



Mrs Sarah Arthur
Inch Cape Offshore Ltd
5th Floor
40 Princes Street
Edinburgh
EH2 2BY

14 June 2023

Dear Ms Arthur,

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 ON 17 JUNE 2019 TO CONSTRUCT AND OPERATE THE INCH CAPE OFFSHORE WIND FARM ELECTRICITY GENERATING STATION, LOCATED APPROXIMATELY 15-22 KILOMETRES OFF THE ANGUS COASTLINE.

I refer to the application to vary the consent for the Inch Cape Offshore Wind Farm (Revised Design) (“the Development”). This application (“the Variation Application”) was made by Inch Cape Offshore Limited (“the Company”) on 22 November 2022 for:

- a. a variation under section 36C of the Electricity Act 1989 (“the Electricity Act”) to the consent granted under section 36 (“s.36”) of the Electricity Act on 17 June 2019 for the construction and operation of the Development, which was subsequently varied on 16 July 2020 to enable a maximum generating capacity of up to 1000 megawatts and further varied on 1 July 2021 to remove the maximum generating capacity (“the Existing s.36 Consent”).

This letter contains the Scottish Ministers’ decision to vary the Existing s.36 Consent.

1.1 Nature of the Variation Sought

1.1.1 The Variation Application seeks to vary Annex 1 of the Existing s.36 Consent to allow the following:

- reduction in the nominal turbine spacing from 1,278 metres to 1,025 metres.

1.2 **Environmental Impacts**

1.2.1 The Scottish Ministers are satisfied that the Variation Application will not have significant effects on the environment.

1.2.2 The Scottish Ministers have considered the following:

- Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Habitats Regulations”),
- Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the 2017 Habitats Regulations”),
- the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (“the Variation Regulations”),
- the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EW Regulations”), and
- the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

1.2.3 The Scottish Ministers do not consider that the proposed changes within the Variation Application will alter the conclusions of the Environmental Impact Assessment Report and the Habitats Regulation Appraisal supporting the original s.36 application submitted to the Scottish Ministers on 15 August 2018 (“the Original Application”).

1.2.4 In accordance with the requirements set out in the 2017 Electricity Works Regulations, the Scottish Ministers did not deem it necessary for a new Environmental Impact Assessment Report to be submitted in support of the Variation Application.

1.2.5 An appropriate assessment under the 2017 Habitats Regulations and the 1994 Habitats Regulations was completed in March 2019 (“the Original AA”) in respect of the Original Application. The Scottish Ministers have reviewed the Original AA, carried out an AA validation with regards to the Variation Application, and are content that the conclusions remain valid in respect of the Variation Application. The Variation Application will not result in a likely significant effect on any European offshore marine site or European site (either alone or in-combination with other plans or projects)..

1.3 **Consultation**

1.3.1 Regulation 4 of the Variation Regulations provides that an applicant must publish a variation application relating to an offshore generating station on a website, serve a copy of the variation application on the planning authority, and also advertise the application by public notices in specified publications.

1.3.2 In line with Regulation 4, the Company published the Variation Application documentation on its [website](#), public notices were placed in the Courier for two successive weeks and for one week each in the Edinburgh Gazette, the Scotsman, Lloyds List and Fishing News.

- 1.3.3 Marine Directorate - Licensing Operations Team (“MD-LOT”) on behalf of the Scottish Ministers, consulted a wide range of relevant organisations on the Variation Application including: Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council (“ELC”), Fife Council, Historic Environment Scotland (“HES”), Maritime Coastguard Agency (“MCA”), NatureScot, Northern Lighthouse Board (“NLB”), Scottish Borders Council and the Scottish Environment Protection Agency (“SEPA”). The Scottish Ministers also placed the Variation Application documentation on the [Marine Scotland Information](#) website alongside the Existing s.36 Consent.
- 1.3.4 Three objections were received, with concerns regarding the proposed reduction in turbine spacing and potential seascape, landscape and visual impacts, cumulative impacts on seabirds and impacts on mobile fishing. In addition to the objections, some representations also raised equivalent concerns regarding seascape, landscape and visual impacts of the proposed reduction in turbine spacing. A summary of the representations is provided below, including consideration of the objections received by MD-LOT. A number of organisations did not provide a response. In the case of no response, MD-LOT notified the relevant consultees that “nil response” would be assumed.
- 1.3.5 The following consultees raised no objections to the Variation Application.**
- 1.3.6 **Aberdeenshire Council** confirmed that while the Variation Application would result in a change to the appearance of the Development, the impact on seascape, landscape and visual impact receptors from viewpoints within Aberdeenshire would be negligible.
- 1.3.7 **Angus Council** confirmed that it had no objection to the Variation Application. However, Angus Council raised concerns regarding the proposed reduction in turbine spacing which would in its view make the Development appear more cluttered. Angus Council was of the view that the Variation Application would not be as successful in terms of seascape and visual impacts as the Existing s.36 Consent. Angus Council also commented that the submitted wirelines appeared to show a more significant impact on the setting of the Bell Rock Lighthouse which is a category A listed building.
- 1.3.8 **British Telecoms (“BT”)** confirmed that the Variation Application was studied with respect to the BT point-to-point radio links. BT concluded that the Variation Application should not cause interference to its current and presently planned radio network.
- 1.3.9 **Civil Aviation Authority** confirmed it had no comment to make on the Variation Application.
- 1.3.10 **Dundee City Council** confirmed it had no comment to make on the Variation Application.

- 1.3.11 **ELC** commented that the reduction in turbine spacing would lead to a visual impact that was different to, but did not appear to be significantly greater during the day, than the turbine spacing permitted by the Existing s.36 Consent. However, it advised that an increase in edge Wind Turbine Generators (“WTGs”) had the potential to increase visibility at night time by increasing the impact of aviation lighting. ELC concluded that providing high intensity lighting was not required for all edge WTGs, then it would be likely that the visual impact at night would not be significantly greater than in the Original Application. ELC expects that discussions will be had with relevant stakeholders to ensure that lighting, especially that visible from land, would be kept to a minimum. The Existing s.36 Consent includes a condition for a the Lighting and Marking Plan that ELC will be consulted on and therefore is the Scottish Ministers are content to consider this matter resolved for the Variation Application.
- 1.3.12 ELC identified that no information was included in the Variation Application with regards to increased climate forcing emissions in construction. It encouraged Scottish Ministers to consider whether mitigation may be appropriate. The Scottish Ministers do not consider that the Variation Application will result in an increase in emissions.
- 1.3.13 ELC deferred to NatureScot with regards to marine mammals, ornithology and designated sites. Overall it concluded no objection to the Variation Application.
- 1.3.14 **Ferryden and Craig Community Council** had no objection to the Variation Application.
- 1.3.15 **Fife Council** commented that the proposed reduction in turbine spacing could alter the appearance of the Development with wind turbines considered more concentrated. Fife Council requested that the Scottish Ministers give consideration to the seascape, landscape and visual impacts of the Development when determining the Variation Application.
- 1.3.16 **HES** confirmed the Variation Application would not result in any further significant impacts on marine archaeology or the setting of designated terrestrial assets and that it had no further comment to make.
- 1.3.17 **MCA** had no objection to the Variation Application on the basis that all maritime safety legislation is followed and the Existing s.36 Consent conditions are adhered to.
- 1.3.18 **Ministry of Defence** had no objection to the Variation Application.
- 1.3.19 **NatureScot** confirmed that there would be no change to the significance of effects on seascape, landscape or visual receptors and a new Seascape, Landscape and Visual Impact Assessment (“SLVIA”) was not required. Nature Scot also commented that the Company had not produced revised wirelines and instead proposed to address SLVIA requirements through a forthcoming design statement and that MD-LOT should consider if this

approach is adequate. MD-LOT informed NatureScot that revised wirelines were included in the Variation Report as an appendix. NatureScot subsequently withdrew its comments on the SLVIA aspects of the Variation Report.

