

MARINE (SCOTLAND) ACT 2010

LICENCE FOR MARINE RENEWABLES CONSTRUCTION WORKS AND DEPOSITS OF SUBSTANCES OR OBJECTS IN THE SCOTTISH MARINE AREA

Licence Number: 04309/20/0

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

Aberdeen Offshore Wind Farm Limited
3rd Floor, The Tun Building
4 Jackson's Entry
Holyrood Road
Edinburgh
EH8 8PJ

to:

- 1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the Scottish marine area;
- 2) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded in Scotland or in the Scottish marine area; and
- 3) construct any works within the Scottish marine area in or over the sea, or under the seabed.

required in execution of the Works as described in Part 2 of the Schedule attached to this licence. The issue of this licence is subject to conditions as set out in Part 3 of the Schedule.

This licence remains in force from **7 January 2020** until **25 July 2043** or until the authorised scheme has been decommissioned in accordance with an approved decommissioning programme.

This licence is a variation to licence 04309/13/0, 04309/16/0, 04309/16/1, 04309/17/0, 04309/17/1, 04309/17/2, 04309/18/0, 04309/18/1, 04309/18/2, 04309/18/3, 04309/18/4 and 04309/19/0.

Signed:

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Giulia Agnisola

For and on behalf of the Licensing Authority

Date of issue: 7 January 2020

1. PART 1 – GENERAL

1.1 Interpretation

In this licence, unless otherwise stated, terms are as defined in sections 1, 2, 64 and 157 of the Marine (Scotland) Act 2010, and,

- a) **“the 2010 Act”** means the Marine (Scotland) Act 2010;
- b) **“the Application”** means the application for a marine licence and Environmental Statement submitted by the Licensee to the Licensing Authority on 1st August 2011, the Supplementary Environmental Information Statement submitted by the Licensee to the Licensing Authority on 6th August 2012, and also the application for a variation to a marine licence and the associated supplementary documents submitted by the Licensee to the Licensing Authority on 05th February 2016;
- c) **“CAA”** means the Civil Aviation Authority;
- d) **“Commencement of the Works”** means the date on which the first vessel arrives on the Site to carry on any marine Licensable Marine Activity in connection with the construction of the works as described in part 2 of this licence;
- e) **“Completion of the Works”** means the date on which the Works have been installed or the Works have been deemed to be complete by the Licensing Authority;
- f) **“Environmental Statement”** means the Environmental Statement submitted by the Licensee on 1st August 2011 as part of the Application as defined above;
- g) **“IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures”** means the International Association of Lighthouse Authorities recommendations for lighting and marking man-made structures in the marine environment;
- h) **“Licensable Marine Activity”** means any activity listed in section 21(1) of the 2010 Act;
- i) **“the Licensee”** means Aberdeen Offshore Wind Farm Limited a company registered in Scotland having its registered number as SC278869);
- j) **“MHWS”** means mean high water spring tide;
- k) **“NLB”** means the Northern Lighthouse Board;
- l) **“Section 36 consent”** means the consent granted by the Licensing Authority to the Licensee under section 36 of the Electricity Act 1989 to construct and operate the Works, intimated by letter dated 26th March 2013;
- m) **“the Site”** means the area of sea within which the Works are to be constructed, as set out in Part 2 of the Schedule to this Licence;
- n) **“SEPA”** means the Scottish Environment Protection Agency;
- o) **“Supplementary Environmental Information Statement”** means the Supplementary Environmental Information Statement to the Application and Environmental Statement submitted by the Licensee to the Licensing Authority on 6 August 2012;
- p) **“Third Party Certification”** means a detailed report provided by an independent accredited agency of recognised standing and reputation which certifies the integrity of the structural design of the Works and its foundations for the conditions expected at the Site;
- q) **“UKHO”** means the UK Hydrographic Office; and
- r) **“the Works”** means the European Offshore Wind Deployment Centre electricity generating station in Aberdeen Bay, approximately 2 kilometres east of Blackdog, Aberdeenshire, as described in paragraph 2.2 of this licence.

