

Section 36 Variation Application Letter to Marine Scotland

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Project:	Pentland Floating Offshore Wind Farm
Originator Company	Highland Wind Ltd
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01	10.03.2023	Issued for Information	RJM	PMO	PMO

9 March 2023

FAO Ben Walker
Marine Scotland Licensing Operations Team,
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB

Dear Ben,

**Subject: The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013
Marine (Scotland) Act 2010**

APPLICATION FOR VARIATION OF SECTION 36 CONSENT AND MARINE LICENCE GRANTED TO CONSTRUCT AND OPERATE THE DOUNREAY TRI FLOATING WIND DEMONSTRATOR PROJECT

Ref: GBPNTD-PGM-PEN-CM-00029

Further to the Screening Opinion received on 7 March 2022, please accept this letter and the enclosed documents as an application under Section 36C of the Electricity Act 1989, to vary the consent granted under Section 36 of the Electricity Act 1989 to Dounreay Tri Limited on the 16th March 2017. This was subsequently acquired by Highland Wind Limited (HWL), and the assignation of the Section 36 consent approved on the 3rd March 2021. This application also seeks to vary the accompanying Marine Licence number MS-00009324 under the Marine (Scotland) Act 2010 which was transferred to HWL on 8th June 2021. The S36 consent and Marine Licence awarded to Dounreay Tri Limited are collectively referred to as 'the consents'.

The consents currently authorise HWL to construct and operate the Dounreay Tri Floating Wind Demonstrator, an offshore wind farm generating station located approximately 6 km north off the coast of Dounreay, Caithness, with a total area 25 km² (central latitude and longitude co-ordinates: 58° 39.093' N, 03° 50.976' W (WGS84)) and a maximum generating capacity of 12 MW. A detailed description of the Development is described in Annex 1 of the Section 36 consent.

HWL is seeking to vary the consents to:

- Remove the individual wind turbine generator (WTG) capacity limit of 6 MW;
- Remove the total generating capacity limit of 12 MW.

This would allow larger capacity WTGs to be installed under the existing consent parameters. There are no changes proposed to the physical parameters of the development and no variation is sought or required to any other parameters of the consents and there would be no implications for the environmental effects of the project. This is further detailed within Appendix 1. HWL is also requesting that the associated marine licence (Licence Number: MS-00009324) is also varied.

In line with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended in 2017) and The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (together the "EIA Regulations"), only variation applications where the changes proposed by the variation may cause significant adverse environmental effects require an EIA. On 7 March 2022, Marine Scotland Licensing Operations Team (MS-LOT) (on behalf of the Scottish Ministers) confirmed that the changes proposed by the variation application would not cause significant adverse environmental effects and, as such, no EIA would be required.

The application documents submitted in respect of the S36 and marine licence variation application consist of the following:

This covering letter; and

- Details of the Public Notice;
- Revised S36 consent with proposed amendments (Annex A);
- Revised Marine Licence for the Generating Station with proposed amendments (Annex B).

The full Environmental Statement and associated technical appendices submitted in support of the Original Section 36 consent application can be downloaded from: <http://marine.gov.scot/data/environmental-statement-dounreay-tri-floating-wind-demonstration-project>.

On confirmation of receipt and acceptance by MS-LOT, notice of this application will be placed in Lloyd's List, the Fishing News Bulletin, the Edinburgh Gazette and the Scotsman once and in the John O' Groats Journal for two successive weeks. The notice of this application will set out where physical copies of the application will be available for public inspection. Additionally, the notice of this application and the supporting Section 36 variation documents will be published and available for download on HWL's company website at: www.pentlandfloatingwind.com.

We note that there is no relevant planning authority in terms of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 ("2013 Regulations") for this application. In summary, the 2013 Regulations make provision about the procedures for handling applications to vary consents for the construction, extension and operation of electricity generating stations that have been granted under section 36 of the Electricity Act 1989. Regulation 4 of the 2013 Regulations states that the applicant must "*serve a copy of the variation application on the planning authority (if any)*" (our emphasis). The Section 36 consent is for a generating station located offshore (see Figure 1 to the section 36 consent "Offshore site"), and this s36C application relates to the offshore generating station only. The offshore generating station is not located within the area of any planning authority. The presence of "if any" in regulation 4(2)(b) makes clear that there is no planning authority for the purposes of Regulation 4 where the application site is not in the area of any planning authority. As the application relates solely to the offshore generating station and is therefore not within the area of any planning authority, we do not consider there to be a planning authority for the Application and so regulations 4(2)(b) and 4(6)(a) are not engaged. The applicant has already notified Highland Council as a matter of best practice who were content with this approach.

I trust that the enclosed information will allow you to process the application. If you require any further information or have any questions, please do not hesitate to contact me.

Yours sincerely,

[Redacted]

Peter Moore

Consents Lead
Pentland Floating Offshore Wind Farm

Appendix 1

1. Introduction

This Appendix has been prepared to support an application by HWL under Section 36C of the Electricity Act 1989 to vary the S36 consent granted for the Dounreay Tri Floating Demonstration Project, hereafter referred to as the 'existing S36 Consent'. In line with the proposed variations to the existing S36 Consent, this Appendix also supports an application to Scottish Ministers to vary the associated marine licence (MS-00009324) under section 30 of the Marine (Scotland) Act 2010, should the variations to the existing S36 Consent be granted.

The information provided within this Appendix demonstrates that the proposed variations to the existing S36 Consent and associated marine licence would not lead to any different or any greater significance of environmental impacts on receptors than authorised by the existing consent. The removal of the capacity limit will allow for increased generation of renewable energy on the site. This will increase the Project's contribution towards meeting Scotland's ambitious renewable energy targets and commitment to reaching net zero by 2045.

Therefore, there is no requirement for a new Environmental Impact Assessment (EIA) to be undertaken and the existing S36 Consent and marine licences can be varied with no further assessment required. As noted above, on 7 March 2022, Marine Scotland Licensing Operations Team (MS-LOT) (on behalf of the Scottish Ministers) confirmed that the changes proposed by the variation application would not cause significant adverse environmental effects and, as such, no EIA would be required.

1.1 Background

Highland Wind Limited (HWL) was assigned the existing S36 Consent awarded to Dounreay Tri Limited (in administration) for the Dounreay Tri Floating Demonstration Project on the 3rd March 2021. HWL is a Special Purpose Vehicle (SPV) formed with a fund managed by Copenhagen Infrastructure Partners (CIP) acting as the majority shareholder (Company registration number: SC675148). The project has additionally been renamed as the "Pentland Floating Offshore Wind Farm" (PFOWF) (hereafter, referred to as the Project).

CIP is a Danish fund management company, focused on energy infrastructure including offshore wind, onshore wind, solar PV, biomass and energy-from-waste, transmission and distribution. It was founded in 2012 and currently has approximately EUR 16 billion under management. CIP is a major investor in the offshore wind sector and has significant investments in a number of offshore wind projects around the world. Copenhagen Offshore Partners (COP), which conducts offshore wind development activities on behalf of the funds managed by CIP, has recently opened an office in Edinburgh to support the funds' increasing engagement in Scotland, with a particular focus on floating wind.

Dounreay Tri Limited, the original developer and a subsidiary of Hexicon AB, previously applied for consent under S36 of the Electricity Act 1989 and for associated marine licences under the Marine (Scotland) Act 2010, for the Project in October 2016. The application was supported by an Environmental Statement (ES) (hereafter, referred to as the 'Original ES'). The existing S36 Consent was granted by the Scottish Ministers on the 16 March 2017 and marine licence (MS-00009324) was issued by the Scottish Ministers on 8 June 2021 (hereinafter referred to as the Marine Licence). HWL subsequently requested an extension to the project's commencement date, which in July 2021, the Scottish Ministers granted until 15 March 2025 to allow for the commencement of the development.

1.2 Proposed Consent Variation

HWL is seeking consent from the Scottish Ministers to vary the existing S36 Consent under the Electricity Act 1989 through modifying the following parameters:

- Remove the individual wind turbine generator (WTG) capacity limit of 6 MW
- Remove the total generating capacity limit of 12 MW;

HWL are also requesting that, should the variation of the existing S36 Consent be granted, the associated Marine Licence (Licence Number: MS-00009324) is also varied by the Scottish Ministers under section 30 of the Marine (Scotland) Act to reflect amendments to the existing S36 Consent. Draft proposed changes to the existing S36 Consent and the Marine Licence are included within this application (Annexes A and B). **Error! Reference source not found.**

As set out above, the Project has been renamed to the PFOWF and therefore, HWL is requesting that, should the variation of the existing Section 36 Consent and the Marine Licence be granted, the consent and licence are granted in this name.

1.3 The Consented Development

The existing S36 Consent permits the development of a demonstration Offshore Wind Farm (OWF) in the Pentland Firth, located as shown on Figure 1. The existing S36 Consent is limited by the following key parameters:

- *The Development shall be approximately 6 km offshore from Dounreay, Caithness, with a permitted generating capacity not exceeding 12 MW and shall be comprised of:*
 - *One single floating, semi-submersible, column-stabilised platform, comprising of buoyancy columns interconnected in a steel lattice truss framework. The maximum length will be 230 m, maximum width will be 135 m and maximum height of 15 m above water surface; the platform will rotate 360° and have a passive mooring system. The mooring system will consist of up to 8 mooring lines, passing through a 600-tonne clump weight suspended in the water beneath the platform. A total of 16 anchors will be attached to the mooring lines, two per line, with a maximum radius of 800 m from the platform centre;*
 - *Two Demonstration offshore wind turbine generators (WTGs) each with an installed capacity of up to 6 Megawatts (MW), giving a total maximum generating capacity not exceeding 12 MW. Each turbine will be a three bladed structure with a maximum hub height of 124 m above Lowest Astronomical Tide (LAT), including the jacket, and with a maximum blade tip height of up to 201 m above LAT and a maximum rotor diameter of 154 m;*
 - *Grid infrastructure, including the installation of one subsea cable, which will bring the power ashore immediately to the west of the Dounreay Restoration Site fence line; and*
 - *Associated onshore infrastructure, including, underground cabling and turbine transformers comprising medium and low voltage container units, to be located at, or near to the existing Dounreay 132/33/11kV substation.*

The consented development is also detailed in Annex 1 (Description of the Development) of the existing S36 Consent.

For reference, the existing S36 Consent documents and the Original ES for Project can be accessed at: <http://marine.gov.scot/ml/dounreay-tri-floating-wind-demonstration-project>