- 1.3.20 MD-LOT sought clarity from NatureScot with regards to any Habitat Regulation Appraisal implications of the Variation Application. NatureScot confirmed that the Variation Application would not result in significant increases in risk to key marine mammal and seabird receptors and therefore it considered the conclusions from the Appropriate Assessment dated March 2019 for the Original Application remained valid.
- 1.3.21 **NLB** had no objection to the Variation Application.
- 1.3.22 **Royal Yachting Association** had no comment to make on the Variation Application.
- 1.3.23 **The Scottish Borders Council** commented that the changed arrangement of the wind turbines would lead generally to a denser and heightened visual impact from different viewpoints. The Scottish Borders Council however concluded that, given the distance from its area and looking at the minimal impacts from the nearest viewpoint, there would be little reason to oppose on the grounds of visual impact.
- 1.3.24 **Scottish Water** had no objection to the Variation Application.
- 1.3.25 **Seagreen Wind Energy Ltd** had no objection to the Variation Application.
- 1.3.26 **SEPA** did not provide site specific advice had no site-specific comments to make on the Variation Application, highlighting its standing advice. The Scottish Ministers consider that the relevant points from the standing advice on marine non-native species, good working practises, pollution prevention, the conservation of water bodies and decommissioning are covered by the Existing s.36 Consent and therefore remain captured by the Variation Application.
- 1.3.27 **Sport Scotland** had no objection to the Variation Application.
- 1.3.28 **The UK Chamber of Shipping** had no comments to make on the Variation Application.
- 1.3.29 **The following consultees raised objections to the Variation Application.**
- 1.3.30 **The Inshore Fishery Group (“IFG”)** confirmed its representation was included in the **Scottish Fishermen’s Federation (“SFF”)** representation as it made the same points.
- 1.3.31 **The Royal Society for the Protection of Birds Scotland (“RSPB Scotland”)** maintained its objection to the Development due to the cumulative impacts on seabird populations with Neart na Gaoithe and

Seagreen offshore wind farms. RSPB Scotland advised that in its view impacts from the Development in isolation and in combination with the previously noted projects would constitute adverse effects on the integrity of nearby Special Protection Areas (“SPAs”), including the Forth Islands SPA and Fowlsheugh SPA. However, RSPB Scotland noted that the Variation Application is predicted to slightly reduce impacts and view this positively in the context of existing impacts.

- 1.3.32 NatureScot considered the Variation Application in the context of collision risk to seabird species and concluded that the risk would be no worse than previously assessed for the Original Application. NatureScot also concluded that the Variation Application would not result in significant increases in risk to seabird receptors and therefore the conclusions of the Original AA remained valid. The Original AA concluded no adverse impacts on site integrity of the following SPAs: the Forth Islands SPA, Fowlsheugh SPA, Buchan Ness and Collieston Coast SPA, St Abb’s Head to Fast Castle SPA and the Outer Firth of Forth and St Andrews Complex proposed SPA. Given the NatureScot advice, and that RSPB Scotland viewed the Variation Application positively, the Scottish Ministers are content that the Variation Application will not have an adverse impact on the site integrity of the SPAs.
- 1.3.33 **SFF** objected to the Variation Application due to the lack of consideration of the impact of reduced turbine spacing on the ability to fish after the wind farm is operational, navigational issues and visibility from shore. The SFF concluded that as a result of the reduction in turbine spacing, the mobile gear fishing would have great difficulty fishing within the array.
- 1.3.34 The Scottish Ministers have considered the points raised by SFF and IFG with regards to reduced turbine spacing and difficulty of fishing for mobile gear. Marine Scotland Science (“MSS”) advised that a minimum of 1,000 metres spacing between WTGs is the general recommendation based on known vessel manoeuvring requirements and the space needed to operate fishing gear. The Scottish Ministers are therefore content that the Variation Application still exceeds the recommended minimum distance in terms of turbine spacing.
- 1.3.35 The Scottish Ministers have considered the points raised by SFF and the IFG on reduced turbine spacing and potential impacts on navigation. The NLB had no objections to the Variation Application and the MCA had no objections provided all maritime safety legislation is followed and the conditions of the Existing s.36 Consent are adhered to. Therefore, the Scottish Ministers are content that there is unlikely to be a risk to safe navigation as a result of the Variation Application.
- 1.3.36 The SFF and IFG representations stated that visibility from shore was a factor ignored by the proposal to reduce turbine spacing. In addition, although they did not object, Aberdeenshire Council, Angus Council, ELC, Fife Council and the Scottish Borders Council commented on the change in appearance of the Development due to the proposed reduction in turbine spacing.

1.3.37 NatureScot confirmed that there would be no change to the significance of effects on seascape, landscape or visual receptors and the local authorities have not objected to the Variation Application. In light of these responses the Scottish Ministers are content that there will be no significant change in impacts on seascape, landscape or visual receptors as a result of the Variation Application.

1.3.38 In summary, the Scottish Ministers are content that the objections raised by SFF and the IFG would not require consent of the Variation Application to be withheld.

1.3.39 Advice from third parties.

1.3.40 **MSS** advised that a minimum of 1,000 metres spacing between turbines is the general recommendation in relation to commercial fisheries. MSS advised that the minimum spacing of 1,000 metres is based on known vessel manoeuvring requirements and the space needed to operate fishing gear. This figure aligns with other existing offshore wind farms in both Scottish and UK waters and good practice developed between the offshore wind industry and commercial fisheries stakeholders. MSS confirmed that the reduction in turbine spacing still meets the recommended spacing requirements in relation to commercial fisheries and therefore is content with the Variation Application.

1.3.41 **Transport Scotland** confirmed it was satisfied that the conclusions of its consultation response to the Original Application remained valid and requested the condition, in regard to the construction traffic management plan to be attached to any potential consent variations. Transport Scotland confirmed that it had no further representation to make on the Variation Application.

1.4 Public Representations

1.4.1 No representations were received from members of the public in relation to the Variation Application.

1.5 The Scottish Ministers' Determination

1.5.1 The Scottish Ministers have considered the Variation Application documentation and all responses from consultees and advice from MSS and Transport Scotland. Having granted consent for the Development on 17 June 2019 and subsequent variations on the 16 July 2020 and 1 July 2021 ("the Existing s.36 Consent") and provided their reasons for doing so in the decision letters associated with that consent, and being satisfied that the changes proposed in the Variation Application do not fundamentally alter the character or scale of the Development, the Scottish Ministers are content to vary the Existing s.36 Consent.

