

Annex 1 – DESCRIPTION OF THE DEVELOPMENT

The Application is for the construction and operation of an offshore energy generating station which shall comprise:

1. No more than 307 three-bladed horizontal axis Wind Turbine Generators (“WTG”) each with:
 - a. A maximum hub height of 200 metres (“m”) (measured from above Lowest Astronomical Tide (“LAT”))
 - b. A minimum blade tip height of 37m (measured from above LAT)
 - c. A maximum blade tip height of 355m (measured from above LAT)
 - d. A maximum rotor diameter for smallest wind turbine option of 222m
 - e. A maximum rotor diameter of 310m
 - f. A minimum wind turbine spacing of 1,000m
 - g. A maximum wind turbine spacing of 4,650m
2. A maximum of 1,225 kilometres of inter-array cable.
3. Up to 307 WTG foundations and substructures (steel lattice jacket towers with pin piles or suction caissons), and associated fixtures, fittings and protections.
4. Scour and inter-array cable protection.

and, except to the extent modified by the foregoing, all as described in the Application and by the conditions imposed by the Scottish Ministers. References to “the Development” in this consent shall be construed accordingly.

ANNEX 2 – SECTION 36 CONSENT CONDITIONS

The consent granted under Section 36 of the Electricity Act 1989 is subject to the following conditions:

1. Duration of the Consent

The consent is for a period of 35 years from the date of Final Commissioning of the Development.

Written confirmation of the date of ~~First~~ Final Commissioning of the Development must be provided by the Developer to the Scottish Ministers and to Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and Northumberland County Council no later than one calendar month after this date.

Reason: *To define the duration of the consent*

2. Commencement of the Development

The Commencement of the Development must be no later than five years from the date of this consent, or in substitution such other later period as the Scottish Ministers may hereafter direct in writing. The Developer must provide written confirmation of the intended date of Commencement of the Development, and of the Commencement of each Phase of the Development, to the Scottish Ministers and Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and Northumberland County Council no later than one calendar month before that date.

Reason: *To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted and that each subsequent Phase is notified to the relevant bodies.*

3. Decommissioning

There must be no Commencement of the Development until a Decommissioning Programme (“DP”), submitted in accordance with a section 105 notice served by the appropriate Minister, has been approved under section 106 of the Energy Act 2004 by the Scottish Ministers.

Reason: *To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner, and in the interests of safety and environmental protection.*

4. Assignment

This consent must not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the

consent (with or without conditions) or refuse assignation as they may see fit. The consent cannot be assigned, alienated or transferred otherwise than in accordance with the assignation procedure as directed by Scottish Ministers.

Reason: To safeguard the obligations of the consent if transferred to another company.

5. Redundant Wind Turbine Generators

If any wind turbine generator (“WTG”) fails to generate electricity for a continuous period of 12 months, then, unless otherwise agreed in writing by the Scottish Ministers, the Developer must: (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Scottish Ministers setting out the manner in which that WTG and associated infrastructure will be removed from the site and the seabed restored; and (ii) implement the approved scheme within six months of the date of its approval, or such other date as agreed in writing by the Scottish Ministers, all to the satisfaction of the Scottish Ministers.

Reason: To ensure that should a WTG become redundant, it is removed from the site, in the interests of safety, amenity and environmental protection.

6. Incident Reporting

The Developer 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 Development, to the Scottish Ministers within 24 hours of the incident occurring.

Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

7. Implementation in accordance with approved plans and requirements of this consent

Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with the Application, the Environmental Impact Assessment Report submitted by the Developer on 9 December 2022, the Addendum of Additional Information submitted by the Developer on 4 August 2023, and any other documentation and information provided by the Developer in support of the Application.

Reason: To ensure that the Development is carried out in accordance with the approved details.

8. Submission and approval of plans, programmes and schemes

The Developer must submit the requested plans, programmes and schemes, as detailed in the conditions, in writing, to the Scottish Ministers for their written

approval. Such approval may only be granted following consultation by the Scottish Ministers with any such advisors or organisations as detailed in these conditions or as may be required at the discretion of the Scottish Ministers.

Any updates or amendments made to the approved plans, programmes and schemes must be submitted, in writing, to the Scottish Ministers for their written approval.

The Development must, at all times, be constructed and operated in accordance with the approved plans, programmes and schemes.

Reason: To ensure that the Development is constructed and operated in accordance with the approved details.

9. Compliance with this consent

The Developer must satisfy itself that all contractors or sub-contractors are aware of the extent of the Development for which this consent has been granted, the activity which is consented and the terms of the conditions attached to this consent. All contractors and sub-contractors permitted to engage in the Development must abide by the conditions set out in this consent.

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

Reason: To ensure that the Development is constructed and operated in accordance with the approved details.

10. Forth and Tay Regional Advisory Group

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

Reason: To ensure effective environmental monitoring and mitigation is undertaken.

