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## **Conservation (Natural Habitats, &c.) Regulations 1994**

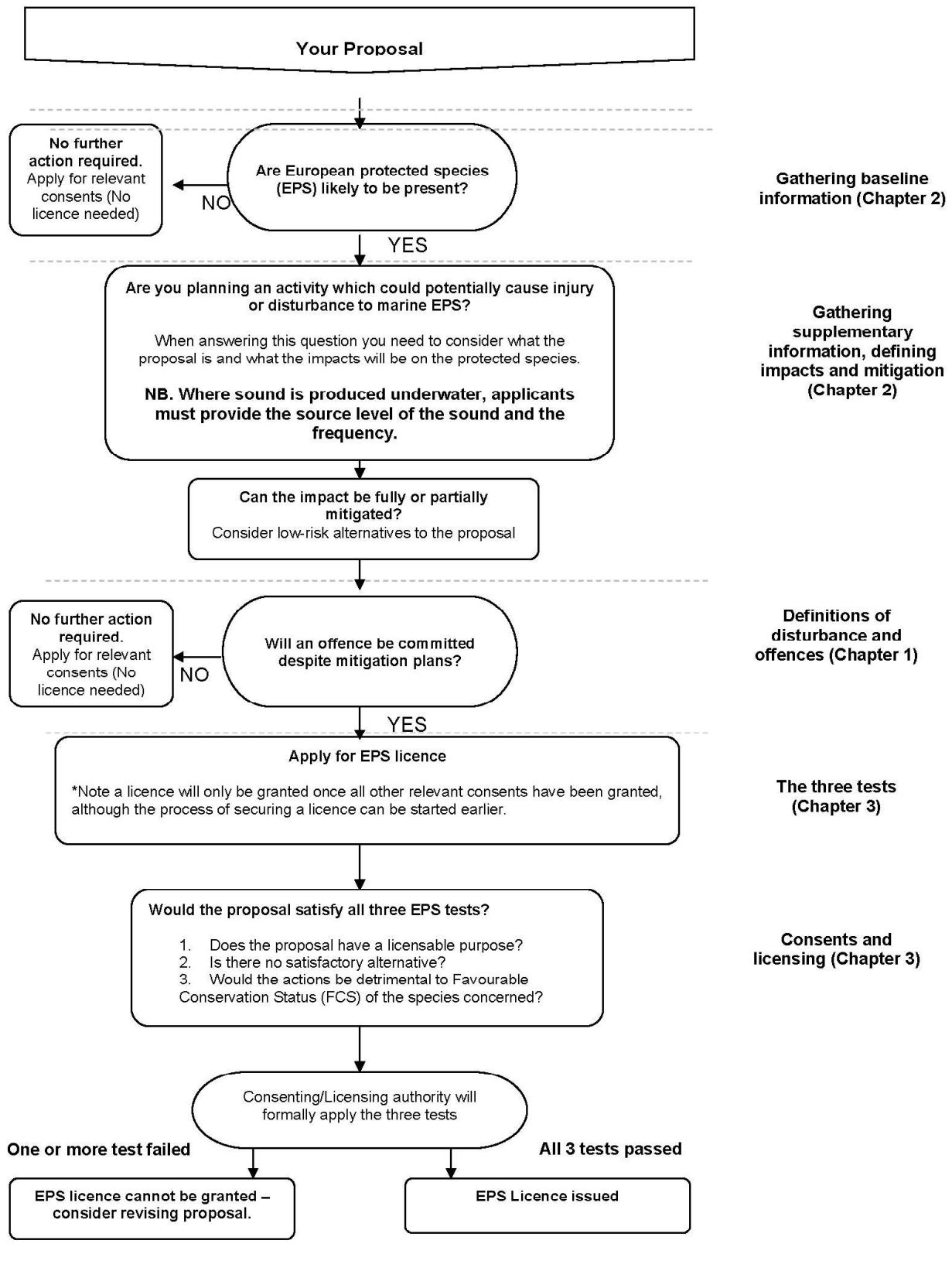
### **Application for a licence to disturb or injure marine European protected species (EPS) for one of the following purposes**

- For preserving public health or public safety 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)
- 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 inshore 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 Directorate Licensing Operations Team (MD-LOT) on 0300 244 5046 or email: [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

**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 Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot).

If the activity relates to a renewable energy project, completed applications should be sent to Marine Scotland Licensing Operations Team (MD-LOT) at the address below or emailed to [MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@gov.scot)

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 MD-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.