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.marinerenewables@gov.scot

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 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 Licensing Authority under section 30(2) or (3), subject to the procedures set out in section 31 of that Act.

Under section 30 of the 2010 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 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, the licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence or 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 it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes 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 as set out in section 40(2) of the 2010 Act to the Licensing Authority.

1.7 Offences relating to information

Under section 42 of the 2010 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 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 European Offshore Wind Deployment Centre'.

2.2 Description of the Works

An offshore wind powered electricity generating station and deployment centre, known as the European Offshore Wind Deployment Centre, with a maximum generating capacity of up to 100 MW, comprising of up to 11 offshore wind turbine generators ('WTG') including foundations, sub structures, fixtures, fittings, scour protection, inter-array cabling and export cabling connecting the offshore Site to a landfall location, and transition pieces including access ladders, fences and landing platforms, all as described in the Application.

A configuration of the consented turbines, and associated infrastructure, is included at Part 4 of this Schedule.

2.3 Location of the Works

Aberdeen Bay, approximately 2 kilometres east of Blackdog, Aberdeenshire, within the area bounded by joining the following points:

EOWDC Lease Boundary:

57° 14.723' N	002° 00.911' W	57° 15.240' N	001° 56.865' W
57° 12.360' N	001° 58.680' W	57° 11.842' N	002° 02.721' W

Export Cable Corridor

57° 12.993' N	002° 03.535' W	57° 11.379' N	002° 04.335' W
57° 11.434' N	002° 02.914' W	57° 12.389' N	002° 02.410' W
57° 12.193' N	001° 59.977' W	57° 12.360' N	001° 58.680' W
57° 13.365' N	001° 58.047' W	57° 13.903' N	001° 58.395' W
57° 13.518' N	001° 59.388' W	57° 12.991' N	001° 59.291' W
57° 12.574' N	002° 00.503' W	57° 13.499' N	002° 00.647' W
57° 13.464' N	002° 00.875' W	57° 13.404' N	002° 00.864' W
57° 13.005' N	002° 03.455' W	57° 13.015' N	002° 03.528' W
57° 13.016' N	002° 03.535' W	57° 13.017' N	002° 03.548' W
57° 13.015' N	002° 03.548' 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:

DEPOSITS

Steel, 29150 tonnes
 Plastic, 75 tonnes
 Concrete, 36667 m³
 Sand, 44000 m³
 Stone, 22000 m³
 Rock / Gravel, 13750 m³
 Cable (Export) – 800 mm², 26000 m
 Cable (Inter Array) – 800 mm², 13000 m

2.5 Persons responsible for the deposit of the substances or objects

The operators, vessels and vehicles engaging in any Licensable Marine Activity must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Name of Vessel or Vehicle Registration	Operator	Type(s)
Union Boxer	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Bear	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Princess	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Diamond	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Sapphire	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Fighter	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Lynx	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Union Manta	Boskalis Offshore Transport Services NV	Anchor handling Tug (AHT)
Dian Kingdom	Seacontractors	Anchor handling Tug (AHT)
Voyager	UOS	Anchor handling Tug (AHT)
Asian Hercules III	ASIAN LIFT/pte ltd/ SMIT Singapore pte. Ltd	Sheerleg, Heavy Lift Vessel
Dutch Power	Landfall Marine Contractors BV	Shallow draft anchor handling tugboat
DSV Constructor	Boskalis Offshore Transport Services NV	DP II Dive Support Vessel