11. Construction Programme

The Developer must, no later than six months prior to the Commencement of [each Phase of](#) the Development, submit a Construction Programme ("CoP") [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Commencement of [each Phase of](#) the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, Maritime and Coastguard Agency ("MCA"), Northern Lighthouse Board ("NLB"), EDF Energy Nuclear Generation Limited and any such other

advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CoP for the first Phase must set out the proposed date for the Commencement of the Development.

The CoP for each Phase must set out:

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

The CoP for the final Phase of the Development must set out the scheduled date for Final Commissioning of the Development.

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

Reason: To confirm the timing and programming of construction and to allow for this on a phased basis.

12. Construction Method Statement

The Developer must, no later than six months prior to the Commencement of each Phase of the Development submit a Construction Method Statement (“CMS”) for that Phase, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CMS for each Phase must include:

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

The CMS [for each Phase](#) must adhere to the construction methods assessed in the Application. The CMS [for each Phase](#) also must, so far as is reasonably practicable, be consistent with the DS, the EMP, the VMP, the NSP, the PS, the CaP and the LMP [for that Phase](#).

The ~~final~~-[approved](#) CMS [for each Phase](#) must be sent to Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and Northumberland County Council for information only.

Reason: To ensure the appropriate construction management of the Development, taking into account mitigation measures to protect the environment and other users of the marine area [and to allow for this on a phased basis](#)

13. Development Specification and Layout Plan

The Developer must, no later than six months prior to the Commencement of [each Phase of](#) the Development, submit a Development Specification and Layout Plan (“DSLPL”) [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA, NLB, NatureScot, Chamber of Shipping (“CoS”) the Ministry of Defence (“MOD”), Civil Aviation Authority (“CAA”), NATS (En Route) PLC, 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 Scottish Ministers.

The DSLPL [for each Phase](#) must include:

- a) A plan showing the location of each individual WTG (subject to any required micro-siting), including information on WTG spacing, WTG identification/numbering, seabed conditions, bathymetry, confirmed foundation type for each WTG;
- b) Details of any key environmental constraints recorded on the site [of that Phase](#) 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 WTG. This should also be provided as a GIS shape file using WGS84 format;
- d) A table or diagram of each WTG dimensions including: height to blade tip (measured above LAT) to the highest point, height to hub (measured above LAT to the centreline of the generator shaft), rotor diameter and maximum rotation speed;
- e) The generating output of each WTG used ~~on the site~~ [in that Phase](#) (see Annex 1) and a confirmed generating output for the ~~site~~-[Phase](#) overall;
- f) The finishes for each WTG (see condition 21 on WTG lighting and marking);
- g) The length and proposed arrangements on or above the seabed of all inter-array cables [used in that Phase](#); and

h) Details of any cable and scour protection.

Reason: To confirm the final Development specification and layout.

14. Design Statement

The Developer must, no later than six months prior to the Commencement of [each Phase of](#) the Development, submit a Design Statement ("DS") [for that Phase](#), in writing, to the Scottish Ministers. The DS, which must be signed off by at least one qualified landscape architect, as instructed by the Developer prior to submission to the Scottish Ministers, must include representative day and night wind farm visualisations from key viewpoints as agreed with the Scottish Ministers, based upon the final DSLP [for that Phase](#) as approved by the Scottish Ministers as updated or amended.

The Developer must provide the DS [for each Phase](#), 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 Scottish Ministers.

Reason: To inform interested parties of the final wind farm scheme proposed to be built and to allow for this on a phased basis.

15. Environmental Management Plan

The Developer must, no later than six months prior to the Commencement of [each Phase of](#) the Development, submit an Environmental Management Plan ("EMP") [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The EMP [for each Phase](#) must provide the overarching framework for on-site environmental management for ~~the duration of this consent~~ [that Phase](#) which includes ~~the construction and operation of Development~~:

- a) All construction as required to be undertaken before the Final Commissioning of [that Phase of](#) the Development; and
- b) The period of time commencing with the Final Commissioning of [that Phase of](#) the Development until cessation of the electricity generation [in that Phase](#) (environmental management during decommissioning is addressed by the DP provided for by condition 3).

The EMP [for each Phase](#) must be in accordance with the Application insofar as it relates to environmental management measures. The EMP [for each Phase](#) must set out the roles, responsibilities and chain of command for the Developer personnel, any contractors or sub-contractors in respect of environmental

management for the protection of environmental interests during the construction and operation of ~~the Development~~ that Phase. 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 for that Phase (refer to condition 12);
- 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 Scottish Ministers 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 for each Phase must be regularly reviewed by the Developer in consultation with the FTRAG at intervals agreed by the Scottish Ministers. Reviews must include the reviews of updated information on construction methods and operations of that Phase of the Development and updated working practices.

The EMP for each Phase 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 for that Phase.

Reason: To ensure that all construction and operation activities are carried out in a manner that minimises their impact on the environment, and that mitigation measures contained in the Application, or as otherwise agreed, are fully implemented and to allow for this on a phased basis.

