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

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

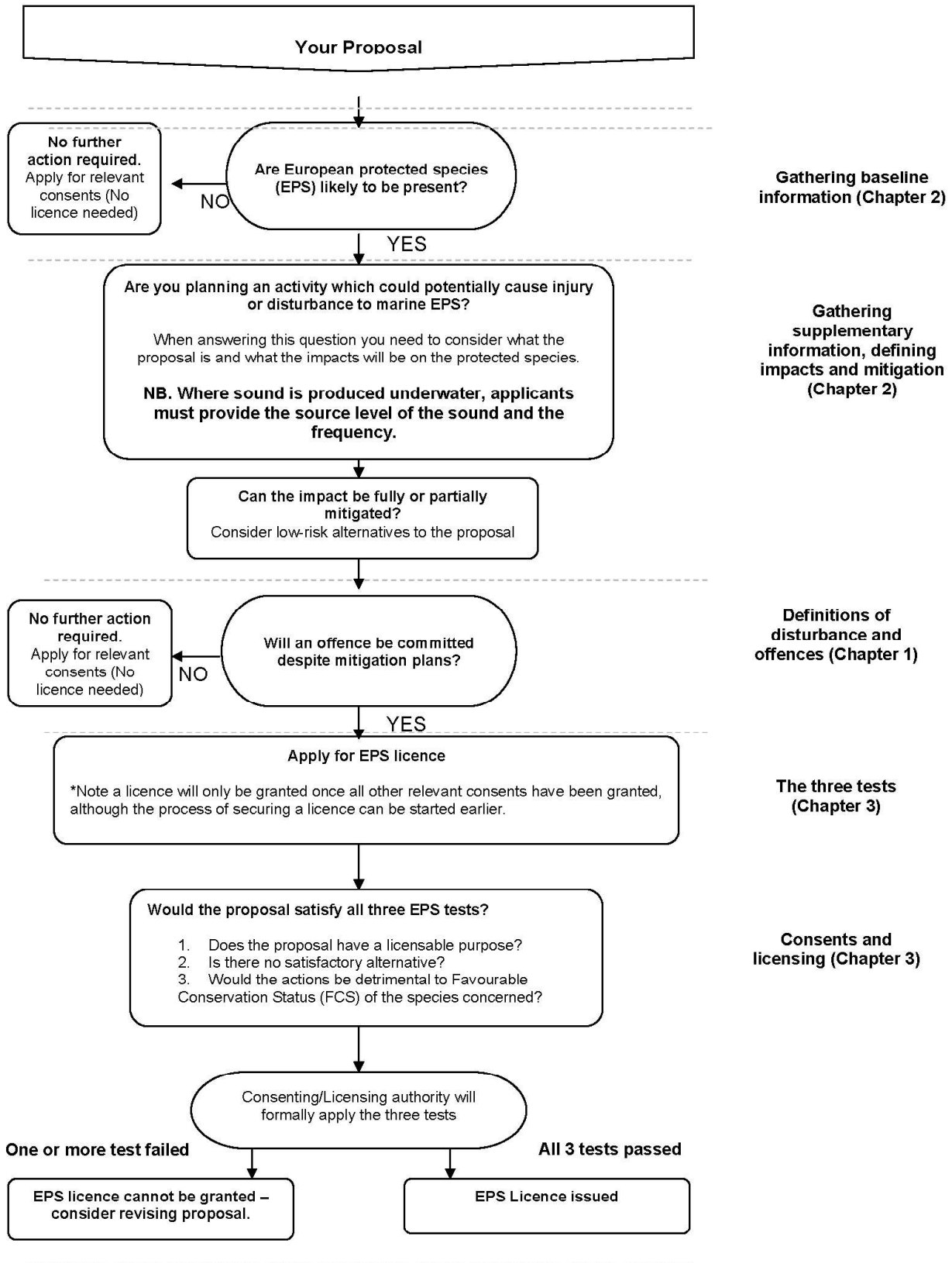
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, 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 Scotland Licensing Operations Team (MS-LOT) on 0300 244 5046 or email: [ms.marinelicensing@gov.scot](mailto:ms.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 Scotland Licensing Operations Team (MS-LOT) at the address below or emailed to [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@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 MS-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.

MS-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 MS-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 Scottish Natural Heritage (SNH Licensing, Great Glen House, Leachkin Road, Inverness IV3 8NW, Telephone 01463 725000, email [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk) or visit [their website](#)) for a licence application for these purposes. SNH 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. 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 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, 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 at: <https://mnr.jncc.gov.uk/>

## **Section 10 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 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 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.

If your proposal relates to one of the purposes for which SNH is the licensing authority, please contact your local office of SNH.

Licensing Operations Team  
Marine Scotland  
375 Victoria Road  
Aberdeen  
AB11 9DB

Tel: 0300 244 5046  
Email: [MS.marinelicensing@gov.scot](mailto: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 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: [Redacted] Forename(s): [Redacted] Surname: [Redacted]

Company Name: Offshore Wind Power Limited

Business Title (if Appropriate): Development Manager

Address: Clava House, Cradehall Business Park, Inverness, IV2 5GH

Tel no. (inc. 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? Marine Scotland

Licence number (most recent licence) EPS/BS-00010355

Year in which the licence was issued. 2023

What species were covered by the licence? - Harbour porpoise  
- Bottlenose dolphin  
- Minke whale  
- White-beaked dolphin

What activity was covered by the licence e.g. disturb, injure? Disturbance

## Part B. The Application

### 3. Species

(a) Please indicate which species is / are affected by the proposed works.

Common name(s):

The following four species are the most likely species to occur in the survey area. Sufficient abundance data is available on these species and therefore, they have been assessed as part of Xodus Document Reference: 'L100632-S10-REPT-001 'OAA EPS Risk Assessment and Protected Sites and Species Assessment for Geophysical Surveys':

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

There also seven other species known to occur in North Scottish waters however, due to limited abundance data and low sighting densities, these species are not risk assessed in Xodus Document Reference: 'L100632-S10-REPT-001 'OAA EPS Risk Assessment and Protected Sites and Species Assessment for Geophysical Surveys':

- Atlantic white-sided dolphin
- Risso's dolphin
- long-finned pilot whale
- killer whale
- humpback whale
- short-beaked common dolphin
- beaked whale species

Scientific name(s)

- Phocoena phocoena
- Tursiops truncatus
- Balaenoptera acutorostrata
- Lagenorhynchus albirostris
- Lagenorhynchus acutus
- Grampus griseus
- Globicephala melas
- Orcinus orca
- Megaptera novaeangliae
- Delphinus delphis
- Ziphiidae spp

(b) How many individual animals will be affected by licensed work?

**Injury - 0**  
**Disturbance - it is estimated that the total number of individuals disturbed will be minimal due to the transient nature of the animals and the brief nature of the works.**

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

The number of individuals which may experience disturbance from the worst-case scenario has been calculated based on the animal densities from Hammond et al. (2021) and the population data from IAMMWG (2022). In these calculations, the impact range serves as a radius with which to calculate the total area of coverage for a potential disturbance event associated with the survey activities.

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

Hammond, P.S., Lacey, C., Gilles, A., Viquerat, S., Börjesson, P., Herr, H., Macleod, K., Ridoux, V., Santos, M.B., Scheidat, M., Teilmann, J., Vingada, J., and Øien, N. (2021). Estimates of cetacean abundance in European Atlantic waters in summer 2016 from the SCANS-III aerial and shipboard surveys. June 2021.

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

The remaining co-ordinates are listed in the Table appended to the EPS Risk Assessment document.  
 Document title: L100632-S10-REPT-001 'OAA EPS Risk Assessment and Protected Sites and Species Assessment for Geophysical Surveys'.



- (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**

Offshore Wind Power Limited (OWPL) are planning to undertake a survey campaign in 2023 over the West of Orkney Windfarm Option Agreement Area (OAA) associated with the ScotWind N1 Plan Option (PO). The purposes of this reconnaissance survey is to further investigate and expand understanding of the OAA prior to beginning engineering focussed surveys.

A number of different survey activities will be employed as part of the survey works to further assess the OAA prior to beginning engineering focused surveys. They include:

- Survey equipment calibration testing; and
- Geophysical surveys of the seabed.

Underwater noise emissions from geophysical survey equipment is the primary source of potential injury and disturbance. While some survey techniques may introduce noise to the marine environment, the majority of survey equipment types do not operate in relevant frequency ranges or generate sufficient levels of noise to be considered as potential sources of noise-related injury or disturbance to EPS. It is unlikely that any EPS will be impacted as result of the proposed activities due them not frequenting the area with any regularity.

The marine survey equipment which will be used is detailed in Xodus reference: 'L100632-S10-REPT-001 'OAA EPS Risk Assessment and Protected Sites and Species Assessment for Geophysical Surveys' for more information.

- (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 injury risks from geophysical surveys will be adopted (JNCC, 2017). These measures include deployment of a Marine Mammal Observer (MMO) to monitor for the presence of any EPS within a 500 m mitigation zone prior to the commencement of 2DUHR operations.

Mitigation measures include:

- All vessels will adhere to the provisions of the Scottish Marine Wildlife Watching Code (SNH, 2017).
- Survey teams will be made aware of all protected species within the marine environment and their responsibility to implement the mitigations to be followed.
- A Marine Mammal Protection Plan, (MMPP) has been prepared in order to reduce risk of injury and disturbance to marine mammals resulting from 2DUHR survey operations (this is aligned to JNCC 2017 guidelines).

See Xodus reference: 'L100632-S10-REPT-001 'OAA EPS Risk Assessment and Protected Sites and Species Assessment for Geophysical Surveys' for more information.

**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 (see note 4). Please enclose any relevant correspondence.

There is one designated sites which is adjacent to the proposed survey area and may be impacted by the proposed operations; the Sule Skerry and Sule Stack SPA. Full details of which can be found in the document referenced below.

Due to the close proximity of the designated site to the survey area, OWPL recognises there is a potential for the proposed activities to result in adverse impacts on the qualifying and interest features associated with the site. However, the assessment found there is no potential for injury or significant disturbance to the qualifying features of these sites in the vicinity of the survey area; hence, the conservation status of the protected sites will not be compromised.

See Section 6 of Xodus Document Reference: 'L100632-S10-REPT-001 'OAA EPS Risk Assessment and Protected Sites and Species Assessment for Geophysical Surveys' for more information.

**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.

Activity to be licensed (please tick)					Method to be used, (e.g. piling)	Time period	
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass		From	To
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2DUHR	24/07/2023	30/09/2023
<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"/>			
<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 (as amended)**.

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) 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 AnnexD**

## 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 unsuitable. You must also consider the option of not undertaking the work. **It is not acceptable to state that ‘there is no alternative’.**

<p>OWPL has considered several options in relation to the use of geophysical survey for the survey of the OAA.</p> <p>Option 1: Do not undertake the geophysical survey activities, resulting in no data being available of the seabed under OAA area. However, gathering information as part of surveys is a key element to inform the EIA, which will aim to minimise risks to the environment from the installation and operation of the OWF. It is not considered that this is not a viable option as OWPL is planning to develop the West of Orkney Windfarm, following the recent successful Scotwind licence award.</p> <p>Option 2: Undertake the geophysical survey with equipment that results in limited impacts to EPS (i.e. SSS, MBES or SVP only). This would limit the data that OWPL would collect as part of the scope, while still involving the presence of a vessel for a significant number of days. The equipment that OWPL plan to use as part of the survey have been carefully selected in order to obtain relevant data to inform the EIA and overall project design. The sole use of SSS, MBES or SVP 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.</p> <p>Option 3: Undertake the geophysical over a different location. OWPL has been successfully awarded the OAA as part of Scotwind. This is where OWPL plans to develop the West of Orkney Windfarm. Surveying an alternative location would mean gathering information over an area which was not part of the Scotwind licence award and therefore, gathering data for an area over which no development would be undertaken. In addition, it is not possible to reduce the size of the proposed survey area as this encompasses the OAA as awarded to OWPL. This is not considered to be a viable option as OWPL has been awarded the OAA as part of Scotwind.</p> <p>Option 4: Undertake the geophysical survey at a different time of year. OWPL has selected to undertake the survey from June 2023. 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. This is not a viable option as OWPL is looking to undertake the survey in the minimal amount of time in order to limit any disturbance.</p> <p>Option 5: To undertake the geophysical survey activities with the equipment listed in this application, in conjunction with undertaking an EPS Risk Assessment. The Risk Assessment will identify and determine a mitigation strategy for the survey activities, such that the conservation status of EPS and other protected species present in the survey area or adjacent waters where a disturbance may be perceived, are protected through the use of appropriate protocols i.e. MMO and PAM following the JNCC geophysical survey guidelines. This would ensure that the requirements of the Conservation (Natural Habitats, &amp;c.) Regulations 1994 (as amended).</p> <p>OWPL has determined that Option 5 will be progressed, as it will allow geophysical surveys to progress and support the development of the OWF. This future work is required to connect the West of Orkney Wind Farm to the North Coast and Orkney Islands regions, while maintaining the favourable conservation status of cetaceans within the survey area or adjacent waters.</p>
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## 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 Registry	11/04/2023	3340	Pending

Following survey application submission, a Basking Shark licence and Offshore EPS licence was confirmed as not being required.

## 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.**

JNCC Marine Noise Registry Activity Application Numbers 3340

**EPS 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](mailto:ms.marinelicensing@gov.scot)

**Have you remembered to enclose Supporting Information with your application, as described in the accompanying guidance? Please check**

- |                                                     |                                     |
|-----------------------------------------------------|-------------------------------------|
| <b>Completed Application form</b>                   | <input checked="" type="checkbox"/> |
| <b>Completed Annex</b>                              | <input checked="" type="checkbox"/> |
| <b>Map / Chart</b>                                  | <input checked="" type="checkbox"/> |
| <b>Correct co-ordinates</b>                         | <input checked="" type="checkbox"/> |
| <b>Additional information / EPS risk assessment</b> | <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 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 19/07/2023

(The person named at part 1)

Name in BLOCK  
LETTERS

[Redacted]OWPL

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](mailto:MS.Marinelicensing@gov.scot)**

**Please remember to include all supporting information.**

Licensing Operations Team  
Marine Scotland  
EPS Division  
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.

Marine Laboratory, 375 Victoria Road,  
Aberdeen AB11 9DB  
<http://www.gov.scot/Topics/marine/Licensing/marine>



**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 *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 recent award of Option Agreements in the ScotWind offshore wind leasing round, including award of an Option Agreement to OWPL for the West of Orkney Windfarm is an important step in the continued growth of renewable energy in Scotland. In order to inform engineering design and the Environmental Impact Assessment (EIA) for the West of Orkney Windfarm .

OWPL are planning to carry out geophysical surveys around the OAA. The results of the survey works will be used to ascertain seabed characteristics within the survey areas, in order to inform turbine foundation specifications and layout and identify requirements for further surveys. . The survey results will also inform the EIA for the project which will aim to minimise potential environmental impacts from the installation and operation of the renewable energy project.

The main benefits will be economical and eventually result in 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 West of Orkney Windfarm will be social, economical and environmental. The survey activities are an essential aspect of project development and will provide invaluable information and data for the progression of the development of OWF in the area which will add to the combined global efforts of reducing carbon emissions.

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

An additional public interest associated with the West of Orkney Windfarm is the proposal for the project to power the proposed Flotta Hydrogen Hub an important contribution to the development of the hydrogen economy in Scotland

Why is it imperative the proposed activity goes ahead?

Geophysical surveys are essential to inform the project design specifications of the proposed array site and to inform the design process for reasons including but not limited to:

- Avoidance of challenging seabed features or sediments which would impede development;
- Determination of any protected benthic habitats and/or species to ensure correct mitigations are in place; and
- To allow for the design to avoid environmental constraints identified.

Should the work not proceed, it would hinder the development of the Scottish renewable energy sector.

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

The proposed West of Orkney Windfarm doesn't fulfil any statutory role, however it will provide an important contribution to ensuring secure, reliable and affordable energy supplies, within the context of long-term decarbonisation of energy generation. The key relevant EU, UK and Scottish policies and associated legislation are detailed below.

In recognising the importance of reducing carbon emissions, the EU, UK and Scottish Government have all committed to reduce emissions and increase the use of renewable energy:

- In 2009 the EU introduced Directive 2009/28/EC on the Promotion of the use of energy from renewable sources, which set renewable energy targets for each member state. The Directive imposed on the UK a mandatory national target of deriving 15% of gross final energy consumption from renewable sources by 2020;
- 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.

The West of Orkney Windfarm will also power the proposed Flotta Hydrogen Hub. The project is therefore also supporting the Scottish Government Hydrogen Policy Statement and associated Draft Scottish Hydrogen Action Plan. The draft Hydrogen Action Plan issued in 2021 sets out what the Scottish Government will do and how they will work with others over the next five years to implement the strategic approach required to support the development of the hydrogen economy in Scotland, to support the aims of reducing greenhouse gas emissions from our energy system, industry, homes and transport, while ensuring a just transition.



**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.