bunding with capacity of not less than 110% of the total volume of all reservoirs and storage facilities is employed to prevent the release of lubricating fluids, chemicals and other substances associated with the Licensed Activity and associated equipment into the marine environment.

3.1.14 The Licensee must submit all reports and notifications to the Licensing Authority, in writing, as are required under the licence within the time periods specified in the licence. Where there may be a delay in the submission of the reports or notifications to the Licensing Authority, 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 the licence.

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

Reports prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of the licence.

Such reports will include a Transport Audit Report, the Noise Registry, Marine Mammal Observer (“MMO”) records and reports and all appropriate reports stipulated within the Project Environmental Monitoring Plan (“PEMP”).

3.1.15 The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under the licence in relation to the Licensed Activity, in writing, to the Licensing Authority for its written approval. Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval of the plans to the Licensee.

Plans or the specification of studies and surveys prepared pursuant to another consent or licence relating to the Licensed Activity by the Licensee or by a third party may also be used to satisfy the requirements of the licence.

Any updates or amendments made to the approved plans must be submitted, in writing, to the Licensing Authority for its prior written approval. The Licensed Activity must be carried on in accordance with the approved plans.

3.1.16 The Licensee must operate and maintain the Works in accordance with an approved Operation and Maintenance Programme (“OMP”) (see condition 3.2.13). The Licensee must notify the Licensing Authority at least three calendar months, or such other period as agreed by the Licensing Authority in advance, of any maintenance of the Licensed Activity not included in the OMP and involving licensable marine activities not covered under the licence.

3.1.17 In the event of the Licensed Activity being discontinued the materials used under the authority of the licence shall be removed to the satisfaction of the Licensing Authority.

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

3.1.19 No activity authorised under the licence may take place until a Decommissioning Programme (“DP”), as described in any section 105 notice served by the appropriate Minister, has been approved under section 106 of the Energy Act 2004 by the appropriate Minister.

3.1.20 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

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

- a) the premises of the Licensee;
- b) the premises of any agent acting on behalf of the Licensee; and
- c) the site of the Licensed Activity.

3.1.22 Any person authorised by the Licensing Authority must be permitted to inspect the Works at any reasonable time. 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 of the Works. The Licensee shall be liable for any expense incurred.

3.1.23 Where any damage, destruction or decay is caused to the Works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), Kingfisher Information Services of Seafish and the UK Hydrographic Officer (“UKHO”), in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hours after becoming aware of any such damage, destruction or decay. The Licensee must carry out any remedial action as required by the Licensing Authority, following consultation with the MCA, NLB or any such advisors as required by the Licensing Authority.

3.1.24 In the event that any damage, destruction or decay of the Works causes an immediate risk of danger or hazard to navigation, immediate notification (as soon as reasonably possible, but no later than six hours after the event) must be made to the relevant HM Coastguard rescue coordination centre by telephone, and in writing to the UK Hydrographic Office (navwarnings@ukho.gov.uk).

3.2 Prior to the Commencement of the Licensed Activity

3.2.1 The Licensee must, prior to and no less than one calendar month before the Commencement of the Licensed Activity, notify the Licensing Authority, in writing, of the proposed date of the Commencement of the Licensed Activity authorised under the licence.

3.2.2 The Licensee must ensure that, at least five days prior to its engagement in the Licensed Activity, the name and function of any vessel (including the master’s name, vessel type, vessel international maritime organisation number and vessel owner or operating Licensee), agent, contractor or subcontractor appointed to engage in the Licensed Activity are fully detailed in the contractor and vessel reports (“the Reports”) which the Licensee must make available on its website: <https://www.berwickbank.com/>.

Any changes to the supplied details must be uploaded to the Reports 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 Licensed Activity.

Only those vessels, agents, contractors or sub-contractors detailed in the Reports are permitted to carry out any part of the Licensed Activity. Any vessels involved in drilling and deposit of drilling arisings must be notified to the Licensing Authority.

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

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

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

3.2.3 The Licensee must, no later than 14 days prior to Commencement of the Licensed Activity, notify the UKHO at sdr@ukho.gov.uk, of the Licensed Activity. The notification must include the start and end date of the Licensed Activity, a description of the Works, positions of the area of the Works (WGS84), and details of any marking arrangements. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

The Licensee must ensure that local mariners and fishermen's organisations are made fully aware of the Works through a local notification. This must be issued at least 14 days before the Commencement of the Licensed Activity. A copy of this notification must be sent to the Licensing Authority within 24 hours of issue.