- 1.5.2 The Scottish Ministers consider that the proposed variation is appropriate, having regard to the variation proposed, the reasons for the variation, and the views of consultees.
- 1.5.3 Accordingly, the Scottish Ministers hereby vary the Existing s.36 Consent as set out in the table below.

Annex or Condition

Variation

for:

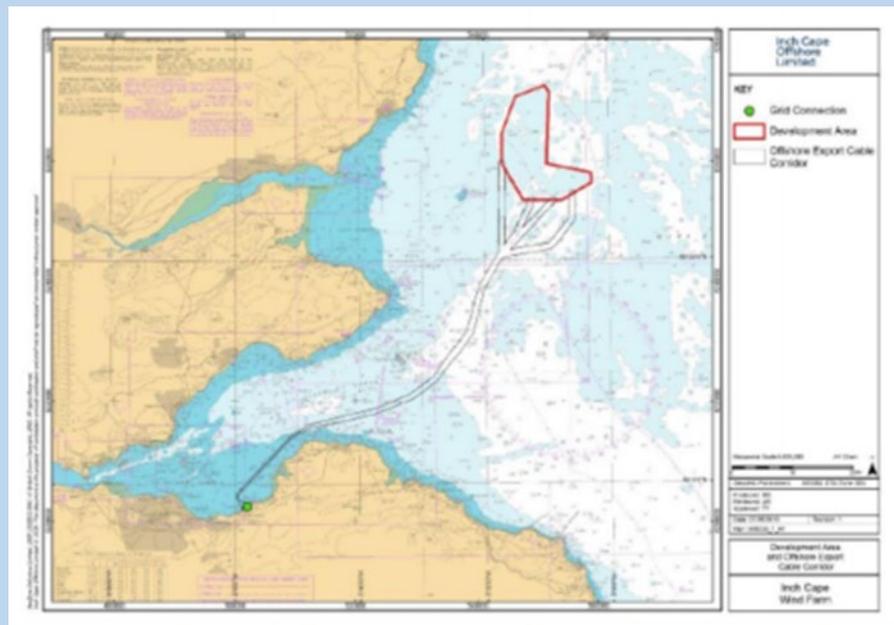
DESCRIPTION OF THE DEVELOPMENT

An offshore energy generating station, located in the outer Firth of Forth, approximately 15-22km east of the Angus coastline, as shown in Figure 1 below. The offshore energy generating station shall be comprised of:

1. No more than 72 three-bladed horizontal axis Wind Turbine Generators (“WTGs”), each with:
 - a) A maximum height to blade tip of 291 metres (measured from Lowest Astronomical Tide (“LAT”));
 - b) A maximum rotor diameter of 250 metres;
 - c) A minimum blade tip clearance of 27.4 metres (measured from LAT);
 - d) A maximum blade width of 7.8 metres; and
 - e) A nominal turbine spacing of 1,278 metres
2. No more than 72 substructures and foundations and ancillary equipment.
3. No more than 190km of inter-array cabling;

The total area within the Development site boundary is 150km²

In Annex 1 of the Inch Cape Offshore Wind Farm s.36 Consent



substitute:

DESCRIPTION OF THE DEVELOPMENT

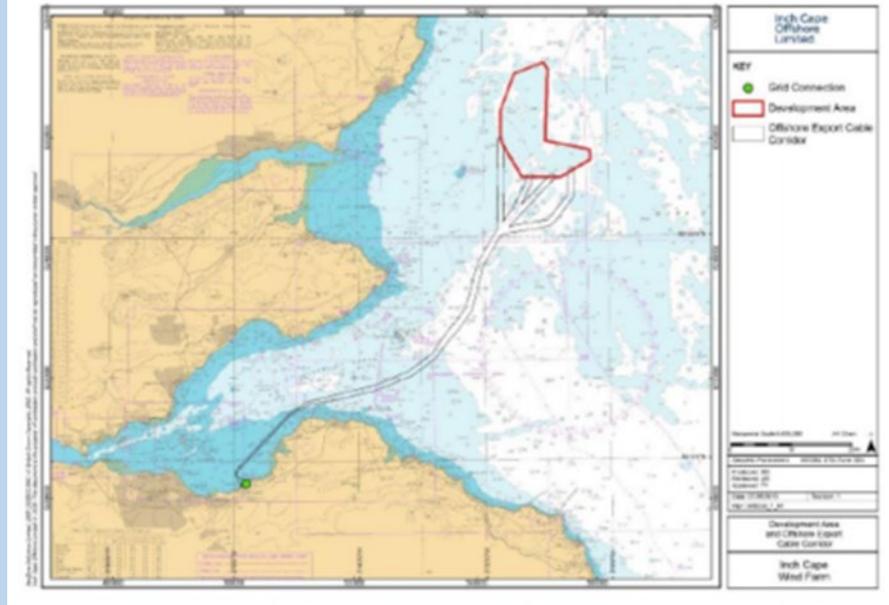
An offshore energy generating station, located in the outer Firth of Forth, approximately 15-22km east of the Angus coastline, as shown in Figure 1 below. The offshore energy generating station shall be comprised of:

1. No more than 72 three-bladed horizontal axis Wind Turbine Generators (“WTGs”), each with:
 - a) A maximum height to blade tip of 291 metres (measured from Lowest Astronomical Tide (“LAT”));
 - b) A maximum rotor diameter of 250 metres;
 - c) A minimum blade tip clearance of 27.4 metres (measured from LAT);
 - d) A maximum blade width of 7.8 metres; and
 - e) A nominal turbine spacing of 1,025 metres.
2. No more than 72 substructures and foundations and ancillary equipment.
3. No more than 190km of inter-array cabling.

The total area within the Development site boundary is 150km².

The Development must be constructed in accordance with that specified in the Application, the 2022 Variation Application and by the conditions imposed by the Scottish Ministers.

References to “the Development” in this consent must be construed accordingly.



In Annex 2 of the Inch Cape Offshore Wind Farm s.36 Consent

for:

2. Commencement of Development

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

Reason: To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.

substitute:

2. Commencement of Development

The Commencement of the Development must be no later than five years from the date of the original consent (dated 17 June 2019), or in substitution such other later period as the Scottish Ministers may hereafter direct in writing. The Company must provide written confirmation of the intended date of Commencement of Development to the Scottish Ministers and to Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council, Fife Council and Scottish Borders Council no later than one calendar month before that date.

Reason: To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.

for:

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

Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with the Application and any other documentation lodged in support of the Application.

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

substitute:

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

Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with the Application (taking into account amendments or updates made by the 2022 Variation Application), supporting documentation, including the Environmental Impact Assessment Report ("EIA Report") submitted by the Company on 15 August 2018, related documents lodged in support of the Application, and the 2022 Variation Application submitted by the Company on 22 November 2022.

