

**MARINE SCOTLAND ACT (2010), PART 4 MARINE LICENSING MARINE AND COASTAL ACCESS ACT (2009),  
PART 4 MARINE LICENSING**

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

Licence Number: **MS-00008919**

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

**Moray Offshore Windfarm (East) Limited  
C/O Shepherd and Wedderburn LLP  
10 St. Paul's Churchyard  
London  
EC4M 8AL**

To:

**Under Marine (Scotland) Act 2010;**

- 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.

**Under Marine and Coastal Access Act 2009;**

- 1) deposit any substance or object (except for dredge spoil) in the sea or on or under the seabed within the United Kingdom marine licensing area; and
- 2) construct any works within the United Kingdom marine licensing area in or over the sea, or under the seabed.

required in the execution (including construction, operation and maintenance) of the Works described in Part 2 of this

**MS-00008919**

**15 December, 2020**

licence. The issue of this licence is subject conditions as set out in Part 3 of this licence.

This licence is a variation to marine licence number 05340/19/0

The licence is valid from **16 December, 2020** until the Works have been decommissioned in accordance with an approved Decommissioning Programme.

Signed: .....

Zoe Crutchfield

For and on behalf of the Licensing Authority

Date of issue 15 December, 2020

## **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 sections 66(4), 115 and 322 of the Marine and Coastal Access Act 2009, and;

- a) "the 2009 Act" means the Marine and Coastal Access Act 2009 (as amended);
- b) "the 2010 Act" means the Marine (Scotland) Act 2010;
- c) "the Application" means the marine licence application form and environmental report submitted to the Licensing Authority by Moray Offshore Renewables Limited ("MORL") on the 4th April 2014 and the environmental statement ("ES") submitted to the Licensing Authority by the Licensee on the 30th June 2014; and the application letters, marine licence application forms and ES submitted to the Licensing Authority by MORL, on behalf of Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited, on 2nd August 2012, and the Additional Ornithology Information submitted to the Licensing Authority by MORL on the 17th June 2013;
- d) "Licensable Marine Activity" means the activities listed in section 66 of the 2009 Act and section 21 of the 2010 Act authorised under this licence;
- e) "Licensee" means Moray Offshore Windfarm (East) Limited, a company formerly having their registered office in Wales C/O 7side Secretarial Limited, 1st Floor, 14/18 City Road, Cardiff, CF24 3DL. and now at C/O Shepherd And Wedderburn LLP, Condor House, 10 St. Paul's Churchyard, London, EC4M 8AL. Company Registration No: 07101438;
- f) "the Licensing Authority" means the Scottish Ministers;
- g) "Commencement of the Works" means the date on which the first vessel arrives on the Site to begin carrying on a Licensable Marine Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- h) "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;
- i) "Decommissioning of the Works" includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- j) "Decommissioning Programme" means the programme for decommissioning the Works, to be submitted by the Company to the Secretary of State under section 105(2) of the Energy Act 2004 (as amended);
- k) "the Site" means the area outlined in red in the figure contained in Part 4 of this licence;
- l) "the Works" means the Moray Offshore Windfarm (East) Limited Modified Offshore Transmission Infrastructure, as described in Part 2 of this licence;
- m) "MHWS" means mean high water spring tide;
- n) "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;
- o) "Scottish Atlantic Salmon, Sea Trout and European Eel Monitoring Strategy" means a strategy that will be formulated from the Marine Scotland Science Report 05/13 – "The Scope of Research Requirements for Atlantic

Salmon, Sea Trout and European Eel in the Context of Offshore Renewables” to monitor migratory fish at a strategic level;

p) “Offshore Substation Platform (“OSP”)” means a structure used to accommodate the assets necessary for the collection, conversion and transmission of electrical power from the individual wind turbine generators (“WTGs”);

q) “Marine Mammal Monitoring Programme” means the programme put in place by the Moray Firth wind farm developers and the University of Aberdeen to monitor the effects of the Beatrice, Telford, Stevenson and MacColl wind farms on marine mammals;

r) “the Vessel Report” means the online reports made available by the Licensee on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at:

<http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>; and

s) “the Persons Acting on Behalf of the Licensee Report” means the online reports made available by the Licensee on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at:

<http://www.morayoffshore.com/morayeast/the-project/notices-to-mariners/>.

