

**MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING**

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

Licence Number: **MS-00010921**

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

**TotalEnergies E&P North Sea UK Limited**  
**19th Floor,**  
**10 Upper Bank Street,**  
**Canary Wharf,**  
**London**  
**E14 5BF**

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

The licence is valid from **23 August, 2024** until **16 July, 2035** or until the Works have been decommissioned in accordance with an approved Decommissioning Programme for which a separate marine licence is required.

Signed: .....

Toni-Marie McGinn

For and on behalf of the Licensing Authority

Date of issue: 22 August, 2024

## 1. PART 1 - GENERAL

### 1.1 Interpretation

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

"**the 2009 Act**" means the Marine and Coastal Access Act 2009;

"**Application**" means the Environmental Impact Assessment Report, HRA Report including HRA Screening and RIAA and marine licence application submitted by the Licensee on 22 February 2024;

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

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

"**CAA**" means the Civil Aviation Authority;

"**CaP**" means Cable Plan;

"**CMS**" means Construction Method Statement;

"**DP**" means Decommissioning Programme;

"**DSL**" means Development Specification and Layout Plan;

"**ECOW**" means Environmental Clerk of Works;

"**EMF**" means Electromagnetic Fields;

"**EMP**" means Environmental Management Plan;

"**Final Commissioning of the Works**" means the date on which the WTG constructed forming the Works has supplied electricity on a commercial basis to the Culzean platform, or such earlier date as the Licensing Authority deem the Works to be complete;

"**FLO**" means Fisheries Liaison Officer;

"**GIS**" means Geographic Information System;

"**HES**" means Historic Environment Scotland;

"**IALA**" means International Association of Marine Aids to Navigation and Lighthouse Authorities;

"**km**" means kilometre;

"**LAT**" means Lowest Astronomical Tide;

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

"**Licensee**" means TotalEnergies E&P North Sea UK Limited (Company Number 03682299), having its registered office at 19th Floor, 10 Upper Bank Street, Canary Wharf, London, England, E14 5BF;

"**LMP**" means Lighting and Marking Plan;

"**m**" means metre;

"**MCA**" means the Maritime and Coastguard Agency;

"**MHWS**" means Mean High Water Springs, any area submerged at mean high water spring tide;

"**MGN**" means Marine Guidance Note;

"**MMO**" means Marine Mammal Observer;

"**MOD**" means the Ministry of Defence;

"**MSL**" means Mean Sea Level;

"**MWL**" means Mean Water Level;

"**NLB**" means the Northern Lighthouse Board;

"**Noise Registry**" means the Marine Noise Registry developed by the Department for Environment, Food and Rural Affairs and the Joint Nature Conservation Committee to record human activities in UK seas that produce loud low to medium frequency (10 Hz-10 kHz) impulsive noise;

"**NSP**" means Navigational Safety Plan;

"**Ofcom**" means Office of Communications;

"**Offshore Chemical Notification Scheme**" means a scheme developed by the Department for Energy Security and Net Zero to register chemical use in offshore oil and gas applications in the UK and Netherland waters;

"**OMP**" means Operation and Maintenance Programme;

"**PAD**" means Protocol for Archaeological Discoveries;

"**PEMP**" means Project Environmental Monitoring Programme;

“**RSPB**” means the Royal Society for the Protection of Birds Scotland;  
“**RYA**” means the Royal Yachting Association Scotland;  
“**ScotMER**” means Scottish Marine Energy Research Programme;  
“**Section 105 notice**” means a notice issued under Section 105 of the Energy Act 2004 requiring the submission of a DP served by the Licensing Authority on behalf of the Scottish Ministers;  
“**SFF**” means the Scottish Fishermen’s Federation;  
“**TAR**” means Transport Audit Report;  
“**TPC**” means Third Party Certification;  
“**TPV**” means Third Party Verification;  
“**UKHO**” means United Kingdom Hydrographic Office;  
“**VMP**” means Vessel Management Plan;  
“**Works**” means the Culzean Floating Offshore Wind Turbine Pilot Project, approximately 220 km off the Aberdeen coastline, as described in Part 2 of the Licence;  
“**WGS84**” means World Geodetic System 1984;  
“**WSI**” means Written Scheme of Investigation; and  
“**WTG**” means Wind Turbine Generator.  
All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

## 1.2 Contacts

All correspondence or communications relating to the licence should be addressed to: Marine Directorate - Licensing Operations Team

375 Victoria Road  
Aberdeen  
AB11 9DB  
Email: MD.MarineRenewables@gov.scot

## 1.3 Other authorisations and consents

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

## 1.4 Variation, suspension, revocation and transfer

Under section 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.  
Under section 71(7) of the 2009 Act, on an application made by the Licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

