

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Application for a licence to disturb or injure marine European protected species (EPS) for one of the following purposes

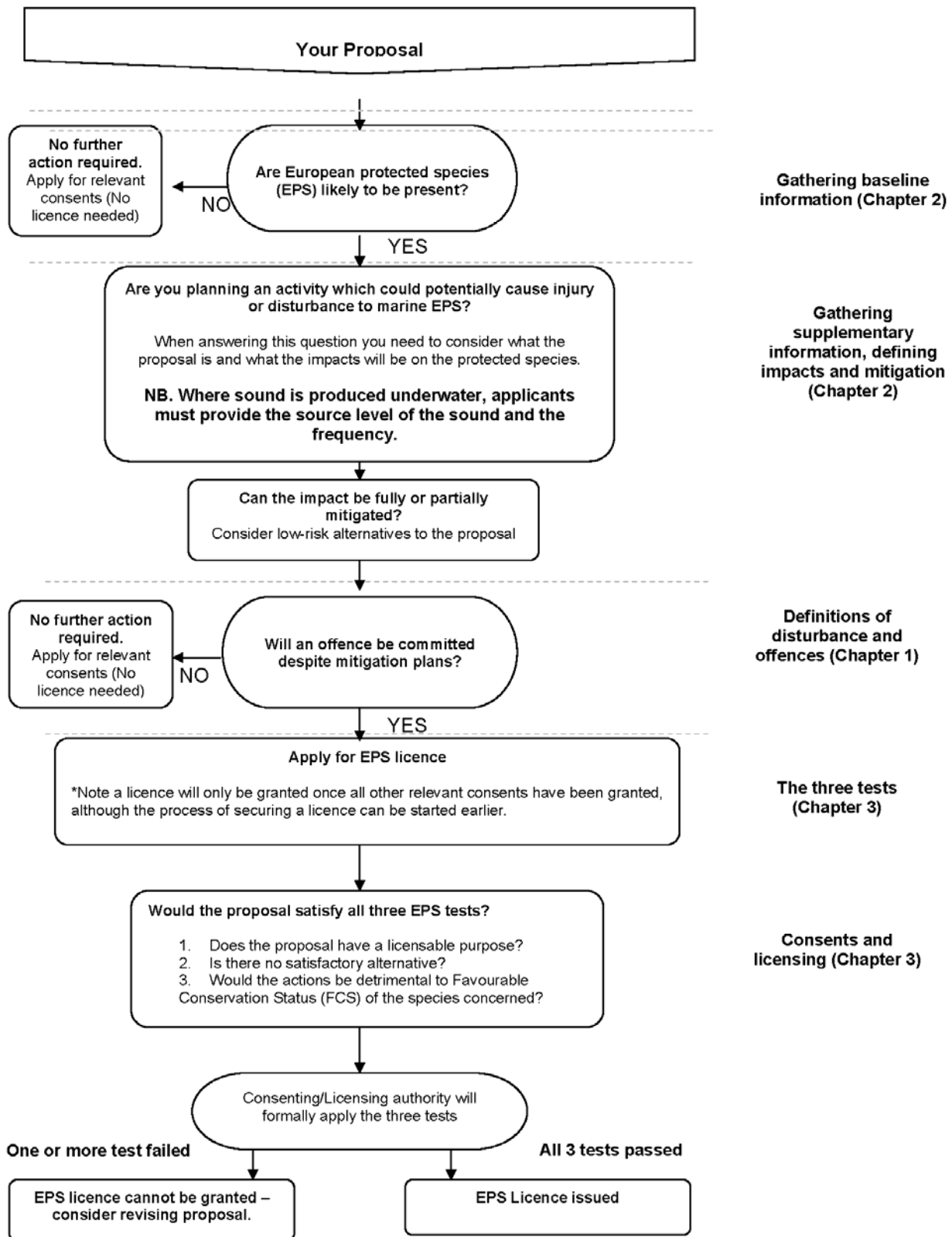
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.

Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish marine area (0 – 12nm).

IMPORTANT: Before completing this form, please read these notes carefully

Applicants are advised to read these notes in conjunction with [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#). If further clarification is needed please contact Marine Scotland Licensing Operations Team (MS-LOT) on 01224 295579 or email: MS.MarineLicensing@scotland.gsi.gov.uk

Flowchart showing the decision-making process
Please refer to the relevant chapter of [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#)



Please complete all relevant sections of the form.

Please ensure that you answer questions fully in order to avoid delays.

The completed application should be sent to Marine Scotland Licensing Operations Team (MS-LOT) at the address below or emailed to MS.Marinelicensing@scotland.gsi.gov.uk. **We will not process unsigned application forms.**

Please ensure that you provide appropriate information to support your application. Applicants can provide this supporting information in the form of an EPS Risk Assessment. Guidance can be found in [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#). Please contact MS-LOT if you wish to discuss the level of supporting documentation required for your application. Failure to provide sufficient supporting information may delay the consultation and licensing process.

MS-LOT will aim to determine whether a licence should be issued **within 6 to 8 weeks of acceptance of a completed application**. However, please note that for large scale or complex projects, the determination period may be longer.

If you experience any problems filling in this form, please contact MS-LOT.

Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish marine area (0 – 12nm).

Please note that European protected species are also protected in the offshore marine environment (between 12 and 200 nautical miles). Species in this area are protected under the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007.

Do not use this form if your application relates to scientific, research, conservation or educational purposes. Please contact Scottish Natural Heritage (SNH Licensing, Great Glen House, Leachkin Road, Inverness IV3 8NW, Telephone 01463 725000, email licensing@snh.gov.uk or visit [their website](#)) for a licence application for these purposes. SNH also issues licences for the purposes of marking animals or plants in relation to conservation or introducing them to particular areas for conserving natural habitats, and for protecting zoological or botanical collections.

Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).

It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Part A

Section 1 Personal details

Please provide details of the individual, company or partnership you wish to be named on the licence. The licensee is responsible for ensuring compliance with the licence and its conditions. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with the terms and conditions of a licence.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B
Section 3

Species

Please provide details of the species that will be affected by the work and, what the actual work is. This information can be described in detail in your supporting information. You will need to provide detailed proposals (to be included in the 'Supporting information') of all the mitigation work that you plan to carry out which will affect European protected species.

Location

Include a list of the National Grid References (NGR) or latitude and longitude co-ordinates of the boundary points of the proposed project. In a few cases, (e.g. laying of long pipelines) it may only be practicable to supply NGR or latitude and longitude co-ordinates for the start and end points, but enough detail should be included to allow assessment of the proposed work.

NGR: Should consist of two letters followed by 10 digits (e.g. TL6320031700) where the first 5 digits are the eastings (read from the south west corner of an Ordnance Survey map) and the last 5 digits are northings.

Latitude & longitude: For positions read from charts of 1:25,000 scale or smaller, the format should be, e.g. 55°55.55'N 2°22.22'W. The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the datum should be explicitly marked, e.g. 55°55'44"N 2°22'11"W. For positions read from larger scale charts, e.g. 1:10,000, three decimal places of minutes should be used, e.g. 55°55.444'N 2°22.222'W.

Section 4 Consideration of designated sites

Please provide details of any designated sites affected by your proposals. You are advised to consult Scottish Natural Heritage, or other appropriate regulator, if the work you propose to do affects a Natura site, an MPA or a Site of Special Scientific Interest.

Section 5 Activities to be licensed

Please indicate the activities you intend to undertake that would otherwise be unlawful

Provide details of the proposed commencement and completion dates of the activities. **The licence start date will not be backdated, since to commence a project for which a licence has not been obtained may constitute an offence resulting in appropriate legal action.**

It is the licensee's responsibility to apply for any further licences or an extension prior to the expiry of the initial licence.

Section 6 Purpose of the licence application

Please indicate the purpose of the licence application, the first of the legal tests.

