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THE CONSERVATION (NATURAL HABITATS, &c.) REGULATIONS 1994 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) 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 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 26 July 2018 to 30 October 2018 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*), minke whale (*Balaenoptera acutorostrata*) and white-beaked dolphin (*Lagenorhynchus albirostris*), at the site of the Near na Gaoithe Offshore Windfarm, 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*) and white-beaked dolphin (*Lagenorhynchus albirostris*), at the site of the Near na Gaoithe Offshore Windfarm, 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 the Near na Gaoithe Offshore Windfarm, at the following locations:-

Offshore Windfarm Site Boundary:

56° 15.271 'N

002° 09.898 'W

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
<http://www.gov.scot/Topics/marine/Licensing/marine>

56° 12.721 'N	002° 09.255 'W
56° 12.752 'N	002° 13.998 'W
56° 12.766 'N	002° 16.293 'W
56° 15.479 'N	002° 19.628 'W
56° 15.827 'N	002° 20.055 'W
56° 17.430 'N	002° 20.232 'W
56° 19.752 'N	002° 17.826 'W
56° 20.312 'N	002° 16.518 'W
56° 20.171 'N	002° 14.910 '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 multi beam echo sounder and ultra short baseline (USBL) positioning system and beacons.

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 timescale 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 that all licensed activities are carried out in strict accordance with the *Near na Gaoithe Offshore Wind Limited – Geotechnical and UXO Surveys Sources of Underwater Noise and Potential Effects on European Protected Species Technical Note July 2018* (submitted 23 June 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 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
5. The licensee must ensure that, if any aspects of the licensed activities differ from the detail submitted in the online Marine Noise Registry, a new Proposed Activity Form is completed and submitted no later than one week prior to commencement of the licensed activities.
6. The licensee must ensure that, where possible, the use of survey equipment is commenced in optimum visibility and sea state conditions.

7. The licensee must ensure that where survey equipment has the capability to undergo a soft start procedure, this is implemented on every occasion the survey equipment is switched on.
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.
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 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.
12. The licensee must, no later than 12 weeks after completion of the noisy activity, complete and submit a Close-out Report in the online Marine Noise Registry.

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



Joao Queiros
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Marine Planning and Policy
Licensing Operations Team
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