

T: +44 (0)300 244 5046

E: [ms.marinelicensing@gov.scot](mailto: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

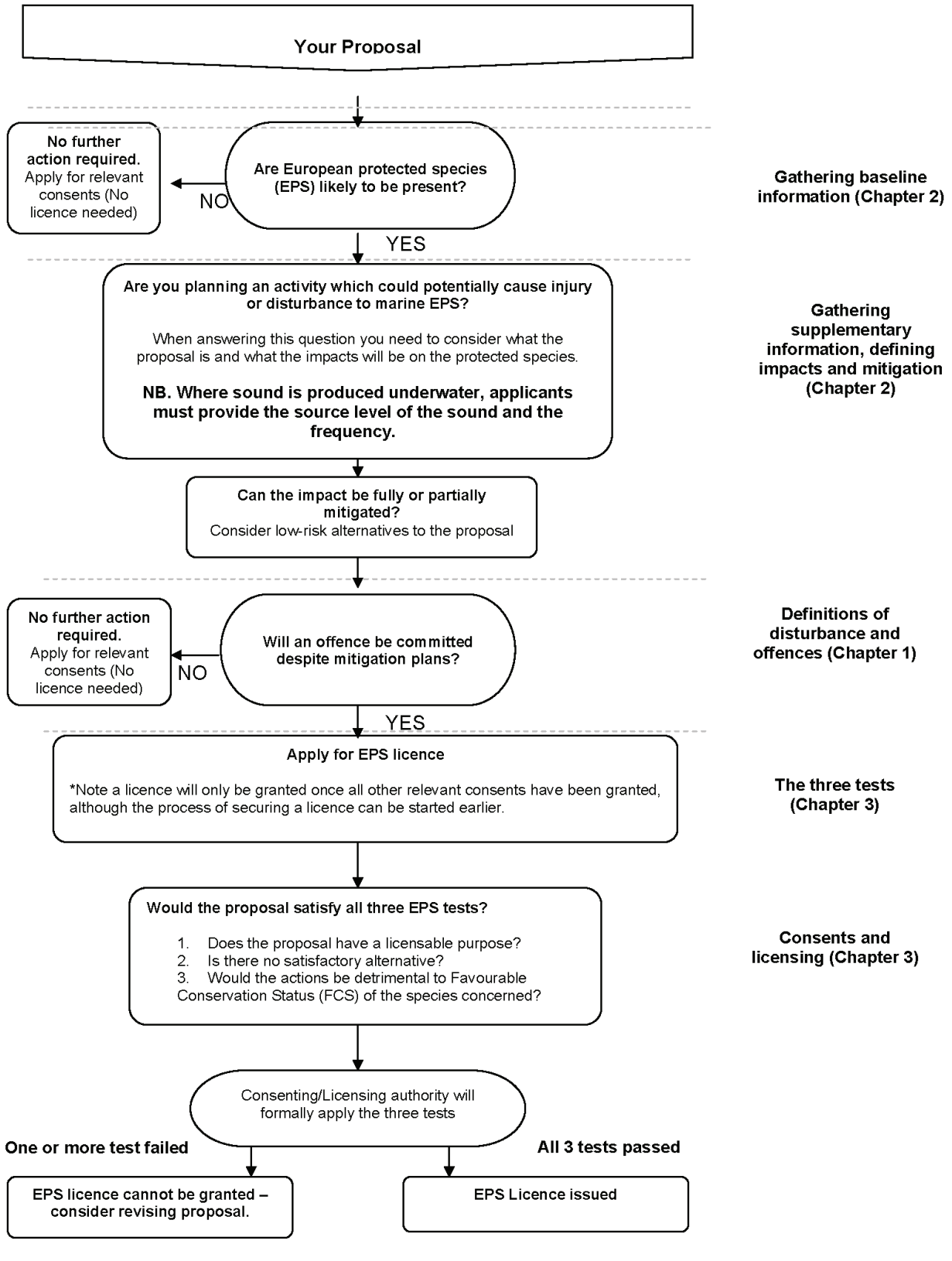
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, 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](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](#)



**Gathering baseline information (Chapter 2)**

**Gathering supplementary information, defining impacts and mitigation (Chapter 2)**

**Definitions of disturbance and offences (Chapter 1)**

**The three tests (Chapter 3)**

**Consents and licensing (Chapter 3)**



**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: <R Forename(s): <Redacte Surname: <Redacted

Company Name: Aspect Land & Hydrographic Surveys Ltd

Business Title (if Appropriate): Contract Manager

Address: Thornhouse Business Centre  
30 Ballot Road  
irvine  
KA12 0HW

Tel no. (inc. dialling code): 01294 313399

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-00010141

Year in which the licence was issued. 2023

What species were covered by the licence? Harbour porpoise (Phocoena phocoena), bottlenose dolphin (Turiops truncatus), minke whale (Balaenoptera acutorostrata), Risso's dolphin (Grampus griseus), short-beaked common dolphin (Delphinus delphis), killer whale (Orcinus orca)

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

**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, minke whale

Scientific name(s) Phocoena phocoena, Tursiops truncatus, Balaenoptera acutorostrata

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

For harbour porpoises, available data on group sizes suggest that the species occurs individually or in small groups of up to 2 individuals. Using density calculations, 0.23 porpoises would be affected by TTS, 0.21 could be impacted by PTS and 1.8 impacted by disturbance.

