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

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 are satisfied as regards the purpose for which the licence is granted, (namely, in the interests of public health or public safety or for 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 August 2019 to 31 October 2019 and authorises:

Mr Ewan Walker
Neart na Gaoithe Offshore Wind Limited
EDF Renewables
Atria One, 144 Morrison Street
Edinburgh
EH3 8BE

Or any person authorised in writing by him
To disturb the European protected species of Harbour Porpoise (*Phocoena phocoena*), Minke Whale (*Balaenoptera acutorostrata*), White-Beaked Dolphin (*Lagenorhynchus albirostris*) and Bottlenose Dolphin (*Tursiops truncatus*) at the site of the Neart na Gaoithe Offshore Windfarm, associated export cable corridor and 1.5km buffer area adjacent to the Neart na Gaoithe Offshore Windfarm site, 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 Harbour Porpoise (*Phocoena phocoena*), Minke Whale (*Balaenoptera acutorostrata*), White-Beaked Dolphin (*Lagenorhynchus albirostris*) and Bottlenose Dolphin (*Tursiops truncatus*) at the site of the Neart na Gaoithe Offshore Windfarm, associated export cable corridor and 1.5km buffer area adjacent to the Neart na Gaoithe Offshore Windfarm site, in the interests of public health or public safety or for 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 geophysical surveys at the location bounded by the following points.

Wind Farm (including 1.5km buffer area):

56° 13.362' N	2° 18.783' W
56° 15.561' N	2° 21.478' W
56° 17.633' N	2° 21.705' W
56° 20.291' N	2° 18.950' W
56° 21.168' N	2° 16.885' W
56° 20.905' N	2° 13.983' W
56° 15.539' N	2° 08.504' W
56° 12.573' N	2° 07.717' W
56° 12.164' N	2° 08.077' W
56° 11.883' N	2° 08.859' W
56° 11.961' N	2° 17.070' W
56° 13.165' N	2° 18.541' W

Export Cable Corridor (up to 1km offshore from mean high water springs):

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:

- Use of geophysical survey equipment including two sub-bottom profilers (“SBPs”) and ultra short baseline positioning system.

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. 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.

3. 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.

4. The licensee must ensure that a Marine Mammal Observer ("MMO") is utilised for each vessel during the licensed activities and that the MMO is suitably experienced. 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.

5. The licensee must ensure that a soft start procedure is implemented on every occasion the SBPs are switched on.

6. The licensee must ensure that the SBPs are operated at the lowest power setting necessary for each location.

7. The licensee must ensure that the 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 http://archive.jncc.gov.uk/pdf/jncc_guidelines_seismicsurvey_aug2017.pdf.

8. 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.

9. 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.

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10. 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.

11. 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.

12. 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/

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

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
30 August 2019