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

- 1.5.4 Revised copies of Annexes 1, 2 and 3 of the Existing s.36 Consent for the Development are issued together with this decision letter.
- 1.5.5 Copies of this letter have been sent to onshore planning authorities: Aberdeenshire Council, Angus Council, Dundee City Council, ELC, Fife Council and the Scottish Borders Council. This letter has also been published on [Marine Scotland Information](#).
- 1.5.6 The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for variation of a s.36 consent.

1.5.7 Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

Gayle Holland
Section Head (Consenting), Marine Directorate - Licensing Operations Team
A member of the staff of the Scottish Ministers

DEFINITIONS AND GLOSSARY OF TERMS - In the decision letter attached at Annex C

“BT” mean British Telecoms;
“ELC” means East Lothian Council;
“HES” means Historic Environment Scotland;
“IFG” means Inshore Fishery Group;
“MCA” means Maritime and Coastguard Agency;
“MD-LOT” means Marine Directorate - Licensing Operations Team;
“MSS” means Marine Scotland Science;
“NLB” means Northern Lighthouse Board;
“RSPB Scotland” means Royal Society for the Protection of Birds Scotland;
“s.36” means section 36 (Consent required for construction etc. of generating stations) of the Electricity Act 1989;
“SEPA” means Scottish Environment Protection Agency;
“SFF” means Scottish Fishermen Federation;
“SLVIA” means Seascape, Landscape and Visual Impact Assessment;
“SPAs” means Special Protection Areas;
“the 1994 Habitats Regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994;
“the 2017 Habitats Regulations” means the Conservation of Habitats and Species Regulations 2017;
“the Company” means Inch Cape Offshore Limited (Company Number SC373173), a Private Limited Company, having its registered address at 5th Floor, 40 Princes Street, Edinburgh, EH2 2BY;
“the Development” means the Inch Cape Offshore Wind Farm, located 15-22 kilometres off the Angus coastline;
“the Electricity Act” means the Electricity Act 1989 (as amended);
“the Existing s.36 Consent” means the s.36 consent granted by the Scottish Ministers on 17 June 2019 for the construction and operation of the Inch Cape Offshore Wind Farm, subsequently varied on 16 July 2020 and 1 July 2021;
“the Original AA” means the appropriate assessment completed in March 2019 in respect of the Original Application;
“the Original Application” means the s.36 consent application submitted to the Scottish Ministers on 15 August 2018 by the Company;
“the Variation Application” means the application to vary the Existing s.36 Consent submitted to the Scottish Ministers on 22 November 2022 by the Company;
“the Variation Regulations” means the Electricity Generating Stations (Applications for Variation of Consent (Scotland) Regulations 2013;
“WTGs” means wind turbine generators.

ANNEX 1 of the Inch Cape Offshore Wind Farm Consent

DESCRIPTION OF THE DEVELOPMENT

An offshore energy generating station, located in the outer Firth of Forth, approximately 15-22km east of the Angus coastline, as shown in Figure 1 below. The offshore energy generating station shall be comprised of:

1. No more than 72 three-bladed horizontal axis Wind Turbine Generators (“WTGs”), each with:
 - a) A maximum height to blade tip of 291 metres (measured from Lowest Astronomical Tide (“LAT”));
 - b) A maximum rotor diameter of 250 metres;
 - c) A minimum blade tip clearance of 27.4 metres (measured from LAT);
 - d) A maximum blade width of 7.8 metres; and
 - e) A nominal turbine spacing of 1,025 metres.
2. No more than 72 substructures and foundations and ancillary equipment.
3. No more than 190km of inter-array cabling.

The total area within the Development site boundary is 150km².

The Development must be constructed in accordance with that specified in the Application, the 2022 Variation Application and by the conditions imposed by the Scottish Ministers.

References to “the Development” in this consent must be construed accordingly.

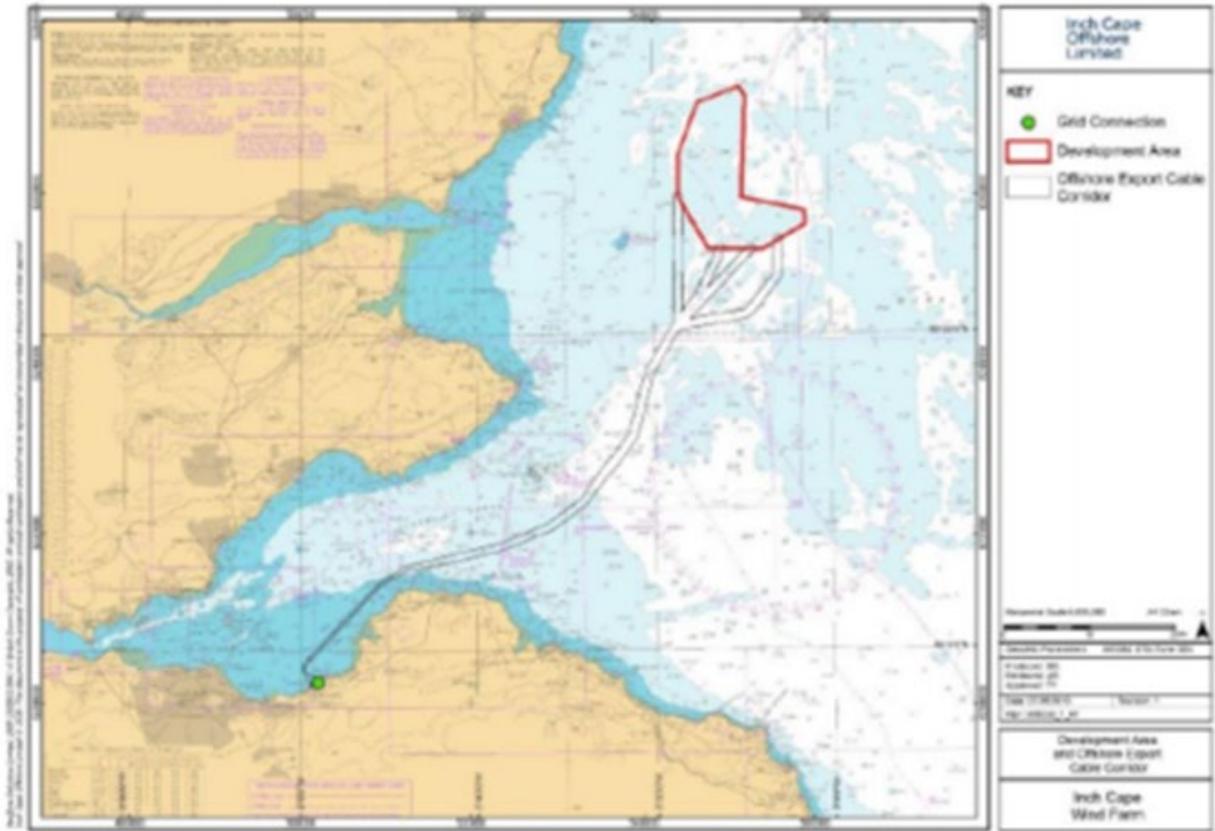


Figure 1. Inch Cape Offshore Wind Farm Site and Export Cable Corridor to Shore at Cockenzie, East Lothian

ANNEX 2 of the Inch Cape Offshore Wind Farm Consent

SECTION 36 CONSENT CONDITIONS

The consent granted under Section 36 of the Electricity Act 1989 is subject to conditions 1-30 as narrated in Annex 2 to the Existing s.36 Consent and which are hereby amended as follows:

The Company must submit the requested plans as detailed in the conditions prior to the Commencement of the Development, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with any such advisors or organisations as detailed in the conditions or as may be required at the discretion of the Scottish Ministers.

