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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).

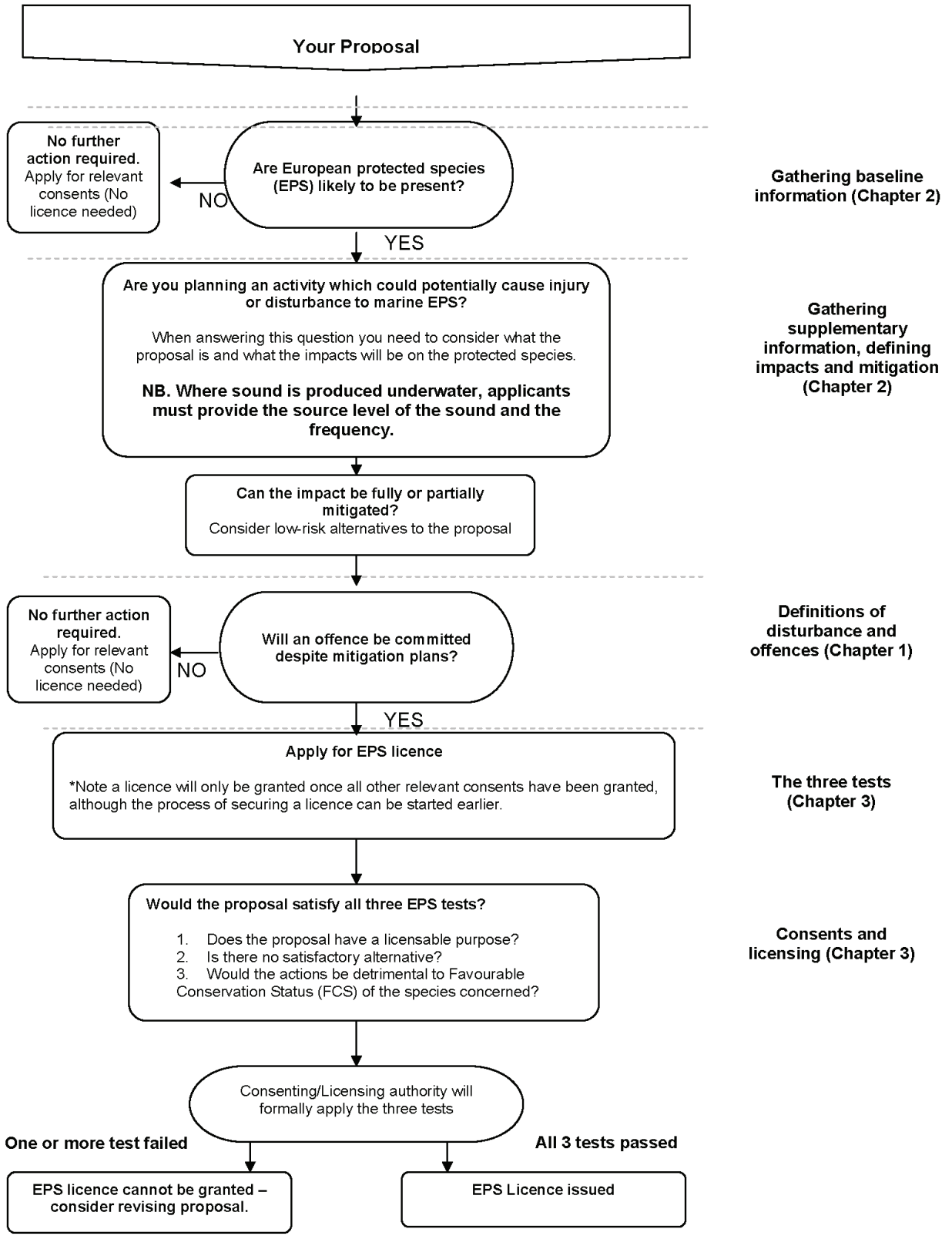
IMPORTANT: Before completing this form, please read these notes carefully

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



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.

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

Company Name: Moray Offshore Windfarm (West) Limited

Business Title (if Appropriate): Moray West Project Director

Address: 5th Floor, Atria One, 144 Morrison Street, Edinburgh, EH3 8EX

Tel no. (inc. dialling code): + 44 (0) 131 556 7602

Email address: [Redacted] @oceanwinds.com

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 Directorate - Licensing Operations Team

Licence number (most recent licence) EPS/BS-00010423

Year in which the licence was issued. 2023

What species were covered by the licence? harbour porpoise (*Phocoena phocoena*);
bottlenose dolphin (*Tursiops truncatus*);
minke whale (*Balaenoptera acutorostrata*);
short beaked common dolphin (*Delphinus delphis*);
white-beaked dolphin (*Lagenorhynchus albirostris*)

