

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

**LICENCE FOR MARINE RENEWABLES CONSTRUCTION, OPERATION AND DEPOSIT
AND REMOVAL OF SUBSTANCES OR OBJECTS IN THE SCOTTISH MARINE AREA
AND THE UNITED KINGDOM MARINE LICENSING AREA**

Licence Number: **05914/18/1**

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

Kincardine Offshore Windfarm Ltd
Saltire Court
20 Castle Terrace
Edinburgh
EH1 2EN

Under the Marine (Scotland) Act 2010,

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

Under the Marine and Coastal Access Act 2009,

- 1) to 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) to construct any works within the United Kingdom marine licensing area in or over the sea, or under the seabed,

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

SCHEDULE TO LICENCE NUMBER: 05914/18/1

DATED: 20 AUGUST 2018

This licence remains in force from **20th August 2018** to **7th March 2042** or until the Works have been decommissioned in accordance with an approved Decommissioning Programme prior to this date, and for which a separate marine licence is required.

This licence replaces licence 05914/17/0 and 05914/18/0.

Signed:

A red rectangular box, currently empty, intended for a signature.

Nicola Bain

For and on behalf of the Licensing Authority

Date of issue:

20th August 2018

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, 115 and 322 of the Marine and Coastal Access Act 2009 (as amended), and:

- a) **“the Application”** means the Application letters and Environmental Statement submitted to the Scottish Ministers, by the Company on 23rd March 2016, the ES Addendum received by the Scottish Ministers on 22nd September 2016 and the section 36 Consent Variation and supporting documentation (the variation ES) submitted to the Scottish Ministers by the Company on 29th November 2017 for consent under section 36 of the Electricity Act for the construction and operation of the Kincardine Floating Offshore Windfarm, approximately 15 km south east of Aberdeen;
- b) **“Commencement of the Works”** means the date on which the first vessel arrives on the Site to begin carrying on any Licensed Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- c) **“Company”** means Kincardine Offshore Windfarm Limited (“KOWL”) (Company Number SC475345) having its registered office at Saltire Court, 20 Castle Terrace, Edinburgh, EH1 2EN;
- d) **“Completion of the Works”** means the date on which the Works have been installed, or the Works have been deemed complete by the Licensing Authority, whichever occurs first;
- e) **“Decommissioning Programme”** means the programme for decommissioning the Works, to be submitted by the Company to the appropriate authority under section 105(2) of the Energy Act 2004 (as amended);
- f) **“Decommissioning of the Works”** includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- g) **“Final Commissioning of the Works”** means the date on which all the Works have been used to supply electricity on a commercial basis to the National Grid or such earlier date as the Licensing Authority deem the Works to be fully commissioned;
- h) **“ES Addendum”** means the Environmental Statement Additional Information Addendum submitted to the Scottish Ministers by the Company on 22nd September 2016 as part of the Application;
- i) **“ES Variation”** means the Section 36 Consent Variation and supporting documentation submitted to the Scottish Ministers by the Company on 29th November 2017 as part of the Application;
- j) **“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;
- k) **“Licensed Activities”** means any activity, or activities, listed in section 66 of the 2009 Act and in section 21 of the 2010 Act which is, or are, authorised under this licence;
- l) **“Licensee”** means the Company;
- m) **“the Licensing Authority”** means the Scottish Ministers;
- n) **“LMP”** means Lighting and Marking Plan as defined in the Section 36 consent;
- o) **“MHWS”** means mean high water spring tide;
- p) **“the Site”** means the area outlined in figure 1 contained in Part 4 of this licence;
- q) **“the 2009 Act”** means the Marine and Coastal Access Act 2009;
- r) **“the 2010 Act”** means the Marine (Scotland) Act 2010;
- s) **“the Works”** means the Kincardine Floating Offshore Windfarm, approximately 15 km south east of Aberdeen as described in Part 2 of this licence; and
- t) **“the section 36 Variation and supporting documentation”** means the section 36 Consent Variation supporting documentation submitted to the Scottish Ministers by The company under section 36C of the Electricity Act on 29th November 2017.

