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## MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

### LICENCE FOR MARINE RENEWABLES CONSTRUCTION, OPERATION AND DEPOSIT AND REMOVAL OF SUBSTANCES OR OBJECTS IN THE SCOTTISH MARINE AREA

Licence Number: **06174/19/0**

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

Highland Floating Winds Limited  
15 Gardiner Road  
Blackhall  
Edinburgh  
EH4 3RP

#### Under the Marine (Scotland) Act 2010,

1) to deposit any substance or object (except for dredge spoil) within the Scottish marine area, either in the sea or on or under the seabed;

2) to deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed from a vessel which was loaded with the substance or object either in Scotland or in the Scottish marine area; and

3) to construct any works within the Scottish marine area either in or over the sea, or under the seabed,

required in the execution of the Works (including construction and maintenance) 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 **23 July 2019** to **16 March 2037** or until the Works have been decommissioned in accordance with an approved Decommissioning Programme prior to this date, and for which a separate marine licence is required.

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

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For and on behalf of the Licensing Authority

Date of issue: 23 July 2019

## 1. PART 1 – GENERAL

### 1.1. Interpretation

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

- a) **“the Application”** means the Application letter, marine licence application form and Environmental Statement (“ES”) submitted to the Scottish Ministers by the Company on 19<sup>th</sup> October 2016;
- b) **“Commencement of the Works”** means the date on which the first vessel arrives on the Site to begin carrying on any Licensed Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- c) **“Company”** means Highland Floating Winds Limited (Company Registration Number SC586069) and having its registered office at 15 Gardiner Road, Blackhall, Edinburgh, EH4 3RP;
- d) **“Completion of the Works”** means the date on which the Works have been installed, or the Works have been deemed complete by the Licensing Authority, whichever occurs first;
- e) **“Decommissioning Programme”** means the programme for decommissioning the Works, to be submitted by the Company to the appropriate authority under section 105(2) of the Energy Act 2004 (as amended);
- f) **“Decommissioning of the Works”** includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- g) **“Final Commissioning of the Works”** means the date on which all the Works have been used to supply electricity on a commercial basis to the National Grid, or such earlier date as the Licensing Authority deem the Works to be fully commissioned;
- h) **“Licensable Marine Activity”** means any activities listed in section 21 of the 2010 Act authorised under this licence;
- i) **“Licensed Activity”** and **“Licensed Activities”** means any activity, or activities, listed in section 21 of the 2010 Act which is, or are, authorised under this licence;
- j) **“Licensee”** means the Company;
- k) **“the Licensing Authority”** means the Scottish Ministers;
- l) **“MHWS”** means mean high water spring tide;
- m) **“the Site”** means the area outlined in the figure contained in Part 4 of this licence;
- n) **“the 2010 Act”** means the Marine (Scotland) Act 2010; and
- o) **“the Works”** means the export cable as part of the Dounreay Tri Floating Wind Demonstration Project, as described in Part 2 of this licence.

All geographical coordinates 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  
Email: [MS.MarineRenewables@gov.scot](mailto:MS.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 out of the Licensed Activities in connection with the Works. 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(1) 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 its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act.

Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30(7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30(8) of the 2010 Act, on an application made by the Licensee, the Licensing Authority may transfer this licence from the Licensee to another person.

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

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

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

Under section 40 of the 2010 Act 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:

- (a) the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'); and
- (b) that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

### **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, 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 the provisions of this 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 the sheriff of any sheriffdom against a decision taken by the Licensing Authority under section 29(1) of the 2010 Act.

## 2. PART 2 – THE WORKS

### 2.1. Title of the Works

The title of the Works to which this licence relates is 'Dounreay Trì Floating Wind Demonstration Project, approximately 6 km offshore from Dounreay, Caithness, North coast of Scotland'.

### 2.2. Description of the Works

An export cable as part of the offshore floating wind demonstration project, known as Dounreay Trì Floating Wind Demonstration Project, 6 km offshore from Dounreay, Caithness, North coast of Scotland which will come to shore immediately to the west of the Dounreay Restoration Site fence line, shall be comprise of:

1. an export cable approximately 13,800 metres in length
2. scour protection

There will be 1 export cable trench between the wind platform and the landfall point.

The cable installation techniques being considered are:

- ploughing; or
- jetting

Rock armour or concrete mattresses will be used to protect the cable where it cannot be buried to a suitable depth.

The Works shall be constructed in accordance with that specified in the Application and by the conditions imposed by the Licensing Authority.

