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THE WILDLIFE AND COUNTRYSIDE ACT 1981

LICENCE TO DISTURB BASKING SHARKS (*Cetorhinus maximus*)

Licence Number: EPS/BS-00009871

This licence is granted under Part I, section 16(3)(i) of the Wildlife and Countryside Act 1981 by the Scottish Ministers who, after consultation with and having been advised as to the circumstances in which they should grant such licences by NatureScot, are satisfied that the activities authorised by this licence and that there is no other satisfactory solution; and unless revoked by the Scottish Ministers is valid from **20 October, 2022** to **30 June, 2025** and authorises:

[redacted]
Stornoway Port Authority
Amity House
Stornoway
HS1 2XS

Or any person authorised in writing by him / her to disturb (intentionally or recklessly) *basking sharks* (*Cetorhinus maximus*), located at Deep Water Port, Glumaig Bay, Stornoway, 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 *basking sharks (Cetorhinus maximus)* at Deep Water Port, Glumaig Bay, Stornoway, for social, economic or environmental purpose in connection with Construction and Capital dredging for deep water port improvements at the following location(s):

Deep Water Port, Glumaig Bay, Stornoway
58° 11.818’ N 006° 23.388’ W
58° 11.845’ N 006° 23.099’ W
58° 11.715’ N 006° 23.102’ W
58° 11.930’ N 006° 22.499’ W
58° 11.715’ N 006° 22.433’ W
58° 11.537’ N 006° 22.654’ W
58° 11.533’ N 006° 22.850’ W
58° 11.588’ N 006° 23.155’ W

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

Construction and dredging and deposit

During the period this licence is valid section 9(4A) of the Wildlife and Countryside Act 1981 does not apply to the undertaking of the aforementioned licensed activities by either the Licensee or any person authorised in writing by him / her, which involves or results in the intentional or reckless disturbance of *basking sharks (Cetorhinus maximus),* at , provided that such activities are done under and in accordance with the terms of this licence.

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, together with supporting information and all licensed activities must be carried out within the timescale(s) given within the application and any subsequent written correspondence between Marine Scotland – Licensing Operations Team ("MS-LOT") and the applicant, 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 Stornoway Deep Water Port-Marine Mammal and Basking Shark Risk Assessment.

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 the JNCC 2010 Guidelines for minimising the risk of injury and disturbance to marine mammals from piling noise is followed at all times in connection with the undertaking of such piling activities as far as it is practical to do so. These are available from the JNCC website https://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol-August2010-Web.pdf

5. The Licensee must ensure that, if any aspects of the proposed activities differ from the detail submitted in the Noise Registry - Initial Registration Form, a new Initial Registration Form must be completed and submitted to the Scottish Ministers and the JNCC no later than one week prior to commencement of the licensed activities.

6. The Licensee must ensure that soft start procedures are employed for piling operations where applicable.

7. The Licensee must ensure that a dedicated marine mammal observer carries out a 20 minute pre-survey watch of the area within 500m of the piling location for the presence of basking sharks, prior to the commencement of piling. If a basking shark is observed within the 500m observation zone in the 20 minutes prior to the commencement of piling, the Licensee must ensure that piling is not commenced until 10 minutes after the last sighting of a basking shark.

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 MS-LOT, 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 a ‘close-out’ noise registry form. This is available from the JNCC website https://mnr.jncc.gov.uk/.

13. This version of Basking Shark licence 00009871 supersedes the copy of the licence issued on 17 June 2022.

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

Signed:

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[Redacted]

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
20 October, 2022