Section 7 Justification for carrying out the proposed work

Please provide a rational and reasoned justification as to why the proposed activity relates to the licensing purpose. Please explain why the proposed work is necessary. This is the [legal basis of the application](#).

Section 8 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This could include the other options that have been evaluated, the alternative sites that were considered by you and why they were rejected (if no other sites were considered, you must provide the reasons why), or alternative methods of carrying out the work.

In relation to each alternative considered, please provide an explanation of why you consider it to be satisfactory or unsatisfactory. In respect of any alternative sites please provide the location(s) and details of the alternative site(s), or your views on how the activity/proposal might have been achieved differently, and any other helpful information; e.g., pros and cons of alternative sites, or whether there is likely to be demand for all suitable sites to be used to meet an identified need. Please explain how this conclusion was reached.

Section 9 Summary of the planning / licensing position

Detail all consents and licences required for the proposed project and indicate those that you have applied for or received.

Section 10 Noise Monitoring

Under the Marine Strategy Regulations (2010), there is now a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. This includes use of seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. This monitoring requires completion of a form at the application stage (giving details of the proposed work) as well as completion of a 'close-out' form (giving details of the actual dates and locations where the activities occurred). The close-out form should be returned within 12 weeks of completing the 'noisy' activity or, in the case of prolonged activities such as piling for harbour construction or wind farms, at quarterly intervals or after each phase of foundation installation.

These forms can be downloaded from:

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/noise-registry>

Section 11 Using and sharing your information

This section briefly describes the Scottish Ministers responsibilities in relation to Data Protection based on the requirements of the Data Protection Act 1998 and the Environmental Information (Scotland) Regulations 2004 and the Freedom of Information (Scotland) Act 2002.

Part D

Section 12 Declaration and warning

It is important to read the Declaration and Warning sections before signing the application form.

Site visits and compliance checks

It is possible that the licensing authority may undertake a site visit prior to the issue of a licence. The majority of site visits will be arranged several days in advance and will be conducted in the presence of the licensee (or applicant) however there may be occasions when a site visit will be made at short notice.

Licensees should be aware that they may receive a request for a site visit by the licensing authority, or a person authorised by the licensing authority, to assess site conditions against the conditions of the licence. It is essential that if any of the agreed mitigation measures contained in the application and supporting information are changed for any reason, the licensing authority is informed as soon as possible.

The Licensing authority will monitor compliance with licences issued based on the information included in licence reports.

Where to seek further information

Further information can be obtained from Licensing Operations Team at the address below.

If your proposal relates to one of the purposes for which SNH is the licensing authority, please contact your local office of SNH.

Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

Tel: 01224 295579 Fax: 01224 295524
Email: MS.Marinelicensing@scotland.gsi.gov.uk

Disclaimer

While every effort has been made to ensure the information contained in this document is accurate, nothing in this document should be taken to replace the current legislation in force at this time. You are advised to obtain qualified legal advice in relation to your rights and responsibilities under the 1994 Regulations and other legislation.

Part A. The Applicant: Personal details

These questions relate to the person who will be the **named licensee**. The licence can be issued to an individual or a company or a partnership and the licensee will be responsible for ensuring compliance with the licence and the conditions of the licence. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with any condition imposed by a licence.

1. Name of applicant

| Title (Mr/Mrs/Miss/Ms/Other) | Forename(s) | Surname |
|------------------------------|-------------|---------|
| Mr | Ove | Vold |

| | | | |
|---------------------------------------|---------------------------------|----------|--------|
| Company Name | Hywind (Scotland) Limited | | |
| Business Title (if Appropriate) | Consent and Stakeholder Manager | | |
| Address | One Kingdom Street | | |
| | | | |
| Town | London | | |
| County | UK | Postcode | W2 6BD |
| Tel no. (incl national dialling code) | Mobile No. +47 41516519 | | |
| Fax no. (incl national dialling code) | | | |
| Email address | ovvo@statoil.com | | |

2. The Applicant: Previous applications:

Have you held a wildlife licence issued by any of the following? (please tick as appropriate)

Yes ☐ No X (If yes, please complete below, if no, please go to Part B)

The Scottish Ministers ☐ Scottish Natural Heritage ☐ Marine Management Organisation ☐

Natural England ☐ English Nature ☐ Defra ☐ Other ☐

If **YES**, please give your last licence number and the year in which the licence was issued.
What species were covered by the licence?
What activity was covered by the licence e.g. capture, disturb?