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

If the Developer intends to route vessel traffic within the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (“OFFSAB”), the Developer 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 Developer must submit a monitoring plan for the OFFSAB (“OFFSAB Monitoring Plan”), in writing, to the Scottish Ministers for their written approval. Monitoring cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, and any

such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The OFFSAB Monitoring Plan must include the following:

- a) A detailed description of the monitoring to be undertaken;
- b) Timescales for monitoring results to be submitted to the Scottish Ministers; 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 Vessel Management Plan (“VMP”) depending on selection of port(s) and vessel transit routes.

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

Reason: To understand and inform the mitigation measures required to avoid an adverse effect on the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area.

17. Vessel Management Plan

The Developer must, no later than six months prior to the Commencement of [each Phase of](#) the Development, submit a Vessel Management Plan (“VMP”) [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Commencement of [each Phase of](#) the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, SFF, RYA, CoS and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The VMP [for each Phase](#) must include the following details:

- 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 [that Phase](#) ~~the Development~~.

If the Developer intends to route vessel traffic within the OFFSAB, the VMP [for each Phase](#) must be informed by the results of monitoring as set out in the approved OFFSAB Monitoring Plan described in condition 16 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 Scottish Ministers in writing no later than 14 days prior to the Commencement of [each Phase of the Development](#), and thereafter, any changes to the details supplied must be notified to the Scottish Ministers, as soon as practicable, prior to any such change being implemented in the construction or operation of [that Phase](#) ~~the Development~~.

The VMP [for each Phase](#) 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 [for each Phase](#) must, so far as is reasonably practicable, be consistent with the OFFSAB Monitoring Plan, CMS, the EMP, the PEMP, the NSP, and the LMP [for that Phase](#).

Reason: *To mitigate the impact of vessels and to allow for this on a phased basis.*

18. Operation and Maintenance Programme

The Developer must, no later than three months prior to the Commissioning of the [First WTG in each Phase of the Development](#), submit an OMP [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The OMP [for each Phase](#) must set out the procedures and good working practices for operations and the maintenance of the WTG's, substructures, and inter-array cable network [for that Phase](#) ~~of the Development~~. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP [for each Phase](#).

The OMP [for each Phase](#) must, so far as is reasonably practicable, be consistent with the EMP, the PEMP, the VMP, the NSP, the CaP and the LMP [for that Phase](#).

Reason: *To safeguard environmental interests during operation and maintenance of the Development and to allow for this to be approved on a phased basis.*

19. Navigational Safety Plan

The Developer must, no later than six months prior to the Commencement of [each Phase of the Development](#), submit a Navigational Safety Plan ("NSP") [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Commencement of [that Phase of the Development](#) cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with MCA, NLB, RYA, SFF, CoS, MOD and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers.

The NSP [for each Phase](#) must include, the following issues:

- 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 Developer 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 [each Phase of the Development](#), or any other relevant document which may supersede this guidance prior to approval of the NSP [for each Phase](#).

Reason: To mitigate the navigational risk to other legitimate users of the sea and to allow for this on a phased basis.

20. Inter-Array Cable Plan

The Developer must, no later than six months prior to the Commencement of [each Phase of the Development](#), submit an Inter-Array Cable Plan (“CaP”) [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Commencement of [that Phase of the Development](#) cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, SFF and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. ~~The Each~~ CaP must be in accordance with the Application.

The CaP [for each Phase](#) must include, the following:

- a) The vessel types, location, duration and cable laying techniques for the inter-array 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 33; and

- g) Measures to address and report to the Scottish Ministers any exposure of cables or risk to users of the sea from cables.

Any licensed cable protection must ensure existing and future safe navigation is not compromised. The Scottish Ministers 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 Scottish Ministers.

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

Reason: To ensure all environmental and navigational issues are considered for the location and construction of the inter array cables and to allow for this on a phased basis.

21. Lighting and Marking Plan

The Developer must, no later than six months prior to the Commencement of each Phase of the Development, submit a Lighting and Marking Plan ("LMP") for that Phase, in writing, to the Scottish Ministers for their written approval. Commencement of that Phase of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB, CAA, NATS (En Route) PLC, MOD, East Lothian Council, Scottish Borders Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The LMP for each Phase must provide that that Phase ~~the Development~~ be lit and marked in accordance with the current CAA aviation lighting requirements, MOD aviation lighting requirements and guidance, 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 Scottish Ministers approval of the LMP for that Phase. The LMP for each Phase must include lighting and marking requirements for the construction phase and operational phase of that Phase ~~the Development~~.

With regards to aviation lighting, the LMP for each Phase must include, but not be limited to:

- 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 Development~~ that Phase, 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 Developer must display all lighting and marking and aids to navigation as set out in ~~the each~~ approved LMP. Where fitted to permanent structures, the approved lighting and marking and aids to navigation must remain operational for the lifetime of the ~~Development~~Phase.

