



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 the 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 12 June 2019 to 30 May 2020 and authorises:

Mr Jaime Altolagurrie
The Silver Fin Building,
455 Union Street
Aberdeen
AB11 6DB

Or any person authorised in writing by him

To disturb the European protected species of Bottlenose Dolphin (*Tursiops truncatus*), Harbour Porpoise (*Phocoena phocoena*), White-Beaked Dolphin (*Lagenorhynchus albirostris*), Short Beaked Common Dolphin (*Delphinus delphis*), Risso's Dolphin (*Grampus griseus*), Minke Whale (*Balaenoptera acutorostrata*) and Pilot Whale (*Globicephala melas*) at the site of the proposed Kincardine Floating Offshore Windfarm, 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*), White-Beaked Dolphin (*Lagenorhynchus albirostris*), Short Beaked Common Dolphin (*Delphinus delphis*), Risso's Dolphin (*Grampus griseus*), Minke Whale (*Balaenoptera acutorostrata*) and Pilot Whale (*Globicephala melas*) at the site of the proposed Kincardine Floating Offshore Windfarm, for 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 connection with geophysical at the following location.

5	6	°	5	9	.	1	6	5	'N	0	0	1	°	5	4	.	2	0	8	'W
5	7	°	0	0	.	0	9	8	'N	0	0	1	°	5	3	.	3	3	7	'W
5	7	°	0	1	.	0	7	5	'N	0	0	1	°	5	4	.	3	5	3	'W
5	7	°	0	5	.	0	7	6	'N	0	0	2	°	0	2	.	5	9	7	'W
5	7	°	0	6	.	1	9	9	'N	0	0	2	°	0	4	.	0	2	4	'W

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

e.g. Geophysical Survey activity

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, prior to and no less than 10 working days before the commencement of the survey works, notify the Licensing Authority, in writing, of the date of commencement of the survey works and the date of completion of the survey works authorised under this licence. This also applies to any subsequent surveys carried out under authority of this licence
3. 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.
4. The licensee must 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.
5. The licensee must ensure that when undertaking surveys within 10km of the southernmost point of Nigg Bay as defined by the co-ordinates 57° 77.39880' N 002°2.8982280'W, the Licensee must co-ordinate with the Aberdeen Harbour Board to ensure that survey works does not occur on the same day as the noisy activities, such as blasting, are being undertaken as part of the Aberdeen harbour Expansion Project at Nigg Bay. The licensee must ensure that the Licening Authority is included in any correspondence between the Licensee and Aberdeen harbour Board in relation to this condition.
6. The Licensee must ensure that all survey equipment is operated at the lowest practicable energy level.

7. 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 Licencing Authority must be notified as soon as reasonably practicable.
8. The Licensee must ensure that all marine Mammal Observers (“MMOs”) are experienced, qualified and are dedicated solely to the task of observing marine mammals. The Licencee must ensure that sufficient MMO coverage is available for all watches during daylight hours.
9. The Licensee must ensure that when visual observation is not possible due to weather conditions, amount of light or when the sea state is greater than 3 metres, a proven Passive Accoustic Monitoring system and experienced operator(s) is employed.
10. The Licensee must ensure that all inshore surveys start in the inshore region and move seawards to reduce the likelihood that animals are trapped towards the shore.
11. The Licensee must ensure that all inshore surveys (in less than 20 meters water depth, or with in 2km off the shore) take place in daylight.
12. The Licencee must ensure that only one survey boat is operating at any time in the inshore area.
13. The licensee must ensure that, wherever possible, all offshore survey activity starts during the hours of daylight
14. The Licensee must ensure that where survey equipment has the capability to undergo a soft start procedure, this is implemented on every occasion survey equipment is switched on.
15. The Licensee must ensure that all works are carried out in strict accordance with the mitigation described Kincardine Geophysical EPS risk assessment.
16. The Licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) 2017 Guidelines for minimising the risk of injury and disturbance to marine mammals from seismic surveys is followed at all times in connection with the undertaking of such surveys as far as it is practical to do so. These are available from the JNCC website http://jncc.defra.gov.uk/pdf/jncc_guidelines_seismicsurvey_apr2017.pdf
17. 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.
18. 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.
19. 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.

20. 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.

21. The licence holder must, no later than 12 weeks after completion of the noisy activity, complete a 'close-out' noise registry form. This is available from the JNCC website <https://mnr.jncc.gov.uk/>

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

Jessica Drew
Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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