



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 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 Scottish Natural Heritage 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 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 25 March 2019 to 31 May 2019 and authorises:

██████████
Moray Offshore Windfarm (East) Limited
C/O Shepherd And Wedderburn Llp
Condor House
10 St. Paul's Churchyard
London
EC4M 8AL

Or any person authorised in writing by ██████████
To disturb the European protected species of Harbour Porpoise (*Phocoena phocoena*), Minke Whale (*Balaenoptera acutorostrata*), Bottlenose Dolphin (*Tursiops truncatus*), White-Beaked Dolphin (*Lagenorhynchus albirostris*), Common Dolphin (*Deplhinus delphus*) at the site of the proposed Moray East Wind Farm and Offshore Transmission Infrastructure 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*), Minke Whale (*Balaenoptera acutorostrata*), Bottlenose Dolphin (*Tursiops truncatus*), White-Beaked Dolphin (*Lagenorhynchus albirostris*), Common Dolphin (*Deplhinus delphus*) at the site of the proposed Moray East Wind Farm and Offshore

Transmission Infrastructure Cable Corridor, 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 in connection with Unexploded Ordnance (“UXO”) clearance at the location bounded by the following points.

58° 19.561’ N 002° 34.689’ W
57° 40.188’ N 002° 32.122’ W
57° 39.776’ N 002° 52.996’ W
58° 19.141’ N 002° 55.949’ W

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

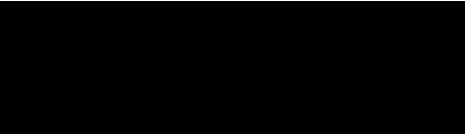
Unexploded Ordnance Clearance up to a maximum of 18 and the use of two Acoustic Deterrent Devices (“ADDs”).

Licence Conditions

1. The licensee must ensure that all works 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 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 UXO Clearance Cetacean Risk Assessment and Marine Mammal Mitigation Plan for UXO Clearance (8460001-PPN0090-RHD-REP-002) (dated 3 December 2018), UXO Inspection Interim Summary (dated 6 February 2019) and UXO Marine mammal assessment update (PB2997-0001) (dated 19 February 2019) and UXO noise monitoring requirements memo (dated 7 March 2019) but subject to any modifications or amendments made within this licence.
3. In respect of each high-order detonation the licensee must ensure that the donor charges do not exceed those stated in the UXO marine mammal assessment update (PB2997-0001) (dated 19 February 2019), and that each donor charge does not exceed a maximum of 25 kg.
4. The licensee must ensure that observations are continued whilst ADDs are activated for 25 minutes and during soft start charges, in line with the UXO marine mammal assessment update (PB2997-0001) (dated 19 February 2019).
5. 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.
6. 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 shall 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 activity.
7. The Licensee must ensure that the JNCC 2010 Guidelines for minimising the risk of injury and disturbance to marine mammals from using explosives is followed at all times in connection with using explosives as far as it is practical to do so. These are available from the JNCC website http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Explosives%20Guidelines_August%202010.pdf
8. The licensee must ensure that MMOs utilised during the licensed activities 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. 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.
10. 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.
11. 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.
12. 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.
13. The licence holder 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/>

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



Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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Aberdeen
AB11 9DB

25 March 2019