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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?

<1

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

Basking sharks sightings are rare within the Moray Firth, particularly during the period when the initial surveys are planned. They are not considered to be sensitive to vessel presence or underwater noise, however mitigation measures will be in place as there are EPS present within the area. While it has been assessed that there is unlikely to be a significant impact on basking sharks, the risk of disturbance cannot be ruled out completely, therefore a Basking Shark licence application is required.

Further details are provided in the EPS and Basking Shark Assessment document.

(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								
							'N									'W
							'N									'W
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							'N									'W
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- (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 proposed activities are geophysical and geotechnical surveys using the following technologies:

Geophysical surveys:
Multibeam echosounder (MBES)
Sidescan sonar (SSS)
Sub-bottom profiler (SBP)
Ultra-short Baseline (USBL)

Geotechnical surveys:
Vibrocores (VCs)
Cone Penetrometer Tests (CPTs)
Benthic sampling, including drop down camera/video and grab sampling
Optional boreholes at landfall sites.

Detailed specifications for this equipment (representative models) are included in the EPS and Basking Shark Assessment document.

- (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.

In accordance with best practice, the proposed surveys will follow JNCC guidelines for minimising risk to marine mammals from geophysical surveys (JNCC, 2017), and all vessels will follow the recommendations of the Scottish Marine Wildlife Watching Code (SNH, 2017). While not specifically aimed at basking sharks, these guidelines introduce mitigations that are applicable cross-species.

The surveys will consider the minimum technical specifications required to complete the work, and where possible, will use temporal mitigation to avoid key periods such as feeding or migration periods.

Surveys will be short-term in duration and will only affect a small portion of the total survey area at any one time. The total duration of the license extends over 5 years, however surveys will not be conducted over this time period, and are focused rather at the start and the end (for the resurveying of existing cable) of the period.

Monitoring of the area surrounding the survey vessel during geophysical surveys will be maintained through visual monitoring undertaken by an MMO, who will also be trained in basking shark identification. Prior to any surveys, a search of the mitigation zone will be performed.

Further details are described within the accompanying EPS and Basking Shark Assessment document.

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.

The proposed survey activities fall partially within the area of the Southern Trench NCMPS which includes designation for Minke Whale.

The survey activities are predicted to be unlikely to injure any EPS and may disturb a small percentage of the reference population.

Consultations with marine stakeholders and the wider public have been carried out throughout May and June. Relevant stakeholders have been contacted with regards to the project (Marine Scotland Directorate, Nature.Scot, Crown Estate Scotland, Fisheries organisations, etc). A meeting with Marine Scotland Directorate was held 08/06/2023.

Further details are included in the EPS and Basking Shark Assessment document.

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"/>	Side Scan Sonar	11 September 2023	11 September 2028
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USBL	11 September 2023	11 September 2028
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sub Bottom Profiler	11 September 2023	11 September 2028
<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'.**

Multiple alternatives have been considered in the planning of the proposed surveys. These are listed below, as Options 1 through 4.

Option 1: No activity

The first option would be to not perform the proposed survey activity, however, there is a strong need for the transmission pathway to be developed. In order to safely install the cable, there is a requirement for data collection on physical and biological properties of the seabed along the cable route. This data collection allows design of the pathway to consider impacts on biological receptors determined to be present, validates desk-based assessments, and informs the route so that physical presence can be minimised. This is therefore not considered to be a viable alternative.

Option 2: Location shift

The second option is a shift in location of the proposed activity. The current proposed survey area takes a precautionary approach, encompassing a significantly broader area than will be required in the construction of the cable. This design follows conversations with MS-LOT and aims to reduce the number and frequency of survey applications or variations. The proposed area therefore accounts for possible variations in landfall sites, and covers the existing SSENT Caithness-Moray transmission cable, which will need to be re-surveyed in the next 5 years.