### 2.3. Location of the Works

The project includes the marine elements (which are all elements of the project other than the onshore infrastructure) of the Works, to be sited within the Scottish marine area, approximately 6 km offshore from Dounreay, Caithness, North coast of Scotland, within the area bounded by joining the following points:

#### **Cable corridor**

58° 40.45' N	003° 53.53' W
58° 40.49' N	003° 48.34' W
58° 34.55' N	003° 45.66' W
58° 34.46' N	003° 46.33' W
58° 37.73' N	003° 53.54' W

**2.4. Deposits**

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

**Permanent Deposits**

Cable	13,800 m
Stone/Rock Gravel	44, 800 m <sup>3</sup> (size range of 60-650 mm)
Concrete Bags/Mattresses	2 concrete mattresses at 6 m x 2 m x 0.5 m each (12 m <sup>3</sup> in total)

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

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

<b>Name of Vessel or Vehicle Registration</b>	<b>Operator</b>	<b>Type(s)</b>
To be confirmed	To be confirmed	To be confirmed

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

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

<b>Role</b>	<b>Company Name</b>	<b>Address</b>	<b>Contact Name</b>
To be confirmed	To be confirmed	To be confirmed	To be confirmed

### **3. PART 3 – CONDITIONS**

#### **3.1. General conditions**

##### **3.1.1. Compliance with the Application and approved plans**

The Licensee must at all times construct and operate the Works in accordance with this Licence, the Application, the Environmental Statement, the Section 36 consent and the plans and programmes approved by the Scottish Ministers.

The Licensee must, at all times, maintain the Works in accordance with the approved Operation and Maintenance Plan (“OMP”).

**Reason: To ensure compliance with the Marine Licence, and the Environmental Statement associated with the Application.**

##### **3.1.2. 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.

**Reason: To safeguard the obligations of the licence, in accordance with s.29(5) of the Marine (Scotland) Act 2010.**

##### **3.1.3. Vessels, vehicles, agents, contractors and sub-contractors**

The Licensee must provide, as soon as reasonably practicable in advance of their engagement in the Works authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Works to the Licensing Authority. Where applicable the notification must include the vessel type, vessel IMO number and vessel owner or operating company.

The Licensee must ensure that any changes to the supplied details must be notified to the Licensing Authority, in writing, 14 days prior to any vessel, vehicle, agent, contractor or sub-contractor engaging in the Works.

The Licensee must ensure that only those vessels, vehicles, operators, agents, contractors or sub-contractors notified to the Licensing Authority are permitted to carry out any part of the Works.

The above details must be recorded in section 2.5 and 2.6 of this licence. If not provided at application these details and any subsequent changes will require a variation to the licence to update section 2.5 and 2.6 prior to engagement in the Works.

The Licensee must satisfy themselves that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are 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. All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Works must abide by the conditions set out in this licence.

The Licensee must give a copy of this licence, and any subsequent variations made to this licence in accordance with section 30 of the 2010 Act, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Works, and must ensure that the licence and any such variations are read and understood by those persons.

**Reason:** *To ensure all parties involved in the Works are aware of the licence and its conditions, to reduce the risk of a breach of the licence, in accordance with s.39(1)(b) of the 2010 Act.*

#### **3.1.4. Force Majeure**

Should the Licensee or any of their agents, contractors or sub-contractors, by any reason of *force majeure* deposit anywhere in the marine environment any substance or object, 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 or vehicle operator determines that it is necessary to deposit the substance or object other than at the 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.

**Reason:** *To provide a defence for the Master to protect himself and his crew in the event of a force majeure, in accordance with s.29(2)(a) of the 2010 Act.*

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

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

**Reason:** *To ensure that the Works are carried out in accordance with the Application documentation, in accordance with s.29(2)(a) of the 2010 Act.*

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

The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under this licence in relation to the Works, in writing, to the Licensing Authority, for their 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 Works by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

**Reason:** *To ensure that the Licensing Authority is kept informed on progress of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

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

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

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

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

Such reports will include, but not be limited to, Transport Audit sheets and deposits sheets reports.

**Reason:** *To ensure that all reports and notifications are submitted within a reasonable timescale after licence is granted, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.1.8. Chemical usage**

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 Works. 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 OCNS list, the approval request must include the chemical name, volume or quantity to be used, the OCNS list grouping or rank and the proposed frequency of use.

If the proposed chemical is not on the OCNS list, the approval request must include details of chemical to be used, including safety data sheet, depth and current at the Site, 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 Scottish marine area. Any such leakages must be reported to the Licensing Authority as soon as practicable.

**Reason:** To minimise the environmental impact in the event of a release through the use of authorised chemicals in the interest of protecting the environment, in accordance with s.29(2)(b) of the 2010 Act.

### **3.1.9. Fluorinated greenhouse gases**

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015 (“the Regulations”), or mixtures containing any of those substances) must take precautions to prevent the unintentional release (‘leakage’) of those gases. They must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

Where a leakage of fluorinated greenhouse gases is detected, the Licensee must ensure that the equipment is repaired without undue delay.

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO<sub>2</sub> equivalent or more, and not contained in foams, must ensure that the equipment is checked for leaks in accordance with Annex 4 of the Regulations. Records of leak checks must be kept in accordance with Annex 6 of the Regulations. These records must be submitted to the Licensing Authority annually, and immediately in the event of discovery of any leak.