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

Reason: *To ensure marine navigational and aviation safety and the safe marking and lighting of the Development and to allow for this to be complied with on a phased basis*

22. Air Defence Radar Mitigation Scheme

No WTG forming part of the Development is permitted to rotate its rotor blades on its horizontal axis until Scottish Ministers, having consulted with the MOD, confirms satisfaction in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the MOD to ensure that the approved mitigation is implemented.

For the purposes of this condition —

- a) “appropriate mitigation” means measures to prevent or remove any adverse effects which the authorised development will have on the air defence radars at Remote Radar Head (“RRH”) Buchan and RRH Brizlee Wood, and the MOD’s air surveillance and control operations;
- b) “approved mitigation” means the detailed Radar Mitigation Scheme that will set out the appropriate measures and timescales for implementation as agreed with the MOD at the time Scottish Ministers confirms satisfaction in writing in accordance with this condition;

The Developer must thereafter comply with all other obligations contained within the approved mitigation for the lifetime of the Development.

Reason: *To mitigate the adverse impacts of the Development on the Air Defence Remote Radar Head Brizlee Wood and Remote Radar Head Buchan.*

23. Primary Radar Mitigation Scheme

No part of any WTG is to be erected above mean sea level until a Primary Radar Mitigation Scheme (“PRMS”) has been submitted to and approved in writing by the Scottish Ministers following consultation with NATS (En Route) PLC (“NERL”). Commencement of the Development cannot take place until such approval is granted.

No blades is to be fitted to any WTG until the technical mitigation measures set out in the approved PRMS have been implemented in accordance with its terms and the Development must thereafter be operated fully in accordance with such approved PRMS.

Reason: To mitigate the adverse impacts of the Development on the Allanshill and Perwinnes radar and associated air traffic control operations.

24. Air Traffic Control Radar Mitigation Scheme

No WTG is to be erected unless and until an Air Traffic Control Radar Mitigation Scheme (“ATCRMS”) to address the impact of the WTGs upon air safety has been submitted to and approved in writing by Scottish Ministers in consultation with the MOD.

The ATCRMS is a scheme designed to mitigate the impact of the Development upon the operation of the Air Traffic Control Radar System(s) used by Leuchars Station (“the Radar”) and the air traffic control operations of the MOD which are reliant upon the Radar. The ATCRMS must set out the appropriate measures to be implemented to mitigate the impact of the Development on the Radar, and must be in place for the lifetime of the Development provided the Radar remains in operation.

The Development must be implemented strictly in accordance with the details set out in the approved ATCRMS.

No WTG erected as part of the Development is permitted to rotate its rotor blades about its horizontal axis, unless and until all those measures required by the approved ATCRMS to be implemented prior to the operation of the WTGs, have been implemented, and the Scottish Ministers have, following consultation with the MOD, confirmed this in writing.

Thereafter the Development must be operated strictly in accordance with the details set out in the approved ATCRMS for the lifetime of the Development

Reason: To mitigate the adverse impacts of the Development on the air traffic control radar at Leuchars Station and the operations of the MOD.

25. Project Environmental Monitoring Plan

The Developer must, no later than six months prior to the Commencement of each Phase of the Development, submit a Project Environmental Monitoring Plan ("PEMP") for that Phase, in writing, to the Scottish Ministers for their written approval. Commencement of that Phase of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, RSPB Scotland and the FTRAG and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers. The PEMP for each Phase must be in accordance with the Application as it relates to environmental monitoring.

The PEMP for each Phase must set out measures by which the Developer must monitor the environmental impacts of that Phase~~the Development~~. Monitoring is required throughout the lifespan of the Development where this is deemed necessary by the Scottish Ministers. Lifespan in this context includes pre-construction, construction and operational phases of each Phase.

The Scottish Ministers 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 Scottish Ministers.

Monitoring must be done in such a way so as to ensure that the data which is collected allows useful and valid comparisons between the pre-construction, construction and operational ~~different~~ phases of each Phase of the Development. 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 Scottish Ministers may require the Developer to undertake additional monitoring.

The PEMP for each Phase must cover the following matters:

- a) Pre-construction, construction (if considered appropriate by the Scottish Ministers) 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 Developer's contribution to data collection or monitoring, as identified and agreed by the Scottish Ministers.

In relation to EMF, the Developer must monitor and provide a report on the EMF produced by the Development to the Scottish Ministers. The Developer must agree the methodologies and timescales for monitoring with the Scottish Ministers prior to the Commencement of the Development. Any agreement must be adhered to unless otherwise agreed and approved by the Scottish Ministers. 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 Developer to address any of the above issues may be used in part to discharge this condition subject to the written approval of the Scottish Ministers.

The Scottish Ministers may require the Developer to amend the PEMP [for any Phase](#) and submit such an amended PEMP [for that Phase or Phases](#), in writing, to the Scottish Ministers, 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 Scottish Ministers.