For bottlenose dolphins, group sizes range between 20-30 animals in the outer Firth of Forth area. Density calculations estimated 0 dolphins affected by PTS or TTS, and 0.09 affected by disturbance.

Minke whales typically occur individually in the area. Density calculations estimated 0 whales impacted by TTS/PTS and 0.03 affected by disturbance.

Please refer to the information provided in Section 4 of the Marine Mammal Risk Assessment supporting document.

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

Please refer to the information provided in Section 4.4 of the Marine Mammal Risk Assessment supporting document.

(c) **Location of proposed licensed action**

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project. Please continue on a separate sheet if necessary.

LATITUDE										LONGITUDE										
5	6	°	0	1	.	0	8	1	'N	0	0	3	°	2	6	.	5	6	1	'W
5	6	°	0	1	.	1	0	0	'N	0	0	3	°	2	6	.	5	1	0	'W
5	6	°	0	1	.	1	6	3	'N	0	0	3	°	2	6	.	6	4	9	'W
5	6	°	0	1	.	2	1	4	'N	0	0	3	°	2	6	.	6	1	8	'W
5	6	°	0	1	.	2	9	3	'N	0	0	3	°	2	6	.	5	1	5	'W
5	6	°	0	1	.	3	5	0	'N	0	0	3	°	2	6	.	7	9	0	'W
5	6	°	0	1	.	3	3	1	'N	0	0	3	°	2	6	.	8	0	4	'W
5	6	°	0	1	.	0	3	7	'N	0	0	3	°	2	6	.	5	5	1	'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**

Sub-bottom profiling operating between 8kHz and 22kHz at a maximum Source Level (SL) of 215dB re 1µPa @ 1m with pulse energies between 100J and 300J.

Please refer to the information provided in Section 2 of the Marine Mammal Risk Assessment supporting document.

- (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.

Please refer to the information provided in Section 6 of the Marine Mammal Risk Assessment supporting 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 (see note 4). Please enclose any relevant correspondence.

**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"/>	<b>Sub-bottom profiling</b>	<b>03/07/2023</b>	<b>31/12/23</b>
<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’.**

Please refer to the information provided in Section 5 of the Marine Mammal Risk Assessment supporting document.

**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

## 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.**

Marine Noise Registry Activity Application Number 3457

**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 13.06.2023

(The person named at part 1)

Name in BLOCK  
LETTERS

<Redacted>

Note – If signing on behalf of a company, please append your signature with “on behalf of *Company Name*”.

**The completed application should be signed and sent to Marine 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 proposed survey works will inform design of an upgrade at the existing Babcock Rosyth port facility, identifying areas requiring dredge and dredge depths. The resulting dredge campaign will ensure that Babcock Rosyth will continue to be able to operate safely and will continue to allow for UK Royal Navy ships to enter the port safely. The benefits are social in that Babcock support the forces in providing protection to the UK and economic in continuing to allow Babcock to operate at their Rosyth site. Babcock are a significant employer in Scotland, contributing approximately £370 million to GDP and provide over 3500 jobs and support a further 2800 in their supply chain.

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

Public interest will be served by providing a safe operational base for the UK's defence.

Why is it imperative the proposed activity goes ahead?

The geophysical survey is required to determine sub-seabed geological strata in order to identify where and to what depths the area needs to be dredged to support future port operations. The surveys will therefore allow for the continued operations of the port, imperative to socio-economic and UK defence interests. The surveys will also ensure efficiency of any resulting dredge campaign.

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

The geophysical surveys are part of a wider project to dredge the area in order to continue to allow for ships to enter the port safely. The project is in alignment with Scotland's National Marine Plan, specifically Shipping, Ports, Harbours and Ferries Objective 1 of 'Safeguarded access to ports and harbours and navigational safety'.



**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.

Part B. The Application

3c) Location of the proposed licensed action continued.

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project. Please continue on a separate sheet if necessary.

LATITUDE									LONGITUDE											
5	6	°	0	1	.	4	4	0	'N	0	0	3	°	2	7	.	0	6	3	'W
5	6	°	0	1	.	1	7	1	'N	0	0	3	°	2	7	.	0	4	3	'W
5	6	°	0	1	.	0	7	4	'N	0	0	3	°	2	6	.	5	6	5	'W
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
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