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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, imperative reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment); 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 1 November 2019 to the 31 March 2023 and authorises:

Scottish Hydro Electric Power Distribution plc
Inveralmond House
200 Dunkeld Road
Perth
PH1 3AQ

Or any person authorised in writing by Scottish Hydro Electric Power Distribution plc to disturb the European protected species of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), minke whale (*Balaenoptera acutorostrata*), common dolphin (*Delphinus delphis*), killer whale (*Orcinus orca*), Risso's dolphin (*Grampus griseus*), white-beaked dolphin (*Lagenorhynchus albirostris*), long-finned pilot whale (*Globicephala melas*) and humpback whale (*Megaptera novaeangliae*) at various locations in the West Highland marine region, 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 truncatus*), minke whale (*Balaenoptera acutorostrata*), common dolphin (*Delphinus delphis*), killer whale (*Orcinus orca*), Risso's dolphin (*Grampus griseus*), white-beaked dolphin (*Lagenorhynchus albirostris*), long-finned pilot whale (*Globicephala melas*), and humpback whale (*Megaptera novaeangliae*) at various locations below Mean High Water Springs line in the West Highland marine region, for cable surveying along entire cable routes in connection with cable maintenance at the following indicative locations.

Corran Narrows Centre

56° 43.704' N 005° 14.239' W.
56° 43.630' N 005° 13.888' W.
56° 43.218' N 005° 14.189' W.
56° 43.119' N 005° 14.356' W.
56° 43.133' N 005° 14.723' W.
56° 43.169' N 005° 14.947' W.
56° 43.200' N 005° 14.608' W.
56° 43.291' N 005° 14.525' W.
56° 43.361' N 005° 14.582' W.
56° 43.577' N 005° 15.078' W.
56° 43.687' N 005° 14.773' W.
56° 43.704' N 005° 14.239' W.

Corran Narrows North

56° 43.813' N 005° 13.664' W.
56° 43.622' N 005° 13.899' W.
56° 43.298' N 005° 14.096' W.
56° 43.258' N 005° 14.521' W.
56° 43.361' N 005° 14.582' W.
56° 43.622' N 005° 15.169' W.
56° 43.766' N 005° 15.324' W.
56° 43.828' N 005° 15.015' W.
56° 43.794' N 005° 14.703' W.
56° 43.851' N 005° 13.906' W.
56° 43.813' N 005° 13.664' W.

Corran Narrows South

56° 43.704' N 005° 14.618' W.
56° 43.589' N 005° 13.909' W.
56° 43.296' N 005° 14.093' W.
56° 43.091' N 005° 14.376' W.
56° 43.169' N 005° 14.947' W.
56° 43.200' N 005° 14.608' W.
56° 43.291' N 005° 14.525' W.
56° 43.361' N 005° 14.582' W.
56° 43.578' N 005° 15.079' W.
56° 43.672' N 005° 14.884' W.
56° 43.704' N 005° 14.618' W.

Kyle – Skye North (1)

57° 16.472' N 005° 41.648' W.
57° 16.180' N 005° 42.012' W.
57° 15.943' N 005° 42.468' W.
57° 15.930' N 005° 42.742' W.
57° 16.021' N 005° 43.029' W.
57° 16.352' N 005° 43.053' W.
57° 16.640' N 005° 42.612' W.
57° 16.774' N 005° 42.610' W.
57° 16.850' N 005° 42.467' W.
57° 16.904' N 005° 41.638' W.
57° 16.472' N 005° 41.648' W.

Kyle – Skye South (2)

57° 16.863' N 005° 41.498' W.
57° 16.448' N 005° 41.537' W.

57° 16.071' N 005° 41.862' W.
57° 15.862' N 005° 42.463' W.
57° 15.871' N 005° 42.915' W.
57° 15.990' N 005° 43.114' W.
57° 16.365' N 005° 43.093' W.
57° 16.431' N 005° 42.879' W.
57° 16.592' N 005° 42.503' W.
57° 16.847' N 005° 42.475' W.
57° 16.948' N 005° 41.584' W.
57° 16.863' N 005° 41.498' W.

