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MARINE AND COASTAL ACCESS ACT 2009

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

DECISION NOTICE PROVIDING EIA CONSENT, AND REGULATORY APPROVAL BY WAY OF A MARINE LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE UK MARINE LICENSING AREA FOR THE BERWICK BANK CAMBOIS CONNECTION MARINE SCHEME IN THE OUTER FIRTH OF FORTH

1. Application and description of the works

1.1 On 28 July 2023, Berwick Bank C Limited ("the Applicant") having its registered office at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom RG1 3JH, submitted to the Scottish Ministers an application under Part 4 of the Marine and Coastal Access Act 2009 ("the 2009 Act") ("the Application") for a marine licence ("the Marine Licence") to construct, alter or improve the Berwick Bank Cambois Connection Marine Scheme (hereinafter collectively referred to as "the Works"). The application was accompanied by an Environmental Impact Assessment Report ("EIA Report") in accordance with the Marine Works (Environmental Impact Assessment) Regulations 2007 ("the 2007 MW Regulations").

1.2 The Works comprise the construction of up to four high voltage direct current offshore export cables bundled with up to four fibre optic cables. The Works extend from up to two offshore converter station platforms within the Berwick Bank Wind Farm array area (considered under a separate application), located approximately 48 kilometres ("km") from the East Lothian coastline to the Scottish/English border in the North Sea.

1.3 The cables are proposed to make landfall at Cambois, Northumberland, England. The EIA Report received was also submitted to the Marine Management Organisation in relation to the proposed works occurring in

English waters . Scottish Ministers are responsible for licensing the Works in Scottish waters only and therefore this decision notice considers only the information relevant to the Scottish elements of the marine environment.

1.4 The export cable extends to a maximum of 40km in length and will be installed within a maximum cable corridor width of 1km. A range of cable trenching tools may be required. The Works will include cable protection where burial to the target depth of 0.5 metre ("m") cannot be achieved and at crossings with third party infrastructure. The commencement of Works is proposed to begin in Q4 2026 with completion expected in Q4 2029.

1.5 This decision notice contains the Scottish Ministers' EIA Consent Decision under the 2007 MW Regulations for the Works. It further contains the Scottish Ministers' decision to grant regulatory approval for the Works in accordance with the 2007 MW Regulations and by issuing a Marine Licence under Part 4 of the 2009 Act.

2. Summary of environmental information

2.1 The environmental information provided by the Applicant was:

- An EIA Report that provided an assessment of the impact of the Works on a range of receptors;
- A Report to Inform the Appropriate Assessment ("RIAA");
- A Marine Protected Area ("MPA")/Marine Conservation Zone ("MCZ") Assessment.

2.2 A summary of the environmental information provided in the EIA Report is given below.

2.3 <u>Determining Significance of Effect</u>

2.3.1 The EIA Report quantified the assessment of the impact of the Works on a range of receptors by defining the significance of an effect through the use of a matrix approach. The Applicant has set out a scale for assessing effects within the EIA Report as either negligible, minor, moderate or major adverse significance. Where a level of significance of effect of moderate or more has been identified, this is considered a significant adverse effect in terms of EIA. Where a level of significance of effect of minor or less has been identified, this is considered as no significant adverse effect in EIA terms.

2.3.2 The EIA Report details that the Shipping and Navigation topic chapter of the EIA Report uses an alternative EIA method which includes a specific topic-based guidance/assessment and an alternative significance matrix. A level of residual effect of 'unacceptable' has been considered a significant effect in EIA terms, whereas a level of residual effect of broadly acceptable or tolerable has been considered 'not significant'.

2.4 <u>Offshore Physical Environment and Seabed Conditions</u>

2.4.1 The EIA Report considered the likely significant effects of the Works on offshore physical environment and seabed conditions during the construction, operation and maintenance and decommissioning phases. The EIA Report highlighted that the study area is influenced by the presence of large scale morphological bank features including Marr Bank and Berwick Bank, which form part of the Firth of Forth Banks Complex nature conservation Marine Protected Area ("ncMPA").

2.4.2 Five potential impact pathways associated with all phases of the Works were scoped into the EIA in terms of the Works in Scottish waters. These were change to seabed levels and sediment properties due to installation of offshore export cables as a result of construction and decommissioning; increases to suspended sediment concentration ("SSC") due to installation of export cable during construction and decommissioning; impact on designated features within the designated sites due to installation of offshore export cables during construction and decommissioning; potential changes to the tidal, wave and sediment transport regimes as a result of blockage effects from cable protection measures during operation and maintenance; and potential introduction of scour (including edge scour) during operation and maintenance.

2.4.3 In light of the designed-in mitigation proposed, the EIA Report assessed the potential impacts to be negligible or minor adverse significance in EIA terms, including impacts to the Firth of Forth Banks Complex ncMPA.

2.4.4 The EIA Report assessed the cumulative impacts on physical environment and seabed conditions arising from each of the identified impacts in combination with adjacent offshore projects and concluded that there are no likely significant cumulative effects on offshore physical environment and seabed conditions. No likely significant transboundary effects from the Works were predicted within the EIA Report.

2.5 Benthic and Intertidal Ecology

2.5.1 The EIA Report considered the assessment of the likely significant effects of the Works during the construction, operation and maintenance and decommissioning phases on benthic and intertidal ecology. A number of site specific surveys were carried out to characterise the benthic and intertidal ecology baseline.

2.5.2 A number of impact pathways were identified within the EIA Report including temporary habitat and species loss or disturbance; temporary increases in SSC and associated sediment deposition and potential release of contaminants; permanent habitat and species loss or disturbance; colonisation of hard structures; EMF effects; thermal emissions from operational cables; and changes in physical processes from cable protection measures.

2.5.3 The EIA Report identified that given the designed-in mitigation to be implemented, the potential impacts to benthic and intertidal ecology would result in effects of either negligible or minor adverse significance and therefore not significant in terms of EIA.

2.5.4 The EIA Report assessed the cumulative impacts arising from the Works and activities associated with other developments on benthic and intertidal ecology and concluded that there are no significant effects. No likely significant transboundary effects from the Works were predicted in the EIA Report.

2.6 Fish and Shellfish Ecology

2.6.1 The EIA Report assessed the likely significant effects of the Works during the construction, operation and maintenance and decommissioning phases on fish and shellfish ecology.

2.6.2 A number of potential impacts were identified within the EIA Report and included temporary habitat and species loss or disturbance; temporary increases in SSC and associated sediment deposition and potential release of contaminants; underwater noise; EMF effects; permanent habitat loss; and thermal emissions from operational cables.

2.6.3 The EIA Report identified that as a result of the designed in mitigation to be implemented, the potential impacts to fish and shellfish ecology would result in effects of either negligible or minor significance and therefore not significant in EIA terms.

2.6.4 The EIA Report assessed the cumulative effects resulting from the Works together with activities associated with other developments within the fish and shellfish ecology study area and concluded that there were no significant effects. No likely significant transboundary effects from the Works were predicted in the EIA Report.

2.7 Offshore and Intertidal Ornithology

2.7.1 The EIA Report assessed the likely significant effects of the Works on offshore and intertidal ornithology receptors during the construction, operation and maintenance and decommissioning phases of the Works.

2.7.2 A number of potential impact pathways were identified within the EIA Report and include disturbance and displacement (vessel presence and nearshore area construction activities); collision with lighted vessels; and indirect effects on ornithological receptors through effects to prey species.

2.7.3 The EIA Report concluded that for potential impacts on ornithology receptor populations arising from disturbance and prey availability effects during construction and decommissioning, that with the proposed designed-in mitigation measures in place, both predicted effects on ornithology receptors are of negligible or minor adverse significance and therefore not significant in terms of EIA. The EIA Report also concluded that there was no impact pathway for vessel lighting to have adverse effects as there are no breeding colonies of these lighting vulnerable seabirds in the vicinity of the Works.

2.7.4 The EIA Report assessed the cumulative impacts arising from the Works and concluded no potential for the Works to materially contribute to wider regional cumulative impact on ornithological receptors and therefore no significant effects were predicted in the EIA Report. No likely significant transboundary effects from the Works were predicted in the EIA Report.

2.8 Marine Mammals

2.8.1 The EIA Report assessed the potential impacts of the Works on marine mammal receptors during the construction, operation and maintenance and decommissioning phases.

2.8.2 A number of potential impacts were identified within the EIA Report and include: noise related impacts associated with construction noise, including physiological impacts, barrier effects and displacement; pre-construction surveys including geophysical/geotechnical and archaeological surveys; indirect impacts to prey species through temporary increases in SSC and associated sediment deposition and potential release of contaminants; and long term habitat change, including the potential for change in foraging opportunities.

2.8.3 The EIA Report concluded that as a result of the designed-in mitigation to be implemented, the potential impacts to marine mammal receptors would result in either negligible or minor significance and therefore not significant in EIA terms.

2.8.4 The EIA Report assessed the cumulative impacts arising from the Works together with activities associated with other developments and concluded that no significant effects will occur as a result of the Works. No likely significant transboundary effects or inter-related effects from the Works were predicted in the EIA Report.

2.9 Commercial Fisheries

2.9.1 The EIA Report assessed the potential impacts of the Works on commercial fisheries during the construction, operation and maintenance and decommissioning phases. The assessment focused on a study area which was defined based on overlapping and adjacent International Council for the Exploration of the Sea statistical rectangles including the following commercial fishing activities; demersal trawling for nephrops; creeling and potting for lobsters and crabs; and scallop dredging.

2.9.2 A number of potential impacts were identified within the EIA Report including: temporary loss, displacement or restricted access to fishing grounds, the presence of vessel traffic associated with the Works, leading to the potential for increases to steaming times; snagging risk during installation, resulting from sections of exposed cable prior to burial/protection; long-term reduced access to key fishing grounds and resultant displacement; potential for fishing gear to become entangled with cable (i.e. snagging), resulting in damage or loss of fishing gear; and indirect impacts resulting from changes in abundance and distribution of target species.

2.9.3 The EIA Report concluded that as a result of the designed-in mitigation to be implemented, the potential impacts on commercial fisheries receptors were considered to result in negligible or minor significance and therefore not significant in EIA terms.