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Part B. The Application

3. Species

(a) Please indicate which species is / are affected by the proposed works.

Common name(s):

Minke whale, harbour porpoise, white-beaked dolphin, Risso's dolphin, bottlenose dolphin, grey seal and harbour seal.

Scientific name(s)

Balaenoptera acutorostrata, *Phocoena phocoena*, *Lagenorhynchus albirostris*, *Grampus griseus*, *Tursiops truncatus*, *Halichoerus grypus* and *Phoca vitulina*.

(b) How many individual animals will be affected by licensed work?

Nil

Please provide a description of how this number was calculated / estimated

Overall marine mammals are not frequent visitors to the project area (ref. Hywind Scotland Environmental Statement). This together with implementation of mitigation measures will make it extremely unlikely that any marine mammals will be so close to the detonation area that they will be affected.

(c) Location of proposed licensed action

This must include either Latitude and Longitude co-ordinates or National Grid References (NGR), defining the extent of the project. Please continue on a separate sheet if necessary.

| LATITUDE | | | | | | | | LONGITUDE | | | | | | | |
|----------|--|---|--|---|--|--|----|-----------|--|---|--|---|--|--|----|
| | | ° | | . | | | 'N | | | ° | | . | | | 'W |
| | | ° | | . | | | 'N | | | ° | | . | | | 'W |
| | | ° | | . | | | 'N | | | ° | | . | | | 'W |
| | | ° | | . | | | 'N | | | ° | | . | | | 'W |
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| | | ° | | . | | | 'N | | | ° | | . | | | 'W |
| | | ° | | . | | | 'N | | | ° | | . | | | 'W |

- (d) Provide a brief description of the proposed activity and the methods to be used.
Detailed information should be included in your Supporting Information
Please provide details of the source levels and frequencies of underwater noise if relevant

A number of 292 potential UXO targets within a 50 m wide corridor along the cable route and mooring lines have been identified. The number of targets to inspect will be narrowed down together with Contractor (MMT) and their Sub-contractor (Ramora UK). All targets are more than one km from the BP Forties Pipeline.

Potential targets will be verified by visual (video) investigation from Remote Operated Vehicle (ROV). If the target is buried a small excavation pump should be used to try to uncover the target. If any excavation has been performed the area shall be surveyed with MBES to document the state of the seabed when leaving the location.

Any positively identified UXO's shall be disposed from the location it is found. When disposing of an item of UXO on the seabed, the ROV will place the charge system adjacent to the UXO and will then retire back to the vessel and a controlled counter mining on the UXO will be conducted, causing sympathetic detonation. The ROV will place the charge system adjacent to the UXO and will then retire back to the vessel. Approximately 15 detonations are to be expected.

To cause the sympathetic detonation of any UXO identified on site, a Semtex A1 (plastic explosive) donor charge will be used. The size of this charge varies between 2.5kg and 10kg depending on the type of UXO and access to the UXO due to burial/marine growth. The size of the resulting explosion will vary depending on the type of UXO being disposed. Typically, a 500lb air-dropped bomb, which is relatively common in the North Sea, contains approximately 105kg of explosive (worst case) and will leave a crater size approximately 3m wide and 1.5m deep (depending on seabed). A German Parachute Mine, which is likely to be the biggest UXO encountered on site, contains approximately 750kg of explosive (worst case) and will leave a crater size approximately 3m deep and 6m wide.