The Development must, at all times, be constructed in accordance with the approved plans as updated or amended.

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

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

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

Part 1 – Conditions Attached to Section 36 Consent

1. Duration of the Consent

The consent is for a period of 50 years from the date of Final Commissioning of the Development.

Written confirmation of the dates of First Commissioning of the Development and Final Commissioning of the Development must be provided by the Company to the Scottish Ministers and to Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and Scottish Ministers no later than one calendar month after these respective dates.

Reason: To define the duration of the consent.

2. Commencement of Development

The Commencement of the Development must be no later than five years from the date of the original consent (dated 17 June 2019), or in substitution such other later period as the Scottish Ministers may hereafter direct in writing. The Company must provide written confirmation of the intended date of Commencement of Development

to the Scottish Ministers and to Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council, Fife Council and Scottish Borders Council no later than one calendar month before that date.

Reason: To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.

3. Decommissioning

There must be no Commencement of Development unless a Decommissioning Programme (“DP”) has been submitted to and approved in writing by the Scottish Ministers. The DP must outline measures for the decommissioning of the Development, restoration of the seabed and will include without limitation, proposals for the removal of the Development, the management and timing of the works and, environmental management provisions.

The Development must be decommissioned in accordance with the approved DP, unless otherwise agreed in writing in advance with the Scottish Ministers.

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

4. Assignment

This consent must not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent (with or without conditions) or refuse assignment as they may see fit. The consent is not capable of being assigned, alienated or transferred otherwise than in accordance with the assignment procedure as directed by Scottish Ministers.

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

5. Redundant turbines

If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Scottish Ministers, the Company must: (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Scottish Ministers setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the sea bed restored; and (ii) implement the approved scheme within six months of the date of its approval, or such other date as agreed in writing by the Scottish Ministers, all to the satisfaction of the Scottish Ministers.

Reason: To ensure that any redundant wind turbine(s) is/are removed from the site, in the interests of safety, amenity and environmental protection.

6. Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company must provide written notification of the nature and timing of the incident to the Scottish Ministers within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Scottish Ministers within a period of time to be agreed by the Scottish Ministers.

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

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

Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with the Application (taking into account amendments or updates made by the 2022 Variation Application), supporting documentation, including the Environmental Impact Assessment Report (“EIA Report”) submitted by the Company on 15 August 2018, related documents lodged in support of the Application, and the 2022 Variation Application submitted by the Company on 22 November 2022.

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

8. Transportation for site inspections

As far as reasonably practicable, the Company must, on being given reasonable notice by the Scottish Ministers (of at least 72 hours), provide transportation to and from the site for any persons authorised by the Scottish Ministers to inspect the site.

Reason: To ensure access to the site for the purpose of inspecting compliance with this consent.

9. Construction Programme

The Company must, no later than six months prior to the Commencement of the Development, submit a Construction Programme (“CoP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with Scottish Natural Heritage (“SNH”), Maritime and Coastguard Agency (“MCA”) and Northern Lighthouse Board (“NLB”), and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CoP must set out:

- a. The proposed date for Commencement of Development;
- 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 Development infrastructure;
- d. Contingency planning for poor weather or other unforeseen delays; and
- e. The scheduled date for Final Commissioning of the Development.

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

Reason: To confirm the timing and programming of construction.

10. Construction Method Statement

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

The CMS must include, but not be limited to:

- a. Details of the commencement dates, duration and phasing for the key elements of construction, the working areas, the construction procedures and good working practices for installing the Development.
- b. Details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or sub-contractors involved during the construction of the Development.
- 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 Design Statement (“DS”), the Environmental Management Plan (“EMP”), the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), the Piling Strategy (“PS”), the Cable Plan (“CaP”) and the Lighting and Marking Plan (“LMP”).

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

Reason: To ensure the appropriate construction management of the Development, taking into account mitigation measures to protect the environment and other users of the marine area.

11. Piling Strategy

The Company must, no later than six months prior to the Commencement of the Development, submit a Piling Strategy (“PS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, Fisheries Management Scotland (“FMS”), Whale and Dolphin Conservation (“WDC”) and any such other advisors as may be required at the discretion of the Scottish Ministers.

The PS must include, but not be limited to:

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

The PS must be in accordance with the Application and must also reflect any monitoring or data collection carried out after submission of the Application. The PS must demonstrate how the exposure to and/or the effects of underwater noise have been mitigated in respect to harbour porpoise, minke whale, bottlenose dolphin, harbour seal, grey seal and Atlantic salmon.

The PS must, so far as is reasonably practicable, be consistent with the EMP, the Project Environmental Monitoring Programme (“PEMP”) and the CMS.

Reason: To mitigate the underwater noise impacts arising from piling activity.

12. Development Specification and Layout Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Development Specification and Layout Plan (“DSLPL”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA, NLB, SNH, the Ministry of Defence (“MOD”), Civil Aviation Authority (“CAA”), Scottish Fishermen’s Federation (“SFF”), Aberdeenshire Council, Dundee City Council, East Lothian Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The DSLPL must include, but not be limited to the following:

- a. A plan showing the location of each individual WTG (subject to any required micro-siting), including information on WTG spacing, WTG identification/numbering, seabed conditions, bathymetry, confirmed foundation type for each WTG and any key constraints recorded on the site;
- b. A list of latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for each WTG. This should also be provided as a Geographic Information System (“GIS”) shape file using WGS84 format;
- c. A table or diagram of each WTG dimensions including - height to blade tip (measured above Lowest Astronomical Tide (“LAT”)) to the highest point, height to hub (measured above LAT to the centreline of the generator shaft), rotor diameter and maximum rotation speed;
- d. The generating output of each WTG used on the site (Figure 1) and a confirmed generating output for the site overall;
- e. The finishes for each WTG (see condition 20 on WTG lighting and marking); and
- f. The length and proposed arrangements on the seabed of all inter-array cables.

The final DSLP must be sent to Angus Council and Fife Council information only.

Reason: To confirm the final Development specification and layout.

13. Design Statement

The Company must, no later than six months prior to the Commencement of the Development, submit a Design Statement ("DS"), in writing, to the Scottish Ministers. The DS, which must be signed off by at least one qualified landscape architect, as instructed by the Company prior to submission to the Scottish Ministers, must include representative wind farm visualisations from key viewpoints as agreed with the Scottish Ministers, based upon the final DSLP as approved by the Scottish Ministers as updated or amended. The Company must provide the DS, for information only, to Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council, Fife Council, SNH, MCA and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

Reason: To ensure that the Development is carried out in accordance with the approved details, and to inform interested parties of the final wind farm scheme proposed to be built.