The Licensee must, no later than seven days prior to the Commencement of the licensed Activity, notify Zone4@hmcg.gov.uk and renewables@hmcg.gov.uk of the proposed Licensed Activity. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

The Licensee must ensure that details of the Licensed Activities are promulgated in the Kingfisher Fortnightly Bulletin, no later than seven days prior to the Commencement of the Licensed Activity to inform the Sea Fish Industry of the vessel routes, the timings and location of the Licensed Activity and of the relevant operations.

3.2.4 The Licensee must notify the Ministry of Defence (“MOD”), at least 14 days prior to the Commencement of the Licensed Activity, in writing of the following information:

- a) the date of the commencement of the construction of any WTG or other permanent structures with a height of 50m or greater (above MSL);
- b) the latitude and longitude, and maximum height of any construction equipment with a height of 50m or greater (above MSL) that will be used in the construction of the Licensed Activity; and
- c) the latitude and longitude co-ordinates of each WTG or other permanent structure with a height of 50m or greater (above MSL) to be constructed.

The Licensee must notify the MOD of any changes to the information supplied under this condition throughout the lifetime of the Licensed Activity and of the completion of the construction of the Licensed Activity.

3.2.5 Forth and Tay Regional Advisory Group

The Licensee must participate in the Forth and Tay Regional Advisory Group ("FTRAG") or any successor group, established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes. The extent and nature of the Licensee's participation in the Regional Advisory Group is to be agreed by the Licensing Authority.

3.2.6 Construction Programme

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Construction Programme ("CoP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, NLB, EDF Energy Nuclear Generation Limited and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The CoP must set out:

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

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

3.2.7 Construction Method Statement

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity submit a Construction Method Statement ("CMS"), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, NLB and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The CMS must include:

- a) The construction procedures and good working practices for construction of the Works;
- b) Details of the roles and responsibilities, chain of command and contact details of Licensee personnel, any contractors or sub-contractors involved during the construction of the Works;
- c) Details of how the construction related mitigation steps proposed in the Application are to be delivered; and
- d) Details of how the construction methods, including timing and duration, have considered key migration periods for diadromous fish.

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

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

3.2.8 Development Specification and Layout Plan

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a

Development Specification and Layout Plan (“DSLPL”), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with the MCA, NLB, NatureScot, UK Chamber of Shipping (“UKCoS”) MOD, Civil Aviation Authority (“CAA”), NATS En Route PLC (“NERL”), Scottish Fishermen’s Federation (“SFF”), Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council, Northumberland County Council, Historic Environment Scotland and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The DSLP must include:

- a) A plan showing the location of each individual OSP (subject to any required micro-siting), including information on OSP spacing, OSP identification/numbering, seabed conditions, bathymetry, confirmed foundation type for each OSP;
- b) Details of any key environmental constraints recorded on the site for example designated sites, priority marine features, archaeological exclusion zones, areas of archaeological potential;
- c) A list of latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for the centre point of the proposed location for each OSP. This should also be provided as a GIS shape file using WGS84 format;
- d) A table or diagram of each OSP dimensions including: height of topside, (measured above LAT), height of topside (including lighting protection and communications mast) (measured above LAT) and elevation between top of OSP foundation and topside interface (measured above LAT);
- e) The finishes for each OSP (see condition 3.2.16 on OSP lighting and marking);
- f) The length and proposed arrangements on or above the seabed of all interconnector cable; and
- g) Details of any cable and scour protection including location, area/length and type.

3.2.9 Design Statement

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a DS, in writing, to the Licensing Authority. The DS, which must be signed off by at least one qualified landscape architect, as instructed by the Licensee prior to submission to the Licensing Authority, must include representative day and night wind farm visualisations from key viewpoints as agreed with the Licensing Authority, based upon the final DSLP as approved by the Licensing Authority as updated or amended.

The Licensee must provide the DS, for information only, to Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and Northumberland County Council, NatureScot, MCA and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

3.2.10 Environmental Management Plan

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit an EMP, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The EMP must provide the overarching framework for on-site environmental management for the duration of this licence which includes the construction and operation of Licensed Activity:

- a) All construction as required to be undertaken before the Final Commissioning of the Works; and
- b) The period of time commencing with the Final Commissioning of the Works until cessation of the electricity generation (environmental management during decommissioning is addressed by the DP provided for by condition 3.1.19).

The EMP must be in accordance with the Application insofar as it related to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Licensee personnel, any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Licensed Activity. It must address, the following overarching requirements for environmental management during construction:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS (refer to condition 3.2.7);
- b) Marine Pollution Contingency Plan;
- c) Management measures to prevent the introduction of invasive non-native marine species;
- d) A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged; and

- e) The reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Licensee in consultation with the FTRAG at intervals agreed by the Licensing Authority. Reviews must include, the reviews of updated information on construction methods and operations of the Licensed Activity and updated working practices.

