

## 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

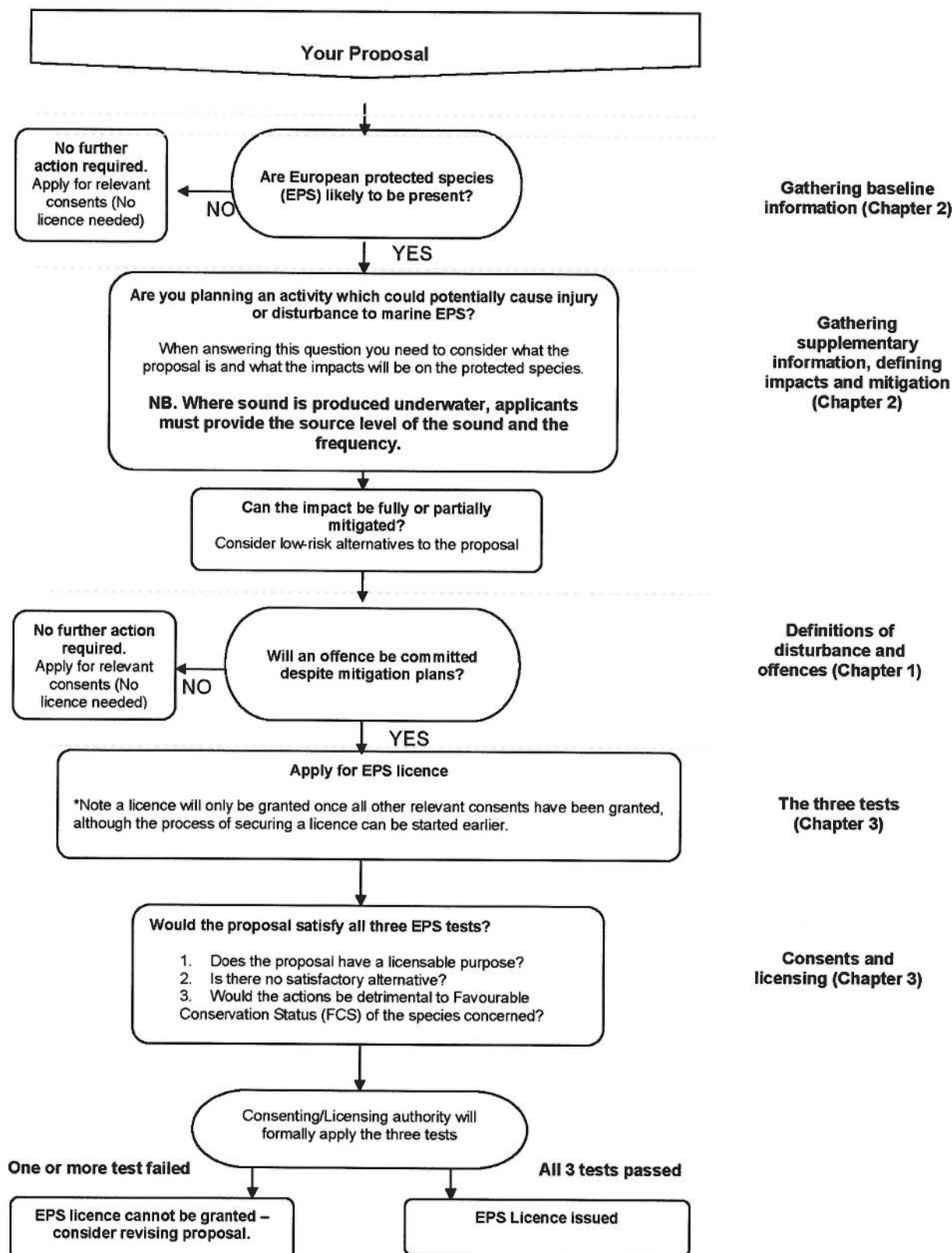
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, 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](mailto: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](mailto: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](mailto: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](mailto: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	Jonathan	Wilson	

