

ANNEX 1 – DESCRIPTION OF THE DEVELOPMENT

An offshore energy generating station, located in the outer Firth of Forth, approximately 15.5km from East Fife Ness, as shown in Figure 1 below, with a maximum generating output of around 450MW comprising:

1. Not more than 54, three-bladed horizontal axis Wind Turbine Generators (“WTGs”), each with:
 - a) A maximum rotor tip height of 208 metres (measured from Lowest Astronomical Tide (“LAT”));
 - b) A maximum rotor diameter of 167 metres;
 - c) A maximum hub height of 126 metres (measured from LAT);
 - d) A minimum blade tip clearance of ~~35-36~~ metres (measured from LAT);
 - e) Blade width of up to ~~5.54.5~~ metres; and
 - f) A minimum spacing of 800 metres.
2. Up to 54 jacket foundations and ancillary equipment.
- ~~3. Up to 2 Offshore Substation Platforms (“OSPs”), jacket foundations and ancillary equipment.~~
- ~~4.3. Up to 140km of inter-array cabling, and up to 4 interconnector cables between the 2 OSPs.~~
- ~~5. Two subsea Offshore Export Cables (“OEC”) each of up to 43km in length;~~
- ~~6.4. scour and cable protection.~~
- ~~7.5. A Meteorological mast.~~

The total area within the Development site boundary is 105km².

ANNEX 2 - SECTION 36 CONSENT CONDITIONS

The consent granted under Section 36 of the Electricity Act 1989 is subject to the following conditions:

The Company must submit the requested plans as detailed in the conditions prior to the Commencement of the 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 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.

Part 1 - Conditions Attached to Section 36 Consent

1. Duration of the Consent

The consent is for a period of 50 years from the date of Final Commissioning of the Development.

Written confirmation of the date of First and Final Commissioning must be provided by the Company to the Scottish Ministers and to Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and Scottish Ministers no later than one calendar month after these respective dates.

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 later period as the Scottish Ministers may hereafter direct in writing. The Company must provide written confirmation of the intended date of Commencement of Development must to the Scottish Ministers and

to Angus Council, Dundee City Council, East Lothian Council, Fife Council and Scottish Borders Council no later than one calendar month before that date.

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

3. Decommissioning

There must be no Commencement of Development unless a Decommissioning Programme (“DP”) has been submitted to and approved in writing by the Scottish Ministers. The DP must outline measures for the decommissioning of the Development, restoration of the sea bed and will include without limitation, proposals for the removal of the Development, the management and timing of the works and, environmental management provisions.

The Development must be decommissioned in accordance with the approved DP, unless otherwise agreed in writing in advance with the Scottish Ministers.

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

4. Assignment

This consent must not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent (with or without conditions) or refuse assignment as they may see fit. The consent is not capable of being assigned, alienated or transferred otherwise than in accordance with the assignment procedure as directed by Scottish Ministers.

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

5. Redundant turbines

If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Scottish Ministers, the Company must: (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Scottish Ministers setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the sea bed restored; and (ii) implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Scottish Ministers.

Reason: To ensure that any redundant wind turbine(s) is/are removed from the site, in the interests of safety, amenity and environmental protection.

6. 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 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 Scottish Ministers within a period of time to be agreed by the Scottish Ministers .

Reason: *To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*

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

Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with the Application (as supplemented by the additional environmental information (“EIA Addendum”), submitted by the Company on 26 July 2018) 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.*

8. 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.*

9. Construction Programme

The Company must, no later than six months prior to the Commencement of the Development, 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 Scottish Natural Heritage (“SNH”), Scottish Environment Protection Agency (“SEPA”), Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), Royal Society for the Protection of Birds Scotland (“RSPB Scotland”), Angus Council, Dundee City Council, East Lothian Council, Fife

Council, Scottish Borders Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CoP must set out:

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

Reason: To confirm the timing and programming of construction.

10. Construction Method Statement

The Company must, no later than six months prior to the Commencement of the Development submit a Construction Method Statement (“CMS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, SEPA, MCA, NLB, RSPB Scotland, Forth Ports (“FP”), Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CMS must include, but not be limited to:

- a. Details of the commencement dates, duration and phasing for the key elements of construction, the working areas, the construction procedures and good working practices for installing the Development.
- b. Details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or sub-contractors involved during the construction of the Development.
- c. Details of how the construction related mitigation steps proposed in the Application are to be delivered.

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

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.

