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MARINE (SCOTLAND) ACT 2010 & MARINE AND COASTAL ACCESS ACT 2009

LICENCE FOR MARINE RENEWABLES AND OFFSHORE CONSTRUCTION WORKS

Licence Number: 04630/13/0

Reference Number: FKB/Z267

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

**Moray Offshore Renewables Limited**  
**1st Floor**  
**14/18 City Road**  
**Cardiff**  
**CF24 3DL**

to deposit any substance or object (except for dredge spoil) in the sea or on or under the Seabed, and to construct the Works described in Part 2 of the Schedule attached to this licence, within the Scottish marine area and the United Kingdom marine licensing area. The issue of this licence is subject to conditions as set out in Part 3 of the Schedule.

This licence remains in force from **01 January 2016** until **31 December 2046**.

Signed: \_\_\_\_\_

Robert Main

For and on behalf of the Licensing Authority

Date of issue: 06 June 2014

## 1. PART 1 – GENERAL

### 1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010, sections 115 of the Marine and Coastal Access Act 2009, and:

- a) “the 2009 Act” means the Marine and Coastal Access Act 2009 (as amended)
- b) “the 2010 Act” means the Marine (Scotland) Act 2010
- c) “the Application” means the marine licence application form submitted to the Licensing Authority by the Licensee on the 17 August 2012, the Environmental Statement (“ES”) submitted to the Licensing Authority by the Licensee on the 02 August 2012, and the additional ornithology information submitted to the Licensing Authority by the Licensee on the 17 June 2013;
- d) “Commencement of Construction” means the date on which the first vessel arrives on the Site to begin construction of the Works
- e) “Completion of Construction” means the date on which the Works have been installed
- f) “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 Works to be fully commissioned
- g) “Licensable Marine Activity” means any activity listed in section 66 of the 2009 Act and section 21 of the 2010 Act
- h) “Licensee” means Moray Offshore Renewables Limited
- i) “the Licensing Authority” means the Scottish Ministers
- j) “Marine Mammal Monitoring Programme” means the programme put in place by the Moray Firth wind farm developers and the University of Aberdeen to monitor the effects of the Beatrice, Stevenson, Telford and MacColl wind farms on marine mammals
- k) “MHWS” means mean high water spring tide - the average of high water heights occurring at the time of spring tides
- l) “Scottish Atlantic Salmon, Sea Trout and European Eel Monitoring Strategy” means a strategy that will be formulated from the Marine Scotland Science Report 05/13 – “The Scope of Research Requirements for Atlantic Salmon, Sea Trout and European Eel in the Context of Offshore Renewables” to monitor migratory fish at a strategic level
- m) “Seabed” means the ground under the sea
- n) “the Site” means the area outlined in red in the figure contained in part 4 of this licence
- o) “the Works” means the Moray Offshore Renewables Limited, Offshore Transmission Infrastructure, as described in part 2 of this licence
- p) “Eastern Development Area” means part of Zone 1 of Round 3 leasing agreements in the UK Renewable Energy Zone

All geographical co-ordinates contained within this licence are in latitude and longitude format World Geodetic System 84 (“WGS84”).

## 1.2 Contacts

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

Marine Scotland  
Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Tel: +44 (0) 1224 295579  
Fax: +44 (0) 1224 295524  
Email: [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

## 1.3 Other authorisations and consents

The Licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed operations. The issuing of this licence does not absolve the Licensee from obtaining such other authorisations and consents which may be required under statute.

## 1.4 Variation, suspension, revocation and transfer

Under section 30 of the 2010 Act and section 72 of the 2009 Act, the Licensing Authority may by notice vary, suspend or revoke this licence granted by them if it appears to the Licensing Authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act and section 72(2) or (3) of the 2009 Act, subject to the procedures set out in section 31 of the 2010 Act.

Under section 30 of the 2010 Act and section 72 of the 2009 Act the Licensing Authority may on an application made by the Licensee, vary this licence if satisfied that the variation being applied for is not material.

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

## 1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act and section 85 of the 2009 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

## 1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act and section 86 of the 2009 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act and section 85(1) of the 2009 Act in relation to any activity to prove that the activity was carried out for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure ('*force majeure*') and that the person took steps within a reasonable time to provide full details of the matter to the Licensing Authority as set out in section 40(2) of the 2010 Act and section 86(2) of the 2009 Act.

## 1.7 Offences relating to information

Under section 42 of the 2010 Act and section 89 of the 2009 Act it is an offence for a person to make a statement which is false or misleading in a material way, either knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act and Part 4 of the 2009 Act or by this licence.

## 2. PART 2 – THE WORKS

### 2.1 Title of the Works

The title of the Works to which this licence relates to is the 'Moray Offshore Renewables Limited Offshore Transmission Infrastructure'.

### 2.2 Description of the Works

Offshore Transmission Infrastructure containing between 3 to 6 AC Offshore Substation Platforms ("OSPs"), up to 2 AC to DC convertor OSPs, cabling and HVDC export cables to shore. Substructure and foundation design for the OSPs will be chosen from five possible concepts:

1. concrete gravity base foundation with ballast and a gravel/grout bed;
2. steel lattice jackets with pin piles;
3. steel lattice jackets with suction caissons;
4. steel lattice jack-up with pin piles; or
5. steel lattice jack-up with suction caissons.