14. Environmental Management Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an Environmental Management Plan ("EMP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, Royal Society for the Protection of Birds Scotland ("RSPB Scotland"), WDC, FMS and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The EMP must provide the over-arching framework for on-site environmental management during the phases of development as follows:

- a. All construction as required to be undertaken before the Final Commissioning of the Development; and
- b. The operational lifespan of the Development from the Final Commissioning of the Development until the cessation of electricity generation (environmental management during decommissioning is addressed by the Decommissioning Programme provided for by condition 3).

The EMP must be in accordance with the Application insofar as it relates to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Company personnel any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Development. It must address, but not be limited to, the following over-arching 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 10);
- b. A pollution prevention and control method statement, including contingency plans;
 - c. Management measures to prevent the introduction of invasive non-native marine species;
 - d. A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged; and
 - e. The reporting mechanisms that will be used to provide the Scottish Ministers and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Company and the Scottish Ministers or Forth and Tay Regional Advisory Group (“FTRAG”), at intervals agreed by the Scottish Ministers. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Development 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.

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

15. Vessel Management Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Vessel Management Plan (“VMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, WDC, FP, MCA, NLB, SFF and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The VMP must include, but not be limited to, 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;
- c. Location of working port(s), the routes of passage, 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 Development; and

The confirmed individual vessel details must be notified to the Scottish Ministers in writing no later than 14 days prior to the Commencement of the Development, and

thereafter, any changes to the details supplied must be notified to the Scottish Ministers, as soon as practicable, prior to any such change being implemented in the construction or operation of the Development.

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

Reason: To mitigate the impact of vessels.

16. Operation and Maintenance Programme

The Company must, no later than three months prior to the Commissioning of the first WTG, submit an Operation and Maintenance Programme (“OMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the SNH, MCA, NLB, SFF, WDC, East Lothian Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The OMP must set out the procedures and good working practices for operations and the maintenance of the WTG’s, substructures, and inter-array cable network of the Development. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

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

The final OMP must be sent to Aberdeenshire Council, Angus Council, Dundee City Council and Fife Council for information only.

Reason: To safeguard environmental interests during operation and maintenance of the Development.

17. Navigational Safety Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Navigational Safety Plan (“NSP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with MCA, NLB and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers.

The NSP must include, but not be limited to, the following issues:

- a. Navigational safety measures;
- b. Construction exclusion zones;
- c. Notice(s) to mariners and radio navigation warnings;
- d. Anchoring areas;
- e. Temporary construction lighting and marking;
- f. Buoyage.

The Company must confirm within the NSP that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine

Guidance Note (“MGN”) 543, and its annexes that may be appropriate to the Development, or any other relevant document which may supersede this guidance prior to approval of the NSP.

Reason: To mitigate the navigational risk to other legitimate users of the sea.

18. Emergency Response Co-operation Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an Emergency Response Co-operation Plan (“ERCoP”) for the construction, operation, maintenance and decommissioning phases of the Development, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA and NLB and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers. The ERCoP should follow the MCA template and guidance. The ERCoP must be developed in discussion with the MCA and be in accordance with condition 3.2.2.9 of the marine licence.

Reason: For emergency response planning relating to the Development and requirements for Search And Rescue (“SAR”) helicopter operations.

19. Cable Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Cable Plan (“CaP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, MCA, SFF, East Lothian Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CaP must be in accordance with the Application.

The CaP must include, but not be limited to, the following:

- a. The vessel types, location, duration and cable laying techniques for the inter array cables;
- b. The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c. Technical specification of inter array cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;
- d. A burial risk assessment to ascertain burial depths and where necessary alternative protection measures;
- e. Methodologies for surveys (e.g. over trawl) of the inter array cables through the operational life of the wind farm where mechanical protection of cables laid on the sea bed is deployed; and
- f. Methodologies for inter array cable inspection with measures to address and report to the Scottish Ministers any exposure of inter array cables.

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

Reason: To ensure all environmental and navigational issues are considered for the location and construction of the inter array cables.

20. Lighting and Marking Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Lighting and Marking Plan (“LMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, MCA, NLB, CAA, MOD, East Lothian Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The LMP must provide that the Development be lit and marked in accordance with the current CAA and MOD aviation lighting policy and guidance that is in place as at the date of the Scottish Ministers approval of the LMP, or any such other documents that may supersede this guidance prior to the approval of the LMP. The LMP must also detail the navigational lighting requirements detailed in the International Association of Marine Aids to Navigation and Lighthouse Authorities (“IALA”) Recommendation O-139 or any other documents that may supersede this guidance prior to approval of the LMP.

The final LMP must be sent to Aberdeenshire Council, Angus Council, Dundee City Council and Fife Council for information only.

Reason: To ensure navigational safety and the safe marking and lighting of the Development.

21. Aviation Radar

The Company must, prior to the Commencement of the Development, submit an Air Traffic Control Radar Mitigation Scheme (“ATC Scheme”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation of the ATC Scheme with the MOD.

The ATC Scheme is a scheme designed to mitigate the impact of the Development upon the operation of the Primary Surveillance ATC Radar at Leuchars Station (“the Radar”) and the air traffic control operations of the MOD which is reliant upon the Radar.

The ATC Scheme must set out the appropriate measures to be implemented to mitigate the impact of the Development on the Radar and must be in place for the operational life of the Development provided the Radar remains in operation.

No WTGs forming part of the Development may become operational, unless and until all those measures required by the approved ATC Scheme to be implemented prior to the operation of the turbines, have been implemented, and the Scottish Ministers have confirmed this in writing. The Development must thereafter be operated fully in accordance with the approved ATC Scheme.

Reason: To mitigate the adverse impacts of the Development on the Air Traffic Control Radar.

22. Air Defence Radar

The Company must, prior to the Commencement of the Development, submit an Air Defence Radar Mitigation Scheme (“ADR Scheme”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation of the ADR Scheme with the MOD.

This proposal must address the impacts on the Air Defence Radar at Remote Radar Head (“RRH”) Buchan and RRH Brizlee Wood.

Reason: To mitigate the adverse impacts of the Development on the Air Defence Radar.

23. Charting requirements

The Company must, prior to the Commencement of the Development, and following confirmation of the approved DSLP by the Scottish Ministers (refer to condition 12), provide the positions and maximum heights of the WTGs and construction equipment to the United Kingdom Hydrographic Office (“UKHO”) for aviation and nautical charting purposes. The Company must, within one month of the Final Commissioning of the Development, provide the coordinates accurate to three decimal places of minutes of arc for each WTG and the position and maximum heights of the WTGs to the UKHO for aviation and nautical charting purposes.

Reason: For aviation and navigational safety.

24. Project Environmental Monitoring Programme

The Company must, no later than six months prior to the Commencement of the Development, submit a Project Environmental Monitoring Programme (“PEMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, RSPB Scotland, WDC, SFF, FMS and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers. The PEMP must be in accordance with the Application as it relates to environmental monitoring.

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

The Scottish Ministers must approve all initial methodologies for the above monitoring, in writing and, where appropriate, in consultation with the FTRAG referred to in condition 25 of this consent.

