

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 (AS AMENDED) THE CONSERVATION OF OFFSHORE MARINE HABITATS AND SPECIES REGULATIONS 2017

LICENCE TO INJURE MARINE SPECIES AND TO DISTURB MARINE SPECIES

Licence Number: EPS/BS-00009273

This licence is granted under regulation 44(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 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 preserving public health or public safety or other 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 **30 July, 2021 to 30 September, 2021** and authorises:

Sid Anverali
Seagreen Wind Energy Limited
1 Waterloo Street
Glasgow
G2 6AY

Or any person authorised in writing by him / her to injure the European protected species of harbour porpoise (*Phocoena phocoena*) and 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 Seagreen Alpha and Bravo Wind Farm Site, 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 injury of harbour porpoise (*Phocoena phocoena*) and disturbance of harbour porpoise (*Phocoena phocoena*); bottlenose dolphin (*Tursiops truncatus*); minke whale (*Balaenoptera acutorostrata*); white-beaked dolphin (*Lagenorhynchus albirostris*) at Seagreen Alpha and Bravo Wind Farm Site, for preserving public health or public safety or other 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 Unexploded Ordnance ("UXO") Clearance, use of Acoustic Deterrent Devices ("ADDs") and an Ultra-Short Baseline acoustic positioning system ("USBL") at the following location:

56° 39.317' N 01° 36.884' W
56° 37.913' N 01° 36.151' W
56° 38.053' N 01° 35.475' W
56° 39.923' N 01° 34.627' W
56° 31.903' N 01° 29.311' W

56° 31.724' N 01° 33.882' W
56° 32.983' N 01° 34.195' W
56° 33.329' N 01° 34.059' W
56° 33.383' N 01° 35.298' W
56° 33.051' N 01° 35.583' W
56° 31.666' N 01° 35.352' W
56° 30.923' N 01° 53.541' W
56° 30.803' N 01° 56.378' W
56° 40.653' N 01° 56.226' W
56° 40.648' N 01° 52.170' W
56° 39.846' N 01° 52.194' W
56° 39.836' N 01° 51.101' W
56° 39.417' N 01° 51.114' W
56° 38.138' N 01° 46.249' W
56° 38.383' N 01° 45.181' W
56° 39.512' N 01° 44.928' W
56° 40.157' N 01° 45.487' W
56° 40.630' N 01° 43.829' W
56° 40.606' N 01° 36.151' W
56° 39.729' N 01° 36.650' W
56° 39.317' N 01° 36.884' W

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

UXO Clearance up to a minimum of 20 targets; the use of ADDs; and USBL

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 timescale(s) 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 licensed activities are carried out in strict accordance with the Seagreen Alpha and Bravo Site UXO Clearance – European Protected Species Risk Assessment and Marine Mammal Mitigation Plan (document reference: LF000009-CST-OF-LIC-REP-0007) (Revision 2) dated 16 June 2021 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 must 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 activities.

5. The Licensee must ensure that the Joint Nature Conservation Committee ('JNCC') 2017 Guidelines for minimising the risk of injury to marine mammals from using explosives dated August 2010 ("JNCC Guidance") is followed at all times in connection with the undertaking of such activities as far as it is practical to do so. These are available from the JNCC website: <http://data.jncc.gov.uk/data/24cc180d-4030-49dd-8977-a04ebe0d7aca/JNCC-Guidelines-Explosives-Guidelines-201008-Web.pdf>
6. 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.
7. 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.
8. 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.
9. 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.
10. 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/>.
11. The Licensee must ensure that low yield techniques for UXO clearance are used only when it is not possible to avoid or relocate the UXO.
12. The Licensee must ensure that low order techniques for UXO clearance are used only when it is not possible to undertake UXO clearance using low yield techniques. All possible opportunities to undertake clearance using low yield techniques must have failed before use of low order techniques.
13. The Licensee must ensure that high order detonation techniques for UXO clearance are used only when it is not possible to undertake UXO clearance using low yield or low order techniques. All possible opportunities to undertake clearance using low order and low yield techniques must have failed before use of high order detonation techniques.
14. The Licensee must ensure that, where any UXO encountered exceeds 300kg, this is left in situ with no clearance to take place until an appropriate protocol for disposal has been approved, in writing, by the Licensing Authority in consultation with NatureScot and any other advisors as required.
15. The Licensee must carry out noise monitoring of each UXO clearance event (including low yield, low order and high order techniques) in line with National Physical Laboratory guidance. The Licensee must ensure that monitoring of the noise generated by the clearance activities is recorded in a manner suitable to provide for clear reports on underwater noise to be submitted to the Licensing Authority after the completion of the licensed activities.

16. The Licensee must provide a report based on the noise monitoring to the Licensing Authority no later than 28 days following completion of the licensed activities. This report must clearly detail the underwater noise levels generated by the licensed activities.

17. 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.

18. The Licensee must ensure that the Joint Nature Conservation Committee ('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 <https://hub.jncc.gov.uk/assets/e2a46de5-43d4-43f0-b296-c62134397ce4>

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

Signed:

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Rebecca Bamlett

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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30 July, 2021