MD-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 MD-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 Conservation of Offshore Marine Habitats and Species Regulations 2017.

Do not use this form if your application relates to scientific, research, conservation or educational purposes. Please contact NatureScot, email [licensing@nature.scot](mailto:licensing@nature.scot), Telephone 01463 725364 or visit the [NatureScot website](#) for a licence application for these purposes. NatureScot 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, the number likely to be affected and a description of how this number was determined. The number of animals must be the maximum that could be affected prior to any mitigation measures being applied. 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

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 cables or 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 NatureScot, or other appropriate regulator, if the work you propose to do affects a European site, a 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. Please complete the relevant annex to provide justification for the licensing purpose. This is the legal basis of the application.

### Section 7 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This must include all 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), as well as all alternative methods of carrying out the work and alternatives dates / timings.

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 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 are available on the [Marine Noise Registry website](#).

## Section 10 Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, the Marine Directorate has considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. A copy of Scotland's National Marine Plan can be found on the [Scottish Government website](#).

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made with reference to the policies, including but not limited to General Policies 9 and 13 (GEN 9 and GEN 13), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

## Section 11 Privacy notice

This section briefly describes the Scottish Ministers responsibilities in relation to Data Protection based on the requirements of the data protection laws 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.

Marine Directorate - Licensing Operations Team  
Scottish Government  
375 Victoria Road  
Aberdeen  
AB11 9 DB

Tel: 0300 244 5046  
Email: [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

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:  Forename(s):  Surname:

Company name:

Business title (if appropriate):

Address:

Tel no. (inc. 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) Please indicate which species is / are affected by the proposed works.

Common name(s):

- harbour porpoise
- bottlenose dolphin
- white-beaked dolphin
- minke whale

Scientific name(s)

- *Phocoena phocoena*
- *Tursiops truncatus*
- *Lagenorhynchus albirostris*
- *Balaenoptera acutorostrata*

(b) How many individual animals will be affected by licensed work? This number must be the maximum number that could be affected before any mitigation measures are applied.

Injury - 0  
Disturbance:  
There is potential for the proposed survey (namely the operation of the Sub Bottom Profiler (SBP) and potential operation of the Multi Beam Echo Sounder (MBES)) to disturb individual cetaceans within the 12 nm limit (the coordinates provided cover the entire survey area, including the 2.5km turning buffer and the offshore region, for completeness at the request of MD-LOT). The worst-case estimates for the number of disturbed individuals per species are:  
- harbour porpoise - 47.28 individuals  
- bottlenose dolphin - 3.31 individuals  
- white-beaked dolphin - 6.31 individuals  
- minke whale - 3.31 individuals

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

In line with SNCB guidance, the conservative Effective Deterrent Radius (EDR) of 5,000 m (5 km) for harbour porpoise (a species particularly responsive to noise) has been considered for comparison across all species (SNCB, 2020). This will result in a potential worst case disturbance impact area of 79 km<sup>2</sup> (based on the area of a circle), around the survey equipment.

The worst-case impact area (79 km<sup>2</sup>) has been combined with the animal densities from SCANS IV (Gilles et al., 2023) and the population data from IAMMWG (2022) in order to estimate the number of potentially disturbed individuals.

