T: +44 (0)300 244 5046
E: ms.marinelicensing@gov.scot

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.**

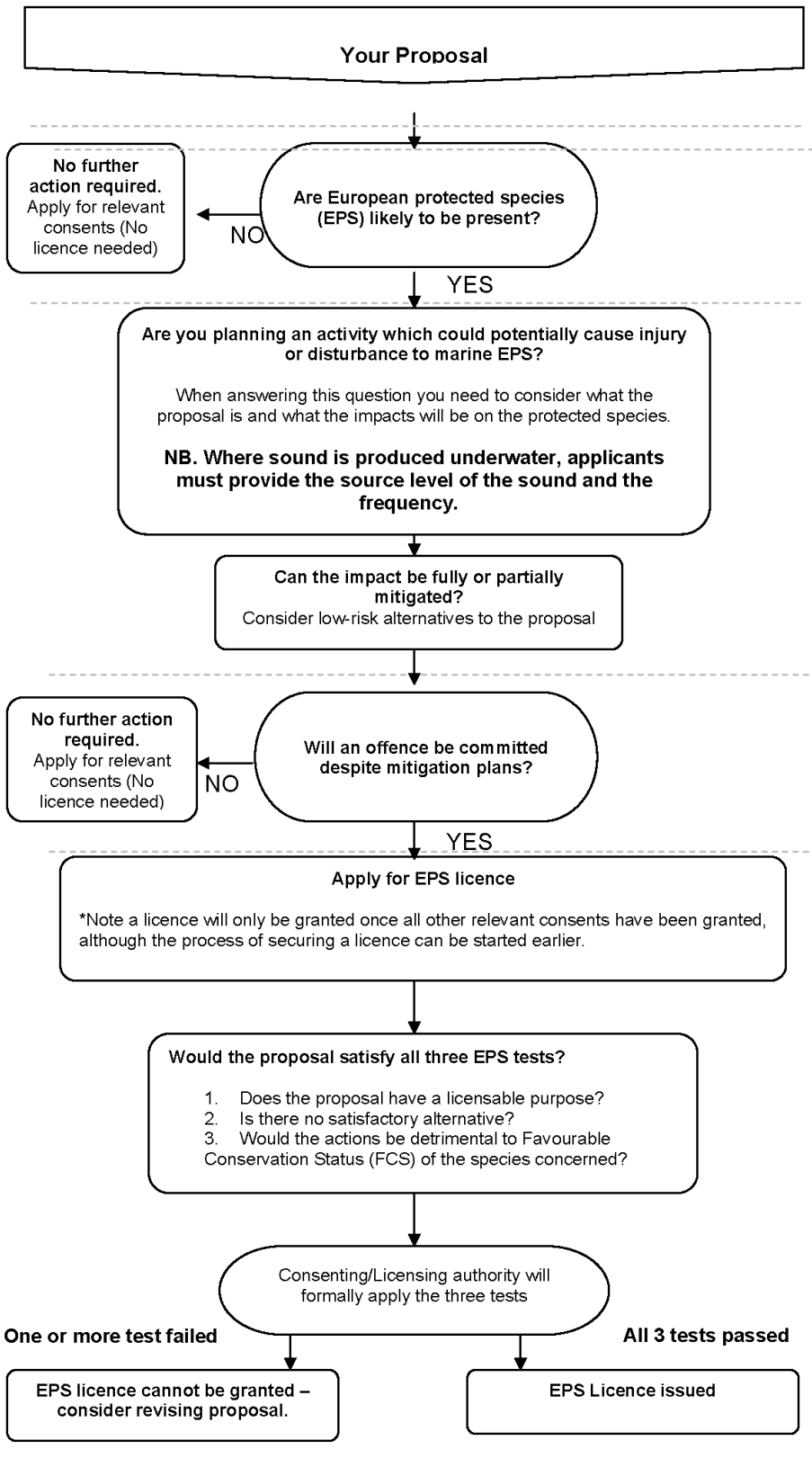
Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish inshore marine area (0 – 12nm).

