



**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 those of a social or economic nature and beneficial consequences of primary importance for the environment); and that (a) there is no 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 16<sup>th</sup> November 2018 to 31<sup>st</sup> January 2019 and authorises:

██████████  
Moray Offshore Windfarm (East) Limited  
1st Floor  
14/18 City Road  
Cardiff  
CF24 3DL

Or any person authorised in writing by her

To disturb the European protected species of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), white beaked dolphin (*Lagenorhynchus albirostris*), common dolphin (*Delphinus delphis*) and minke whale (*Balaenoptera acutorostrata*) at the site of the proposed Moray East Wind Farm, 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*), bottlenose dolphin (*Tursiops truncatus*), white beaked dolphin (*Lagenorhynchus albirostris*), common dolphin (*Delphinus delphis*) and minke whale (*Balaenoptera acutorostrata*) at the site of the proposed Moray East Wind Farm, for an imperative reason of public health and safety or 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 following location.

See Annex 1

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

Use of geophysical survey 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 licensed activities must be carried out within the timescale given within the application and any subsequent written correspondence between the Scottish Ministers and the applicant, but subject to the following modifications or amendments made within this licence.
2. The licensee must ensure that all works are carried out in strict accordance with Moray Offshore Windfarm (East) Limited EPS Risk Assessment (28/02/2018) 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 Scottish Ministers must be notified as soon as reasonably practicable.
4. The licensee must ensure that, if any aspects of the licensed activities differ from the detail submitted in the Marine Noise Registry, a new Proposed Activity Form must be completed and submitted) no later than one week prior to commencement of the licensed activities.
5. The licensee must ensure that the Joint Nature Conservation Committee ("JNCC") guidelines for minimising the risk of injury and disturbance to marine mammals from geophysical surveys dated August 2017 ("JNCC Guidance") is followed at all times in connection with the undertaking of such surveys. These are available from the JNCC website [http://jncc.defra.gov.uk/pdf/jncc\\_guidelines\\_seismicsurvey\\_aug2017.pdf](http://jncc.defra.gov.uk/pdf/jncc_guidelines_seismicsurvey_aug2017.pdf).