For detailed methodology please refer to Section 3.1.3: Potential Sound Disturbance within Xodus Document Reference: A-304256-S00-A-TECH-001 - Geophysical Survey - Berwick Bank Export Cable Corridor - Technical Note

Gilles, A, Authier, M, Ramirez-Martinez, NC, Araújo, H, Blanchard, A, Carlström, J, Eira, C, Dorémus, G, Fernández- Maldonado, C, Geelhoed, SCV, Kyhn, L, Laran, S, Nachtsheim, D, Panigada, S, Pigeault, R, Sequeira, M, Sveegaard, S, Taylor, NL, Owen, K, Saavedra, C, Vázquez-Bonales, JA, Unger, B, Hammond, PS (2023). Estimates of cetacean abundance in European Atlantic waters in summer 2022 from the SCANS-IV aerial and shipboard surveys. Final report published 29 September 2023. 64 pp.

IAMMWG (2022). Updated abundance estimates for cetacean Management Units in UK waters (Revised 2022). JNCC Report No. 680, JNCC Peterborough, ISSN 0963-8091.

SNCB (2020). Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs. Available online at: <https://assets.publishing.service.gov.uk/media/5ed7ba3c86650c76ab17fcc5/SACNoiseGuidanceJune2020.pdf>

(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 |   |   |   |   |   |   |   |   |   |    |
|----------|---|---|---|---|---|---|---|---|----|-----------|---|---|---|---|---|---|---|---|---|----|
| 5        | 6 | ° | 0 | 8 | . | 9 | 9 | 4 | 'N | 0         | 0 | 1 | ° | 5 | 4 | . | 5 | 0 | 5 | 'W |
| 5        | 6 | ° | 0 | 6 | . | 2 | 1 | 8 | 'N | 0         | 0 | 1 | ° | 5 | 5 | . | 4 | 7 | 6 | 'W |
| 5        | 6 | ° | 0 | 5 | . | 8 | 9 | 5 | 'N | 0         | 0 | 1 | ° | 5 | 5 | . | 7 | 2 | 6 | 'W |
| 5        | 6 | ° | 0 | 5 | . | 5 | 6 | 0 | 'N | 0         | 0 | 1 | ° | 5 | 6 | . | 2 | 3 | 3 | 'W |
| 5        | 6 | ° | 0 | 5 | . | 2 | 6 | 1 | 'N | 0         | 0 | 1 | ° | 5 | 7 | . | 3 | 6 | 1 | 'W |
| 5        | 6 | ° | 0 | 5 | . | 1 | 9 | 3 | 'N | 0         | 0 | 1 | ° | 5 | 9 | . | 5 | 6 | 6 | 'W |
| 5        | 6 | ° | 0 | 5 | . | 3 | 4 | 0 | 'N | 0         | 0 | 2 | ° | 0 | 0 | . | 6 | 2 | 8 | 'W |
| 5        | 6 | ° | 0 | 5 | . | 6 | 6 | 6 | 'N | 0         | 0 | 2 | ° | 0 | 1 | . | 3 | 6 | 6 | 'W |



- (d) Provide a brief description of the proposed activity and the methods to be used. This should make clear which equipment / activities you consider require an EPS licence and also the equipment / activities you consider do not require an EPS licence.

Detailed information should be included in your supporting information. Please provide details of the source levels and frequencies of underwater noise if relevant.

Berwick Bank Wind Farm Limited (BBWFL) is developing the Firth of Forth Offshore Wind Zone and wish to progress with a geophysical survey to support the development of the site. The aim of the survey is to obtain data on seabed/sediment conditions and to identify potential geohazards in the potential alternative export cable corridor (ECC) for the Berwick Bank Wind Farm. The geophysical survey equipment will be towed from an Uncrewed Surface vessel (USV) while the surveys are ongoing. A 2.5 km turning buffer had been added to the survey area to account for the vessel turning. A support vessel will accompany the USV.

A number of different pieces of survey equipment will be employed as part of the survey to further assess the geophysical conditions in the alternative ECC. The USV will carry out Multibeam Echosounder (MBES), Sub-bottom Profiler (SBP), Side Scan Sonar (SSS), and magnetometry equipment. An Ultra Short Baseline (USBL) will also be used for equipment positioning.