Loch a'Choire North

56° 37.026' N 005° 28.103' W.
56° 36.867' N 005° 28.087' W.
56° 36.573' N 005° 28.293' W.
56° 36.177' N 005° 28.841' W.
56° 36.030' N 005° 29.164' W.
56° 35.931' N 005° 29.691' W.
56° 35.957' N 005° 29.986' W.
56° 36.457' N 005° 29.896' W.
56° 36.541' N 005° 29.565' W.
56° 36.771' N 005° 29.216' W.
56° 37.029' N 005° 29.051' W.
56° 37.026' N 005° 28.103' W.

Loch a'Choire South

56° 36.916' N 005° 28.043' W.
56° 36.450' N 005° 28.315' W.
56° 36.128' N 005° 28.879' W.
56° 35.969' N 005° 29.367' W.
56° 35.924' N 005° 29.723' W.
56° 35.958' N 005° 29.985' W.
56° 36.467' N 005° 29.774' W.
56° 36.512' N 005° 29.571' W.
56° 36.703' N 005° 29.200' W.
56° 37.010' N 005° 29.041' W.
56° 37.041' N 005° 28.088' W.
56° 36.916' N 005° 28.043' W.

Loch Eil Narrows

56° 50.692' N 005° 09.830' W.
56° 50.513' N 005° 09.432' W.
56° 50.418' N 005° 09.705' W.
56° 50.539' N 005° 09.833' W.
56° 50.576' N 005° 10.071' W.
56° 50.673' N 005° 10.290' W.
56° 50.699' N 005° 10.569' W.
56° 50.832' N 005° 10.388' W.
56° 50.946' N 005° 09.967' W.
56° 50.803' N 005° 09.756' W.
56° 50.692' N 005° 09.830' W.

Loch Sligachan, Skye East

57° 19.133' N 006° 05.824' W.
57° 18.800' N 006° 05.829' W.
57° 18.894' N 006° 06.294' W.
57° 18.797' N 006° 06.760' W.

57° 19.183' N 006° 06.796' W.
 57° 19.222' N 006° 06.508' W.
 57° 19.120' N 006° 06.317' W.
 57° 19.313' N 006° 06.021' W.
 57° 19.133' N 006° 05.824' W.

Loch Sligachan, Skye West

57° 19.143' N 006° 05.823' W.
 57° 18.799' N 006° 05.850' W.
 57° 18.894' N 006° 06.294' W.
 57° 18.792' N 006° 06.781' W.
 57° 19.183' N 006° 06.796' W.
 57° 19.222' N 006° 06.508' W.
 57° 19.120' N 006° 06.317' W.
 57° 19.322' N 006° 06.012' W.
 57° 19.143' N 006° 05.823' W.

Lochaline - Mull

56° 32.009' N 005° 47.856' W.
 56° 32.029' N 005° 47.533' W.
 56° 31.949' N 005° 47.035' W.
 56° 30.830' N 005° 47.029' W.
 56° 30.659' N 005° 47.162' W.
 56° 30.571' N 005° 47.446' W.
 56° 30.709' N 005° 47.631' W.
 56° 30.860' N 005° 47.675' W.
 56° 30.944' N 005° 48.000' W.
 56° 31.892' N 005° 48.031' W.
 56° 32.058' N 005° 47.930' W.
 56° 32.009' N 005° 47.856' W.

Lochaline (Ardtornish)

56° 32.304' N 005° 45.824' W.
 56° 32.227' N 005° 45.892' W.
 56° 32.276' N 005° 46.264' W.
 56° 32.155' N 005° 46.356' W.
 56° 31.960' N 005° 46.288' W.
 56° 32.019' N 005° 46.635' W.
 56° 32.085' N 005° 46.528' W.
 56° 32.254' N 005° 46.561' W.
 56° 32.547' N 005° 46.411' W.
 56° 32.444' N 005° 45.997' W.
 56° 32.304' N 005° 45.824' W.

