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**THE CONSERVATION (NATURAL HABITATS, &c.) REGULATIONS 1994 (AS
AMENDED)
THE 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 the Conservation of Offshore Marine Habitats and Species Regulations 2017 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 and the Joint Nature Conservation Committee ("JNCC") 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 that 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 populations of the species concerned at a favourable conservation status in their natural range and unless revoked by the Scottish Ministers is valid from 12 April 2019 until 31 August 2019 and authorises:

Peter Watson
Scottish Hydro Electric Transmission Plc
1 Henderson Road
Inverness
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Or any person authorised in writing by him.

To disturb the European protected species of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), short-beaked common dolphin (*Delphinus delphis*), Risso's dolphin (*Grampus griseus*), white-beaked dolphin (*Lagenorhynchus albirostris*), humpback whale (*Megaptera novaengliae*), killer whale (*Orcinus orca*), minke whale (*Balaenoptera acutorostrata*), and long-finned pilot whale (*Globicephala melas*) along the route of the proposed Caithness to Moray HVDC cable, all 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*), short-beaked common dolphin (*Delphinus delphis*), Risso's dolphin (*Grampus griseus*), white-beaked dolphin (*Lagenorhynchus albirostris*), humpback whale (*Megaptera novaengliae*), killer whale (*Orcinus orca*), minke whale (*Balaenoptera acutorostrata*), and long-finned pilot whale (*Globicephala melas*) along the route of the proposed Caithness to Moray HVDC cable, 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 the cable protection activities and use of positioning equipment at the following location:

| Position | Latitude | Longitude |
|------------|------------------|-------------------|
| Portgordon | 57° 39' 48.400"N | 003° 01' 54.200"W |
| 2 | 57° 41' 16.174"N | 003° 01' 52.683"W |
| 3 | 57° 41' 25.922"N | 003° 01' 45.202"W |
| 4 | 57° 42' 55.278"N | 003° 01' 32.973"W |
| 5 | 57° 43' 08.936"N | 003° 01' 25.290"W |
| 6 | 57° 43' 49.683"N | 003° 01' 20.537"W |
| 7 | 57° 49' 26.177"N | 002° 55' 17.757"W |
| 8 | 57° 49' 33.371"N | 002° 55' 15.832"W |
| 9 | 57° 53' 35.890"N | 002° 50' 40.407"W |
| 10 | 57° 53' 50.715"N | 002° 49' 57.985"W |
| 11 | 57° 53' 56.986"N | 002° 49' 50.400"W |
| 12 | 57° 54' 12.707"N | 002° 49' 50.805"W |
| 13 | 58° 07' 55.423"N | 002° 33' 58.884"W |
| 14 | 58° 08' 19.398"N | 002° 33' 41.138"W |
| 15 | 58° 10' 56.068"N | 002° 34' 07.059"W |
| 16 | 58° 11' 04.566"N | 002° 34' 12.116"W |
| 17 | 58° 13' 12.443"N | 002° 34' 14.957"W |
| 18 | 58° 27' 22.719"N | 002° 51' 06.462"W |
| 19 | 58° 27' 42.109"N | 002° 52' 48.305"W |
| 20 | 58° 27' 40.534"N | 003° 01' 35.375"W |
| 21 | 58° 27' 45.057"N | 003° 02' 12.534"W |
| 22 | 58° 27' 45.163"N | 003° 02' 40.386"W |
| Noss Head | 58° 28' 02.607"N | 003° 03' 18.818"W |

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

- Geophysical survey works
- Use subsurface positional equipment - use of USBL systems and beacons
- Cable laying activities - cable pull in, mass flow excavation, backfill and rock placement

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 the following modifications or amendments made within this licence.
2. The licensee must ensure that all licenced activities are carried out in strict accordance with their *EPS Risk Assessment for Rock Placement 1156585* dated 04 December 2017 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 Scottish Ministers must be notified as soon as reasonably practicable.
4. 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 activities.
5. The licensee must ensure that the JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys dated August 2017 ("JNCC Guidance") 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_aug2017.pdf
6. The licensee must ensure that a mitigation zone with a radius of 500 metres is employed by the Marine Mammal Observer ("MMO") and that the licensed activities only commence after the MMO is satisfied that no animals have been observed within the said mitigation zone.
7. The Licensee must ensure that if any geophysical or USBL equipment is to be used within 3 km from the coast at Spey Bay a PAM system is used in addition to visual mitigation. If rock placement occurs when USBL systems and associated mitigation are not being used, prior to the start of the rock placement, a member of crew must watch for dolphins to ensure none are near the vessel.
8. The licensee must ensure that all MMOs are trained and experienced as defined in the JNCC Guidance.
9. 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.
10. 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.
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 the Scottish Ministers
By a member of staff of the Scottish Government

Redacted

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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12 April 2019