Company Name	Beatrice Offshore Wind Farm Limited (BOWL)		
Business Title (if Appropriate)	Consents and Stakeholder Manager		
Address	SSE Renewables Beatrice Offshore Wind Farm Ltd.		
	One Waterloo Street		
Town	Glasgow		
County	Glasgow	Postcode	G2 6AY
Tel no. (incl national dialling code)	+44 141 224 7291		Mobile No.
Fax no. (incl national dialling code)			
Email address	Jonathan.Wilson@sse.com		

### 2. The Applicant: Previous applications:

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

Yes ☒ No ☐ (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?

MS EPS 01/2016/00
2016
Bottlenose dolphin, harbour porpoise, minke whale, white-beaked dolphin, common dolphin and Risso's dolphin
Disturbance during construction of the Beatrice Offshore Wind Farm and Offshore Transmission Works in the Moray Firth, Scotland.

## Part B. The Application

### 3. Species

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

Common name(s):

Bottlenose dolphin, harbour porpoise, minke whale, white-beaked dolphin, common dolphin and Risso's dolphin.

Scientific name(s)

*Tursiops truncatus*, *Phocoena phocoena*, *Balaenoptera acutorostrata*, *Lagenorhynchus albirostris*, *Delphinus delphis*, *Grampus griseus*

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

Injury: 0  
Behaviour/disturbance: not calculated

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

The risk of marine mammals being affected by physical injury/trauma or instantaneous auditory injury resulting in a permanent threshold shift (PTS) will be mitigated by the implementation of the UXO Clearance Mitigation Plan (CMP) which has been devised in consultation with the statutory consultees. Details of the UXO CMP are provided in Section 3(e) of this EPS Licence Application and in full in Appendix A to BOWL document LF000005-REP-1326 'UXO Clearance Marine Licence – Environmental Report'.

The number of animals potentially affected by behaviour/disturbance associated with the activities covered in this application (i.e. the UXO clearance activities and disturbance arising as a result of the implementation of the CMP from deployment of acoustic deterrent devices (ADDs) and soft starts using small explosive charges) has not been estimated on the basis that it is considered likely that any behavioural effects will be reversible and animals will resume normal behaviour within the short term (within a few hours) following cessation of each explosion event.

### (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.

**There are unlikely to be any detonations required for the Beatrice Offshore Wind Farm corridor, therefore the coordinates for the Beatrice wind farm site only are provided in the table below.**

LATITUDE										LONGITUDE										
5	8	°	1	0	.	9	1	3	'N			2	°	5	8	.	4	5	6	'W
5	8	°	1	1	.	1	0	4	'N			2	°	5	8	.	4	1	1	'W
5	8	°	1	1	.	2	2	1	'N			2	°	5	8	.	8	4	6	'W
5	8	°	1	1	.	2	8	7	'N			2	°	5	8	.	8	4	6	'W
5	8	°	1	1	.	2	5	1	'N			2	°	5	9	.	1	7	6	'W
5	8	°	1	1	.	8	4	0	'N			3	°	0	0	.	7	2	3	'W
5	8	°	1	5	.	3	9	0	'N			2	°	5	7	.	4	8	5	'W
5	8	°	1	7	.	2	1	6	'N			2	°	5	5	.	1	7	5	'W
5	8	°	1	8	.	3	7	6	'N			2	°	5	4	.	9	5	2	'W
5	8	°	1	9	.	5	9	0	'N			2	°	5	2	.	0	2	7	'W
5	8	°	1	9	.	7	3	0	'N			2	°	5	0	.	9	8	3	'W
5	8	°	1	9	.	6	3	7	'N			2	°	5	0	.	2	5	4	'W
5	8	°	1	8	.	7	2	4	'N			2	°	4	6	.	8	1	4	'W