Where the equipment is subject to leak checks under Article 4(1) of the Regulations, and a leak in the equipment has been repaired, the Licensee must ensure that the equipment is checked by a certified person within one calendar month after the repair to verify that the repair has been effective. In such event, the Licensing Authority must be informed of the date of discovery, date of repair and date of inspection.

**Reason:** To ensure compliance of the Works with Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015, in accordance with s.29(2)(b) of the 2010 Act.

### **3.1.10. Environmental protection**

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to avoid or minimise any damage to the Scottish marine area as a result of the undertaking of the Licensed Activities.

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

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

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

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

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

**Reason:** *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.1.11. Availability of the licence for inspection**

The Licensee must ensure that copies of this licence and any subsequent amendments or variations are available for inspection at any reasonable time by any authorised marine enforcement officer at:

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

**Reason:** *To ensure the licence is available for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.1.12. Inspection of the Works**

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

**Reason:** *To ensure access to the Site for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.1.13. Emergencies**

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

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

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

**Reason:** *To ensure the Licensee is aware of financial liabilities, in accordance with s.29(2)(b) of the 2010 Act.*

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

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

##### **3.2.1.1. Implementation in accordance with approved plans and requirements of this consent**

Except as otherwise required by the terms of this licence, the Works must be constructed and operated in accordance with the Application and the Environmental Statement submitted by the Company on 19th October 2016 and any other documentation lodged in support of the Application.

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

##### **3.2.1.2. Incident Reporting**

In the event of any breach of health and safety or environmental obligations relating to the Works during the period of this licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

**Reason:** *To keep the Scottish Ministers informed of any such incidents which may be in the public interest, in accordance with s.29(3)(c) of the 2010 Act.*

##### **3.2.1.3. Bunding and storage facilities**

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

**Reason:** *To ensure pollution prevention is undertaken, in accordance with s.29(2)(b) of the 2010 Act.*

##### **3.2.1.4. Restoration of the Site to its original condition**

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to its original condition before the Works were undertaken, or to as close to its original condition as is reasonably practicable, in accordance with the PEMP and the Decommissioning Programme ("DP") to the satisfaction of the Licensing Authority. Should the Works be discontinued prior to Completion of the Works, the Licensee must inform the Licencing Authority in writing of the discontinuation of the Works. A separate marine licence application will be required for the removal of Works.

**Reason:** *To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010 Act.*

### **3.2.1.5. Emergency Response Co-operation Plans (“ERCoP”)**

The Licensee must, in discussion with the Maritime and Coastguard Agency’s (“MCA”) Search and Rescue Branch, complete an Emergency Response Co-operation Plans (“ERCoP”) for the construction and operation phases. The ERCoP should include full details for the construction and operation phases of the authorised scheme in accordance with MCA recommendations contained within Marine Guidance Notice (“MGN”) 543 (or subsequent updates). A copy of the final plan must be submitted to the Licensing Authority no later than 6 calendar months, or at such a time as agreed with the Licensing Authority, prior to the Commencement of the Works.

**Reason:** *To ensure the Licensing Authority is aware of the ERCoP, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.2.1.6. Project Environmental Monitoring Programme**

The Company must, no later than 6 months prior to the Commencement of the Works or at such a time as agreed with the Scottish Ministers, submit a Project Environmental Monitoring Programme (“PEMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with Scottish Natural Heritage (“SNH”), Royal Society for the Protection of Birds (“RSPB”) Scotland, Whale and Dolphin Conservation (“WDC”) and any other ecological advisors or organisations as required at the discretion of the Scottish Ministers. The PEMP must be in accordance with the Application and the ES as it relates to environmental monitoring.

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

The Scottish Ministers must approve all initial methodologies for the above monitoring, in writing.

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 and the ES. In the event that further potential adverse environmental effects are identified, for which no predictions were made in the Application or the ES, the Scottish Ministers may require the Company to undertake additional monitoring.

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

- a) pre-construction, construction (if considered appropriate by the Scottish Ministers) and post-construction monitoring or data collection as relevant in terms of the ES and any subsequent monitoring or data collection for:

- i) birds. This should include, but not be limited to, a detailed entanglement monitoring and reporting schedule, as well as a post-consent monitoring plan for bird strike;
  - ii) marine mammals. This should include, but not be limited to, a detailed entanglement monitoring and reporting schedule, particularly of load on the moorings from derelict fishing gear; and
  - iii) onshore impacts of the development; and
- b) the participation and contribution to be made by the Company to data collection or monitoring of wider strategic relevance, identified and agreed by the Scottish Ministers, and may include but not necessarily be limited to:
- i) the density and distribution of seabirds within the site-specific survey area; and
  - ii) the behaviour and interaction of marine mammals and seabirds around the platform and turbine structures.

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

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

The Company must submit written reports and associated raw data of such monitoring or data collection to the Scottish Ministers at timescales to be determined by them. Subject to any legal restrictions regarding the treatment of the information, the results will be made publicly available by the Scottish Ministers or by such other party appointed at their discretion.