The Developer must submit written reports and associated raw and processed data of such monitoring or data collection to the Scottish Ministers 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 Scottish Ministers, or any such other party appointed at the Scottish Ministers discretion, may make the results publicly available.

The Scottish Ministers may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of [each Phase of](#) the Development.

Should any advisory groups be established for advice from stakeholders, the Developer must participate as directed by the Scottish Ministers

Reason: To ensure that appropriate and effective monitoring of the impacts of the Development is undertaken [and to allow for this on a phased basis](#)

26. Fisheries Management and Mitigation Strategy

The Developer must submit a Fisheries Management and Mitigation Strategy (“FMMS”), in writing, to the Scottish Ministers for their written approval no later than six months prior to the Commencement of [each Phase of](#) the Development. ~~The~~ [Commencement of that Phase of the](#) Development cannot take place until such approval is granted. The FMMS [for each Phase](#) must be defined and finalised in consultation with the Forth and Tay Commercial Fisheries Working Group (“FTCFWG”).

The FMMS [for each Phase](#) must include:

- a) a strategy for communicating with fishers;
- b) an assessment of the impact of [that Phase](#) ~~the Development~~ 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 [that Phase of the Development](#) 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 [for each Phase](#) subject to the approval of the Scottish Ministers.

The Developer must implement the approved FMMS [for each Phase](#).

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

Reason: *To mitigate the impact on commercial fisheries [and to allow for this to be carried out on a phased basis](#).*

27. Environmental Clerk of Works

Prior to the Commencement of the Development, the Developer must at its own expense, and with the approval of the Scottish Ministers 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 consent to Scottish Ministers, in sufficient time for any pre-construction monitoring requirements, and remain in post until a date agreed by the Scottish Ministers. The terms of appointment must also be approved by the Scottish Ministers 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 the consent;
- b) Responsible for the monitoring and reporting of compliance with the consent conditions and the environmental mitigation measures for all wind farm infrastructure;
- c) Provision of on-going advice and guidance to the Developer in relation to achieving compliance with the consent 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 Scottish Ministers at timescales to be determined by the Scottish Ministers;

- 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 Development is being constructed in accordance with the plans and the consent, 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 Scottish Ministers; and
- h) Agreement of a communication strategy with the Scottish Ministers.

Reason: To ensure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development

28. Fisheries Liaison Officer

Prior to the Commencement of the Development, a Fisheries Liaison Officer (“FLO”), must be appointed by the Developer and approved, in writing, by the Scottish Ministers following consultation with the SFF, the FTCFWG and any other advisors or organisations as required at the discretion of the Scottish Ministers. The FLO must be appointed by the Developer for the period from Commencement of the Development. The identity and credentials of the FLO must be included in the EMP (referred to in condition 15). The FLO must establish and maintain effective communications between the Developer, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development, 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 Developer, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Development 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 Development; 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.

Reason: To facilitate engagement with the commercial fishing industry.

29. Written Scheme of Investigation and Protocol for Archaeological Discoveries

The Developer 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 Developer may only implement an amended version of that WSI and PAD if that amended version has first been approved by the Scottish Ministers. If the Developer 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 Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with Historic Environment Scotland, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

Reason: *To ensure mitigate the impact of the Development on marine archaeology and ensure any discovery of archaeological interest is properly and correctly reported.*

30. Construction Traffic Management Plan

In the event that major offshore components require onshore abnormal load transport, the Developer must, no later than six months prior to the Commencement of [each Phase of](#) the Development, submit a Construction Traffic Management Plan (“CTMP”) [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Commencement of [that Phase of](#) the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with Transport Scotland, Scottish Borders Council and any such advisors as may be required at the discretion of the Scottish Ministers.

The CTMP [for each Phase](#) 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 [that Phase of](#) the Development; 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 [that Phase of](#) the Development.

All construction traffic associated with [each Phase of](#) the Development must conform to the approved CTMP [for that Phase](#).

Reason: *To minimise interference and maintain the safety and free flow of traffic on roads as a result of the traffic moving to and from the Development [and to allow for this to be complied with on a phased basis](#).*

31. Piling Strategy

~~#~~ [Where](#) piling is to be undertaken [for a Phase of the Development](#), the Developer must, no later than six months prior to the Commencement of [that Phase of](#) the

Development, submit a Piling Strategy (“PS”) [for that Phase](#), in writing, to the Scottish Ministers for their written approval. Commencement of [that Phase the Development](#) cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot and any such other advisors as may be required at the discretion of the Scottish Ministers.

The PS [for each Phase, where required](#), 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 Scottish Ministers;
- 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 [for each Phase](#) must, so far as is reasonably practicable, be consistent with the EMP, the PEMP and CMS [for that Phase](#).

Reason: To mitigate the underwater noise impacts arising from piling activity and to allow for this to be mitigated on a phased basis.

32. Compensation for adverse effects on Special Protection Areas

No later than six months prior to the implementation of proposed compensatory measures [for each Phase of the Development](#) (or such alternative timeframe, as approved in writing by the Scottish Ministers), the Developer must submit a Seabird Compensation Plan [for that Phase](#) in writing to the Scottish Ministers for their written approval. Such approval may only be granted following:

- (a) consultation by the Scottish Ministers with NatureScot; Natural England; any such other advisors or organisations as may be required at the discretion of the Scottish Ministers 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 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 for each Phase must set out compensatory measures which are sufficient to compensate for that Phase of the Development's 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 for each Phase must include the following:

- a) a methodology for the calculation of compensation required for the impacts of that Phase;
- a)b) a timetable of implementation and maintenance of the compensatory measures required to compensate for that Phase;
- b)c) the location of the compensatory measures related to that Phase;
- e)d) a description of the characteristics of the proposed compensatory measures related to that Phase;
- e)e) the predicted outcomes of each compensatory measure related to that Phase, including timescales of when those outcomes will be achieved;
- e)f) details of monitoring and reporting of the effectiveness of the compensatory measures related to that Phase including—
 - i) survey methods;
 - ii) survey programmes;
 - iii) success criteria;
 - iv) timescales for monitoring reports to be submitted to the Scottish Ministers;
 - v) reporting of meeting success criteria, and
 - vi) measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures.

Commencement of each Phase of the Development cannot take place without written approval of the Seabird Compensation Plan for that Phase by the Scottish Ministers. The Scottish Ministers may require that certain elements of the Seabird Compensation Plan for a Phase must be fulfilled prior to Commencement of that Phase of the Development. In this instance, the Scottish Ministers will notify the Developer, in writing, of what is required. The Developer must not initiate Commencement of that Phase of the Development until the Scottish Ministers have confirmed, in writing, that they are content and any such elements have been fulfilled.

The Developer must implement ~~the~~ each approved Seabird Compensation Plan in full.

Prior to commencement of development of any subsequent Phase, the Seabird Compensation Plan for that Phase must be submitted in writing to the Scottish Ministers for their written approval, taking into consideration the cumulative compensation requirements of that Phase and any earlier Phase(s).

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

- (a) consultation by the Scottish Ministers with NatureScot, Natural England and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers, 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 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 Developer must make such alterations to the approved Seabird Compensation Plan [for each Phase](#) as directed by the Scottish Ministers and submit the updated Seabird Compensation Plan [for that Phase](#) to the Scottish Ministers for approval within such a period as directed in writing by the Scottish Ministers. 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 Developer must notify the Scottish Ministers, NatureScot and Natural England of the completion of any compensatory measures set out in the Seabird Compensation Plan [for each Phase](#).

~~No later than six months prior to the implementation of proposed compensatory measures (or such alternative timeframe, as approved in writing by the Scottish Ministers), the Developer must submit a Seabird Compensation Plan in writing to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot; Natural England; any such other advisors or organisations as may be required at the discretion of the Scottish Ministers which may include a compensatory measures steering group; and the Secretary of State in relation to English SPAs that the AA has concluded adverse effects on site integrity ("AEOSI") for (or been unable to conclude no AEOSI for).~~

~~The Seabird Compensation Plan must set out compensatory measures which are sufficient to compensate for the Development's 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—~~
 - ~~i) survey methods;~~
 - ~~ii) survey programmes;~~

- ~~iii) success criteria;~~
- ~~iv) timescales for monitoring reports to be submitted to the Scottish Ministers;~~
- ~~v) reporting of meeting success criteria, and~~
- ~~vi) measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures.~~

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

~~The Developer 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 Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, Natural England and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers, which may include a compensatory measures steering group. The Developer must make such alterations to the approved Seabird Compensation Plan as directed by the Scottish Ministers and submit the updated Seabird Compensation Plan to the Scottish Ministers for approval within such a period as directed in writing by the Scottish Ministers.~~

~~The Developer must notify the Scottish Ministers, NatureScot and Natural England of the completion of any compensatory measures set out in the Seabird Compensation Plan.~~

Reason: *To ensure that the adverse impacts on site integrity of the Special Protection Areas are sufficiently compensated for [and to allow for actions to be taken on a phased basis](#).*

33. Seabed Obstruction Mitigation Plan

The Developer must submit a Seabed Obstruction Mitigation Plan [for each Phase of the Development](#) to the Scottish Ministers, for their written approval. The Seabed Obstruction Mitigation Plan [for each Phase](#) must demonstrate how any risks to legitimate users of the sea, identified from the post-lay surveys and operational surveys described in the CaP [for each Phase](#), will be reduced. ~~The~~ [Each](#) Seabed Obstruction Mitigation Plan must include and address any areas where physical cable protection is not within the parameters of those approved [for that Phase](#) or where cable installation has created seabed obstructions.

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

Scottish Ministers.

The Seabed Obstruction Mitigation Plan [for each Phase](#) must be submitted for approval no later than three months after cable laying has been completed [in that Phase](#) 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 [for each Phase](#) 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 Developer must implement the approved Seabed Obstruction Mitigation Plan [for each Phase](#).