### 2.3 Location of the Works

Eastern Development Area on the Smith Bank in the outer Moray Firth, and export cable corridor to landfall at Fraserburgh beach, within the Scottish marine area and the UK marine licensing area, off the North East of Scotland, within the area bounded by joining the following points:

Moray Offshore Renewables Limited Offshore Transmission Infrastructure licence area:

58° 18.840' N	002° 43.427' W	58° 17.293' N	002° 40.931' W
58° 17.298' N	002° 40.899' W	58° 17.354' N	002° 40.939' W
58° 17.519' N	002° 40.206' W	58° 17.679' N	002° 39.465' W
58° 17.705' N	002° 39.465' W	58° 17.760' N	002° 39.213' W
58° 17.743' N	002° 39.140' W	58° 17.768' N	002° 39.058' W
58° 17.991' N	002° 39.267' W	58° 18.037' N	002° 39.007' W
58° 17.827' N	002° 38.798' W	58° 17.929' N	002° 38.455' W
58° 17.912' N	002° 38.399' W	58° 17.945' N	002° 38.244' W
58° 17.915' N	002° 38.228' W	58° 18.000' N	002° 37.910' W
58° 18.034' N	002° 37.942' W	58° 18.094' N	002° 37.706' W
58° 18.055' N	002° 37.658' W	58° 18.097' N	002° 37.470' W
58° 17.111' N	002° 36.596' W	58° 16.819' N	002° 36.339' W
58° 16.798' N	002° 36.412' W	58° 15.507' N	002° 35.282' W
58° 15.121' N	002° 34.922' W	58° 15.091' N	002° 35.011' W

58° 14.435' N	002° 34.411' W	58° 13.538' N	002° 33.635' W
58° 13.504' N	002° 33.684' W	58° 13.474' N	002° 33.668' W
58° 13.478' N	002° 33.611' W	58° 13.397' N	002° 33.604' W
58° 13.396' N	002° 33.523' W	58° 13.084' N	002° 33.519' W
58° 13.084' N	002° 33.381' W	58° 12.190' N	002° 33.384' W
58° 10.692' N	002° 33.395' W	58° 08.964' N	002° 33.368' W
58° 08.964' N	002° 33.262' W	58° 08.848' N	002° 33.248' W
58° 08.844' N	002° 33.143' W	58° 08.570' N	002° 33.146' W
58° 08.569' N	002° 32.952' W	58° 08.351' N	002° 32.930' W
58° 08.355' N	002° 32.849' W	58° 08.269' N	002° 32.818' W
58° 07.812' N	002° 31.845' W	58° 06.712' N	002° 29.399' W
58° 04.808' N	002° 25.207' W	58° 02.784' N	002° 20.754' W
58° 00.840' N	002° 16.505' W	58° 00.000' N	002° 14.669' W
57° 59.904' N	002° 14.453' W	57° 59.976' N	002° 14.307' W
57° 58.163' N	002° 10.356' W	57° 58.011' N	002° 10.013' W
57° 58.169' N	002° 09.857' W	57° 58.064' N	002° 09.561' W
57° 58.115' N	002° 09.520' W	57° 57.740' N	002° 08.378' W
57° 56.971' N	002° 06.123' W	57° 56.818' N	002° 05.692' W
57° 56.780' N	002° 05.725' W	57° 56.754' N	002° 05.678' W
57° 56.610' N	002° 05.834' W	57° 56.601' N	002° 05.770' W
57° 56.486' N	002° 05.902' W	57° 55.646' N	002° 03.317' W
57° 55.401' N	002° 02.632' W	57° 54.710' N	002° 00.605' W
57° 54.171' N	001° 56.867' W	57° 53.325' N	001° 51.112' W
57° 53.188' N	001° 50.141' W	57° 52.836' N	001° 49.140' W
57° 52.234' N	001° 47.410' W	57° 51.416' N	001° 46.032' W
57° 51.017' N	001° 45.396' W	57° 50.860' N	001° 45.149' W
57° 50.278' N	001° 44.688' W	57° 49.727' N	001° 44.362' W
57° 49.062' N	001° 44.185' W	57° 48.880' N	001° 44.126' W
57° 47.941' N	001° 48.450' W	57° 47.820' N	001° 48.888' W
57° 47.760' N	001° 48.812' W	57° 47.670' N	001° 49.113' W
57° 47.405' N	001° 49.980' W	57° 47.351' N	001° 49.976' W
57° 47.286' N	001° 50.239' W	57° 47.227' N	001° 50.192' W
57° 47.148' N	001° 50.536' W	57° 47.101' N	001° 50.506' W
57° 47.067' N	001° 50.618' W	57° 47.011' N	001° 50.619' W
57° 46.954' N	001° 50.778' W	57° 46.911' N	001° 50.743' W
57° 46.855' N	001° 50.903' W	57° 46.807' N	001° 50.837' W
57° 46.742' N	001° 51.072' W	57° 46.704' N	001° 51.044' W
57° 46.680' N	001° 51.167' W	57° 46.641' N	001° 51.121' W
57° 46.562' N	001° 51.318' W	57° 46.502' N	001° 51.250' W
57° 46.478' N	001° 51.403' W	57° 46.428' N	001° 51.340' W
57° 46.344' N	001° 51.658' W	57° 45.758' N	001° 51.849' W
57° 45.767' N	001° 51.934' W	57° 45.181' N	001° 52.161' W
57° 45.175' N	001° 52.260' W	57° 44.648' N	001° 52.428' W
57° 44.662' N	001° 52.557' W	57° 44.300' N	001° 52.715' W
57° 43.147' N	001° 52.807' W	57° 42.748' N	001° 53.882' W
57° 41.996' N	001° 55.942' W	57° 41.657' N	001° 56.831' W
57° 41.718' N	001° 56.977' W	57° 41.197' N	001° 58.126' W
57° 40.713' N	001° 59.122' W	57° 40.806' N	001° 59.511' W
57° 40.885' N	001° 59.781' W	57° 40.998' N	001° 59.961' W
57° 41.109' N	002° 00.030' W	57° 41.174' N	002° 00.036' W
57° 41.237' N	001° 59.931' W	57° 41.327' N	001° 59.912' W
57° 41.421' N	001° 59.909' W	57° 41.873' N	001° 58.674' W
57° 42.204' N	001° 57.874' W	57° 42.267' N	001° 57.720' W
57° 42.361' N	001° 57.726' W	57° 42.618' N	001° 57.199' W
57° 42.843' N	001° 56.473' W	57° 43.270' N	001° 55.405' W