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

### **3.2.1.7. Environmental Management Plan**

The Company must, no later than 6 months prior to the Commencement of the Works, submit an Offshore Environmental Management Plan ("OffEMP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, SEPA, The Highland Council ("THC"), RSPB Scotland and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a) all construction as required to be undertaken before the Final Commissioning of the Works; and
- b) the operational lifespan of the Works from the Final Commissioning of the Works until the cessation of electricity generation.

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

- a) mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the ES and pre-consent and pre-construction monitoring or data collection, and include the relevant parts of the Construction Method Statement (“CMS”);
- b) a Pollution Prevention and Control Method Statement, including contingency plans;
- c) management measures to prevent the introduction of invasive non-native marine species;
- d) a site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, re-use and recycle should be encouraged;
- e) the reporting mechanisms that will be used to provide the Scottish Ministers and relevant stakeholders (including, but not limited to, SNH, SEPA, THC, RSPB Scotland,) with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The Company must, no later than 3 months prior to the Final Commissioning of the Works, submit an updated OffEMP in writing to cover the operation and maintenance activities for the Works, to the Scottish Ministers for their written approval. Such approval may be given only following consultation with SNH, SEPA, RSPB Scotland and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The OffEMP must be regularly reviewed by the Company and the Scottish Ministers, at intervals agreed by the Scottish Ministers. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Works and updated working practices.

The OffEMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application.



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

### **3.2.1.8. SpORRAn (Scottish Offshore Renewables Research Framework)**

The Company must, to the satisfaction of the Scottish Ministers, participate in the monitoring requirements as laid out in the 'SpORRAn' (Scottish Offshore Renewables Research Framework), in particular the on for Diadromous Fish. The extent and nature of the Company's participation must be agreed by the Scottish Ministers.

**Reason:** *To ensure effective monitoring of the effects on migratory fish at a local level.*

### **3.2.1.9. Scottish Strategic Marine Environment Group**

The Company must participate in any Scottish Strategic Marine Environment Group ("SSMEG") established by the Scottish Ministers for the purposes of advising the Scottish Ministers on research, monitoring and mitigation programmes for, but not limited to, ornithology, diadromous fish, marine mammals and commercial fish.

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

### **3.2.2. Prior to the Commencement of the Works**

#### **3.2.2.1. Bathymetry surveys**

The Licensee must, prior to Commencement of the Works, complete a full sea floor coverage swath-bathymetry survey that meets the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data set and survey report to the MCA Hydrography Manager.

**Reason:** *To ensure all environmental and navigational issues are considered for the location and construction of the cable.*

#### **3.2.2.2. Commencement date of the Works**

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

**Reason:** *To inform the Licensing Authority of the date of the Works, in accordance with s.29(3)(c) of the 2010 Act.*

#### **3.2.2.3. Decommissioning Programme**

Where the Company has been given notice requiring them to submit to the appropriate authority, as defined in the Energy act 2004, a Decommissioning Programme, pursuant to section 105(2) and (5) of the Energy Act 2004, then construction may not begin on the site of the Works until after the Company has submitted to the appropriate authority a DP in compliance with that notice.

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

#### **3.2.2.4. Construction Programme**

The Company must, no later than 6 months prior to the Commencement of the Works, (or at such a time as agreed with the Scottish Ministers) submit a Construction Programme ("CoP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the SNH, Ministry of Defence ("MOD"), MCA, SEPA, THC and Orkney Islands Council ("OIC") and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CoP shall set out, but not be limited to:

- a) the proposed date for Commencement of Works;
- b) the proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;
- c) the proposed timings and sequencing of construction work for all elements of the Works infrastructure;

- d) contingency planning for poor weather or other unforeseen delays; and
- e) the scheduled date for Final Commissioning of the Works.

The Company must, prior to the Commencement of the Works, provide a copy of the final CoP, and any subsequent revisions as agreed by the Scottish Ministers, to the Defence Geographic Centre (“DGC”).

**Reason:** *To confirm the timing and programming of construction.*

### **3.2.2.5. Construction Method Statement**

The Company must, no later than 6 months prior to the Commencement of the Works, submit an Construction Method Statement (“CMS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, SEPA, THC, OIC, MoD, MCA, NLB, Scottish Fishermen’s Federation (“SFF”), WDC, Dounreay Site Restoration Limited (“DSRL”) and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CMS must include, but not be limited to:

- a) the construction procedures and good working practices for installing the Works;
- b) details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or sub-contractors involved during the construction of the Works;
- c) details of how the construction related mitigation steps proposed in the ES are to be delivered;
- d) a waste management plan for the construction phase of the Works; and
- e) continuous monitoring of radioactive particles.

The CMS must adhere to the construction methods assessed in the Application and ES. The CMS must also, so far as is reasonably practicable, be consistent with the Design Statement (“DS”), the EMP, the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), the Cable Plan (“CaP”) and the Lighting and Marking Plan (“LMP”).

