

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

LICENCE TO DISTURB MARINE SPECIES

Licence Number: EPS/BS-00010496

This licence is granted under regulation 44(e) of the Conservation (Natural Habitats, &c.) Regulations 1994 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 as regards the purpose for which the licence is granted, namely, for preserving public health or public safety or other imperative reasons of overriding public interest including those of a 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 **09 September, 2023** to **16 January, 2025** and authorises:

[Redacted]

Magallanes Renovables S.L.

C/ Prego de Montaos 7

36800 Redondela

Spain

Or any person authorised in writing by him / her to disturb the European protected species of *harbour porpoise* (*Phocoena phocoena*); *bottlenose dolphin* (*Tursiops truncatus*); *minke whale* (*Balaenoptera acutorostrata*); *Risso's dolphin* (*Grampus griseus*); *killer whale* (*Orcinus orca*); *white-beaked dolphin* (*Lagenorhynchus albirostris*) at the locations below, 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*); *Risso's dolphin* (*Grampus griseus*); *killer whale* (*Orcinus orca*); *white-beaked dolphin* (*Lagenorhynchus albirostris*) at the locations below, for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment in connection with construction, alteration and improvement (including decommissioning) of the Magallanes ATIR platform at the following location(s):

Berth 1, Fall of Warness, European Marine Energy Centre (EMEC)

59° 08.673' N 02° 49.048' W

59° 08.463' N 02° 48.693' W
59° 08.282' N 02° 49.113' W
59° 08.503' N 02° 49.471' W

Additional maintenance sites at the following locations:

Shapinsay Sound Test Site, EMEC, at the following attachment points:

59° 00.200' N 02° 53.073' W
59° 00.165' N 02° 52.918' W

Deerness Anchorage, Deerness Sound, within the following boundary:

58° 58.813' N 02° 45.388' W
58° 58.564' N 02° 45.388' W
58° 58.564' N 02° 44.829' W
58° 58.813' N 02° 44.829' W

Scapa Bay Anchorage 1, Scapa Bay, within the following boundary:

58° 56.170' N 03° 01.610' W
58° 56.170' N 03° 00.700' W
58° 55.740' N 03° 00.700' W
58° 55.740' N 03° 01.610' W

Scapa Bay Anchorage 2, Scapa Bay, within the following boundary:

58° 52.554' N 03° 12.389' W
58° 52.354' N 03° 12.245' W
58° 52.406' N 03° 11.908' W
58° 52.612' N 03° 12.015' W

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

construction, alteration and improvement (including decommissioning) of the Magallanes ATIR platform

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 timescales given within the application and any subsequent written correspondence between the Marine Directorate - Licensing Operations Team (MD-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 mitigation outlined

in the application together with the Project Environmental Monitoring Plan submitted in support of marine licence MS-00010495 and any subsequent revisions.

- 3. The licensee must ensure no operation of the Magallanes ATIR platform blades at the Scapa Bay Anchorage 2 maintenance site.
- 4. The Licensee must ensure that vessel transit routes maintain a minimum distance of 50 metres from seal haul-out sites at Northeast Hoy and Cava to avoid disturbance to the seals.
- 5. 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.
- 6. Except where it is not relevant to the provisions of this licence, the licensee must ensure that the Scottish Marine Wildlife Watching Code and Guide to Best Practice for Watching Marine Wildlife are 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 MD-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.

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

Signed:

Emma Lees

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
08 September, 2023