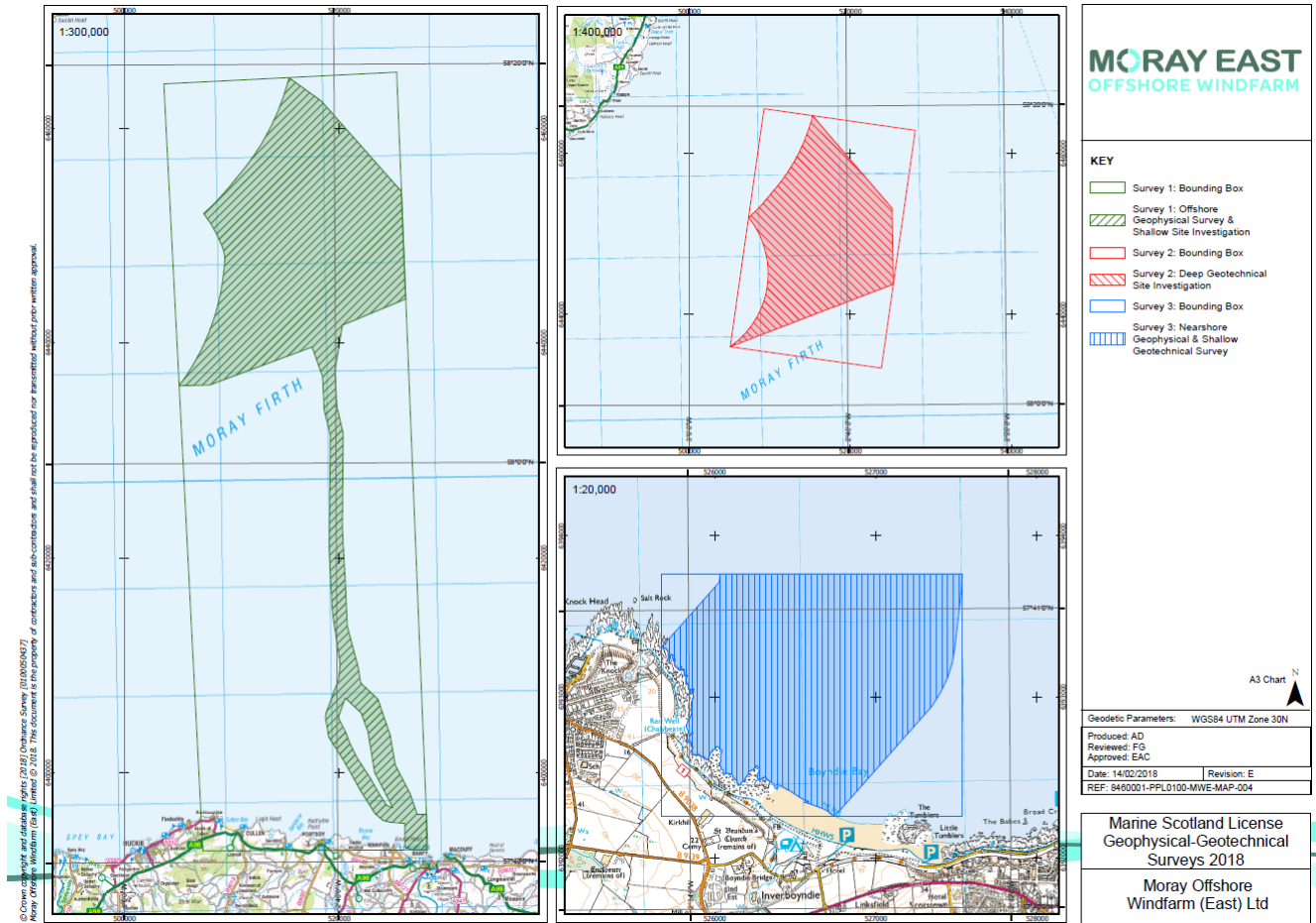
6. The licensee must ensure that where survey equipment has the capability to undergo a soft start procedure, this is implemented on every occasion survey equipment is switched on.
7. The licensee must ensure that a mitigation zone with a radius of 500 metres is employed by the Marine Mammal Observer (“MMO”).
8. The licensee must ensure that all MMOs utilised during nearshore survey works (survey 3) are experienced and qualified and are dedicated solely to the task of observing marine mammals. The licensee must ensure that sufficient MMO coverage is available for all watches during daylight hours.
9. The licensee must ensure that MMOs utilised during the offshore survey (survey 1) 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.
10. The licensee must ensure that during the hours of darkness or when visual observation is not possible due to weather conditions or sea state, a proven PAM system and experienced operator dedicated to that role is employed.
11. The licensee must ensure that if the surveys are being carried out in transects which run parallel to the shore, during nearshore survey works (survey 3), survey transects must start at the coast and move seawards to reduce the likelihood that marine mammals are trapped towards the shore.
12. The licensee should where possible aim for the nearshore geophysical survey work (survey 3) to be completed prior to the start of, and where possible not coincide with, the blasting for the Aberdeen Harbour Expansion Project. It is the responsibility of the licensee to co-ordinate activities with Aberdeen Harbour Board where possible.
13. 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.
14. 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.
15. 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.
16. 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 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.

17. The licensee must, no later than 12 weeks after completion of the noisy activity, complete 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

  
Marine Scotland  
Marine Planning and Policy  
Licensing Operations Team  
375 Victoria Road  
Aberdeen  
AB11 9DB 16<sup>th</sup> November 2018

## Annex 1



### Survey Area

Area bounded by the coordinates

58° 19' 37.639"      -002° 34' 2.103"  
 57° 40' 37.636"      -002° 31' 34.970"  
 57° 40' 36.862"      -002° 52' 37.479"  
 58° 19' 4.325"        -002° 56' 13.769"

### Survey Area 3

Area bounded by the coordinates

57°41'07.3022"      -002°34'10.2748"  
 57°41'06.8924"      -002°32'17.3668"  
 57°40'18.2451"      -002°32'18.0031"  
 57°40'18.6547"      -002°34'10.8691"