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 the 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 on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

## **1.4 Variation, suspension, revocation and transfer**

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

Under section 71(7) of the 2009 Act, on an application made by the Licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the 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 the licence from the Licensee to another person.

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

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

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

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

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

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 purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and

that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

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

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

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 the licence.

### **1.8 Appeals**

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

## **2. PART 2 – THE WORKS**

### **2.1 Title of the Works**

The title of the Works to which this licence relates is the 'Moray Offshore Windfarm (East) Limited ("Moray East") Modified Offshore Transmission Infrastructure'.

### **2.2 Description of the Works**

Modified Offshore Transmission Infrastructure containing up to 2 AC Offshore Substation Platforms ("OSPs"), substructure and foundations for the OSPs, inter-platform cabling within the three consented Telford, Stevenson and MacColl wind farms and up to 4 triplecore submarine HVAC export cables between the OSPs and the shore.

### **2.3 Location of the Works**

Within the Site on the Smith Bank in the outer Moray Firth, and export cable corridor to landfall at Inverboyndie Bay, within the Scottish marine area and the UK marine licensing area, off the North East of Scotland, within the area bounded by joining the following points:

Moray East Modified Offshore Transmission Infrastructure licence area:

58° 07.104' N 2° 39.119' W 57° 40.710' N 2° 35.123' W  
58° 02.622' N 2° 38.698' W 57° 40.716' N 2° 35.129' W  
57° 58.350' N 2° 38.333' W 57° 40.716' N 2° 35.140' W  
57° 52.428' N 2° 37.830' W 57° 40.716' N 2° 35.146' W  
57° 49.668' N 2° 37.603' W 57° 40.728' N 2° 35.162' W  
57° 41.568' N 2° 32.581' W 57° 40.728' N 2° 35.173' W  
57° 40.986' N 2° 32.173' W 57° 40.722' N 2° 35.188' W  
57° 40.338' N 2° 32.501' W 57° 40.770' N 2° 35.247' W  
57° 40.182' N 2° 32.601' W 57° 41.340' N 2° 36.001' W  
57° 40.194' N 2° 32.637' W 57° 43.038' N 2° 38.008' W  
57° 40.200' N 2° 32.664' W 57° 44.988' N 2° 40.288' W  
57° 40.200' N 2° 32.684' W 57° 45.126' N 2° 40.439' W  
57° 40.194' N 2° 32.722' W 57° 46.812' N 2° 42.596' W  
57° 40.194' N 2° 32.825' W 57° 47.916' N 2° 41.832' W  
57° 40.200' N 2° 32.891' W 57° 49.410' N 2° 40.860' W  
57° 40.206' N 2° 32.961' W 57° 49.716' N 2° 40.729' W  
57° 40.212' N 2° 33.007' W 57° 51.798' N 2° 40.915' W  
57° 40.218' N 2° 33.086' W 57° 54.492' N 2° 41.146' W  
57° 40.230' N 2° 33.157' W 57° 57.186' N 2° 41.379' W  
57° 40.236' N 2° 33.193' W 57° 59.874' N 2° 41.612' W  
57° 40.248' N 2° 33.255' W 58° 02.028' N 2° 41.798' W

