

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 (AS AMENDED)

LICENCE TO DISTURB MARINE SPECIES

Licence Number: EPS/BS-00009543

This licence is granted under regulation 44(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 NatureScot are satisfied as regards the purpose for which the licence is granted, namely, for (e) preserving public health or public safety or other imperative reasons of overriding public interest including those 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 **23 October, 2021** to **31 December, 2022** and authorises:

██████████
Inch Cape Offshore Ltd
5th Floor
40 Princes Street
Edinburgh
EH2 2BY

Or any person authorised in writing by him / her to disturb the European protected species of harbour porpoise (*Phocoena phocoena*); bottlenose dolphin (*Tursiops truncatus*); minke whale (*Balaenoptera acutorostrata*); white sided dolphin (*Lagenorhynchus acutus*); white-beaked dolphin (*Lagenorhynchus albirostris*) at Inch Cape Offshore Wind Farm, 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 harbour porpoise (*Phocoena phocoena*); bottlenose dolphin (*Tursiops truncatus*); minke whale (*Balaenoptera acutorostrata*); white sided dolphin (*Lagenorhynchus acutus*); white-beaked dolphin (*Lagenorhynchus albirostris*) at Inch Cape Offshore Wind Farm, for (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment in connection with the use of survey equipment at Inch Cape offshore windfarm at the following location:

Development Area:

55° 35.678' N 02° 10.138' W

56° 35.039' N 02° 09.502' W

56° 28.632' N 02° 10.002' W

56° 27.796' N 02° 02.839' W
56° 26.892' N 02° 02.814' W
56° 25.339' N 02° 07.558' W
56° 25.381' N 02° 13.808' W
56° 38.695' N 02° 17.228' W
56° 31.383' N 02° 10.138' W
56° 34.660' N 02° 09.502' W

Offshore Export Corridor:

55° 58.033' N 02° 58.586' W
55° 58.693' N 02° 59.595' W
55° 59.130' N 02° 59.580' W
56° 01.414' N 02° 55.765' W
56° 04.222' N 02° 51.061' W
56° 05.191' N 02° 48.060' W
56° 06.271' N 02° 39.609' W
56° 06.551' N 02° 37.407' W
56° 07.854' N 02° 31.684' W
56° 09.403' N 02° 27.965' W
56° 13.640' N 02° 22.520' W
56° 14.191' N 02° 22.259' W
56° 17.534' N 02° 20.674' W
56° 19.950' N 02° 18.145' W
56° 20.542' N 02° 17.382' W
56° 21.240' N 02° 09.649' W
56° 21.586' N 02° 08.919' W
56° 22.433' N 02° 14.945' W
56° 23.595' N 02° 06.096' W
56° 23.994' N 02° 05.839' W
56° 24.910' N 02° 12.704' W
56° 25.349' N 02° 09.011' W
56° 25.373' N 02° 12.535' W
56° 25.909' N 02° 05.818' W
56° 28.695' N 02° 17.228' W

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

survey activities including ultra-short baseline ("USBL"), side scan sonar, sub-bottom profiler and single beam echo sounder.

LICENCE CONDITIONS

1. The Licensee must ensure that all licensed activities 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 licensed activities must be carried out within the timescale(s) 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 licensed activities are carried out in strict accordance with the Inch Cape EPS Risk Assessment Geotechnical and Geophysical Survey, Report_A4_TMPL_NP dated 13 May 2021.
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 must 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 activities.
5. 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.
6. 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. The Marine Mammal Observer ("MMO") is only required to undertake a 30 minute pre-watch search, either visual or with Passive Acoustic Monitoring ("PAM"), when the USBL equipment is operated at levels above the 202 dB re 1 μ Pa @ 1 m PTS-onset auditory injury threshold.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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/>.
12. The Licensee must make sure vessel operators are made aware of the Scottish Marine Wildlife Watching Code. Vessel movements should follow as far as possible the protocols in the Scottish Marine Wildlife Watching Code to help to minimise any potential disturbance to marine wildlife.
13. The licensee must ensure that a dedicated MMO is used in line with the JNCC 2017 Guidelines, subject to Condition 6. The MMO must be experienced, qualified and dedicated solely to the task of observing marine mammals. The licensee must ensure that sufficient MMO coverage is available for all watches during daylight hours.

14. The Licensee must ensure that during the hours of darkness or when visual observation is not possible due to weather conditions or when sea state is greater than Beaufort 3, a proven passive acoustic monitoring system and experienced operator dedicated to that role is employed.

15. 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.

16. The Licensee must ensure that where 24-hour working is required, survey work should start as far as is practicable during daylight hours.

17. The Licensee must ensure that USBL is used at the lowest practicable sound level and over the shortest period of time to achieve the survey objectives.

18. The Licensee must ensure that, in the months of September to December inclusive, any survey work within 20km of the Isle of May Special Area of Conservation starts during daylight hours and in good sea states, defined as Beaufort 3 or lower.

19. The Licensee must ensure that, in the last two weeks of July and the first two weeks of August, vessels should as far as is practicable employ slow speeds, steady courses and avoid sailing through large rafts of birds on the sea.

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

Signed:

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Stef Sweeting

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
22 October, 2021