



**THE CONSERVATION (NATURAL HABITATS, &c.) REGULATIONS 1994**  
**CONSERVATION OF OFFSHORE MARINE HABITATS AND SPECIES REGULATIONS**  
**2017**

**LICENCE TO DISTURB MARINE SPECIES**

This licence is granted under regulation 44(2)(e) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and regulation 55(6)(a) of Conservation of Offshore Marine Habitats and Species Regulations 2017 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 those 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 31 October 2018 to 30 September 2021 and authorises:

Mrs Sarah Pirie  
Moray Offshore Windfarm (East) Limited  
1st Floor  
14/18 City Road  
Cardiff  
CF24 3DL

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 those of a social or economic nature and beneficial consequences of primary importance for the environment in connection with the construction of Moray East Offshore Windfarm.

Location

See Annex 1

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

- Works in relation to the construction of Moray East Offshore windfarm and Offshore Transmission Infrastructure.

## Licence Conditions

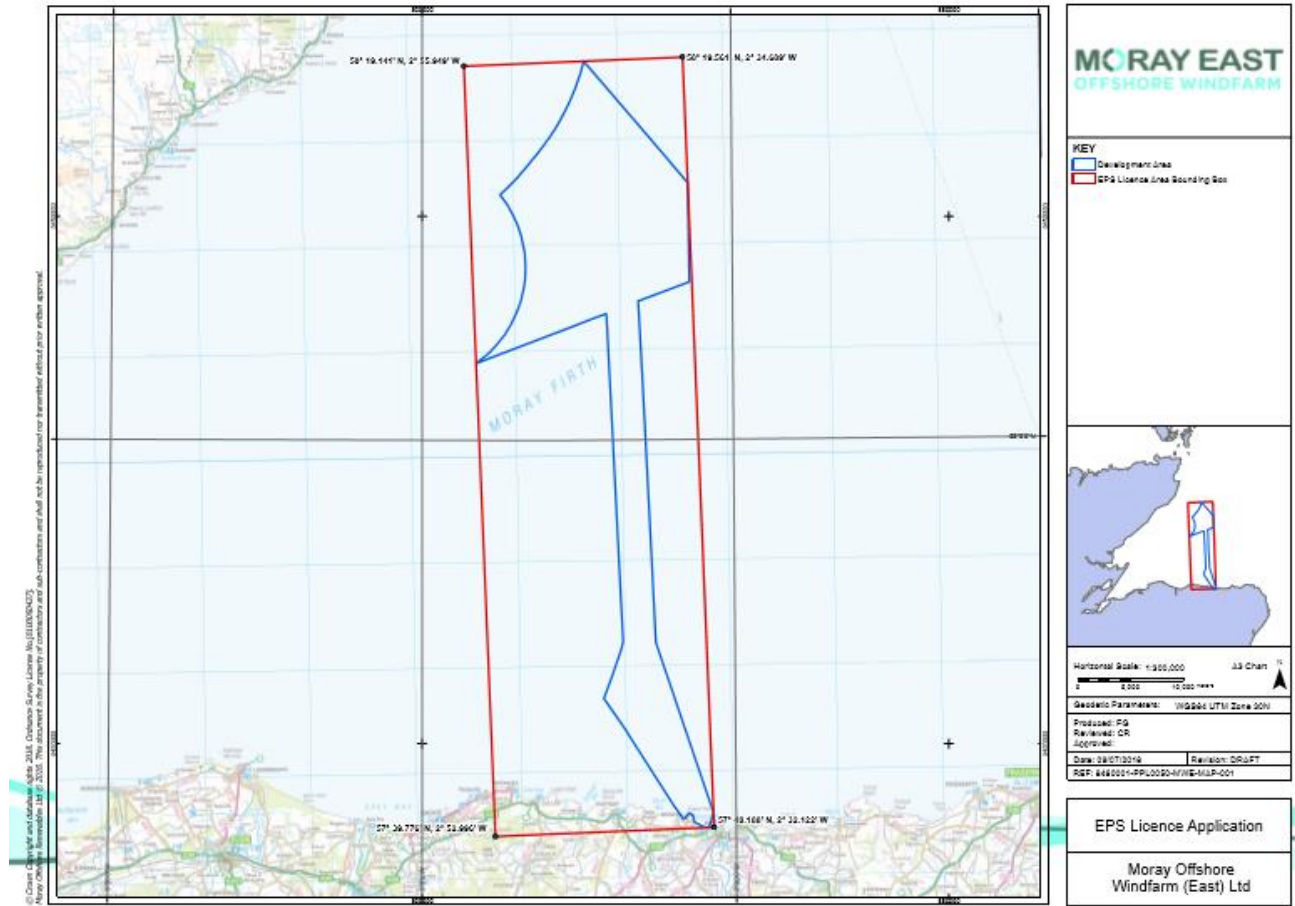
1. The licensee must ensure that all works are carried out in strict accordance with the mitigation and working methods proposed in the application for this licence to disturb European protected species, together with supporting information and all works must be carried out within the timescales given 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 the Moray East Offshore Windfarm Piling Strategy (document number: 8460001-PCA0010-MOR-REP-007) (issued on 08/12/2018), the Offshore Transmission Infrastructure Piling Strategy (document number: 8460001-PCA0010-MWE-REP-005) (issued on 05/07/2018) and the European protected Species (“EPS”) Risk Assessment, telford, Stevenson and MacColl Offshore Wind Farms and Associated Offshore Transmission Infrastructure (document number: 8460001-PPL0050-RHD-REP-001) (issued on 09/07/2018) but subject to modifications or amendments made within this licence.
3. The licensee must, prior to the start of piling, agree with the Moray Firth Regional Advisory Group – Marine Mammal (“MFRAG-MM”) the Acoustic Deterrent Devices’ (“ADDs”) deployment time and breaks between ADD use. Following agreement, the Moray East Offshore Windfarm Piling Strategy, the Offshore Transmission Infrastructure Piling Strategy and the EPS Risk Assessment must be updated and submitted to the Scottish Ministers for written approval.
4. 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.
5. 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.
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](http://jncc.defra.gov.uk/pdf/jncc_guidelines_seismicsurvey_apr2017.pdf)
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/>.

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

Marine Scotland  
Marine Planning and Policy  
Licensing Operations Team  
375 Victoria Road  
Aberdeen  
AB11 9DB  
31 October 2018

Annex 1



Construction Area

Area bounded by the coordinates

- 58° 19.141'N 2° 55.949'W
- 58° 19.561'N 2° 34.689'W
- 57° 40.188'N 2° 32.122'W
- 57° 39.776'N 2° 52.996'W