EDT Protea	Boskalis Offshore Transport Services NV	DP II Dive Support Vessel
EDT Hercules	EDT	DP II Dive Support Vessel
EDT Jane	Jane Offshore Ltd / EDT Shipmanagement Ltd	Construction Support Vessel Foundation Package
Louis	Sarens N.V.	Barge
CC Atlantique	LKL	Jacket Barge
Wagenborg Barge 9	Wagenborg Towage	Jacket Barge
Jan	Sarens N.V.	Barge
Ndurance	BW Marine (Cyprus) Limited	Cable Lay Vessel
Orca III	Angus Campbell	Survey Craft
Rockpiper	BW Marine (Cyprus) Limited	Fallpipe Vessel
Sea Bronco	Seacontractors BV	Multi Purpose Vessel
Pacific Orca	Swire Blue Ocean A/S	Jack-up Vessel
Sea Alfa	Seacontractors	Tug
BOKA Atlantis	Boskalis	Dive Support Vessel
Manu Pekka	Boskalis	Backhoe Dredger
Ndeavor	Boskalis	Cable Laying Vessel
Normand Reach	Reach Subsea	Construction Support Vessel
Olympic Delta	Olympic Shipping	Construction Support Vessel
Polar Queen	GC Rieber Shipping	Construction Support Vessel
Olympic Challenger	Olympic Shipping	Light Construction Vessel / ROV Support Vessel
MV Larissa	Golden Energy Offshore	IMR / Light Construction Vessel
MV Edda Fonn	Reach Subsea	DP2 IMR, Survey and Light Construction Vessel
Aegir	Heerema Marine Contractors	Deep Water Construction Vessel

Windcat 38	Windcat Workboats Ltd	High Speed Crew Work Boat
Scylla	SeaJacks Ltd	Jack Up Vessel

2.6 Persons acting on behalf of the Licensee

The names and address of any agents, contractors or sub-contractors appointed to carry out any part, or all, of the Licensable Marine Activity must be notified to the Licensing Authority under condition 3.1.2 prior to their engagement in the Works:

Role	Company Name	Address	Contact Name
Agent – Transport & Installation phase	Denholm Wilhelmsen Ltd	Denholm Wilhelmsen Ltd Denholm House, Minto Place, Aberdeen, AB12 3SN Tel: +44 (0) 1224 347 193	TBC
Agent – Barge mobilizations Belgium-Netherlands	Oudkerk B.V.	Oudkerk B.V. Belgiëweg Oost 1 4455 TT Nieuwdorp Tel: +31-113-612 810	TBC
Agent – Cable installation	Clarksons Port Services	Clarkson Port Services Limited 303 King Street Aberdeen AB24 5AP UK T : +44 (0) 1224 211500 www.clarksons.com	TBC
Agent - Scour Installation	Jacob Falck ANS	Post address: PB 28, 4001 Stavanger Street address: Prinsensgt 12, 4008 Stavanger Ware house: Bekhuskaien 1, 4013 Stavanger Phone: (+47)51538300 Duty phone: (+47)91879310 E-mail: agency@jacob-falck.no Web: www.falckagencies.com	Espen Hollun
Contractor for Cable Installation, Scour Protection, Transport and Installation of the Foundations, Provision of vessel for the WTG installation	Boskalis Offshore Energy Division	Rosmolenweg 20 PO Box 43, 3350 AA Papendrecht The Netherlands Email: Andre.andringa@boskalis.com Tel.: 0031650225374	Andre Andringa
Turbine installation	MHI Vestas Offshore Wind UK Ltd	302 Bridgewater Place Birchwood park WARRINGTON	Rasmus Ravn

		Cheshire WA3 6XG England Email: rarav@mhivestasofoffshore.com Tel.: 004540834797	
Suction operations during Suction Bucket Jacket Installation	SPT Offshore	Pelmolenlaan 1A 3447GW Woerden +31(0)88 220 2121	Mr. T. Schumacher
Subsea cabling operations Cable jointing operations	EDS HV Group	EDS Group Haslingden – Headquarters 18 Three Point Business Park Charles Lane Haslingden Rossendale Lancashire BB4 5EH	Tony Douglas +447496583223 (Offshore Rep) Mark Hands +447949571498 (Project Manager)
Sub-contractor	Heerema Marine Contractors	Vondellaan 47, 2332 AA Leiden, The Netherlands Tel. +31 [0]71 5799723 Cell. +31[0]6 1219 7002 wnowe@hmc-heerema.com AegirOperations@hmc-heerema.com	Willem Nowé - Operations Manager Aegir
Agent	Cory Brothers Shipping Agency Limited	Cargo Fleet Offices Middlesbrough Road MIDDLESBROUGH TS6 6XJ Tel no: +44 (0)1642 264620 (24/7) Tel no: +44 (0)1642 264632 (Direct Line) Fax no: +44 (0)1642 242679 Mobile: +44 (0) 7714 133042 Email: michael.crager@corybrothers.com	Michael Crager - General Manager
Sub-contractor	SeaJacks Ltd	Seajacks House South Denes Business Park South Beach Parade Great Yarmouth Norfolk UK NR30 3QR master.scylla@seajacks.com Tel no: 07500936610	Donald J MacNeil - Master

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 whether or not this licence has been transferred to that person.

3.1.2 Vessels, agents, contractors and sub-contractors

The Licensee must provide, as soon as reasonably practicable in advance of their engagement in any Licensed Marine Activity, the name and function of any vessel, agent, contractor or sub-contractor appointed to engage in the Works. The notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

Any changes to the supplied details must be notified to the Licensing Authority, in writing, prior to any vessel(s), agent(s), contractor(s) or sub-contractor(s) engaging in the licensed activities. All agents, contractors, sub-contractors, and vessel operators must abide by the conditions set out in this licence.

Only those vessels, agents, contractors or sub-contractors notified to the Licensing Authority are permitted to carry out any part of the Works

The Licensee must satisfy themselves that any such vessels, agents, contractors or sub-contractors 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, ensuring it is read and understood, to the masters of any vessels, agents, contractors or sub-contractors engaged in the Works.

3.1.3 Force Majeure

If by any reason of *force majeure* any substance or object is deposited anywhere in the marine environment, other than at the Site, 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.

3.1.4 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 this licence altered in any material respect, notify the Licensing Authority of this fact, in writing, as soon as is practicable.

3.1.5 Submission of reports, studies, surveys and plans to the Licensing Authority

Prior to the Commencement of the Works, the Licensee must submit the details and specifications of all reports, studies, surveys and plans that are required to be undertaken in relation to the works under this licence, in writing, to the Licensing Authority for their written approval, within the time periods specified in this licence.

Thereafter, the Licensee must submit all reports, studies, surveys and plans to the Licensing Authority as are required under this licence, and the Section 36 consent dated 26th March 2013, within the time periods specified in this licence, and the Section 36 consent, to allow the Licensing Authority to consider whether any consequential action may be required to be undertaken.

Where it would appear to the Licensee that there may be a delay in the submission of the reports, studies, surveys and plans 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, studies or surveys ought to have been submitted to the Authority under the terms of this licence.

The reports, studies, surveys and plans 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.

3.1.6 Chemical Usage

The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved in writing by the Licensing Authority prior to use. 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, unless approved in writing by the Licensing Authority.

3.1.7 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 that may be caused by the activity authorised under this licence.

The Licensee must ensure that any debris or waste materials placed below MHWS during the construction of the Works are removed from the Site, as soon as is reasonably practicable, for disposal at a location above MHWS approved by SEPA.

The Licensee must ensure that all substances and objects deposited during the Works are 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 non-native species to and from the Site is kept to a minimum by ensuring that all appropriate bio-fouling management practices are implemented during the Works.

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

3.1.8 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 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.

3.1.9 Inspection of the Works

Any persons authorised by the Licensing Authority, must be permitted to inspect the Works at any reasonable time. As far as reasonably practicable, 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 such persons authorised by the Licensing Authority to inspect the Site.