What activity was covered by the licence e.g. disturb, injure? The EPS licence was granted for the purpose of permitting the disturbance of the species listed above

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
- Common dolphin and
- Minke whale

Scientific name(s)

- Harbour porpoise (*Phocoena phocoena*);
- Bottlenose dolphin (*Tursiops truncatus*);
- White-beaked dolphin (*Lagenorhynchus acutus*);
- Common dolphin (*Delphinus delphis*); and
- Minke whale (*Balaenoptera acutorostrata*)

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

The Moray West Revised Piling Strategy (2023) assessment concluded no significant effect of instantaneous or cumulative PTS-onset for any marine mammal species when considering impacts against the entire MU. The implementation of the Marine Mammal Piling Mitigation Protocol (PMP) will reduce the risk of PTS, resulting in negligible risk to EPS of physical or permanent auditory injury.

The impact of disturbance from pile driving for harbour porpoise and bottlenose dolphin is assessed as low, whereby the impact is short-term and temporary behavioural effects are expected in only a small proportion of the populations, resulting in potential impacts to individual vital rates but only over the short-term, such that the population trajectory would not be altered. The impact of disturbance from pile driving for minke whale is assessed as negligible since there was predicted to be no change to the population size or trajectory.

Numbers of marine mammals and proportion of relevant MUs predicted to be disturbed resulting from worst case scenario, based on a 10% Conversion Factor are:

- 4,681 harbour porpoise (1.35% of North Sea MU) based on density of 1.468/km2. Assuming a worst-case of 4,681 harbour porpoise disturbed on every piling day across 62 piling days, outputs from iPCoD estimate there to be no discernible impact to the harbour porpoise population, even considering impacts to the UK portion.
- 54 bottlenose dolphin (24.07% of CES MU) based on the density estimate of 0.00048/km2;
- 177 minke whale (summer) (0.58% of CGNS MU) and 13 minke whale (non-summer) (0.07% of CGNS MU) based on the density estimate of 0.023/km2.

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

In light of refinement of piling parameters since the Moray West EIA Report 2018, noise modelling was undertaken based on the worst-case pile driving parameters determined as a result of the pile driveability assessments. Additional underwater noise modelling was undertaken to model realistic worst-case impacts of piling noise. Modelling locations were selected based on proximity to the original modelling locations in the Moray West EIA and informed by the pile driveability assessment undertaken by Moray West.

Underwater noise modelling was undertaken using Cefas propagation model (Farcas et al. 2016) and an energy conversion source model (constant conversion factor (CF) of 4% and 10%). The Moray West Revised Piling Strategy (Appendix C) presents the results of the noise modelling and assessment criteria applied for marine mammals to inform the design of the mitigation measures to be implemented during piling driving operations at the 62 monopile locations within the Moray West Site. Population modelling was conducted for bottlenose dolphin, harbour porpoise, minke whale, harbour and grey seal. The interim Population Consequences of Disturbance (iPCoD) framework has been used to predict the potential population consequences of the predicted amount of disturbance resulting from the piling at Moray West Site (Moray West Revised Piling Strategy).

The realistic worst case scenario for disturbance to harbour porpoise from a single monopile installation event was evaluated for the installation of a monopile at location with a moderate risk of pile driving refusal assuming a maximum hammer energy of 4,400 kJ and a 10% Conversion Factor. This resulted in a prediction of 4,681 porpoises being disturbed on a single day of piling (this represents 1.35% of the North Sea MU, or 2.93% of the UK portion).

The realistic worst case scenario for disturbance to bottlenose dolphin from a single monopile installation event was evaluated for the installation of a monopile at location with a moderate risk of pile driving refusal assuming a maximum hammer energy of 4,400 kJ and a 10% CF. This resulted in a prediction of 53 bottlenose dolphins being disturbed on a single day of piling (this represents 23.75% of the East Coast Scotland MU). The realistic worst-case scenario for disturbance to bottlenose dolphin from concurrent piling resulted in a prediction of 54 bottlenose dolphins being disturbed on a single day of piling (this represents 24.07% of the East Coast Scotland MU).

The realistic worst case scenario for disturbance to minke whale from a single monopile installation event was evaluated for the installation of a monopile at location with a moderate risk of pile driving refusal for non-summer months assuming a maximum hammer energy of 4,400 kJ and a 10% CF. This resulted in a prediction of 13 minke whales being disturbed on a single day of piling (0.06% MU or 0.13% UK portion).