5	8	°	1	8		0	0	4	'N				2	°	4	5		1	3	0	'W
5	8	°	1	5		7	1	2	'N				2	°	4	7		3	6	2	'W
5	8	°	1	4		3	8	2	'N				2	°	4	9		2	8	0	'W
5	8	°	1	3		1	8	3	'N				2	°	5	1		2	3	5	'W
5	8	°	1	2		2	4	2	'N				2	°	5	3		1	8	5	'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 Licensable Operations for this EPS Licence Application include behavioural effects/disturbance potentially arising from two possible sources: i) the UXO clearance activities within the OWF site; and ii) the mitigation measures to be implemented through the UXO CMP (i.e. ADDs and soft starts using small explosive charges). These activities are summarised below and described in full in BOWL document LF000005-REP-1326 'UXO Clearance Marine Licence – Environmental Report'. As outlined in Section 3(e), the risk of physical injury, trauma or instantaneous auditory injury resulting in PTS will be mitigated through the implementation of the UXO CMP.

#### **UXO Clearance**

A UXO clearance survey is proposed to be carried out within the boundary of the Beatrice OWF site in November 2016 with the aim of ensuring that the development is clear of UXO by the end of 2016 at the latest. UXO surveys are currently underway across the OWF site to identify any ferrous objects on the seabed (potential UXO) to be targeted for a detailed survey by Remotely Operated Vehicle (ROV) to confirm whether or not any objects are UXO hazards and therefore represent a risk to construction activities and require clearance. Within the OWF area any identified UXO will be avoided or re-located if possible. UXO clearance by detonation is the final option if avoidance or re-location are not possible. The exact number of UXO detonations that may be required is not currently known. However, as a precautionary assumption, it is estimated that a maximum of five detonations will be required within the Beatrice OWF area.

If any UXO are identified that require clearance, the most likely charge sizes will be up to 50 kg Net Explosive Quantity (NEQ, a measure of the amount of explosive in a UXO), with charges above 50 kg and up to 250 kg NEQ being unlikely and those above 250 kg being very unlikely to occur. Source levels for these charges (peak pressure @1 m) is estimated at a maximum as 283 dB re. 1µPa for 50 kg, 287 dB re. 1µPa for up to 250 kg and 289 dB re. 1µPa for up to 700 kg).

It is expected that UXO disposal will predominately be through the use of explosives. This may either be conducted in-situ at the location where the item was discovered or, if safe to do so, moved to a pre-determined position for disposal. Full details of the UXO clearance process are given in BOWL document LF000005-REP-1326 'UXO Clearance Marine Licence – Environmental Report'.

Placement of the demolition charge is made by the project based Remotely Operated Vehicle (ROV) support vessel and directly using the Working class ROV (WROV). The shock tube which is connected to the detonator is then released by the WROV via a sliding float to the surface. Demolitions will be performed by means of bulk charge using plastic explosives approved for civilian use. The ignition takes place by means of shock tube (non-electrical ignition) and is triggered remotely.

Each detonation will take approximately 6-8 hours to complete from when the vessels first arrive to set up the detonation to when the removal of debris is complete and the area is declared safe. Therefore, it is anticipated that only a single detonation will be completed in a single 24 hour period due to the limited daylight hours during November.

#### **UXO Clearance Mitigation Plan (UXO CMP)**

##### **ADD Deployment**

As part of the project-design mitigation (i.e. implementation of the UXO CMP), an ADD device will be deployed from the guard vessel, 30 minutes prior to the 'soft start' detonations. The guard vessel will be located 100 m from the UXO detonation source. The device selected for this UXO CMP is the same as proposed for carrying out the Pile-driving Mitigation Protocol and is the Lofitech Seal Scarer (Lofitech AS, Leknes, Norway). The technical specification for this device and procedure for deployment has been presented by BOWL as part of the Piling Strategy (Appendix C - ADD Deployment Protocol; BOWL, 2015). The source level for the ADD is given in the manufacturer's specifications as 191 dB re.1µPa and the frequencies range between 10 to 20 kHz.