11. Piling Strategy

The Company must, no later than six months prior to the Commencement of the Development, submit a Piling Strategy (“PS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, River Tweed Commission (“RTC”), Whale and Dolphin Conservation (“WDC”), Scottish Borders Council and any such other advisors as may be required at the discretion of the Scottish Ministers.

The PS must include, but not be limited to:

- a. Details of expected noise levels from pile-drilling/driving in order to inform point d below;
- b. Full details of the proposed method and anticipated duration of piling to be carried out at all locations;
- c. Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location; and
- d. Details of any mitigation such as Passive Acoustic Monitoring (“PAM”), Marine Mammal Observers (“MMO”), use of Acoustic Deterrent Devices (“ADD”) and monitoring to be employed during pile-driving, as agreed by the Scottish Ministers.

The PS must be in accordance with the Application and must also reflect any monitoring or data collection carried out after submission of the Application. The PS must demonstrate how the exposure to and/or the effects of underwater noise have been mitigated in respect to harbour porpoise, minke whale, bottlenose dolphin, harbour seal, grey seal, Atlantic salmon and sea trout.

The PS must, so far as is reasonably practicable, be consistent with the EMP, the Project Environmental Monitoring Programme (“PEMP”) and the CMS.

Reason: *To mitigate the underwater noise impacts arising from piling activity.*

12. Development Specification and Layout Plan

The Company must, no later than six months prior to the Commencement of the Development, 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 the MCA, NLB, SNH, the Ministry of Defence (“MOD”), Civil Aviation Authority (“CAA”), Chamber of Shipping (“CoS”), SNH, Scottish Fishermen’s Federation (“SFF”), Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council, 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 each individual WTG (subject to any required micro-siting), including information on WTG spacing, WTG identification/numbering, ~~location of the substation platforms,~~ seabed conditions, bathymetry, confirmed foundation type for each WTG and any key constraints recorded on the site;
- b. A list of latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for each WTG. This should also be provided as a Geographic Information System ("GIS") shape file using 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 output of each WTG used on the site (Figure 1) and a confirmed generating output for the site overall;
- e. The finishes for each WTG (see condition 20 on WTG lighting and marking); and
- f. The length and proposed arrangements on the seabed of all inter-array cables.

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

13. Design Statement

The Company must, no later than six months prior to the Commencement of the Development, 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 Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council, SNH, MCA 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.*

14. Environmental Management Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an Environmental Management Plan (“EMP”), 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, RSPB Scotland, WDC, RTC, Tay District Salmon Fisheries Board (“Tay DSFB”), Esk District Salmon Fisheries Board (“Esk DSFB”), Forth District Salmon Fisheries Board (“Forth DSFB”), Fisheries Management Scotland (“FMS”) and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The EMP 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 (environmental management during decommissioning is addressed by the Decommissioning Programme provided for by condition 3).

The EMP must be in accordance with the Application insofar as it relates to environmental management measures. The EMP 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 Application and pre-consent and pre-construction monitoring or data collection, and include the relevant parts of the CMS (refer to condition 10);
- 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, reuse and recycle should be encouraged; and
- e. The reporting mechanisms that will be used to provide the Scottish Ministers and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Company and the Scottish Ministers or Forth and Tay Regional Advisory Group (“FTRAG”), 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 EMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application and the PEMP.

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 Application, or as otherwise agreed are fully implemented.

15. Vessel Management Plan

The Company must, no later than six months prior to the Commencement of the Development, 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, FP, MCA, NLB, SFF and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

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

- a. The number, types and specification of vessels required;
- b. How vessel management will be coordinated, particularly during construction but also during operation;
- c. Location of working port(s), the routes of passage, 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; and
- d. A fishing gear De-Confliction Notice. The De-Confliction Notice must lay out guidelines for vessels operating in around the site and transiting into the site from relevant ports.

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, 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 CMS, the EMP, the PEMP, the NSP, and the LMP.

Reason: To mitigate the impact of vessels.

16. **Operation and Maintenance Programme**

The Company must, no later than three months prior to the Commissioning of the first WTG, submit an Operation and Maintenance Programme (“OMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the SNH, SEPA, MCA, NLB, RSPB Scotland, SFF, Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The OMP must set out the procedures and good working practices for operations and the maintenance of the WTG’s, substructures, and inter-array cable network of the Development. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

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

Reason: To safeguard environmental interests during operation and maintenance of the Development.