All geographical coordinates contained within this licence are in latitude and longitude format World Geodetic System 84 ("WGS84").

1.2 Contacts

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

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.MarineRenewables@gov.scot

1.3 Other authorisations and consents

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

1.4 Variation, suspension, revocation and transfer

Under section 30(1) of the 2010 Act and section 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke this licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30 (3) (d) of the 2010 Act and section 72(3)(d) of the 2009 Act,.

Variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the 2010 Act and in section 72 of the 2009 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 and section 72(7) of the 2009 Act, on an application made by the Licensee, the Licensing Authority may transfer this licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act and 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 40 of the 2010 Act and section 86 of the 2009 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act and section 85(1) of the 2009, respectively, in relation to any activity to prove that –

- (a) the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'); and

- (b) that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act and section 86(2) of the 2009 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act and section 89 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 2010 Act and Part 4 of the 2009 Act or the provisions of this licence.

2 PART 2 – THE WORKS

2.1 Title of the Works

The title of the Works to which this licence relates is the 'Kincardine Floating Offshore Windfarm'.

2.2 Description of the Works

An offshore wind electricity generating station, known as the 'Kincardine Floating Offshore Windfarm', approximately 15 km south east of Aberdeen, and shall comprise of not more than 7 wind-powered electricity generating stations approximately 15 km south east of Aberdeen, (maximum generating capacity does not exceed 50 MW, including:

1. not more than 7, three-bladed horizontal axis WTGs, each with:
 - a) a maximum blade tip height of 191 metres above Lowest Astronomical Tide ("LAT");
 - b) a maximum rotor diameter of 164 metres;
 - c) a maximum turbine hub heights of 105 metres measured from LAT;
 - d) blade width from of up to 5.4 metres;
 - e) a minimum blade tip clearance of 22 metres (measured from LAT);
 - f) a minimum spacing of 1,000 metres;
 - g) One 2 MW turbine, will be installed first, followed by six larger turbines over the remainder of the installation period up to 2020
2. all substructures, anchors and associated mooring lines;
3. grid infrastructure including the construction of two subsea cables which will connect the WTGs to the shore; and

The Development shall be constructed in accordance with that specified in the Application, the ES Addendum, the Variation ES and by the conditions imposed by the Licensing Authority.

2.3 Location of the Works

The project includes the marine elements (which are all elements of the project other than the onshore infrastructure) of the Works, to be sited within the Scottish marine area, approximately 15 km south east of Aberdeen, within the area bounded by joining the following points:

57°07'05.369" W	02°03'19.267" N	56°57'04.835" W	01°45'33.977" N
57°07'05.369" W	02°02'56.666" N	56°59'16.516" W	01°54'20.783" N
57°05'36.614" W	02°01'47.050" N	57°00'09.839" W	01°53'33.652" N
57°01'38.248" W	01°53'25.807" N	57°01'07.514" W	01°54'35.323" N
57°01'02.478" W	01°52'47.017" N	57°05'07.555" W	02°02'59.669" N
57°04'44.998" W	01°49'29.971" N	57°06'19.901" W	02°04'02.402" N
57°02'32.798" W	01°40'42.164" N		

2.4 Deposits

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

Permanent Deposits.

Element of Windfarm	2 MW Turbine					Larger Turbines (up to 6)					
	WTG 1000 tonnes of steel per turbine	Substructures 2300 tonnes of steel per turbine 5,733 m3 of concrete per substructure	Anchors 20 tonnes per anchor	Mooring Lines 720 m per line (anchor chain, mooring cable or polyester mooring line) x 32	Total for the 2 MW Turbine	WTG 1000 tonnes of steel per turbine	Substructures 2300 tonnes of steel per turbine 5,733 m3 of concrete per substructure	Anchors 20 tonnes per anchor	Mooring Lines 720 m per line (anchor chain, mooring cable or polyester mooring line) x 32	Total for 1 x larger turbine	Total for 6 x larger turbines
Steel/Iron (Tonnes)	1000	2500	80		3580	1000	2500	60		3560	21360
Plastic/Synthetic m ²	20				20	105				105	630
Stone/Rock Gravel m ³											
Cable m				2880	2880				2160	2160	12960

Element of Windfarm	Rock Dumping or Concrete Mattresses		Cables		Markers
	Rock Dumping for Cable burial and Scour protection	Concrete Bags Mattresses	30 km for inter-array cable	Export Cables 18 km per cable x 2	Cardinal Markers 3m diameter 6 tonnes+mooring
Stone/Rock Gravel m ³	24000				
Concrete Bags/Mattresses m ³		30000			
Cable m			3000	36000	
Number of Cardinal Markers					4

Temporary deposits:

22 x Temporary Mooring B

2.5 Persons responsible for the deposits of the substances or objects

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

Name of Vessel or Vehicle Registration	Operator	Type(s)
Bourbon Arctic LEBQ	Bourbon Offshore.	DP Class
Bourbon Borgstein LMCM	Bourbon Offshore.	DP Class
Bourbon Surf LMCP	Bourbon Offshore.	DP Class
EDT Kennedy 5BAJ4	EDT Offshore	DP Class
Clv Slem Almery LATX7	EDT Offshore	DP Class
Grand Canyon LACX8	Canyon Offshore	DP Class
Global Symphony C6YY3	Cwind Limited	DP Class
Woodstock 1 2BUY7	Caldive Limited	Crane Ship
Atlantic Kestrel XJBE	Bourbon Offshore	Offshore supply vessel
Pole Star ZQQC5	Northern Lighthouse Board	Bouy Laying vessel
M/V pacific Duchess 9v9515	Bourbon Offshore.	Tug/supply Vessel
Vos Suger PDCH	Siem Offshore Contractors	Diving Support Vessel

2.6 Persons acting on behalf of the Licensee

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

Role	Company Name	Address	Contact Name
Project Manager	Cobra Wind International Limited (CWIL)	Citypoint, 11 Chapel Street, Aberdeen, AB10 1SG	Christian Cerrada (Project Manager)
Mooring Installation operator	Bourbon Offshore	148, Rue Sainte 13007, Marseille, France	Benoit Dromard (Project Manager)
Lead cable installation operator	SIEM Offshore Contractors	Bavinkstrasse 23, 26789 Leer, Germany	Paulo Dutra (Deputy Project Manager)
Trenching vessel operator	Canyon Offshore	Kirkton Drive, Pitmedden Road, Dyce Industrial Estate, Aberdeen, AB21 0BG	Craig Leuchars (Project Manager)

Boulder clearance/cable lay vessel operator	EDT Offshore	1 Whitworth Road, Southfield Industrial Estate, Glenrothes, Fife, KY6 2TF	Richard Smith (Business Development Manager)
LiDAR Bouy Maintenance	Northern Lighthouse Board	Northern Lighthouse Board 84 George Street Edinburgh EH2 3DA	Business Development Manager
Cable Laying	Cwind Limited	Ocean House 1 Winsford Way Chelmsford CM2 5PD United Kingdom	Unknown
HDD Exit Work	Caldive Limited	29 Mackean Crescent Castle Avenue Industrial Estate Invergordon Ross-shire IV18 0SD	Unknown

3 PART 3 – CONDITIONS

3.1 General conditions

3.1.1 Compliance with the Application and approved plans

The Licensee must at all times construct and operate the Works in accordance with this Licence, the Application, the Environmental Statement (as supplemented by the further environmental information submitted by the Company on 22nd September 2016), the Variation ES submitted to the Scottish Ministers by the company under section 36C of the Electricity Act on 29th November 2017, the section 36 consent and the plans and programmes approved by the Scottish Ministers.

The Company must submit the required plans and/or information for the 2 MW WTG as detailed in the conditions prior to the Commencement of the Works, in writing, to the Scottish Ministers for their written approval. Updated plans and/or information to cover all future tranches for the entire Development must be submitted prior to the Commencement of the Development of these subsequent works and in line with the timescales of the relevant conditions, in writing to the Scottish Ministers for their written approval.