Lochalsh (Gleneig)

57° 16.485' N 005° 34.214' W.
 57° 15.420' N 005° 34.693' W.
 57° 15.323' N 005° 35.043' W.
 57° 15.317' N 005° 35.501' W.
 57° 15.544' N 005° 35.660' W.
 57° 16.388' N 005° 35.271' W.
 57° 16.509' N 005° 34.813' W.
 57° 16.485' N 005° 34.214' W.

Skye - Harris

57° 47.417' N 006° 49.202' W.
 57° 45.143' N 006° 49.334' W.
 57° 40.511' N 006° 47.780' W.

57° 34.150' N 006° 39.104' W.
57° 33.449' N 006° 38.630' W.
57° 32.992' N 006° 39.212' W.
57° 40.300' N 006° 48.718' W.
57° 45.124' N 006° 50.349' W.
57° 47.077' N 006° 50.208' W.
57° 47.860' N 006° 51.666' W.
57° 48.669' N 006° 51.820' W.
57° 47.417' N 006° 49.202' W.

Skye - Scalpay

57° 16.568' N 005° 59.107' W.
57° 16.433' N 005° 58.822' W.
57° 16.490' N 005° 58.671' W.
57° 16.503' N 005° 58.379' W.
57° 16.335' N 005° 58.403' W.
57° 16.041' N 005° 58.734' W.
57° 16.076' N 005° 58.974' W.
57° 16.226' N 005° 59.572' W.
57° 16.545' N 005° 59.365' W.
57° 16.646' N 005° 59.181' W.
57° 16.568' N 005° 59.107' W.

Skye – South Uist

57° 33.224' N 006° 38.397' W.
57° 29.628' N 006° 50.569' W.
57° 25.060' N 006° 55.756' W.
57° 21.627' N 007° 05.914' W.
57° 21.459' N 007° 15.460' W.
57° 22.036' N 007° 16.345' W.
57° 22.137' N 007° 12.618' W.
57° 22.123' N 007° 06.337' W.
57° 25.488' N 006° 56.366' W.
57° 30.038' N 006° 51.229' W.
57° 34.252' N 006° 39.764' W.
57° 33.224' N 006° 38.397' W.

Skye Raasay

57° 20.400' N 006° 04.211' W.
57° 19.911' N 006° 03.784' W.
57° 19.837' N 006° 04.407' W.
57° 19.883' N 006° 05.556' W.
57° 19.849' N 006° 05.912' W.
57° 19.884' N 006° 06.172' W.
57° 19.971' N 006° 06.373' W.
57° 20.086' N 006° 06.425' W.
57° 20.159' N 006° 06.385' W.
57° 20.319' N 006° 06.042' W.
57° 20.418' N 006° 05.754' W.
57° 20.400' N 006° 04.211' W.

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

- Vessel traffic
- Ultra Short Baseline System (USBL)
- Sub Bottom Profiler

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 all works are carried out in strict accordance with the EPS and Protected Sites and Species Risk Assessment – West Highlands (version A02) submitted to the licensing authority on 30 August 2019.
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 proposed activities differ from the detail submitted in the online Marine Noise Registry, a new Proposed Activity Form is completed and no later than one week prior to commencement of the licensed activities.
5. The licensee must ensure that where survey equipment has the capability to undergo a soft start procedure, this is implemented on every occasion survey equipment is switched on.
6. The licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) guidelines for minimising the risk of injury and disturbance 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
7. 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.
8. 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.
9. 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.

10. 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.
11. The licence holder must, no later than 12 weeks after completion of the noisy activity, complete and submit a Close-out Report the online Marine Noise Registry.

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

[Redacted]

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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Aberdeen
AB11 9DB

21 October 2019