##### **Soft start using small explosive charges**

As part of the project design mitigation (i.e. implementation of the UXO CMP), the contractor will also use a 'soft start' approach before detonation of the UXO. This will involve detonation of three small charges of 50 g, 100 g, and 150 g spaced at five minute intervals, with a final five minute interval before the detonation of the UXO. There may be a requirement for additional small charge detonations to be deployed in the unlikely event that UXOs greater than 50 kg are discovered. These will be as follows: for UXOs between 50 to 250 kg, one additional small charge of 200 g; for UXOs greater than 250 kg, two additional charges of 200 and 250 g. If additional charges are required they will be deployed in five minute intervals following the soft start sequence.

- (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.

A protocol for mitigating the risk of injurious effects to marine mammals during UXO clearance activities, as outlined in the UXO CMP, will be implemented to ensure that no marine mammals are within the ~4 km potential range of injury (the deterrence zone) when UXO detonation commences. The full details of the UXO CMP are presented in Appendix A to BOWL document LF000005-REP-1326 'UXO Clearance Marine Licence – Environmental Report' and briefly summarised below.

The protocol to mitigate any potential impacts from injury will adhere to the JNCC guidelines: "JNCC guidelines for minimising the risk of injury to marine mammals from using explosives" (JNCC, 2010). Additional mitigation over and above that recommended by the JNCC guidance includes the following:

- An ADD will be employed for 30 minutes in order to ensure animals move beyond the 1 km Marine Mammal Observer (MMO) and Passive Acoustic Monitoring (PAM) search zone and also beyond the pre-determined deterrence zone of ~4 km (based on the injury range for high-frequency cetaceans using the precautionary NOAA threshold).
- Before the main demolition charge is initiated, a total of three separate small explosive charges, spaced at five minute intervals, will be detonated to ensure marine mammals continue to move beyond the ~4 km deterrence zone.
- The total duration of deterrence activities (ADD and small charges) will be 45 minutes, after which time marine mammals are predicted to be clear of the deterrence zone.
- In the unlikely event of UXOs greater than 50 kg requiring detonation, the soft start sequence will be extended with up to two additional, slightly larger charges.

#### 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 (see note 9). Please enclose any relevant correspondence.



Moray Firth SAC: Annex II species Bottlenose dolphin listed as primary reason for selection of this site. 37.3 km from BOWL OWF site

Dornoch Firth and Morrich More SAC: Annex II species harbour seal *Phoca vitulina* listed as primary reason for selection of this site. 64.5 km from BOWL OWF site.

Spey Bay SSSI: Coastal geomorphological features and riparian and coastal habitats listed in the citation for this site. 56km from BOWL OWF site

Effects of the proposed works on the Moray Firth SAC sites have been assessed within BOWL document LF000005-REP-1326 '*UXO Clearance Marine Licence – Environmental Report*'. Bottlenose dolphin are primarily distributed in the Moray Firth and the injury range is localised for this species (as a mid-frequency cetacean), with injury occurring out to a predicted 225 m. With mitigation applied, and due to the low occurrence of bottlenose dolphin within the BOWL OWF the potential for injury is considered to be negligible. Disturbance could occur for this species as a very short term startle response, but effects are considered to be reversible within a few hours of cessation of the activity.

In consultation with the MS-LOT and the statutory consultees, it was agreed to consider marine mammal SACs in terms of likely significant effect (LSE) on a Natural 2000 site. This assessment is presented in the '*UXO Clearance Marine Licence – Environmental Report*' and concludes no LSE for the Moray Firth SAC for which bottlenose dolphin, an EPS, is the primary reason for designation.

An EPS licence is not required in respect of seals therefore the Dornoch Firth and Morrich More SAC is not relevant for the purposes of this application. The features and habitats of the Spey Bay SSSI are mainly terrestrial and intertidal and are not relevant for the purposes of this application.

