

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

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 9 June 2020 to 31 December 2021 and authorises:

RJ McLeod (Contractors) Ltd
McLeod House
Dingwall Business Park
Strathpeffer Road
Dingwall
IV15 9XB

Or any person authorised in writing by RJ McLeod (Contractors) Ltd to disturb the European protected species of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), minke whale (*Balaenoptera acutorostrata*), white-beaked dolphin (*Lagenorhynchus albirostris*), killer whale (*Orcinus orca*), Risso's dolphin (*Grampus griseus*), Atlantic white-sided dolphin (*Lagenorhynchus acutus*) and humpback whale (*Megaptera novaeangliae*) at St. Ola Pier, Scrabster, as detailed in the application for a licence to disturb European protected species and supporting documents dated 23 April 2020 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*), minke whale (*Balaenoptera acutorostrata*), white-beaked dolphin (*Lagenorhynchus albirostris*), killer whale (*Orcinus orca*), Risso's dolphin (*Grampus griseus*), Atlantic white-sided dolphin (*Lagenorhynchus acutus*), and humpback whale (*Megaptera novaeangliae*) at St. Ola Pier, Scrabster, for imperative reason of overriding public interest including that of a social or economic nature and beneficial consequences of primary importance for the environment in connection with the redevelopment of the St.Ola pier at the following location within the area bounded by joining the points:

58° 36.672' N 003° 32.885' W
58° 36.705' N 003° 32.833' W
58° 36.718' N 003° 32.843' W
58° 36.730' N 003° 32.802' W
58° 36.748' N 003° 32.722' W
58° 36.766' N 003° 32.730' W
58° 36.773' N 003° 32.709' W
58° 36.807' N 003° 32.589' W
58° 36.823' N 003° 32.503' W
58° 36.863' N 003° 32.405' W
58° 36.842' N 003° 32.385' W
58° 36.822' N 003° 32.432' W
58° 36.710' N 003° 32.429' W
58° 36.636' N 003° 32.441' W
58° 36.525' N 003° 32.351' W
58° 36.564' N 003° 32.673' W
58° 36.663' N 003° 32.752' W
58° 36.661' N 003° 32.852' W

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

Impact piling

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 that all works are carried out in strict accordance with the Marine Mammal Mitigation Plan Rev 2, dated 08 May 2020.
3. The licensee must ensure that Acoustic Deterrent Devices are not employed at any time while carrying out the works.
4. 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.
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. 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.
9. 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.
10. 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

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