57° 44.424' N	001° 55.163' W	57° 46.021' N	001° 54.827' W
57° 47.161' N	001° 54.584' W	57° 47.336' N	001° 54.555' W
57° 47.701' N	001° 53.206' W	57° 47.718' N	001° 53.237' W
57° 47.810' N	001° 52.938' W	57° 47.870' N	001° 52.984' W
57° 48.338' N	001° 51.247' W	57° 49.037' N	001° 48.679' W
57° 49.124' N	001° 48.372' W	57° 49.245' N	001° 48.456' W
57° 49.382' N	001° 48.507' W	57° 49.343' N	001° 48.845' W
57° 49.403' N	001° 48.892' W	57° 49.363' N	001° 49.198' W
57° 49.393' N	001° 49.221' W	57° 49.394' N	001° 49.341' W
57° 49.441' N	001° 49.347' W	57° 49.442' N	001° 49.436' W
57° 49.485' N	001° 49.434' W	57° 49.481' N	001° 49.498' W
57° 49.520' N	001° 49.529' W	57° 49.452' N	001° 50.085' W
57° 49.290' N	001° 50.199' W	57° 50.207' N	001° 50.205' W
57° 50.340' N	001° 49.374' W	57° 50.494' N	001° 49.393' W
57° 50.527' N	001° 49.184' W	57° 50.617' N	001° 49.229' W
57° 50.952' N	001° 49.820' W	57° 51.994' N	001° 51.560' W
57° 52.776' N	001° 56.852' W	57° 53.490' N	002° 01.663' W
57° 54.746' N	002° 05.387' W	57° 54.660' N	002° 05.453' W
57° 54.394' N	002° 04.745' W	57° 54.237' N	002° 04.901' W
57° 54.508' N	002° 05.650' W	57° 54.465' N	002° 05.707' W
57° 54.531' N	002° 05.882' W	57° 54.489' N	002° 05.948' W
57° 54.978' N	002° 07.447' W	57° 54.864' N	002° 07.618' W
57° 54.925' N	002° 07.858' W	57° 54.874' N	002° 07.892' W
57° 56.314' N	002° 12.092' W	57° 56.437' N	002° 11.976' W
57° 57.274' N	002° 13.841' W	57° 58.531' N	002° 16.556' W
58° 00.016' N	002° 19.821' W	58° 00.955' N	002° 21.863' W
58° 01.370' N	002° 21.203' W	58° 02.720' N	002° 24.155' W
58° 03.217' N	002° 25.248' W	58° 02.838' N	002° 25.844' W
58° 04.596' N	002° 29.643' W	58° 04.704' N	002° 29.900' W
58° 05.030' N	002° 29.265' W	58° 05.980' N	002° 31.352' W
58° 07.269' N	002° 34.225' W	58° 06.991' N	002° 34.229' W
58° 07.009' N	002° 34.455' W	58° 07.411' N	002° 34.539' W
58° 07.695' N	002° 35.110' W	58° 07.814' N	002° 34.930' W
58° 07.780' N	002° 34.842' W	58° 07.844' N	002° 34.679' W
58° 07.985' N	002° 34.662' W	58° 07.191' N	002° 38.644' W
58° 07.058' N	002° 39.313' W	58° 06.591' N	002° 41.649' W
58° 06.590' N	002° 41.652' W	58° 06.544' N	002° 41.884' W
58° 06.544' N	002° 41.884' W	58° 06.543' N	002° 41.888' W
58° 03.946' N	002° 54.796' W	58° 04.473' N	002° 53.575' W
58° 04.878' N	002° 52.838' W	58° 05.383' N	002° 52.068' W
58° 05.943' N	002° 51.407' W	58° 06.583' N	002° 50.842' W
58° 07.095' N	002° 50.479' W	58° 07.566' N	002° 50.262' W
58° 07.897' N	002° 50.146' W	58° 08.329' N	002° 50.026' W
58° 08.945' N	002° 49.990' W	58° 09.595' N	002° 50.076' W
58° 10.059' N	002° 50.248' W	58° 10.514' N	002° 50.442' W
58° 10.782' N	002° 50.612' W	58° 10.990' N	002° 50.745' W
58° 11.510' N	002° 51.175' W	58° 12.055' N	002° 51.748' W
58° 12.571' N	002° 52.451' W	58° 12.605' N	002° 52.379' W
58° 12.745' N	002° 52.086' W	58° 12.889' N	002° 51.798' W
58° 13.035' N	002° 51.515' W	58° 13.183' N	002° 51.235' W
58° 13.334' N	002° 50.962' W	58° 13.487' N	002° 50.693' W
58° 13.524' N	002° 50.630' W	58° 13.654' N	002° 50.411' W
58° 13.812' N	002° 50.152' W	58° 13.973' N	002° 49.899' W
58° 14.136' N	002° 49.652' W	58° 14.301' N	002° 49.409' W
58° 14.333' N	002° 49.363' W	58° 14.382' N	002° 49.280' W

58° 14.541' N	002° 49.022' W	58° 14.701' N	002° 48.769' W
58° 14.781' N	002° 48.647' W	58° 14.864' N	002° 48.520' W
58° 15.029' N	002° 48.277' W	58° 15.197' N	002° 48.040' W
58° 15.367' N	002° 47.808' W	58° 15.538' N	002° 47.583' W
58° 15.712' N	002° 47.362' W	58° 15.887' N	002° 47.147' W
58° 16.065' N	002° 46.938' W	58° 16.245' N	002° 46.736' W
58° 16.426' N	002° 46.539' W	58° 16.609' N	002° 46.348' W
58° 16.794' N	002° 46.163' W	58° 16.981' N	002° 45.984' W
58° 17.091' N	002° 45.882' W	58° 17.193' N	002° 45.790' W
58° 17.382' N	002° 45.623' W	58° 17.574' N	002° 45.463' W
58° 17.766' N	002° 45.310' W	58° 17.960' N	002° 45.162' W
58° 18.156' N	002° 45.021' W	58° 18.352' N	002° 44.887' W
58° 18.550' N	002° 44.759' W	58° 18.749' N	002° 44.638' W
58° 18.949' N	002° 44.522' W	58° 19.150' N	002° 44.414' W
58° 19.298' N	002° 44.339' W	58° 19.321' N	002° 44.328' W
58° 19.352' N	002° 44.312' W	58° 19.355' N	002° 44.311' W
58° 19.378' N	002° 44.296' W	58° 18.893' N	002° 43.513' W