#### 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"/>	<input checked="" type="checkbox"/>	UXO Clearance	November 2016	February 2017
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ADD deployment	November 2016	February 2017
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Small charge detonation	November 2016	February 2017
<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) ☐
- (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) ☒
- (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). ☐

**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.

There is an overarching European, UK and Scottish policy requirement for sustainable energy supply from renewables. That need is the subject of national planning and energy policy. The consented Beatrice Offshore Wind Farm Development has been consented on this basis and has been subject to a detailed and rigorous EIA in support of the application for consent.

This EPS licence application is founded on IROPI identified in the policy requirement to achieve (or exceed) the set targets for energy from renewables. Considering the Scottish Government guidance principles on IROPI, the consented Beatrice Offshore Wind Farm Development is clearly of national importance, in relation to delivering the policy requirements, and delivery of the development will make a vital contribution to the economic development of the Moray Firth area. It is also argued that there is a clear and demonstrable, direct environmental benefit from delivery of the project through the reduction in carbon emissions that will be achieved and the contribution of this to climate change mitigation efforts.

Applying the relevant guidance, it is evident that renewable energy developments (of which the Beatrice Offshore Wind Farm Development is a significant example) are also specifically recognised by SNH as the types of development which can fulfil the requirements of the IROPI Test.

It is also clear the Beatrice Offshore Wind Farm Development meets all the objectives set out in the SNH Guidance in that it will make a significant contribution to the desired reduction in Scotland and the UK's greenhouse gas emissions (required to meet UK and Scottish targets) and will provide a significant and secure supply of electricity. This is fundamental to the nationally important aim of delivering and supporting sustainable economic growth in Scotland and the UK and reducing reliance on other forms of energy generation.

The overriding public importance of the Beatrice Offshore Wind Farm Development is further supported by the UK and Scottish policy support for renewables in general, and the Development in particular.

**BOWL therefore considers that the Licensable Operations set out in this EPS Licence Application will facilitate the sustainable construction of the Beatrice Offshore Wind Farm Development, and therefore clearly meet the IROPI Test.**

## 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.



Potential alternatives to the proposed UXO clearance survey have been considered by the Applicant and the project engineers. In deciding how to best deal with UXOs identified within the OWF site, first consideration will be given is to whether it is possible to micro-site any infrastructure for installation. . In the event that this is not possible (due to engineering constraints for example), second consideration will be given to moving the UXO. Only when these two options are not possible for engineering or safety reasons would the last, less preferred, option be implemented (i.e. detonation of the UXO). Where possible, confirmed UXO may be recovered onto the vessel and brought ashore for alternative disposal by the contractor. In such instances, the disposal of transportable UXO will be executed in a destruction facility on land. However, where detonation must be undertaken at sea, the proposed methods outlined within this EPS Licence Application are the only viable way to achieve the required UXO clearance to enable the safe construction of the offshore wind farm.

## 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 Planning Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of licence / consent
Consent under Section 36 of the Electricity Act 1989	23 <sup>rd</sup> April 2012	N/A	19/03/2014
Offshore Wind Farm Marine Licence	23 <sup>rd</sup> April 2012	04462 / 14 / 1 04461 / 16 / 0	02/09/2014 As revised 27/04/2016
Offshore Transmission Works Marine Licence	23 <sup>rd</sup> April 2012	04461 / 14 / 1 04462 / 16 / 0	02/09/2014 As revised 27/04/2016

## 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.**

BOWL will complete and submit the 'Initial Registration Form', prior to the UXO clearance activities taking place, outlining the proposed date(s), location(s) and nature of the activities involving explosive and deployment of ADDs. BOWL will also submit a final close out form setting out the final dates, locations and nature of the activities completed.

**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

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 ☒

Signature of the  
Applicant



Date

19/9/16

(The person named at part 1)

Name in BLOCK  
LETTERS

JONATHAN WILSON

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.



