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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: [Redacted]

Company Name: EGS International Ltd

Business Title (if Appropriate): [Redacted]

Address: 27 Woolmer Way
Bordon
Hampshire
GU35 9QE

Tel no. (incl dialling code): [Redacted]

Email address: [Redacted]

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?

A maximum of 9 individuals will be affected by the licensed work.

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

This number was calculated using the Paxton et al. (2014) adjusted densities of basking shark within the survey area (0.0-0.10 individuals per 5km² cell). The total impacted area (447.62km²) was calculated as the cable survey corridor plus a 5km buffer, based on recommended Effective Deterrence Range (EDR) for marine megafauna (harbour porpoise) sensitive to underwater noise (JNCC, 2020).

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

- (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 surveys will cover the inshore area of the planned Cable Route, crossing Scottish inshore waters between Shetland and Orkney. The geophysical surveys will use the following technologies:

Multibeam Echosounder (MBES): Kongsberg EM2040 (Dual-Head); frequency range 200-400kHz; source Level (dB re 1 μ Pa @1m)248dB

Side Scan Sonar (SSS): Edgetech 4205; frequency range 230, 540 & 850kHz; source level (dB re 1 μ Pa @1m) 230kHz: 220dB, 600kHz: 219dB, and 900kHz: 221dB

Sub-bottom Profiler (SBP): Innomar SES 2000 Medium-100; frequency range 85-115kHz (primary) and 2-22kHz (secondary); source level 247-250dB

Ultra-short Baseline (USBL): Sonardyne Ranger 2; frequency range 20-34kHz; source level 200dB

Magnetometer (Geometrics G-881), not sound emitting.

- (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.

Mitigation measures for the surveys will be adapted from JNCC guidelines for minimising risk to marine mammals from geophysical surveys (JNCC, 2017). These guidelines are designed to reduce the risk of impacts associated with geophysical surveys on the UK continental shelf and are based on conservative assumptions. The survey vessel will also follow the Scottish Marine Wildlife Watching Code.

The proposed surveys will aim to minimise risk through the planning, active mitigation (described below), and reporting phases. In addition to obtaining a basking shark licence, the surveys will consider the minimum technical specifications required to complete the work, bearing in mind the megafauna species present in the survey area. Before survey operations commence, the bridge officer will communicate with the MMO, MD-LOT and the SFF in an effort to attain the most recent species and habitat characterization information and guidelines pertaining to the behaviour of marine megafaunal species.

Prior to any surveys, a bridge officer experienced in marine mammal and basking shark identification will perform a search of the mitigation zone. The duration of the search will be 30 minutes as the maximum depth of the area to be surveyed is <200m. In addition, the bridge officer will complete standardised marine mammal recording forms (e.g., 'deck form').

Further detail is presented in the EPS Risk 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.

There are no designated sites for basking shark in the region.

The closest protected area to the proposed Inshore Survey Study Area that includes EPS designated features is the Yell Sound SAC (straight line distance 80.67km), which is designated for otter. Other protected areas that include EPS designated features within the wider region include Southern Trench NCMPA, designated for minke whale (distance 186.93km), and the Moray Firth SAC, designated for common bottlenose dolphin (distance 193.63km).

All designated sites are not directly adjacent to the survey area and are therefore the proposed surveys are not predicted to have a significant effect on any EPS within those designated sites.

Further detail is presented in the EPS Risk Assessment. No consultations with marine stakeholders have been performed as there is not predicted to be any significant effect on the conservation objectives of any protected area in the region. Stakeholder engagement during cable route planning has been performed.

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"/>	SBP	June 2024	August 2024
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	USBL	June 2024	August 2024
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UWN from vessel traffic	June 2024	August 2024
<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'.**

OPTION 1: NO ACTIVITY
 The first option is to not perform the proposed survey activity, however there is a need for the surveys to be completed. In order to proceed with planning and installation for the new telecommunications cable there is an essential regulatory requirement for data collection on physical and biological properties of the seabed along the proposed cable route.

The data obtained from the proposed survey activities will provide a greater understanding of the potential pathways for impact on biological receptors, validate desk-based assessments, and will inform route selection so that any impacts can be minimised. Therefore, it is not advisable to consider this option as a viable alternative.

OPTION 2: DIFFERENT EQUIPMENT
 The equipment that is presented in this document has been selected as to have a negligible impact on basking shark while also being sufficient (in terms of acoustic frequency and SPL) to achieve the required depth and resolution for surveys. All of the equipment is predicted to have a negligible effect on basking sharks.

OPTION 3: LOCATION SHIFT
 There could be a shift in location of the proposed activity, however, the cable route has been selected by the system installer and owner. It accounts for multiple constraints including but not limited to:

- Areas of protected seabed (e.g. MPAs);
- Archaeologically sensitive areas (e.g. protected shipwreck sites);
- Existing seabed infrastructure (e.g. pipelines, cables, OWFs);
- Designated maritime areas (e.g. anchorages, traffic zones, dumping grounds);
- Military interests (e.g. exercise areas, military cables);
- Wartime activities (e.g. minefields);
- Known seabed obstructions (e.g. shipwrecks); and,
- Known areas of adverse seabed topography.

The cable route must also be commercially viable (e.g. a reasonably direct route). The proposed cable route has been promulgated to potential seabed stakeholders through bodies such as the International Cable Protection Committee (ICPC). During this stakeholder engagement, military bodies have already requested a reroute in the UK EEZ to avoid sensitive seabed infrastructure. For these reasons, a further shift in location of the cable route is not considered an appropriate alternative.

OPTION 4: DIFFERENT TIMING
 The surveys must be conducted during the summer period due to severe weather constraints. Weather statistics indicate that zero workable weather periods are possible from November through to February to the west of Orkney and Shetland, and only 10% of scheduled time would be operational in March to April, and October. The target months of June to August are therefore the only possible months when sea conditions will allow survey work to progress for approximately 50% of the time.

OPTION 5: CURRENT SCENARIO
 The best viable option has been assessed as the current scenario, in conjunction with the risk assessment contained within this document, and best practice measures outlined in the Risk Assessment.

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

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.

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.

[Redacted]
Signature of the
Applicant

Date

10/04/2024

(The person named at part 1)

Name in BLOCK [Redacted]
LETTERS

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

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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 will enable the construction of a new telecommunications cable. This cable will provide social benefits through improved global connectivity between Europe and North America, and economic benefits both directly (through jobs related to installation of the cable) and indirectly through improving telecommunications networks used in daily operations across a wide range of business sectors.

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

The project has beneficial consequences as it is enabling the installation of a telecommunications cable that will bring social and economic benefits to the human population.

Why is it imperative the proposed activity goes ahead?

There is a need for transatlantic telecommunications. In order to proceed with assessments, construction, and licensing, there is an essential requirement for data collection on physical and biological properties of the seabed within the array area and along the cable corridor. The data obtained from the proposed survey activities will provide a greater understanding of the potential pathways for impact on biological receptors, validate desk-based assessments, and will inform route selection so that any impacts can be minimised.

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

The activity supports Scotland's National Marine Plan, including (but not limited to) policies GEN 2 and GEN 3. The activity supports GEN 2 and GEN 3 by providing economic benefit to Scottish communities, and by providing social benefits, including economic growth such as improved quality of life. The proposed activity also supports the submarine cable policies (CABLES1-4) of the Scottish National Marine Plan. The route for the cable has been developed through stakeholder engagement (as discussed in detail in the Risk Assessment). The proposed surveys will confirm the route is viable and will identify any potentially vulnerable seabed habitats.