57° 40.278' N 2° 33.365' W 58° 02.568' N 2° 41.845' W  
57° 40.296' N 2° 33.425' W 58° 04.722' N 2° 42.032' W  
57° 40.314' N 2° 33.500' W 58° 05.796' N 2° 42.126' W  
57° 40.332' N 2° 33.534' W 58° 06.480' N 2° 42.206' W  
57° 40.350' N 2° 33.565' W 58° 06.174' N 2° 43.736' W  
57° 40.362' N 2° 33.592' W 58° 05.814' N 2° 45.515' W  
57° 40.368' N 2° 33.623' W 58° 04.842' N 2° 50.345' W  
57° 40.374' N 2° 33.649' W 58° 03.948' N 2° 54.796' W  
57° 40.374' N 2° 33.675' W 58° 04.044' N 2° 54.570' W  
57° 40.374' N 2° 33.703' W 58° 04.224' N 2° 54.154' W  
57° 40.386' N 2° 33.749' W 58° 04.476' N 2° 53.575' W  
57° 40.404' N 2° 33.821' W 58° 04.878' N 2° 52.838' W  
57° 40.416' N 2° 33.859' W 58° 05.382' N 2° 52.067' W  
57° 40.428' N 2° 33.873' W 58° 05.940' N 2° 51.407' W  
57° 40.440' N 2° 33.893' W 58° 06.582' N 2° 50.842' W  
57° 40.452' N 2° 33.914' W 58° 07.092' N 2° 50.479' W  
57° 40.464' N 2° 33.941' W 58° 07.566' N 2° 50.261' W  
57° 40.476' N 2° 33.963' W 58° 07.896' N 2° 50.146' W  
57° 40.482' N 2° 33.983' W 58° 08.328' N 2° 50.026' W  
57° 40.482' N 2° 33.998' W 58° 08.946' N 2° 49.990' W  
57° 40.500' N 2° 34.028' W 58° 09.594' N 2° 50.076' W  
57° 40.506' N 2° 34.043' W 58° 10.056' N 2° 50.248' W  
57° 40.524' N 2° 34.044' W 58° 10.512' N 2° 50.442' W  
57° 40.542' N 2° 34.042' W 58° 10.782' N 2° 50.612' W  
57° 40.548' N 2° 34.043' W 58° 10.992' N 2° 50.745' W  
57° 40.554' N 2° 34.059' W 58° 11.508' N 2° 51.175' W  
57° 40.566' N 2° 34.084' W 58° 12.054' N 2° 51.748' W  
57° 40.584' N 2° 34.099' W 58° 12.570' N 2° 52.451' W  
57° 40.602' N 2° 34.098' W 58° 12.606' N 2° 52.379' W  
57° 40.632' N 2° 34.093' W 58° 12.744' N 2° 52.086' W  
57° 40.656' N 2° 34.076' W 58° 12.888' N 2° 51.798' W  
57° 40.662' N 2° 34.073' W 58° 13.032' N 2° 51.515' W  
57° 40.674' N 2° 34.072' W 58° 13.182' N 2° 51.235' W  
57° 40.692' N 2° 34.076' W 58° 13.332' N 2° 50.962' W  
57° 40.746' N 2° 34.095' W 58° 13.488' N 2° 50.693' W  
57° 40.758' N 2° 34.097' W 58° 13.656' N 2° 50.411' W  
57° 40.770' N 2° 34.109' W 58° 13.812' N 2° 50.152' W  
57° 40.788' N 2° 34.150' W 58° 13.974' N 2° 49.899' W  
57° 40.806' N 2° 34.167' W 58° 14.136' N 2° 49.652' W  
57° 40.824' N 2° 34.186' W 58° 14.334' N 2° 49.363' W  
57° 40.842' N 2° 34.199' W 58° 14.382' N 2° 49.280' W  
57° 40.866' N 2° 34.222' W 58° 14.538' N 2° 49.022' W  
57° 40.878' N 2° 34.244' W 58° 14.700' N 2° 48.769' W



57° 40.878' N 2° 34.270' W 58° 14.784' N 2° 48.647' W  
57° 40.872' N 2° 34.287' W 58° 15.030' N 2° 48.277' W  
57° 40.866' N 2° 34.307' W 58° 15.198' N 2° 48.040' W  
57° 40.866' N 2° 34.328' W 58° 15.366' N 2° 47.809' W  
57° 40.890' N 2° 34.319' W 58° 15.540' N 2° 47.582' W  
57° 40.890' N 2° 34.330' W 58° 15.714' N 2° 47.362' W  
57° 40.884' N 2° 34.349' W 58° 15.888' N 2° 47.147' W  
57° 40.902' N 2° 34.361' W 58° 16.068' N 2° 46.939' W  
57° 40.914' N 2° 34.399' W 58° 16.242' N 2° 46.736' W  
57° 40.914' N 2° 34.419' W 58° 16.428' N 2° 46.539' W  
57° 40.920' N 2° 34.449' W 58° 16.608' N 2° 46.348' W  
57° 40.926' N 2° 34.466' W 58° 16.794' N 2° 46.163' W  
57° 40.932' N 2° 34.489' W 58° 16.980' N 2° 45.984' W  
57° 40.932' N 2° 34.509' W 58° 17.094' N 2° 45.881' W  
57° 40.812' N 2° 34.684' W 58° 17.190' N 2° 45.790' W  
57° 40.788' N 2° 34.697' W 58° 17.382' N 2° 45.623' W  
57° 40.770' N 2° 34.739' W 58° 17.574' N 2° 45.463' W  
57° 40.770' N 2° 34.744' W 58° 17.766' N 2° 45.310' W  
57° 40.734' N 2° 34.797' W 58° 17.958' N 2° 45.161' W  
57° 40.746' N 2° 34.827' W 58° 18.156' N 2° 45.021' W  
57° 40.740' N 2° 34.837' W 58° 18.354' N 2° 44.887' W  
57° 40.728' N 2° 34.853' W 58° 18.552' N 2° 44.759' W  
57° 40.704' N 2° 34.867' W 58° 18.750' N 2° 44.638' W  
57° 40.698' N 2° 34.866' W 58° 18.948' N 2° 44.522' W  
57° 40.680' N 2° 34.884' W 58° 19.152' N 2° 44.414' W  
57° 40.674' N 2° 34.940' W 58° 19.296' N 2° 44.339' W  
57° 40.662' N 2° 34.984' W 58° 19.320' N 2° 44.328' W  
57° 40.656' N 2° 35.021' W 58° 19.380' N 2° 44.296' W  
57° 40.656' N 2° 35.064' W 58° 14.970' N 2° 37.187' W  
57° 40.662' N 2° 35.102' W 58° 13.146' N 2° 34.265' W  
57° 40.674' N 2° 35.127' W 58° 08.082' N 2° 34.184' W  
57° 40.698' N 2° 35.133' W

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

This licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the maximum amounts as specified below:

Steel/Iron, 13,250 tonne;  
Plastic/Synthetic, 500 tonne;  
Concrete 175 tonne;  
Stone/Rock/Gravel, size range 25mm-600 mm, 105,263m<sup>3</sup>;  
Concrete Bags/Mattresses, No. 200, 6 m x 3 m x 1.5 m, 5400 m<sup>3</sup>;  
Cable, 310,000 m

As described in the application dated 15 September, 2020 and correspondence submitted in support of the application.

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

The Licensee must ensure that the operators, vessels and vehicles engaging in the Licensable Marine Activity authorised under this licence, are fully detailed in the Vessel Report prior to their engagement in the Works. In accordance with condition 3.1.2, the Licensee must make the Vessel Reports available on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

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

The Licensee must ensure that the name and address of any agents, contractors or subcontractors appointed to carry out any part, or all, of the Licensable Marine Activity authorised under this licence, are fully detailed in the Persons Acting on Behalf of the Licensee Report prior to their engagement in the Works. In accordance with condition 3.1.2, the Licensee must make the Persons Acting on Behalf of the Licensee Reports available on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

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

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

##### **3.1.2 Vessels, vehicles, agents, contractors and sub-contractors**

The Licensee must ensure that prior to their engagement in the Licensable Marine Activity authorised under this licence, the name and function of any vessel, vehicle, agent, contractor or sub-contractor appointed to engage in the Works and, where applicable, the master's name, vessel type, vessel IMO number and vessel owner or operating company, are fully detailed in the Vessel Report and the Persons Acting on Behalf of the Licensee Reports available on the Moray East Offshore Wind Farm, Keeping Mariners Informed webpage, which can be found at: <http://www.morayoffshore.com/moray-east/the-project/notices-to-mariners/>.

Any changes to the supplied details must be uploaded to the Vessel Report and the Persons Acting on Behalf of the Licensee Report and the Licensing Authority must be notified, in writing, prior to any vessel, agent, contractor or sub-contractor which has not yet been notified to the Licensing Authority engaging in the Licensable Marine Activity.

Only those vessels, agents, contractors or sub-contractors detailed in the Vessel Report and the Persons Acting on Behalf of the Licensee Report are permitted to carry out any part of 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 and section 72 of the 2009 Act, ensuring it is read and understood, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Works.

##### **3.1.3 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.

#### **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 the 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 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.

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

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

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

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

#### **3.1.7 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.

**3.1.8 Environmental protection**

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area and the UK marine licensing area caused by the carrying out of the Licensable Marine Activity.

The Licensee shall ensure appropriate steps are taken to minimise damage to the beach and foreshore by the Licensable Marine Activity. 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 licence area of the Works need not be removed from the seabed.

**3.1.9 Availability of the licence for inspection**

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

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

**3.1.10 Inspection of the Works**

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

**3.1.11 Emergencies**

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

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

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

### **3.1.12 Marine Pollution Contingency Plan ("MPCP")**

The Licensee must, no later than 3 months prior to the Commencement of the Works, submit in writing to the Licensing Authority for their written approval, a 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 structures 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. The Works must be constructed and operated in accordance with the MPCP.

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

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

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

The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a PEMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the Joint Nature Conservation Committee ("JNCC"), Scottish Natural Heritage ("SNH"), Whale and Dolphin Conservation ("WDC"), the Association of Salmon Fishery Boards ("ASFB") and any other ecological advisors as required at the discretion of the Licensing Authority. The PEMP must be in accordance with the Application as it relates to environmental monitoring.

The PEMP must set out measures by which the Licensee must monitor the environmental impacts of the Works. Monitoring is required throughout the lifespan of the Works where this is deemed necessary by the Licensing Authority and specifically, monitoring for cable exposure as specified in condition 3.2.2.10 parts f and g. Lifespan in this context includes pre-construction, construction, operational and decommissioning phases.

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

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

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

a) Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring surveys as relevant in terms of the Application and any subsequent surveys for:

1. Diadromous fish;
2. Benthic communities; and
3. Seabed scour and local sediment deposition.

b) The participation by the Licensee in surveys to be carried out in relation to marine mammals as set out in the Marine Mammal Monitoring Programme.

All the initial methodologies for the above monitoring must be approved, in writing, by the Licensing Authority and, where appropriate, in consultation with the Moray Firth Regional Advisory Group ("MFRAG"), referred to in conditions 3.2.2.18 and 3.2.3.10 of this licence. Any pre-consent surveys carried out by Licensee to address any of the above species may be used in part to discharge this condition.

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

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

### **3.2.1.2 Environmental Management Plan ("EMP")**

The Licensee must, no later than 6 months prior to the Commencement of the Works, submit an EMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The Works must, at all times, be constructed and

operated in accordance with the approved EMP (as updated and amended from time to time by the Licensee). Any updates or amendments made to the EMP by the Licensee must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with Aberdeenshire Council.

The EMP must set out a mechanism for the approval process for all proposed updates to the EMP. This must include, but not be limited to, a programme for the consideration of the consultation on, and any subsequent grant of approval of the proposed updated EMP, to be agreed in writing between the Licensee and the Licensing Authority.

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

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

The EMP must be in accordance with the Application as it relates to environmental management measures. The EMP must set out the roles, responsibilities and chain of command of any Licensee personnel, 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:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction surveys, and include the relevant parts of the Construction Method Statement ("CMS");
- b) A completed Written Scheme of Investigation ("WSI") approved by Historic Scotland;
- c) Pollution prevention measures and contingency plans;
- d) Management measures to prevent the introduction of marine non-native marine species;
- e) Measures to minimise, recycle, reuse and dispose of waste streams; and
- f) The methods for responding to environmental incidents and the reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders (including, but not limited to, the JNCC, SNH, SEPA, Maritime and Coastguard Agency ("MCA") and the Northern Lighthouse Board ("NLB")) with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The Licensee must, no later than 3 months prior to the Final Commissioning of the Works, submit an updated EMP, in writing, to cover the operation and maintenance activities for the Works to the Licensing Authority for their written approval. Such approval may be given only following consultation with the JNCC, SNH, SEPA and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The EMP must be regularly reviewed by the Licensee and the MFRAG (refer to conditions 3.2.2.18 and 3.2.3.10) over the lifespan of the Works, and be kept up to date (in relation to the likes of construction methods and operations of the Works in terms of up to date working practices) by the Licensee in consultation with the MFRAG.

The EMP must be informed, so far as reasonably practicable, by the baseline surveys undertaken as part of the



Application and the PEMP.

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

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

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

The licensee must continue its membership in the MFOWDG-CFWG or any successor group formed to facilitate commercial fisheries dialogue to define and finalise the draft Commercial Fisheries Mitigation Strategy 9dated 1st July 2013 (Revision C)) ("CFMS") and define and finalise the draft Export Cable Commercial Fisheries Mitigation Strategy (dated 27th August 2014 (Revision B)) ("XCFMS"). As part of the finalised CFMS and XCFMS, the Licensee must produce and implement a mitigation strategy for each commercial fishery that can prove to the Licensing Authority that they will be adversely affected by the Works. Should it be deemed necessary by the MFOWDG-CFWG, investigations into alternative gear for the scallop fishing industry in the Moray Firth must form part of the CFMS and XCFMS. The CFMS and XCFMS to be implemented must be approved in writing by the Licensing Authority. The Licensee must implement all mitigation measures committed to be carried out by the Licensee within the CFMS and XCFMS, so far as is applicable to the Works. Any agents or their contractors or sub-contractors working for the Licensee, must co-operate with the fishing industry to ensure the effective implementation of said CFMS and XCFMS.

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

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

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

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

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

The Licensee must take all reasonable, appropriate and practicable steps to restore the Site to its original condition before the Licensable Marine Activity was 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 Licensed Marine Activity be discontinued prior to Completion of the Works, the Licensee must inform the Licencing Authority in writing of the discontinuation of the Works. This licence will be varied

under section 30(3) of the 2010 Act following procedures laid out under section 31 of the 2010 Act, and under section 72(3) of the 2009 Act to allow the removal of Works already installed

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

#### **3.2.2.1 Commencement date of the Works**

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

#### **3.2.2.2 Decommissioning Programme ("DP")**

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

#### **3.2.2.3 Construction Programme ("COP")**

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

The CoP must set out:

- a) The proposed date for Commencement of the 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.

#### **3.2.2.4 Construction Method Statement ("CMS")**

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

steps proposed in the Application are to be delivered.

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

### **3.2.2.5 Piling Strategy ("PS")**

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

The PS must include:

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

The PS must be in accordance with the Application and reflect any surveys carried out after submission of the Application. The PS must demonstrate how the exposure to and/or the effects of underwater noise have been mitigated in respect of the following species: bottlenose dolphin; harbour seal; Atlantic salmon; cod; and herring.

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

### **3.2.2.6 Development Specification and Layout Plan ("DSLPL")**

The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a DSLPL, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the MCA, NLB, the Chamber of Shipping ("CoS"), the JNCC, SNH, the Scottish Fishermen's Federation ("SFF") and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

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

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

### 3.2.2.7 Design Statement ("DS")

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

### 3.2.2.8 Vessel Management Plan ("VMP")

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

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

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

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

### 3.2.2.9 Navigational Safety Plan ("NSP")

The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a NSP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority. The NSP must include, but not be limited to, the following issues:

- a) Navigational safety measures;
- b) Construction exclusion zones;
- c) Notice(s) to Mariners and Radio Navigation Warnings;
- d) Anchoring areas;
- e) Temporary construction lighting and marking;
- f) Emergency response and co-ordination arrangements for the construction, operation and decommissioning phases of the Works; and

g) Buoyage.

The Licensee must confirm within the NSP that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note 371, and its annexes, that may be appropriate to the Works, or any other relevant document which may supersede said guidance.

#### **3.2.2.10 Cable Plan ("CaP")**

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

The CaP must include the following:

- a) Details of the location and cable laying techniques for the cables;
- b) The results of survey work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c) A pre-construction survey for Annex 1 habitat and priority marine features to inform cable micro-siting and installation methods in consultation with the Licensing Authority and their advisors;
- d) Technical specification of all cables, including a desk based assessment of attenuation of electromagnetic field strengths and shielding;
- e) A burial risk assessment to ascertain if burial depths can be achieved. In locations where this is not possible then suitable protection measures must be provided;
- f) Methodologies for over trawl surveys of the cables through the operational life of the Works where mechanical protection of cables laid on the sea bed is deployed; and
- g) Measures to address exposure of any cables.

#### **3.2.2.11 Traffic and Transportation Plan ("TTP")**

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

#### **3.2.2.12 Ecological Clerk of Works ("ECoW")**

Prior to the Commencement of the Works, the Licensee must at its own expense, and with the approval of the Licensing Authority in consultation with the JNCC and SNH, appoint an ECoW. The term of appointment for the ECoW shall be from a start date to be agreed, in writing, with the Licensing Authority, until the Final Commissioning of the Works. The responsibilities of the ECoW must include, but not be limited to:

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

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

#### **3.2.2.13 Fisheries Liaison Office ("FLO")**

Prior to the Commencement of the Works, a FLO, approved by Licensing Authority, must be appointed by the Licensee for the period from Commencement of the Works until the Final Commissioning of the Works. The Licensee must notify the Licensing Authority of the identity and credentials of the FLO before Commencement of the Works by including such details in the EMP (refer to condition 3.2.1.2). The FLO must establish and maintain effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Works, and ensure compliance with best practice guidelines whilst doing so.

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

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

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

#### **3.2.2.14 Navigation and Aviation Safety and Charting**

The Licensee must, as soon as reasonably practicable 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 nautical charts and publications through the national Notice to Mariners system.

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

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, as soon as reasonably practicable prior to the Commencement of 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 Commencement of the Works, ensure that the location of all OSPs and cables are made available for inclusion in the Clyde Cruising Club Sailing Directions and Anchorages.

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

The LMP must make provision for amending the marking and lighting of the OSPs, as required by NLB and/or the CAA, in the event that any OSPs are constructed prior to the construction of WTGs within the Site, to ensure the marking and lighting of any OSP suits the layout of any surrounding WTGs that form part of any wind farm development located within the Site.

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

The Licensee must, prior to the Commencement of the Works, and following confirmation of the approved DSLP by the Licensing Authority, provide the precise location and maximum heights of all OSPs and construction equipment over 150 m above lowest astronomical tide ("LAT"), and details of any lighting fitted to all OSPs, to the UKHO for aviation and nautical charting purposes.

**3.2.2.15 Third Party Certification or Verification ("TPC" or "TPV")**

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

**3.2.2.16 Marine Archaeology Reporting Protocol ("MARP")**

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

**3.2.2.17 Noise Registry**

The Licensee must, in the event that pile foundations are to be used, submit the appropriate completed noise registry form to the Licensing Authority and the JNCC stating, the proposed date(s), location(s) and nature of the piling activities under authority of this licence.

**3.2.2.18 Moray Firth Regional Advisory Group ("MFRAG")**

The Licensee must participate in any MFRAG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, diadromous fish, marine mammals and commercial fish. Should a Scottish Strategic Marine Environment Group ("SSMEG") be established (refer to conditions 3.2.2.19 and 3.2.3.11), the responsibilities and obligations being delivered by the MFRAG will be subsumed by the SSMEG at a timescale to be determined by the Licensing Authority.

**3.2.2.19 Scottish Strategic Marine Environment Group ("SSMEG")**

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



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

#### **3.2.3.1 Compliance with and amendments to approved plans**

The Licensee must, at all times, construct the Works in accordance with the approved EMP, CoP, CMS, PS, DSLP, VMP, NSP, CaP, TTP and LMP (as updated and amended from time to time by the Licensee). Any updates or amendments made to the EMP, CoP, CMS, PS, DSLP, VMP, NSP, CaP, TTP, and LMP by the Licensee, must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval.