17. **Navigational Safety Plan**

The Company must, no later than six months prior to the Commencement of the Development, 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 and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers. The NSP must include, but not be limited to, the following issues:

- a. Navigational safety measures;
- b. Construction exclusion zones;
- c. Notice(s) to mariners and radio navigation warnings;
- d. Anchoring areas;
- e. Temporary construction lighting and marking;
- f. 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 this guidance prior to approval of the NSP.

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

18. **Emergency Response Co-operation Plan**

The Company must, no later than six months prior to the Commencement of the Development, submit an Emergency Response Co-operation Plan (“ERCoP”) for the construction, operation, maintenance and decommissioning phases of the Development, 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 and NLB and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers. The ERCoP should follow the [template and guidance](#) as found on the MCA website. The ERCoP must be developed in discussion with the MCA and be in accordance with condition 3.2.1.4 of the marine licence.

Reason: *For emergency response planning relating to the Development and requirements for Search And Rescue (“SAR”) helicopter operations.*

19. **Cable Plan**

The Company must, no later than six months prior to the Commencement of the Development, submit a Cable Plan (“CaP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with, SNH, MCA, SFF and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CaP must be in accordance with the Application.

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

- a. The vessel types, location, duration and cable laying techniques for the inter array cables;
- b. The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c. Technical specification of inter array cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;
- d. A burial risk assessment to ascertain burial depths and where necessary alternative protection measures;

- e. Methodologies for surveys (e.g. over trawl) of the inter array cables through the operational life of the wind farm where mechanical protection of cables laid on the sea bed is deployed; and
- f. Methodologies for inter array cable inspection with measures to address and report to the Scottish Ministers any exposure of inter array cables.

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

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

20. Lighting and Marking Plan

The Company must, no later than six months prior to the Commencement of the Development, 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 SNH, MCA, NLB, CAA, MOD, SFF, Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council 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 this guidance prior to the approval of the LMP. The LMP must also detail the navigational lighting requirements detailed in International Association of Marine Aids to Navigation and Lighthouse Authorities (“IALA”) IALA Recommendation O-139 or any other documents that may supersede this guidance prior to approval of the LMP.

Reason: To ensure navigational safety and the safe marking and lighting of the Development.

21. Aviation Radar

The Company must, prior to the erection of any WTGs on the site, submit an Air Traffic Control Radar Mitigation Scheme (“ATC Scheme”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MOD.

The ATC Scheme is a scheme designed to mitigate the impact of the Development upon the operation of the Primary Surveillance Radar at Leuchars Airfield (“the Radar”) and the air traffic control operations of the MOD which is reliant upon the Radar. The

ATC Scheme must set out the appropriate measures to be implemented to mitigate the impact of the Development on the Radar and must be in place for the operational life of the Development provided the Radar remains in operation.

No WTGs forming part of the Development may become operational, unless and until all those measures required by the approved ATC Scheme to be implemented prior to the operation of the turbines, have been implemented, and the Scottish Ministers have confirmed this in writing. The Development must thereafter be operated fully in accordance with the approved ATC Scheme.

Reason: *To mitigate the adverse impacts of the Development on the Radar [aerodrome navigations systems and or radar stations].*

22. Charting requirements

The Company must, prior to the Commencement of the Development, and following confirmation of the approved DSLP by the Scottish Ministers (refer to condition 12), provide the positions and maximum heights of the WTGs, ~~any Offshore Substation Platforms (“OSPs”)~~ and construction equipment to the United Kingdom Hydrographic Office (“UKHO”) for aviation and nautical charting purposes. The Company must, within one month of the Final Commissioning of the Development, provide the coordinates accurate to three decimal places of minutes of arc for each WTG ~~and OSP~~, position and maximum heights of the WTGs ~~and OSs~~ to the UKHO for aviation and nautical charting purposes.

Reason: *For aviation and navigational safety.*

23. Project Environmental Monitoring Programme

The Company must, no later than six months prior to the Commencement of the Development, 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, SFF, FMS, RTC, Tay DSFB, Esk DSFB, Forth DSFB, and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers. The PEMP must be in accordance with the Application as it relates to environmental monitoring.

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

The Scottish Ministers must approve all initial methodologies for the above monitoring, in writing and, where appropriate, in consultation with the FTRAG referred to in condition 24 of this consent.