**2.4 Deposits**

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

**PERMANENT DEPOSITS**

Steel Substructure

- Steel/Iron, 53,000 tonnes
- Plastic/Synthetic, 500 tonnes
- Concrete, 700 tonnes
- Stone/Rock/Gravel, size range 50-200 mm, 71,300 m<sup>3</sup>
- Concrete Bags/Mattresses, No. 2,500, 6 m x 3 m x 1.5 m, 65,000 m<sup>3</sup>
- Cable, 510,000 m

or

Gravity Base

- Steel/Iron, 15,500 tonnes
- Plastic/Synthetic, 500 tonnes
- Concrete, 121,500 tonnes
- Sand, 240,000 m<sup>3</sup>
- Stone/Rock/Gravel, size range 50-200 mm, 212,000 m<sup>3</sup>
- Concrete Bags/Mattresses, No. 2,500, 6 m x 3 m x 1.5 m, 65,000 m<sup>3</sup>
- Cable, 510,000 m

**2.5 Persons responsible for the deposits of the substances or objects**

The operators, vessels and vehicles permitted to engage in the Licensable Marine Activity are:

Name of Vessel or Vehicle Registration	Operator	Type(s)
To be confirmed as per condition 3.1.3	To be confirmed	To be confirmed

## **2.6 Persons acting on behalf of the Licensee**

The name and address of any agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activity:

To be confirmed as per condition 3.1.2

## **3. PART 3 – CONDITIONS**

### **3.1 General conditions**

#### **3.1.1 Licence conditions binding other parties**

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

#### **3.1.2 Agents/contractors/sub-contractors**

The Licensee must notify the Licensing Authority, in writing, of any agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activity. Such notification must be received by the Licensing Authority, in writing, no less than 14 days before the Commencement of Construction, and thereafter, any changes to the details supplied must be received by the Licensing Authority no less than 72 hours prior to any such change being implemented in connection with the construction of the Works. The Licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the Works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence. The Licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act and section 72 of the 2009 Act.

#### **3.1.3 Vessels**

The Licensee must notify the Licensing Authority, in writing, of any vessel being used to carry on any licensed activity under this licence on behalf of the Licensee. Such notification must be received by the Licensing Authority no less than 14 days before the Commencement of Construction, and thereafter, any changes to the details supplied must be received by the Licensing Authority no less than 72 hours prior to any such change being implemented in connection with the construction or operation of the Works. The notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The Licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act and section 72 of the 2009 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

#### **3.1.4 Force Majeure**

If by any reason of *force majeure* any substance or object is deposited other than at the Site which is described in this licence, then the Licensee must notify the Licensing Authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed).



*Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the Licensing Authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

### **3.1.5 Material alterations to the licence application**

The Licensee must, where any information upon which the granting of this licence was based has after the granting of the licence altered in any material respect, notify the Licensing Authority of this fact, in writing, as soon as is practicable.

### **3.1.6 Submission of specification of studies and surveys to the Licensing Authority**

The Licensee must submit the details and specifications of all studies and surveys that are required to be undertaken in relation to the conditions of this licence, in writing, to the Licensing Authority for their written approval, within the time periods specified in this licence before the Commencement of Construction. Commencement of Construction must not occur until the Licensing Authority has given its written approval to the Licensee of the details and specifications of the studies and surveys.

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

### **3.1.7 Submission of reports to the Licensing Authority**

The Licensee must submit all reports to the Licensing Authority, in writing, as are required under this licence within the time periods specified in this licence. Where it would appear to the Licensee that there may be a delay in the submission of the reports to the Licensing Authority, then the Licensee must advise the Licensing Authority of this fact as soon as is practicable and no later than the time by which those reports ought to have been submitted to the Licensing Authority under the terms of this licence.

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

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

### **3.1.8 Chemical usage**

The Licensee must ensure that all chemicals to be utilised in the Works have received prior written consent from the Licensing Authority. All chemicals utilised in the Works must be selected from the List of Notified Chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002.

The Licensee must comply with the terms of the guidance as to the disposal of any material arising from drilling operations which will be given to the Licensee by the Licensing Authority.

### **3.1.9 Environmental protection**

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

The Licensee shall ensure appropriate steps are taken to minimise damage to the beach and foreshore by the licensed activity authorised under this licence.

The Licensee must ensure that any debris or waste materials placed below MHWS during the construction and operation of the Works is removed from the Site, as soon as is reasonably practicable, for disposal at a location above the MHWS approved by the Scottish Environment Protection Agency ("SEPA").

The Licensee must ensure that all substances and objects deposited during the execution of the Works are inert (or appropriately coated or protected so as to be rendered inert) and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

The Licensee must ensure that the risk of transferring marine non-native species to and from the Site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the Works.

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

### **3.1.10 Availability of the licence for inspection**

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

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

### **3.1.11 Inspection of the Works**

Any persons authorised by the Licensing Authority, must be permitted to inspect the Works at any reasonable time. The Licensee must, as far as reasonably practicable, on being given reasonable notice by the Licensing Authority (of at least 72 hours), provide transportation to and from the Site for any persons authorised by the Licensing Authority to inspect the Site.

## **3.2 Conditions specific to the Works**

### **3.2.1 Conditions applicable to all phases of the Works**

#### **3.2.1.1 Project Environmental Monitoring Programme ("PEMP")**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a PEMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the Joint

Nature Conservation Committee (“JNCC”), Scottish Natural Heritage (“SNH”), Whale and Dolphin Conservation (“WDC”), the Association of Salmon Fishery Boards (“ASFB”) and any other ecological advisors 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 Works. Monitoring is required throughout the lifespan of the Works where this is deemed necessary by the Licensing Authority and specifically, monitoring for cable exposure as specified in condition 3.2.2.10 parts f and g. Lifespan in this context includes pre-construction, construction, operational and decommissioning phases.

Monitoring should be done in such a way as to ensure that the data which is collected allows useful and valid comparisons as between different phases of the Works. Monitoring may also serve the purpose of verifying key predictions in the Application. Additional monitoring may be required in the event that further potential adverse environmental effects are identified for which no predictions were made in the Application.

