

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

LICENCE TO DISTURB MARINE SPECIES

Licence Number: EPS/BS-00010380

This licence is granted under regulation 44(e) of the Conservation (Natural Habitats, &c.) Regulations 1994 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 **02 July, 2023** to **31 March, 2024** and authorises:

[Redacted]

Near na Gaoithe Offshore Wind Limited

Atria One, Level Six

144 Morrison Street

Edinburgh

EH3 8EX

Or any person authorised in writing by her 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 Near Na Gaoithe Offshore Wind Farm and Export Cable Corridor, 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)*; *minke whale (Balaenoptera acutorostrata)*; *white-beaked dolphin (Lagenorhynchus albirostris)* at Near Na Gaoithe Offshore Wind Farm and Export Cable Corridor, 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 Works in relation to the construction of the Near na Gaoithe Offshore Wind Farm and Offshore Transmission Works at the following location(s):

Near Na Gaoithe Offshore Wind Farm and Export Cable Corridor

Wind Farm

56° 15.271' N 002° 09.898' W
56° 12.721' N 002° 09.255' W
56° 12.752' N 002° 13.998' W
56° 12.766' N 002° 16.293' W
56° 15.479' N 002° 19.628' W
56° 15.827' N 002° 20.055' W
56° 17.430' N 002° 20.232' W
56° 19.752' N 002° 17.826' W
56° 20.312' N 002° 16.518' W
56° 20.171' N 002° 14.910' W

Export Cable Corridor

56° 14.546' N 002° 18.479' W
56° 14.349' N 002° 18.237' W
55° 57.866' N 002° 22.729' W
55° 57.734' N 002° 22.472' W
55° 57.693' N 002° 23.636' W
55° 57.541' N 002° 23.539' W
55° 57.609' N 002° 23.820' W
55° 57.584' N 002° 23.802' W

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

Impact/percussive piling;

Use of Acoustic Deterrent Devices;

Use of geophysical survey equipment including sub-bottom profilers ("SBPs"); and

Use of ultra-short baseline positioning equipment.

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 works in relation to the installation of pin piles are carried out in strict accordance with the Piling Strategy approved on 29 May 2020.
3. 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.

- 4. The licensee must ensure that a Marine Mammal Observer (“MMO”) is utilised during the geophysical surveys and that the MMO is suitably experienced. The MMO must be familiar with, and follow, the JNCC Guidance. The MMO role may be undertaken by a member of the crew. If the MMO appointed is a crew member they must undertake this role exclusively during each mitigation period and must be dedicated to MMO duties at the appropriate times.
- 5. The licensee must ensure that the geophysical surveys commence during daylight hours or in good visibility, where possible.
- 6. The licensee must ensure that SBPs are operated at the lowest power setting necessary for each location.
- 7. 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.
- 8. 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.
- 9. 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.
- 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 noisy activity, 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

Signed:
 [Redacted]

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
21 June, 2023