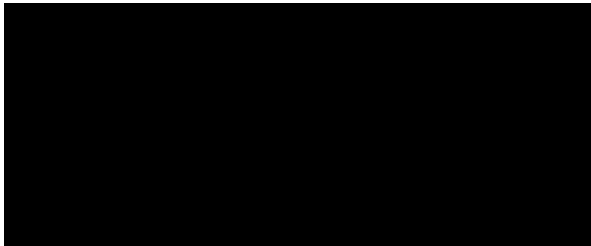


## THE CONSERVATION (NATURAL HABITATS, &c.) REGULATIONS 1994

### 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 imperative reasons 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); 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 21<sup>st</sup> September 2017 to 30<sup>th</sup> September 2018 and authorises:



Or any person authorised in writing by him

To disturb the European protected species of Bottlenose dolphin (*Tursiops truncatus*), Harbour porpoise (*Phocoena phocoena*), Minke whale (*Balaenoptera acutorostrata*), White-beaked dolphin (*Lagenorhynchus albirostris*), Common dolphin (*Delphinus delphis*) and Risso's dolphin (*Grampus griseus*), White-sided dolphin (*Lagenorhynchus acutus*), Long-finned pilot whale, (*Globicephala melas*), and Humpback whale, (*Megaptera novaeangliae*) at the location of the European Offshore Wind Deployment Centre, Aberdeen Bay, 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 Bottlenose dolphin (*Tursiops truncatus*), Harbour porpoise (*Phocoena phocoena*), Minke whale (*Balaenoptera acutorostrata*), White-beaked dolphin (*Lagenorhynchus albirostris*), Common dolphin (*Delphinus delphis*) and Risso's dolphin (*Grampus griseus*), White-sided dolphin (*Lagenorhynchus acutus*), Long-finned pilot whale, (*Globicephala melas*), and Humpback whale, (*Megaptera novaeangliae*) at the site of the proposed European Offshore Wind Deployment Centre, Aberdeen Bay, 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 the European Offshore Wind Deployment Centre at the location bounded by the following points.

57° 13.064' N	002° 03.505' W	57° 12.784' N	001° 59.113' W
57° 13.054' N	002° 03.430' W	57° 13.081' N	001° 59.873' W
57° 12.762' N	002° 03.031' W	57° 12.688' N	001° 59.735' W
57° 12.662' N	002° 02.742' W	57° 12.355' N	002° 00.774' W
57° 12.507' N	002° 02.681' W	57° 12.371' N	002° 02.808' W
57° 12.526' N	002° 02.227' W	57° 12.687' N	002° 03.306' W
57° 12.844' N	002° 03.106' W	57° 12.508' N	002° 03.294' W
57° 12.911' N	002° 03.024' W	57° 12.360' N	002° 03.177' W
57° 12.850' N	002° 02.106' W	57° 12.219' N	002° 02.800' W
57° 12.610' N	002° 01.807' W	57° 12.190' N	002° 01.878' W
57° 12.530' N	002° 01.780' W	57° 12.082' N	002° 01.890' W
57° 12.558' N	002° 01.482' W	57° 12.113' N	002° 02.867' W
57° 12.678' N	002° 01.021' W	57° 12.289' N	002° 03.338' W
57° 12.863' N	002° 00.931' W	57° 12.485' N	002° 03.491' W
57° 13.472' N	002° 01.101' W	57° 12.637' N	002° 03.502' W
57° 14.660' N	001° 58.436' W	57° 12.687' N	002° 03.406' W
57° 13.814' N	001° 58.191' W	57° 12.689' N	002° 03.309' W
57° 13.439' N	001° 59.086' W	57° 12.840' N	002° 03.606' W
57° 12.885' N	001° 58.863' W		

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

Unexploded Ordnance Clearance up to a maximum of 20; and  
the use of an Acoustic Deterrent Device.

## 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 supporting information and all licensed activities must be carried out within the timescales given within the application and any subsequent written correspondence between the Scottish Ministers and the licensee but subject to any modifications or amendments made within this licence.
2. The licensee must ensure that all licensed activities are carried out in strict accordance with the EPS Risk Assessment: UXO Clearance EPS Licence ABE-CM-DB-0009 dated 5<sup>th</sup> April 2017 but subject to any modifications or amendments made within this licence.
3. In respect of each high-order detonation the licensee must ensure that the donor charge does not exceed 10kg.
4. The licensee must ensure that an ADD is operational for 30 minutes prior to any detonations and is continued to be used during soft start detonations.



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. The licensee must ensure that, if any aspects of the licensed activities differ from the detail submitted in the online Marine Noise Registry, a new Proposed Activity Form is completed and submitted no later than seven days prior to commencement of the licensed activity.
7. The licensee must ensure that the Joint Nature Conservation Committee ("JNCC") 2010 Guidelines for minimising the risk of injury to marine mammals from using explosives is followed at all times in connection with using explosives as far as it is practical to do so. These are available from the JNCC website <http://jncc.defra.gov.uk/page-4900>.
8. The licensee must ensure that all Marine Mammal Observers and PAM operators have at least three years experience and are familiar with the behaviour of the marine mammal species likely to be encountered in the area of the licensed activities.
9. 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.
10. Where possible, the licensee should ensure that the licensed activities do not coincide with blasting activity for the Aberdeen Harbour Expansion Project or any noisy activities undertaken as part of the Kincardine Offshore Wind Farm. It is the responsibility of the licensee to coordinate the licensed activities with Aberdeen Harbour Board and Kincardine Offshore Wind Limited where possible.
11. 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.
12. 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.
13. 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.

14. The licensee must, no later than 12 weeks after completion of the licensed activities, complete and submit a Close-out Report in the online Marine Noise Registry.

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

  
  
Marine Scotland  
Marine Planning and Policy  
Licensing Operations Team  
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21 September 2017