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

### 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 (SNH) 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 10 October 2018 to 31 December 2018 and authorises:

David O'Sullivan  
Moray Offshore Renewable Power Limited  
5th Floor, Atria One  
144 Morrison Street  
Edinburgh, EH3 8EX

Or any person authorised in writing by him

To disturb the European protected species of Bottlenose dolphins (*Tursiops truncatus*), harbour porpoise (*Phocoena phocoena*), minke whale (*Balaenoptera acutorostrata*), common dolphin (*Delphinus delphis*) and white beaked dolphin (*Lagenorhynchus albirostris*) at the site of the proposed Moray West Wind Farm and cable corridor, 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 dolphins (*Tursiops truncatus*), harbour porpoise (*Phocoena phocoena*), minke whale (*Balaenoptera acutorostrata*), common dolphin (*Delphinus delphis*) and white beaked dolphin (*Lagenorhynchus albirostris*) at the site of the proposed Moray West Wind Farm and cable corridor, for 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 geophysical activities at the following location's:

Cable Route 2° 47.451' W 57° 42.365' N	Cable Route 2° 50.944' W 57° 48.437' N
Cable Route 2° 47.675' W 57° 42.512' N	Cable Route 2° 50.819' W 57° 48.245' N
Cable Route 2° 53.720' W 57° 47.825' N	Cable Route 2° 43.864' W 57° 42.346' N
Cable Route 2° 53.945' W 57° 48.070' N	Cable Route 2° 43.819' W 57° 42.308' N
Cable Route 2° 54.380' W 57° 48.819' N	Cable Route 2° 43.374' W 57° 41.944' N
Cable Route 2° 55.017' W 57° 49.792' N	Cable Route 2° 47.451' W 57° 42.365' N
Cable Route 2° 57.774' W 57° 53.992' N	Nearshore 2° 43.047' W 57° 41.677' N
Cable Route 3° 0.854' W 57° 58.663' N	Nearshore 2° 42.923' W 57° 41.563' N
Cable Route 3° 2.086' W 57° 58.824' N	Nearshore 2° 44.220' W 57° 40.982' N
Cable Route 3° 2.086' W 57° 58.824' N	Nearshore 2° 45.538' W 57° 42.168' N
Cable Route 3° 2.919' W 57° 58.932' N	Nearshore 2° 43.374' W 57° 41.944' N
Cable Route 3° 2.919' W 57° 58.932' N	Nearshore 2° 43.047' W 57° 41.677' N
Cable Route 3° 12.986' W 58° 0.237' N	Wind Farm 2° 52.467' W 58° 12.588' N
Cable Route 3° 12.986' W 58° 0.237' N	Wind Farm 2° 51.381' W 58° 11.729' N
Cable Route 3° 12.986' W 58° 0.237' N	Wind Farm 2° 50.450' W 58° 10.551' N
Cable Route 3° 12.986' W 58° 0.237' N	Wind Farm 2° 49.983' W 58° 8.780' N
Cable Route 3° 12.986' W 58° 0.237' N	Wind Farm 2° 50.583' W 58° 6.918' N
Cable Route 3° 3.087' W 58° 2.263' N	Wind Farm 2° 52.016' W 58° 5.426' N
Cable Route 3° 3.087' W 58° 2.263' N	Wind Farm 2° 54.796' W 58° 3.946' N
Cable Route 3° 2.506' W 58° 2.381' N	Wind Farm 3° 12.986' W 58° 0.237' N
Cable Route 3° 2.506' W 58° 2.381' N	Wind Farm 3° 13.068' W 58° 2.651' N
Cable Route 2° 55.317' W 58° 3.840' N	Wind Farm 3° 10.472' W 58° 4.497' N
Cable Route 2° 54.866' W 58° 3.932' N	Wind Farm 3° 8.330' W 58° 6.394' N
Cable Route 2° 54.796' W 58° 3.946' N	Wind Farm 3° 3.768' W 58° 7.380' N
Cable Route 2° 54.796' W 58° 3.946' N	Wind Farm 2° 59.258' W 58° 8.825' N
Cable Route 2° 54.622' W 58° 3.981' N	Wind Farm 2° 55.851' W 58° 10.482' N
Cable Route 2° 57.866' W 57° 59.012' N	Wind Farm 2° 53.279' W 58° 12.223' N
Cable Route 2° 54.747' W 57° 54.261' N	Wind Farm 2° 52.467' W 58° 12.588' N
Cable Route 2° 52.994' W 57° 51.580' N	

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

Geophysical Survey activity  
Use of Ultra short baseline system

### 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 works 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 licensed activities are carried out in strict accordance Moray Offshore Windfarm (west) Limited EPS Risk Assessment (09 August 2018) 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 the Joint Nature Conservation Committee (“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](http://jncc.defra.gov.uk/pdf/jncc_guidelines_seismicsurvey_aug2017.pdf)
5. 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 one week prior to commencement of the licensed activities.
6. The licensee must ensure that a mitigation zone with a radius of 500 metres is employed by the Marine Mammal Observer (“MMO”).
7. The licensee must ensure that all MMOs utilised during nearshore survey works are experienced and qualified and are dedicated solely to the task of observing marine mammals. The licensee must ensure that sufficient MMO coverage is available for all watches during daylight hours.
8. The licensee must ensure that MMOs utilised during the offshore survey are suitably experienced and JNCC trained. This role can be undertaken by a member of the crew who may have other duties but must be dedicated to MMO duties at the appropriate time. The licensee must ensure that sufficient MMO coverage is available for all watches during daylight hours.
9. The licensee must ensure that during the hours of darkness or when visual observation is not possible due to weather conditions or when sea state is greater than Code 3, a proven PAM system and experienced operator dedicated to that role is employed.
10. The licensee must ensure that survey transects start at the coast and move seawards to reduce the likelihood that marine mammals are trapped towards the shore.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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 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.
16. The licensee must, no later than 12 weeks after completion of the noisy activity, 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

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