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

### **3.2.2.6. Vessel Management Plan**

The Company must, no later than 6 months prior to the Commencement of the Works, submit a Vessel Management Plan (“VMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, MCA, WDC, THC and OIC and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a) the number, types and specification of vessels required;
- b) how vessel management will be co-ordinated, particularly during construction but also during operation;
- c) location of working port(s), how often vessels will be required to transit between port(s) and the Site and indicative vessel transit corridors proposed to be used during construction and operation of the Works;

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

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

**Reason:** *To mitigate disturbance or impact to marine mammals and birds.*

### **3.2.2.7. Traffic and Transportation Plan**

The Company must, at least 6 months prior to the Commencement of the Development submit a Traffic and Transportation Plan ("TTP") in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with THC and any such other advisors as may be required at the discretion of the Scottish Ministers. The TTP must set out a mitigation strategy for the impact of road based traffic and transportation associated with the construction of the Development. The Development must be constructed and operated in accordance with the approved TTP.

**Reason:** *To maintain the free flow and safety of the Trunk Road network*

### **3.2.2.8. Navigational Safety Plan**

The Company must, no later than 6 months prior to the Commencement of the Works or at such a time as agreed with the Scottish Ministers, submit a Navigational Safety Plan ("NSP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with MCA, NLB, RYA Scotland and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a) navigational safety measures;
- b) construction exclusion zones;
- c) notice(s) to Mariners and Radio Navigation Warnings;
- d) anchoring areas;
- e) temporary construction lighting and marking;

- f) emergency response and coordination arrangements (ERCoP) for the construction, operation and decommissioning phases of the Works

The Company must confirm within the NSP that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note 543 ("MGN 543"), and its annexes that may be appropriate to the Works, or any other relevant document which may supersede said guidance prior to approval of the NSP.

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

#### **3.2.2.9. Cable Plan**

The Company must, no later than 6 months prior to the Commencement of the Works or at such a time as agreed with the Scottish Ministers, submit an Cable Plan ("CaP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, SEPA, SFF, MCA, NLB, DSRL and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CaP must be in accordance with the ES.

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

- a) the location and cable laying techniques for the cables;
- b) the results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c) technical specification of cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;
- d) a burial risk assessment to ascertain burial depths and, where necessary, alternative protection measures, including justification, in relation to disturbance of any radioactive contamination, for the method of cable laying chosen;
- e) methodologies for surveys and monitoring (e.g. over trawl) of the cables through the operational life of the Works where mechanical protection of cables laid on the sea bed is deployed;
- f) methodologies for cable inspection with measures to address and report to the Scottish Ministers any exposure of cables; and
- g) a Radioactive Particle Monitoring Strategy.

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

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

#### **3.2.2.10. Environmental Clerk of Works**

Prior to the Commencement of the Works, the Company must at its own expense, and with the approval of the Scottish Ministers in consultation with SNH and SEPA,

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 licence to the Scottish Ministers, and remain in post until agreed by the Scottish Ministers. The terms of appointment must be approved by Scottish Ministers, in consultation with SNH and SEPA.

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 licence;
- b) responsibility for the monitoring and compliance of the licence conditions and the environmental mitigation measures;
- c) provision of on-going advice and guidance to the Company in relation to achieving compliance with licence conditions, including but not limited to the conditions relating to the CMS, the EMP, the CaP the PEMP, and the VMP;
- d) provision of reports on point c) above to the Scottish Ministers at timescales to be determined by the Scottish Ministers;
- e) inducting and toolbox talks to onsite construction teams on environmental policy and procedures and keeping a record of these;
- f) monitoring that the Works are being constructed according to the plans and this licence, the Application and ES and that it complies with all relevant legislation;
- g) reviewing and reporting incidents/near misses and reporting any changes in procedures as a result; and
- h) agreement of a communication strategy with the Scottish Ministers.

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

### **3.2.2.11. Fisheries Management and Mitigation Strategy**

The Company must, no later than 6 months prior to the Commencement of the Works or at such a time as agreed with the Scottish Ministers, submit a Fisheries Management and Mitigation Strategy (“FMMS”), in writing, to the Scottish Ministers for their written approval.

In order to inform the production of the FMMS, the Company must monitor or collect data as relevant and agreed with Scottish Ministers in terms of the ES and any subsequent monitoring or data collection for:

- a) the impacts on the adjacent coastline;
- b) the effects on local fishermen; and
- c) the effects on other users of the sea.

As part of any finalised FMMS, the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they would be adversely affected by the Works. The Company must implement all mitigation measures committed to be carried out by the Company within the FMMS. Any contractors, or sub-contractors working for the Company,

must co-operate with the fishing industry to ensure the effective implementation of the FMMS.