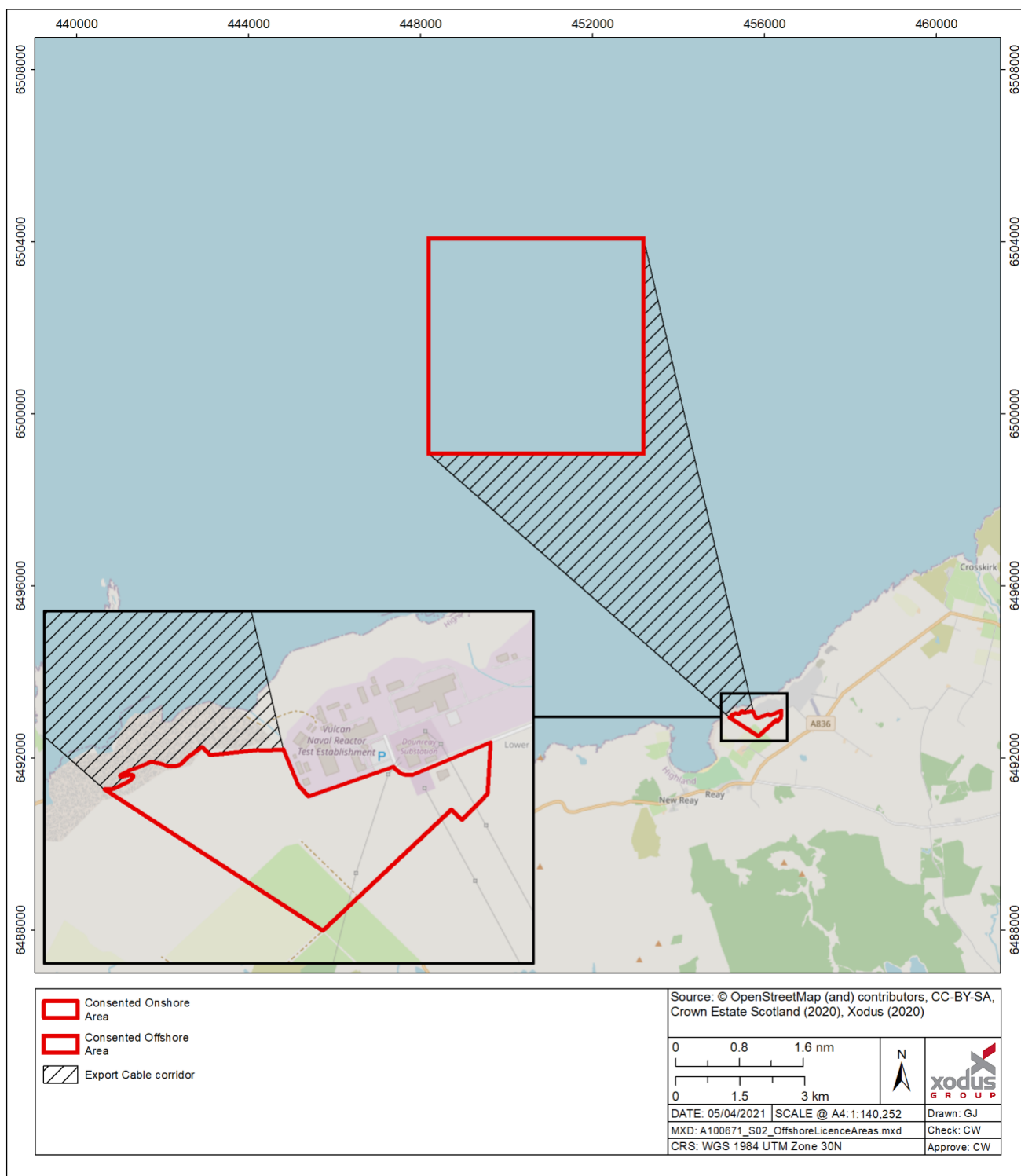


Figure 1 Current S36 consented project boundaries

2 Requirement for Consent Variation

Following the assignation of the existing S36 Consent, and in response to evolving and emerging offshore wind technologies since the consent was granted, HWL has been undertaking further detailed project design work which has resulted in the need to vary some of the previous consented project parameters in the existing S36 Consent and associated Marine Licence.

The Project parameters presented in the original application were based on technology commercially available at the time and to be deployed in line with the original Project schedule. During the time between the granting of the existing S36 Consent, the associated marine licence and subsequent acquisition, the commercially available offshore wind technology has evolved to provide WTGs directly linked to lowering the levelised cost of energy. The variations considered within this document will ensure that the project remains cost effective, utilising the most up to date technology and allow for more comparative trials for commercial scale WTGs to be developed in ScotWind.

2.1 Legislative Context

S36 of the Electricity Act 1989 applies to proposals for any offshore generating station whose capacity exceeds 1 MW within Scottish territorial waters or exceeds 50 MW in the Scottish Offshore Region. Offshore generating stations also require a marine licence under the Marine (Scotland) Act 2010 (between 0 and 12 NM) or under the Marine and Coastal Access Act 2009 (between 12 and 200 NM).

Section 20 of the Growth and Infrastructure Act 2013 inserted a new S36C into the 1989 Act to provide for the making of variations to S36 consents. Prior to 2013, the 1989 Act did not provide for S36 consents to be varied.

The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 ('the 2013 Regulations') came into force in December 2013. The 2013 Regulations were later amended by regulation 42 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ('the EIA Regulations'). The regulations make provision for the content of a variation application and the consultation process to be followed with respect to S36C applications. The regulations also provide that the Scottish Ministers may cause a public local inquiry to be held if they consider it appropriate to do so.

Under paragraph 3 of Schedule 2 of the EIA Regulations, and paragraph 13 of Schedule 2 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the MW EIA Regulations'), any change to works already authorised which were subject to an EIA must be considered to determine whether that change may have significant adverse effects on the environment and, as such, is an EIA project. MS-LOT, on behalf of the Scottish Ministers, considered that the proposed variations fell under Schedules 2(3) and 2(13) of the EIA Regulations and MW EIA Regulations, respectively, and, as such, were obliged to adopt a screening opinion as to whether the variations are, or are not, an EIA project under the EIA Regulations and MW EIA Regulations. On 7th March 2022, the Scottish Ministers issued a Screening Opinion confirming that the proposed variations are not an EIA project under the EIA Regulations and MW EIA Regulations and, consequently, that no EIA is required to be carried out in respect of the proposed variations.

Following discussions with MS-LOT and as considered further in the following sections of this Appendix, it is HWL's view that the variation process under S36C of the Electricity Act 1989 is the appropriate mechanism by which to address the proposed design updates to the consented Project.

A draft of the proposed variations to the existing S36 Consent is included with this application and this has been marked up with the amendments proposed.

HWL is also requesting that should the variation of the existing S36 Consent be granted that the associated Marine Licence also be varied by the Scottish Ministers under section 30 of the Marine (Scotland) Act to reflect amendments to the existing S36 Consent. The draft revised Marine Licence is included with this application and has been marked up with the amendments proposed.

2.2 Section 36C Applications

Under Regulation 3 of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 a 36C Consent variation application must:

- *be made in writing;*
- *describe the proposed development and identify the location of the proposed development by reference to a map;*
- *explain why it is proposed that the relevant section 36 consent should be varied; and*
- *include—*
 - *a draft of the variations which it is proposed should be made to the relevant section 36 consent;*
 - *copies of any maps or plans not referred to in the relevant section 36 consent which it is proposed should be referred to in the relevant section 36 consent as so varied; and*

- particulars of— the relevant section 36 consent, and, if that consent was not granted to the applicant, how the applicant has the benefit of that consent.

Table 1 details the proposed design amendments to the Project and highlights where changes to the parameters require the existing S36 Consent and/ or the Marine Licence to be varied.

It should be noted that the WTG capacity and overall generating capacity of the wind farm is not a parameter that is typically directly assessed in terms of EIA and Habitats Regulations Appraisal (HRA) and this has not underpinned assessments, which are based on physical parameters of the WTGs (as well as other infrastructure) Therefore, HWL is requesting the removal of these parameters from the existing S36 Consent.

Notwithstanding removal of these parameters, HWL could not install infrastructure larger in physical terms than considered in the EIA and HRA and subsequently consented (unless a variation to such parameters is granted). Removal of the WTG capacity and overall generating capacity would allow HWL the flexibility to optimise renewable energy production, without resulting in an increase in impact beyond what is assessed within the EIA.