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

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



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

INVESTOR IN PEOPLE

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 provide appropriate information to support your application. Applicants can provide this supporting information in the form of an EPS Risk Asessment. 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** 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

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: | Forename(s): [Redacted] | Surname: [Redacted]

Company Name: Green Volt Offshore Windfarm Ltd

Business Title (if Appropriate):

Address: 12 Alva Street
Edinburgh EH2 4QG

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?

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
- Atlantic white-sided dolphin
- Risso's dolphin
- Humpback whale
- Minke whale

Scientific name(s)

- Phocoena phocoena
- Tursiops truncatus
- Lagenorhynchus albirostris)
- Lagenorhynchus acutus
- Grampus griseus
- Megaptera novaeangliae
- Balaenoptera acutorostrata

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

There is no potential for injury due to the mitigation that will be in place.

For disturbance, the total number of individuals at risk is minimal, with up to 0.38% of any species population impacted as a worst-case (and based on two survey vessels operating SBPs at the same time):

Harbour porpoise 194.6 (0.056% NS MU)
Bottlenose dolphin 7.6 (0.38% CGNS MU)
White-beaked dolphin 20.5 (0.047% CGNS MU)
Atlantic white-sided dolphin 7.2 (0.04% CGNS MU)
Risso's dolphin 18.0 (0.15% CGNS MU)
Humpback whale 0.0038 (0.000011% of North Atlantic)
Minke whale 10.7 (0.053% CGNS MU)

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

The disturbance numbers are based on the predicted disturbance impact range and areas for worst-case daily survey area (256km^2) based on the MNR report (JNCC, 2023).

Please also see attached European Protected Species (EPS) Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004).

JNCC (2023). Marine UK Marine Noise Registry Disturbance Tool.

(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.

Please see below pages and attached Excel spreadsheet of coordinates:

LATITUDE											LONGITUDE										
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W
		°			.				'N					°			.				'W

Windfarm Site Coordinates

	WGS 1984 UTM Zone 30 North	
Location	**Latitude**	**Longitude**
1	57° 54' 58.81021322" N	000° 42' 50.48944215" W
2	57° 54' 58.07506979" N	000° 40' 00.64829502" W
3	57° 55' 56.21013332" N	000° 39' 59.20491179" W
4	57°55’42.320”N	0°36’45.131”W
5	57°49’59.084”N	0°36’27.836”W
7	57° 49' 59.46502500" N	000° 44' 03.95838927" W
8	57° 51' 54.99993460" N	000° 44' 10.31749026" W
9	57° 51' 57.77087984" N	000° 43' 02.53268803" W

Inshore ECC Route (within 12 nautical miles of shore)

WGS 1984 UTM Zone 30 North		
Location	**Latitude**	**Longitude**
1	57° 32' 17.71005253" N	001° 48' 22.50961773" W
2	57° 32' 27.79919485" N	001° 45' 14.37282050" W
3	57° 32' 30.38178727" N	001° 45' 02.42056302" W
4	57° 32' 50.58822017" N	001° 44' 07.37602473" W
5	57° 32' 38.44479843" N	001° 42' 26.31475678" W
6	57° 32' 38.71067095" N	001° 42' 16.80720668" W
7	57° 33' 16.10849373" N	001° 36' 20.34239224" W
8	57° 33' 21.63988672" N	001° 35' 59.64400538" W
9	57° 34' 13.69149703" N	001° 35' 07.31238205" W
10	57° 34' 22.29363241" N	001° 32' 58.18512141" W
11	57° 35' 59.33617892" N	001° 26' 08.56369140" W
12	57° 35' 35.86132170" N	001° 25' 48.31934893" W
13	57° 33' 39.09322174" N	001° 34' 00.94572445" W
14	57° 33' 23.30992531" N	001° 34' 21.74655247" W
15	57° 32' 46.44241329" N	001° 37' 07.75584594" W
16	57° 32' 13.17283765" N	001° 42' 24.64626080" W
17	57° 32' 23.07570751" N	001° 43' 44.46835492" W
18	57° 32' 20.99725473" N	001° 44' 07.99870970" W
19	57° 32' 08.58507197" N	001° 44' 41.80707402" W
20	57° 31' 09.29021818" N	001° 47' 56.64601150" W