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 Development. Monitoring may also serve the purpose of verifying key predictions in the Application. In the event that further potential adverse environmental effects are identified, for which no predictions were made in the Application, the Scottish Ministers may require the Company to undertake additional monitoring.

The PEMP must cover, but not be limited to, the following matters:

- a. Pre-construction, construction (if considered appropriate by the Scottish Ministers) and post-construction monitoring or data collection as relevant in terms of the Application, and any subsequent monitoring or data collection for:
 1. Birds ;
 2. Marine Mammals;
 3. Commercial Fisheries;
 4. Marine fish;
 5. Diadromous fish;
 6. Benthic communities; and
 7. Seabed scour and local sediment deposition.
- b. The participation by the Company to contribute to data collection or monitoring of wider strategic relevance, identified and agreed by the Scottish Ministers.

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

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

The PEMP is a live document which will be regularly reviewed by the Scottish Ministers, at timescales to be determined by them to identify the appropriateness of on-going monitoring. Following such reviews, the Scottish Ministers may, in consultation with the FTRAG require the Company to amend the PEMP and submit such an amended PEMP, in writing, to the Scottish Ministers, for their written approval. Such approval may only be granted following consultation with the FTRAG and any other environmental, or such other advisors as may be required at the discretion of the Scottish Ministers.

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

Subject to any legal restrictions regarding the treatment of the information, the results are to be made publicly available by the Scottish Ministers, or by such other party appointed at their discretion.

The Scottish Ministers may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Development.

Reason: To ensure that appropriate and effective monitoring of the impacts of the Development is undertaken.

25. Regional Advisory Group

The Company must participate in the Forth and Tay Regional Advisory Group (“FTRAG”) or any successor group, established by the Scottish Ministers for the

purpose of advising the Scottish Ministers on research, monitoring and mitigation programmes for, but not limited to, ornithology, marine mammals, diadromous and commercial fish. The extent and nature of the Company's participation in the Regional Advisory Group is to be agreed by the Scottish Ministers.

Reason: To ensure effective environmental monitoring and mitigation is undertaken at a regional scale.

26. Fisheries Management and Mitigation Strategy

The Company must no later than six months prior to the Commencement of the Development, submit a Fisheries Management and Mitigation Strategy ("FMMS"), in writing, to the Scottish Ministers for their written approval in consultation with SFF and other fisheries representatives. Commencement of the Development 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").

In order to inform the production of the FMMS, the Company must monitor or collect data as relevant and agreed with Scottish Ministers.

The FMMS must include a transit plan, which must lay out guidelines to address potential interactions with fishing activity, for vessels operating in and around the Development and transiting to the Development.

As part of any finalised FMMS, the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they would be adversely affected by the Development. The Company must implement all mitigation measures committed to be carried out by the Company within the FMMS. Any contractors, or sub-contractors working for the Company, must co-operate with the fishing industry to ensure the effective implementation of the FMMS. The Company must remain a member of the FTCFWG or any successor group formed to facilitate commercial fisheries dialogue.

Reason: To mitigate the impact on commercial fishermen.

27. Environmental Clerk of Works

Prior to the Commencement of the Development, the Company must at its own expense, and with the approval of the Scottish Ministers in consultation with SNH, appoint an independent Environmental Clerk of Works ("ECoW"). The ECoW must be appointed in time to review and approve the draft version of the first plan or programme submitted under this consent to Scottish Ministers, in sufficient time for any preconstruction monitoring requirements, and remain in post until agreed by the Scottish Ministers. The terms of appointment must also be approved by the Scottish Ministers in consultation with SNH.

The terms of the appointment must include, but not be limited to:

- a. Quality assurance of final draft versions of all plans and programmes required under this consent;

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

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

28. Fisheries Liaison Officer

Prior to the Commencement of the Development, a Fisheries Liaison Officer (“FLO”), must be appointed by the Company and approved, in writing, by the Scottish Ministers following consultation with SFF and the FTCTFWG. The FLO must be appointed by the Company for the period from Commencement of the Development until the Final Commissioning of the Development. The identity and credentials of the FLO must be included in the EMP (referred to in condition 14). The FLO must establish and maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development, and ensure compliance with best practice guidelines whilst doing so.

The responsibilities of the FLO must include, but not be limited to:

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

Reason: To facilitate engagement with the commercial fishing industry.

29. Protocol for Archaeological Discoveries

The Company must, no later than six months prior to the Commencement of the Development submit a Protocol for Archaeological Discoveries (“PAD”) which sets out what the Company must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Development, in writing, to the Scottish Ministers for their written approval. Such approval may be given only following consultation by the Scottish Ministers with Historic Environment Scotland (“HES”) and any such advisors as may be required at the discretion of the Scottish Ministers. The Reporting Protocol must be implemented in full, at all times, by the Company.

Reason: To ensure any discovery of archaeological interest is properly and correctly reported.

30. **Construction Traffic Management Plan**

In the event that major offshore components require onshore abnormal load transport, the Company must, no later than six months prior to the Commencement of the Development, submit a Construction Traffic Management Plan (“CTMP”) in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with Transport Scotland and any such other advisors as may be required at the discretion of the Scottish Ministers.

The CTMP must include but not be limited to:

- a. A mitigation strategy for the abnormal loads on the trunk road network including any accommodation measures required, incorporating the removal of street furniture, junction widening, or traffic management of road based traffic and transportation associated with the construction of the Development. All construction traffic associated with the Development must conform to the approved CTMP; and
- b. 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 Development.

Reason: To maintain the free flow and safety of the trunk road network.

ANNEX 3 of the Inch Cape Offshore Wind Farm Consent

DEFINITION AND GLOSSARY OF TERMS

In this decision letter and in Annex 1 and 2:

“2014 Application” means the Application letter and Environmental statement and marine licence applications submitted to the Scottish Ministers by Inch Cape Offshore Limited on 1 July 2013;

“2022 Variation Application” means the application and supporting documentation submitted to the Scottish Ministers by Inch Cape Offshore Limited on 22 November 2022;

“AA” means the Appropriate Assessment;

“ADD” means Acoustic Deterrent Devices;

“ADR” means Air Defence Radar;

“AGLV” means Areas of Great Landscape Value;

“Application” means the EIA Report, HRA Report and supporting documents submitted by the Company on 15 August 2018 to construct and operate an offshore generating station and transmission works;

“ATC” means Air Traffic Control;

“Commencement of the Development” means the date on which the first construction activity occurs in accordance with the EIA Report submitted by the Company on 15 August 2018;

“the Company” means Inch Cape Offshore Limited (Company Number SC373173), a Private Limited Company, having its registered address at 5th Floor, 40 Princes Street, Edinburgh, EH2 2BY;

“CRM” means collision risk modelling;

“dSPA” means draft Special Protection Area;

“Development” means the Inch Cape Offshore Wind Farm, approximately 15-22km east of the Angus coastline, at Arbroath;

“ECoW” means Environmental Clerk of Works;

“EIA” means Environmental Impact Assessment;