2.9.4 The EIA Report assessed the cumulative impacts from the Works and concluded a likely significant effect from the Works and cumulative effect on creeling and potting during construction in relation to the effects of temporary loss, displacement and restricted access to fishing grounds due to presence of vessels and safety zones during route preparation activities during construction on creeling and potting in English waters. The Developer committed to the establishment of co-operation agreements in accordance with the Fisheries Liaison Offshore Wind and Wet Renewables Best Practice Guidance for Offshore Renewable Developments. With the implementation of this, the EIA Report concluded that the potential cumulative impacts would be reduced to low and the residual significance of the effect for the Works alone and the cumulative effect reduced to minor significance and therefore not significant in EIA terms. No other likely significant effects, including cumulative effects arising in English waters, transboundary effects or inter-related effects from the Works were predicted in the EIA Report.

2.10 Shipping and Navigation

2.10.1 The EIA Report assessed the potential impacts of the Works on shipping and navigation during construction, operation and maintenance and decommissioning with the key receptors being commercial fishing, recreational and anchored vessels, dredgers and ports and harbours.

2.10.2 The potential impacts identified within the EIA Report included increased vessel to vessel collision risk between a third-party vessel and a project vessel; vessel displacement leading to increased vessel to vessel collision risk between third-party vessels; reduced access to local ports; anchor interaction with exposed subsea cable between cable laying and protection campaigns; fishing gear interaction with exposed subsea cable between laying and protection campaigns; anchor interaction with subsea cable; fishing gear interaction with subsea cable; vessel grounding due to reduced under keel clearance; and interference with magnetic compasses.

2.10.3 The EIA Report concluded that as a result of the designed-in mitigation to be implemented, the potential impacts to shipping and navigation receptors would result in acceptable or tolerable significance and therefore not significant in terms of EIA. The Applicant has committed to additional mitigation to ensure that tolerable risks are reduced as far as practicable including minimising the period when offshore export cables are surface laid but not yet buried or protected to reduce the risk of vessel anchors and fishing gear snagging on surface-laid cable.

2.10.4 The cumulative effects of the Works together with other developments, plans and projects were considered in the EIA Report and it was concluded that there will be no likely significant cumulative effects as a result of the Works. No likely significant transboundary effects or inter-related effects from the Works were predicted in the EIA Report.

2.11 Marine Archaeology and Cultural Heritage

2.11.1 The EIA Report assessed the potential impacts of the Works on marine archaeology and cultural heritage during the construction, operation and maintenance and decommissioning phases of the Works.

2.11.2 A number of potential impacts were identified within the EIA Report including: direct loss of, or damage to, known and unknown marine and intertidal historic environment assets arising from offshore export cable construction and decommissioning; indirect loss of, or damage to, known and unknown marine and intertidal historic environment assets arising from offshore export cable construction and decommissioning; loss of, or damage to, submerged prehistoric landscapes arising from offshore export cable construction and decommissioning; direct loss of, or damage to, known and potential marine cultural heritage receptors from offshore export cable repair and maintenance; and indirect loss of, or damage to, known and potential marine cultural heritage receptors from changes in local scouring and sedimentation patterns.

2.11.3 The EIA Report concluded that with the designed in mitigation to be implemented including Archaeological Exclusions Zones, Written Scheme of Investigation and a Protocol for Archaeological Discoveries there would be no likely significant effects as a result of the Works. No further mitigation measures or monitoring requirements were proposed in the EIA Report.

2.11.4 The EIA Report assessed the cumulative impacts of the Works with other developments and considered that in line with designed in mitigation it was considered that any cumulative effects arising from the Works would be of negligible significance and therefore not significant in EIA terms.

2.12 Other Sea Users

2.12.1 The EIA Report considered the potential impacts of the Works on on marine recreational users (including recreational sailing, fishing, diving and water sports) and marine industrial activities (including dredging and disposal sites, marine renewable energy, oil and gas activities, aquaculture, ports and harbours and marine aggregate extraction).

2.12.2 The EIA Report identified a number of potential impacts on other sea users associated with the construction and decommissioning phases of the Works including temporary obstruction to other marine renewable energy projects (wind wave and tidal); temporary obstruction to marine recreation; and temporary obstruction to Ministry of Defence interests.

2.12.3 The EIA Report concluded that with the proposed mitigation in place the potential impacts to other sea users would be of negligible or minor adverse significance and therefore not significant in EIA terms.

2.12.4 Cumulative impacts were assessed within the EIA Report and it was concluded that there were no significant cumulative effects occurring as a result of the Works and activities associated with other developments. No likely significant transboundary effects or inter-related effects from the Works were predicted in the EIA Report.

3. Publication and Consultation

3.1 In accordance with the 2007 MW Regulations, a notice publicising the application and EIA Report must be published in such newspapers or other publications as the Scottish Ministers deem fit for two successive weeks and in such other manner (if any) as the Scottish Ministers consider appropriate, which must include electronic publication in a means accessible to the public.

3.2 As such, the Applicant, in agreement with the Scottish Ministers, published the application, together with the EIA Report as follows:

(a) In the East Lothian Courier on Thursday 17 and Thursday 24 August 2023;

(b) In the Border Telegraph on Wednesday 16 and Wednesday 23 August 2023;

(c) In the Edinburgh Gazette on Tuesday 15 and Tuesday 22 August 2023;

(d) In the Fishing News on Thursday 17 and Thursday 24 August 2023; and

(e) On the Applicant's website on Monday 14 August 2023: https://berwickbank-eia.com/documents-offshore.html.

3.3 The Application and EIA Report were made available for physical inspection at the following locations:

a) East Lothian Council Headquarters – John Muir House, Brewery Park, Haddington EH41 3HA

b) Scottish Borders Council Headquarters – Newton St. Boswells, Melrose, TD6 0SA; and

c) Eyemouth Library – Manse Road, Eyemouth TD14 5JE

3.4 The Scottish Ministers made the application publicly available on its external facing website: https://marine.gov.scot/?q=node/24022

3.5 In addition, a consultation exercise on the application and EIA Report was undertaken in accordance with the 2007 MW Regulations for a period from 11 August 2023 to 26 September 2023. The regulatory requirements regarding consultation and public engagement have been met and the representations received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken.

3.6 A summary of the representations is set out at sections 4, 5, 6 and 7. The representations are available to view in full here.

4. Summary of representations from statutory consultees

4.1 Angus Council

4.1.1 Angus Council responded on 15 August 2023 and had no comments on the Works.

4.2 Dundee Council

4.2.1 Dundee Council responded on 16 August 2023 and had no comments on the Works.

4.3 Fife Council

4.3.1 Fife Council responded on 8 September 2023 and advised that it had no substantive comments to make, noting that the advice of NatureScot should be taken into consideration in relation to the Works.

4.4 JNCC

4.4.1 JNCC responded on 26 September 2023 and provided comment on impacts in offshore English waters as a result of works carried out in Scottish waters. JNCC's comments in relation to the impacts of the Works in Scottish waters, in particular on Firth of Forth Banks Complex ncMPA, were provided separately within the NatureScot representation of 26 September 2023 (detailed at paragraph 4.8.8).

4.4.2 Benthic Ecology

4.4.2.1. With regards to benthic receptors JNCC noted that ocean quahog were recorded within the EIA Report as being within close proximity to the Scottish and English border. JNCC advised that the Applicant avoid known areas of high densities of ocean quahog where possible due to the potential for changes in suspended solids and changes to smothering and siltation rates. Additionally, JNCC highlighted the potential for the Works to impact subtidal sands and gravels in English waters through changes in suspended solids and through increased smothering and siltation rates. JNCC noted that the EIA Report stated that high concentrations of increased SSC would only be within tens of meters of the disturbance and would be short lived. JNCC therefore considered that these pressures occurring in Scottish waters would not have a significant impact on benthic receptors in English waters.

4.4.3 Ornithology

4.4.3.1. Regarding ornithology, JNCC noted that the Farne Islands SPA is approximately 40km from the Works being carried out in Scottish waters. JNCC advised that breeding season foraging ranges for guillemot is that within appendix 1 of Woodward et al 2019 which excludes data from Fair Isle where foraging range may have been unusually high as a result of reduced prey availability during the study year. JNCC advised therefore, that there is potential for this species to be impacted by the Works as a result of disturbance from vessel activities from prime foraging areas as well as by changes in water quality which may affect prey availability. JNCC confirmed that given the wide foraging range of guillemot and the temporary nature of the impacts, pressures relating to the Works will not have a significant impact on guillemot from the Farne Islands SPA.

4.4.4 Marine Mammals

4.4.4.1. With regards to marine mammals, JNCC noted that it was content with the data considered in the baseline and the impacts scoped in/out of the assessment within the EIA Report.

4.4.4.2. JNCC provided comments relating to potential impacts to marine mammals in English offshore waters only and deferred to NatureScot and Natural England regarding potential impacts in territorial waters and impacts to protected sites within those waters.

4.4.4.3. JNCC advised that provided the marine mammal mitigation discussed in the EIA Report is included as a condition of consent, the pressures resulting from the Works in Scottish waters will not have a significant impact on marine mammals in English waters.

4.4.4.4. JNCC further advised that the North East of Farnes Deep MCZ was also designated as a Highly Protected Marine Area ("HPMA") in 2023 which extends protection to the entire marine ecosystem with all marine flora and fauna, all marine habitats and all geological or geomorphological interests, including all abiotic elements and all supporting ecosystem functions and processes, in the seabed, water column and the surface of the sea now protected within this site. Given the ability of noise to disturb marine mammals at a distance from the noise source, JNCC recommended that the distance between the HPMA and the Works was confirmed. The distance from The North East of Farnes Deep MCZ to the Works at its closest point was confirmed by the Applicant as approximately 14 km. JNCC provided a further response on 21 July 2025 advising that the Works are unlikely to affect the North East of Farnes Deep HPMA, other than insignificantly due to the distance from the Works.

4.4.4.5. JNCC also noted that the Applicant has committed to implementing a code of conduct to reduce collision risk to marine mammals. JNCC advised further engagement to determine what this code would look like, and to secure compliance with it through a marine licence condition.

4.4.4.6. JNCC confirmed agreement with the overall conclusions presented however, raised some questions regarding Section 11.12 of the EIA Report and how the significance of an effect was determined. The Applicant clarified the terminology used and JNCC provided a further response on 25 July 2025 to advise that it was content with the information provided and had no further comment to make.

4.4.4.7. JNCC was unable to provide advice on the cumulative noise assessment as it required further detail on how the conclusions for piling associated with the Berwick Bank Wind Farm were obtained. JNCC also requested further justification as to why the cumulative effects of the Works with the Berwick Bank Wind Farm and EGL1 and 2 subsea cables have been considered separately. JNCC highlight that no consideration has been given to these projects occurring in addition to piling. The Applicant provided the required detail and JNCC provided a further response on 25 July 2025 to advise that it was content with the information provided and had no further comment to make.