MBES operating between 170-700 kHz;  
SSS operating at 300-600 kHz;  
USBL operating between 19-34 kHz and 184-194 dB re 1  $\mu$ Pa @ 1 m;  
SBP operating at 8 kHz and 247-250 dB re 1  $\mu$ Pa @ 1 m SPLpeak; and  
Magnetometer, which does not emit underwater noise.

NatureScot has reviewed the A-304256-S00-A-TECH-001 - Geophysical Survey - Berwick Bank Export Cable Corridor - Technical Note and advised that the only equipment that operate at a frequency that may result in disturbance to EPS is the use of the SBP as well as the potential operation of the MBES at a frequency < 200 kHz. Therefore, this application is only being made to cover the use of the SBP and MBES for the Scottish inshore region (the coordinates provided cover the entire survey area, including the 2.5km turning buffer and the offshore region, for completeness at the request of MD-LOT). NatureScot also advised that while some other survey techniques may introduce noise to the marine environment, the SSS and USBL do not operate in relevant frequency ranges or generate sufficient levels of noise to be considered as potential sources of noise-related disturbance to EPS. As the USBL does have the potential to be a source of noise-related disturbance, it should also be included within the licensing.

For further details on survey equipment, please refer to Section 2.1.2: Equipment within Xodus Document Reference: A-304256-S00-A-TECH-001 - Geophysical Survey - Berwick Bank Export Cable Corridor - Technical Note.

- (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.

Available mitigation measures specifically designed to mitigate disturbance risks from geophysical surveys will be adopted (JNCC, 2017). These measures will be implemented for the operation of the SBP or MBES (should the MBES be operated at < 200 kHz).

Mitigation measures include:

- Marine Mammal Observers (MMO) will monitor the presence of EPS in the area during a pre-start search.
- MMOs will conduct a pre-start search for 30 minutes prior to operations commencing.
- An EPS 500 m mitigation zone will be in place around the survey vessel.
- The equipment will not be started during night time or in low visibility when it is not possible to detect marine mammals in the 500 m mitigation zone.
- A soft-start will be conducted in line with JNCC guidance prior to the commencement of SBP or MBES (should the MBES be operated at < 200 kHz) survey activities. The USBL will only be operated outwith frequencies that could cause disturbance.
- JNCC guidance will also be followed in the event line turns take longer than 40 minutes.

For detailed mitigation measures please refer to Section 3.1.4: Mitigation within Xodus Document Reference: A-304256-S00-A-TECH-001 - Geophysical Survey - Berwick Bank Export Cable Corridor - Technical Note

#### 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 [NatureScot's website](#).

- (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 4). Please enclose any relevant correspondence.

The proposed survey area overlaps with the Outer Firth of Forth & St Andrews Bay Complex Special Protection Area (SPA). However, following consultation with NatureScot, it was concluded that no likely significant effect on any of the qualifying features of the SPA is expected due to the short term, localised nature of the proposed survey.

The proposed survey area is located approximately 18 km from the Berwickshire and North Northumberland Coast Special Area of Conservation (SAC). Grey seals area a qualifying feature of the SAC and typically forage within 20 km of the breeding colony. Following consultation with NatureScot, it was concluded that the The SBP and MBES (if operated below 200 kHz and above 210 dB re 1  $\mu$ Pa SPLpk) will operate at levels that could cause auditory injury to grey seal, and the USBL will operate at levels that could cause disturbance to seals. Therefore, the proposed survey is likely to have a significant effect on grey seal as a qualifying feature of the SAC. However, the mitigation outlined in Section 3e applies to all marine mammals and will minimise auditory disturbance to grey seals. When this is considered alongside the short-term, localised nature of the proposed survey, NatureScot advised that no adverse impacts on site integrity are anticipated from the proposed survey.