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

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

3.1.2 Licence conditions binding other parties

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

Reason: To safeguard the obligations of the licence, in accordance with s.29(5) of the Marine (Scotland) Act 2010 and s.71(5) of the Marine and Coastal Access Act 2009.

3.1.3 Vessels, vehicles, agents, contractors and sub-contractors

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

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

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

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

The Licensee must satisfy themselves that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are aware of the extent of the Works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence. All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Works must abide by the conditions set out in this licence.

The Licensee must give a copy of this licence, and any subsequent variations made to this licence in accordance with section 30 of the 2010 Act and section 72 of the 2009 Act, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Works, and must ensure that the licence and any such variations are read and understood by those persons.

Reason: *To ensure all parties involved in the Works are aware of the licence and its conditions, to reduce the risk of a breach of the licence, in accordance with s.39(1)(b) of the 2010 Act and s.85.(1)(b) of the Marine and Coastal Access Act 2009*

3.1.4 Force Majeure

Should the Licensee or any of their agents, contractors or sub-contractors, by any reason of *force majeure* deposit anywhere in the marine environment any substance or object, then the Licensee must notify the Licensing Authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel or vehicle operator determines that it is necessary to deposit the substance or object other than at the Site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the Licensing Authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

Reason: *To provide a defence for the Master to protect himself and his crew in the event of a force majeure, in accordance with s.29(2)(a) of the 2010 Act and s71(2)(a) of the Marine and Coastal Access Act 2009 .*

3.1.5 Material alterations to the licence application

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

Reason: *To ensure that the Works are carried out in accordance with the Application documentation, in accordance with s.29(2)(a) of the 2010 Act and s71(2)(a) of the Marine and Coastal Access Act 2009.*

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

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

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

Reason: *To ensure that the Licensing Authority is kept informed on progress of the Works, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.1.7 Submission of reports to the Licensing Authority

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

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

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

Such reports will include, but not be limited to, Transport Audit sheets, deposits sheets and Marine Mammal Observer ("MMO") reports.

Reason: *To ensure that all reports and notifications are submitted within a reasonable timescale after licence is granted, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.1.8 Chemical usage

The Licensee must ensure that all chemicals which are to be utilised in the Works have been approved by the Licensing Authority prior to use. All chemicals which are to be 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 (as amended) or as exempted. The Licensee must submit a report of all chemicals and quantities to be used (e.g. oils and fluorinated gases) during the construction and operation of the Works to the Licensing Authority no later than one calendar month prior to the Commencement of the Works. Any changes to the types of chemicals which are proposed to be utilised must be consulted on with the Licensing Authority prior to the Commencement of the Works or, as the case may be, after the Commencement of the Works but prior to their utilisation.

Reason: *To minimise the environmental impact in the event of a release through the use of authorised chemicals in the interest of protecting the environment, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.1.9 Fluorinated greenhouse gases

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015 ("the Regulations"), or mixtures containing any of those substances) must take precautions to prevent the

unintentional release ('leakage') of those gases. They must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases.

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

The Licensee must ensure that all equipment to be utilised in the Works that contains fluorinated greenhouse gases in quantities of 5 tonnes of CO₂ equivalent or more and not contained in foams must ensure that the equipment is checked for leaks in accordance with the Regulations. Records of leak checks must be kept in accordance with the Regulations. These records must be submitted to the Licensing Authority annually, and immediately in the event of discovery of any leak.

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

Reason: To ensure compliance of the Works with Regulation (EU) 517/2014 and The Fluorinated Greenhouse Gases Regulations 2015, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.

3.1.10 Environmental protection

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to avoid or minimise any damage to the Scottish marine area and the United Kingdom Marine Licensing Area as a result of the undertaking of the licensed activities.