3.1.10 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 the licence;
- b) the maintenance of the Works; or
- c) the drifting or wreck of the Works,

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

3.1.11 Marine Pollution Contingency Plan

The Licensing Authority must, no later than three months prior to the Commencement of the Works, submit in writing to the Licensing Authority for their written approval, a Marine Pollution Contingency Plan ('MPCP').

The MPCP 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 MPCP must be adhered to in full. The MPCP must take into account existing plans for all operations, including offshore installations, that may have an influence on the MPCP.

Practices used to refuel vessels at sea must conform to industry standards and to relevant legislation. The MPCP must set out how any oil leaks within the turbine nacelle are to be remedied and that such relevant repairs are required to be undertaken without undue delay.

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

3.2 Conditions specific to the Works

3.2.1 Prior to the Commencement of the Works

3.2.1.1 Commencement date of licensed activities

The Licensee must, prior to and no less than one month before the intended Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under this licence and confirm the date no less than 24 hours before Commencement of the Works.

3.2.1.2 Shielding or burial of cables

The Licensee must, no later than six months prior to the Commencement of the Works, provide the Licensing Authority for their written approval a report detailing current 'best practice' relating to the attenuation of field strengths of cables by shielding or burial designed to minimise effects on electro-sensitive and migratory fish species. Such 'best practice' guidance as is identified must be incorporated into the Construction Method Statement and the Cable Laying Strategy, in respect of which conditions 13 and 25 respectively of the Section 36 consent relates.

3.2.1.3 Third Party Certification

The Licensee must, no later than three months prior to the Commencement of the Works, unless otherwise agreed in writing with the Licensing Authority, provide the Licensing Authority with a covering certificate detailing Third Party Certification, or a suitable alternative as agreed in writing with the Licensing Authority, of the turbines and sub-structures. Commencement of the Works must not occur until the Licensee has provided the Licensing Authority with the covering certificate(s) detailing Third Party Certification.

3.2.1.4 Ecological Clerk(s) of Works and Liaison Officer(s)

The Licensee must ensure that a suitably qualified and experienced Ecological Clerk(s) of Works or liaison officer(s) is, or are, appointed prior to the Commencement of the Works primarily, but not exclusively, for environmental liaison to establish and maintain effective communications between the Licensee, contractors, stakeholders, conservation groups and other users of the sea during the period in which licensed activities authorised under this licence are undertaken. Prior to the Commencement of the Works the Licensee must notify the Licensing Authority in writing of the identity, contact details and qualifications of the appointed Ecological Clerk(s) of Works, or liaison officer(s).

The Licensee must ensure that the Ecological Clerk(s) of Works or liaison officer(s) environmental remit includes monitoring compliance with the commitments made by the Licensee in the Environmental Statement, Supplementary Environmental Information Statement and all plans or programmes required under this licence or the Section 36 consent.

3.2.1.5 Navigational safety

The Licensee must, as soon as reasonably practicable prior to the Commencement of the Works, notify the UKHO to permit 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 Commencement of the Works, ensure that local mariners, fishermen's organisations, HM Coastguard and the Maritime Rescue Coordination Centre Aberdeen are made fully aware of the activity authorised under this licence through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, as soon as reasonably practicable prior to Commencement of the Works, 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 the Works, complete an "Application for Statutory Sanction to Alter / Exhibit" form and submit this to the NLB for the necessary sanction to be granted.

3.2.1.6 Monitoring of marine mammals

Prior to the Commencement of the Works the Licensee must agree with the Licensing Authority, in writing, the details of the appointment of a Marine Mammal Observer ("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 (such as piling), as agreed in writing with the Licensing Authority. The Licensee must provide the Licensing Authority with the MMO's records no later than 6 months following Commencement of the Works, and at 6 monthly intervals thereafter.

