



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

THE OFFSHORE MARINE CONSERVATION (NATURAL HABITATS ETC) REGULATIONS 2007 (AS AMENDED)

LICENCE TO DISTURB MARINE SPECIES

This licence is granted under regulation of the 44 (2)(e) of the Conservation (Natural Habitats, &c.) Regulations 1994(as amended) and regulation 49(6)(a) of The Offshore Marine Conservation (Natural Habitats Etc) Regulations 2007 (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 (SNH) 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) 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 **13th July 2017 to 30th June 2018** and authorises:

Mrs Sarah Pirie
Moray Offshore Windfarm (East) Limited
40 Princes Street
Edinburgh
Midlothian
EH2 2BY

Or any person authorised in writing by her

To disturb the European protected species of Harbour Porpoise (*Phocoena phocoena*), Bottlenose Dolphin (*Tursiops truncatus*), White Beaked Dolphin (*Lagenorhynchus albirostris*), Common Dolphin (*Delphinus delphis*) and Minke Whale (*Balaenoptera acutorostrata*) at the site of the proposed Moray East 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*), White Beaked Dolphin (*Lagenorhynchus albirostris*), Common Dolphin (*Delphinus delphis*) and minke Whale (*Balaenoptera acutorostrata*) at the site of the proposed Moray East Wind Farm, 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 a geophysical survey at the following location.

See Annex 1

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

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 ensure that all works are carried out in strict accordance with Moray Offshore Windfarm (East) Limited EPS Risk Assessment (12/05/2017).
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 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. These are available from the JNCC website http://jncc.defra.gov.uk/pdf/jncc_guidelines_seismicsurvey_apr2017.pdf
6. 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.

7. The Licensee must ensure that all Marine Mammal Observers (MMOs) utilised during nearshore survey works (survey 3) are experienced and qualified and are 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.
8. The licensee must ensure that MMOs utilised during the offshore survey (survey 1) are suitably experienced and JNCC trained. This role can be undertaken by a member of the crew who may have other duties but must be dedicated to MMO duties at the appropriate time. The Licensee must ensure that sufficient MMO coverage is available for all watches during daylight hours.
9. The licensee must ensure that during the hours of darkness or when visual observation is not possible due to weather conditions or sea state, a proven PAM system and experienced operator dedicated to that role is employed.
10. The Licensee must ensure that if the surveys are being carried out in transects which run parallel to the shore, during nearshore survey works (survey 3), survey transects must start at the coast and move seawards to reduce the likelihood that animals are trapped towards the shore.
11. The licensee must forward to Marine Scotland and Paul Thompson at Aberdeen University, in relation to survey 1, in the wind farm area, details of;
 - the survey vessels tracks
 - exact times of when active surveying is taking place
 - actual power outputs of equipment used at different survey points

The Licensee must contact Paul Thompson to determine when this information is required and provide it within the agreed timescale.

12. The licensee should where possible aim for the nearshore geophysical survey work (survey 3) to be completed prior to the start of, and where possible not coincide with, the blasting for the Aberdeen Harbour Expansion Project. It is the responsibility of the licensee to co-ordinate activities with Aberdeen Harbour Board where possible.
13. 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.
14. 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.
15. 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.
16. 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