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

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

Prior to the Commencement of the Works the Licensee must agree with the Licensing Authority, in writing, the details of the appointment of a Marine Mammal Observer ("MMO"). When appointed, the MMO must, as a minimum, maintain a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals during pre-construction and geophysical surveys and construction activities. The Licensee must provide the Licensing Authority with the MMO's records no later than 1 calendar month following Commencement of the Works, and at monthly intervals thereafter.

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

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

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

Reason: *To ensure environmental impacts are minimised, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.1.11 Availability of the licence for inspection

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

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

Reason: *To ensure the licence is available for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.1.12 Inspection of the Works

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

Reason: *To ensure access to the Site for the purpose of inspection, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.1.13 Emergencies

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

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

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

Reason: *To ensure licensee is aware of financial liabilities, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.2 Conditions specific to the Works

3.2.1 Conditions applicable to all phases of the Works

3.2.1.1 Incident Reporting

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

Reason: *To keep the Scottish Ministers informed of any such incidents which may be in the public interest, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.1.2 Bunding and storage facilities

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

Reason: *To ensure pollution prevention is undertaken, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.2.1.3 Restoration of the Site to its original condition

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

Reason: *To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010 Act and s71(3)(e) of the Marine and Coastal Access Act 2009.*

3.2.1.4 Emergency Response Co-operation Plans ("ERCoP")

The Licensee must, in discussion with the Maritime and Coastguard Agency's ("MCA") Search and Rescue Branch, complete an Emergency Response Co-operation Plan ("ERCoP") for the construction and operation phases. The ERCoP must include full details for the construction and operation phases of the authorised scheme in accordance with MCA recommendations contained within Marine Guidance Notice ("MGN") 543 (or subsequent updates). A copy of the final plan must be submitted to the Licensing Authority no later than 3 calendar months, or at such a time as agreed with the Licensing Authority, prior to the Commencement of the Works.

Reason: *To ensure the Licensing Authority is aware of the ERCoP, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

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 calendar month before the Commencement of the Works, notify the Licensing Authority, in writing, of the date of Commencement of the Works authorised under this licence.

Reason: To inform the Licensing Authority of the date of the Works, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.

3.2.2.2 Third Party Certification or Verification

The Licensee must no later than 3 calendar months, or at such a time as agreed in writing with the Licensing Authority, prior to the Commencement of the Works, provide the Licensing Authority with Third Party Certification or Verification (or suitable alternative as agreed, in writing, with the Licensing Authority) for all WTGs, mooring systems and WTGs platform structures.

Reason: To provide independent certification or verification of the technology, materials or equipment, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.

3.2.2.3 Navigational and Aviation Safety and Charting

The Licensee must, no later than 7 days prior to Commencement of the Works, notify the UK Hydrographic Office ("UKHO") of the proposed Works to facilitate the promulgation of maritime safety information and updating of Admiralty charts BA741 and BA743 and publications through the national Notice to Mariners system.

The Licensee must, no later than 7 days prior to Commencement of the Works, ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Aberdeen Coastguard Operations Centre, are made fully aware of the Works through local Notice to Mariners or by any other appropriate means.

The Licensee must ensure that details of the Works are promulgated in the Kingfisher Fortnightly Bulletin, no later than 7 days prior to Commencement of the Works to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

The Licensee must, no later than 14 days prior to Commencement of the Works and prior to any WTGs being towed to the site, ensure that airmen are aware of the Works through local Notice to Airmen ("NOTAM") or by any other appropriate means.

The Licensee must, prior to Commencement of the Works, complete an "Application for Statutory Sanction to Alter / Exhibit" form and submit this to the Northern Lighthouse Board ("NLB") for the necessary sanction to be granted.

The Licensee must notify the Defence Geographic Centre ("DGC") (mail to dvof@mod.uk) of the locations, heights and lighting status of the turbines, the estimated dates of construction and the maximum height of any construction equipment to be used, no later than 10 weeks prior to the Commencement of the Works, to allow for the appropriate notification to the relevant aviation communities. The DGC must be updated when the actual dates of construction are known.

