

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 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 is valid, unless previously revoked, from **30 November 2016 to 07 December 2016** and authorises:

Mr Karolis Kairelis
Aberdeen Offshore Wind Farm Ltd
Johnstone House
52-54 Rose Street
Aberdeen
AB10 1HA

Or any person authorised in writing by him.

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 Aberdeen Bay, 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*), Risso's dolphin (*Grampus griseus*) and Minke whale (*Balaenoptera acutorostrata*) at Aberdeen Bay, for a geophysical survey in connection with the Aberdeen Offshore Wind Farm.

CONDITIONS OF LICENCE

1. All works must be carried out in strict accordance with the mitigation and working methods proposed in the application for a licence to disturb European protected species and supporting information and be carried out within the timescale given on the application and any subsequent written correspondence between Marine Scotland and the applicant, but subject to the following modifications or amendments.
2. The licensee shall ensure that, if any aspects of the proposed licensed 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.
3. The licensee must ensure that all works are carried out in strict accordance to the mitigation detailed in the "Supplementary Information for the application for a European Protected Species Licence" document submitted with the application.
4. The licensee must ensure that all works are undertaken during daylight hours.
5. The licensee must ensure that soft-start procedures are used on all occasions that the sound source is switched on.
6. The licensee must ensure that the lowest practicable energy levels are used for the operation of equipment.
7. The JNCC 2010 Guidelines for minimising the risk of injury and disturbance to marine mammals from seismic surveys must be followed at all times during the survey as far as it is practical to do so. These are available from the JNCC website <http://jncc.defra.gov.uk/page-1534>
8. Except where it is not relevant to the provisions of this licence, The Scottish Marine Wildlife Watching Code (SMWWC) must be adhered to at all times.
9. The licensee must ensure that copies of the licence are available for inspection by any person authorised by the licensing authority at the office of the licensee and at all sites where licensed activities are taking place.
10. Any person authorised by the licensing authority must be permitted to inspect the operations relating to the licence at any reasonable time. The licensee must allow appropriate assistance to facilitate inspection.

11. The licence holder 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. This report must be copied to SNH and JNCC.

12. 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 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
375 Victoria Road
Aberdeen
AB11 9DB
29 November 2016