With regards to the impact on marine life and mammals, this is based on underwater shockwaves/pressure. Explosions generate low frequencies between 2 – 1000Hz, with the main energy between 6-21Hz and have very rapid durations <1ms – 10ms. The maximum peak pressure for a high explosive (TNT) charge freely suspended in water (not on the seabed) has been reported by Parvin, Nedwell and Harland (2007). In this study a charge with a mass of 4,540kg has a source peak pressure at a range of 1m of approximately 1GPa or 300dB re. 1 µPa at 1m which results in a lethal range of approximately 520m. In this study a smaller charge of 40kg was also tested with a source peak pressure of 195 MPa or 285dB re. 1 µPa at 1m with a lethal range of approximately 110m. The proposed activities at Hywind Scotland Pilot Park will result in a worst case explosion of approximately 750kg, however as the charge will not be freely suspended, the resulting blast pressure will be far closer to the 40kg test.

- (e) Briefly state how you will minimise the impact of your proposed work on European protected species.
Detailed information should be included in your Supporting Information.

The following mitigation measures will be implemented:

- Establishment of a mitigation zone out to 1 km (encompassing the range of potential injury for all marine mammal species)
- Ensure no mammals are within the mitigation zone during detonation through the use of Marine Mammal Observers (MMOs)
- UXOs will be detonated in sequence with the smaller charges detonated first in a soft star or ramp up procedure where ever possible
- The potential use of acoustic harassment devices (AHDs) or acoustic deterrent devices will be considered if required in periods of poor visibility.
- Adherence to the Scottish Marine Wildlife Watching Code

4. Consideration of designated sites

Marine Laboratory, PO Box 101, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland
Version 1.2 March 2015



Designated Areas: National Nature Reserves (NNR), Sites of Specific Scientific Interest (SSSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites, Marine Protected Areas (MPA). Information on designated sites is available on Scottish Natural Heritage website (<http://gateway.snh.gov.uk/sitelink/>) or from your local SNH office.

(a) Will any part of the proposed activity fall within /or adjacent to an area covered by a designated site eg SSSI, SAC, MPA? Yes ☐ No ☒

(b) Please give the name of the designated site(s) and either the outcome of your consultations or the reason why you have not consulted (see note 9). Please enclose any relevant correspondence.

4. Activities to be Licenced

Proposed Methods

(a) Please complete all relevant columns in the table below to indicate the methods you propose to use, the activity involved and the time period in which you propose to use each method. This information will be used when preparing the licence to cover activities that would otherwise be unlawful, and failure to give full details may result in an inappropriate licence being issued.

| Activity to be licensed (please tick) | | | | | Time period | | |
|---------------------------------------|--|--------------------------|--------------------------|--------------------------|--|------------|------------|
| Capture | Kill (exceptional circumstances only) | Injure | Transport | Disturb/ Harass | Method to be used, (e.g. piling) | From | To |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | Detonation | 01.09.2016 | 15.10.2016 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | |

5. Purposes of the licence application (tick one box only)

A licence can only be issued if 3 specific legal tests are met. The section below relates to the first of these tests. The options shown are taken from the **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**.

Please indicate which purpose relates to the proposed works

(a) Preserving public health or public safety (we will require evidence that there is a risk to public health or public safety e.g. an imminent risk of flooding) Regulation 44(2)(e) X

(b) Imperative reasons of overriding public interest (*including those of a social or economic nature and beneficial consequences of primary importance for the environment*) Regulation 44(2)(e) X

- (c) Preventing the spread of disease Regulation 44(2)(f) ☐
- (d) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries. Regulation 44(2)(g). X

6. Justification for carrying out the proposed work

- (a) Please explain how the proposed work falls under the purpose selected in Section 5. Please also explain why it is necessary to carry out the proposed work affecting the species.

In order to protect property and personell and ensure safe operations during construction works, all UXOs in the Hywind Scotland construction area needs to be cleared prior to commencement of work.