Any updates to the Seabed Obstruction Mitigation Plan [for any Phase or Phases](#) must be submitted to the Scottish Ministers, in writing, for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. Implementation of the updated Seabed Obstruction Mitigation Plan [for any Phase or Phases](#) cannot take place until such approval is granted.

Reason: To mitigate the navigational risk to other legitimate users of the sea [and to allow for actions to be taken on a phased basis](#).

34. Aviation Charting and Safety Management

The Developer must notify the MOD, at least 14 days prior to the Commencement of [each Phase](#) the Development, in writing of the following information [in relation to that Phase](#):

- 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 Development;
- 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 Developer must notify the MOD of any changes to the information supplied under this condition throughout the lifetime of the Development and of the completion of the construction of [each Phase of](#) the Development.

Reason: To mitigate the adverse impacts of the Development on the operations of the MOD and to allow for actions to be taken on a phased basis .

35. Phased Development

The Developer may submit each plan required by conditions 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 25, 26, 30, 31, 32, 33 and 34 for approval in respect of each Phase as either:

- a) an update to the plan submitted in respect of the first Phase, or
- b) a separate plan, specific to that Phase.

In both cases (a) and (b) above, each plan must demonstrate how, following completion of the applicable Phase, the Development will continue to comply with the parameters listed in Annex 1 to this consent and the Application

Reason: To ensure that the phased approach to the Development complies with the parameters of the overall consent

Annex 3 - DEFINITIONS AND GLOSSARY OF TERMS – In this decision notice and In Annex 1 and 2

- “AA” means the Appropriate Assessment;
- “AEOSI” means Adverse Effect on Site Integrity;
- “Additional Information” means the information submitted by the Developer to the Scottish Ministers on 4 August 2023 related to ornithology, marine mammals and the without prejudice HRA derogation case;
- “Application” means the EIA Report and supporting documents submitted by the Developer on 9 December 2022 to construct and operate an offshore generating station and transmission works, it also includes the EIA Addendum Report submitted on 4 August 2023 [and the March 2026 Variation Application submitted on \[date\] 2026](#);
- “ADR” means Air Defence Radar;
- “ATC” means Air Traffic Control;
- “BDMPS” means Biologically Defined Minimum Population Size;
- “CF” means Conversion Factor;
- ~~“Commencement of the Development” means the date on which the first construction activity occurs [in accordance with this consent](#) ~~in accordance with the EIA Report submitted by the Developer on 9 December 2022~~;~~
- [“Commencement of each Phase of the Development” means the date on which the first construction activity occurs in relation to that Phase of the Development in accordance with this consent, and references to “Commencement of that Phase of Development” should be construed accordingly;](#)
- [“Commissioning of the First WTG” means the date on which the first wind turbine generator forming the Development has supplied electricity on a commercial basis to the National Grid;](#)
- [“Commissioning of the First WTG of each Phase of the Development” means the date on which the first wind turbine generator forming that Phase of the Development has supplied electricity on a commercial basis to the National Grid;](#)
- “CRM” means collision risk modelling;
- “Development” means the Berwick Bank Wind Farm, approximately 47.6km offshore of the East Lothian coastline and 37.8km from the Scottish Borders coastline at St Abbs;
- “ECoW” means Environmental Clerk of Works;
- “EIA Addendum Report” means the Environmental Impact Assessment Addendum Report submitted by the Developer on 4 August 2023;
- “EIA Report” means Environmental Impact Assessment Report;
- “EIA” means Environmental Impact Assessment;
- “EMF” means Electromagnetic Fields;
- “EPS” means European Protected Species;
- [“Final Commissioning of the Development” means the date on which all wind turbine generators forming the Development have supplied electricity on a commercial basis to the National Grid, or such earlier date as the Scottish Ministers deem the Development to be complete;](#)
- [“Final Commissioning of each Phase of the Development” means the date on](#)

which all wind turbine generators forming that Phase of the Development have supplied electricity on a commercial basis to the National Grid, or such earlier date as the Scottish Ministers deem that Phase of the Development to be complete, and references to “Final Commissioning of that Phase of the Development” shall be construed accordingly;