Reason: *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.2.2.4 Noise Registry

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

Reason: *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.3 During the Works

3.2.3.1 Transportation audit sheet

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

If the Licensee becomes aware of any substances or objects on the transportation audit sheet that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action (which may include requiring charts to be amended to show such deposits). Should the Licensing Authority deem it necessary, the Licensee must undertake a side scan sonar survey in grid lines (within operational and safety constraints) across the area of the Works, to include cable routes and vessel access routes from local service port(s) to the Site to locate the substances or objects. If the Licensing Authority is of the view that any accidental deposits associated with the construction of the Works are present then the deposits must be removed by the Licensee as soon as is practicable following the giving of such a view by the Licensing Authority, and at the Licensee's expense.

Reason: *To confirm that the deposits made were in accordance with the application documentation, and that any accidental deposits are recovered or charted appropriately in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.3.2 Nature and quantity of deposited substances and objects

The Licensee must, in addition to the transportation audit sheets which are required to be submitted to the Licensing Authority under condition 3.2.3.1 following the Commencement of the Works, submit audit reports, in writing, to the Licensing Authority, stating the nature and quantity of all substances and objects deposited below MHWS under the authority of this licence. Such audit reports must be submitted by the Licensee at monthly intervals, with the first such report being required to be submitted on a date no later than 1 calendar month following the Commencement of the Works. Where appropriate, nil returns must be provided.

Reason: *To confirm that the deposits made were in accordance with the application documentation, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.3.3 Navigational safety

The Licensee must notify the UKHO of the progress of the Works to facilitate the promulgation of maritime safety information and updating of Admiralty charts BA741 and BA743 and publications through the national Notice to Mariners system.

The Licensee must notify local mariners, fishermen's organisations and HM Coastguard, in this case Aberdeen Coastguard Operations Centre, of the progress of the Works through local Notice to Mariners or any other appropriate means.

The Licensee must ensure that the progress of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry of the vessel routes, the timings and the location of the Works and of the relevant operations.

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

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

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

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

Reason: To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.

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

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the MCA, NLB, the Civil Aviation Authority ("CAA") and the Ministry of Defence ("MoD") at all times and such markings and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30(3)(c) of the 2010 Act or under section 72(3)(c) of the 2009 Act.

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

The Licensee must ensure that the Works are marked and lit in accordance with IALA Recommendation O-139.

All turbines, from first deployment must be lit with a single 2000 candela, red aviation light, flashing Morse 'W' in unison with all other turbines and in accordance with the Civil Aviation Authority Air Navigation Order Part 28 Lights and Lighting (220).

Turbines 4 & 5, as specified in the Application, must be fitted with synchronised sound signals with a nominal range of two nautical miles, placed not less than 6 metres and not more than 30 metres above sea level. The character must be rhythmic blasts corresponding to morse letter 'U' every 30 seconds. The minimum duration of the short blast must be 0.75 seconds and the sound signal must be operated when the meteorological visibility is two nautical miles or less. The sound signal must comply with IALA recommendations and have an availability of not less than 97.0% (IALA Category 3), calculated over a rolling 3 year period.

Each turbine must display identification panels with black letters or numbers 1 metre high on a yellow background visible in all directions. These panels shall be easily visible in daylight as well as at night, either by the use of illumination or retro-reflecting material.

The 2 MW turbine must be marked in accordance with IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures as follows:

- a) The structure should be painted yellow all round from sea level to 15 metres or the height of the Aid to Navigation, if fitted, whichever is greater.
- b) It shall be fitted with a light or lights visible from all directions in the horizontal plane. These lights should flash yellow once every 5 seconds, with a range of 5 nautical miles. All lights should be synchronised, should comply with IALA recommendations and have an availability of not less than 99.8% (IALA Category 1), calculated over a rolling 3 year period.
- c) All navigation lights should be mounted below the lowest point of the arc of the rotor blades. They should be exhibited at a height of at least 6 metres above HAT.
- d) It should also be fitted with a sound signal with a nominal range of two nautical miles, placed not less than 6 metres and not more than 30 metres above sea level. The character should be rhythmic blasts corresponding to morse letter 'U' every 30 seconds. The minimum duration of the short blast shall be 0.75 seconds and the sound signal should be operated when the meteorological visibility is two nautical miles or less. The sound signal should comply with IALA recommendations and have an availability of not less than 97.0% (IALA Category 3), calculated over a rolling 3 year period.
- e) The structure shall display identification panels with black letters or numbers 1 metre high on a yellow background visible in all directions. These panels shall be easily visible in daylight as well as at night, either by the use of illumination or retro-reflecting material.
- f) Aviation lighting should be fitted as required by the Civil Aviation Authority.

Reason: *To ensure safe appropriate marking and lighting of the offshore Works, in accordance with s.29(2)(b) of the Marine (Scotland) Act 2010 and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.2.4 Conditions upon Completion of the Works

3.2.4.1 Date of Completion of the Works

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

Reason: *To inform the Licensing Authority of the completion of the Works, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.4.2 Final Commissioning of the Works

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

Reason: *To inform the Licensing Authority of the Final Commissioning of the Works, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.4.3 Navigational safety

The Licensee must notify the UKHO of the Completion of the Works to facilitate the promulgation of maritime safety information and updating of Admiralty charts BA741 and BA743 and publications through the national Notice to Mariners system.

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

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case Aberdeen Coastguard Operations Centre, are made fully aware of the Completion of the Works.

The Licensee must ensure that the Completion of the Works is promulgated in the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry.

The Licensee must, where any damage, destruction or decay is caused to the Works, notify the Licensing Authority, in writing, of such damage, destruction or decay as soon as reasonably practicable following such damage, destruction or decay. The Licensee must carry out any remedial action which the Licensing Authority advises the Licensee, in writing, as requiring to be taken, which may include a requirement to display aids to navigation, following consultation by the Licensing Authority with the MCA, the NLB or any such advisers as required.

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

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

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

Reason: *To reduce the navigational risk to other legitimate users of the sea, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.2.4.4 Nature and quantity of deposited substances and objects

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

Reason: *To confirm that the deposits made were in accordance with the application documentation, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.4.5 Markings, lighting and signals of the Works

The Licensee must ensure that the Works are marked and lit in accordance with the agreed LMP and the requirements of the MCA, NLB, CAA and MoD 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 or under section 72(3)(c) of the 2009 Act.

The Licensee must ensure that the Works are marked and lit in accordance with IALA Recommendation O-139.

Reason: *To ensure safe appropriate marking and lighting of the offshore Works, in accordance with s.29(2)(b) of the 2010 Act and s71(2)(b) of the Marine and Coastal Access Act 2009.*

3.2.4.6 Noise Registry Close Out

The Licensee must complete and submit a Close-out Report for all aspects of the Works that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later than 12 weeks following the Completion of the Works and by the 25th March of each year.

Reason: *To ensure compliance with reporting requirements on marine noise, in accordance with s.29(3)(c) of the 2010 Act and s71(3)(c) of the Marine and Coastal Access Act 2009.*

3.2.4.7 Operation and Maintenance of the Works

The Licensee must operate and maintain the Works in accordance with the approved OMP. The Licensing Authority must be notified at least 3 calendar months in advance of any maintenance of the Works where any additional deposits are required. In the event that these works are not assessed in the Application and are considered by the Licensing Authority as being material and being licensable marine activities then the works will require further Marine Licence/s.

Reason: *To ensure compliance with the approved OMP to prevent decay of the Works and to ensure that any maintenance work is carried out under an appropriate licence in accordance with s.29(3)(b) of the 2010 Act and s71(3)(b) of the Marine and Coastal Access Act 2009.*

3.2.4.8 Decommissioning

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

Reason: *To ensure that decommissioning is carried out according to the approved decommissioning programme under an appropriate licence, in accordance with s.29(3)(d) of the 2010 Act and s71(3)(d) of the Marine and Coastal Access Act 2009.*

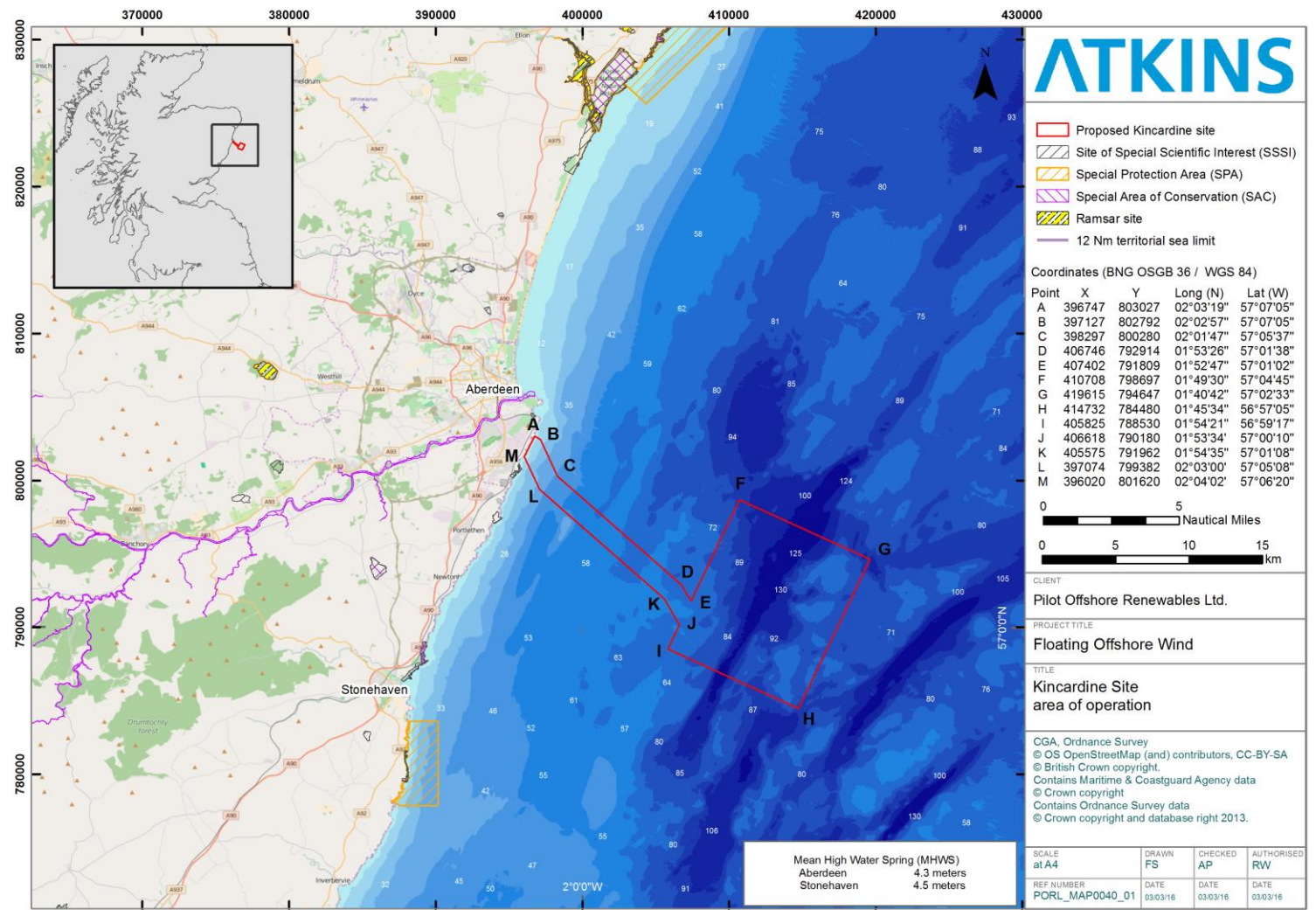


Figure 1 Kincardine Floating Offshore Windfarm Site and Export Cable Corridor to shore near Altens, Aberdeen