4.4.4.8. JNCC noted it agreed with the approach of applying for a separate marine licence to cover Unexploded Ordnance ("UXO") clearance, should this be required and provided guidance to facilitate the review process.

4.5 MCA

4.5.1 MCA responded on 25 September 2023 and provided a cautious acceptance of the Works subject to a number of requirements and conditions.

4.5.2 MCA confirmed that it was satisfied with the collection of appropriate traffic data in accordance with MGN 654. In addition, MCA noted that outdated references to MGN 543 had been correctly updated to MGN 654 by the Applicant throughout the EIA Report.

4.5.3 MCA confirmed that it was content that the recommended Navigational Risk Assessment ("NRA") process had been followed, with the relevant MGN 654 checklist and completed fields for cable installation provided as part of the NRA in Volume 3 Appendix 13.1 of the EIA Report.

4.5.4 In terms of cumulative impacts, MCA confirmed that it was content that the cumulative effect of the Works had been adequately considered within the EIA Report.

4.5.5 MCA confirmed that as there are to be no permanent structures associated with the Works, a search and rescue checklist and full Emergency Response Cooperation Plan ("ERCoP") are not required for the Works. MCA highlighted that a Marine Emergency Action Card is considered appropriate in this case and note that this position was recorded in the NRA undertaken by the Applicant.

4.5.6 MCA noted that there will be no cable crossing within Scottish waters associated with the Works but that 6km of external protection per cable may be required. MCA advised that any such works must ensure that existing and future safe navigation is not compromised. MCA advised that a maximum of 5% reduction in surrounding depth referenced to Chart Datum would be acceptable.

4.5.7 MCA also noted that as stated in the EIA Report, the Applicant will carry out a compass deviation assessment post consent. MCA noted that there is a potential impact on ships compasses from the electro-magnetic field generated from the Works and stated that a pre-construction compass deviation study may be required on the expected electro-magnetic field. MCA advised that it would be willing to accept a three-degree deviation for 95% of the cable route and no more than five-degree deviation in water depths of 5 m and deeper for the remaining 5% of the cable route. If this requirement cannot be met, MCA highlighted that additional mitigation measures may be required including a post installation deviation survey of the cable route. MCA advised that this data must then be provided to the MCA and UK Hydrographic Office ("UKHO"), as a precautionary notation may be required on the appropriate Admiralty Charts regarding possible magnetic anomalies along the cable route.

4.5.8 MCA noted that with regards to hydrographic surveys, MGN 654 requires that hydrographic surveys should fulfil the International Hydrographic Organisation Order 1a standard requirements, with the final data supplied as a digital full density data set, along with a survey report to the MCA Hydrography Manager and the UKHO.

4.5.9 MCA commented on the embedded mitigation measures within the EIA Report with particular regard to the Cable Plan ("CaP"). With regards to the Cable Burial Risk Assessment to be included within the CaP, MCA advised the requirement for appropriate notifications in case of damage to, or destruction or decay of, or exposure of, the cables. In addition, MCA advised the requirement for a plan to include proposals for monitoring offshore cables including cable protection for the operational lifetime of the Works, which includes a risk-based approach to the management of unburied or shallow buried cables. Furthermore, MCA advised that attention should be paid to cabling routes and burial depth where appropriate for which a burial protection index study should be completed. MCA also advised that subject to the traffic volumes, an anchor penetration study may be necessary.

4.5.10 In consideration of the concerns highlighted by MCA, conditions have been attached to the marine licence to require a CaP, Construction Programme ("CoP"), Construction Method Statement ("CMS"), Development Specification and Layout Plan ("DSLP"), Navigational Safety Plan ("NSP") and Vessel Management Plan ("VMP") to be submitted by the Applicant for approval by the Licensing Authority prior to the Commencement of the Works and thereafter adhered to.

4.6 Marine Management Organisation

4.6.1 Marine Management Organisation responded on 25 September 2023 with standard advice relating to marine licensing.

4.7 Natural England

4.7.1 Natural England responded on 5 September 2023 to advise that all matters relating to English waters arising from the Works in Scottish waters had been adequately considered. Natural England noted that it had not at that time been consulted by the MMO on the part of the proposal in English waters, and recommended that Marine Directorate liaised with MMO prior to issuing any marine licence.

4.7.2 Natural England provided a further response on 26 January 2024 and noted that it had now been consulted on the part of the proposal in English waters. Natural England noted that the English portion of the cable works is located within the Northumberland Marine SPA. Natural England considered that the maintain prey availability conservation objective for the site may be hindered by the works impacting upon supporting habitat and requested that further information was provided by the Applicant. Natural England further advised that with appropriate mitigation in place, and secured through conditions, an adverse effect on the integrity of the Northumberland Marine SPA and Ramsar can be excluded.

4.7.3 Natural England confirmed that the works are located within approximately 48 metres of the Northumbria Coast SPA and Ramsar site. It noted that adoption of relevant mitigation measures for the Northumberland Shore SSSI are also relevant to overwintering features of this designated site. Natural England further noted that the works are not located sufficiently close to colonies of breeding arctic and little terns to have a likely significant effect through disturbance.

4.7.4 Natural England noted that it expects diadromous fish which are designated features of SACs to be considered wherever they are, in a similar way to the way in which designated birds are considered at a distance from an SPA.

4.7.5 Natural England provided an additional response on 14 June 2024 to advise that providing the Works are carried out in strict accordance with the details within the application, the Works will not have a significant effect on the Southern North Sea SAC, either alone or in combination with other plans or projects.

4.7.6 On 27 August 2024 Natural England provided a further response to clarify that the Works within Scottish waters are not located within or in close proximity to any SAC, SPA or Ramsar site. Natural England confirmed it has not identified a pathway by which impacts from the Works within Scottish waters would affect the interest features of the sites that had previously been noted. Therefore, Natural England concluded that providing the Works within Scottish waters are carried out in accordance with the application, it can be excluded that the Works within Scottish waters will have a significant effect on any English SAC, SPA or Ramsar site, either individually or in combination with other plans or projects.

4.8 NatureScot

4.8.1 NatureScot responded on 26 September 2023 noting that the duration of the Works is from 2026 to 2075 and highlighted that the operational lifetime of the associated Berwick Bank Wind Farm is 35 years. NatureScot therefore assumed and provided its advice on a start date of 2026 with a 35 year operational period. The Applicant provided clarification that the licence end date of 2075 is to account for the completion date as to when the Works would be fully decommissioned. NatureScot confirmed on 17 June 2025 that the duration of the Works from 2026 to 2075 does not change the advice provided on 26 September 2023 noting that a separate marine licence will be required for any decommissioning works.

4.8.2 NatureScot highlighted issues with the quality of the application documentation noting a number of mistakes, and difficulty in identifying which impacts apply to Scottish waters and which to English waters.

4.8.3 Physical Processes

4.8.3.1. Regarding physical processes, NatureScot agreed with the impacts scoped in and out of the assessment within the EIA Report, confirming it was content that the assessment was carried out in line with the NatureScot advice previously provided and that the overall effects are neither negligible or minor and not significant in EIA terms. NatureScot also noted that it was in agreement with the conclusion in the EIA Report of no significant cumulative effects from the Works.

4.8.3.2. NatureScot noted that any need for cable protection will be informed by outputs from the Cable Burial Risk Assessment to be completed post consent. NatureScot highlighted that whilst it is estimated that up to 15% of the cable route in Scottish waters will require cable protection measures, that the amount of cable protection required may be more than predicted due to unexpected ground conditions as has been seen elsewhere in the Forth and Tay region. NatureScot recommended that the Applicant give further consideration to this as early as possible. Additionally, NatureScot highlighted that the minimum target depth for cable burial is stated at 0.5m which is considerably shallower than has been carried out elsewhere and noted concern that cables may be at risk of re-exposure and damage. Furthermore, NatureScot advised that the minimal burial depth should be at least 1m to reduce potential EMF impacts and provided further advice on this in relation to benthic and fish and shellfish interests.

4.8.4 Benthic Ecology

4.8.4.1. With regards to benthic interests, NatureScot agree with the impacts scoped in and out of the assessment within the EIA Report and that the assessment has been carried out in accordance with the NatureScot advice previously provided.

4.8.4.2. NatureScot advised that whilst the EIA Report states that the introduction of new hard substrate can potentially have 'beneficial effects, for example, increases in net-biodiversity and biomass,' such change in substrate represents a loss of functioning habitat, and therefore cannot be assumed to have a beneficial effect. Despite this advice, NatureScot advised that this would not change the overall conclusion of the assessment, due to the small scale of the impact within Scottish waters.

4.8.4.3. NatureScot noted that the minimum cable burial depth is currently proposed as 0.5 m and that through recent discussions and emerging research, advised that the minimum burial depth should be at least 1m to reduce potential impacts, including EMF effects.

4.8.4.4. NatureScot advised that noting its advice on EMF in relation to cable burial, it was content with the conclusion that impacts will be either minor or negligible and with the conclusion of no significant effects.

4.8.4.5. NatureScot advised that it would welcome further information on the feasibility of cable grouping as a potential mitigation measure to reduce the impacts from EMF along with potential modelled EMF reduction once details are more refined. NatureScot advised that if cable grouping is used it would be useful to monitor the resulting EMF strength to validate modelled predictions and should be considered further by the Applicant. Further to this, NatureScot recommended that the Applicant contributes, where appropriate, to any strategic research to improve understanding of impact pathways including EMF and to validate the assumptions of assessment.

4.8.4.6. NatureScot agreed with the conclusion of no significant cumulative effects from the Works. NatureScot highlighted however, that there may be cumulative EMF impacts arising from a network of cables in the area, despite the individual effects being localised. Despite this advice, NatureScot confirmed it was content that this would not change the overall conclusion of the assessment as this impact predicted to occur in a very small area within Scottish waters.

4.8.4.7. NatureScot provided comment on the Outline Invasive Non-Native Species Management Plan noting that it was currently high level however was content with the approach used at this stage and recognised that the plan will be updated and finalised prior to the commencement of the Works following development of the final project design and in consultation with relevant stakeholders.

4.8.4.8. NatureScot confirmed that it was content that no sites with Annex I habitat features required further assessment within Scottish waters within the RIAA.

4.8.5 Fish and Shellfish

4.8.5.1. With regards to fish and shellfish, NatureScot highlighted that the baseline presented in the EIA Report refers to ‘suitable habitat for sandeel spawning’ however, noted that sandeels are present all year round and not just during spawning. NatureScot advised that commentary should be around habitat that is suitable for sandeels instead; however, that this was unlikely to change the overall NatureScot advice or the outcome of the assessment.