#### **3.2.3.2 Operation and Maintenance Programme ("OMP")**

The Licensee must, no later than 3 months prior to the commissioning of the first OSP, submit an OMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The OMP must set out the procedures and good working practices for the operations and maintenance of the OSPs, substructures, and cable network of the Works. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

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

#### **3.2.3.3 Transportation audit sheet**

The Licensee must submit a Transportation Audit Report ("TAR") in line with condition 3.2.3.4 below.

#### **3.2.3.4 Transportation audit report**

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

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

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

**3.2.3.5 Navigational safety**

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

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

The Licensee must ensure that the progress of Construction of 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, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of damage to or destruction or decay of the Works. The Licensing Authority will advise, in writing, of any remedial action to be taken and any requirement to display aids to navigation, following consultation with the MCA, the NLB or any such advisers as required.

The Licensee must ensure that any Emergency Response and Rescue Vehicle ("ERRV") and/or cable-laying vessel permitted to engage in the Works is equipped with an automatic identification system ("AIS") and automatic radar plotting aids ("ARPA").

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 Works shall be marked and/or lighted as required by the NLB and the marking to be continued unless and until the Licensing Authority rescind this direction.

If it is desired to display any marks or lights not required by this licence then details must be submitted to the NLB and their ruling complied with. The display of unauthorised marks or lights is prohibited.

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

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

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

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

The Licensee must, as construction of the Works and the WTGs progresses, ensure that any OSP constructed within the Site prior to the construction of any WTGs, will have its marking and lighting amended, in accordance in the LMP, to suit the layout of any surrounding WTGs that form part of any wind farm development located within the Site.

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

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 secured to the seabed.

### **3.2.3.8 Horizontal Directional Drilling ("HDD")**

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

### **3.2.3.9 Noise registry**

The Licensee must, in the event that pile foundations are to be used, and piling is to be carried out for more than 10 consecutive days, submit at quarterly intervals, the appropriate completed noise registry form to the Licensing Authority and the JNCC, stating the date(s), location(s) and nature of such activities under authority of this licence.

### **3.2.3.10 Moray Firth Regional Advisory Group ("MFRAG")**

The Licensee must participate in any MFRAG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, diadromous fish, marine mammals and commercial fish. Should a SSMEG be established (refer to conditions 3.2.2.19 and 3.2.3.11), the responsibilities and obligations being delivered by the MFRAG will be subsumed by the SSMEG at a timescale to be determined by the Licensing Authority.

### **3.2.3.11 Scottish Strategic Marine Environment Group ("SSMEG")**

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

### **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 month following the Completion of the Works, notify the Licensing Authority, in writing, of the date of Completion of the Works.

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

The Licensee must, no later than 1 month following 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 and the UK marine licensing area under the authority of this licence. Where appropriate, nil returns must be provided.

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

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

#### **3.2.4.4 Compliance with and amendments to approved plans**

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

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

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

#### **3.2.4.5 Navigational safety**

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

The Licensee must, within 1 month of Completion of the Works, provide the "as-built" positions and maximum heights of all OSPs, along with any sub-sea infrastructure, cable landing points and changes to navigable depths, to the UKHO for aviation and nautical charting purposes.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Maritime Rescue Coordination Centre Shetland and Aberdeen, 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, notify the Licensing Authority, in writing, as soon as reasonably practicable, of any case of damage to or destruction or decay of the Works. The Licensing Authority will advise, in writing, of any remedial action to be taken and any 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 the OfCom.

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

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

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

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

The Licensee must ensure that the marking and lighting of any OSP within the Site is amended, in accordance in the LMP, to suit the final layout of the WTGs that form part of any wind farm development located within the Site.

#### **3.2.4.7 Noise Registry**

The Licensee must, in the event that pile foundations were used, submit the appropriate completed noise registry form to the Licensing Authority and the JNCC, within 12 weeks of Completion of the Works, stating the actual date(s), location(s) and nature of piling activities carried out under authority of this licence.

#### **3.2.4.8 Environmental protection**

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

**3.2.4.9 Operation and Maintenance**

The Licensee must, within 3 months of the Completion of the Works, provide an updated OMP, in writing, to the Licencing Authority for their written approval. 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 material they will require further marine licences.

**3.2.4.10 Decommissioning**

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

**NOTES**

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.

2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.