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

3.2.11 Monitoring within the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area

If the Licensee intends to route vessel traffic within the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area ("OFFSAB"), the Licensee must prior to the commencement of construction, undertake pre-construction monitoring within the OFFSAB for common scoter, velvet scoter, eider, long-tailed duck, goldeneye, red-breasted merganser, red-throated diver, Slavonian grebe and shag to understand species distributions, populations and locations of moulting birds.

The Licensee must submit a monitoring plan for the OFFSAB ("OFFSAB Monitoring Plan"), in writing, to the Licensing Authority for its written approval. Monitoring cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The OFFSAB Monitoring Plan must include:

- a) A detailed description of the monitoring to be undertaken;
- b) Timescales for monitoring results to be submitted to the Licensing Authority; and
- c) Details of how the monitoring results will be used to inform spatial and/or seasonal mitigation requirements to be set out in the VMP depending on selection of port(s) and vessel transit routes.

The Licensee must ensure that the results of the OFFSAB monitoring are available no later than six months prior to the commencement of the Licensed Activity to inform the mitigation measures set out in the VMP. The Licensed Activity shall only be commenced where the Licensing Authority have confirmed to the Licensee that the monitoring requirements have been met and that the mitigation measures to be taken are satisfactory.

3.2.12 Vessel Management Plan

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

The VMP must include:

- a) The number, types and specification of vessels required;
- b) How vessel management will be coordinated, particularly during construction, but also during operation; and
- c) Location of working port(s), the routes of passage (including lie up and sheltering areas), how often vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction and operation of the Licensed Activity.

If the Licensee intends to route vessel traffic within the OFFSAB, the VMP must be informed by the results of monitoring as set out in the approved OFFSAB Monitoring Plan described in condition 3.2.11 and must include spatial and/or seasonal mitigation depending on selection of ports and vessel transit routes.

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

The VMP should refer to the Scottish Marine Wildlife Watching Code and Guide to Best Practice for Watching Marine Wildlife for guidance on how vessels should behave around aggregations of birds on the water.

The VMP must, so far as is reasonably practicable, be consistent with the OFFSAB Monitoring Plan, CMS, the

EMP, the PEMP, the NSP, and the LMP.

3.2.13 Operation and Maintenance Programme

The Licensee must, no later than three months prior to the Final Commissioning of the Works, submit an OMP, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The OMP must set out the procedures and good working practices for operations and the maintenance of the OSP substructures, and interconnector cable. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

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

3.2.14 Navigational Safety Plan

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

The NSP must include:

- a) Navigational safety measures;
- b) safety zones;
- c) Notice(s) to mariners and radio navigation warnings;
- d) Anchoring areas;
- e) Temporary construction lighting and marking;
- f) Buoyage;
- g) Post-construction monitoring;
- h) surveys or monitoring required, including timing and reporting

The Licensee must confirm that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note ("MGN") 654, and its annexes that may be appropriate to the Licensed Activity, or any other relevant document which may supersede this guidance prior to approval of the NSP.

3.2.15 Cable Plan

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

The CaP must include:

- a) The vessel types, location, duration and cable laying techniques for the cables;
- b) The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform inter array cable routing;
- c) Technical specification of the cables, including a desk based assessment of attenuation of electromagnetic field strengths and shielding;
- d) A Cable Burial Risk Assessment, to ascertain burial depths and where necessary alternative protection measures;
- e) Methods to be used to mitigate the effects of EMF on diadromous fish;
- f) Methods and timetable for post-construction and operational surveys (including inspection, post-lay) of the cables and any cable protection through its operational life. This must include measures, to be undertaken by the licensee, to survey for and identify risks to legitimate users of the sea including areas where physical cable protection is not within the parameters of those approved and where cable installation has created seabed obstructions. The findings of such surveys must be provided to the Licensing Authority in the Seabed Obstruction Mitigation Plan as required by condition 3.4.7; and
- g) Measures to address and report to the Licensing Authority any exposure of cables or risk to users of the sea from cables.

Should High Voltage Direct Current transmission infrastructure be used, the CaP must include a pre-construction compass deviation study to ascertain the effect of EMF on ships compasses. The Licensing Authority will accept a three-degree deviation for 95% of the cable route and no more than five-degree deviation for the remaining 5%. Any greater deviation must be agreed in writing by the Licensing Authority, in consultation with the MCA, and may be subject to additional mitigation measures and reporting requirements.

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

The CaP must, so far as is reasonably practicable, be consistent with the DSLP.

3.2.16 Lighting and Marking Plan

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a LMP, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, NLB, CAA, NERL, MOD, East Lothian Council, Scottish Borders Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The LMP must provide that the Licensed Activity be lit and marked in accordance with the current CAA aviation lighting requirements, MOD aviation lighting requirements NLB aids to navigation requirements and guidance and MCA navigation and Search and Rescue requirements that are in place as at the date of the Licensing Authority's approval of the LMP. The LMP must include lighting and marking requirements for the construction phase and operational phase of the Licensed Activity.