4.8.5.2. NatureScot agreed with the impacts scoped in and out of the assessment within the EIA Report and that the assessment has been carried out in accordance with the NatureScot advice previously given.

4.8.5.3. NatureScot highlighted a misinterpretation of the Feature Activity Sensitivity Tool with regards to the EMF assessment and noted that comparisons should be made to empirical data from studies of behavioural and physiological changes in species. NatureScot noted that this had been provided to an extent throughout section 9.12.2.1.2 of the EIA Report and was therefore content with this approach.

4.8.5.4. NatureScot noted that the minimum cable burial depth is currently proposed as 0.5 m and that through recent discussions and emerging research, advised that the minimum burial depth should be at least 1 m to reduce potential impacts, including EMF effects.

4.8.5.5. NatureScot advised that noting the advice on EMF in relation to cable burial, it agreed with the conclusion that impacts will be either minor or negligible and based on the available evidence, agreed with the conclusion of no significant effects for marine fish and shellfish. NatureScot considered the information within the EIA Report with regards to diadromous fish and based on knowledge from previous marine developments, considered that the Works alone and cumulatively are unlikely to have significant adverse effects when considered in an EIA context and taking into account the advice provided on EMF.

4.8.5.6. NatureScot highlighted that that it would expect consideration to be given to diadromous fish interests with inclusion of consideration of reducing EMF effects as part of the CaP.

4.8.5.7. NatureScot advised that it would welcome further information on the feasibility of cable grouping as a potential mitigation measure to reduce the impacts from EMF along with potential modelled EMF reduction once details are more refined. NatureScot advised that if cable grouping is used it would be useful to monitor the resulting EMF strength to validate modelled predictions and should be considered further by the Applicant. Further to this, NatureScot recommended that the Applicant contributes, where appropriate, to any strategic research to improve understanding of impact pathways including EMF and to validate the assumptions of assessment.

4.8.5.8. NatureScot noted that it was in agreement with the conclusion in the EIA Report of no significant cumulative effects from the Works. NatureScot highlighted however, that there may be cumulative impacts arising from a network of cables in the area, despite the individual effects being localised. Despite this advice, NatureScot confirmed it was content that this would not change the overall conclusion of the assessment as this impact predicted to occur in a very small area within Scottish waters.

4.8.5.9. NatureScot acknowledged the protected sites considered in the RIAA for diadromous fish. This also includes consideration of freshwater pearl mussel as there is potential for them to be indirectly impacted by the Works. NatureScot noted that it cannot provide advice on these species under the HRA process due to the absence of robust evidence about the behaviour and distribution of these species in the marine environment. NatureScot advised that having reviewed both the RIAA and EIA Report it considers that the Works alone and cumulatively is unlikely to have significant adverse effects within an EIA context. NatureScot advised that mitigation can be deployed to reduce any potential impacts from the construction and operation phases of the Works. NatureScot further advised that contributions should be made to ScotMER research as well as other initiatives such as the Wild Salmon Strategy Implementation Plan and any other strategies developed for diadromous fish.

4.8.5.10. With regards to mitigation, NatureScot noted that it would expect consideration to be given to diadromous fish interests and reduction of EMF effects to be included as part of the CaP.

4.8.6 Ornithology

4.8.6.1. With regards to ornithology, NatureScot agreed with the impacts scoped in and out of the assessment within the EIA Report and confirmed it was content with the approach taken. NatureScot noted that the connectivity between the Works and protected sites had been determined using previous NatureScot advice however, that regional breeding populations were to be used as part of the assessment. NatureScot advised that this approach was not explained further within the EIA Report and that it was unclear how or if this had been applied. NatureScot confirmed that whilst it was content with the Scottish protected sites taken through to assessment, that clarification on the assessment methodology and reasoning would be helpful.

4.8.6.2. NatureScot agreed with the conclusion that the impacts will be either minor or negligible and confirmed it was content with the conclusion of no significant effects.

4.8.6.3. NatureScot highlighted inconsistencies in the EIA Report with regards to cumulative effects on changes to prey availability; however, agreed with the conclusion of no significant cumulative effects from the Works.

4.8.6.4. NatureScot agreed with the Scottish protected sites assessed for ornithology within the RIAA. Furthermore, NatureScot agreed with the conclusions of no adverse effect on site integrity for any of the Scottish protected sites with ornithological features.

4.8.6.5. NatureScot noted that whilst it accepted the conclusion that vessel disturbance associated with the Works will not have an adverse effect on features of the Outer Firth of Forth and St Andrews Bay Complex SPA, the justification provided was not appropriate. NatureScot noted that due to the transient nature of vessel movements, limited number of vessels at any one time and slow speeds of construction vessels, any disturbance will not be significant and will not undermine the conservation objectives and as such, agreed with the conclusions that there is no adverse effect on site integrity for the Outer Firth of Forth and St Andrews Bay Complex SPA.

4.8.7 Marine Mammals

4.8.7.1. With regards to marine mammals, NatureScot agreed with the impacts scoped in and out for assessment within the EIA Report and confirmed it was content that the assessment was carried out in accordance with NatureScot advice previously provided.

4.8.7.2. NatureScot advised that with regards to the underwater noise assessment, it agreed that only the sub-bottom profiler ("SBP") and ultrashort baseline ("USBL") would require further assessment as all other sources produce low level noise and are unlikely to have significant effects on marine mammals. NatureScot confirmed that it was content with the assessment approach for the SBP and USBL and agreed with the conclusion that with appropriate mitigation in place the risk of injury is low. NatureScot highlighted that the risk of disturbance for both the SBP and USBL will require to be considered separately under European Protected Species ("EPS") licensing requirements.

4.8.7.3. NatureScot noted that UXO clearance had not been assessed within the EIA Report as it is intended that any UXOs will be avoided by micro-routing the cable and that if UXO clearance is required, this will be assessed separately and a separate licence sought if needed. NatureScot advised that the preference is to see the use of deflagration as a removal technique and that both high order and low order clearance should be modelled to ensure the worst-case scenario is assessed.

4.8.8 Marine Protected Area Assessment

4.8.8.1. With regards to the MPA assessment, NatureScot identified inconsistencies in the calculations undertaken for temporary habitat loss with regards to offshore subtidal sands and gravel and ocean quahog aggregations and moraines and advised that whilst unlikely to affect the overall conclusions of the MPA assessment, requested that clarification on the impacted extents, with clear calculations was provided, to ensure correct information is presented. The Applicant provided the requested clarification and NatureScot provided a further response on 12 June 2025 to advise that the clarification provided by the Applicant did not change the overall conclusions of the MPA assessment or its advice of 26 September 2023 and had no further comments to make.

4.8.8.2. Additionally, NatureScot provided comments on clearance of sandwaves and other bedforms, noting that it would be useful to monitor sandwave recovery.

4.8.8.3. NatureScot agree with the conclusions that although the proposal is capable of affecting the protected features of the ncMPA, this is not considered to be significant based on the small scale of impact and the widespread nature of the protected features.

4.8.8.4. NatureScot confirmed agreement with the protected sites considered within the RIAA and noted that Natural England advice should be sought in relation to the Southern North Sea Special Area of Conservation ("SAC").

4.8.8.5. NatureScot noted that with appropriate mitigation in place, risk of injury from the SBP and USBL is low, and any disturbance will not be significant and will not hinder the Conservation Objectives. NatureScot therefore agreed with the conclusions that there is no adverse effect on site integrity for the Berwickshire and North Northumberland Coast SAC from a Scottish perspective, noting that the protected site spans the Scottish/English border.

4.8.9 In consideration of the representation from NatureScot, conditions have been attached to the marine licence to require an Environmental Management Plan ("EMP"), DSLP, CaP, Project Environmental Monitoring Plan ("PEMP"), CoP, CMS, VMP, Operation and Maintenance Programme ("OMP") and an Environmental Clerk of Works ("ECoW") to be submitted by the Applicant for approval by the Licensing Authority prior to the Commencement of the Works and thereafter adhered to.

4.9 Northern Lighthouse Board

4.9.1 Northern Lighthouse Board ("NLB") responded on 25 August 2023 noting that the proposed cable will not pose an undue hazard to navigation. NLB acknowledged the mitigation proposed in the Navigational Risk Assessment and confirmed no objection to the Works.

4.10 Scottish Borders Council

4.10.1 Scottish Borders Council responded on 16 August 2023 confirming no comments to make on the Works.

5. Summary of representations from consultees

5.1 HES

5.1.1 HES responded on 4 October 2023 and advised that there will be no impacts on the setting of terrestrial assets from the Works within Scottish waters. HES noted that it is satisfied with the baseline information provided for Scottish waters and confirmed the impact pathways scoped in to the assessment are appropriate. HES noted it is content with the proposed mitigation measures of a Written Scheme of Investigation ("WSI") and Protocol for Archaeological Discoveries ("PAD") embedded within the project design.

5.1.2 HES confirmed it is satisfied with the assessment of impacts across all phases of the Works and concluded that any impacts would be of minor adverse significance, which is not significant in EIA terms. HES also noted it is content that significant cumulative effects in Scottish waters are unlikely.

5.1.3 HES advised it is content that appropriate methodology had been used in the assessment and a suitable level of detail has been provided for the Works in Scottish waters.

5.1.4 HES noted it is content that the site of the Swedish steamship Oswin and the two geophysical anomalies recorded in the areas are protected by an Archaeological Exclusion Zone ("AEZ") within the WSI as a means of mitigation. HES further noted the proposal of AEZs of 100m for the sites of the unknown wreck and a large piece of associated debris prior to archaeological review for the proposed Works in Scottish waters and welcomed this approach.

5.2 Ministry of Defence

5.2.1 Ministry of Defence responded on 25 September 2023 and had no objection to the Works.

5.3 Neart na Gaoithe Offshore Wind Ltd

5.3.1 Neart na Gaoithe Offshore Wind Ltd ("NnGOWL") responded on 23 August 2023 and highlighted that the Works have the potential to obstruct access to offshore renewable energy projects including both the Neart na Gaoithe ("NnG") windfarm and vessels from the NnGOWL operations and maintenance base in Eyemouth. NnGOWL noted that the location of the NnGOWL operation and maintenance base was not identified in the EIA Report and given the proximity of the Works requested that the Applicant engage with NnGOWL to implement an agreed mechanism to prevent the Works restricting access to both the NnG windfarm and NnGOWL operation and maintenance base.

