

THE WILDLIFE AND COUNTRYSIDE ACT 1981**LICENCE TO DISTURB BASKING SHARKS (*Cetorhinus maximus*)****Licence Number: EPS/BS-00010905**

This licence is granted under Part I, section 16(3)(i) of the Wildlife and Countryside Act 1981 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 that the activities authorised by this licence and that there is no other satisfactory solution; and unless revoked by the Scottish Ministers is valid from **15 September, 2024** to **14 September, 2026** and authorises:

[Redacted]

Orbital Marine Power (Orkney) plc
Innovation Centre - Orkney
Kirkwall
KW15 1ZL

Or any person authorised in writing by him / her to disturb (intentionally or recklessly) *basking sharks* (*Cetorhinus maximus*), located at Berth 5, Fall of Warness Tidal Test Site, Orkney, 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 *basking sharks* (*Cetorhinus maximus*) at Berth 5, Fall of Warness Tidal Test Site, Orkney, for Social, economic or environmental purpose in connection with The installation, operation and maintenance of the Orbital O2 tidal turbine and supporting infrastructure at the following location(s):

Berth 5, Fall of Warness Tidal Test Site, Orkney
59° 08.754' N 02° 49.165' W
59° 08.810' N 02° 48.997' W
59° 08.625' N 02° 48.770' W
59° 08.576' N 02° 48.958' W

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

The installation, operation and maintenance of the Orbital O2 tidal turbine and supporting infrastructure

During the period this licence is valid section 9(4A) of the Wildlife and Countryside Act 1981 does not apply to the undertaking of the aforementioned licensed activities by either the Licensee or any person authorised in writing by him / her, which involves or results in the intentional or reckless disturbance of *basking sharks* (*Cetorhinus maximus*), at Berth 5, Fall of Warness Tidal Test Site, Orkney, provided that such activities are done under and in accordance with the terms of this licence.

STATEMENT OF REASONS

A record of how a decision on the granting of this licence was reached can be found within the Case handling Report at Annex One.

LICENCE CONDITIONS

1. The Licensee must ensure that all licensed activities are carried out in strict accordance with the mitigation and working methods proposed in the application for this licence, together with supporting information and all licensed activities must be carried out within the timescale(s) given within the application and any subsequent written correspondence between 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 Project Environmental Monitoring Programme, document reference: Orbital O2 Environmental Monitoring Programme (document code: O2-100) and any subsequent revisions thereto.
3. 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.
4. Except where it is not relevant to the provisions of this licence, the Licensee must ensure that the Scottish Marine Wildlife Watching Code is adhered to at all times.
5. 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.
6. 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.
7. 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: [Redacted]

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
13 September, 2024