



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 reasons of overriding public interest in 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 22 July 2019 until 21 July 2020 and authorises:

[REDACTED]

Or any person authorised in writing by them:

To disturb the European protected species of Harbour Porpoise (*Phocoena phocoena*), Bottlenose Dolphin (*Tursiops truncatus*), White-Beaked Dolphin (*Lagenorhynchus albirostris*), Minke Whale (*Balaenoptera acutorostrata*), Risso's Dolphin (*Grampus griseus*), White-Sided Dolphin (*Lagenorhynchus acutus*), Common Dolphin (*Delphinus delphis*), Long-finned Pilot Whale (*Globicephala melas*) and Humpbacked 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 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*), Minke Whale (*Balaenoptera acutorostrata*), Risso's Dolphin (*Grampus griseus*), White-Sided Dolphin (*Lagenorhynchus acutus*), Common Dolphin (*Delphinus delphis*), Long-finned Pilot Whale (*Globicephala melas*) and Humpbacked Whale (*Megaptera novaeangliae*) at the location of the European Offshore Wind Deployment Centre, for imperative reasons of overriding public interest in including those of a social or

economic nature and beneficial consequences of primary importance for the environment) in connection with geophysical survey work during the Operation & Maintenance Phase at the following location.

Export Cable Corridor

57° 12.993' N	002° 03.535' W	57° 11.379' N	002° 04.335' W
57° 11.434' N	002° 02.914' W	57° 12.389' N	002° 02.410' W
57° 12.193' N	001° 59.977' W	57° 12.360' N	001° 58.680' W
57° 13.365' N	001° 58.047' W	57° 13.903' N	001° 58.395' W
57° 13.518' N	001° 59.388' W	57° 12.991' N	001° 59.291' W
57° 12.574' N	002° 00.503' W	57° 13.499' N	002° 00.647' W
57° 13.464' N	002° 00.875' W	57° 13.404' N	002° 00.864' W
57° 13.005' N	002° 03.455' W	57° 13.015' N	002° 03.528' W
57° 13.016' N	002° 03.535' W	57° 13.017' N	002° 03.548' W
57° 13.015' N	002° 03.548' W		

Lease Boundary

57° 14.723' N	002° 00.911' W	57° 15.240' N	001° 56.865' W
57° 12.360' N	001° 58.680' W	57° 11.842' N	002° 02.721' W

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

- Use of geophysical survey work including Subsea Positioning Ultra-Short Baseline (“USBL”), Multibeam Echo Sounder and Side-Scan Sonar.

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 mitigation and working methods proposed in the application for this licence to disturb European protected species dated 29 May 2019 and the supporting information including the *Operation & Maintenance Phase USBL EPS Risk Assessment (REPORT - 1197777 - 1 – A)* dated 23 May 2019, but subject to the following modifications or amendments made within this licence.
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, 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.

5. 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.
6. The Licensee must ensure that the 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.
7. When carrying out pre-work searches the licensee must ensure that a mitigation zone with a minimum radius of 500 meters is employed by the Marine Mammal Observer (“MMO”) or a suitably-briefed member of the crew. The Licensee should ensure that the licensed works only commence after the suitably-briefed member of the crew is satisfied that no animals have been observed within said mitigation zone for a minimum period of 30 minutes.
8. 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.
9. 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.
10. 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.
11. 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.
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 JNCC website <https://mnr.jncc.gov.uk/>

MS EPS 17/2019/0

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
22 July 2019