



marine scotland

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 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 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 04 September 2017 to 31 October 2017 and authorises:

Dragados UK Ltd
Citrus House
Greenbank Road
East Tullos Industrial Estate
Aberdeen
AB12 3BQ

Or any person authorised in writing by Dragados UK Ltd to disturb the European protected species of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), white-beaked dolphin (*Lagenorhynchus albirostris*), risso's dolphin (*Grampus griseus*) and minke whale (*Balaenoptera acutorostrata*) at Nigg Bay, Aberdeen, as detailed in the application for a licence to disturb European protected species and supporting documents but only subject to the undernoted 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*), risso's dolphin (*Grampus griseus*) and minke whale (*Balaenoptera acutorostrata*) at Nigg Bay, Aberdeen for an imperative reason of overriding public interest including that of a social or economic nature and beneficial consequences of primary importance for the environment in connection with the Aberdeen Harbour Expansion Project (AHEP) at the following locations:

Harbour Basin, at the area bounded by:

57° 08.133' N 002° 03.453' W
57° 08.153' N 002° 03.038' W
57° 07.930' N 002° 03.038' W
57° 07.920' N 002° 02.856' W
57° 07.851' N 002° 02.750' W
57° 07.779' N 002° 02.941' W

East Quay, at the area bounded by:

57° 08.153' N 002° 03.038' W
57° 08.161' N 002° 02.969' W
57° 07.930' N 002° 02.969' W
57° 07.930' N 002° 03.038' W

Entrance Channel, at the area bounded by:

57° 08.106' N 002° 03.440' W
57° 07.978' N 002° 02.467' W
57° 07.849' N 002° 02.747' W
57° 07.943' N 002° 03.865' W

North Breakwater, at the area bounded by:

57° 07.958' N 002° 02.969' W
57° 07.958' N 002° 02.824' W
57° 07.895' N 002° 02.824' W
57° 07.895' N 002° 02.968' W

South Breakwater, at the area bounded by:

57° 07.987' N 002° 02.480' W
57° 07.962' N 002° 02.442' W
57° 07.840' N 002° 02.712' W
57° 07.866' N 002° 02.749' W

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

Dredging and vessel movements relative thereto.

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 the supporting information dated 04 September 2017 and the approved CEMD dated 12 May 2017.
2. All licensed activities must be carried out within the timescale given in the application and any subsequent written correspondence between the Scottish Ministers and the licensee, but subject to the modifications or amendments made within this licence.

3. The licensee must co-ordinate with Kincardine Offshore Wind Limited and Aberdeen Offshore Wind Farm Limited to ensure that the licensed activities do not occur on the same day as any noisy activities undertaken as part of the Kincardine Offshore Windfarm and the European Offshore Wind Deployment Centre developments. The licensee must ensure that Scottish Ministers are included in any correspondence between the licensee and Kincardine Offshore Wind Limited in relation to this condition. The licensee must ensure that the Scottish Ministers are included in any correspondence between the licensee and Aberdeen Offshore Wind Farm Limited in relation to this condition.
4. For the avoidance of doubt, this licence does not permit the licensee to disturb the above named species as a result of undertaking any blasting or rotary piling work.
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 Scottish Ministers must be notified as soon as reasonably practicable.
6. 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.
7. 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.
8. 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 the inspection.
9. The licensee must, no later than one month after the expiry date of this licence, submit to the Scottish Ministers a written report detailing all actions taken in accordance with the specified terms and conditions of this 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.

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



Kerry Bell
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Marine Planning and Policy
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04 September 2017