

THE WILDLIFE AND COUNTRYSIDE ACT 1981

LICENCE TO DISTURB BASKING SHARKS (*Cetorhinus maximus*)

Licence Number: EPS/BS-00010426

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 **13 September, 2023** to **30 June, 2024** and authorises:

[Redacted]

SP Transmission PLC
320 St. Vincent Street
G2 5AD

Or any person authorised in writing by him / her to disturb (intentionally or recklessly) *basking sharks* (*Cetorhinus maximus*), located at Eastern Green Link 4 ("EGL4"), 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 Eastern Green Link 4 (EGL4) cable corridor, for social, economic or environmental purpose in connection with Geophysical and Geotechnical Survey at the following location(s):

Eastern Green Link 4 (EGL4) cable corridor
As shown in Annex One.

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

Geophysical and Geotechnical Surveys of Proposed Cable Route

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 , provided that such activities are done under and in accordance with the terms of this licence.

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 EGL 4 Protected Species Assessment and Marine Mammal Mitigation Plan (Doc Ref: C01494_NGET_REP_D0125_Rev0) as submitted to the Licensing Authority, dated 24 May 2023.
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. The Licensee must ensure that the Joint Nature Conservation Committee ("JNCC") 2017 Guidelines for minimizing the risk of injury and disturbance to marine mammals from seismic surveys is followed at all times in connection with the undertaking of such surveys as far as it is practical to do so. These are available from the JNCC website <https://hub.jncc.gov.uk/assets/e2a46de5-43d4-43f0-b296-c62134397ce4>.
5. The Licensee must ensure that, if any aspects of the proposed activities differ from the detail submitted in the Noise Registry - Initial Registration Form, a new Initial Registration Form must be completed and submitted to the Scottish Ministers and the JNCC no later than one week prior to commencement of the licensed activities.
6. The Licensee must ensure that where survey equipment has the capability to undergo a soft start procedure, this is implemented on every occasion survey equipment is switched on.
7. 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.
8. 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.
9. 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.
10. 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.
11. The Licensee must, no later than 12 weeks after completion of the noisy activity, complete a 'close-out' noise registry form. This is available from the JNCC website <https://mnr.jncc.gov.uk/>.
12. The Licensee must ensure that all survey equipment used during the course of the Licensable Activity is used at the lowest practicable sound level to achieve the survey objectives. Equipment with lower source levels must be used whenever possible.
13. The Licensee must ensure that all survey equipment used during the course of the Licensable Activity is used over the shortest period of time to achieve the survey objectives.
14. The Licensee must ensure that all geophysical surveys conducted during the course of the Licensable Activity avoid being conducted within 500m of a designated seal haul-out site. Where surveys within this distance are unavoidable, the Licensee must ensure that surveys only commence when the full extent of the mitigation zone in is visible to observers as detailed in proposed mitigation measures in Section 5.3 and Appendix 1 of the EGL 4 Protected Species Assessment and Marine Mammal Mitigation Plan (Doc Ref: C01494_NGET_REP_D0125_Rev0) as submitted to the Licensing Authority, dated 24 May 2023, and all survey equipment must be started at a minimum distance of 200m from designated seal haul-out sites. Equipment must only be moved into position once the equipment is sounding.
15. The Licensee must ensure that where surveys are carried out by Autonomous Underwater Vehicles or Autonomous Surface Vehicles, the mitigation protocol as detailed in Appendix I of the EGL 4 Protected Species Assessment and Marine Mammal Mitigation Plan (Doc Ref: C01494_NGET_REP_D0125_Rev0), as submitted to the Licensing Authority, dated 24 May 2023, must only commence when the full extent of the mitigation zone in is visible to observers from either the support vessel or from land prior to the vessel commencing survey work.
16. The Licensee must ensure that all vessels transiting through the Outer Firth of Forth and St Andrews Bay Special Protection Area and Firth of Forth Special Protection Area employ steady courses at 6 knots or less and avoid sailing through rafts of birds on the sea.

17. The Licensee must ensure that reef habitat in the Isle of May Special Area of Conservation is identified through the use of drop down video footage, prior to survey equipment making contact with the seabed. In areas of reef habitat, and where video footage cannot be taken, the Licensee must not conduct any activities that make contact with the seabed.

18. The Licensee must ensure that all vessels transiting through the Outer Firth of Forth and St Andrews Bay Special Protection Area and Firth of Forth Special Protection Area follow regular routes, utilising existing shipping and vessel corridors where possible.

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
08 September, 2023