**Reason: To mitigate the impact on commercial fishermen.**

### **3.2.2.12. Fisheries Liaison Officer**

Prior to the Commencement of the Works, a Fisheries Liaison Officer (“FLO”) must be appointed by the Company and approved, in writing, by the Scottish Ministers following consultation with SFF or any other advisors or organisations as may be required at the discretion of Scottish Ministers. The FLO must be appointed by the Company for the period from Commencement of the Works until the Final Commissioning of the Works. The identity and credentials of the FLO must be included in the EMP. The FLO must establish and maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the 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 Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall project and any amendments to the CMS and site environmental procedures;
- b) the provision of information relating to the safe operation of fishing activity at 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.

**Reason: To mitigate the impact on commercial fishermen.**

### **3.2.2.13. Navigation and Aviation Safety and Charting**

The Licensee must, no later than 7 days prior to Commencement of the Works, notify the UK Hydrographic Office (“UKHO”) of the proposed 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, no later than 7 days prior to the Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Shetland Coastguard Operations Centre, are made fully aware of the Works 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, 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.

The Licensee must, prior to and no later than one calendar month before the commencement of the Works, notify the Clyde Cruising Club of the vessel routes, the timings and the location of the Works and of the relevant operations, to permit the updating of their Sailing Directions and Anchorages publications.

The Licensee must notify the Defence Geographic Centre (“DGC”) (mail to dvof@mod.uk) of the locations, heights and lighting status of the turbines, the estimated dates of construction and the maximum height of any construction equipment to be used, at least 10 weeks prior to the Commencement of the Works, to allow for the appropriate notification to the relevant aviation communities. The DGC must be updated when the actual dates of construction are known.

The Licensee must, no later than 14 days prior to the Commencement of the Works, ensure that aviation stakeholders are made fully aware of the Works through a Notice to Airmen (“NOTAM”). To arrange an associated NOTAM, a developer should contact CAA Airspace Regulation (AROps@caa.co.uk); providing the same information as required by the DGC.

**Reason: To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.**

#### **3.2.2.14. Marine Archaeology Reporting Protocol**

The Company must, no later than 6 months prior to the Commencement of the Works, or at such a time as agreed with the Scottish Ministers, submit a Written Scheme of Investigation (“WSI”) which includes details of proposed micro-siting, buffer and exclusion zones during construction, operation, maintenance and monitoring of the Works, in writing to the Scottish Ministers for their written approval.

The Company must also submit a Marine Archaeology Reporting Protocol (“MARP”) which sets out what the Company must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Works, in writing, to the Scottish Ministers for their written approval.

Such approvals may be given only following consultation by the Scottish Ministers with Historic Environment Scotland (“HES”) and any such advisors as may be required at the discretion of the Scottish Ministers. The MARP and WSI shall be implemented in full, at all times, by the Company.

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

#### **3.2.2.15. Noise Registry**

The Licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all aspects of the Works that will produce loud, low to



medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to Commencement of the Works. If any aspects of the Works differ from the Proposed Activity Form in the online Marine Noise Registry, the Licensee must complete and submit a new Proposed Activity Form no later than 7 days prior to Commencement of the Works.

**Reason:** *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act.*

### **3.2.3. During the Construction of the Works**

#### **3.2.3.1. Transportation audit sheet**

The Licensee must submit to the Licensing Authority a detailed transportation audit sheet for each calendar month during the period when construction of the Works is undertaken, this must be within 14 days of the end of each calendar month. It must cover all aspects of the construction of the Works. The transportation audit sheet must include, but not be limited to, information on the loading facility, vessels, equipment, shipment routes, schedules and all materials deposited (as described in Part 2 of this licence) in that calendar month. Where, following the submission of a transportation audit sheet to the Licensing Authority, any alteration is made to the component parts of the transportation audit sheet, the Licensee must notify the Licensing Authority of the alteration in the following month's transportation audit sheet.

If the Licensee becomes aware of any substances or objects on the transportation audit sheet that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action (which may include requiring charts to be amended to show such deposits). 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 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 following the giving of such a view by the Licensing Authority, and at the Licensee's expense.

**Reason: To confirm that the deposits made were in accordance with the Application documentation, and that any accidental deposits are recovered or charted appropriately in accordance with s.29(3)(c) of the 2010 Act.**

#### **3.2.3.2. Nature and quantity of deposited substances and objects**

The Licensee must, in addition to the transportation audit sheets required to be submitted to the Licensing Authority under condition 3.1.7 following the Commencement of the Works, submit audit reports, in writing, 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 monthly intervals, with the first such report being required to be submitted on a date no later than 1 calendar month following the Commencement of the Works. Where appropriate, nil returns must be provided.

**Reason: To confirm that the deposits made were in accordance with the Application documentation, in accordance with s.29(3)(c) of the 2010 Act.**

### **3.2.3.3. Navigational safety**

The Licensee must notify the UKHO of the progress of the Works to facilitate the promulgation of maritime safety information and updating of Admiralty 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 Shetland Coastguard Operations Centre, 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 that the cable landing site is marked by a Cable Marker Board.

