



THE CONSERVATION (NATURAL HABITATS, &c.) REGULATIONS 1994

LICENCE TO DISTURB MARINE SPECIES

This licence is granted under regulation 44 (2) (e) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) by Scottish Ministers who, after consultation with, and having been advised as to the circumstances in which they should grant such licences by Scottish Natural Heritage are satisfied as regards the purpose for which the licence is granted, (namely, for an imperative reason of public health and safety or overriding public interest including that of a social or economic nature and beneficial consequences of primary importance for the environment); and that (a) there is no other satisfactory alternative and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range; and unless revoked by the Scottish Ministers is valid from 11 November 2016 to 28 February 2017 and authorises:

Mr Jonathan Wilson
Beatrice Offshore Wind Farm Ltd
SSE Renewables Beatrice Offshore Wind Farm Ltd
One Waterloo Street
Glasgow
G2 6AY

Or any person authorised in writing by him

To disturb the European protected species of Bottlenose dolphin (*Tursiops truncatus*), Harbour porpoise (*Phocoena phocoena*), Minke whale (*Balaenoptera acutorostrata*), White-beaked dolphin (*Lagenorhynchus albirostris*), Common dolphin (*Delphinus delphis*) and Risso's dolphin (*Grampus griseus*) at the Beatrice Offshore Wind Farm site, as detailed in the application for a licence to disturb European protected species and supporting documents but only subject to the under-noted conditions:

PURPOSE AND CIRCUMSTANCES IN WHICH ACTION IS REQUIRED

This licence is granted for the purpose of permitting the disturbance of Bottlenose dolphin (*Tursiops truncatus*), Harbour porpoise (*Phocoena phocoena*), Minke whale (*Balaenoptera acutorostrata*), White-beaked dolphin (*Lagenorhynchus albirostris*), Common dolphin (*Delphinus delphis*) and Risso's dolphin (*Grampus griseus*) at the Beatrice Offshore Wind Farm site, for an imperative reason of public health and safety or overriding public interest including that of a social or economic nature and beneficial consequences of primary

importance for the environment in connection with the Beatrice Offshore Wind Farm at the following location.

58° 10.913' N	002° 58.456' W
58° 11.104' N	002° 58.411' W
58° 11.221' N	002° 58.846' W
58° 11.287' N	002° 58.846' W
58° 11.251' N	002° 59.176' W
58° 11.840' N	003° 00.723' W
58° 15.390' N	002° 57.485' W
58° 17.216' N	002° 55.175' W
58° 18.376' N	002° 54.952' W
58° 19.590' N	002° 52.027' W
58° 19.730' N	002° 50.983' W
58° 19.637' N	002° 50.254' W
58° 18.724' N	002° 46.814' W
58° 18.004' N	002° 45.130' W
58° 15.712' N	002° 47.362' W
58° 14.382' N	002° 49.280' W
58° 13.183' N	002° 51.235' W
58° 12.242' N	002° 53.185' W

This licence is granted for permitting disturbance of the above named species as a result of the following activities

Unexploded Ordnance Clearance

Licence Conditions

1. The licensee must ensure that all works are carried out in strict accordance with the mitigation and working methods proposed in the application for this licence to disturb European protected species, together with supporting information and all works must be carried out within the timescale given within the application and any subsequent written correspondence between Marine Scotland and the applicant, but subject to the following modifications or amendments made within this licence.
2. The Licensee must ensure that all works are carried out in strict accordance with the UXO Clearance Mitigation Plan, November 2016, Revision 2.
3. The licensee must ensure that a maximum of 50kg of explosives are cleared in a single detonation. In the event that it is necessary to detonate an amount of explosives greater than 50kg, the Licensee must contact the Licensing Authority for advice prior to detonation. In providing such advice, the licensing authority may consult any such other advisors, organisations or stakeholders as may be required at their discretion.

4. The licensee must ensure that an ADD is operational for 30 minutes prior to any detonations and is continued to be used during soft start detonations.
5. In the event of the licensee becoming aware that any of the information on which the issue of this licence was based has changed, the licensing authority must be notified as soon as reasonably practicable.
6. The licensee shall ensure that, if any aspects of the proposed activities differ from the detail submitted in the Noise Registry - Initial Registration Form, a new Initial Registration Form shall be completed and submitted to the licensing authority and the Joint Nature Conservation Committee (JNCC) no later than one week prior to commencement of the licensed activity.
7. The Licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) 2010 Guidelines for minimising the risk of injury to marine mammals from using explosives is followed at all times in connection with using explosives as far as it is practical to do so. These are available from the JNCC website <http://jncc.defra.gov.uk/page-4900>.
8. The Licensee must ensure that all Marine Mammal Observers and PAM operators have at least three years experience and are familiar with the behaviour of the marine mammal species likely to be encountered in the Moray Firth.
9. Except where it is not relevant to the provisions of this licence, the Licensee must ensure that the Scottish Marine Wildlife Watching Code is adhered to at all times.
10. The Licensee must ensure that copies of the licence are available for inspection by any person authorised by the Scottish Ministers at the office of the Licensee and at all sites where licensed activities are taking place.
11. Any person authorised by the Scottish Ministers must be permitted to inspect the operations relating to the licence at any reasonable time. The Licensee must allow appropriate assistance to facilitate inspection.
12. The Licensee must, no later than one month after the expiry date of this licence, submit to Marine Scotland, Planning and Policy, Licensing Operations Team, a written report detailing all actions taken in accordance with the specified terms and conditions of the licence. This report must detail the procedures, visual observations and include the original Marine Mammal Recording Form(s). Any difficulties encountered, or recommendations should also be noted.
13. The Licensee must, no later than 12 weeks after completion of the noisy activity, complete a ‘close-out’ noise registry form. This is available from the Marine Scotland website <http://www.gov.scot/Topics/marine/Licensing/marine/guidance/noise-registry>

Authorised on behalf of Scottish Ministers
By a member of staff of the Scottish Government

Fiona MacKintosh

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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10 November 2016