Table 1 Proposed variations to the PFOWF Project Design

PARAMETER	CONSENTED DOUNREAY TRI	PROPOSED VARIATION FOR PFOWF	CHANGE EXISTING CONSENT	TO S36	CHANGE TO MARINE LICENCE
Total Capacity	12 MW (2 WTGs each with an installed capacity of up to 6 MW)	Removal of capacity	Remove overall generating capacity limit from the existing S36 Consent		Remove overall generating capacity limit from MS-00009324 to accord with the S36C Consent
Capacity of Single WTG	6 MW	Removal of capacity	Remove maximum capacity limit of individual WTGs from the existing S36 Consent		Remove maximum capacity limit of individual WTG from MS-00009324 to accord with the S36C Consent
Type of Platform	Single floating, semi-submersible, column-stabilised platform comprising buoyancy columns interconnected in a steel lattice truss framework	No change	No change		No change
Platform Height	15 m	No change	No change		No change
No. of WTGs	2	No change	No change		No change
Anchors *	16 anchors	No change	No change		No change
Max blade tip height (LAT)	201 m	No change	No change		No change
Max Rotor Diameter	154 m	No change	No change		No change
Mooring System*	Passive (catenary) mooring system	No change	No change		No change

PARAMETER	CONSENTED DOUNREAY TRI	PROPOSED VARIATION FOR PFOWF	CHANGE EXISTING CONSENT TO S36	CHANGE TO MARINE LICENCE
Clump Weight**	600-tonne clump weight suspended in the water beneath the platform	No change	No change	No change
No. of export cables	1 (33 kV)	No change	No change	No change

2.3 Receptors affected by the S36 Consent and Marine Licence Variations

Table 2 provides a summary of the environmental receptor topics and potential environmental impacts which have been considered as a result of the proposed variations.

Table 2 Receptor topics considered based on potential for impacts from proposed variations to the S36 consent and marine licences

RECEPTOR TOPIC	POTENTIAL IMPACTS FROM REMOVAL OF CAPACITY LIMIT
Physical and Coastal Processes	No potential impacts identified
Intertidal Ecology	No potential impacts identified
Benthic and Shellfish Ecology	No potential impacts identified
Fish Ecology	No potential impacts identified
Marine mammals, basking sharks and turtles	No potential impacts identified
Marine Ornithology	No potential impacts identified
Commercial Fisheries	No potential impacts identified
Shipping and Navigation	No potential impacts identified
Aviation and Radar	No potential impacts identified
Seascape, Landscape and Visual Amenity	No potential impacts identified
Offshore Archaeology and Cultural Heritage	No potential impacts identified
Other Users of the Marine Environment	No potential impacts identified
Socioeconomics, Recreation and Tourism	No potential impacts identified
Geology and Hydrology	No potential impacts identified
Land Use, Agriculture and Soils	No potential impacts identified
Terrestrial Ornithology	No potential impacts identified
Terrestrial Ecology	No potential impacts identified
Onshore Archaeology and Cultural Heritage	No potential impacts identified
Air Quality	No potential impacts identified
Landscape and Visual Effects	No potential impacts identified

3 Conclusions

HWL is seeking to vary the existing S36 Consent and the Marine Licences for the Project to:

- Remove the individual WTG capacity limit of 6 MW
- Remove the total generating capacity limit of 12 MW;

This Appendix has been submitted in support of the application to vary the existing S36 Consent under Section 36C of the Electricity Act 1989. It has provided an overview of the potential environmental impacts of the updated project design by comparison with the consented project design.

In line with the requirements of the guidance on S36 Consent variation, it has been found that no significant adverse effects on the environment arise from the changes proposed. Furthermore the potential impacts associated with the proposed variation will be no greater than those previously assessed for the consented project within the Original ES, and the existing S36 Consent and marine licences can be varied accordingly.

The removal of the capacity limit will allow for increased generation of renewable energy on the site. This will increase the Project's contribution towards meeting Scotland's ambitious renewable energy targets and commitment to reaching net zero by 2045.

Annex A - S36 Consent - Proposed changes

Annex A

Annex 1

DESCRIPTION OF THE DEVELOPMENT

The Development shall be approximately 6 km offshore from Dounreay, Caithness, ~~with a generating capacity exceeding 1MW, with a permitted generating capacity not exceeding 12 MW~~ and shall be comprised of:

- one single floating, semi-submersible, column-stabilised platform, comprising of buoyancy columns interconnected in a steel lattice truss framework. The maximum length will be 230 m, maximum width will be 135 m and maximum 15 m above water surface; the platform will rotate 360° and have a passive mooring system. The mooring system will consist of up to 8 mooring lines, passing through a 600 tonne clump weight suspended in the water beneath the platform. A total of 16 anchors will be attached to the mooring lines, two per line, with a maximum radius of 800 m from the platform centre;
- two Demonstration offshore wind turbine generators ("WTGs"). ~~each with an installed capacity of up to 6 MW, giving a total maximum generating capacity not exceeding 12MW.~~ Each turbine will be a three bladed structure with a maximum hub height of 124 m above Lowest Astronomical Tide ("LAT"), including the jacket, and with a maximum blade tip height of up to 201 m above LAT and a maximum rotor diameter of 154 m;
- grid infrastructure including the installation of one subsea cable which will bring the power ashore immediately to the west of the Dounreay Restoration Site fence line; and
- associated onshore infrastructure, including, underground cabling and turbine transformers comprising medium and low voltage container units, to be located at, or near to the existing Dounreay 132/33/11kV substation.

The Development must be constructed in accordance with that specified in the Application and by the conditions imposed by the Scottish Ministers.

References to "the Development" in this consent must be construed accordingly.

Annex 2

CONDITIONS

The consent granted under Section 36 of the Electricity Act 1989 and direction that planning permission be deemed to be granted under section 57 of the Town and Country Planning (Scotland) Act 1997 are subject to the following conditions:

The Company must submit the requested plans as detailed in the conditions prior to the Commencement of the Works/Development, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with any such advisors or organisations as detailed in the conditions or as may be required at the discretion of the Scottish Ministers.

The Development must, at all times, be constructed and operated in accordance with the approved plans, as updated or amended.

Any updates or amendments made to the approved plans must be submitted, in writing, to the Scottish Ministers for their prior written approval.

The Company must satisfy themselves that all contractors or sub-contractors are aware of the extent of the Development for which this consent has been granted, the activity which is consented, and the terms of the conditions attached to this consent. All contractors and sub-contractors permitted to engage in the Development must abide by the conditions set out in this consent.

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

1. Duration of the Consent

The consent is for a period of 25 years from the date of the Final Commissioning of the first Wind Turbine Generator ("WTG").

Written confirmation of the date of the Final Commissioning of the first WTG must be provided by the Company to the Scottish Ministers, THC and SNH no later than one calendar month after the Final Commissioning of the first WTG.

Reason: *To define the duration of the consent.*

2. Commencement of Development

The Commencement of the Development must be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter agree and confirm in writing. Written confirmation of the intended date of Commencement of Development must be provided to THC, OIC and Scottish Ministers no later than one calendar month before that date or at such as time as agreed with Scottish Ministers.