The Licensing Authority may agree that monitoring may cease before the end of the lifespan of the Works.

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

- a) Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring surveys as relevant in terms of the Application and any subsequent surveys for:
  1. Diadromous fish;
  2. Benthic communities; and
  3. Seabed scour and local sediment deposition.
- b) The participation by the Licensee in surveys to be carried out in relation to marine mammals as set out in the Marine Mammal Monitoring Programme.

All the initial methodologies for the above monitoring must be approved, in writing, by the Licensing Authority and, where appropriate, in consultation with the Moray Firth Regional Advisory Group (“MFRAG”), referred to in conditions 3.2.2.21 and 3.2.3.11 of this licence. Any pre-consent surveys carried out by Licensee to address any of the above species may be used in part to discharge this condition.

The PEMP is a live document and must be regularly reviewed by the Licensing Authority, at timescales to be determined by the Licensing Authority, in consultation with the MFRAG to identify the appropriateness of on-going monitoring. Following such reviews, the Licensing Authority may, in consultation with the MFRAG, 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 any ecological, or such other advisors as may be required at the discretion of the Licensing Authority. The PEMP, as amended from time to time, must be fully implemented by the Licensee at all times.

The Licensee must submit written reports of such monitoring surveys to the Licensing Authority at timescales to be determined by the Licensing Authority in consultation with the MFRAG. Subject to any legal restrictions regarding the treatment of the information, the results are to be made publicly available by the Licensing Authority, or by such other party appointed at their discretion.

### **3.2.1.2 Environmental Management Plan (“EMP”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit an EMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The Works must, at all times, be constructed and operated in accordance with the approved EMP (as updated and amended from time to time by the Licensee). Any updates or amendments made to the EMP by the Licensee must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval.

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

- a) all construction as required to be undertaken before the Final Commissioning of the Works; and
- b) the operational lifespan of the Works from the Final Commissioning of the Works until the cessation of electricity transmission (environmental management during decommissioning is addressed by condition 3.2.2.2).

The EMP must be in accordance with the Application as it relates 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 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 surveys, and include the relevant parts of the Construction Method Statement (“CMS”);
- b) Pollution prevention measures and contingency plans;
- c) Management measures to prevent the introduction of marine non-native marine species;
- d) Measures to minimise, recycle, reuse and dispose of waste streams;
- e) The reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders (including, but not limited to, the JNCC, SNH, SEPA, Maritime and Coastguard Agency (“MCA”) and the Northern Lighthouse Board (“NLB”)) with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed; and
- f) Details of how the Licensee will give consideration to the two European Commission Designated Bathing Waters; Fraserburgh Tigerhill and Fraserburgh Philorth, with respect to minimising water quality and amenity impacts during construction.

The Licensee must, no later than 3 months prior to the Final Commissioning of the Works, submit an updated EMP, in writing, to cover the operation and maintenance activities for the Works to the Licensing Authority for their written approval. Such approval may be given only following consultation with the JNCC, SNH, SEPA and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The EMP must be regularly reviewed by the Licensee and the MFRAG (refer to conditions 3.2.2.21 and 3.2.3.11) over the lifespan of the Works, and be kept up to date (in relation to the likes of construction methods and operations of the Works in terms of up to date working practices) by the Licensee in consultation with the MFRAG.

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

### **3.2.1.3 Atlantic salmon, sea trout and European eel Monitoring Strategy**

The Licensee must, to the satisfaction of the Licensing Authority, participate in the monitoring requirements as laid out in the 'Scottish Atlantic Salmon, Sea Trout and European Eel Monitoring Strategy' so far as they apply at a local level (the Moray Firth). The extent and nature of the Licensee's participation is to be agreed by the Licensing Authority in consultation with the MFRAG.

### **3.2.1.4 Moray Firth Offshore Wind Developers Group - Commercial Fisheries Working Group ("MFOWDG-CFWG")**

The Licensee must continue its membership in the MFOWDG-CFWG, or any successor group formed to facilitate commercial fisheries dialogue to define and finalise the draft Commercial Fisheries Mitigation Strategy (dated 1<sup>st</sup> July 2013 (Revision C)) ("CFMS"). As part of the finalised CFMS, the Licensee must produce and implement a mitigation strategy for each commercial fishery that can prove to the Licensing Authority that they will be adversely affected by the Works. Should it be deemed necessary by the MFOWDG-CFWG, investigations into alternative gear for the scallop fishing industry in the Moray Firth must form part of the CFMS. The CFMS to be implemented must be approved in writing by the Licensing Authority. The Licensee must implement all mitigation measures committed to be carried out by the Licensee within the CFMS, so far as is applicable to the Works. Any contractors, or sub-contractors working for the Licensee, must co-operate with the fishing industry to ensure the effective implementation of said CFMS.

### **3.2.1.5 Health and safety incident**

If any serious health and safety incident occurs on the Site requiring the Licensee to report it to the Health and Safety Executive, then the Licensee must also notify the Licensing Authority of the incident within 24 hours of the incident occurring.

### **3.2.1.6 Bunding and storage facilities**

The Licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.

### **3.2.1.7 Restoration of the Site to its original condition**

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to its original condition before the licensed activities were undertaken, or to as close to its original condition as is reasonably practicable, to the satisfaction of the Licensing Authority, should the licensed activities be discontinued.

## **3.2.2 Prior to the Commencement of Construction**

### **3.2.2.1 Commencement date of licensed activities**

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

### **3.2.2.2 Decommissioning Programme**

Where the Secretary of State has, following consultation with the Licensing Authority, given notice requiring the Licensee to submit to the Secretary of State a decommissioning programme, pursuant to section 105(2) and (5) of the Energy Act 2004, then construction may not begin on the Site of the Works until after the Licensee has submitted to the Secretary of State a decommissioning programme in compliance with that notice.

### **3.2.2.3 Construction Programme (“CoP”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a CoP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CoP must be in accordance with the Application.

