

MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING

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

Licence Number: **MS-00010231**

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

Green Volt Offshore Windfarm Ltd
12 Alva Street
Edinburgh
EH2 4QG

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

The licence is valid from **19 April, 2024** 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:

Debbie England

For and on behalf of the Licensing Authority

Date of issue: 19 April, 2024

1. PART 1 - GENERAL

1.1 Interpretation

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

“2009 Act” means the Marine and Coastal Access Act 2009;

“Addendum of Additional Information” means the additional information requested from the Applicant, submitted on 20 October 2023;

“Application” means the Environmental Impact Assessment Report, Report to Inform Appropriate Assessment and supporting documents submitted by the Licensee on 20 January 2023 to construct an offshore generating station and transmission works, it also includes the Addendum of Additional Information submitted on 20 October 2023;

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

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

“CAA” means the Civil Aviation Authority;

“CaP” means Cable Plan;

“CBRA” means Cable Burial Risk Assessment;

“CMS” means Construction Method Statement;

“CoP” means Construction Programme;

“CRM” means collision risk modelling;

“DP” means Decommissioning Programme;

“ECoW” means Environmental Clerk of Works;

“EMF” means Electromagnetic Fields;

“EMP” means Environmental Management Plan;

“FLO” means Fisheries Liaison Officer;

“FMMS” means Fisheries Management and Mitigation Strategy;

“GIS” means Geographic Information System;

“HES” means Historic Environment Scotland;

“IALA” means International Association of Marine Aids to Navigation and Lighthouse Authorities;

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

“Licensee” means Green Volt Offshore Windfarm Ltd (Company Number SC698787), having its registered office at 12 Alva Street, Edinburgh, EH2 4QG, United Kingdom;

“LMP” means Lighting and Marking Plan;

“MCA” means the Maritime and Coastguard Agency;

“Mean High Water Springs” means any area submerged at mean high water spring tide;

“MGN” means Marine Guidance Note;

“MMO” means Marine Mammal Observer;

“MOD” means the Ministry of Defence;

“MPCP” means Marine Pollution Contingency Plan;
 “NATS” means National Air Traffic Service Safeguarding;
 “NLB” means the Northern Lighthouse Board;
 “Noise Registry” means the marine noise registry developed by the Department for Environment, Food and Rural Affairs and the Joint Nature Conservation Committee to record human activities in UK seas that produce loud low to medium frequency (10 Hz-10 kHz) impulsive noise;
 “NSP” means Navigational Safety Plan;
 “OMP” means Operation and Maintenance Programme;
 “PAD” means Protocol for Archaeological Discoveries;
 “PAM” means passive acoustic monitoring;
 “PEMP” means Project Environmental Monitoring Programme;
 “PRMS” means Primary Radar Mitigation Scheme;
 “RSPB” means the Royal Society for the Protection of Birds Scotland;
 “RYA” means the Royal Yachting Association Scotland;
 “SAR” means Search and Rescue;
 “ScotMER” means Scottish Marine Energy Research Programme;
 “Section 105 notice” means a notice issued under Section 105 of the Energy Act 2004 requiring the submission of a decommissioning programme served by the Licensing Authority on behalf of the Scottish Ministers;
 “SFF” means the Scottish Fishermen’s Federation;
 “SLVIA” means Seascape, Landscape and Visual Impact Assessment;
 “UKHO” means United Kingdom Hydrographic Office;
 “VMP” means Vessel Management Plan;
 “Works” means the offshore wind farm transmission infrastructure, as described in Part 2 of the Licence; and
 “WSI” means Written Scheme of Investigation.

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

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

Marine Directorate - Licensing Operations Team
 375 Victoria Road
 Aberdeen
 AB11 9DB
 Email: MD.MarineRenewables@gov.scot

1.3 Other authorisations and consents

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

1.4 Variation, suspension, revocation and transfer

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

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

1.5 Breach of requirement for, or conditions of, licence

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

1.6 Defences: actions taken in an emergency

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

the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure, and that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

1.7 Offences relating to information

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

1.8 Appeals

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

2. PART 2 – PARTICULARS

2.1 Location of the Licensed Activity

Green Volt offshore export cable to Buzzard, being the area bound by joining the following points:

57° 50.604' N 00° 39.532' W
 57° 50.376' N 00° 39.561' W
 57° 50.203' N 00° 40.792' W
 57° 48.746' N 00° 56.915' W
 57° 48.409' N 00° 57.958' W
 57° 48.417' N 00° 59.098' W
 57° 49.001' N 00° 59.082' W
 57° 48.818' N 00° 58.243' W
 57° 49.134' N 00° 57.272' W
 57° 49.163' N 00° 57.129' W
 57° 50.700' N 00° 40.119' W
 57° 50.717' N 00° 39.928' W

As shown in Annex One.

2.2 Description of the Licensed Activity

The Works comprise the offshore transmission infrastructure to Buzzard including:

1. No more than two subsea offshore export cables to Buzzard, each cable measuring no more than 30 km in length;
2. Associated scour and cable protection up to maximum volumes specified below for stone/rocks/gravel and concrete bags/mattresses;

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

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

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

Construction Materials

Stone/rock/gravel - 39,450 cubic metres ("m³")

Concrete mattresses - 90 mattresses - 6.0 metres ("m") x 3.0 m x 0.3 m - 486 m³ total volume

Cable - 60,000 m - 60 kilometres total length

2.4 Contractor and Vessel Details

To be confirmed.

3. PART 3 – CONDITIONS

3.1 General Conditions

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

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

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

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

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

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

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

3.1.8 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Such reports will include, but not be limited to a Transport Audit Report, the Noise Registry, MMO records and all appropriate reports stipulated within the PEMP.

3.1.14 The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under the licence in relation to the Licensed Activity, in writing, to the Licensing Authority for its written

approval. Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval to the Licensee.

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

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

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

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

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

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

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

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

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

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

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

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

3.2 Prior to the commencement of the Licensed Activity

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

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

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

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

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

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

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

3.2.3 The Licensee must, no later than 14 days prior to Commencement of the Licensed Activity, notify the UK Hydrographic Office ("UKHO") at sdr@ukho.gov.uk, of the Licensed Activity. The notification must include the start and end date of the Licensed Activity, a description of the Works, positions of the area of the Works (WGS84, and details of any marking arrangements. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

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

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

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

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

Construction Programme

3.2.4 The Company must, no later than six months prior to the Commencement of the Licensed Activity, submit a Construction Programme (“CoP”), in writing, to the Licensing Authority for its written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The CoP must set out:

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

The final CoP must be sent to Aberdeenshire Council, Aberdeen City Council and Angus Council for information only.

Construction Method Statement

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

The CMS must include, but not be limited to:

- a) Details of the commencement dates, duration and phasing for the key elements of construction, the working areas, 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; and
- c) Details of how the construction related mitigation steps proposed in the Application are to be delivered.

The CMS must adhere to the construction methods assessed in the Application. The CMS also must, so far as is reasonably practicable, be consistent with the DS, the EMP, the VMP, the NSP, the CaP and the LMP.

The final CMS must be sent to Aberdeenshire Council, Aberdeen City Council and Angus Council for information only.

Development Specification and Layout Plan

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

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

- a) A plan showing the location of the export cables including information on seabed conditions, bathymetry and any key constraints recorded on the site;
- b) The length and proposed arrangements on or above the seabed of all export cables; and
- c) Information on any cable protection, including type and location.

Environmental Management Plan

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

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

- a) All construction as required to be undertaken for the Final Commissioning of the Works; and
- b) The operational lifespan of the Works from the Final Commissioning of the Works until the cessation of electricity generation (environmental management during decommissioning is addressed by the DP provided for by condition 3.1.18).

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

The EMP must be in accordance with the Application insofar as it related to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Licensee personnel any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the

construction and operation of the Works. It must address, but not be limited to, the following overarching requirements for environmental management during construction:

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

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

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

Vessel Management Plan

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

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

- a) The number, types and specification of vessels required;
- b) How vessel management will be coordinated, particularly during construction, but also during operation; and
- c) Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction of the Works.

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

The VMP should refer to the Scottish Marine Wildlife Watching Code and Guide to Best Practice for Watching Marine Wildlife for guidance on how vessels should behave around aggregations of birds on the water.

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

Operation and Maintenance Programme

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

The OMP must set out the procedures and good working practices for operations and the maintenance of the WTG's, substructures, and inter-array 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.