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

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

- a. Pre-construction, construction (if considered appropriate by the Scottish Ministers) and post-construction monitoring or data collection as relevant in terms of the Application, and any subsequent monitoring or data collection for:
 1. Birds;
 2. Marine Mammals;
 3. Commercial Fisheries;
 4. Marine fish;
 5. Diadromous fish;
 6. Benthic communities; and
 7. Seabed scour and local sediment deposition.

- b. The participation by the Company to contribute to data collection or monitoring of wider strategic relevance, identified and agreed by the Scottish Ministers.

Due consideration must be given to the Scottish Marine Energy Research (“ScotMER”) programme.

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 and 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 the FTRAG, require the Company to amend the PEMP and submit such an amended PEMP, in writing, to the Scottish Ministers, for their written approval. Such approval may only be granted following consultation with the FTRAG, and any

other environmental, or such other advisors as may be required at the discretion of the Scottish Ministers.

The Company must submit written reports and associated raw and processed data of such monitoring or data collection to the Scottish Ministers at timescales to be determined by them. Consideration should be given to data storage, analysis and reporting and be to [MEDIN data standards](#).

Subject to any legal restrictions regarding the treatment of the information, the results are to be made publicly available by the Scottish Ministers, or by such other party appointed at their discretion.

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

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

24. Regional Advisory Group

The Company must participate in any Forth and Tay Regional Advisory Group (“FTRAG”) or any successor group, established by the Scottish Ministers for the purpose of advising the Scottish Ministers on research, monitoring and mitigation programmes for, but not limited to, ornithology, marine mammals, diadromous and commercial fish. The extent and nature of the Company’s participation in the Regional Advisory Group is to be agreed by the Scottish Ministers.

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

25. Fisheries Management and Mitigation Strategy

The Company must no later than six months prior to the Commencement of the Development, submit a Fisheries Management and Mitigation Strategy (“FMMS”), in writing, to the Scottish Ministers for their written approval in consultation with SFF. The Company must also remain a member of the Forth and Tay Commercial Fisheries Working Group (“FTCFWG”), or any successor group formed to facilitate commercial fisheries dialogue, to define and finalise the FMMS.

In order to inform the production of the FMMS the Company must monitor or collect data as relevant and agreed with Scottish Ministers.

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.

26. 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, appoint an independent Environmental Clerk of Works (“ECoW”). The ECoW must be appointed in time to review and approve the draft version of the first plan or programme submitted under this consent to Scottish Ministers, in sufficient time for any pre-construction monitoring requirements, and remain in post until agreed by the Scottish Ministers. The terms of appointment must also be approved by the Scottish Ministers in consultation with SNH.

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

- a. Quality assurance of final draft versions of all plans and programmes required under this consent;
- b. Responsibility for the monitoring and compliance of the consent conditions and the environmental mitigation measures for all wind farm infrastructure;
- 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 and the implementation of the CMS, the EMP, the PEMP, the PS, the CaP and the VMP;
- d. Provision of reports on point b & c) above to the Scottish Ministers at timescales to be determined by the Scottish Ministers;
- e. Induction and toolbox talks to onsite construction teams on environmental policy and procedures, including temporary stops and keeping a record of these;
- f. Monitoring that the Development is being constructed in accordance with the plans and this consent, the Application and in compliance with all relevant regulations and legislation;
- g. Reviewing and reporting incidents/near misses and reporting any changes in procedures as a result; 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.

27. 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 and the FTCFWG. 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 EMP (referred to in condition 14). 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:

- a. Establishing and maintaining effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Development and any amendments to the CMS and site environmental procedures;
- b. The provision of information relating to the safe operation of fishing activity on the site of the 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 facilitate engagement with the commercial fishing industry.*

28. Marine Archaeology Reporting Protocol

The Company must, no later than six months prior to the Commencement of the Development, submit a Marine Archaeology Reporting Protocol (“MARP”) which sets out what the Company must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Development, in writing, to the Scottish Ministers for their written approval. Such approval may be given only following consultation by the Scottish Ministers with Historic Environment Scotland (“HES”) and any such advisors as may be required at the discretion of the Scottish Ministers. The Reporting Protocol must be implemented in full, at all times, by the Company.

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

29. Construction Traffic Management Plan

The Company must, no later than six months prior to the Commencement of the Development submit a Construction Traffic Management Plan (“CTMP”) in writing, to

the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with Transport Scotland and any such other advisors as may be required at the discretion of the Scottish Ministers.