A comprehensive landfall assessment has been completed prior to the proposed survey route selection. Landfall options were assessed based on 5 considerations: regional geology, marine access, landfall methodology, site compound location, and grid connection. None of the available options offered direct tie-in to existing connections. The final landfall sites are still under consideration, with surveys required before a final decision can be made. The surveys therefore cover a broad area and allow for the surveying of multiple potential landfall areas. Once survey data has been collected, it will be possible to select the corridor that has the lowest geotechnical risk, minimises disruption to local communities, and that has the lowest impact on land and marine protected areas. While this approach results in a greater area being surveyed, it also allows more comprehensive data collection prior to any construction, which in turn reduces the potential for impact or disruption to human and environmental receptors in future stages, including EPS and basking sharks.

Option 3: Temporal shift

The current temporal option is considered the most viable option, as it avoids potentially sensitive periods for cetacean species, and basking sharks (April-September). Minke whales are of particular concern, as the proposed surveys overlap with the Southern Trench NCMPA. Minke whales are most often spotted in Scottish waters between July and September, but may be present between May to October, therefore the current schedule has been selected to avoid this peak period. The proposed schedule also avoids poor weather conditions during the winter months that may result in delays to the activity and an extension of the total duration of vessel presence in the area. The current schedule is therefore assessed as being the best viable option for conducting the proposed surveys.

Option 4: Current Scenario

The best viable option has been assessed as the current scenario, in conjunction with the risk assessment contained within the associated EPS and Basking Shark Assessment document.

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	To be submitted in June 2023		
Marine Licence Exemption	To be submitted in June 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:

3487 (11/09/2023 - 31/12/2023)

3492 (01/01/2024 - 12/01/2024)

Note: activity application forms have not been submitted for future operational asset surveys as dates remain tbc. Forms will be submitted in advance of survey.

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.

Signature of the Applicant

[Redacted]

Date 08/06/2023

(The person named at part 1)

Name in BLOCK LETTERS

[Redacted]

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.Marinelicensing@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.

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 proposed activity provides long term environmental benefits through helping to deliver environmental policies in relation to climate change, renewable energy targets, and the reduction of greenhouse gas emissions. The provision of clean renewable energy also provides a social benefit through improving the accessibility of this alternative energy source, and an economic benefit as the subsequent construction of the subsea cable will provide employment opportunities. Social and economic benefits will be realised in the short term, and will last into the long term.

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

As part of the transition to a net zero energy system, the UK and Scottish Government have set targets of 50GW renewable energy generated through offshore wind by 2030. In order for this to become a reality, there is a need to develop and reinforce the national transmission network to accommodate this planned increase in energy flow. This will have a national benefit, through a shift to renewable energy and reduction in fossil fuel usage.

The proposed surveys allow the planning and construction of a new 2GW High Voltage Direct Current (HVDC) subsea link between Spittal and Peterhead, which is an essential part of these network reinforcements, as well as for operational surveys to assess asset integrity and burial of existing subsea cable assets.

Why is it imperative the proposed activity goes ahead?

The developments/reinforcements to the national transmission network will require the construction of new onshore and subsea network reinforcements. This is crucial for connecting all 18 in-scope offshore wind farms to the onshore network.

The new Spittal to Peterhead project cannot progress to the final design and planning and permitting stages until the seabed conditions have been fully investigated. The proposed operational surveys set to occur between 2023 and 2028 are imperative for monitoring the integrity and burial status of the existing cable assets, ensuring that the infrastructure remains operational and that any environmental interactions are minimised.

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

The activities are not fulfilling a statutory role. By supporting offshore wind development and connection to the national grid, the proposed surveys support the following policies/plans:
UK Government Energy Security Strategy
UK Net Zero Strategy
Scottish Government Energy Strategy
Scotland's National Strategy for Economic Transformation
Scottish Offshore Renewables Research Framework
Scottish Sectoral Marine Plan for Offshore Wind Energy
Scottish Offshore Wind Policy