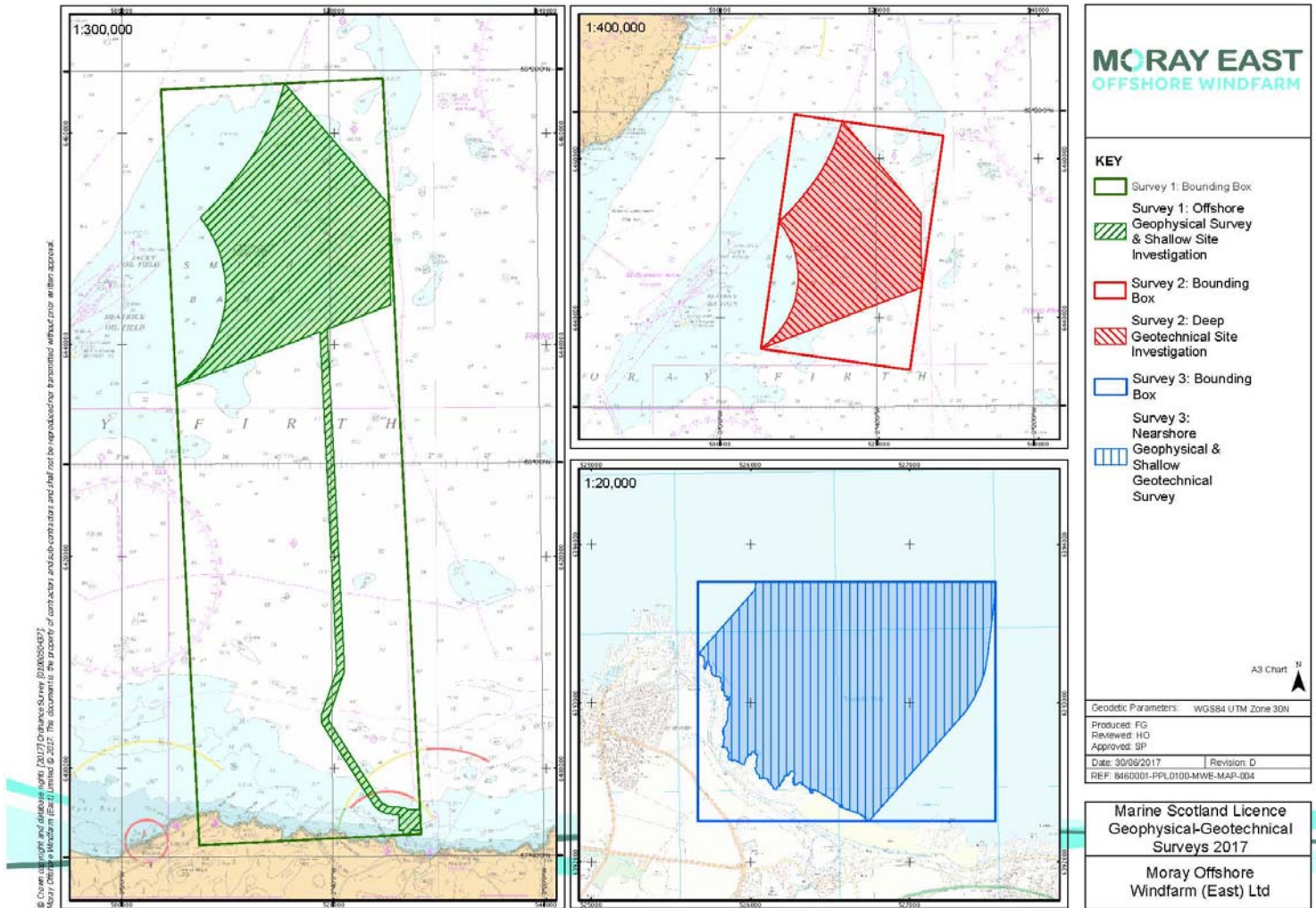
of the licence. This report must detail the procedures, visual observations and include the original Marine Mammal Recording Form(s). Any difficulties encountered, or recommendations should also be noted.

17. 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

Gayle Holland
Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
12th July 2017

Annex 1



Survey Area 1

Area bounded by the coordinates

58°19'36.4728" -002°34'48.8709"
 57°41'08.4624" -002°31'35.2948"
 57°40'36.8616" -002°52'37.4789"
 58°19'04.3248" -002°56'13.7693"

Survey Area 3

Area bounded by the coordinates

57°41'07.3022" -002°34'10.2748"
 57°41'06.8924" -002°32'17.3668"

Marine Scotland
 Marine Laboratory
 375, Victoria Road
 Aberdeen
 AB11 9DB
 www.gov.scot

MS EPS 19 2017/0
 MORL (East) Limited

MS EPS 19 2017 0

57°40'18.2451" -002°32'18.0031"
57°40'18.6547" -002°34'10.8691"