Offshore ECC and O&G Route (beyond 12 miles from shore)

WGS 1984 UTM Zone 30 North		
Location	**Latitude**	**Longitude**
21	57° 36' 04.67916685" N	001° 25' 47.95386905" W
22	57° 37' 30.24348588" N	001° 20' 17.17624640" W
23	57° 37' 42.13137602" N	001° 19' 39.53165074" W
24	57° 38' 49.20353186" N	001° 14' 56.51165131" W
25	57° 38' 58.66908803" N	001° 15' 00.20709717" W
26	57° 39' 01.66875584" N	001° 14' 59.77580594" W
27	57° 39' 07.32590698" N	001° 14' 57.08827456" W
28	57° 39' 26.47081761" N	001° 14' 35.56036385" W
29	57° 39' 28.77404348" N	001° 14' 31.04740544" W
30	57° 39' 31.87146346" N	001° 14' 22.33630848" W
31	57° 39' 49.43967935" N	001° 12' 26.56001450" W
32	57° 40' 10.16817758" N	001° 10' 16.35459582" W
33	57° 40' 32.93151572" N	001° 08' 07.21428245" W
34	57° 41' 41.11939056" N	001° 03' 02.88334941" W
35	57° 47' 26.41454273" N	000° 44' 31.89544957" W
36	57° 50' 12.20180873" N	000° 40' 47.53630904" W
37	57° 48' 44.73778635" N	000° 56' 54.89196885" W
38	57° 48' 24.51990416" N	000° 57' 57.46517340" W
39	57° 48' 25.05028051" N	000° 59' 05.85752528" W
40	57° 49' 00.04990161" N	000° 59' 04.90032734" W
41	57° 48' 49.05069504" N	000° 58' 14.60720058" W
42	57° 49' 08.06973718" N	000° 57' 16.32700014" W
43	57° 49' 09.80656832" N	000° 57' 07.70951747" W
44	57° 50' 43.02084668" N	000° 39' 55.66557127" W
45	57° 50' 36.22441477" N	000° 39' 31.92450516" W
46	57° 50' 22.57809850" N	000° 39' 33.67415373" W
47	57° 47' 09.02102665" N	000° 43' 55.68477262" W
48	57° 47' 05.61359050" N	000° 44' 02.53198175" W
49	57° 41' 18.13607128" N	001° 02' 40.62383814" W
50	57° 40' 08.72516672" N	001° 07' 50.14877983" W
51	57° 39' 45.46971943" N	001° 10' 02.00848995" W
52	57° 39' 24.61712344" N	001° 12' 12.98911714" W
53	57° 39' 08.59842752" N	001° 13' 59.57490667" W
54	57° 38' 58.42022411" N	001° 14' 10.99092590" W
55	57° 38' 46.56663946" N	001° 14' 05.99864778" W
56	57° 38' 44.03135802" N	001° 14' 05.96696418" W
57	57° 38' 40.73826769" N	001° 14' 07.35564579" W
58	57° 38' 32.44695926" N	001° 14' 16.34548817" W
59	57° 38' 30.52955173" N	001° 14' 19.43880617" W
60	57° 38' 28.54444814" N	001° 14' 24.53157422" W

WGS 1984 UTM Zone 30 North		
Location	**Latitude**	**Longitude**
61	57° 37' 18.87650892" N	001° 19' 18.34739128" W
62	57° 37' 07.17673440" N	001° 19' 55.33513449" W
63	57° 35' 38.53119131" N	001° 25' 38.02090683" 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 geophysical and geotechnical surveys are required in order to obtain a clear understanding of the physical characteristics of the seabed, in order to assess where and how the installation of seabed infrastructure will be technically, financially, and environmentally feasible. The proposed works are necessary for the construction of Green Volt Offshore Windfarm. The works will take place within the Windfarm Site and Offshore Export Cable Corridor (see attached figure 'Green Volt 2024 Survey Areas.pdf' for extent of survey area).