7. Satisfactory alternatives

This relates to the second of the legal tests which must be satisfied. You should detail any possible alternatives which were considered and why they were considered unsuitable. Please explain why there is no satisfactory alternative to carrying out the proposed work affecting the species.

There are no alternatives. If cables are to be laid, harmful hazards such as UXOs must be cleared before construction works can start.

8. Other Licences / Consents

Please detail below all licences / consents you have applied for or received. **Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).**

| Type of Licence / Consent (e.g. Marine Licence, Local Planing Authority, Local Works Licence) | Date Applied for | Reference no. | Date of issue of licence / consent |
|---|------------------|---------------|------------------------------------|
| Marine Licence | 03.04.2015 | MCMS/05515 | 30.10.2015 |
| Full Planning Permission | 19.03.2015 | | 16.07.2015 |

10. Noise Monitoring

Please indicate if any of the following noise generating activities will be taking place during the operations:

Use of explosives ☒ Piling ☐ Use of Acoustic Deterrent Devices ☒
Survey equipment operating in the range 10 Hz – 10kHz ☐

If you have ticked any of the above boxes please complete the form located at:

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/noise-registry>

Please note the form must only be completed once for each activity. If you have already completed a form for this activity (eg through the marine licensing process) please give details.

Ref. Hywind Scotland Marine Licence Application for UXO verification and clearance (Marine Licence Application for Construction Projects).

A licence will not be issued until this form has been completed and submitted.

11. Using and sharing your information

The data controller is the Scottish Government, Information Management Unit, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD. Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate. It will be used for processing your application.

The Scottish Ministers are a Scottish public authority and have duties under the Environmental Information (Scotland) Regulations 2004 and the Freedom of Information (Scotland) Act 2002 to provide certain types of information held by them. The Scottish Ministers may therefore be obliged to make available certain information relating to, or contained in, this application, or any licence that may be granted, other than information which is personal data as defined in the Data Protection Act 1998, and the disclosure of which would contravene any of the data protection principles.

The Scottish Government or its appointed agents may use the name, address and other details on your application form to contact you in connection with occasional customer research aimed at improving the service that the Marine Scotland Directorate provides to you.

If you believe that any of the information we hold concerning you is incorrect or out of date, please provide us with the accurate information in writing together with supporting evidence (if appropriate).

Part C. Declarations

Marine Laboratory, PO Box 101, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland
Version 1.2 March 2015



12. I have read and understand the guidance provided in this application form. I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.

I authorise employees or representatives of the Scottish Ministers to enter the site which is subject to this application for the purpose of monitoring and inspecting the permitted works.

Warning

Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) it is an offence to fail to comply with the conditions imposed by a licence. The licensee is responsible for ensuring compliance with the licence.

The Scottish Ministers can modify or revoke a licence at any time, provided there are good reasons. Any licence that may be issued is likely to be revoked immediately if it is discovered that false information was provided and resulted in the issue of a licence.

Under the Conservation (Natural Habitats, &c.) Regulations 1994, any person who in order to obtain a licence knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. Any person found guilty of such offences is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale (currently £5,000), or to both imprisonment and a fine.

Note: Previous convictions for wildlife offences will be taken into account and in some cases may mean that the Scottish Ministers do not consider it appropriate to grant a licence.

Have you remembered to enclose Supporting Information with your application, as described in the accompanying guidance? Please tick X

Signature of the
Applicant

Date

25 July 2016

(The person named at part 1)

Name in BLOCK
LETTERS

OVE VOLD

Note – If signing on behalf of a company, please append your signature with “on behalf of *Company Name*”.

Please print and sign completed forms and send with Supporting Information to the following address:

Licensing Operations Team
Marine Scotland
EPS Division
375 Victoria Road
Aberdeen
AB11 9DB

Disclaimer

While every effort has been made to ensure the information contained in this document is accurate, nothing in this document should be taken to replace the current legislation in force at this time. You are advised to obtain qualified legal advice in relation to your rights and responsibilities under the 1994 Regulations and other legislation.