5.4 RYA

5.4.1 RYA responded on 15 August 2023 confirming no objection to the Works.

5.5 SEPA

5.5.1 SEPA responded on 15 August 2023 confirming no comments to make on the Works and referred to its standing advice.

5.5.2 SEPA's standing advice highlighted the presence of Marine Non-Native Species ("MNNS") as a risk for water body degradation, with the introduction of MNNS shown to occur when construction equipment is moved from one area to another, and recommended mitigation measures to minimise the risk to MNNS throughout all stages of the Works.

5.5.3 Additionally, to prevent pollution and preserve marine ecology interests, SEPA's standing advice highlighted the requirement to ensure good working practice is implemented and steps taken to prevent marine pollution or disturb sensitive species.

5.5.4 In respect of decommissioning, the SEPA standing advice advises that the devices and support infrastructure are removed and all waste disposed of at an appropriate onshore location. The seabed and shoreline must be restored to the original pre-construction condition, or as close to the original condition as reasonably practical.

5.5.5 In consideration of SEPA's standing advice, conditions have been attached to the marine licence to require a DP, EMP, including a MPCP and management measures for INNS, to be submitted by the Applicant for approval by the Licensing Authority prior to the Commencement of the Works and thereafter adhered to.

5.6 Scottish Fishermen's Federation

5.6.1 Scottish Fishermen's Federation ("SFF") responded on 11 October 2023.

5.6.2 SFF noted the Applicant's commitment for sharing the new location of relocated boulders with relevant stakeholders and requested that the Applicant avoid the relocation of boulders as much as possible to prevent snagging hazards for fishing vessels.

5.6.3 SFF noted that the Applicant has considered three options for cable installation and highlighted preference for the simultaneous cable lay and burial option as this will create less disruption/obstacles and snagging hazard for fishing vessels. Furthermore, SFF recommended a post construction/cables burial over-trawl sweep along the route is undertaken to ensure that fishing activities can resume safely. SFF noted that it was content that the cables will be buried to a maximum target burial depth of 3m and a minimum target burial depth of 0.5m within the cable corridor. In addition, SFF noted that the cable trenches will have a maximum width of 2.5m per cable circuit and that it is anticipated that a 25m maximum width of seabed disturbance will be required per trench to allow sufficient width for pre-construction route preparation, such as clearance and requested that this be kept to a minimum to prevent unnecessary seabed disturbance.

5.6.4 SFF highlighted that cable installation will take up to 18 months to complete and noted that it appreciates the Applicant's commitment within the EIA Report on making effort to avoid cable joining in areas of high density marine activities to reduce the length of time the installation vessels are required to be stationary.

5.6.5 SFF requested that the Applicant make every effort to reach the required burial depth of the cables in order to minimise the use of cable protection measures. SFF highlighted that the proposed amount of cable protection, length of cable protection and maximum total footprint as stated within the EIA Report is substantial and will cause disruption to the marine habitat and create obstacles and snagging hazards for fishing vessels. SFF stated that it should be noted that of the key fisheries identified within the commercial fisheries study area of the EIA Report demersal trawling and dredging are the most vulnerable fishing to subsea obstructions.

5.6.6 SFF stated with regard to cable protection measures that it was not in favour of the use of concrete mattresses or rock bags in open water as they create severe snagging hazards for bottom trawl fishing vessels. SFF noted preference for rock dump as a protective measure considering industry standard rock size with a 1:3 profile. Furthermore, SFF noted that grout bags were the least preferred method. SFF stated that it supports the use of 'articulated half pipes, generally made of polyurethane or case iron can be used to provide protection against impact, abrasion and overbending' if all required safety measures for fishing vessels such as rock dump is considered.

5.6.7 SFF noted that the Works will be monitored through post lay and burial inspection surveys to identify exposures and any requirements for repair and reburial, with remedial action taken as appropriate and as soon as practicable. SFF noted that the Applicant's commitment on sharing the findings of monitoring efforts with the fishing industry and requested that any remedial action is undertaken in a timely manner and that the fishing industry are updated throughout the relevant survey and remedial works.

5.6.8 SFF noted the maximum number of vessels actively working throughout the period of the Works and proposed that a Vessel Management Plan is produced in consultation with the fishing industry and any operations be notified to the fishermen with sufficient advance notice in order for the fishermen to plan their fishing operations accordingly.

5.6.9 SFF highlighted with regard to seabed preparation and cable installation that it was opposed to closing off the export cable routes to fishing due to the duration and where the cable route sits on prime fishing ground. SFF suggested that the work on seabed preparation and cable installation operations be divided into different stages and that once one segment of the work is completed, that area is then made available to fish and the work on the next stage could commence.

5.6.10 SFF noted that the Applicant has not provided a decommissioning programme at this stage however stated that it would like to see a clear seabed post-decommissioning where no legacy snagging hazard for fishing vessels is left on the seabed and any part of the unburied cables, including crossing points to shore followed by an over-trawl sweep and long term monitoring plan to ensure safety of the fishing vessels in the relevant areas.

5.6.11 SFF noted that the Applicant concluded that there will be no likely significant effects arising from EMF effects of the Works during all phases of the Works however, given the lack of science on EMF effects, requested that the EMF effects of the Works are reconsidered with scientifically proven evidence presented.

5.6.12 SFF highlighted that the cable corridor is located within prime spawning and nursery grounds and therefore advised that seabed levelling activities are undertaken out with fish spawning and nursery periods to prevent any loss of juvenile fish.

5.6.13 SFF noted the Applicant's commitment to developing a Fisheries Management and Mitigation Strategy ("FMMS") and Fisheries Liaison and Co-existence Plan ("FLCP") and advised that disruption payment for mobile gear is considered along with the 'Static Gear Fishery Specific Measures' and as the FMMS and FLCP are important documents, consideration should be made to further enriching these documents pre-consent.

5.6.14 In consideration of the representation from SFF, conditions have been attached to the marine licence to require a FMMS, CaP, VMP, CMS, CoP, DP and Seabed Obstruction Mitigation Plan to be submitted by the Applicant for approval by the Licensing Authority and thereafter adhered to. A condition has also been attached to the marine licence to require the appointment of a FLO with responsibility for establishing and maintaining effective communications between the Applicant and its contractors, sub-contractors and fisherman and other users of the sea during construction of the Works. The appointment of the FLO is to be approved by the Licensing Authority, following consultation with the SFF, the Forth and Tay Commercial Fisheries Working Group and any other advisors or organisations as required at the discretion of the Licensing Authority. In addition, a condition has been attached to the marine licence to require the Applicant to ensure that any new location of any large obstacles that may impede safe fishing activity or damage to gear is promulgated appropriately. Furthermore, the Licensing Authority has considered the matters raised by the SFF further in section 9.

5.7 Scottish Hydro-Electric Transmission PLC

5.7.1 Scottish Hydro-Electric Transmission PLC responded on 26 September 2023 noting the requirement within the EIA Report to have a proximity agreement in place given the close proximity of the Works to the EGL2 cable and requested that ongoing communication with the Applicant is maintained.

5.8 Sport Scotland

5.8.1 Sport Scotland responded on 25 September 2023 confirming no comments on the Works.

6. Summary of internal advice

6.1 Marine Analytical Unit

6.1.1 The Marine Analytical Unit confirmed that socio-economics were scoped out of the EIA Report and therefore provided a nil response.

6.2 Transport Scotland

6.2.1 Transport Scotland responded on 20 September 2023 advising that it had no further comments to make on the EIA Report. Transport Scotland noted that traffic effects were scoped out of the EIA Report and that a Construction Stage Traffic Management Plan will be required post consent.

6.3 Marine Directorate – Science Evidence Data and Digital

6.3.1 Marine Directorate – Science Evidence Data and Digital (“MD-SEDD”) responded on 28 September 2023 with advice relating to marine mammals and commercial fisheries.

6.3.2 With regards to potential impacts to marine mammals from underwater noise, MD-SEDD noted that the EIA Report stated that UXO will be avoidable and clearance of UXO is considered unlikely and therefore not included within the scope of the EIA Report. MD-SEDD advised that the position is that where UXO clearance is required that low order alternatives are preferred and referred the Applicant to the UXO joint position statement.

6.3.3 MD-SEDD noted that the EIA Report states that noise-related impacts may occur through both the construction and decommissioning phases of the Works. Whilst these impacts have been presented for the construction phases, MD-SEDD noted that no further discussion of noise impacts for the decommissioning phase is provided in the EIA Report as these have yet to be established. MD-SEDD noted that should any decommissioning activities be decided in future then further consideration will be required at that stage.

6.3.4 MD-SEDD advised that due to the operational frequencies of the SBP and USBL, these should be considered further post-consent as part of the European Protected Species licensing process. MD-SEDD noted that the details of the multibeam echosounder are unclear within the EIA Report and advised that the operating frequencies and source levels should be clarified as part of the EPS licensing process.

6.3.5 MD-SEDD agreed with the conclusions of the EIA Report regarding impacts to marine mammals from underwater noise, noting the reliance on adherence to the JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys (2017).

6.3.6 With regards to commercial fisheries, MD-SEDD was content with the proposed study area, data sources, impacts scoped in, methodology and assessment within the EIA Report. MD-SEDD welcomed the proposed range of mitigation measures set out in the EIA Report.

6.3.7 In relation to the Applicant's proposal for fishing friendly cable protection measures, MD-SEDD highlighted the concerns raised by the fishing industry regarding the use of concrete mattresses in open areas of seabed and therefore advised that use of concrete mattresses be restricted to areas with minimal bottom contact fishing where possible in particular to the north of the Worls where scallop dredgers are more prevalent.

6.3.8 MD-SEDD noted that the Applicant is not proposing to carry out an over-trawl survey of the cable post construction and that the Applicant recognises that fishing will continue over cables and will follow industry best practice guidance to minimise gear snagging.

7. Summary of representations from other organisations and members of the public

7.1 The Scottish Ministers received no representations from other organisations or members of the public.

8. The Scottish Ministers' EIA Consent Decision and Considerations of Environmental Matters

8.1 The Scottish Ministers are satisfied that an EIA has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in the 2007 MW Regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their EIA Consent Decision under the 2007 MW Regulations and regulatory decision.

8.2 The Scottish Ministers have considered fully and carefully the Application, the EIA Report, the information to inform the HRA and all relevant representations from consultees, other organisations and members of the public and third party advice.