3.2.1.7 Cable Protection Plan

In the event that cable protection is required the Licensee must, as soon as is practicable following the Licensee learning that it is required, submit a Cable Protection Plan ('CPP') to the Licensing Authority for their approval, in consultation with SNH, MCA, NLB and any other advisors as required by the Licensing Authority. The CPP must include surveys that will be undertaken to identify scour protection / armouring works required to protect the cable. The CPP must be incorporated into the Construction Method Statement, in respect of which condition 13 of the Section 36 consent relates. The installation of any cable protection must not commence until the CPP has been agreed in writing by the Licensing Authority.

3.2.1.8 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 Joint Nature Conservation Committee ("JNCC") stating the proposed date(s), location(s) and nature of the piling activities under authority of this licence.

3.2.2 During the Works

3.2.2.1 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 substances or objects listed in the licence to be deposited (as described in Part 2 of this licence). 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 substances or objects on the audit sheet that are missing, or an accidental deposit occurs, they must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action. Should the Licensing Authority deem it necessary, 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 cable routes, and any vessel access routes from local service port(s) to the Site to locate the substances or objects. 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.

3.2.2.2 Nature and quantity of deposited substances and objects

In addition to the audit sheets required to be submitted to the Licensing Authority under condition 3.2.2.1, the Licensee must, following the Commencement of the Works, 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 six monthly intervals, with the first such report being required to be submitted on a date no later than six months following the Commencement of the Works. Where appropriate, nil returns must be provided.

3.2.2.3 Navigational safety

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

The Licensee must notify local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Aberdeen, 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 are 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 OFCOM.

3.2.2.4 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 current CAA Policy and Guidance (or any other relevant documents that, from time to time, may supersede that Guidance) 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.

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

The Licensee must ensure that the Works are marked in accordance with IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures.

3.2.2.5 Markings, lighting and signals of jack up barges and vessels

The Licensee must ensure that any jack up barges and vessels used during the Works must, when jacked up, exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

3.2.2.6 Environmental protection

The Ecological Clerk(s) of Works or liaison officer(s) (in respect of which condition 3.2.1.4 relates) must provide regular (frequency to be agreed with the Licensing Authority) reports to the Licensing Authority as to the compliance with the commitments made by the Licensee in the Environmental Statement, Supplementary Environmental Information Statement and the Project Environmental Monitoring Programme and all other plans and programmes provided by the Section 36 consent to include the Vessel Management Plan and the Construction Method Statement.

3.2.2.7 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 Conditions upon Completion of the Works

3.2.3.1 Date of Completion of the Works

The Licensee must, no later than one month following the Completion of the Works, notify the Licensing Authority, in writing, of the completion date.

3.2.3.2 Navigational safety

The Licensee must, as soon as practicable following the Completion of the Works, notify the UKHO of the Completion of the Works to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Aberdeen, are informed of the Completion of the Works.

The Licensee must ensure that the Completion of the Works 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 are 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 OFCOM Licensing Authority.

3.2.3.3 Nature and quantity of deposited substances and objects

The Licensee must no later than 28 days following Completion of the Works, 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.

3.2.3.4 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 current CAA Policy and Guidance (or any other relevant documents that from time to time may supersede that Guidance) 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.

The Licensee must ensure that the Works are marked in accordance with IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures.

3.2.3.5 Operation and Maintenance of the Works

The Licensee must provide an Operation and Maintenance Programme to the Licencing Authority within 3 months of the Completion of the Works. Notification must be provided at least 3 months in advance of any subsequent maintenance works where any additional deposits are required. In the event that these works are not assessed in the Application, and are considered by the Licencing Authority as being a material change to the licence, they will require further Marine Licences.

3.2.4 Decommissioning**3.2.4.1 Decommissioning of the Works**

This licence does not permit the Decommissioning of the Works for which a separate marine licence is required.

4. PART 4 – PROJECT LOCATION