The proposed survey area overlaps with the Firth of Forth Banks Complex Nature Conservation Marine Protected Area (NCMPA). However, as the proposed survey does not involve any interaction with the seabed, NatureScot advised that there was no potential to impact the qualifying features of the NCMPA.

The Moray Firth SAC is designated for bottlenose dolphins. Bottlenose dolphins from the Moray Firth SAC are regularly sighted some 200 km south in the Tay Estuary and St Andrews Bay area. However, the proposed survey area is located beyond the coastal waters within which the bottlenose dolphin feature of the Moray Firth SAC are likely to be found. Therefore, NatureScot have advised that there will be no likely significant effect on any qualifying features of the Moray Firth SAC.

NatureScot advised that the proposed survey is not located within the connectivity ranges for any other designated sites, including Isle of May SAC designated for grey seal and Firth of Tay & Eden Estuary SAC designated for harbour seal.

## 5. Activities to be licensed

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<br>(exceptional<br>circumstances<br>only) | Injure                   | Transport                | Disturb/<br>Harass                  | Method to<br>be used,<br>(e.g. piling) | From To               |
| <input type="checkbox"/>              | <input type="checkbox"/>                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | SBP                                    | 01/03/2025 30/11/2025 |
| <input type="checkbox"/>              | <input type="checkbox"/>                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | MBES                                   | 01/03/2025 30/11/2025 |
| <input type="checkbox"/>              | <input type="checkbox"/>                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | USBL                                   | 01/03/2025 30/11/2025 |
| <input type="checkbox"/>              | <input type="checkbox"/>                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |  |                       |
| <input type="checkbox"/>              | <input type="checkbox"/>                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |  |                       |

## 6. 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.

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) ☐

Complete annex A

(b) 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) Regulation 44(2)(e) ☒

Complete annex B

(c) Preventing the spread of disease Regulation 44(2)(f) ☐

Complete annex C

(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). ☐

Complete annex D

In addition

(e) If you wish to use acoustic deterrent devices to protect fish farm sites in Scottish waters, you must also complete Annex E ☐

## 7. Satisfactory alternatives

This relates to the second of the legal tests which must be satisfied. 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 unsatisfactory. Alternatives may include but should not be limited to alternative equipment, methods, location and timing. You must also consider the option of not undertaking the work. It is not acceptable to state that 'there is no alternative'.

BBWFL has considered several options in relation to the use of geophysical survey equipment for the survey:

Option 1: Do Nothing. This would result in limited data being available for the seabed in the alternative ECC area. Investigating the geophysical conditions in the alternative ECC is essential to identify the shortest and most appropriate ECC, which will minimise the overall environmental impacts associated with the construction and operation of the Berwick Bank Offshore Wind Farm (OWF). Moreover, a primary aim of the survey is to identify potential geohazards in the area. This is essential to maximise safety during the eventual construction of the export cable. Developing the ECC is paramount for the overall functioning of the Berwick Bank OWF, which is a key project for reducing greenhouse gas emissions across the UK and is in line with the UK Governments Net Zero policies (discussed subsequently in Annex B).

Option 2: Undertake the geophysical survey with equipment that does not operate at a frequency capable of causing disturbance to EPS (i.e. SSS, USBL and MBES > 200 kHz only). This would significantly limit the data that BBWFL would collect as part of the scope. The equipment that BBWFL plans to use as part of the survey have been carefully selected in order to obtain relevant data to inform the Project engineering and overall design. If the survey was run without the SBP, this would not provide the seabed depth penetration required to obtain subsurface information of the required standard. Therefore, it is not considered that this is a viable option.

Option 3: Undertake the geophysical over a different location. BBWFL are looking to survey an alternative ECC in order to identify the shortest and most environmentally friendly ECC route. Surveying a different location would not provide the information necessary to identify the most effective ECC for the Berwick Bank OWF. The Berwick Bank OWF site was awarded exclusive development rights by The Crown Estate (TCE) for the Firth of Forth Zone during the United Kingdom's (UK's) Offshore Wind Lease Round 3. Therefore, it is not possible to move the site to which the ECC connects to. Option 3 is therefore not considered to be a viable option.

Option 4: Undertake the geophysical survey at a different time of year. BBWFL has selected to undertake the survey from March 2025. Surveys typically occur during the spring and summer months in order to avoid or minimise any delays due to weather downtime. Undertaking a survey at an alternative time would likely result in delays, and therefore the vessel being onsite for longer. Furthermore, harbour porpoise shows low seasonality and is found in the water year-round. Bottlenose dolphin has been recorded in the survey area mostly in November and is more common in nearshore environments (2-7 km from the coast) than further offshore. While minke whale and white-beaked dolphin may be in the area during the survey period, limiting the surveys to winter months is not a viable option as BBWFL is looking to undertake the survey in the minimal amount of time in order to limit any disturbance. Furthermore, NatureScot advised that the surveys will not lead to detrimental effect on favourable conservation status of any EPS species from disturbance even if the surveys are carried out at the intended time.

Option 5: To undertake the geophysical survey activities with the equipment listed in this application, in conjunction with the mitigation strategy proposed in the supporting technical note (Xodus Document Reference: A-304256-S00-A-TECH-001). NatureScot advised that there will be no adverse effect on integrity of any designated sites from the surveys, or detrimental effect on favourable conservation status of any EPS species from disturbance even if the surveys are carried out at the intended time, provided that the mitigation is adhered to.

BBWFL have determined that Option 5 will be progressed as it will allow the geophysical survey to progress and investigate a potential alternative ECC. Therefore, following consultation with NatureScot, an EPS licence is being sought to cover disturbance under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

## 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 |
|---|------------------|---------------|------------------------------------|
| Marine Licence - Cambois Cable Connection - Berwick Bank Offshore Wind Farm - Firth of Forth                                      | 28 July 2023     | 00010501      | 04 August 2025                     |
| Marine Licence - Construction of Offshore Transmission Infrastructure (Part 2) - Berwick Bank Offshore Wind Farm - Firth of Forth | 09 December 2022 | 00010191      | 31 July 2025                       |
| Marine Licence - Construction of Offshore Transmission Infrastructure (Part 1) - Berwick Bank Offshore Wind Farm - Firth of Forth | 09 December 2022 | 00010190      | 31 July 2025                       |
| Marine Licence - Construction and Operation of Generating Station - Firth of Forth  | 09 December 2022 | 00010189      | 31 July 2025                       |
| Marine Licence - Borehole Backfilling Berwick Bank Offshore Wind Farm - Firth of Forth  | 03 June 2022     | 00009941      | 01 August 2022                     |

## 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 on the [Marine Noise Registry website](#).

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.

Sub-bottom profiler and multi-beam echosounder (USBL option on MNR)

EPS licence applications will not be accepted until this form has been completed and submitted.

## 10. Scotland's National Marine Plan

Provide details of considerations made with reference to the relevant policies that have been considered.

The impact of the proposed survey on the Scotland's National Marine Plan policies has been considered. Specific general policies taken into consideration are listed below:

- GEN 1: Development and use of the marine area should be consistent with the NMP, ensuring activities are undertaken in a sustainable manner that protects and enhances Scotland's natural and historic marine environment.
- GEN 3: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this NMP.

## 11. Privacy notice

The Scottish Government's Marine Directorate - Licensing Operations Team (MD-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 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 and Basking shark licences under the Wildlife and Countryside Act 1981.

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 on the [Scottish Government website](#). 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: [MD.MarineLicensing@gov.scot](mailto:MD.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 or chart                                  | <input checked="" type="checkbox"/> |
| Correct co-ordinates                          | <input checked="" type="checkbox"/> |
| EPS risk assessment or supporting information | <input checked="" type="checkbox"/> |

## 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.

Signature of the  
Applicant

[Redacted]

Date 07 August 2025

(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 Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot) or [MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@gov.scot)

Please remember to include all supporting information.

Marine Directorate - Licensing Operations Team  
Scottish Government  
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.

## Annex A

Only to be completed if you selected 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 imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment) 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 Scottish Government is committed to ensuring secure, reliable and affordable energy supplies (i.e. social and economic benefits), within the context of long-term decarbonisation of energy generation (i.e. environmental benefits). The continued growth of the renewable energy sector in Scotland is an essential feature of the future clean energy system and a key driver of economic growth (Scottish Government, 2020). The Berwick Bank OWF has the potential to deliver up to 4.1 GW of installed capacity. The project is therefore an important step in the continued growth of renewable energy in Scotland. The survey will aim to inform a potential alternative ECC for the Berwick Bank OWF. Developing the ECC is an essential step in progressing the project, which will be key to securing Scotland's long-term energy future.

The surveys will also contribute to the selection of the best and least environmentally impactful ECC. This will contribute to wider environmental benefits.

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

As detailed above, the benefits from the development of the Berwick Bank OWF will be social, economical and environmental. The survey activities are essential for project development and will provide invaluable information and data for the progression of the development of the ECC. This will contribute to the combined global efforts of reducing carbon emissions through delivery of renewable energy.

The geophysical surveys will enable renewable electricity supplies to residents of Scotland.

Why is it imperative the proposed activity goes ahead?

As detailed in section 7 "Satisfactory Alternatives", the geophysical survey is essential to inform the project design specifications of the proposed alternative ECC for reasons including but not limited to:

- Avoidance of challenging seabed features or sediments which would impede development; and
- To allow for the design to avoid environmental constraints identified.

Investigating the alternative ECC will be imperative for identifying the most effective and least environmentally damaging ECC route for the Berwick Bank OWF.

Should the survey not proceed, it would hinder the development of the Berwick Bank OWF.

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

The Berwick Bank OWF will provide an important contribution to ensuring secure, reliable and affordable energy supplies, within the context of long-term decarbonisation of the energy industry. The relevant UK and Scottish policies and legislation are detailed below:

- The Climate Change Act 2008, which commits the UK to a net reduction in greenhouse gas emissions of 80% by 2050 and 34% by 2020; and
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets increased targets from those identified in The Climate Change (Scotland) Act, 2009, for the reduction of greenhouse gases emissions. Scottish Emissions Reductions Targets include a reduction of all greenhouse gases to net-zero by 2045, with interim targets for reductions of at least 75% by 2030 and 90% by 2040. The 2019 Act also enables a Just Transition to a net zero economy and society, ensuring the journey is fair and creates a better future for everyone – regardless of where they live, what they do, and who they are.

In addition, as highlighted in Section 10, the proposed survey will comply with the Scottish National Marine Plan. Namely, GEN-1, GEN-3, GEN-5 and GEBN-13.



## Annex C

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 D

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 E

Only to be completed if you intend to operate ADDs at marine fish farm sites in Scotland Please complete a copy of this annex for each individual site included on your application Please complete all questions

Site name and ID (FS number)

### Device Type 1

Device Details

Device name (and version if applicable)

Number of devices proposed

Source level of device (rms and SPLpeak)

Typical frequency content

Please give details of the proposed duty cycle (or available settings) including the system duty cycle

Duration of use of device (e.g. hours per 24 hour period)

Time of use (e.g particular time of day or time of year)

If multiple devices of this type are to be used, please give details of numbers to be deployed and locations in relation to the site.

## Management of ADD Use

Please give details of the cues/triggers and the decision process to activate ADDs. These cues / triggers should be specific and measurable and should relate to predation events by seals rather than presence of seals in the area.

Give details of how ADD use is to be reviewed

Give details of criteria for deactivation or removal of ADDs (including if they appear to be ineffective)

Give details of ADD deployment plans and any relevant planning conditions relating to ADD use

Please use additional sheets if you propose to use more than one device type