With regards to aviation lighting, the LMP must include:

- a) Details of any construction equipment and temporal structures with a height of 50m or greater (above mean sea level ("MSL")) that will be used during the construction the Licensed Activity, and details of any aviation warning lighting that they will be fitted with, specifying the position of the lights; the type(s) of lights that will be fitted; and the performance specification(s) of those lights;
- b) Details of any floating structures with a height of 50m or greater (above MSL) specifying the position of any lights; the type(s) of lights that will be fitted; and the performance specification(s) of those lights for all stages of marine transit or storage, or whilst moored prior to final construction;
- c) Details of any permanent structures with a height of 50m or greater (above MSL), providing their locations and heights, and identifying those that will be fitted with aviation warning lighting, specifying the position of the lights; the type(s) of lights that will be fitted; and the performance specification(s) of those lights.

The Licensee must display all lighting and marking and aids to navigation as set out in the approved LMP. Where fitted to permanent structures, the approved lighting and marking and aids to navigation must remain operational for the lifetime of the Licensed Activity.

The Licensee must update the LMP on the request of the Licensing Authority, in the timescales set out by the Licensing Authority. Any updates or amendments made to the LMP must be submitted, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with any such advisors or organisations as detailed in these conditions or as may be required at the discretion of the Licensing Authority.

3.2.17 Project Environmental Monitoring Plan

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a PEMP, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, RSPB Scotland, the FTRAG and any other environmental advisors or organisations as required at the discretion of the Licensing Authority. The PEMP must be in accordance with the Application as it relates to environmental monitoring.

The PEMP must set out measures by which the Licensee must monitor the environmental impacts of the Licensed Activity. Monitoring is required throughout the lifespan of the Licensed Activity where this is deemed necessary by the Licensing Authority. Lifespan in this context includes pre-construction, construction, operational phases.

The Licensing Authority must approve all initial methodologies for the monitoring, in writing and, where appropriate, in consultation with NatureScot, the FTRAG and any other environmental advisors or organisations

as required at the discretion of the Licensing Authority.

Monitoring must be done in such a way so as to ensure that the data which is collected allows useful and valid comparisons between different phases of the Licensed Activity. Monitoring may also serve the purpose of verifying key predictions in the Application. In the event that further potential adverse environmental effects are identified, for which no predictions were made in the Application, the Licensing Authority may require the Licensee to undertake additional monitoring.

The PEMP must cover the following matters:

- a) Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring or data collection as relevant in terms of the Application, and any subsequent monitoring or data collection for:
 1. Birds;
 2. Marine Mammals;
 3. Fish and Shellfish;
 4. Diadromous fish;
 5. Physical Processes; and
 6. Benthic communities;
- b) The Licensee's contribution to data collection or monitoring, as identified and agreed by the Licensing Authority.

In relation to EMF, the Licensee must monitor and provide a report on the EMF produced by the Licensed Activity to the Licensing Authority. The Licensee must agree the methodologies and timescales for monitoring with the Licensing Authority prior to the Commencement of the Licensed Activity. Any agreement must be adhered to unless otherwise agreed and approved by the Licensing Authority.

Due consideration must be given to the Scottish Marine Energy Research ("ScotMER") programme, or any successor programme formed to facilitate these research interests.

Any pre-consent monitoring or data collection carried out by the Licensee to address any of the above issues may be used in part to discharge this condition subject to the written approval of the Licensing Authority.

The Licensing Authority may require the Licensee to amend the PEMP and submit such an amended PEMP, in writing, to the Licensing Authority, for their written approval. Such approval may only be granted following consultation with NatureScot, the FTRAG and any other environmental advisers, or such other advisors as may be required at the discretion of the Licensing Authority.

The Licensee must submit written reports and associated raw and processed data of such monitoring or data collection to the Licensing Authority at timescales to be determined by them. Consideration should be given to data storage, analysis and reporting and be to Marine Environmental Data and Information Network standards.

Subject to any legal restrictions regarding the treatment of the information, the Licensing Authority, or any such other party appointed at the Licensing Authority discretion, may make the results publicly available.

The Licensing Authority may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Licensed Activity.

Should any advisory groups be established for advice from stakeholders, the Licensee must participate as directed by the Licensing Authority

3.2.18 Fisheries Management and Mitigation Strategy

The Licensee must submit a Fisheries Management and Mitigation Strategy ("FMMS"), in writing, to the Licensing Authority for its written approval no later than six months prior to the Commencement of the Licensed Activity. The Licensed Activity cannot take place until such approval is granted. The FMMS must be defined and finalised in consultation with the Forth and Tay Commercial Fisheries Working Group ("FTCFWG").

The FMMS must include:

- a) a strategy for communicating with fishers;
- b) an assessment of the impact of the Licensed Activity on the affected commercial fisheries, both in socio-economic terms and in terms of environmental sustainability;
- c) a description of measures to mitigate adverse effects on commercial fisheries and fishers, and;

- d) a description of the monitoring of the effect of the Licensed Activity on commercial fisheries and of the effectiveness of mitigation.

The outcome of the monitoring of the effectiveness of the mitigation measures may be used to adapt the FMMS subject to the approval of the Licensing Authority.

The Licensee must implement the approved FMMS.

The Licensee must participate in and remain a member of the FTCFWG or any successor group formed to facilitate commercial fisheries dialogue.

3.2.19 Environmental Clerk of Works

Prior to the Commencement of the Licensed Activity, the Licensee must at its own expense, and with the approval of the Licensing Authority in consultation with NatureScot, appoint an independent Environmental Clerk of Works (“ECoW”). The ECoW must be appointed in time to review and approve the draft version of the first plan or programme submitted under this marine licence to Licensing Authority, in sufficient time for any pre-construction monitoring requirements, and remain in post until a date agreed by the Licensing Authority. The terms of appointment must also be approved by the Licensing Authority in consultation with NatureScot.

The terms of the appointment must include:

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

3.2.20 Fisheries Liaison Officer

Prior to the Commencement of the Licensed Activity, a Fisheries Liaison Officer (“FLO”), must be appointed by the Licensee and approved, in writing, by the Licensing Authority following consultation with the SFF, the FTCFWG and any other advisors or organisations as required at the discretion of the Licensing Authority. The FLO must be appointed by the Licensee for the period from Commencement of the Licensed Activity. The identity and credentials of the FLO must be included in the EMP (referred to in condition 3.2.10). The FLO must establish and maintain effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Licensed Activity, and ensure compliance with best practice guidelines whilst doing so.

The responsibilities of the FLO must include:

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

3.2.21 Written Scheme of Investigation and Protocol for Archaeological Discoveries

The Licensee must implement the Written Scheme of Investigation and Protocol for Archaeological Discoveries dated 28 October 2022 (document reference EOR0766) (“WSI and PAD”) that was submitted as part of its Application.

The Licensee may only implement an amended version of that WSI and PAD if that amended version has first

been approved by the Licensing Authority. If the Licensee wishes to implement an amended version of that WSI and PAD they must submit the proposed amended version of the WSI and PAD in writing to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with Historic Environment Scotland, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

3.2.22 Construction Traffic Management Plan

In the event that major offshore components require onshore abnormal load transport, the Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Construction Traffic Management Plan ("CTMP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with Transport Scotland, Scottish Borders Council and any such advisors as may be required at the discretion of the Licensing Authority.

The CTMP must include:

- a) A transport assessment detailing all proposed trips with relevant swept path analysis to ensure the safe passage of abnormal loads;
- b) A mitigation strategy for the abnormal loads on roads including any accommodation measures required. This may include the removal of street furniture, junction widening, or traffic management of road based traffic and transportation associated with the construction of the Licensed Activity; and
- c) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered as a result of the Licensed Activity.

All construction traffic associated with the Licensed Activity must conform to the approved CTMP.

3.2.23 Piling Strategy

If piling is to be undertaken, the Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a PS, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors as may be required at the discretion of the Licensing Authority. The PS must be in accordance with the Application.

The PS must include:

- a) Details of expected noise levels from pile-drilling/driving in order to inform point d) below;
- b) Full details of the proposed method and anticipated duration of piling to be carried out at all locations;
- c) Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location;
- d) Details of any mitigation such as Passive Acoustic Monitoring ("PAM"), Marine Mammal Observers ("MMO"), use and duration of Acoustic Deterrent Devices ("ADD") and monitoring to be employed during pile-driving, as agreed by the Licensing Authority;
- e) Details relating to necessary Marine Mammal Mitigation Protocols for pile-drilling/driving

The PS must be in accordance with the Application and must also reflect any relevant monitoring or data collection carried out after submission of the Application. The PS must demonstrate the means by which the exposure to and/or the effects of underwater noise have been mitigated in respect to harbour porpoise, bottlenose dolphin, white-beaked dolphin, minke whale, grey seal, harbour seal and diadromous fish. The PS must, so far as is reasonably practicable, be consistent with the EMP, the PEMP and the CMS.

3.2.24 Compensation for adverse effects on Special Protection Areas

No later than six months prior to the implementation of proposed compensatory measures (or such alternative timeframe, as approved in writing by the Licensing Authority), the Licensee must submit a Seabird Compensation Plan in writing to the Licensing Authority for their written approval. Such approval may only be granted following:

- a) consultation by the Licensing Authority with NatureScot; Natural England; any such other advisors or organisations as may be required at the discretion of the Licensing Authority which may include a compensatory measures steering group; and
- b) written agreement by the Secretary of State in relation to compensatory measures concerning the English SPAs that the AA has concluded adverse effects on site integrity ("AEOSI") for (or been unable to conclude no AEOSI for), subject to such conditions or restrictions relating to the compensatory measures as he may specify.

The Seabird Compensation Plan must set out compensatory measures which are sufficient to compensate for the Licensed Activities impacts on SPAs, as identified and quantified within Tables 76 and 77 of the AA where conclusions of AEOSI or being unable to conclude no AEOSI have been drawn. Furthermore, the Seabird Compensation Plan must include the following:

- a) a timetable of implementation and maintenance of the compensatory measures;
- b) the location of the compensatory measures;
- c) a description of the characteristics of the proposed compensatory measures;
- d) the predicted outcomes of each compensatory measure, including timescales of when those outcomes will be achieved;
- e) details of monitoring and reporting of the effectiveness of the compensatory measures including—
- f) survey methods;
- g) survey programmes;
- h) success criteria;
- i) timescales for monitoring reports to be submitted to the Scottish Ministers;
- j) reporting of meeting success criteria, and
- k) measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures.

Commencement of the Licensed Activity cannot take place without written approval of the Seabird Compensation Plan by the Licensing Authority. The Licensing Authority may require that certain elements of the Seabird Compensation Plan must be fulfilled prior to Commencement of the Licensed Activity. In this instance, the Licensing Authority will notify the Licensee, in writing, of what is required. The Licensee must not initiate Commencement of the Licensed Activity until the Licensing Authority have confirmed, in writing, that they are content and any such elements have been fulfilled.

The Licensee must implement the approved Seabird Compensation Plan in full.

Any requests for amendments to the approved Seabird Compensation Plan must be submitted, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following:

- a) consultation by the Licensing Authority with NatureScot, Natural England and any such other advisors or organisations as may be required at the discretion of the Licensing Authority, which may include a compensatory measures steering group; and
- b) written agreement by the Secretary of State in relation to compensatory measures concerning the English SPAs that the Appropriate Assessment (“AA”) has concluded AEOSI for (or been unable to conclude no AEOSI for), subject to such conditions or restrictions relating to the compensatory measures as he may specify.

The Licensee must make such alterations to the approved Seabird Compensation Plan as directed by the Licensing Authority and submit the updated Seabird Compensation Plan to the Licensing Authority for approval within such a period as directed in writing by the Licensing Authority. If those directions make alterations to compensatory measures relating to the English SPAs that the AA has concluded AEOSI for (or been unable to conclude no AEOSI for), this will be subject to written agreement from the Secretary of State.

The Licensee must notify the Licensing Authority, NatureScot and Natural England of the completion of any compensatory measures set out in the Seabird Compensation Plan.

3.2.25 Marine Mammal Observer

Prior to the Commencement of the Licensed Activity, the Licensee must appoint an 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. The Licensee must provide the Licensing Authority with the MMO records no later than six months following Commencement of the Licensed Activity, and thereafter at six monthly intervals or such other periods as agreed with the Licensing Authority.

The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code where appropriate during all construction, operation and maintenance activities authorised under this licence.

3.2.26 Third Party Certification/Verification

The Licensee must, no later than 3 calendar months prior to the Commencement of the Licensed Activity, provide the Licensing Authority with Third Party Certification or Verification (“TPC” or “TPV”) (or a suitable alternative as agreed in writing with the Licensing Authority) that covers the entirety of the Works for the lifespan of the Works.

In this condition, the term “lifespan” means the entire period that the licence remains in force.

The TPC or TPV should follow the guidance provided in the Offshore wind, wave and tidal energy applications: consenting and licensing manual or any other relevant document which may supersede this. There must be no Commencement of the Licensed Activity unless the TPC or TPV is provided as described above unless otherwise agreed with the Licensing Authority.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

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

3.3.3 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

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

The Transport Audit Report must include the nature and quantity of all substances and objects deposited and materials used in construction (as described in Part 2/3) in that calendar month. Alterations and updates can be made in the following month’s Transport Audit Report. Where appropriate, nil returns must be provided.

If the Licensee becomes aware of any materials on the Transport Audit Report 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.

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

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

3.3.7 The Licensee must ensure that progress of the Licensed Activity is promulgated regularly in the Kingfisher Fortnightly Bulletin.

3.3.8 In case of exposure of buried cables on or above the seabed, the Licensee must within three days following identification of a potential cable exposure, notify mariners and inform Kingfisher Information Service and local fishing representatives of the location and extent of exposure. Copies of all notices must be provided to the Licensing Authority, MCA, NLB, and the UKHO within five days.

3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must send notification to the Source Data Receipt team, UK Hydrographic Office, (email:sdr@ukho.gov.uk) no later than 10 working days after the Completion of the Licensed Activity. The information provided must include: latitude and longitude co-ordinates in WGS84 of the Works, as installed, on and/or above the seabed, any changes to engineering drawings, post dredge surveys, and details of new or changed aids to navigation where applicable. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

The Licensee must, following installation, notify the Kingfisher Information Service Offshore Renewables and Cable Awareness and the International Cable Protection Committee of the 'as laid' cable corridor and a 500m zone either side of it as a hazardous area for anchoring.

The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity. The Licensee must complete post-installation hydrographic surveys of the site of the Works or subsections thereof, and periodic hydrographic surveys thereafter, to the IHO Order 1a survey standard as per the MCA’s MGN 654 and supplementary updates. The data and a corresponding report of the survey findings must be supplied to the UK Hydrographic Office on completion of these surveys, with

notification to the MCA hydrography manager and the Licensing Authority.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case the National Maritime Coastguard Centre, are made fully aware of the Completion of the Licensed Activity.

The Licensee must ensure that the Completion of the Licensed Activity is promulgated in the soonest Kingfisher Fortnightly Bulletin following Completion of the Licensed Activity to inform the commercial fishing industry.

The Licensee must ensure that the OSP(s) are actively monitored throughout the lifetime of the Works. The Licensee must ensure that a contingency plan is in place to respond to any reported catastrophic failures which may result in any OSP(s), or part(s) thereof, breaking loose and becoming a buoyant hazard. This contingency plan should include the transmission of local radio navigation warnings.

The Licensee must not exhibit, alter or discontinue navigational lighting of the Licensed Activity without the statutory sanction of the Commissioners of Northern Lighthouses.

3.4.2 The Licensee must take all reasonable, appropriate and practicable steps at the end of the operational life of the Licensed Activity to restore the site of the Works to its original pre-construction condition, or to as close to its original condition as is reasonably practicable, in accordance with the PEMP and the DP and to the satisfaction of the Licensing Authority.

Should the Licensed Activity be discontinued prior to expiry date of this marine licence, the Licensee must inform the Licensing Authority in writing of the discontinuation of the Licensed Activity.

A separate marine licence will be required for the removal of the Works.

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

3.4.4 The Licensee must, within one month of the Completion of the Licensed Activity, provide the co-ordinates accurate to three decimal places of minutes of arc for the OSPs, the "as-built" positions and maximum heights of the OSPs along with any sub-sea infrastructure, to UKHO, Defence Geographic Centre, MOD, CAA and any other such advisers or organisations as may be required for nautical charting and aviation purposes.

3.4.5 The Licensee must within three months of the Completion of the Licensed Activity submit a close out report to the MCA and UKHO. The close out report must confirm the date of Completion of the Licensed Activity and as built plans, and latitude and longitude co-ordinates for the OSPs and cable route provided as GIS data referenced to WGS84 datum.

3.4.6 The Licensee must, no later than one calendar month following the Completion of the Licensed Activity submit a report, in writing, to the Licensing Authority stating the date of completion, and all materials used in construction under the authority of the licence.

3.4.7 **Seabed Obstruction Mitigation Plan**

The Licensee must submit a Seabed Obstruction Mitigation Plan to the Licensing Authority, for its written approval. The Seabed Obstruction Mitigation Plan must demonstrate how any risks to legitimate users of the sea, identified from the post-lay surveys and operational surveys described in the Cable Plan, will be reduced. The Seabed Obstruction Mitigation Plan must include and address any areas where physical cable protection is not within the parameters of those approved or where cable installation has created seabed obstructions.

Such approval may only be granted following consultation by the Licensing Authority with any advisors or organisations as may be required at the discretion of the Licensing Authority.

The Seabed Obstruction Mitigation Plan must be submitted for approval no later than three months after cable laying has been completed and updated no later than one month after any operational phase survey where risks to legitimate users of the sea have been identified.

The Seabed Obstruction Mitigation Plan must include:

- a) findings of each survey carried out at post-lay stage and following operational phase surveys where risks to legitimate users of the sea have been identified, including the locations of any areas that do not meet the approved design parameters or cause obstruction to legitimate users of the sea and any risks identified, and how the findings have informed mitigation measures;
- b) measures that will be implemented to reduce any risks identified for each area where approved design parameters have not been met or where obstructions to legitimate users of the sea have been identified;

- and
- c) timescales for the implementation of the measures.

The Licensee must implement the approved Seabed Obstruction Mitigation Plan.

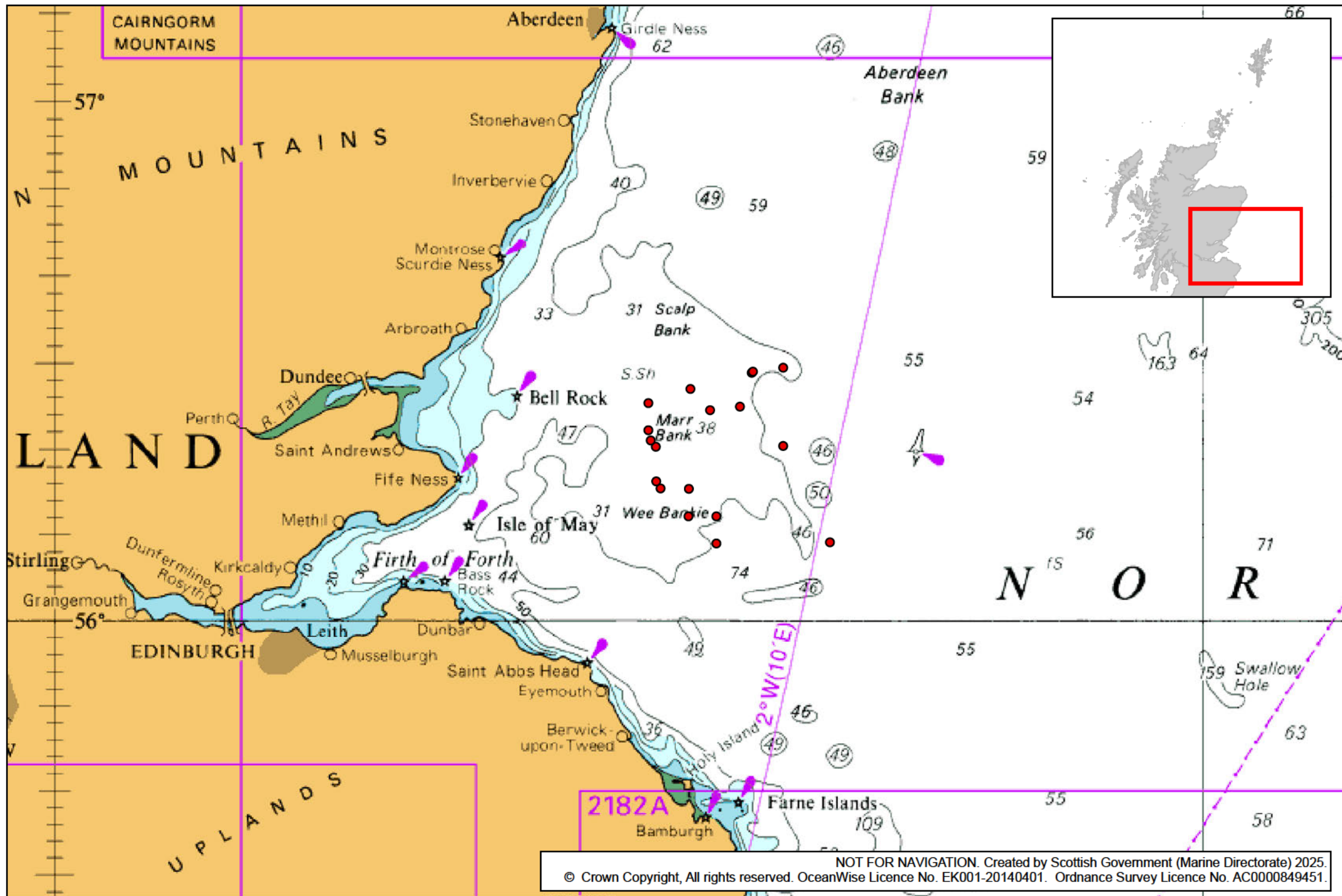
Any updates to the Seabed Obstruction Mitigation Plan must be submitted to the Licensing Authority, in writing, for its written approval. Such approval may only be granted following consultation by the Licensing Authority with any such other advisors or organisations as may be required at the discretion of the Licensing Authority. Implementation of the updated Seabed Obstruction Mitigation Plan cannot take place until such approval is granted.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the Licensed Activity. The issue of the licence does not absolve the Licensee from obtaining such authorisations, consents etc. which may be required under any other legislation.
2. In the event that the Licensee wishes any of the particulars set down in the Schedule to be altered, the Licensing Authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

Annex One to Licence Number 00010191

Chart showing the location of the Licensed Activity



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