The CTMP must include but not be limited to:

- a. A mitigation strategy for the abnormal loads on the trunk road network including any accommodation measures required, incorporating the removal of street furniture, junction widening, or traffic management of road based traffic and transportation associated with the construction of the Development. All construction traffic associated with the Development must conform to the approved CTMP.

- b. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered as a result of the Development.

Reason: To maintain the free flow and safety of the trunk road network.

DEFINITIONS AND GLOSSARY OF TERMS

“AA” means the Appropriate Assessment;

“ADD” means Acoustic Deterrent Devices;

“ADR” means Air Defence Radars;

“AHEP” means Aberdeen Harbour Expansion Project;

“AIS” means Automatic Identification System;

“the Application” means the EIA Report, HRA Report and supporting documents submitted by the Company on 16 March 2018 to construct, operate and maintain an offshore generating station and transmission works, it also includes the EIA Addendum relating to ornithology submitted by the Company on 26 July 2018;

“ATC” means Air Traffic Control;

“Commencement of the Development” means the date on which the first construction activity occurs in accordance with the EIA Report submitted by the Company on 16 March 2018;

“the Company” means Neart na Gaoithe Offshore Wind Ltd (Company Number SC356223, Atria One, 144 Morrison Street, Edinburgh, United Kingdom, EH3 8EX;

“dSPA” means draft Special Protection Area;

“the Development” means the Neart na Gaoithe Offshore Wind Farm, approximately 15.5km East of Fife Ness;

“ECoW” means Environmental Clerk of Works;

“EIA” means Environmental Impact Assessment;

“EIA Addendum” means the addendum of additional information submitted by the Company on 26 July 2018;

“EIA Report” means Environmental Impact Assessment Report;

“EPS” means European Protected Species;

“Final Commissioning of the Development” means the date on which the last wind turbine generator constructed forming the Development has supplied electricity on a commercial basis to the National Grid, or such earlier date as the Scottish Ministers deem the Development to be complete;

“First Commissioning of the Development” means the date on which the first wind turbine generator constructed forming the Development has supplied electricity on a commercial basis to the National Grid;

“FLO” means Fisheries Liaison Officer;

“Forth and Tay Developments” means combinations of the existing consent for Neart na Gaoithe Offshore Wind Farm (granted October 2014), the existing consent for Inch Cape offshore wind farm (granted October 2014) and the application for new consent (submitted August 2018), the existing consents for the Seagreen Alpha and Seagreen Bravo offshore wind farms (granted October 2014) and the applications for new consents (submitted September 2018);

“FTE” means full-time equivalent;

“GHG” means greenhouse gas;

“GIS” means Geographic Information System;

“GVA” means Gross Value Added;

“HDD” means Horizontal Direct Drilling;

“HRA” means Habitat Regulations Appraisal;

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

“iPCoD” means interim Population Consequences of Disturbance;

“LAT” means Lowest Astronomical Tide;

“LSE” means Likely Significant Effect;

“MMO” means marine mammal observer;

“MW” means megawatt;

“NnG” means the Neart na Gaoithe Offshore Wind Farm;

~~“OEC” means Offshore Export Cables;~~

“Original Consent” means the s.36 consent and marine licences (which the Scottish Ministers granted in October 2014) held by the Company for an offshore wind farm development within the same boundary as the current Application;

~~“OSPs” means Offshore Substation Platforms;~~

“PAM” means passive acoustic monitoring;

“PEXA” means military Practice and Exercise Areas;

“PLI” means Public Local Inquiry;

“pSPA” means Proposed Special Protection Areas;

“PTS” means Permanent Threshold Shift;

“PVA” means population viability analysis;

“the Radar” means the Primary Surveillance Radar at Leuchars Airfield;

“RRH” means Remote Radar Head;

“SAC” means Special Area of Conservation;

“SAR” means Search and Rescue;

“ScotMER” means Scottish Marine Energy Research Programme;

“SPA” means Special Protection Area;

“SNCBs” means statutory nature conservation bodies;

“s.36” means section 36 of the Electricity Act 1989 (as amended);

“s.36A” means section 36A of the Electricity Act 1989 (as amended);

“TMZ” means Transponder Mandatory Zone;

“the 2014 Application” means the application submitted by the Company on 13 July 2012;

“VHF” means Very High Frequency;

“WTGs” means wind turbine generators; and

“ZTV” means Zone of Theoretical Visibility.

