

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

THE CONSERVATION OF OFFSHORE MARINE HABITATS AND SPECIES REGULATIONS 2017

LICENCE TO DISTURB MARINE SPECIES

Licence Number: EPS/BS-00011519

This licence is granted under regulation 44(2)(e) of the Conservation (Natural Habitats, &c.) Regulations 1994 and regulation 55(6)(a) of the 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 NatureScot are satisfied as regards the purpose for which the licence is granted, namely, for 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 **15 December, 2025 to 31 December, 2027** and authorises:

[Redacted]
Inch Cape Offshore Limited
New Clarendon
114-116 George Street
Edinburgh
EH2 4LH

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-beaked dolphin (*Lagenorhynchus albirostris*) at Inch Cape Offshore Wind Farm Generating Station, 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-beaked dolphin (*Lagenorhynchus albirostris*) at the Inch Cape Development Area and the Port of Leith, for 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 activities associated with the construction of the offshore generating station for Inch Cape Offshore Windfarm, including piling of wind turbine generator foundations, geophysical surveys, and acoustic deterrent device use and testing at the following locations:

Inch Cape Development Area being the area bound by joining the following co-ordinates:

56° 35.678' N 02° 10.138' W
56° 28.632' N 02° 10.002' W
56° 26.892' N 02° 02.814' W
56° 25.381' N 02° 13.808' W

56° 31.383' N 02° 17.178' W
56° 35.039' N 02° 09.502' W
56° 27.796' N 02° 02.839' W
56° 25.339' N 02° 07.558' W
56° 28.695' N 02° 17.228' W
56° 34.660' N 02° 14.929' W

Port of Leith being the area bound by joining the following co-ordinates:

55° 59.323' N 03° 10.918' W
55° 59.357' N 03° 10.829' W
55° 59.513' N 03° 11.020' W
55° 59.479' N 03° 11.108' W

This licence is granted for permitting disturbance of the above-named species as a result of the following activities within the Inch Cape Development Area:

Activities associated with the construction of the offshore generating station for Inch Cape Offshore Windfarm, including piling of wind turbine generator foundations, geophysical surveys, and acoustic deterrent device use and testing.

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

Acoustic deterrent device testing.

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, 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 Directorate - Licensing Operations Team ("MD-LOT") 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 Offshore Wind Farm European Protected Species Risk Assessment Generating Station Works, Revision 1 (document reference: IC02-INT-EC-OFL-04-INC-RPT-003), dated 11 November 2025.
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 the Joint Nature Conservation Committee ("JNCC") 2017 Guidelines for minimizing 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 <https://hub.jncc.gov.uk/assets/e2a46de5-43d4-43f0-b296-c62134397ce4>.
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 must be completed and submitted to the Scottish Ministers and the JNCC no later than one week prior to commencement of the licensed activities.
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. 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 MD-LOT, 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 Licensee 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 not undertake any piling of the 12 locations with challenging ground conditions, as identified in the Inch Cape Offshore Wind Farm European Protected Species Risk Assessment Generating Station Works, Revision 1 (document reference: IC02-INT-EC-OFL-04-INC-RPT-003) dated 11 November 2025, between 1 June and 1 October unless this has been agreed in writing by the Licensing Authority.

13. The Licensee must undertake underwater noise modelling to validate the predictions of the Inch Cape Offshore Wind Farm Generating Station Piling Strategy, Revision 2 (document reference: IC02-INT-EC-OFC-005-INC-STR-002), dated 11 November 2025. If the underwater noise modelling shows that noise levels exceed those predicted in Section 6.3.2 of the Generating Station Piling Strategy, then the Licensee must discuss and agree further mitigation measures for minke whale with the Licensing Authority.

14. Should the Licensee proceed to undertake the activities under the authority of this licence, all disturbance authorised under the previous European Protected Species licence granted in favour of Inch Cape Offshore Limited, dated 26 November 2025 (number EPS/BS-00011444), is not permitted.

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

Signed:
[Redacted]

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB