

T: +44 (0)300 244 5046

E: ms.marinelicensing@gov.scot

THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)

Application for a Basking shark (*Cetorhinus maximus*) licence for one of the following purposes

- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.
- Social, economic or environmental purpose

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

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@gov.scot.

We will not process unsigned application forms.

Please ensure that you supply any necessary supporting information e.g. detailed method statements, risk assessments etc.

MS-LOT will aim to determine whether a licence should be issued **within 6 to 8 weeks of acceptance of a completed application.**

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 Basking sharks in the inshore marine area (0 – 12 nautical miles).

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 email 01463 725000 licensing@snh.gov.uk to discuss licensing requirements for these purposes.

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. Failure to carry out the work proposed in accordance with the terms of the licence may expose the licensee to criminal liability.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B

Section 3

Location

Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the proposed project. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84. In a few cases, (e.g. laying of long pipelines) it may only be practicable to supply co-ordinates for the start and end points.

Example: For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55°55'44"N 2°22'11"W (WGS84).

It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

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 as described in the Wildlife and Countryside Act 1981 (as amended), Part 1, Section 16 (3).

Section 7 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This must 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 and alternative dates / timings. The 'do nothing' alternative must also be considered.

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 8 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 9 Noise Monitoring

Under the Marine Strategy Regulations (2010), there is a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. Activities where this type of noise is produced include impact pile driving, geophysical surveys (seismic, sub bottom profiling and multibeam echosounders), explosives and some acoustic deterrent devices. Where noisy activity is being undertaken, you must complete a Proposed Activity form in the Marine Noise Registry, which collects estimated location and date range data on noisy activities. The Marine Noise Registry can be accessed at <https://mnr.jncc.gov.uk/>. The Marine Noise Registry also collects the actual location and date data (after the activity has been completed). This data should be provided as a Close-out Report in the Marine Noise Registry following completion of the activity, please note that any licensee with a marine licence granted subject to conditions specific to the Marine Noise Registry will need to complete the appropriate data submission to fulfill the Marine Noise Registry. Indicate any noise generating activity and the sound frequency in hertz.

Section 10 Privacy notice

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

Part D

Section 11 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 Method Statement 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 returns.

Where to seek further information

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

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

Tel: 0300 244 5046
Email: MS.marinelicensing@gov.scot

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 2017 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 The Wildlife and Countryside Act 1981 (as amended) failure to carry out the work which you propose in accordance with the terms of the licence may expose you to criminal liability.

1. Name of applicant

Title: Forename(s): Surname:

Company Name:

Business Title (if Appropriate):

Address:

Tel no. (incl dialling code):

Email address:

2. **The Applicant: Previous applications:**

Have you previously held a wildlife licence issued in the UK? (please tick as appropriate)

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

Who issued the licence?

Licence number (most recent licence)

Year in which the licence was issued.

What species were covered by the licence?

What activity was covered by the licence e.g. disturb, injure?

Part B. The Application

3 Species

(a) How many individuals will be affected by licensed work?

Basking Shark (*Cetorhinus maximus*): 3 (unconfirmed sightings)

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

All 3 sightings are unconfirmed in the survey area and occurred in the following years, 1988, 2005 and 2021 (National Biodiversity Network (NBN) Atlas, 2021). Estimated abundance numbers are not calculated given sightings are unconfirmed.

(c) **Location of proposed licensed action**

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project. Please continue on a separate sheet if necessary.

LATITUDE								LONGITUDE									
See	sheet	°			.		'N				°			.			'W
		°			.		'N				°			.			'W
		°			.		'N				°			.			'W
		°			.		'N				°			.			'W
		°			.		'N				°			.			'W
		°			.		'N				°			.			'W
		°			.		'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

The marine surveys will include geophysical survey (consisting of Multi Beam Echo Sounder (MBES), Side Scan Sonar (SSS), magnetometer, Sub-Bottom Profiler (SBP), Remotely Operated Vehicle (ROV), Unmanned Aerial Vehicle (UAV) and Ultra-Short Baseline (USBL) positioning system. Geotechnical survey will include Vibrocores (VCs), Cone Penetrometer Tests (CPTs) and optional boreholes at landfall sites. Subtidal Benthic Sampling and intertidal walkover survey will include grab sampling and drop down video.

Equipment or activities which will emit an acoustic signal include the MBES, SSS, SBP, USBL, VCs and drilling of boreholes. Details of the source levels and frequencies can be found in the supporting 'Eastern Green Link (EGL3) Protected Species Assessment & Marine Mammal Mitigation Plan' in Table 2-4.

The surveys will span a proposed cable route corridor (0.5km-1km wide) from a landfall area near Peterhead in Scotland to a landfall area in South Lincolnshire in England, the survey will therefore cross both Scottish and English waters.

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

The proposed surveys will be undertaken with relevant best practice guidelines in place. These are currently as follows:

- JNCC (2017) Guidelines for minimising the risk to injury to marine mammals from geophysical surveys;
- SNH (Undated) Scottish Marine Wildlife Watching Code.

Mitigation methods within this guidance include;

1. The MMO will conduct a pre-shooting search for a minimum of 30 minutes prior to commencement of start of sub-bottom profiler. If a marine mammal is observed within a 500 m mitigation zone around the acoustic source, survey commencement will be delayed until 20 minutes after the marine mammal has left the mitigation zone or was last observed.
2. Soft-start: The JNCC guidelines require that if possible the operating power of the equipment will be ramped up gradually, in a uniform manner from a low-energy start-up, over a minimum period of 15 minutes. As acknowledged in the guidelines, this will not be possible with the sub-bottom profiler as it is either off or on and therefore soft start cannot be used.
3. Line change. If line changes (or other pauses) are expected to be longer than 40 minutes, equipment operation will be stopped at the end of the survey line and procedures 1 and 2 above will be completed prior to resuming survey at full power. Where practical, equipment operation will also be stopped or operated at a reduced power or pulse rate during line changes/pauses expected to be less than 40 minutes.
4. Unplanned breaks. Where there is a gap in data acquisition of greater than 10 minutes, procedures 1 and 2 above will be completed prior to resuming survey at full power.

Nearshore survey lines and the offshore survey lines will start at the shore end and progress offshore to minimise risk of flushing animals towards the beach.

A Passive Acoustic Monitoring (PAM) system will also be employed to detect cetaceans within the vicinity.

If the marine mammal observer identifies basking shark ahead of the survey vessel, if possible, speed will be reduced to minimise the risk of collision with animals.

4. Consideration of designated sites

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. Please enclose any relevant correspondence.

See assessment of impact of the survey works on designated sites in the attached 'Eastern Green Link (EGL3) Protected Species Assessment & Marine Mammal Mitigation Plan'.

An initial project introductory meeting has been undertaken with Marine Scotland on 18/01/2023. This shall be followed up shortly with a project briefing meeting with MS-LOT and MMO. An introductory consultation with JNCC, NatureScot, and Natural England took place on 26/04/2023.

5. 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.

Disturb	Kill	Take / trap	Damage or destroy place of shelter / protection	Method	From	To
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sub Bottom Profiler	01/07/2023	30/06/2024
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USBL	01/07/2023	30/06/2024
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Side Scan Sonar	01/07/2023	30/06/2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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

Please indicate which purpose relates to the proposed works. The options shown are taken from the **The Wildlife and Countryside Act 1981 (As amended)**

(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) (Section 16 (3) (f))

Complete Annex A

(b) Preventing the spread of disease (Section 16 (3) (g))

Complete Annex B

(c) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries. (Section 16 (3) (h))

Complete Annex C

(d) Social, economic or environmental purpose (Section 16 (3) (i))

Complete Annex D

7. Satisfactory alternatives

Please explain why there is no satisfactory alternative to carrying out the proposed work affecting the species. **You must describe all possible alternatives which were considered and why they were considered unsuitable.** You must also consider the option of not undertaking the work. **It is not acceptable to state that 'there is no alternative'.**

The British Energy Security Strategy set out the United Kingdom (UK) Government's ambition to connect up to 50 GW of offshore generation to the electricity network by 2030. This will require additional network capacity and greater power transfer capability across the Anglo-Scottish border. The Project (EGL 3) is an essential part of this major reinforcement of the electricity transmission system, that will allow renewable power to reach consumers and has been identified in the initial list of Accelerated Strategic Transmission Investment (ASTI) projects by Ofgem, the UK energy regulator. The marine cable route survey will provide essential data on seabed and environmental conditions, in order to finalise the route planning of the new subsea HVDC cable. The data collected is essential for micro-siting of the route to avoid highly sensitive sites, and to ensure most appropriate installation methods are used. Data gathered will also support the various permits and any required environmental statements. Given the critical nature of the infrastructure being developed the 'do-nothing' alternative in this case (ie not to complete the survey scope proposed, and therefore not to develop the project) is not feasible.

Geophysical survey methods are required in order to investigate and map the surface and top 5-10 m depth of seabed. This information is ground-truthed with intrusive surveys (i.e. grabs, CPTs and VCs). The interpreted survey data will inform the engineering design, cable routing, cable protection and micro-siting with accurate interpretation of the seabed and subsurface features. This in turn shall allow suitable installation methods to be used and highly sensitive sites to be avoided.

The most satisfactory non-intrusive way to achieve an understanding of the seabed conditions is to use acoustic survey methods and equipment such as Multibeam Echo Sounder (MBES), Sub-bottom Profiler (SBP) and Side Scan Sonar (SSS). The results from the geophysical survey shall inform the benthic survey scope and determine the spread of sampling stations to provide the extent of Annex 1 habitats and species and Priority Marine Features. It will also become a fundamental source of baseline data to inform the EIA.