The CoP must set out:

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

### **3.2.2.4 Construction Method Statement (“CMS”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction submit a CMS, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CMS must set out the construction procedures and good working practices for installing the Works. The CMS must be in accordance with the construction methods assessed in the Application and must include details of how the construction related mitigation steps proposed in the Application are to be delivered.

The CMS must, so far as is reasonably practicable, be consistent with the Design Statement (“DS”), the EMP, the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), the Piling Strategy (“PS”) (if required), the Cable Plan (“CaP”) and the Lighting and Marking Plan (“LMP”).

### **3.2.2.5 Piling Strategy (“PS”)**

In the event that pile foundations are to be used, the Licensee must, no later than 6 months prior to the Commencement of Construction, submit a PS, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH and any such other advisors as may be required at the discretion of the Licensing Authority.

The PS must include:

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

The PS must be in accordance with the Application and reflect any surveys 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 of the following species: bottlenose dolphin; harbour seal; Atlantic salmon; cod; and herring.

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

### **3.2.2.6 Development Specification and Layout Plan (“DSLPL”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a DSLP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the MCA, NLB, the Chamber of Shipping (“CoS”), the JNCC, SNH, the Scottish Fisherman’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, but not be limited to the following:

- a) A plan showing the proposed location of each individual OSP, Seabed conditions, bathymetry, confirmed foundation type for each OSP and any key constraints recorded on the Site;
- b) A list of latitude and longitude co-ordinates accurate to three decimal places of minutes for each OSP, this should also be provided as a geographic information system (“GIS”) shape file using WGS84 format;
- c) A table or diagram of each OSP dimensions;
- d) The finishes for each OSP; and
- e) The length and proposed arrangements on the Seabed of all cables.

### **3.2.2.7 Design Statement (“DS”)**

The Licensee must, prior to the Commencement of Construction, submit a DS, in writing, to the Licensing Authority that includes representative visualisations from key viewpoints agreed with the Licensing Authority, based upon the DSLP, as approved by the Licensing Authority (as updated and amended from time to time by the Licensee). The DS must be provided, for information only, to the Highland Council, Moray Council, Aberdeenshire Council, the JNCC, SNH and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The DS must be prepared and signed off by at least one qualified landscape architect, instructed by the Licensee prior to submission to the Licensing Authority.

### **3.2.2.8 Vessel Management Plan (“VMP”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a VMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

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

- a) The number, types and specification of vessels required;
- b) Working practices to minimise the unnecessary use of ducted propellers;
- c) How vessel management will be co-ordinated, particularly during construction but also during operation; and
- d) Location of working port(s), how often vessels will be required to transit between port(s) and the Site and indicative vessel transit corridors proposed to be used.

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

### **3.2.2.9 Navigational Safety Plan (“NSP”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a NSP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority. 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) Emergency response and co-ordination arrangements for the construction, operation and decommissioning phases of the Works; and
- g) Buoyage.

The Licensee 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 371, and its annexes, that may be appropriate to the Works, or any other relevant document which may supersede said guidance.

### **3.2.2.10 Cable Plan (“CaP”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit CaP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, MCA, and the 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) Details of the location and cable laying techniques for the cables;
- b) The results of survey work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing
- c) A pre-construction survey for Annex 1 habitat to inform cable micro-siting and installation methods in consultation with licensing authority and their advisors;
- d) Technical specification of all cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;
- e) A burial risk assessment to ascertain if burial depths can be achieved. In locations where this is not possible then suitable protection measures must be provided;
- f) Methodologies for over trawl surveys of the cables through the operational life of the Works where mechanical protection of cables laid on the sea bed is deployed; and



- g) Measures to address exposure of any cables.

### **3.2.2.11 Traffic and Transportation Plan (“TTP”)**

The Licensee must, no later than 6 months prior to the Commencement of Construction submit a TTP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with Transport Scotland, the Highland Council, Moray Council, Aberdeenshire Council, and any such other advisors as may be required at the discretion of the Licensing Authority. The TTP must set out a mitigation strategy for the impact of road based traffic and transportation associated with the Works.

### **3.2.2.12 Ecological Clerk of Works (“ECoW”)**

Prior to the Commencement of Construction, the Licensee must at its own expense, and with the approval of the Licensing Authority in consultation with the JNCC and SNH, appoint an ECoW. The term of appointment for the ECoW shall be from no later than 9 months post the issue of this licence until the Final Commissioning of the Works.

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

- a) Quality assurance of final draft version of all plans and programmes required under this licence;
- b) Provide advice to the Licensee on compliance with licence conditions, including the conditions relating to the CMS, the EMP, the PEMP, the PS (if required), the CaP and the VMP;
- c) Monitor compliance with the CMS, the EMP, the PEMP, the PS (if required), the CaP and the VMP;
- d) Provide reports on point c) above to the Licensing Authority at timescales to be determined by the Licensing Authority; and
- e) Inducting site personnel on site / works environmental policy and procedures.

The ECoW role may be carried out by a party appointed by the Licensee or a third party to carry out an equivalent role pursuant to other consents or licences granted in relation to the Works and subject to the written approval of the Licensing Authority.

### **3.2.2.13 Fisheries Liaison Officer (“FLO”)**

Prior to the Commencement of Construction, a FLO, approved by Licensing Authority, must be appointed by the Licensee for the period from Commencement of Construction until the Final Commissioning of the Works. The Licensee must notify the Licensing Authority of the identity and credentials of the FLO before Commencement of Construction by including such details in the EMP (refer to condition 3.2.1.2). 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 include, but not limited to:

- a) Establishing and maintaining effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall project and any amendments to the CMS and site environmental procedures;
- b) Provision of information relating to the safe operation of fishing activity on the Site of the Works; 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.

The FLO role may be carried out by a party appointed by the Licensee or a third party to carry out an equivalent role pursuant to other consents or licences granted in respect of the Works and subject to the written approval of the Licensing Authority.

#### **3.2.2.14 Navigation and aviation safety**

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

The Licensee must, as soon as reasonably practicable prior to the Commencement of Construction, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland, are made fully aware of the Licensable Marine Activity through local Notice to Mariners or any other appropriate means. The Licensee must consult with Fraserburgh Harbour Commissioners where appropriate, who may wish to issue local warnings to alert those navigating in the vicinity to the presence of the Works during construction.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, as soon as reasonably practicable prior to the Commencement of Construction to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

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

The Licensee must, prior to Commencement of Construction, ensure that the location of all OSPs and cables are made available for inclusion in the Clyde Cruising Club Sailing Directions and Anchorages.

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a LMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB, the Civil Aviation Authority (“CAA”), the Defence Infrastructure Organisation (“DIO”) and any such other advisors as may be required at the discretion of the Licensing Authority. The LMP must provide that the Works be lit and marked in accordance with the current MCA, CAA and DIO navigational and aviation lighting policy and guidance that is in place as at the date of the Licensing Authority approval of the LMP, or any such other documents that may supersede said guidance prior to the approval of the LMP. The LMP must also detail the navigational lighting requirements detailed in International Association of Marine Aids to Navigation and Lighthouse Authorities (“IALA”) Recommendations O-139 or any other documents that may supersede said guidance prior to approval of the LMP.

The Licensee must provide the LMP to the Highland Council, Moray Council, the JNCC, SNH and any other bodies as may be required at the discretion of the Licensing Authority.

#### **3.2.2.15 Aviation and Nautical Charting**

The Licensee must, prior to the Commencement of Construction, and following confirmation of the approved DSLP by the Licensing Authority, provide the precise location and maximum

heights of all OSPs and construction equipment (above highest astronomical tide (“HAT”), with a minimum height above HAT to be agreed in writing with the Licensing Authority), and details of any lighting fitted to all OSPs, to the UKHO for aviation and nautical charting purposes.

#### **3.2.2.16 Pre-construction survey**

Prior to the Commencement of Construction, the Licensee must undertake a side scan sonar survey in grid lines (within operational and safety constraints), across the area of the Works to include the cable route, and any indicative vessel transit corridors (as referenced in condition 3.2.2.8) to the construction site. The results of this survey must be made available to licensing authority within 12 weeks of the completion of the survey, and will be used as the baseline survey should a further side scan sonar survey be necessary in accordance with condition 3.2.3.3.

#### **3.2.2.17 Third Party Certification (“TPC”)**

The Licensee must, no later than 3 months prior to the Commencement of Construction, provide the Licensing Authority (unless otherwise agreed, in writing, with the Licensing Authority) with TPC (or suitable alternative as agreed, in writing, with the Licensing Authority) for all OSPs foundations, jacket and topside platform structures.

#### **3.2.2.18 Marine Pollution Contingency Plan (“MPCP”)**

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

The plan must make provision in respect of spills and collision incidents occurring during the construction and operation of the Works and where such spills or collisions occur then the plan must be adhered to in full. The plan must take into account existing plans for all operations, including offshore installations that may have an influence on the plan. Practices used to refuel vessels at sea must conform to industry standards and to relevant legislation. The plan must set out how any oil leaks within the structures are to be remedied and that such relevant repairs are required to be undertaken without undue delay.

Commencement of Construction must not occur until the Licensing Authority has given its written approval to the plan.

#### **3.2.2.19 Marine Archaeology Reporting Protocol**

The Licensee must, no later than 6 months prior to the Commencement of Construction, submit a reporting protocol which sets out what the Licensee must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Works, in writing, to the Licensing Authority for their written approval. Such approval may be given only following consultation by the Licensing Authority with any such advisors as may be required at the discretion of the Licensing Authority. The reporting protocol must be implemented in full, at all times, by the Licensee.

#### **3.2.2.20 Noise Registry**

The Licensee must, in the event that pile foundations are to be used, submit a noise reduction form (Marine Scotland Application Noise Details (Form 1)) to the Licensing Authority and the JNCC stating the proposed date(s), location(s) and nature of the piling activities under authority of this licence.

### **3.2.2.21 Moray Firth Regional Advisory Group (“MFRAG”)**

The Licensee must participate in any MFRAG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, ornithology, diadromous fish, marine mammals and commercial fish. Should a Scottish Strategic Marine Environment Group (“SSMEG”) be established (refer to condition 3.2.2.22), the responsibilities and obligations being delivered by the MFRAG will be subsumed by the SSMEG at a timescale to be determined by the Licensing Authority.

### **3.2.2.22 Scottish Strategic Marine Environment Group (“SSMEG”)**

The Licensee must participate in any SSMEG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, ornithology, diadromous fish, marine mammals and commercial fish.

## **3.2.3 During the construction of the Works**

### **3.2.3.1 Adherence and amendments to approved plans**

The Licensee must, at all times, construct the Works in accordance with the approved CoP, CMS, PS (if required), DSLP, VMP, NSP, CaP, TTP and LMP (as updated and amended from time to time by the Licensee).

Any updates or amendments made to the CoP, CMS, PS (if required), DSLP, VMP, NSP, CaP, TTP, and LMP by the Licensee, must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval.

### **3.2.3.2 Operation and Maintenance Programme (“OMP”)**

The Licensee must, no later than 3 months prior to the commissioning of the first OSP, submit an OMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council 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 the operations and maintenance of the OSPs, substructures, and cable network of the Works. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

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

### **3.2.3.3 Transportation audit sheet**

The Licensee must, on the first working day of the month, create, maintain and submit to the Licensing Authority a detailed transportation audit sheet for each month during the period when construction of the works is undertaken, for all aspects of the construction of the Works. The audit sheet must include information on the loading facility, vessels, equipment, shipment routes, schedules and all materials listed in the licence to be deposited (e.g. piles, cables and chemicals). Where, following the submission of an audit sheet to the Licensing Authority, any alteration is made to the component parts of the sheet the Licensee must notify the Licensing Authority of the alteration in the following month’s audit sheet.

If the Licensee becomes aware of any materials on the audit sheet that are missing, or an accidental deposit, they must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action. If the Licensing Authority is of the view that any accidental deposits associated with the construction of the Works are present, then the deposits must be removed by the Licensee as soon as is practicable and at the Licensee's expense.

