

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

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, for 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 satisfactory alternative and (b) that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and unless revoked by the Scottish Ministers is valid from **20 December 2019 to 30 June 2020** and authorises:

Mr Ewan Walker
Near 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*), Bottlenose Dolphin (*Tursiops truncatus*), White-Beaked Dolphin (*Lagenorhynchus albirostris*) and Minke Whale (*Balaenoptera acutorostrata*) at the site of the Near na Gaoithe Offshore Wind Farm, associated Export Cable Corridor and buffer areas, 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*) and Minke Whale (*Balaenoptera acutorostrata*) at the site of the Near na Gaoithe Offshore Wind Farm, associated Export Cable Corridor and buffer areas for seabed preparation works at the following location:

2° 23.959' W	55° 57.916' N
2° 23.163' W	55° 58.068' N
2° 22.568' W	56° 00.421' N
2° 23.714' W	56° 00.424' N
2° 24.006' W	56° 00.582' N
2° 23.969' W	56° 02.976' N
2° 23.664' W	56° 03.124' N
2° 21.885' W	56° 03.113' N
2° 19.009' W	56° 14.401' N
2° 20.566' W	56° 15.680' N
2° 20.849' W	56° 17.468' N
2° 18.242' W	56° 19.938' N
2° 16.611' W	56° 20.613' N
2° 14.363' W	56° 20.392' N
2° 09.300' W	56° 15.334' N
2° 08.661' W	56° 12.651' N
2° 09.058' W	56° 12.405' N
2° 16.505' W	56° 12.410' N
2° 17.944' W	56° 13.588' N
2° 22.015' W	55° 57.532' N
2° 23.419' W	55° 57.268' N

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

- Use of ultra-short baseline (“USBL”) 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 the USBL positioning equipment is operated at the lowest potential sound levels over the shortest period of time.
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 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](http://jncc.defra.gov.uk/pdf/jncc_guidelines_seismicsurvey_aug2017.pdf)
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 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.

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

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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20 December 2019

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<http://www.gov.scot/Topics/marine/Licensing/marine>

