

THE WILDLIFE AND COUNTRYSIDE ACT 1981

LICENCE TO DISTURB BASKING SHARKS (*Cetorhinus maximus*)

Licence Number: EPS/BS-00010186

This licence is granted under Part I, section 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 **17 January, 2023** to **16 January, 2025** and authorises:



Magallanes Renovables S.L.
C/ Prego de Montaos 7
36800 Redondela
Spain

Or any person authorised in writing by him / her to disturb (intentionally or recklessly) *basking sharks* (*Cetorhinus maximus*), located at the locations below, 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 the locations below, 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 in connection with construction, alteration and improvement (including decommissioning) of the Magallanes Renovables ATIR platform at the following location(s):

Berth 1, Fall of Warness, European Marine Energy Centre

- 59° 08.673' N 02° 48.048' W
- 59° 08.463' N 02° 48.693' W
- 59° 08.282' N 02° 49.113' W
- 59° 08.503' N 02° 49.471' W

Scapa Bay Anchorage, Scapa Bay

- 59° 56.170' N 03° 01.610' W
- 59° 56.170' N 03° 01.610' W
- 59° 55.740' N 03° 00.700' W
- 59° 55.740' N 03° 01.610' W

Deerness Anchorage, Deerness Sound

59° 58.813' N 02° 45.388' W
59° 58.564' N 02° 45.388' W
59° 58.564' N 02° 44.829' W
59° 58.813' N 02° 44.829' W

Shapinsay Sound Test Site, European Marine Energy Centre

59° 00.200' N 02° 53.073' W
59° 00.165' N 02° 52.918' W

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

Construction, alteration and improvement (including decommissioning) of the Magallanes ATIR tidal energy device

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 works are carried out in strict accordance with the mitigation and working methods proposed in the application for this licence to disturb basking shark, together with supporting information and all works must be carried out within the timescales given within the application and any subsequent written correspondence between Marine Scotland 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 mitigation outlined in the application together with the Project Environmental Monitoring Plan submitted in support of marine licence MS-00009541 and any subsequent revisions.
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 Marine Scotland, Planning and Policy, Licensing Operations Team, 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:
Rebecca Bamlett

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
17 January 2023