Reason: *To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.*

3. Assignment

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent or refuse assignation as they may see fit. The consent is not capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company must notify the THC in writing of the name of the assignee, the principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

Reason: *To safeguard the obligations of the consent if transferred to another company.*

4. Redundant turbines

In the event that for a continuous period of 6 months or more any WTG installed and commissioned and forming part of the Development fails to produce electricity on a commercial basis to the National Grid then, unless otherwise agreed in writing by the Scottish Ministers and after consultation with the Company and any advisors as required at the discretion of the Scottish Ministers, any such WTG may be deemed by the Scottish Ministers to cease to be required. If so deemed, the WTG (together with any related infrastructure) must, within the period of 12 months from the date of the deeming decision by the Scottish Ministers, be decommissioned and the area of the Site upon which the WTG is located must be reinstated by the Company in accordance with the procedures laid out within the Company's Decommissioning Plan.

Reason: *To ensure that any redundant wind turbine generators are removed from the Site, in the interests of safety, amenity and environmental protection.*

5. Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company must provide written notification of the nature and timing of the incident to the Scottish Ministers, 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.*

6. Implementation in accordance with approved plans and requirements of this consent

Except as otherwise required by the terms of this consent and its associated deemed planning permission, the Development must be constructed and operated in accordance with the Application and the Environmental Statement submitted by the Company on 19th October 2016 and any other documentation lodged in support of the Application.

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

7. Transportation for site inspections

As far as reasonably practicable, the Company must, on being given reasonable notice by the Scottish Ministers (of at least 72 hours), provide transportation to and from the Site for any persons authorised by the Scottish Ministers to inspect the Site.

Reason: *To ensure access to the Site for the purpose of inspecting compliance with this Consent.*

8. Construction Programme

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

The CoP must set out, but not be limited to, the following:

- a) the proposed date for Commencement of Development;
- b) the proposed timings for mobilisation of plant and delivery of materials,
- c) including details of onshore lay-down areas;
- d) the proposed timings and sequencing of construction work for all elements of the Development infrastructure;
- e) contingency planning for poor weather or other unforeseen delays; and
- f) the scheduled date for Final Commissioning of the Development.

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

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

9. Offshore Construction Method Statement

The Company must, no later than 6 months prior to the Commencement of the Development, or at such a time as agreed with the Scottish Ministers, submit an Offshore Construction Method Statement (“OffCMS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, SEPA, THC, OIC, Dounreay Site Restoration Limited (“DSRL”) and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a) the construction procedures and good working practices for installing the
- b) Development;
- c) 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 Development;
- d) details of how the construction related mitigation steps proposed in the ES are to be delivered;
- e) a waste management plan for the construction phase of the Development; and
- f) continuous monitoring of radioactive particles.

The OffCMS must adhere to the construction methods assessed in the Application and ES. The OffCMS must also, so far as is reasonably practicable, be consistent with the Design Statement (“DS”), the Offshore Environmental Management Plan (“OffEMP”), the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), and conditions contained within Marine Licences 06178/17/0 and 06174/17/0.

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

10. Development Specification and Layout Plan

The Company must, no later than 6 months prior to the Commencement of the Development, or at such a time as agreed with the Scottish Ministers, submit a Development Specification and Layout Plan (“DSLPL”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, SEPA, MoD, CAA, MCA, NLB, NATS, MCC, THC and OIC and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a) a plan showing the location of the floating platform (subject to any required micro-siting), including WTG identification/numbering, seabed conditions, bathymetry, confirmed anchor and mooring system for the platform and any key constraints recorded on the Site;
- b) a list of latitude and longitude coordinates accurate to three decimal places of minutes of arc for each anchor point. This should also be provided as a Geographic Information System (“GIS”) shapefile using the World Geodetic System 1984 (“WGS84”) format;
- c) a table or diagram of each WTG dimensions including – height to blade tip (measured above Lowest Astronomical Tide (“LAT”)) to the highest point, height to hub (measured above LAT to the centreline of the generator shaft), rotor diameter and maximum rotation speed;
- d) the generating capacity of each WTG used on the Site, and a confirmed generating capacity for the Site overall;
- e) the finishes for each WTG (and in accordance with conditions contained within Marine Licences 06178/17/0 and 06174/17/0); and
- f) the length and proposed arrangements on the seabed of the anchor and mooring system.

Reason: *To confirm the final Development specification and layout.*

11. Design Statement

The Company must, no later than 6 months prior to the Commencement of the Development, or at such a time as agreed with the Scottish Ministers, submit a Design Statement (“DS”), in writing, to the Scottish Ministers. The DS, which must be signed off by at least one qualified landscape architect as instructed by the Company prior to submission to the Scottish Ministers, must include representative wind farm visualisations from key viewpoints as agreed with the Scottish Ministers, based upon the final DSLP as approved by the Scottish Ministers as updated or amended. The Company must provide the DS, for information only, to SNH, THC, OIC, HES, MCC and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

Reason: *To ensure that the Development is carried out in accordance with the approved details, and to inform interested parties of the final wind farm scheme proposed to be built.*

12. Offshore Environmental Management Plan

The Company must, no later than 6 months prior to the Commencement of the Development, or at such a time as agreed with the Scottish Ministers, submit an Offshore Environmental Management Plan (“OffEMP”), in writing, to the Scottish Ministers for their written approval. Such approval may

only be granted following consultation by the Scottish Ministers with SNH, SEPA, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a) all construction as required to be undertaken before the Final Commissioning of the Development; and
- b) the operational lifespan of the Development from the Final Commissioning of the Development until the cessation of electricity generation. (in accordance with conditions contained within Marine Licences 06178/17/0 and 06174/17/0).

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

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

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

The OffEMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application and the Project Environmental Monitoring Programme ("PEMP").

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

13. Vessel Management Plan

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

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

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

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

The VMP must, so far as is reasonably practicable, be consistent with the OffCMS, the OffEMP, the PEMP, the NSP and conditions contained within Marine Licences 06178/17/0 and 06174/17/0.

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

14. Offshore Operation and Maintenance Programme

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

The OffOMP must set out the procedures and good working practices for operations and the maintenance of the WTGs and substructures of the Development.

The OffOMP must, so far as is reasonably practicable, be consistent with the OffEMP, the PEMP, the VMP, the NSP,) and conditions contained within Marine Licences 06178/17/0 and 06174/17/0.