“EIA Report” means Environmental Impact Assessment Report;

“EOWDC” means European Offshore Wind Deployment Centre;

“EPS” means European Protected Species;

“Final Commissioning of the Development” means the date on which the last wind turbine generator constructed forming the Development has supplied electricity on a commercial basis to the National Grid, or such earlier date as the Scottish Ministers deem the Development to be complete;

“FIR” means Fishing Industry Representatives;

“First Commissioning of the Development” means the date on which the first wind turbine generator constructed forming the Development has supplied electricity on a commercial basis to the National Grid;

“FLO” means Fisheries Liaison Officer;

“Forth and Tay Developments” means combination of the previous and existing consents for Neart na Gaoithe Offshore Wind Farm (granted October 2014 and December 2018), the existing consent for Inch Cape offshore wind farm (granted October 2014) and the application for new consent (submitted August 2018), the existing consents for the Seagreen Alpha and Seagreen Bravo offshore wind farms

(granted October 2014) and the applications for new consents (submitted September 2018);

“FTE” means full-time equivalent;

“GHG” means greenhouse gas;

“GIS” means Geographic Information System;

“GVA” means Gross Value Added;

“HDD” means Horizontal Direct Drilling;

“HRA Report” means Habitat Regulations Appraisal;

“IALA” means International Association of Marine Aids to Navigation and Lighthouse Authorities;

“iPCoD” means interim Population Consequences of Disturbance;

“LAT” means Lowest Astronomical Tide;

“LSE” means Likely Significant Effect;

“MMO” means marine mammal observer;

“MW” means megawatt;

“OEC” means Offshore Export Cable;

“OFLO” means Offshore Fisheries Liaison Officers;

“OfTI” means Offshore Transmission Infrastructure;

“PAM” means passive acoustic monitoring;

“PAR” means Precision Approach Radar;

“PEXA” means military Practice and Exercise Areas;

“PLI” means Public Local Inquiry;

“PAR” means Precision Approach Radar;

“pSPA” means Proposed Special Protection Areas;

“PSR” means Primary Surveillance Radar;

“PTS” means Permanent Threshold Shift;

“PVA” means population viability analysis;

“the Radar” means the Primary Surveillance Radar at Leuchars Airfield;

“RRH” means Remote Radar Head;

“SAC” means Special Area of Conservation;

“SAR” means Search and Rescue;

“ScotMER” means Scottish Marine Energy Research Programme;

“SeabORD” means Seabird Offshore Renewable Development tool;

“SLVIA” means Seascape, Landscape and Visual Impact Assessment;

“SLA” means Special Landscape Area;

“SNCBs” means statutory nature conservation bodies;

“SPA” means Special Protection Area;

“s.36” means section 36 of the Electricity Act 1989;

“s.36A” means section 36A of the Electricity Act 1989;

“the Original Consent” means the s.36 consent and marine licences (which the Scottish Ministers granted in October 2014) for an offshore wind farm development within the same boundary as the current Application that the Company currently holds;

“TMZ” means Transponder Mandatory Zone;

“the 2013 ES” means Environmental Statement submitted by the Company on 1 July 2013 for the application made for the Original Consent;

“WTG” means wind turbine generators; and

“ZTV” means Zone of Theoretical Visibility.

Organisations and Companies

“AIA” means Aberdeen International Airport;
“BT” means BT Radio Network Protection;
“CAA” means the Civil Aviation Authority;
“CFWG” means Commercial Fisheries Working Group;
“DFA” means Dunbar Fishermen’s Association;
“EU” means European Union;
“FMS” means Fisheries Management Scotland;
“FTCFWG” means the Forth and Tay Commercial Fisheries Working Group;
“FTRAG” means Forth and Tay Regional Advisory Group;
“HES” means Historic Environment Scotland;
“ICOL” means Inch Cape Offshore Limited;
“MAU” means Marine Analytical Unit;
“MD-LOT” means Marine Directorate - Licensing Operations Team;
“MSS” means Marine Scotland Science;
“MCA” means the Maritime and Coastguard Agency;
“MOD” means the Ministry of Defence;
“NATS” means National Air Traffic Service Safeguarding;
“NERL” means NATS (En Route) Public Limited Company;
“NLB” means the Northern Lighthouse Board;
“PSF” means Port Seton Fishermen;
“RAF” means the Royal Air Force;
“RAG” means Regional Advisory Group;
“RTC” means River Tweed Commission;
“RSPB Scotland” means The Royal Society for the Protection of Birds Scotland;
“SEPA” means The Scottish Environment Protection Agency;
“Seagreen” means Seagreen Wind Energy Limited;
“SFF” means The Scottish Fishermen’s Federation;
“SNH” means Scottish Natural Heritage;
“Tay DSFB” means Tay District Salmon Fishery Board;
“TS” means Transport Scotland;
“UKHO” means United Kingdom Hydrographic Office; and
“WDC” means Whale and Dolphin Conservation.

Plans and Programmes

“the 2017 Aberdeenshire LDP” means the Aberdeenshire Local Development Plan 2017;
“ATC Scheme” means Air Traffic Control Radar Mitigation Scheme;
“CaP” means Cable Plan;
“CMS” means Construction Method Statement;
“CoP” means Construction Programme;
“CTMP” means Construction Traffic Management Plan;
“DP” means Decommissioning Programme;
“DS” means the Design Statement;
“DSLDP” means Development Specification and Layout Plan;
“ELLDP” means East Lothian Local Development Plan;
“EMP” means Environmental Management Plan;
“ERCoP” means Emergency Response Co-operation Plan;
“FMMS” means Fisheries Management and Mitigation Strategy;

“LMP” means Lighting and Marking Plan;
“MGN” means Marine Guidance Note;
“NMP” means the National Marine Plan;
“NPF3” means Scotland’s National Planning Framework 3;
“NRA” means Navigation Risk Assessment;
“NRIP” means National Renewables Infrastructure Plan;
“NSP” means Navigational Safety Plan;
“OMP” means Operation and Maintenance Programme;
“PAD” means Protocol for Archaeological Discoveries;
“PEMP” means Project Environmental Monitoring Programme;
“Policy E1” means Aberdeenshire Policy E1 Natural Heritage;
“PS” means Piling Strategy;
“SPP” means Scottish Planning Policy 2014;
“Transit Plan” means a plan which sets out measures to be taken to avoid or reduce the impact of vessel movement on the local fishing industry and to promote a sustainable coexistence. It will include indicative transit routes for vessels operating in and around the development and transiting to the site from relevant ports;
“VMP” means Vessel Management Plan; and
“WSI” means Written Scheme of Investigation.

Legislation

“the Birds Directive” means Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, as amended and as codified by Directive 2009/147/EC of the European Parliament and of the Council of 30th November 2009;
“the Electricity Act” means the Electricity Act 1989;
“the Habitats Regulations” means the Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994;
“the Habitats Directive” means Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora;
“the 1994 Habitats Regulations” means the Conservation (Natural Habitats, & c.) Regulations 1994;
“the 2017 EW Regulations” means the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017; and
“the 2010 Act” means the Marine (Scotland) Act 2010.