

T: +44 (0)300 244 5046
E: ms.marinelicensing@gov.scot

Licence number: MS EPS 18 2019 0

Date: 11 June 2020

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, for an imperative reason of overriding public interest including that of a social or economic nature); 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 01 December 2020 to 30 November 2022 and authorises:

The Highland Council
Development and Infrastructure Project Design Unit
Materials Testing Lab
Diriebught Depot
94 Diriebught Road
Inverness
IV2 3QN

Or any person authorised in writing by the Highland Council

to disturb the European protected species of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), white-beaked dolphin (*Lagenorhynchus albirostris*), short-beaked common dolphin (*Delphinus delphis*) and minke whale (*Balaenoptera acutorostrata*) at Uig Bay, 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*), bottlenose dolphin (*Tursiops truncates*), white-beaked dolphin (*Lagenorhynchus albirostris*), short-beaked common dolphin (*Delphinus delphis*) and minke whale (*Balaenoptera acutorostrata*) at Uig Bay, for an imperative reason of overriding public

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interest including that of a social or economic nature connection with the Uig harbour redevelopment at the following location:

An area bound by joining the following coordinates:

57° 35.277' N 006° 22.526' W
57° 35.265' N 006° 22.445' W
57° 35.185' N 006° 22.484' W
57° 35.151' N 006° 22.273' W
57° 35.112' N 006° 22.275' W
57° 35.111' N 006° 22.304' W
57° 35.049' N 006° 22.296' W
57° 35.046' N 006° 22.361' W
57° 35.142' N 006° 22.373' W
57° 35.174' N 006° 22.581' W.

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

- Impact piling

As described in the application form dated 23 May 2019.

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 timescale 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 the activities are carried out in accordance with a Marine Mammal Management Plan ("MMMP") which the licensee must submit, in writing, to the licensing authority for their written approval, no later than two months prior to the activities commencing or at such a time as agreed with the licensing authority. It is not permissible for any activities to proceed prior to the granting of such approval. In the event that the licensee wishes to update or amend any of the protocols in the MMMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any activities associated with

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the proposed updates or amendments to proceed prior to the granting of such approvals. The MMMP must include consideration of:

- a) the employment of a Marine Mammal Observer (“MMO”)
 - b) details of the locations and experience of the MMO
 - c) details of the experience of the Passive Acoustic Monitoring (“PAM”) operators
 - d) location of the PAM system and when it is to be used
 - e) details of the MMO pre-piling watch
 - f) details of the communication protocol between the MMO and PAM operators and piling contractors
 - g) details of any underwater noise measurement protocols, including the type of system to be used, how the noise levels will be analysed and calibrated and how the levels will be reported to the licensing authority
 - h) establishment of a 100m piling mitigation zone for harbour seals and 500m piling mitigation zone for cetaceans
 - i) details of the piling soft start procedure.
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 licensing authority 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 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.
 5. The licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) 2010 Guidelines for minimising the risk of injury and disturbance to marine mammals from piling is followed at all times in connection with licensed activities as far as it is practical to do so. These are available from the JNCC website <http://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol-August2010-Web.pdf>
 6. 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.
 7. 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.
 8. 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.

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9. The licensee must, no later than one month after the expiry date of this licence, submit to 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.
10. 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

Anni Mäkelä
Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
Date 11 June 2020