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

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

### **1.6 Defences: actions taken in an emergency**

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

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

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

### **1.7 Offences relating to information**

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

### **1.8 Appeals**

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

## **2. PART 2 – PARTICULARS**

### **2.1 Location of the Licensed Activity**

Culzean Floating Offshore Wind Turbine Pilot Project, being the area bound by joining the following co-ordinates:

57° 11.470' N 01° 54.600' E  
57° 11.435' N 01° 54.657' E  
57° 11.333' N 01° 54.487' E  
57° 11.298' N 01° 54.411' E  
57° 11.272' N 01° 54.325' E  
57° 11.255' N 01° 54.231' E  
57° 11.249' N 01° 54.153' E  
57° 11.250' N 01° 54.074' E  
57° 11.260' N 01° 53.982' E  
57° 11.488' N 01° 52.589' E

As shown in Annex One.

### **2.2 Description of the Licensed Activity**

The Works comprise an offshore energy generating station and transmission infrastructure which shall comprise of:

The deployment of one floating wind turbine generator (“WTG”) with:

- a. a maximum generating capacity of 3 megawatts;
- b. a minimum blade clearance of 22 metres (“m”) above Mean Sea Level (“MSL”);
- c. a maximum hub height of 78 m above MSL;
- d. a maximum rotor diameter of 112 m;
- e. a maximum tip height of 134 m above MSL.

2. The deployment of one semi-submersible floating substructure:

- a. with a maximum height of 23 m, 9.4 m above Mean Water Level (“MWL”); and
- b. covering an area of approximately 2,500 metres squared.

3. Three catenary mooring lines with a maximum length of 600 m per catenary mooring line.

4. Three additional taut/semi taut mooring lines with a maximum length of 610 m per mooring line.

5. Six drag anchors (or an alternative scenario of three drag and three plate anchors).

6. No more than one offshore export cable from the WTG to the Culzean platform, measuring no more than 2.5 kilometres (“km”) in length.

7. Associated scour and cable protection up to the maximum volumes specified below for stone/rock/gravel.

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

As described in the Application dated 22 February, 2024 and correspondence submitted in support of the application.

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

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

Steel/iron - 2,607.6 tonnes

Plastic/synthetic - 16.6 tonnes

Stone/rock/gravel = 11,760 cubic metres

Cable – 2,500 m

Aluminium – 17 tonnes

Copper – 19 tonnes

### **2.4 Contractor and Vessel Details**

To be confirmed.

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

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

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

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

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

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

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

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

3.1.8 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority 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 Licensing Authority within a period of time to be agreed by the Licensing Authority.

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

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

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

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

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

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

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

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

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

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

The Licensee must ensure suitable bunding and storage facilities are in place to prevent the release of fuel oils and lubricating fluids associated with the Licensed Activity and associated equipment into the marine environment.

3.1.13 The Licensee must submit all reports and notifications to the Licensing Authority, in writing, as are required under the licence within the time periods specified in the licence.

Where there may be a delay in the submission of the reports or notifications to the Licensing Authority, the Licensee must advise the Licensing Authority of this fact as soon as is practicable and no later than the time by which those reports or notifications ought to have been submitted to the Licensing Authority under the terms of the licence.

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

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

Such reports will include, but not be limited to a Transport Audit Report ("TAR"), the Noise Registry, Marine Mammal Observer ("MMO") records and all appropriate reports stipulated within the Project Environmental Management Programme ("PEMP").

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

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



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

3.1.15 The Licensee must operate and maintain the Works in accordance with an approved Operation and Maintenance Programme ("OMP") (see condition 3.2.9). The Licensee must notify the Licensing Authority at least three calendar months, or such other period as agreed by the Licensing Authority in advance, of any maintenance of the Licensed Activity not included in the OMP and involving licensable marine activities not covered under the licence.

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

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

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

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

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

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

3.1.21 Any person authorised by the Licensing Authority must be permitted to inspect the Works at any reasonable time. The Licensee must, on being given reasonable notice by the Licensing Authority (of at least 72 hours), provide transportation to and from the site for any persons authorised by the Licensing Authority to inspect the site of the Works. The Licensee shall be liable for any expense incurred.

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

3.1.23 The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code where appropriate during the Licensed Activity.

### 3.2 Prior to the Commencement of the Licensed Activity

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

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

Any changes to the supplied details must be uploaded to the reports and the Licensing Authority must be notified, in writing, prior to any vessel, agent, contractor or sub-contractor which has not yet been notified to the Licensing Authority engaging in the Licensed Activity.

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

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

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

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

3.2.3 The Licensee must, no later than 14 days prior to Commencement of the Licensed Activity, notify the UK Hydrographic Office ("UKHO") at [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk), of the Licensed Activity.