#### **3.2.3.4 Nature and quantity of deposited substances and objects**

The Licensee must, in addition to the audit sheets required to be submitted to the Licensing Authority under condition 3.2.3.3, following the Commencement of Construction, submit audit reports to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Such audit reports must be submitted by the Licensee at 6 monthly intervals, with the first such report being required to be submitted on a date no later than 6 months following the Commencement of Construction. Where appropriate, nil returns must be provided.

#### **3.2.3.5 Navigational safety**

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

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

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

The Licensee must ensure the process of removing any part of the infrastructure, or such alterations made, 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 consent of the Licensing Authority. The Licensee will be liable for any expense incurred.

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

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

#### **3.2.3.6 Markings, lighting and signals of the Works**

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the CAA at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act and section 72 of the 2009 Act.

The Licensee must ensure that no marks or lights, other than those required by virtue of this licence, are displayed unless they have been approved, in writing, by the NLB, CAA and the Licensing Authority.

The Licensee must ensure site boundaries are marked by Cardinal Mark buoys (number to be determined when final layout is known). The Cardinal Mark buoys shall be a minimum of 3 metres in diameter at the waterline, have a focal plane of at least 3 metres above the waterline and be of suitable construction for the sea conditions commonly experienced in the Outer Moray Firth. The light range on these buoys shall be 5 nautical miles. All required buoyage shall remain in place until Completion of Construction or otherwise notified by the Licensing Authority.

### **3.2.3.7 Markings, lighting and signals of jack up barges and vessels**

The Licensee must ensure any vessel engaged in these works shall be marked in accordance with the International Rules for the Prevention of Collisions at Sea whilst under way, and in accordance with the UK Standard Marking Schedule for Offshore Installations if secured to the Seabed.

### **3.2.3.8 Emergencies**

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

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

to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

### **3.2.3.9 Horizontal Directional Drilling (“HDD”)**

The Licensee must ensure the seaward exit point of the HDD, if used, will be located as far offshore as practicable towards the depth of closure; the landward exit point of the HDD will be located onshore of the high-water mark, which may move landward due to coastal retreat; and the cables will be suitably buried between the seaward exit of the HDD and the depth of closure (the depth of water beyond which annually significant wave events will cease to contribute to beach sediment supply and morphological processes).

### **3.2.3.10 Noise registry**

The Licensee must, in the event that pile foundations are to be used, and piling is to be carried out for a prolonged period of time, at quarterly intervals, submit a noise reduction form (Marine Scotland Closeout Pulseblock days (Wind Farm)) to the Licensing Authority and the JNCC stating the date(s), location(s) and nature of such activities under authority of this licence.

### **3.2.3.11 Moray Firth Regional Advisory Group (“MFRAG”)**

The Licensee must participate in any MFRAG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, ornithology, diadromous fish, marine mammals and commercial fish. Should a SSMEG be established (refer to condition 3.2.3.12), the

responsibilities and obligations being delivered by the MFRAG will be subsumed by the SSMEG at a timescale to be determined by the Licensing Authority.

#### **3.2.3.12 Scottish Strategic Marine Environment Group (“SSMEG”)**

The Licensee must participate in any SSMEG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, ornithology, diadromous fish, marine mammals and commercial fish.

### **3.2.4 Conditions upon Completion of Construction**

#### **3.2.4.1 Date of Completion of Construction**

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

#### **3.2.4.2 Nature and quantity of deposited substances and objects**

The Licensee must, no later than 28 days following Completion of Construction, submit a final audit report to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Where appropriate, nil returns must be provided.

#### **3.2.4.3 Final Commissioning of the Works**

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

#### **3.2.4.4 Adherence and amendments to approved plans**

The Licensee must, at all times, operate the Works in accordance with the approved VMP, OMP, NSP, CaP, TTP and LMP (as updated and amended from time to time by the Licensee).

The license must, at all times, maintain the Works in accordance with the approved OMP (as updated and amended from time to time by the Licensee).

Any updates or amendments made to the VMP, OMP, NSP, CaP, TTP, and LMP by the Licensee, must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval.

#### **3.2.4.5 Navigational safety**

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

The Licensee must, within 1 month of Final Commissioning of the Works, provide the “as-built” positions and maximum heights of all OSPs to the UKHO for aviation and nautical charting purposes.

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

The Licensee must ensure that the Completion of Construction is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry.

The Licensee must ensure the process of removing any part of the infrastructure, or such alterations made, within 1 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 consent of the Licensing Authority. The Licensee will be liable for any expense incurred.

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

#### **3.2.4.6 Markings, lighting and signals of the Works**

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB and the CAA at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act and section 72 of the 2009 Act.

The Licensee must ensure that the required IALA availability target for Category 1 Aids to Navigation ("AtoN") is achieved through redundancy, monitoring and repair, must be in place and arrangements made to warn the mariner promptly of any AtoN fault and its subsequent return to fully operational service.

The Licensee must ensure that lit Cable Marker Boards ("CMBs") are positioned as near as possible to the shoreline so as to mark the points at which the cables come ashore. The CMBs shall be diamond shaped, with dimensions 2.5 metres long and 1.5 metres wide, background painted yellow with the inscription 'Cables' painted horizontally in black. The structures shall be mounted at least 4 metres above ground level, with a navigation light flashing yellow once every five seconds ("Fl Y 5s") mounted on the upward apex of the board. The nominal range of these lights should be 3 nautical miles, and they should have an availability of not less than 97% (IALA Category 3) over a rolling three year period.

#### **3.2.4.7 Emergencies**

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

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

to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

#### **3.2.4.8 Noise registry**

The Licensee must, in the event that pile foundations were used, within 12 weeks of Completion of Construction, submit a noise reduction form (Marine Scotland Closeout



Pulseblock days (Wind Farm)) to the Licensing Authority and the JNCC stating the actual date(s), location(s) and nature of piling activities carried out under authority of this licence.

**3.2.4.9 Environmental protection**

The Licensee shall ensure the beach and foreshore is returned to the original profile, or as close as reasonably practicable, following Completion of Construction.

4. PART 4 – PROJECT LOCATION