8.3 Impacts on European sites, MPAs and Bird, Diadromous Fish and Marine Mammals

8.3.1 The Conservation of Offshore Marine Habitats and Species Regulations 2017 ("the Habitats Regulations") require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European site (either alone or in combination with other plans or projects), as defined in the Habitat Regulations.

8.3.2 In line with the view of NatureScot and JNCC, the Works are likely to have a significant effect on the grey seal qualifying interest of the Berwickshire and North Northumberland Coast SAC, common guillemot as a qualifying feature of the Farne Islands SPA, and on the ornithological qualifying interests of the St Abb's Head to Fast Castle SPA, the Outer Firth of Forth and St Andrews Bay Complex SPA, and the Forth Islands SPA. The Licensing Authority as the "competent authority", therefore, was required to carry out an Appropriate Assessment ("AA").

8.3.3 Having had regard to the representations made by NatureScot and JNCC, it can be ascertained that the Works will not adversely affect the integrity of Berwickshire and North Northumberland Coast SAC, Farne Islands SPA, St Abb's Head to Fast Castle SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, Forth Islands SPA, either in isolation or in combination with other projects.

8.3.4 A full explanation of the issues and justification for the conclusions regarding site integrity is provided in the AA (Annex B).

8.3.5 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, there are no outstanding concerns in relation to the impact of the Works on marine mammals or birds or European sites which would require an EIA Consent Decision under the 2007 MW Regulations and a marine licence to be withheld. On this basis, the Scottish Ministers consider that an up to date conclusion of the likely significant effects of the Works on biodiversity has been reached in accordance with Regulation 21A(2)(b) of the 2007 MW Regulations.

8.3.6 In reaching its EIA Consent Decision, the Scottish Ministers have had further regard to the likely significant effect of the Works on the remaining environmental factors listed at Regulation 21A(2) of the 2007 MW Regulations that were scoped in for assessment. They have concluded, taking into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, that there are no outstanding concerns in relation to the impact of the Works on population, human health, soil, water, air, climate, material assets, cultural heritage, landscape, and the interaction between them. On this basis, the Scottish Ministers consider that an up to date conclusion of the likely significant effect of the Works has been reached in accordance with Regulation 21A(2) of the 2007 MW Regulations.

9. The Scottish Ministers Regulatory Approval and Main Determinative Issues

9.1 Determination of Marine Licence Applications

9.1.1 In determining the applications for marine licences (including the terms on which they are granted and what conditions, if any, are to be attached to them) the Scottish Ministers have had regard to:

- the need to protect the environment, protect human health, prevent interference with legitimate uses of the sea and such other matters as the Scottish Ministers consider relevant;
- the effects of any use intended to be made of the works when constructed; and
- representations received from persons with an interest in the outcome of the applications.

9.2 Main Determinative Issues

9.2.1 The Scottish Ministers, having taken account of all relevant information and regulatory requirements, consider that the main determining issues are:

- the extent to which the Works accord with and are supported by Scottish and UK Government policy and the terms of the Scotland's National Marine Plan ("NMP");

- the main effects of the Works on the environmental factors listed under regulation 21A of the 2007 MW Regulations considered in reaching their EIA Consent Decision and the main effects of the Works on protecting the environment and human health and preventing interference with legitimate uses of the sea, which are in summary:
    - Impacts on seabirds and marine mammals including impacts on European sites (as described above in section 8.3); and
    - Impacts on commercial fisheries.

9.3 Scottish and UK Government Policy Context

9.3.1 The NMP, formally adopted in 2015 and reviewed in Spring 2018, provides a comprehensive statutory planning framework for all activities out to 200nm. The Scottish Ministers must take authorisation and enforcement decisions which affect the marine environment in accordance with the NMP. The NMP policies of particular relevance to this proposal are:

- Chapter 4 policies 'GEN 1-7 and 9-21', which guide all Works proposals;
- Chapter 6 Sea Fisheries, policies 'FISHERIES 1-3 and 5';
- Chapter 11 Offshore Wind and Marine Renewable Energy, policies 'RENEWABLES 1, 4-10';
- Chapter 13 Shipping, Ports, Harbours and Ferries, policies 'TRANSPORT 1 and 6'; and
- Chapter 14 Submarine Cables, policies 'CABLES 1-3'.

9.3.2 The Scottish Government is in the process of developing NMP2 however, given its stage of development, the Scottish Ministers have considered the existing NMP in making this decision.

9.3.3 The Climate Change (Scotland) Act 2009 commits Scotland to reach net zero emissions of all greenhouse gases ("GHGs") by 2045, ahead of the UK target of 2050. These targets are consistent with an ambitious Scottish contribution to the goals of the 2015 United Nations Paris Agreement on climate change, to limit global average temperature increases to 1.5 degrees Celsius.

9.3.4 The 2017 Scottish Energy Strategy set a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity to come from renewable sources by 2030. Continued support for renewable energy, including offshore wind, was reiterated in the Scottish Government Climate Change Plan: The 3rd Report on Proposals and Policies 2018 – 2032, including an ambition for Scotland's electricity system to be largely decarbonised by 2032.

9.3.5 The Works will support the contribution to Scotland's renewable energy targets and will provide wider benefits to the offshore wind industry which are reflected within Scotland's Offshore Wind Policy Statement. Offshore wind is seen as an integral element in Scotland's contribution towards action on climate change. Our Offshore Wind Policy Statement sets out the Scottish Government's ambitions for offshore wind in Scotland, including an ambition (but not a limit) to achieve 8-11GW of offshore wind in Scotland by 2030, reaffirmed in both Scotland's Energy Strategy Position Statement (2021) and the Scottish Government Update to the Climate Change Plan 2018 – 2032 (2020). Following publication of a draft Energy Strategy and Just Transition Plan ("ESJTP") in 2023 the Scottish Ministers have consulted on setting further offshore wind deployment ambitions out to 2045 (by which point the Government is committed to achieving net zero). The draft ESJTP sets out how its vision of affordable, resilient and clean energy supplies for Scotland will be delivered, maximising home-grown clean energy provision and significantly increasing domestic production of renewable electricity by 2030, helping to address climate change by substantially reducing the emissions of our energy sector.

9.3.6 On 18 June 2025, Scottish Government launched a consultation to update the Offshore Wind Policy Statement acknowledging that since 2020 there had been considerable change in the policy and planning landscape for offshore renewable energy generation in Scotland and the wider UK, referencing the Clean Power 2030 Action Plan (see paragraph 8.4.8) as a considerable driver for change. The updated Policy Statement, sets out the Scottish Government commitment to maximise the deployment of offshore wind in Scotland, by resetting its ambition and aiming for the development of up to 40GW by 2035-2040.

9.3.7 The Works will support a project that will contribute to the direct reduction of emissions from energy generation in Scotland and further advance the technology and understanding of offshore energy. Accordingly, the Works are supportive of a project consistent with the emissions reduction requirements of the Climate Change (Scotland) Act 2009 and Scottish energy and climate change policy.

9.3.8 The Scottish Ministers have also had due regard to the UK Government's Overarching National Policy Statement for energy (EN-1), published in January 2024, and its National Policy Statement for renewable energy infrastructure (EN-3), published in November 2023. These policies provide a framework for delivering the UK's international commitments on climate change. The Scottish Ministers have taken particular account of EN-1's identification of nationally significant low carbon infrastructure (which includes offshore wind) as a critical national priority and the overarching need for energy security and decarbonising the power sector to combat climate change.

9.3.9 The UK Government's Clean Power 2030 Action Plan sets a pathway to deliver 43-50GW of offshore wind capacity across Great Britain in order to achieve a 95% clean energy system by 2030. The Scottish Government is committed to working closely with the UK government on shared ambitions to decarbonise energy generation and drive progress towards net zero in line with these objectives. To meet the Clean Power 2030 target, the action plan recognises the important role projects in Scotland will play and emphasises the need capitalise on projects that are already in the planning system and able to commence construction before 2030.

9.3.10 The Scottish Ministers have also considered the UK Government's British Energy Security Strategy (2022), alongside the UK Government's Ten Point Plan for a Green Industrial Revolution (2020), Energy White Paper: Powering our Net Zero Future (2020) and Net Zero Strategy: Build Back Greener (2021), and the contribution which Scotland can make to the target of up to 50GW of offshore wind by 2030 across the UK.

9.3.11 Scotland's National Planning Framework ("NPF") 4 was adopted on 13 February 2023. It sets out a long-term spatial plan including regional priorities and 18 national developments, as well as a full suite of 33 national planning policies. NPF4 replaces NPF3 and Scottish Planning Policy.

9.3.12 On adoption of NPF4, the provisions in the Planning (Scotland) Act 2019 commenced making NPF4 part of the statutory development plan. NPF4 sets out the Scottish Government proposals for future consideration of planning matters and as such it may be taken into account by planning authorities on a case-by-case basis.

9.3.13 NPF4 signals a turning point for planning, placing climate and nature at the centre of the planning system and making clear Scottish Government support for all forms of renewable, low-carbon and zero emission technologies, including transmission and distribution infrastructure. This includes onshore infrastructure that supports offshore renewable development. Potential impacts on communities, nature and other receptors remain important considerations in the decision-making process. All applications are already, and will continue to be, subject to full site-specific assessments.

9.3.14 The Scottish Ministers have had regard to NPF4 when assessing the Application. The Scottish Ministers consider that the Works accord with NPF4 as it supports the delivery of renewable electricity generation and transmission, in turn supporting an increase in employment and helping to reduce emissions and improve security of supply. Furthermore, the Works support Policy 11 by supporting the delivery of renewable energy generation and transmission infrastructure.

9.4 Economic Benefits

9.4.1 National policy and strategies, such as NPF4, the Draft ESJTP, and the Scottish Energy Strategy: The Future of Energy in Scotland (2017), support the role of renewable energy development in achieving socioeconomic benefits and supporting the growth of the low carbon economy. The EIA Report stated that the Works, in enabling the Berwick Bank Wind Farm to reach full generating capacity by 2030, would support the Scottish Government's commitments to reaching net zero emissions of all GHG by 2045.

9.4.2 The Applicant scoped out socioeconomic impacts on the basis that no potential for significant socio-economic impacts was identified, and the Marine Analytical Unit raised no concerns with this during the consultation process. The Scottish Ministers are therefore content that no negative economic impact is anticipated as a result of the Works.

9.4.3 The Works will support the delivery of the Berwick Bank Wind Farm and, therefore, contribute to realising the socioeconomic benefits predicted to be delivered by it. According to the EIA Report prepared for the Berwick Bank Wind Farm it is estimated to result in between £90 million and £160 million total gross value added ("GVA") in local study areas, and between £450 million and £1.1 billion nationally from activities associated with manufacturing, construction and installation. In addition the Berwick Bank Wind Farm is estimated to result in a further £1.2 billion total GVA in local study areas and £2.6 billion nationally from operation and maintenance activities.

9.4.4 The Scottish Ministers have taken this information regarding the socioeconomic impacts of the Works into account in their decision making.

9.4.5 Commercial Fisheries

9.4.6 Effects on commercial fisheries were identified in the EIA Report as being up to minor adverse significance in Scottish waters by the Applicant during all phases of the Works. The EIA Report assessed the cumulative impacts from the Works and concluded a likely significant effect from the Works and cumulative effect on creeling and potting during construction in relation to the effects of temporary loss, displacement and restricted access to fishing grounds due to presence of vessels and safety zones during route preparation activities during construction on creeling and potting in English waters.

9.4.7 In response to the consultation, concerns outlined by SFF included those relating to obstacles and snagging hazards for fishing vessels (including in relation to boulder relocation, cable lay and burial timing, over-trawl surveys, decommissioning, volume and type of cable protection, the importance of reaching target cable burial depth and remedial measures for cable exposure); minimising of marine habitat disruption, seabed disturbance and EMF impacts; lack of access to fishers; and notification, consultation and mitigation plans.

9.4.8 The Scottish Ministers have taken into account the SFF's concerns, alongside advice from MD-SEDD. In consideration of the representation received, a number of conditions have been attached to the marine licence to require a FMMS, CaP, DSLP, VMP, DP and Seabed Obstruction Mitigation Plan to be submitted by the Applicant for approval by the Licensing Authority prior to the Commencement of the Works and thereafter adhered to. In particular, the FMMS must include a strategy for communicating with fishers; assessment of impact on affected commercial fisheries in socio-economic terms and in terms of environmental sustainability; mitigation; and monitoring. The FMMS must be defined and finalised in consultation with the Forth and Tay Commercial Fisheries Working Group. The CaP must include a Cable Burial Risk Assessment to ascertain burial depths and where necessary alternative protection measures; methodologies and timetable for post-construction and operational surveys of the cables and the cable protection through its operational life; consideration of EMF; and measures to address and report to the Scottish Ministers any exposure of cables or risk to users of the sea from cables. 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 CaP will be reduced. A condition requiring a FLO to be appointed to establish and maintain effective communications between the Applicant, its contractors and sub-contractors, and fishermen and other users of the sea during construction of the Works has also been attached to the marine licence.

9.4.9 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the responses of the consultation bodies and internal advice, and having regard to the conditions attached to the marine licence, there are no outstanding concerns in relation to the impact of the Works on commercial fisheries which would require a marine licence to be withheld.

9.5 The Nature Conservation (Scotland) Act 2004

9.5.1 The Nature Conservation (Scotland) Act 2004 ("the 2004 Act") makes it the duty of all public bodies in Scotland, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

9.5.2 In complying with this duty public bodies must have regard to any strategy designated as the Scottish Biodiversity Strategy. The relevant strategy in this case is Scottish Government's Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency in Scotland (published November 2024) ("the SBS"). This replaces the previous strategy "Scotland's Biodiversity: It's in your hands" 2004 and the associated "2020 Challenge for Scotland's Biodiversity supplement". The SBS sets out the need to act decisively to address the twin crises of biodiversity loss and climate change together and how Scottish Government will protect and regenerate biodiversity across the country by 2045.

9.5.3 Under the 2004 Act, public bodies must also have regard to 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 CBD"). Article 14(1)(a) which requires each contracting party, as far as possible and appropriate to, "introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures".

9.5.4 The Scottish Ministers have had regard to the SBS and the CBD in the exercising of their functions in the determination of the Applicant's marine licence Application. The Applicant was required to undertake EIA and provide information to inform HRA to support its Application. Following review of this information and representations received during consultation referred to in Section 3 of this Decision Notice, the Works have been identified to result in some likely significant effects on protected sites, with implications for biodiversity. However, a condition requiring the Applicant to mitigate these impacts has been placed on the marine licence to ensure adherence, as far as it is practical to do so, to the Joint Nature Conservation Committee 2017 Guidelines for minimizing the risk of injury and disturbance to marine mammals to ensure the Works will not adversely affect integrity of those protected sites. Additionally, conditions have been attached to the marine licence to mitigate other environmental impacts, alongside measures which the Applicant has committed to in its EIA Report. Furthermore, the Scottish Ministers recognise the contribution the Works will make to the supporting the delivery of renewable electricity transmission in responding to climate change.

9.6 The Marine Strategy Regulations 2010

9.6.1 The marine Strategy Regulations provide a comprehensive framework and obligation for the four UK administrations to take a coordinated approach to assess, monitor and take action to achieve or maintain Good Environmental Status ("GES") in UK waters. The UK Marine Strategy consists of a three part framework for achieving GES in our seas, the most recent iteration of which comprises: Marine Strategy Part One: UK updated assessment and Good Environmental Status (2019); Marine Strategy Part Two: UK updated monitoring programmes; and Marine Strategy Part Three: 2025 UK programme of measures. The UK Marine Strategy recognises that offshore wind will play a pivotal role in the UK's clean energy mission and the UK government and devolved governments are considering or have under development programmes to explore and develop mechanisms to enable delivery of the government's offshore wind ambition while still protecting the marine environment.

9.6.2 The Scottish Ministers have had regard to the UK Marine Strategy when assessing the Application. Environmental impacts, including impacts to protected sites, have been assessed through Environmental Impact Assessment and Habitats Regulations Appraisal. Likely significant effects identified to European sites and bird and marine mammal impacts have been addressed as discussed in paragraphs 8.3.1 to 8.3.4, including mitigation through licence conditions, and the decision taken in accordance with the NMP. Relevant aspects of the programme of measures have been carried forward and taken into consideration in the decision-making process.

10. The Scottish Ministers' Determination

10.1 The Scottish Ministers are satisfied that an EIA has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the applications have been followed. The Scottish Ministers are also satisfied, having regard to current knowledge and methods of assessment, that their EIA Consent Decision is based on an up to date conclusion about the likely significant effects of the Works on relevant environmental factors, as required under the 2007 MW Regulations.

10.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated, against the renewable energy benefits which would be realised. The Scottish Ministers have undertaken this exercise in the context of relevant policies.

10.3 The Scottish Ministers have considered the extent to which the Works accord with and is supported by Scottish and UK Government policy and plans (described in section 9.3), the terms of the NMP, the NPF4, the Offshore Wind Policy Statement, the draft ESJTP, the UK Government's National Policy Statements for energy infrastructure and British Energy Security Strategy, the Climate Change (Scotland) Act 2009; the Nature Conservation (Scotland) Act 2004; the Marine Strategy Regulations 2010 and the environmental impacts of the Works. In particular, the Scottish Ministers have considered the impacts on marine mammals and seabirds including impacts on European sites and European offshore marine sites and commercial fisheries.

10.4 The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works and mitigation measures. In particular the Scottish Ministers are satisfied that the Works will not adversely affect the integrity of the Berwickshire and North Northumberland Coast SAC, Farne Islands SPA, St Abb's Head to Fast Castle SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, Forth Islands SPA, either in isolation or in combination with other projects.

10.5 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the marine licence to reduce and monitor environmental impacts (these conditions are outlined in the draft marine licence at the end of this document). These include development and adherence to the mitigation measures outlined in the Schedule of Mitigation in the Applicant's EIA Report and a CaP, CMS, CoP, CTMP, DP, DSLP, EMP, FMMS, NSP, OMP, PEMP, Seabird Obstruction Mitigation Plan, VMP and WSI and PAD in writing for approval by the Scottish Ministers

10.6 The Scottish Ministers are satisfied that regard has been given to protecting the environment, protecting human health, and preventing interference with legitimate uses of the sea, as well as other factors considered to be relevant, as required by section 69 of the 2009 Act.

10.7 The Scottish Ministers **grant a marine licence subject to conditions** under the 2009 Act to construct, alter or improve any works in the UK marine licensing area associated with the Berwick Bank Cambois Connection

Marine Scheme in the Outer Firth of Forth. The marine licence is attached at Appendix 1.

10.8 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of the marine licence. The conditions also capture monitoring measures required under Regulation 22 of the 2007 MW Regulations.

10.9 In accordance with the 2007 MW Regulations, the Applicant must publicise notice of the Scottish Minister's EIA Consent Decision and its regulatory decision(s) by ensuring that a copy of this decision letter is published on the Applicant's website, and within the same publications listed at paragraph 3.2 of this decision letter; namely the Edinburgh Gazette, East Lothian Courier, Border Telegraph and Fishing News. The Applicant must provide copies of the public notices to the Scottish Ministers.

10.10 Copies of this decision notice have been sent to the bodies consulted on the application, including the local planning authorities, NatureScot, SEPA and HES. This decision notice has also been published on the Marine Scotland Information website.

Yours sincerely,

[redacted]

Marine Directorate - Licensing Operations Team

A member of the staff of the Scottish Ministers

04 August 2025.

Annex 1 – Description of the Works

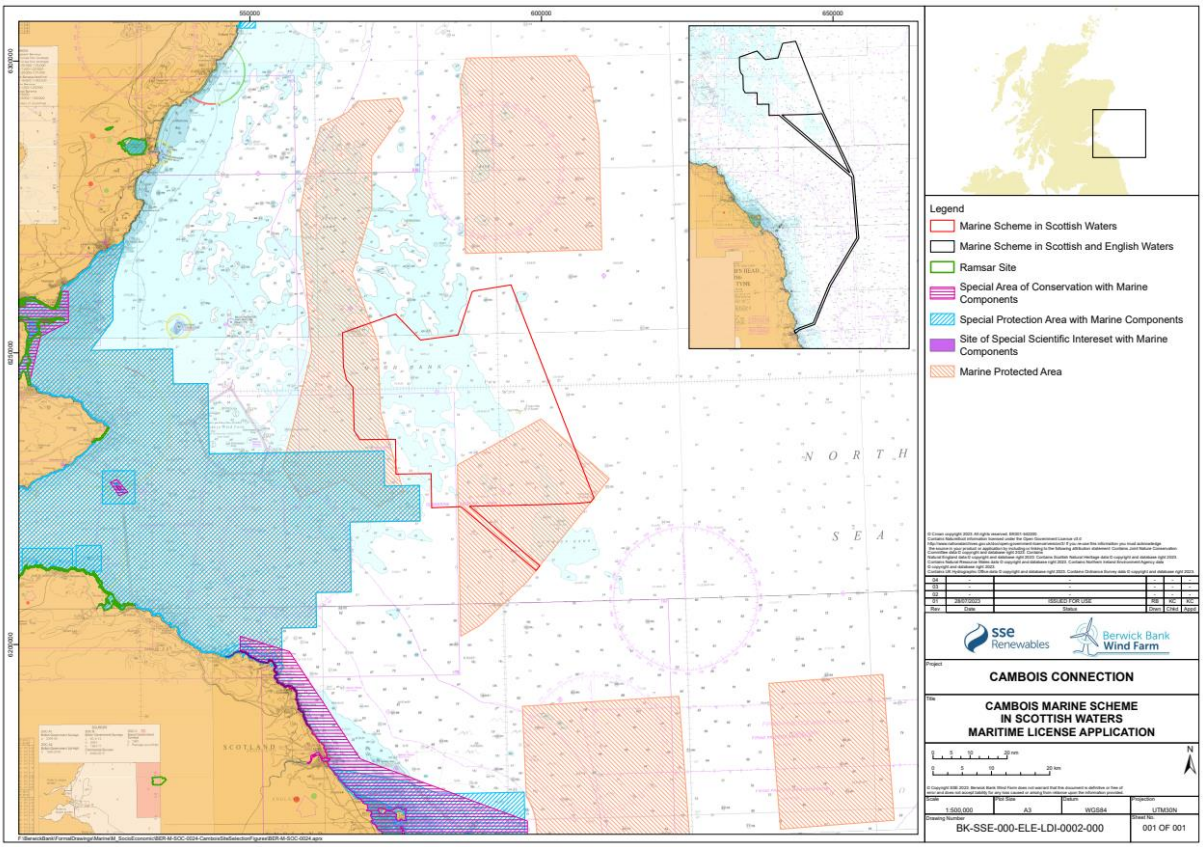
1. The Works comprise the construction, alteration or improvement of the Berwick Bank Cambois Connection Marine Scheme comprising of:

    a. Up to four high voltage direct current offshore export cables bundled with up to four fibre optic cables up to 40 km in length from up to two offshore convertor station platforms within the Berwick Bank Wind Farm array area to the Scottish/English border; and

    b. Associated cable protection

    And, except to the extent modified by the foregoing, all as described in the Application and by the conditions imposed by the Licensing Authority. References to “the Works” in this marine licence shall be construed accordingly.

Figure 1: Works location (Source: [Marine Licence Application - Cambois Cable Connection – Berwick Bank Offshore Wind Farm, Firth of Forth – 00010501 | marine.gov.scot](marine.gov.scot))



Annex 2 - Marine Licence

Scottish Government
Riaghaltas na h-Alba

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-00010501**

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

Berwick Bank C Limited
No.1 Forbury Place
43 Forbury Road
Reading
RG1 3JH

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 01 October 2026 until 01 October 2075

[redacted]

Signed: .....
[redacted]

For and on behalf of the Licensing Authority

Date of issue: 04 August 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,

"Application" means the application, Environmental Impact Assessment Report and supporting documents submitted by the Licensee on 28 July 2023
"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;
"CoP" means Construction Programme;
"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;
"DSLP" means Development Specification and Layout Plan;
"ECoW" means Ecological Clerk of Works;
"EMF" means electromagnetic field(s);
"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 Liason 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;
"Licensee" means Berwick Bank C Limited (Company Number: 07294599) having its registered office at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH;
"Licensing Authority" means the Scottish Ministers;
"MCA" means the Maritime and Coastguard Agency;
"MGN" means Marine Guidance Note;
"MHWS" means any area submerged at mean high water spring tide;
"NLB" means Northern Lighthouse Board;
"NSP" means Navigational Safety Plan;
"OMP" means Operation and Maintenance Programme;
"PAD" means Protocol for Archaeological Discoveries;
"PEMP" means Project Environmental Monitoring Plan;
"ScotMER" means the Scottish Marine Energy Research Programme;
"SFF" means the Scottish Fishermen's Federation;
"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;
"the Works" means the works as described in Part 2 of this licence;
"**UKCoS"** means UK Chamber of Shipping;
"UKHO" means UK Hydrographic Office;
"VMP" means Vessel Management Plan;
"WSI" means Written Scheme of Investigation;

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.Marinelicensing@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 Agent

As per Licensee

2.2 Location of the Licensed Activity

Berwick Bank Cambois Connection Marine Scheme, being the area bound by joining the following coordinates:

56° 03.013' N 01° 24.698' W
56° 08.998' N 01° 36.747' W
56° 08.945' N 01° 41.612' W
56° 12.096' N 01° 41.578' W
56° 12.110' N 01° 47.419' W
56° 15.327' N 01° 47.396' W
56° 15.348' N 01° 53.307' W
56° 16.185' N 01° 54.213' W
56° 20.189' N 01° 54.311' W
56° 20.923' N 01° 55.381' W
56° 22.104' N 01° 55.845' W
56° 25.254' N 01° 55.906' W
56° 26.899' N 01° 47.032' W
56° 24.455' N 01° 42.938' W
56° 24.847' N 01° 36.659' W
56° 28.786' N 01° 34.194' W
56° 28.892' N 01° 33.937' W
56° 29.376' N 01° 27.648' W
56° 09.533' N 01° 14.674' W
56° 09.092' N 01° 15.338' W
56° 09.138' N 01° 15.374' W
56° 09.057' N 01° 17.885' W
56° 09.011' N 01° 23.610' W
56° 09.013' N 01° 35.305' W
56° 03.373' N 01° 23.925' W
56° 02.946' N 01° 24.564' W
56° 03.013' N 01° 24.698' W

As shown in Annex One.

2.3 Description of the Licensed Activity

The Works comprise the construction, alteration or improvement of the Berwick Bank Cambois Connection Marine Scheme comprising of:

a) Up to four high voltage direct current offshore export cables bundled with up to four fibre optic cables up to 40 kilometres in length from up to two offshore convertor station platforms within the Berwick Bank Wind Farm array area to the Scottish/English border; and
b) Associated cable protection

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

2.4 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:

Stone/Rock/Gravel - 180,000 cubic metres
Concrete bags/Mattresses - 180,000 cubic metres
Cable - 160 kilometres

2.5 Contractor and Vessel Details

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 Licensed Activity 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 Licensed Activity 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 Works, to the Scottish Ministers 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 advised by the Licensing Authority, within one month of notice being given by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced 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 the 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 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 3.2.14). 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 Office ("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 UKHO (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 company), 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 Activity 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 **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.

3.2.5 **Environmental Management Plan**

The Licensee must, no later than six months prior to Commencement of the Licensed Activity, submit an Environmental Management Plan ("EMP") 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 the Licensed Activity:

a) All construction as required to be undertaken for the Final Commissioning of the Works; and

b) The period of time commencing with the Final Commissioning of the Works until the 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 Works. It must address, but not be limited to, 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 3.2.12);
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 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, but not be limited to, 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.

3.2.6 **Fisheries, Management and Mitigation Strategy**

The Licensee must submit a Fisheries Management and Mitigation Strategy ("FMMS"), in writing, to the Licensing Authority for their 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.

3.2.7 **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 ("DSLP"), 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"), Scottish Fishermen's Federation ("SFF"), and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The DSLP must include the following:

a) Details of any key environmental constraints recorded on the site for example designated sites, priority marine features, archaeological exclusion zones, areas of archaeological potential;
b) Details of any cable and scour protection including location, area/length, type; and
c) The finalised location of the export cable route;

3.2.8 **Cable Plan**

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Cable Plan ("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 by 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 the following:

a) The vessel types, location, duration and cable laying techniques for the export cables
b) The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform 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 ("CBRA"), to ascertain burial depths and where necessary alternative protection measures, including a Burial Protection Index study and, subject to the traffic volumes, an anchor penetration study;
e) As part of the CBRA consideration should be given to increasing the minimum target depth for cable burial and justification for the chosen depth;
f) Methods to be used to mitigate the effects of EMF on diadromous fish, including the feasibility of cable grouping as a mitigation measure and potential modelled EMF reduction.
g) 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 3.4.10; and
h) 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.

3.2.9 **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 their 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 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 and 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. Diadromous fish
    2. Physical Processes

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.

3.2.10 **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 Works; 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 Works.

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

3.2.11 **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, SFF 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.

3.2.12 **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 company personnel, any contractors or sub-contractors involved during the construction of the Works; and
c) Details of how the construction related mitigation steps proposed in the Application are to be delivered.

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 DSLP, the EMP, the VMP, the NSP, and the CaP.

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.

3.2.13 **Vessel Management Plan**

The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Vessel Management Plan ("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, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The VMP 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 the Works.

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 Works.

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 CMS, the EMP, the PEMP and the Navigational Safety Plan ("NSP").

3.2.14 **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 cables. 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 and the CaP.

3.2.15 **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, SFF and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority.

The NSP must address 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; and
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 Works, or any other relevant document which may supersede this guidance prior to approval of the NSP.

3.2.16 **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 the 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 the marine licence;
b) Responsible for the monitoring and reporting of compliance with the marine licence conditions and the environmental mitigation measures for all 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 Works is being constructed in accordance with the plans and the 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.

3.2.17 **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 Scottish Ministers following consultation with the SFF, the Forth and Tay Commercial Fisheries Working Group 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 3.2.5). 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 Works, 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.

3.2.18 **Written Scheme of Investigation and Protocol for Archaeological Discoveries**

The Licensee must implement the Written Scheme of Investigation and Protocol for Archaeological Discoveries dated 24 July 2023 (document reference A-100796-S01-A-REPT-031) ("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.

3.3 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.

3.3.9 The Licensee must ensure that the Joint Nature Conservation Committee ("JNCC") 2017 Guidelines for minimizing the risk of injury and disturbance to marine mammals from seismic surveys is followed at all times in connection with the undertaking of such surveys as far as it is practical to do so. These are available from the JNCC website https://hub.jncc.gov.uk/assets/e2a46de5-43d4-43f0-b296-c62134397ce4.

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.

3.4.2 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.

3.4.3 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.

3.4.4 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.

3.4.5 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.

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

3.4.7 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 the 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.

3.4.8 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.

3.4.9 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.

3.4.10 **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 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. The Seabed Obstruction Mitigation Plan must also be updated and submitted for approval 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 00010501

Chart showing the location of the Licensed Activity