The worst-case noise effects are associated with the proposed geophysical survey, therefore these are listed below. Information on geotechnical surveys is provided in the EPS Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004).

The source levels and associated frequency of the equipment to be used during the proposed geophysical survey are:

-SBP (high frequency (HF)): Frequency range = 85 – 115 kHz (Primary)Secondary = 2 – 22 kHz SEL at maximum duty cycle: 247 dB re 1uPa²s@1m; Peak source level: 232 dB re 1uPa@1m ; RMS source level: 250 dB re 1uPa@1m
The secondary frequency sound level is about 83 dB lower than the above
-SBP (low frequency (LF)) /UHR Sparker: 300 Hz – 1.2 kHz SEL: 225 dB re 1µPa2s @ 2Hz; SPLpeak: 227 dB re 1.0V/µPa
-USBL: 18 kHz – 34 kHz SPL: 208 dB re 1µPa @ 1m
-MBES: 400 kHz (170 – 700 kHz) SPL: 220 dB re 1µPa@1m, pulse length: 3-200 microseconds
-SSS: 230 – 1,200 kHz; SPL: 220 dB re 1µPa@1m (Peak); SEL for 1 pulse: 4m sec in 1 sec = 196 dB//µPa2s; SEL for 7.5 pulses/sec = 205 dB//µPa2s

The Source levels for the CPT equipment to used during the geotechnical surveys is expected to be 110 - 110.5 dB re 1µPa @1m (rms).

Vibrocore sampling is expected to be 30 Hz -30 kHz, with SPLRrms: 187.4 dB.

Thus the worst case noise profile of the equipment to be used during the geotechnical survey will not cause a risk of PTS, but does have the potential to disturb cetaceans. Disturbance has been modeled from a SBP as a conservative proxy for the CPT/vibrocore activity within the Risk Assessment.

Please also see attached European Protected Species (EPS) Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004).

(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.

The following mitigation measures for geophysical surveys are outlined within the JNCC (2017) ' Guidelines for Minimising the Risk of Injury to Marine Mammals from Geophysical Surveys ' , especially when using SBP, and will be adhered to for the proposed geophysical surveys:

A non-dedicated Marine Mammal Observer (MMO) will be used. A non-dedicated MMO refers to a JNCC qualified MMO who may undertake other roles on the vessel when not conducting their mitigation role. This person can be a member of the vessels crew provided that during the mitigation period, they do not undertake any other roles on the vessel. Note that the pre-survey watch can only be undertaken in periods of daylight and good visibility.

Passive Acoustic Monitoring (PAM) shall be deployed as an additional mitigation measure (for example, PAM pre-survey searches to be undertaken during hours of darkness and in poor visibility). Note that PAM will be used for pre-survey searches for surveys starting in darkness or poor visibility.

Prior to any noisy equipment commencement, a 30-minute pre-survey search of a 500 m mitigation zone around the moving acoustic source is required. If a marine mammal is sighted or detected within the mitigation zone during the pre-survey search, the survey cannot commence until:
1) the 30-minute pre-survey search is complete; and
2) the mitigation zone has been clear of marine mammals for a period of 20 minutes prior to start of survey.

A soft-start will be undertaken (wherever practical) once the pre-survey search of 30 minutes has been completed and there have been no marine mammal or basking shark sightings for at least 20 minutes.