Organisations and Companies

“BT” means BT Radio Network Protection;

“CoS” means Chamber of Shipping;

“DFA” means Dunbar Fishermen’s Association;

“Esk DSFB” means Esk District Salmon Fishery Board;

“EU” means European Union;

“EHT” means Eyemouth Harbour Trust;

“Forth DSFB” means Forth District Salmon Fishery Board;

“FMS” means Fisheries Management Scotland;

“FP” means Forth Ports;

“FTCFWG” means the Forth and Tay Commercial Fisheries Working Group;

“FTRAG” means Forth and Tay Regional Advisory Group;

“HES” means Historic Environment Scotland;

“ICOL” means Inch Cape Offshore Limited;

“MAU” means Marine Scotland Marine Analytical Unit;

“MS-LOT” means Marine Scotland Licensing Operations Team;

“MSS” means Marine Scotland Science;

“MCA” means the Maritime and Coastguard Agency;

“MOD” means the Ministry of Defence;

“MS-LOT” means Marine Scotland Licensing Operations Team;

“MSS” means Marine Scotland Science;

“NATS” means National Air Traffic Service;

“NOAA” means National Oceanic and Atmospheric Administration

“NLB” means the Northern Lighthouse Board;

“NnGOWL” means Neart Na Gaoithe Offshore Wind Ltd;

“RAG” means Regional Advisory Group;

“RTC” means River Tweed Commission;

“RSPB Scotland” means The Royal Society for the Protection of Birds Scotland;

“RYA Scotland” means Royal Yachting Association Scotland;
“SEPA” means The Scottish Environment Protection Agency;
“Seagreen” means Seagreen Wind Energy Limited;
“SFF” means The Scottish Fishermen’s Federation;
“SNH” means Scottish Natural Heritage;
“SS” means Sport Scotland;
“SSC” means Scottish Seabird Centre;
“Tay DSFB” means Tay District Salmon Fishery Board;
“TS” means Transport Scotland;
“UKHO” means United Kingdom Hydrographic Office; and
“WDC” means Whale and Dolphin Conservation.

Plans and Programmes

“ATC Scheme” means Air Traffic Control Radar Mitigation Scheme;
“CaP” means Cable Plan;
“CMS” means Construction Method Statement;
“CoP” means Construction Programme;
“CTMP” means Construction Traffic Management Plan;
“De-confliction Notice” means a plan which sets out measures to be taken to avoid or reduce the impact of vessel movement on the local fishing industry and to promote a sustainable coexistence. It will include indicative transit routes for vessels operating in and around the development and transiting to the site from relevant ports;
“DP” means Decommissioning Programme;
“DS” means the Design Statement;
“DSL P” means Development Specification and Layout Plan;
“EMP” means Environmental Management Plan;
“ERCoP” means Emergency Response Co-operation Plan;
“FMMS” means Fisheries Management and Mitigation Strategy;
“LDP” means Local Development Plans;
“LMP” means Lighting and Marking Plan;
“MAR P” means Marine Archaeology Reporting Protocol;
“MGN” means Marine Guidance Note;
“NMP” means the National Marine Plan;
“NPF3” means Scotland’s National Planning Framework 3;
“NRA” means Navigation Risk Assessment;

“NRIP” means National Renewables Infrastructure Plan
“NSP” means Navigational Safety Plan;
“OMP” means Operation and Maintenance Programme;
“PEMP” means Project Environmental Monitoring Programme;
“PRMS” means Primary Radar Mitigation Scheme;
“PS” means Piling Strategy;
“SPP” means Scottish Planning Policy 2014; and
“VMP” means Vessel Management Plan.

Legislation

“the Birds Directive” means Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, as amended and as codified by Directive 2009/147/EC of the European Parliament and of the Council of 30th November 2009;
“the Electricity Act” means the Electricity Act 1989 (as amended);
“the 1990 Regulations” means the Electricity (Applications for Consent) Regulations 1990 (as amended);
“the Habitats Regulations” mean the Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended);
“the Habitats Directive” means Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora (as amended);
“the 2017 Habitats Regulations” means The Conservation of Habitats and Species Regulations 2017;
“the 1994 Habitats Regulations” means the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended);
“the 1999 Order” means The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999;
“the 2017 EW Regulations” means The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended);
“the 2017 Habitats Regulations” means the Conservation of Habitats and Species Regulations 2017;
“the 2017 MW Regulations” means the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended);
“the 2017 Offshore Habitats Regulations” means the Conservation of Offshore Marine Habitats and Species Regulations 2017; and
“the 2010 Act” means the Marine (Scotland) Act 2010.