The notification must include the start and end date of the Licensed Activity, a description of the Works, positions of the area of the Works (WGS84), and details of any marking arrangements. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

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

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

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

3.2.4 There must be no Commencement of the Licensed Activity until the Licensee has satisfied the Licensing Authority, by consultation with the MCA, that it has taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note ("MGN") 654, and its annexes, or any other relevant document which may supersede this guidance.

### Construction Method Statement

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

The CMS must include, but not be limited to:

- a) Details of the proposed date for the Commencement of the Licensed Activity, duration and phasing for the key elements of construction, the working areas, the construction procedures and good working practices for installing the Works;
- b) The proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;
- c) Details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or sub-contractors involved during the construction of the Works;
- d) Details of how the construction related mitigation steps proposed in the Application are to be delivered;
- e) Contingency planning for poor weather or other unforeseen delays; and
- f) The scheduled date for Final Commissioning of the Works.

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 Environmental Management Plan ("EMP"), Vessel Management Plan ("VMP"), Navigational Safety Plan ("NSP"), Cable Plan ("CaP") and the Lighting and Marking Plan ("LMP").

### Development Specification and Layout Plan

3.2.6 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Development Specification and Layout Plan ("DSLPL"), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with the MCA, NLB, NatureScot, the Ministry of Defence ("MOD"), Scottish Fishermen's Federation ("SFF"), Historic Environment Scotland ("HES") and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

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

- a) A plan showing the location of the individual WTG (subject to any required micro-siting), including information on WTG identification/numbering, seabed conditions, bathymetry, confirmed foundation type for the WTG and any key constraints recorded on the site;
- b) The latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for the WTG. This should also be provided as a Geographic Information System ("GIS") shape file using WGS84 format;
- c) The grid co-ordinates of the centre point of the proposed location of the WTG;
- d) A table or diagram of the 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;
- e) The generating output of the WTG used on the site (see Annex 1) and a confirmed generating output for the site overall;
- f) The finishes for the WTG (see condition 3.2.12 on WTG lighting and marking); and
- g) The length and proposed arrangements on or above the seabed of the export cable.

### Environmental Management Plan

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

The EMP must provide the overarching framework for on-site environmental management during the phases of Works as follows:

- a) All construction as required to be undertaken for 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 generation (environmental management during decommissioning is addressed by the DP provided for by condition 3.1.18).

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

The EMP must be in accordance with the Application insofar as it related to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Licensee personnel, any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Works. It must address, but not be limited to, the following overarching requirements for environmental management during construction:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application, pre-application and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS (refer to condition 3.2.5);
- b) Marine Pollution Contingency Plan;
- c) Management measures to prevent the introduction of invasive non-native marine species;
- d) A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged; and
- e) The reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Licensee at intervals agreed by the Licensing Authority. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Works 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.

### Vessel Management Plan

3.2.8 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a VMP in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, SFF 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) How vessel management will be coordinated, particularly during construction, but also during operation; and
- c) Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction of the Works.

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

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

### **Operation and Maintenance Programme**

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

The OMP must set out the procedures and good working practices for the operations and the maintenance of the WTG, substructure, and export cable 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.

### **Navigational Safety Plan**

3.2.10 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a NSP, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB, Royal Yachting Association ("RYA"), SFF 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 safety zones;
- c) Notice(s) to mariners and radio navigation warnings;
- d) Anchoring areas;
- e) Temporary construction lighting and marking;
- f) Buoyage;
- g) Post-construction monitoring; and
- h) Hydrographic surveys.

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 MGN 654, and its annexes that may be appropriate to the Works, or any other relevant document which may supersede this guidance prior to approval of the NSP.

### **Cable Plan**

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

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

- a) The vessel types, location, duration and cable laying techniques for the cable;
- b) The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c) Technical specification of the cable, including a desk based assessment of attenuation of electromagnetic field strengths and shielding;
- d) A Cable Burial Risk Assessment, to ascertain burial depths and where necessary alternative protection measures;
- e) Methods to be used to mitigate the effects of Electromagnetic Fields ("EMF");
- f) Methodologies and timetable for post-construction and operational surveys (including inspection, over trawl, postlay) for the cable through its operational life; and
- g) Measures to address and report to the Licensing Authority any exposure of cables or risk to users of the sea from cables.

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

### **Lighting and Marking Plan**

3.2.12 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a LMP, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, NLB, Civil Aviation Authority ("CAA"), MOD and any such other advisors or organisations 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 CAA aviation lighting policy, the current MOD aviation lighting requirements and guidance, the current NLB aids to navigation requirements and guidance, and the MCA navigation and Search And Rescue guidance that is in place as at the start of the Licensing Authority approval of the LMP, or any such other documents that may supersede this guidance prior to the approval of the LMP. The LMP must include lighting and marking requirements for the construction phase and operational phase of the Works.