- “FLO” means Fisheries Liaison Officer;
- “GHG” means Greenhouse Gases;
- “GVA” means Gross Value Added;
- “GW” means Gigawatt;
- “HPAI” means Highly Pathogenic Avian Influenza
- “HRA” means Habitats Regulations Appraisal;
- “IALA” means International Association of Marine Aids to Navigation and Lighthouse Authorities;
- “INNS” means Invasive Non-Native Species;
- “km” means Kilometres;
- “m” means metres;
- “MNNS” means Marine Non-Native Species
- “MPA” means Marine Protected Area;
- “MSL” means mean sea level
- “MW” means Megawatt;
- “ncMPA” means Nature Conservation Marine Protected Area;
- “OFFSAB” means Outer Firth of Forth and St Andrews Bay Complex
- “OSP” means Offshore Substation Platform;
- “Phase” means a discrete part of the Development comprising a subset of the infrastructure described in Annex 1 to this consent, each such part being capable of being constructed, commissioned and operated independently of the others
- “PLI” means Public Local Inquiry;_
- “RIAA” means Report to Inform the Appropriate Assessment;
- “RRH” means Remote Radar Head;
- “s.36” means section 36 of the Electricity Act 1989;
- “SAC” means Special Area of Conservation;
- “ScotMER” means Scottish Marine Energy Research Programme;
- “sCRM” means stochastic collision risk modelling;
- “SLA” means Special Landscape Area;
- “SLVIA” means Seascape, Landscape and Visual Impact Assessment;
- “SNCBs” means the Statutory Nature Conservation Bodies;
- “SPA” means Special Protection Area;
- “SSC” means Suspended Sediment Concentration;
- “SSSI” means Site of Special Scientific Interest;
- “the Additional Information Consultation” means the consultation on the Additional Information;
- “the Developer” means Berwick Bank Wind Farm Limited (Company Number SC721781) having its registered office at Inveralmond House, 200 Dunkeld Road, Perth PH1 3AQ;
- “the Original Consultation” means consultation on the Application for s.36 consent and EIA Report;

- “the Radar” means Primary Surveillance Radar at Leuchars Station;
- “UXO” means Unexploded Ordnance”;
- “WTG” means Wind Turbine Generators
- [“the March 2026 Variation Application” includes the variation application letter submitted to the Scottish Ministers by the Developer on \[date\] March 2026](#)

Organisations and Companies

- “Bellrock” means Bellrock Offshore Wind Farm Limited
- “Broadshore” means Broadshore Offshore Wind Farm Limited
- “BT” means BT Radio Network Protection;
- “CAA” means the Civil Aviation Authority;
- “Caledonia” means Caledonia Offshore Wind Farm Ltd;
- “Defra” means Department of Environment, Food and Environmental Affairs;
- “ENGL” means EDF Energy Nuclear Generation Limited;
- “HES” means Historic Environment Scotland;
- “JNCC” means Joint Nature Conservation Committee;
- “MAU” means Marine Analytical Unit;
- “MCA” means the Maritime and Coastguard Agency;
- “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;
- “MD-LOT” means Marine Directorate - Licensing Operations Team;
- “MD-SEDD” means Marine Directorate – Science Evidence Data and Digital;
- “NTS” means National Trust for Scotland;
- “NnGOWL” means Neart na Gaoithe Offshore Wind Farm Limited;
- “NEEOG” means North-east and East Ornithology Group;
- “NERL” means National Air Traffic Safety (En Route) Public Limited Company;
- “NLB” means the Northern Lighthouse Board;
- “RSPB Scotland” means the Royal Society for the Protection of Birds Scotland;
- “RYA” means the Royal Yachting Association Scotland;
- “SEPA” means the Scottish Environment Protection Agency;
- “SFF” means the Scottish Fishermen’s Federation;
- “SSEN Transmission” means Scottish and Southern Energy Networks Transmission;
- “UKCoS” means UK Chamber of Shipping;
- “UKHO” means United Kingdom Hydrographic Office.

Plans and Programmes

- “ATCRMS” means Air Traffic Control Radar Mitigation Scheme;
- “CaP” means Cable Plan;
- “CMS” means Construction Method Statement;
- “CoP” means Construction Programme;
- “CTMP” means Construction Traffic Management Plan;
- “DP” means Decommissioning Programme;

- “DS” means the Design Statement;
- “DSLPL” means Development Specification and Layout Plan;
- “EMP” means Environmental Management Plan;
- “ERCoP” means Emergency Response Co-operation Plan;
- “ESJTP” means Energy Strategy and Just Transition Plan;
- “FMMS” means Fisheries Management and Mitigation Strategy;
- “GES” means Good Environmental Status;
- “LMP” means Lighting and Marking Plan;
- “MMMP” means Marine Mammal Mitigation Protocol
- “MGN” means Marine Guidance Note;
- “MPCP” means Marine Pollution Contingency Plan;
- “NMP” means the National Marine Plan;
- “NPF” means National Planning Framework;
- “NRA” means Navigation Risk Assessment;
- “NSP” means Navigational Safety Plan;
- “OMP” means Operation and Maintenance Programme;
- “PAD” means Protocol for Archaeological Discoveries;
- “PEMP” means Project Environmental Monitoring Programme;
- “PS” means Piling Strategy;
- “The CBD” means the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or any United Nations Convention replacing that Convention);
- “the SBS” means the Scottish Government's Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency in Scotland (published November 2024);
- “VMP” means Vessel Management Plan;
- “WFD” means Water Framework Directive;
- “WSI” means Written Scheme of Investigation.

Legislation

- “the 2004 Act” means the Nature Conservation (Scotland) Act 2004;
- “the 2017 EW Regulations” means the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017;