Navigational Safety Plan

3.2.10 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Navigational Safety Plan ("NSP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB, RYA, SFF and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority.

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

- a) Navigational safety measures;
- b) Construction safety zones;
- c) Notice(s) to mariners and radio navigation warnings;
- d) Anchoring areas;
- e) Temporary construction lighting and marking;
- f) Buoyage;
- g) Post-construction monitoring; and
- h) Hydrographic surveys.

The Licensee must confirm that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note ("MGN") 654, and its annexes that may be appropriate to the Development, or any other relevant document which may supersede this guidance prior to approval of the NSP.

Export Cable Plan

3.2.11 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit an Export Cable Plan ("CaP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by

the Licensing Authority with NatureScot, MCA, SFF and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CaP must be in accordance with the Application.

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

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

Should High Voltage Direct Current (HVDC) transmission infrastructure be used, the CaP must include a pre-construction compass deviation study to ascertain the effect of EMF on ships compasses. The Licensing Authority will accept a three-degree deviation for 95% of the cable route and no more than 5% deviation for the remaining 5%. Any greater deviation must be agreed in writing by the Licensing Authority, in consultation with the MCA, and may be subject to additional mitigation measures and reporting requirements.

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

Project Environmental Monitoring Plan

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

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

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

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

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

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

- a) Birds;
- b) Fish and shellfish;
- c) Diadromous Fish;
- d) Marine mammals; and
- e) Benthic Communities.

The Licensee's contribution to data collection or monitoring of wider strategic relevance, as identified and agreed by the Licensing Authority.

In relation to EMF, the Licensee must monitor and provide a report on the EMF produced by the works to the Licensing Authority. The Licensee must agree the methodologies and timescales for monitoring with the Licensing Authority prior to the Commencement of the Licensed Activity. Any agreement must be adhered to unless otherwise agreed and approved by the Licensing Authority.

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

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

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

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

Subject to any legal restrictions regarding the treatment of the information, the Licensing Authority, or any such other party appointed at the Licensing Authority's discretion, may make the results publicly available.

The Licensing Authority may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Development.

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

Fisheries Management and Mitigation Strategy

3.2.13 The Licensee must submit a Fisheries Management and Mitigation Strategy (“FMMS”), in writing, to the Licensing Authority for its written approval no later than six months prior to the Commencement of the Licensed Activity. Full engagement with local fishing interests and other interests as appropriate must be involved in the preparation of the FMMS. All efforts must be made to agree the FMMS with those interests prior to submission. The Licensed Activity cannot take place until approval is granted. Such approval may only be granted following consultation by the Licensing Authority with SFF and any other advisors or organisations as required at the discretion of the Licensing Authority.

The FMMS must include:

- a) a strategy for communicating with fishers;
- b) an assessment of the impact of the Licensed Activity on the affected commercial fisheries, both in socio-economic terms and in terms of environmental sustainability;
- c) a description of measures to mitigate adverse effects on commercial fisheries; and
- d) a description of the monitoring of the effect of the Licensed Activity on commercial fisheries and of the effectiveness of mitigation.

The outcome of the monitoring of the effectiveness of the mitigation measures may be used to adapt the FMMS subject to the approval of the Licensing Authority.

The Licensee must implement the approved FMMS.

Should any relevant stakeholder groups be established, the Licensee must participate as directed by the Licensing Authority.

Environmental Clerk of Works

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

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

- a) Quality assurance of final draft versions of all plans and programmes required under this marine licence;

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

Fisheries Liaison Officer

3.2.15 Prior to the Commencement of the Licensed Activity, a Fisheries Liaison Officer (“FLO”), must be appointed by the Licensee and approved, in writing, by the Licensing Authority following consultation with the SFF and any other advisors or organisations as required at the discretion of the Licensing Authority. The FLO must be appointed by the Licensee for the period from Commencement of the Licensed Activity until the Final Commissioning of the Works. The identity and credentials of the FLO must be included in the EMP (referred to in condition 3.2.9). The FLO must establish and maintain effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Works, and ensure compliance with best practice guidelines whilst doing so.

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

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

Written Scheme of Investigation and Protocol for Archaeological Discoveries

3.2.16 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity submit a Protocol for Archaeological Discoveries (“PAD”) and Written Scheme of Investigation (“WSI”) which sets out what the Licensee must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Works, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted.