For line changes of more than 40 minutes, the acoustic survey should be halted at the end of the survey line and a full pre-survey search and soft-start procedure should begin prior to the next line commencing. These procedures can start during the line turn.
For line changes less than 40 minutes, surveys can continue if the shot point interval is increased to a maximum of 5 minutes, and then decrease gradually to required rates in the final 10 minutes of the line change. A pre-survey search and soft-start procedure would therefore not be required.

Best practice and the Scottish Marine Wildlife Watching Code will be followed to reduce vessel collision risk and disturbance at protected seal haul-out sites.

Please also see attached European Protected Species (EPS) Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004).

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.

The following sites have been considered: Southern Trench ncMPA, Moray Firth SAC.

The offshore Export Cable Corridor (ECC) passes through the Southern Trench ncMPA, whilst the Moray Firth SAC is located approximately 151km away from the Green Volt Windfarm Site.

Further assessment of project-alone and cumulative effects on these sites has determined there to be no potential for significant effect on the features or conservation objectives of these sties. For detail, see European Protected Species (EPS) Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004).

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)						**Time period**	
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass	Method to be used, (e.g. piling)	From	To
☐	☐	☐	☐	☑	**SBP**	**15/06/2024**	**15/10/2024**
☐	☐	☐	☐	☑	**MBES**	**15/06/2024**	**15/10/2024**
☐	☐	☐	☐	☑	**SSS**	**15/06/2024**	15/10/2024
☐	☐	☐	☐	☑	UHR Sparker	15/06/2024	15/10/2024
☐	☐	☐	☐	☑	USBL	15/06/2024	15/10/2024

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'.**

Option 1: Do not undertake the geophysical survey works (do-nothing approach): Site investigation surveys are required to map the seabed and sub-surface characteristics of the survey area. The geophysical survey is required to proof the ground model sufficiently to enable the refinement of design envelope (e.g. offshore substation foundation design and piling strategy, moorings designs and scour protection requirements), and appropriate micrositing of infrastructure before construction begins. Without this information, Green Volt Offshore Windfarm Ltd would have insufficient information to undertake the necessary engineering decisions to allow construction to proceed. The surveys are fundamental to the project design, and without the outputs of the proposed geophysical, geotechnical and benthic surveys, the development of the Green Volt OWF will be prevented. This risk could inhibit the potential for long-term benefit to Scotland and the renewables industry, and the achievability of Scotland's Net Zero commitments and the North Sea Transition Deal decarbonisation targets. Green Volt Offshore Windfarm Ltd do therefore not consider the do-nothing approach to be appropriate.

Option 2: Undertake the geophysical surveys in a different/smaller area (alternative location). There is no alternative to the location of these surveys, as the location of the infrastructure to be installed, is dictated by the location of the Option Agreement with Crown Estate Scotland, the government-designated INTOG Areas of Search, and the Offshore ECC and Windfarm Site already given S36 consent and marine licences by Scottish Ministers. Surveying only a smaller area within the proposed survey site is not a feasible option as full coverage is required to determine the most suitable potential locations of project infrastructure.

Option 3: Carry out the surveys at another time (alternative timings). All proposed survey methodologies are weather dependent and susceptible to wave and wind effects. In particular, the geophysical survey requires a sea state of 1.5 m wave height or less. The offshore nature of the Green Volt project area, and the information known about the wave climate, indicate that in order to achieve a viable weather wind for the surveys they need to be scheduled for the months of June to October. Carrying out the surveys during the winter is not feasible and may cause further disturbance to EPS.

Option 4: Reduce the survey period. Undertaking the survey over multiple visits would increase disturbance as it would lengthen the overall duration of vessels and other activity on site. It is not possible to reduce the survey period from the proposed timeframe, as contingency is required to account for adverse weather impacts. Consequently, the survey period has already been reduced to the minimum required to undertake the survey effectively.

Option 5: Use alternative equipment. There is no satisfactory alternatives to the use of survey equipment required for the geophysical survey. The noise associated with this survey is the most impacting of the surveys proposed, but it is the established methodology to identify and characterise layers of sediment or rock under the seafloor. Although there may be different types of survey equipment that could be used, this is often constrained by the specific purpose of the geophysical survey and the alternative equipment will not be as effective. There are no satisfactory alternatives to the use of the survey equipment assessed for this geophysical survey.

Option 6: Carry out the proposed geophysical surveys with the support of a Marine Mammal EPS Risk Assessment. An EPS Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004) accompanies this licence application, which identifies and quantifies the potential impacts of the proposed surveys on EPS, and provides a mitigation strategy to protect EPS during the undertaking of these surveys. The percentage of the reference population of each species which has the potential to be temporary disturbed, over a relatively small area for a short period of time, based on the maximum predicted impact ranges for SBP during the geophysical (and as a conservative proxy for the geotechnical) survey, is considered to be negligible for all cetaceans (less than 1% of the reference population impacted) based on worst-case for daily survey area. However, any disturbance during the surveys is not considered detrimental to the maintenance of the populations or their Favourable Conservation Status. The noise profile of the equipment will be masked by vessel noise and thus not considered likely to cause any additional disturbance. In considering the mitigation measures to be implemented, which are detailed in Section 3e, Green Volt Offshore Wind Farm Ltd considers that Option 6 is the most appropriate course of action and that there is no satisfactory alternative.

Please also see attached Section 6 of the accompanying EPS Risk Assessment (GRE001-FLO-CON-CAG-RPT-0004).

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 Planing Authority, Local Works Licence)	**Date Applied for**	**Reference no.**	**Date of issue of licence / consent**
Marine Licence	20 January 2023	MS-000100230	19/04/2024
Marine Licence	20 January 2023	MS-00010231	19/04/2024
Marine Licence	20 January 2023	MS-00010232	19/04/2024

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.

MNR proposed activity number: 3750

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

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

Completed Application form	☑
Completed Annex	☑ **(appended to this form, and as separate .pdf)**
Map / Chart	☑
Correct co-ordinates	☑
Additional information / EPS risk assessment	☑

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 31/5/24

(The person named at part 1)

Name in BLOCK LETTERS [Redacted]

Note – If signing on behalf of a company, please append you 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
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.

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 Project will directly contribute to the early targets for emissions reduction set out in the North Sea Transition Deal by making 100% renewable power available for Buzzard and could have the capacity to provide renewable electricity to further O&G platforms in the future. It will also strengthen a leading position for Scotland in the development and deployment of floating wind technology. The Project embodies a bridging of the current divide between offshore renewables and the oil and gas sector. This will make a substantial contribution to achieving the commitments made in the North Sea Transition Deal.

The Project is aligned with and serves to implement fundamental Scottish and UK Government policy and state aims and would make a substantial contribution to:
- Meeting the target for emission reductions in the North Sea O&G sector in the timeframe required (i.e. before 2030).
- Lead the scaling up of the floating offshore wind supply chain in Scotland in the 2020s, ahead of ScotWind developments in the 2030s, with the associated economic development benefits for Scotland.

The Project also has strategic importance in its role as a stepping-stone project. Through delivery of the Project in the period 2025-2030, vital support to the supply chain will be provided, filling the gap between Scottish CfD AR3 developments (coming online in the next three years) and ScotWind developments (coming on stream during the 2030s). The supply chain needs this continuity of work, and opportunity to work on floating wind technology specifically, if the ambitions of ScotWind in the 2030s are to be realised.

The benefits of the Project are therefore social, economic and environmental.

The Scottish and UK legal commitments to achieve Net Zero by 2045 and 2050 respectively are considered long term commitments. It is important to consider that the decarbonisation of anthropogenic activities in Scotland and the UK that is required to achieve Net Zero does not cease at the point of meeting these commitments, but must be maintained permanently. The carbon emissions of society must be in balance with the environment, with no contribution to climate change. This transition to renewable energy is in the public interest in the long term.

Energy supply security is a matter of long-term national interest and security against foreign powers. Whilst the geopolitical future is difficult to forecast, recent events show that domestic self-reliance for energy production is a prudent protective measure to be maintained into future.

By producing renewable energy for 35 years (and possibly longer), the Project will not only contribute to the climate change and O&G decarbonisation targets of the Scottish and UK governments before 2030, but will also contribute towards the low carbon energy mix into 2045 and beyond 2050.

The benefits of the Project are therefore long term.

See also 'FLO-GRE-REP-0021 Without-Prejudice HRA Derogation Case' for a detailed IROPI case: https://marine.gov.scot/node/25077

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

Climate change poses a risk to the health and safety of Scottish and UK citizens. The gravity of this risk has been made plain in recent reports by the IPCC and UK CCC. The IPCC ' s AR6 Report underscores the gravity of the risk to the environment and consequently to humans and all life (IPCC, 2023). AR6 Report (part 3) confirms the harmful and permanent consequences of failing to limit the rise of global temperatures. The press release highlights that the " next two years are critical " (page 1) and that, limiting warming to around 1.5°C, would require " global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030 " (page 2).

The need for the Project can be traced directly back to both national and international policies to meet the need for energy generation and combat anthropogenic climate change. The Defra (2012) guidance notes that projects which enact or are consistent with national strategic plans or policies are more likely to show a high level of public interest.

The Project is, by design, entirely consistent with the achievement of the 2030 commitments on decarbonisation of the existing North Sea O&G sector set out in the North Sea Transition Deal and the enactment of the CES INTOG leasing round and Scottish INTOG SMP (see Section 3). The Project is capable of providing a significant contribution to these urgent objectives.

The Project can make a meaningful and timely (before 2030) contribution to decarbonisation of the existing North Sea O&G sector, and security of domestic energy supply, while acting as a steppingstone to promote the development of the Scottish floating offshore wind supply chain in readiness for delivery of the large total capacity planned for the ScotWind projects in the 2030s.

The interests that would be served by authorising the Project are therefore of a public nature. In addition to the decarbonisation of the O&G industry, contributions to climate change targets and support and delivery of long term, affordable low carbon energy, the Project will deliver public benefits such as employment, educational enhancement and infrastructure improvements.

See also 'FLO-GRE-REP-0021 Without-Prejudice HRA Derogation Case' for a detailed IROPI case: https://marine.gov.scot/node/25077

Why is it imperative the proposed activity goes ahead?

The development of the Green Volt Offshore Wind Farm is required to help meet the policy objectives and government commitments set out above. Should the proposed surveys not proceed, the development of the Green Volt Offshore Wind Farm would not be possible.

See also 'FLO-GRE-REP-0021 Without-Prejudice HRA Derogation Case' for a detailed IROPI case: https://marine.gov.scot/node/25077

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

Through the production of renewable energy, and decarbonisation of the O&G sector, before 2030, the Project will have a role in meeting the national and international commitments to greenhouse gas reduction, and O&G sector decarbonisation under the form of Scottish and UK policies (as set out above).

See also 'FLO-GRE-REP-0021 Without-Prejudice HRA Derogation Case' for a detailed IROPI case: https://marine.gov.scot/node/25077

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.

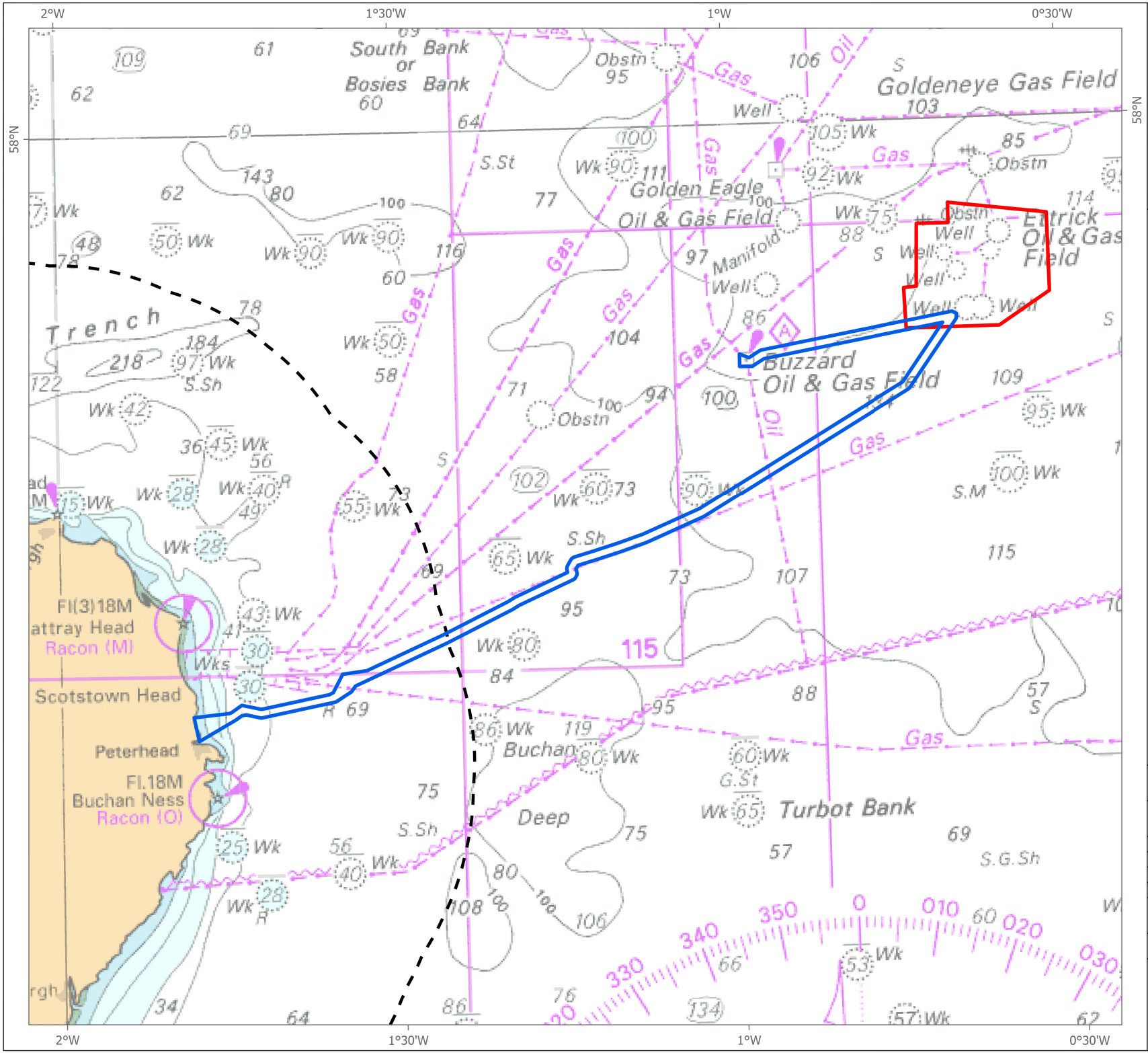
Annex D

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.



LEGEND

- Windfarm Site
- Offshore Export Cable Corridor
- 12 nautical mile limit

0 20

Kilometres

Data:

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Esri UK, Esri, TomTom, Garmin, FAO, NOAA, USGS

PROJECT:	GREEN VOLT
TITLE:	Figure 1: Green Volt Offshore Windfarm Survey Areas

VER	DATE	COMMENTS	DRAWN	CHECKED
001	01/05/2024		[Redacted]	

ARCGIS REF: Geophys
LAYOUT: PC2483-RHD-EI-OF-D-GS-0081_SurveyAreas

SCALE:	PAGE SIZE:	COORDINATE SYSTEM:
1:450,000	A4	WGS 1984 UTM Zone 30N

GREEN VOLT

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