The Licensee must, in the case of damage to, or destruction or decay of, the Works, notify the Licensing Authority, in writing, as soon as reasonably practicable following such damage, destruction or decay. The Licensee must carry out any remedial action as required by the Licensing Authority, and intimated to the Licensee in writing, which may include any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisors as required by the Licensing Authority.

The Licensee must ensure that any vessels permitted to engage in the Works are marked in accordance with the International Rules for the Prevention of Collisions at Sea whilst under way and in accordance with the UK Standard Marking Schedule for Offshore Installations if the vessel is secured to the seabed.

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

The Licensee must ensure that navigable depth is not altered by more than 5% referenced to Chart Datum unless otherwise agreed in writing, with the Licensing Authority in consultation with the MCA and NLB.

**Reason:** *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

### **3.2.3.4. Markings, lighting and signals of the Works and Jack up vessels**

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB at all times and such markings and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30(3)(c) of the 2010 Act.

The Licensee must not display any marks and lights additional to those required by virtue of this licence and as agreed in the LMP without the written approval of the Licencing Authority following consultation with the NLB, MCA, CAA, and the MOD.

The Licensee must ensure that the Works are marked and lit in accordance with International Association of Lighthouse Authorities (“IALA”) Recommendation O-139.

**Reason: To ensure safe appropriate marking and lighting of the offshore Works, in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010.**

### **3.2.3.5. Operation and Maintenance Programme**

The Company must, no later than 6 months prior to the Commissioning of the first Wind Turbine Generator (“WTG”) or at such a time as agreed with the Scottish Ministers, submit an Operation and Maintenance Programme (“OMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, THC, OIC, SEPA, MCA, NLB, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The OMP must set out the procedures and good working practices for operations and the maintenance of the WTG’s and substructures 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 Cable Plan (“CaP”) and the LMP.

**Reason: To safeguard environmental interests during operation and maintenance of the offshore generating station.**

### **3.2.4. Conditions upon Completion of the Works**

#### **3.2.4.1. Date of Completion of the Works**

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

**Reason: To inform the Licensing Authority of the Completion of the Works, in accordance with s.29(3)(c) of the 2010 Act.**

#### **3.2.4.2. Final Commissioning of the Works**

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

**Reason: To inform the Licensing Authority of the Final Commissioning of the Works, in accordance with s.29(3)(c) of the 2010 Act.**

#### **3.2.4.3. Navigational safety**

The Licensee must notify the UKHO of the Completion 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, within 1 calendar month of the Completion of the Works, provide the "as-built" positions and maximum heights of all WTGs, along with any sub-sea infrastructure, to the UKHO for aviation and nautical charting purposes.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Shetland Coastguard Operations Centre, are made fully aware 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, where any damage, destruction or decay is caused to the Works, notify the Licensing Authority, in writing, of such damage, destruction or decay as soon as reasonably practicable following such damage, destruction or decay. The Licensee must carry out any remedial action which the Licensing Authority advises the Licensee, in writing, as requiring to be taken, which may include requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required.

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

As per the requirements of MCA's MGN 543 and supplementary updates, the Licensee must complete post-installation hydrographic surveys of the consented area or subsections thereof, to the IHO Order 1a survey standard. On completion of these surveys the data and a corresponding report of survey must be supplied to the UKHO, with notification to the MCA Hydrography Manager.

The Licensee must not exhibit, alter and discontinue navigational lighting of the Works without the Statutory Sanction of the Commissioners of Northern Lighthouses. An 'Application for Statutory Sanction to Exhibit/Discontinue' form must be completed by the Licensee as fully as possible and returned to the NLB via e-mail to [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk) for the necessary sanction to be granted prior to exhibiting, altering or discontinuing navigational lighting.

**Reason:** *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act.*

#### **3.2.4.4. Nature and quantity of deposited substances and objects**

The Licensee must, no later than 1 calendar month following the Completion of the Works, submit a final audit report, in writing, to the Licensing Authority stating the nature and quantity of all substances and objects deposited below MHWS within the Scottish marine area under the authority of this licence. Where appropriate, nil returns must be provided.

**Reason:** *To confirm that the deposits made were in accordance with the Application documentation, in accordance with s.29(3)(c) of the 2010 Act.*

#### **3.2.4.5. Noise registry Close Out**

The Licensee must complete and submit a Close-out Report for all aspects of the Works that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later than 12 weeks from the Completion of the Works.

**Reason:** *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act.*

#### **3.2.4.6. Operation and Maintenance of the Works**

The Licensee must operate and maintain the Works in accordance with the approved OMP. The Licensing Authority must be notified at least 6 calendar months in advance of any maintenance of the Works where any additional deposits are required. In the event that these works were not assessed in the Application and are considered by the Licensing Authority as being material they will require further marine licences.