The LMP must detail the military aviation safety requirements as defined by the MOD, and the navigational lighting requirements detailed in the International Association of Marine Aids to Navigation and Lighthouse Authorities ("IALA") G1162 or any other documents that may supersede this legislation or guidance prior to approval of the LMP.

The Licensee must display all lighting and marking and aids to navigation as set out in the approved LMP for the duration of the presence of the Works in the sea.

## Project Environmental Monitoring Programme

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

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

The Licensing Authority must approve all initial methodologies for the monitoring, in writing and, where appropriate, in consultation with NatureScot and any other environmental advisors or organisations as required at the discretion of the Licensing Authority.

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

The PEMP must cover, but not be limited to, the following matters: Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring or data collection as relevant in terms of the Application, and any subsequent monitoring or data collection for:

- a) Birds;
- b) Fish and shellfish;
- c) Diadromous Fish;
- d) Marine mammals; and
- e) Benthic Communities; and
- f) The Licensee's contribution to data collection or monitoring of wider strategic relevance, including in relation to diadromous fish and EMF, as identified and agreed by the Licensing Authority.

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

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

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

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

Subject to any legal restrictions regarding the treatment of the information, the Licensing Authority, or any such other party appointed at the Licensing Authority's discretion, may make the results publicly available. The Licensing Authority may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Works.

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

### Environmental Clerk of Works

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

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

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

### Fisheries Liaison Officer

3.2.15 Prior to the Commencement of the Licensed Activity, a Fisheries Liaison Officer ("FLO"), must be appointed by the Licensee and approved, in writing, by the Licensing Authority following consultation with the SFF and any other advisors or organisations as required at the discretion of the Licensing Authority. The FLO must be appointed by the Licensee for the period from Commencement of the Licensed Activity until the Final Commissioning of the Works. The identity and credentials of the FLO must be included in the EMP (referred to in condition 3.2.7). The FLO must establish and maintain effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Works, and ensure compliance with best practice guidelines whilst doing so.

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

- a) Establishing and maintaining effective communications between the Licensee, any contractors or subcontractors, fishermen and other users of the sea concerning the overall Works 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 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.



### Written Scheme of Investigation and Protocol for Archaeological Discoveries

3.2.16 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity submit a Protocol for Archaeological Discoveries (“PAD”) and Written Scheme of Investigation (“WSI”) 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 its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted.

Such approval may be given only following consultation by the Licensing Authority with HES and 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.

### Marine Mammal Observer

3.2.17 Prior to the Commencement of the Licensed Activity, the Licensee must appoint an MMO. When appointed, the MMO must, as a minimum, maintain a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals during noisy activities.

### Third Party Certification/Verification

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

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

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

### 3.3 During the Licensed Activity

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

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

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

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

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

If the Licensee becomes aware of any materials on the TAR that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must notify the Licensing Authority as soon as practicable. The Licensee must undertake such survey as directed by the Licensing Authority to locate the substances, objects and materials. If the Licensing Authority is of the view that any accidental deposits have occurred and should be removed, then the materials must be removed by the Licensee as soon as is practicable and at the Licensee’s expense.

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

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

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

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

### 3.4 Upon Completion of the Licensed Activity

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

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

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

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

The Licensee must ensure that the Completion of the Licensed Activity is promulgated in the earliest Kingfisher Fortnightly Bulletin following Completion of the Licensed Activity to inform the commercial fishing industry. The Licensee must ensure that the WTG is actively monitored throughout the lifetime of the Works. The Licensee must ensure that a contingency plan is in place to respond to any reported catastrophic failures which may result in the WTG, or part(s) thereof, breaking loose and becoming a buoyant hazard. This contingency plan should include the transmission of local radio navigation warnings.

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

3.4.2 The Licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the Licensed Activity without the prior written approval of Ofcom.

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

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

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

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

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

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

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

3.4.8 The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the completion of the construction of the Works.

3.4.9 The Licensee must undertake and submit to the Licensing Authority, within eight weeks of the Completion of the Licensed Activity, an assessment of any risks posed by the final sub-sea cable route, burial depths and un-trenched areas where mechanical and any other protection measures were used within the cable route, to the satisfaction of the Licensing Authority, the purpose of which is to ensure that the safety of navigation and other legitimate users of the sea is not compromised. Where the assessment identifies risks, the Licensee must submit a plan for addressing these to the Licensing Authority and ensure that the plan is fully implemented, subject to the approval of the Licensing Authority.

3.4.10 The Licensee must provide the Licensing Authority with the MMO records no later than two months following Completion of the Licensed Activity.

## **NOTES**

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