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

15. Navigational Safety Plan

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

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

- a) navigational safety measures;
- b) construction exclusion zones;
- c) notice(s) to Mariners and Radio Navigation Warnings;
- d) anchoring areas;
- e) temporary construction lighting and marking;
- f) emergency response and coordination arrangements (ERCoP) for the construction, operation and decommissioning phases of the Development and to be in accordance conditioned in Marine Licences 06178/17/0 and 06174/17/0; and
- g) buoyage.

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

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

16. Project Environmental Monitoring Programme

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

The PEMP must set out measures by which the Company must monitor the environmental impacts of the whole Development, including offshore and onshore works. Monitoring is required throughout the lifespan of the Development where this is deemed necessary by the Scottish Ministers. Lifespan in this context includes preconstruction, construction, operational and decommissioning phases.

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

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

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

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

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

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

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

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

17. Fisheries Management and Mitigation Strategy

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

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

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

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

Reason: To mitigate the impact on commercial fishermen.

18. Environmental Clerk of Works

Prior to the Commencement of the Development, the Company must at its own expense, and with the approval of the Scottish Ministers in consultation with SNH and SEPA, appoint an independent Onshore and Offshore 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 consent to the Scottish Ministers and remain in post until agreed by the Scottish Ministers. The terms of appointment must be approved by Scottish Ministers, in consultation with SNH, SEPA and THC.

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

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

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

19. Fisheries Liaison Officer

Prior to the Commencement of the Development, a Fisheries Liaison Officer (“FLO”) must be appointed by the Company and approved, in writing, by the Scottish Ministers following consultation with SFF, the East Coast and Northern Inshore Fisheries Group and any other advisors or

organisations as may be required at the discretion of Scottish Ministers. The FLO must be appointed by the Company for the period from Commencement of the Development until the Final Commissioning of the Development. The identity and credentials of the FLO must be included in the OffEMP. The FLO must establish and maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development and ensure compliance with best practice guidelines whilst doing so.

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

- a) establishing and maintaining effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall project and any amendments to the OffCMS and site environmental procedures;
- b) the provision of information relating to the safe operation of fishing activity at the site of the Development; and
- c) ensuring that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.

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

20. SpORRAn (Scottish Offshore Renewables Research Framework)

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

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

21. Fisheries Working Group

The Company must participate in a Fisheries Working Group ("FWG"), or any successor group, formed to facilitate commercial fisheries dialogue, for the purposes of defining and finalising a Fishing Management and Mitigation Strategy ("FMMS"). The FWG must adhere to the working group protocol.

Reason: *To mitigate the impacts on commercial fishermen*

22. Scottish Strategic Marine Environment Group

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

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

Annex B - Marine Licence - MS-00009324 - Proposed Changes

Annex B

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: **MS-00009324**

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

**Highland Wind Limited
4th Floor,
115 George Street,
Edinburgh
EH2 4JN**

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 **08 June, 2021** until **16 March, 2037**

Signed:
Rebecca Bamlett

For and on behalf of the Licensing Authority

Date of issue: **08 June 2021**

MS-00009324

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) **"the Application"** means the Application letter, marine licence application form and Environmental Statement ("ES") submitted to the Scottish Ministers by the Company on 19 October 2016;
- b) **"Commencement of the Works"** means the date on which the first vessel arrives on the Site to begin carrying on any Licensed Activity in connection with the construction of the Works, as described in Part 2 of this licence;
- c) **"Company"** means Highland Wind Limited (Company Number SC675148) having its registered office at 4th Floor 115 George Street, Edinburgh, Midlothian, Scotland EH2 4JN;
- d) **"Completion of the Works"** means the date on which the Works have been installed, or the Works have been deemed complete by the Licensing Authority, whichever occurs first;
- e) **"Decommissioning Programme"** means the programme for decommissioning the Works, to be submitted by the Company to the appropriate authority under section 105(2) of the Energy Act 2004 (as amended);
- f) **"Decommissioning of the Works"** includes removal of the Works from the seabed, demolishing the Works or dismantling the Works;
- g) **"Final Commissioning of the Works"** means the date on which all the Works have been used to supply electricity on a commercial basis to the National Grid, or such earlier date as the Licensing Authority deem the Works to be fully commissioned;
- h) **"Licensable Marine Activity"** means any activities listed in section 21 of the 2010 Act authorised under this licence;
- i) **"Licensed Activity"** and **"Licensed Activities"** means any activity, or activities, listed in section 21 of the 2010 Act which is, or are, authorised under this licence;
- j) **"Licensee"** means the Company;
- k) **"the Licensing Authority"** means the Scottish Ministers;
- l) **"LMP"** means Lighting and Marking Plan as defined in the section 36 consent;
- m) **"MHWS"** means mean high water spring tide;
- n) **"the Site"** means the area outlined in the figure contained in Annex One of this licence;
- o) **"the 2010 Act"** means the Marine (Scotland) Act 2010; and
- p) **"the Works"** means the **Pentland Floating Offshore Wind Farm (previously known as Dounreay Tri Floating Wind Demonstration Project)** as described in Part 2 of this licence.

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 Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@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 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

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

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

1.5 Breach of requirement for, or conditions of, licence

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

1.6 Defences: actions taken in an emergency

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

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

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

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to 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 Agent

as per Licensee

2.2 Location of the Licensed Activity

Dounreay, Caithness within the area bounded by joining the following points:

58° 40.43" N 03° 53.60" W

58° 40.47" N 03° 48.43" W

58° 37.77" N 03° 48.37" W

58° 37.73" N 03° 53.53" W

As shown in Annex One.

2.3 Description of the Licensed Activity

An offshore floating wind demonstration project, known as ~~Pentland Floating Offshore Wind Farm (previously known as Dounreay Tri Floating Wind Demonstration Project)~~, approximately 6 km offshore from Dounreay, Caithness, North coast of Scotland, ~~shall have a permitted generating capacity not exceeding 12 MW~~ and shall be comprised of:

1. Two floating offshore wind turbines , each with:

~~a) a generating capacity from 8 MW to 12 MW;~~

b) a maximum of 3 rotors;

c) a maximum rotor diameter of 154 metres;

d) a maximum rotor tip height of 201 metres (measured from LAT);

e) a maximum hub height of 124 metres (measured from LAT); and

f) a minimum air draft of 22 metres (measured above LAT);metres;

2. one single floating, semi-submersible, column-stabilised platform, able to rotate 360° comprised of buoyancy columns interconnected in a steel lattice truss framework:

a) maximum length will be 230 m,

b) maximum width will be 135 m

c) maximum height 15 m above water surface

d) mooring clump weight, 50 m x 50 m with a weight of approximately 600 tonnes;

e) maximum 8 mooring chain and/or steel lines;

f) maximum 16 drag embedment anchors;

g) scour protection for the anchors; and

h) grid connection.

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

As described in the application dated 19 October, 2016 and correspondence submitted in support of the application.

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

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

Steel/Iron: 7,972,800 tonnes

Stone/Rock/Gravel: 20,106 m³ (size range of 60-650 mm)

Concrete: 450 m³

2.5 Contractor and Vessel Details

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 3.1.3 prior to their engagement in the Works.

The name of the operators, vessels and vehicles engaging in the Works must be notified to the Licensing Authority under condition 3.1.3 prior to their engagement in the Works.

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1. Compliance with the Application and approved plans

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

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

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

3.1.2 Licence conditions binding other parties

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

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

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

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

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

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

The above details must be recorded in section 2.5 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 prior to engagement in the Works.

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

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

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

3.1.4. Force Majeure

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

of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the Licensing Authority is obliged to immediately report force majeure incidents to the Convention Commission.

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

3.1.5. Material alterations to the licence application

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

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

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

The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under this licence in relation to the Works, in writing, to the Licensing Authority, for their written approval.

Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval to the Licensee. Plans or the specification of studies and surveys prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of this licence.

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

3.1.7. Submission of reports to the Licensing Authority

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

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

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

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

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

3.1.8 Chemical usage

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

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

If the proposed chemical is not on the OCNS list, the approval request must include details of chemical to be used, including safety data sheet, depth and current at the Site, quantities or volumes and the proposed frequency of use.

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

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

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

3.1.9 Fluorinated greenhouse gases

The Licensee must ensure that all equipment to be utilised in the Works which contains fluorinated greenhouse gases (hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine, listed in Annex I of Regulation No 517/2014 of the European Parliament and of the Council of 16 April 2014 on Fluorinated Greenhouse Gases ("F-Gas Regulation") or mixtures containing any of those substances) must take precautions to prevent the unintentional release ('leakage') of those gases. The Licensee must take all measures which are technically and economically feasible to minimise leakage of fluorinated greenhouse gases. Where 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 is checked for leakage in accordance with Article 4 of the F-Gas Regulation. Records of these checks must be kept in accordance with Article 6 of the F-Gas Regulation. These records must be submitted to the Licensing Authority annually and immediately in the event of discovery of leakage.

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

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

3.1.10. Environmental protection

The Licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to avoid or minimise any damage to the Scottish marine area caused 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 construction, operation and maintenance activities authorised under this licence.

The Licensee must ensure that any debris or waste material placed below MHWS level during the construction of the Works is removed from the Site, unless agreed otherwise by the Licensing Authority, as soon as is reasonably practicable, for disposal at a location above the MHWS level, approved by the Scottish Environment Protection Agency or such other relevant authority if disposal is to take place outwith Scotland.

The Licensee must ensure that, where practicable, all substances and objects deposited during 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 construction, operation and maintenance of 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 need not be removed from the seabed.

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

3.1.11. Availability of the licence for inspection

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

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

d) aboard any vessel engaged in the Works.

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

3.1.12. Inspection of the Works

Any persons authorised by the Licensing Authority must be permitted to inspect the Works. 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 Works.

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

3.1.13. Emergencies

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

- a) the failure to mark and light the Works as required by this licence;
- b) the maintenance of the Works; or
- c) the drifting or wreck of the Works to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

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

Conditions applicable to all phases of the Works

3.1.14. Implementation in accordance with approved plans and requirements of this consent

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

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

3.1.15. 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 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.

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

3.1.16. Bunding and storage facilities

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

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

3.1.17. 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 Licensing Authority in writing of the discontinuation of the Works. A separate marine licence application will be required for the removal of Works. Reason: To mitigate the effects of the activity on the Site, in accordance with s.29(3)(e) of the 2010.

3.1.18. 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 Cooperation Plans ("ERCoP") for the construction and operation phases. The ERCoP should include full details for the construction and operation phases of the authorised scheme in accordance with MCA recommendations contained within Marine Guidance Notice ("MGN") 543 (or subsequent updates). A copy of the final plan must be submitted to the Licensing Authority no later than 6 calendar months, or at such a time as agreed with the Licensing Authority, prior to the Commencement of the Works.

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

3.1.19. Lighting and Marking Plan ("LMP")

The Company must, no later than 6 months prior to the Commencement of the Development or at such a time as agreed with the Scottish Ministers, submit a Lighting and Marking Plan ("LMP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA, Northern Lighthouse Board ("NLB"), Ministry of Defence ("MoD"), Civil Aviation Authority ("CAA"), Royal Yachting Association Scotland and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The LMP must provide that the Development be lit and marked in accordance with the current CAA and MoD aviation lighting policy and guidance that is in place as at the date of the Scottish Ministers approval of the LMP, or any such other documents that may supersede said guidance prior to the approval of the LMP.

The LMP must also detail the navigational lighting requirements detailed in IALA Recommendation O-139 or any other documents that may supersede said guidance in place immediately prior to the approval of the LMP.

The Company must provide the LMP, for information, to the Highland Council, Orkney Islands Council, NatureScot and any other bodies as may be required at the discretion of the Scottish Ministers.

Reason: To ensure navigational safety and the safe marking and lighting of the offshore generating station.

3.1.20 Previous marine licence

Should the Licensee proceed to undertake the Licensed Activity under the authority of this licence, the Licensed Activity authorised under the previous marine licence in favour of Highland Floating Winds Limited, dated 23 July 2019 (licence number 06178/19/0) is not permitted.

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

3.2 Prior to the commencement of the Licensed Activity

3.2.1. Bathymetry surveys

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

Reason: To ensure all environmental and navigational issues are considered for the location and construction of the cable. 3.2.2. Commencement date of the Works.

3.2.2 Commencement date of the Works

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

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

3.2.3. Third Party Certification or Verification

The Licensee must, no later than 6 calendar months prior to the Commencement of the Works, or at such a time as agreed with the Licensing Authority, provide the Licensing Authority with Third Party Certification ("TPC") or Verification ("TPV") (or suitable alternative as agreed, in writing, with the Licensing Authority) for all Wind Turbine Generators ("WTGs"), mooring systems and WTGs platform structures. The TPC or TPV must include an assessment on the suitability of the mooring system.

The applicant must follow the HSE guidance for Offshore Installation Moorings, as appropriate.