**Reason:** *To ensure compliance with the approved OMP to prevent decay of the Works and to ensure that any maintenance work is carried out under an appropriate licence in accordance with s.29(3)(b) of the 2010 Act.*

**3.2.4.7. Removal of the Works**

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

The Licensee must, no later than 3 months prior to any proposed removal works, submit a plan for the Removal of the Works, in writing, to the Licensing Authority, along with a marine licence application for the Removal of the Works.

Removal of the Works must not occur until the Licensing Authority has given its prior written approval to the plan and issued a marine licence.

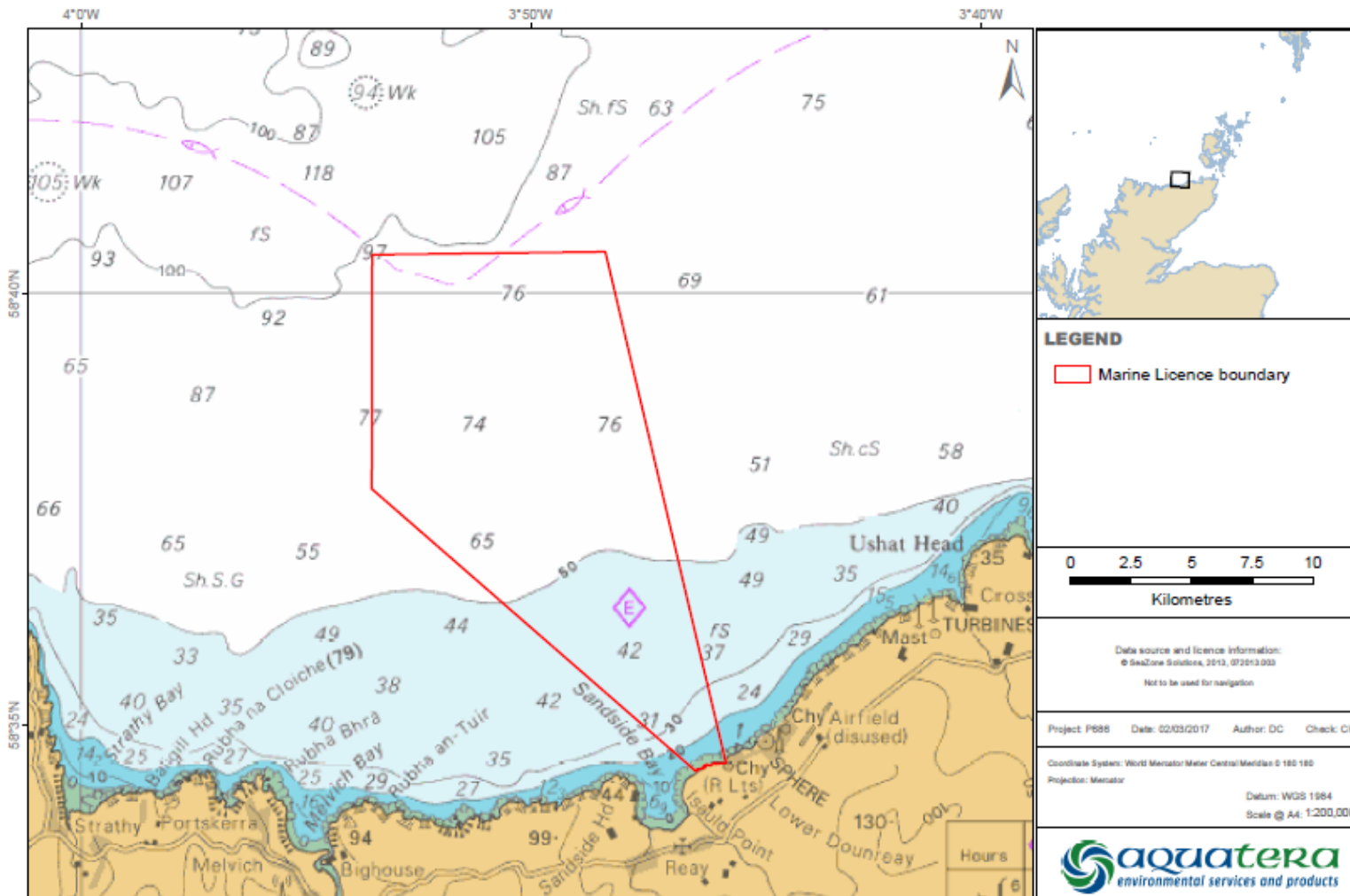
**Reason:** To ensure that removal of works is carried out under an appropriate licence, in accordance with s.29(3)(a) of the 2010 Act.

**3.2.4.8. Decommissioning**

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

**Reason:** To ensure that decommissioning is carried out according to the approved Decommissioning Programme under an appropriate licence, in accordance with s.29(3)(d) of the 2010 Act

**4. PART 4 – PROJECT LOCATION**



**Figure Douvreay Trì Floating Wind Demonstration Project, Cable corridor.**