Such approval may be given only following consultation by the Licensing Authority with Historic Environment Scotland and any such advisors as may be required at the discretion of the Licensing Authority. The Reporting Protocol must be implemented in full, at all times, by the Licensee.

The Licensee must send the approved PAD and WSI to Aberdeenshire Council, Aberdeen City Council and Angus Council for information only.

Marine Mammal Observer

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

Detailed Seabird Compensation Plan

3.2.18 The Licensee must submit a Detailed Seabird Compensation Plan in writing to the Licensing Authority for its written approval at least six months prior to implementing the compensatory measures. Implementation of the compensatory measures cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority, which may include a compensatory measures steering group.

The Detailed Seabird Compensation Plan must be in accordance with the Outline Seabird Compensation Plan submitted on 16 April 2024, unless otherwise directed by the Licensing Authority, and demonstrate that the compensatory measures will compensate for any adverse effects on kittiwake at Buchan Ness to Collieston Coast SPA; kittiwake, razorbill and guillemot at East Caithness Cliffs SPA; gannet and puffin at Forth Islands SPA; kittiwake and guillemot at Fowlsheugh SPA; kittiwake at Troup, Pennan and Lion's Heads SPA, as identified in the Appropriate Assessment for the Licensed Activity. The Detailed Seabird Compensation Plan must include, but not be limited to, the following:

- a) a timetable of implementation and maintenance of the compensatory measures;
- b) the location of the compensatory measures;
- c) a description of the characteristics of the proposed compensatory measures;
- d) the predicted outcomes of each compensatory measure, including timescales of when those outcomes will be achieved;
- e) details of monitoring and reporting of the effectiveness of the compensatory measures including -
 - i. survey methods;
 - ii. survey programmes;
 - iii. success criteria;
 - iv. timescales for monitoring reports to be submitted to the Licensing Authority;
 - v. reporting of meeting success criteria, and
 - vi. measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures.

The Licensee must implement the measures set out in the approved Detailed Seabird Compensation Plan.

The Licensed Activity shall only be commenced where the Licensing Authority has concluded that the success criteria have been met and that the compensatory measures taken are effective and confirmed this in writing following its consideration of monitoring and reporting information provided by the Licensee.

Any requests for amendments to the approved Detailed Seabird Compensation Plan must be submitted, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority, which may include a compensatory measures steering group.

The Licensee must make such alterations to the approved Detailed Seabird Compensation Plan as directed by the Licensing Authority and submit the updated Detailed Seabird Compensation Plan to the Licensing Authority for approval within such a period as directed in writing by the Licensing Authority.

The Licensee must notify the Licensing Authority and NatureScot of the completion of any compensatory measures set out in the Detailed Seabird Compensation Plan.

3.3 During the Licensed Activity

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

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

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

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

The Transport Audit Report must include the nature and quantity of all substances and objects deposited and materials used in construction (as described in Part 2/3) in that calendar month. Alterations and updates can be made in the following month's Transport Audit Report. Where appropriate, nil returns must be provided.

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

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

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

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

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

3.4 Upon Completion of the Licensed Activity

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

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

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

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

The Licensee must ensure that the Completion of the Licensed Activity is promulgated in the soonest Kingfisher Fortnightly Bulletin following Completion of the Licensed Activity to inform the commercial fishing industry.

The Licensee must ensure that the WTGs are actively monitored throughout the lifetime of the Works. The Licensee must ensure that a contingency plan is in place to respond to any reported catastrophic failures which may result in any WTG(s), or part(s) thereof, breaking loose and becoming a buoyant hazard. This contingency plan should include the transmission of local radio navigation warnings.

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

3.4.2 The Licensee must take all reasonable, appropriate and practicable steps at the end of the operational life of the Licensed Activity to restore the site of the Works to its original pre-construction condition, or to as close to its original

condition as is reasonably practicable, in accordance with the PEMP and the DP and to the satisfaction of the Licensing Authority.

Should the Licensed Activity be discontinued prior to expiry date of this marine licence, the Licensee must inform the Licensing Authority in writing of the discontinuation of the Licensed Activity. A separate marine licence will be required for the removal of the Works.

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

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

3.4.5 The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

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

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

NOTES

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