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

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

3.2.4. Navigation and Aviation and Safety Charting

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

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

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

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

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

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

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

3.2.5. Noise Registry

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

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

3.3 During the Licensed Activity

3.3.1. Transportation audit sheet

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

If the Licensee becomes aware of any substances or objects on the transportation audit sheet that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must contact the Licensing Authority as soon as practicable after becoming aware, for advice on the appropriate remedial action (which may include requiring charts to be amended to show such deposits). Should the Licensing Authority deem it necessary, the

Licensee must undertake a side scan sonar survey in grid lines (within operational and safety constraints) across the area of the Works, to include cable routes and vessel access routes from local service port(s) to the Site to locate the substances or objects. If the Licensing Authority is of the view that any accidental deposits associated with the construction of the Works are present, then the deposits must be removed by the Licensee as soon as is practicable following the giving of such a view by the Licensing Authority, and at the Licensee's expense.

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

3.3.2. Nature and quantity of deposited substances and objects

The Licensee must, in addition to the transportation audit sheets required to be submitted to the Licensing Authority under condition 3.3.1 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.

3.3.3. Navigational safety

The Licensee must notify the UKHO of the progress of the Works to facilitate the promulgation of maritime safety information and updating of Admiralty charts and publications through the national Notice to Mariners system. The Licensee must notify local mariners, fishermen's organisations and HM Coastguard, in this case Shetland Coastguard Operations Centre, of the progress of the Works through local Notice to Mariners or any other appropriate means.

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

The Licensee must notify the Clyde Cruising Club of the progress of the Works.

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

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

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

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

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

3.3.4. Markings, lighting and signals of the Works and Jack up vessels

The Licensee must ensure that the Works are marked and lit in accordance with the requirements of the NLB, MCA, the CAA and 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.

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

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

The Licensee must ensure that the turbines are 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).

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

3.4 Upon Completion of the Licensed Activity

3.4.1. Date of Completion of the Works

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

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

3.4.2. Final Commissioning of the Works

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

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

3.4.3. Navigational safety

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

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

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

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

The Licensee must ensure that the Clyde Cruising Club are made fully aware of the Completion of the Works.

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

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

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

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

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

3.4.4. Nature and quantity of deposited substances and objects

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

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

3.4.5. 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 NLB at all times and such marking and/or lighting must be continued unless and until such time as the Licensing Authority, by notice, relevantly varies this licence under section 30 of the 2010 Act.

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

The Licensee must ensure that the position of the platform is actively monitored and a contingency plan is developed to respond to any reported off-station events. This should include the transmission of local Radio Navigation Warnings.

The Licensee must ensure that the turbines are 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.

The Licensee must ensure that the platform and the structure of each wind generator 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. The Licensee must ensure that each wind generator is fitted with 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 on these structures should be synchronised. These lights 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.

The Licensee must ensure that all navigation lights are 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 the highest astronomical tide.

The Licensee must ensure that the platform is 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.

The Licensee must ensure that 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.

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

3.4.6. 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 from the Completion of the Works.

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

3.4.7. 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 6 calendar months in advance of any maintenance of the Works where any additional deposits are required. In the event that these works were not assessed in the Application and are considered by the Licensing Authority as being material they will require further marine licences.

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

3.4.8. Removal of the Works

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

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

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

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

3.4.9. 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.

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.

Public Notice: Dounreay Tri Floating Wind Demonstrator - s36 - Offshore Windfarm and Transmission Infrastructure - Variation Application - 08.03.2023

ELECTRICITY ACT 1989

THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013

MARINE (SCOTLAND) ACT 2010

Notice is hereby given that Highland Wind Limited (Company registration number: **SC675148** and having its registered office at **4th Floor 115 George Street, Edinburgh, Midlothian, Scotland, EH2 4JN**) has applied to the Scottish Ministers to vary both the consent granted under section 36 of the Electricity Act 1989 on 16 March 2017 and marine licence number MS-00009324 granted under Part 4 of the Marine (Scotland) Act 2010 on 8 June 2021 in order to construct and operate the Dounreay Tri Floating Wind Demonstrator, located approximately 6 km off the Dounreay coast in Caithness with a total area of 25 km² (central grid reference: 58° 39.093' N, 03° 50.976' W).

The applications made under section 36C of the Electricity Act 1989 and Part 4 of the Marine (Scotland) Act 2010, seeks to make the following variations to the S36 consent and marine licence:

- Remove the individual turbine capacity of 6 MW; and
- Remove the total generating capacity of 12 MW.

There would be no change to the physical parameters of the project consented in 2017.

Copies of the variation application and the supporting information are available for public inspection in person, free of charge, **during normal office/opening hours** at:

**Thurso Library,
Davidson's Lane,
Thurso
KW14 7AF**

**Orkney Library,
44 Junction Rd,
Kirkwall
KW15 1AG**

The section 36 variation and marine licence variation application and supporting information is available for review on the following websites:

1. www.pentlandfloatingwind.com
2. <https://marine.gov.scot/ml/dounreay-tri-floating-wind-demonstration-project>

Any representations regarding the section 36 variation application and/or marine licence variation application should be made in writing by email to MS.MarineRenewables@gov.scot or by post to: The Scottish Government, Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB, identifying the proposal and specifying grounds for objection or support, no later than 14 April 2023, although the Scottish Ministers may consider representations received after this date. Representations should be dated and should clearly state the name (in **block capitals**) and the full return email or postal address of those making representation.

Where Scottish Ministers decide to exercise their discretion to do so, Scottish Ministers may cause a Public Local Inquiry (PLI) to be held.

Following receipt of all views and representations, Scottish Ministers will determine the application for consent in one of two ways:

1. Approve and grant the consent/licence for the variation application(s), with or without conditions attached; or
2. Reject the variation application(s).

Fair Processing Notice

The Scottish Government's Marine Scotland Licensing Operations Team ("MS-LOT") determine applications for marine licences under the Marine (Scotland) Act 2010, the Marine and Coastal Act 2009 and section 36 consents under The Electricity Act 1989 (as amended). During the consultation process any person having an interest in the outcome of the application may make a representation to MS- LOT. The representation may contain personal information, e.g. a name or address. This representation will only be used for the purpose of determining an application and will be stored securely in the Scottish Government's official corporate record. Representations will be shared with the applicant and/or agent acting on behalf of the applicant, any people or organisations that we consult in relation to the application, the Directorate of Planning and Environmental Appeals should the Scottish Ministers call a PLI and, where necessary, be published online, however, personal information will be removed before sharing or publishing.

A full privacy notice can be found at: <https://www2.gov.scot/Topics/marine/Licensing/marine/PrivacyNotice>. If you are unable to access this, or you have any queries or concerns about how your personal information will be handled, contact MS- LOT at: ms.marinerenewables@gov.scot or Marine Scotland - Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB.