

**THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994
THE CONSERVATION OF OFFSHORE MARINE HABITATS AND SPECIES REGULATIONS 2017****LICENCE TO DISTURB MARINE SPECIES****Licence Number: EPS/BS-00010326**

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

██████████
Seagreen Wind Energy Limited
1 Waterloo Street
Glasgow
G2 6AY

Or any person authorised in writing by him / 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 Seagreen Alpha and Bravo Wind Farm Sites, 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 Seagreen Alpha and Bravo Wind Farm Sites, 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 and use of Acoustic Deterrent Devices ("ADDs") at the following location(s):

Seagreen Alpha and Bravo Wind Farm Sites
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° 39.847' N 01° 52.194' W
56° 39.837' 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° 40.631' N 01° 43.829' W
56° 40.606' N 01° 36.151' W
56° 39.729' N 01° 36.650' W

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

UXO Clearance up to a maximum of 5 targets; the use of ADDs.

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, 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 – Licensing Operations Team ("MS-LOT") 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 Spare Locations UXO clearance - European Protected Species Risk Assessment and Marine Mammal Mitigation Plan (document reference: LF000009-CST-OF-LIC-REP-0012 Rev 01) dated 22 July 2022 but subject to the conditions of 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 Scottish Ministers and the JNCC no later than one week prior to commencement of the licensed activities.

5. 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.
6. 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.
7. 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.
8. The Licensee must, no later than one month after the expiry date of this licence, submit to MS-LOT, 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.
9. 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/>.
10. The Licensee must ensure that low order techniques for UXO clearance are used only when it is not possible to avoid or relocate the UXO.
11. 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-order techniques. All possible opportunities to undertake clearance using low order techniques must have failed before use of high order detonation techniques.
12. 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.
13. The Licensee must carry out noise monitoring of each UXO clearance event (including low order and high order techniques) in line with National Physical Laboratory guidance available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955204/NPL_2020. 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.
14. 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.
15. 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.
16. 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>
17. The Licensee must ensure that the JNCC 2017 Guidelines for minimising the risk of injury to marine mammals from using explosives dated August 2010 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-2010>
18. The Licensee must ensure that a third Marine Mammal Observer ("MMO") is employed to monitor the opposite side of the mitigation zone to that where the main vessel is positioned. The MMO must be suitably trained and dedicated to this role during the watch period and must be able to communicate with other MMOs in order to report sightings of marine mammals that require delay to the licensed activities.

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

Signed:
Amy Alexander

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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Aberdeen
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30 March, 2023