A reduction in survey scope using fewer instruments or using lower sound exposure levels could result in less confidence in the actual ground conditions along our long cable route and lower coverage, which may mean that some sensitive habitats could be missed. A lower level of quality geological data may mean further surveys are required in future, or mis-informed engineering design and installation methodology techniques being chosen. Where possible an AUV (Autonomous Underwater Vehicle) will be used to reduce impact on EPS in an intertidal setting.

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 Consent (e.g. Marine Licence, Local Planning Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of consent
General Marine Works Licence	Submitted 23 May 2023	E&I/0024	
Marine Licence Exemption	To be submitted in May 2023		

9. 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 a Proposed Activity form in the Marine Noise Registry at: <https://mnr.jncc.gov.uk/>.

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.

Activity Application Numbers

3446 (01-07-2023 - 31-12-2023)

3451 (01-01-2024 - 30-06-2024)

Licence applications will not be accepted until this form has been completed and submitted.

11. Privacy notice

The Scottish Government's Marine Scotland Licensing Operations Team (MS-LOT) has a range of statutory responsibilities including determining applications for licences to disturb or injure marine European protected species (EPS) under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 and Basking shark licences under the Wildlife and Countryside Act 1981 (as amended).

MS-LOT will, where necessary, process personal information including: names, addresses, email addresses and telephone numbers to determine a licence application. Personal information will be stored securely in the Scottish Government's official corporate record.

A full privacy notice can be found at: <http://www.gov.scot/Topics/marine/Licensing/marine/PrivacyNotice>. If you are unable to access this, or you have any queries or concerns about how your personal information will be handled, contact MS-LOT at: Marine Scotland - Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Email: ms.marinelicensing@gov.scot

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

Completed Application form	<input checked="" type="checkbox"/>
Completed Annex	<input checked="" type="checkbox"/>
Map / Chart	<input checked="" type="checkbox"/>
Correct co-ordinates	<input checked="" type="checkbox"/>
Additional information / EPS risk assessment	<input checked="" type="checkbox"/>

Part C. Declarations

11. 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 **THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)** failure to carry out the work which you propose in accordance with the terms of the licence may expose you to criminal liability. 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 **THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)**, 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.

[Redacted]

Signature of the
Applicant

Date **04/05/2023**

(The person named at part 1)

[Redacted]

Name in BLOCK
LETTERS

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

The completed application should be signed and sent to Marine Scotland Licensing Operations Team (MS-LOT) at the address below or emailed to MS.Marinelicencing@gov.scot

Please remember to include all supporting information.

Licensing Operations Team
Marine Scotland
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 1981 Act and other legislation.

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



Annex A

Only to be completed if you selected for *Preserving public health or public safety* in Question 6 of the application form

Please complete all questions

Give details of the risk to public health or safety

How has the risk been identified. Please give details of any expert advice received.

How will the proposed activity address the identified risk

Annex B

Only to be completed if you selected for *Preventing the spread of disease* in Question 6 of the application form

Please complete all questions

What disease(s) is / are at risk of being spread if the proposed activity does not go ahead? Please give details of any expert advice received.

How will the proposed activity prevent the spread of disease? Please give details of any expert advice received.

Annex C

Only to be completed if you selected for *Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries* in Question 6 of the application form.

Please complete all questions

What serious damage has occurred or will occur if the proposed activity does not go ahead. Please give details of any expert advice received.

How will the proposed activity prevent serious damage? Please give details of any expert advice received.

Annex D

Only to be completed if you selected for a Social, economic or environmental purpose in Question 6 of the application form

Please complete all questions

What benefits will be provided by the proposed activity? Give details and indicate if they are social, economic or environmental. Please indicate if the benefits are short or long term.

The Eastern Green Link 3 Project is part of major reinforcement of the electricity transmission system. This project is required for the UK to meet its Net Zero 2050 energy generation target, transporting clean renewable energy from the centre of generating potential in Scotland to the centres of demand in England.
The survey is required to support the installation of the new subsea HVDC transmission link that is needed to provide additional network capacity and greater power transfer capability across the Anglo-Scottish border.

What public interest will be served? Who will benefit from the proposed activity? Does the proposed activity address a need?

The project cannot progress to final design and planning and permitting stage until the seabed conditions have been investigated. The data collected will allow cable routing and micrositing to take place that will allow the most suitable installation methods to be used and highly sensitive sites to be avoided.

Why is it imperative the proposed activity goes ahead?

There are no alternative methods available for the required seabed investigations.

Does the proposed activity support any local regional or national policies? Please give details. Are you fulfilling a statutory role?

Not applicable for geophysical surveys.