(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							
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
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		°			.		'N			°			.		'W
		°			.		'N			°			.		'W

- (d) Provide a brief description of the proposed activity and the methods to be used. Detailed information should be included in your Supporting Information
Please provide details of the source levels and frequencies of underwater noise if relevant

Specific construction activities deemed to have the potential to disturb EPS, which are considered in the EPS Risk Assessment (8460005-DG0214-MWW-REP-000001) are:

- Impact piling of wind turbine generators (WTGs) and offshore substation platform (OSP) foundations;
- Vibro piling;
- Vessel activity during construction;
- Use of acoustic deterrent devices (ADDs) as proposed mitigation; and
- Post installation surveys

- (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.

A Piling Mitigation Protocol (PMP) was designed to reduce the risk of injury to marine mammals during piling at Moray West Site, was developed and agreed through the Moray West Revised Piling Strategy (2023). The use of ADDs as mitigation is designed to displace marine mammals from an area in which there is the potential for them to be exposed to Sound Exposure Levels (SEL) sufficient to induce instantaneous death or permanent injury due to exposure single noise pulses at close range. Justification for the use of ADDs as mitigation is presented in Appendix D of the Moray West Revised Piling Strategy (2023).

The proposed mitigation will be undertaken prior to starting piling, and is summarised as follows;

- Vibro piling prior impact piling. The use of a vibro-hammer for intermediate driving may be required in some locations were identified by further installation engineering and will reduce the amount of time of impact pile driving.
 - The activation period recommended for ADD is 10 minutes, which is based on the precautionary swimming speed of 1.4 m/s for harbour porpoise (SNH, 2016) to exit the maximum instantaneous Permanent Threshold Shift (PTS) range 579 m and the maximum cumulative PTS range of 840 m. This will be deployed prior to commencement of piling for the purpose of displacing marine mammals to a distance where they would not be at risk from instantaneous death or injury. By inducing a flee response to lower levels of noise, it is anticipated that marine mammals would be able to swim to a distance of at least 900 m, beyond the 60 m impact range predicted for death and physical injury. ADD will not be used in those locations where vibro piling is used.
 - For monopile locations where vibro-piling is not used, after the use of ADD, piling soft-start commences with a low hammer energy of 432 kJ with a minimum duration of 15 minutes .
 - Following the 15-minutes soft start, hammer energy will ramp-up gradually until a suitable energy level is reached (Maximum hammer energy 4,400 kJ).
- Therefore, with an activation of the ADD for a period of 10 min prior to impact piling commencing, we will ensure all marine mammals are outside of both the instantaneous and cumulative PTS impact ranges.

In order to reduce the risk of cumulative PTS on minke whales, all locations with a hard-driving profile with moderate risk of pile driving refusal (5 locations) and locations with a driving profile with low risk of pile driving refusal (10 locations) will be installed in non-summer months (between October and May inclusive) when the minke whale density is expected to be significantly lower.

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.

1. Moray Firth SAC (approximately 17 km from the Development). There is the potential for animals within the SAC to be disturbed which may result in very short-term changes to the bottlenose dolphin distribution within the SAC. Despite the number of animals predicted to be disturbed (54 dolphins), the disturbance is expected to be non-significant as effects are not expected to be long term or prohibit recovery. Assessments indicate vessels during the proposed piling at the Development will not increase the collision risk or disturbance of bottlenose dolphin, therefore there is no potential for any significant effects. Assessments indicate there would be no significant disturbance from ADD as a result of ADD activation. The assessment indicates that through the application of mitigation there is no potential Adverse Effect on Site Integrity (AEoSI) of the Moray Firth SAC in relation to the conservation objectives for bottlenose dolphin as a result of any disturbance from underwater noise during piling.

2. Southern Trench MPA. The implementation of the PMP during pile installation at Moray West Site will reduce the risk of PTS for minke whale and therefore there would be no potential for any significant effects. Those locations with a moderate or low risk of pile driving refusal (locations with harder ground conditions where hammer energies will likely reach 4,400 kJ) will be installed in non-summer months (between October and May inclusive) when the minke whale density is expected to be significantly lower. Assessments indicate that vessels during construction works for the Development will not increase the collision risk or disturbance of minke whale, therefore there is no potential for any significant effects. The assessments indicate there would be no significant disturbance from ADD as a result of ADD activation during pile installation works. The assessment of disturbance indicates that through the application of mitigation as outlined in the PMP there is no potential of impact on the Southern Trench NCMPA in relation to the conservation objectives for minke whale as a result of any disturbance from underwater noise during piling activity.

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"/>	Impact Piling	15 August 2023	31 March 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ADDs	15 August 2023	31 March 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vibro-Piling	15 August 2023	31 March 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vessel Activity	15 August 2023	31 December 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Post installation Surveys	1 January 2024	31 December 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'.**

Moray West have undertaken extensive design and cost analysis in the development of the Moray West Offshore Wind Farm and have designed the Development to minimise environmental impacts whilst remaining economically viable and providing the best value for UK consumers as possible. Several alternatives were considered at design stage for the Development but the use of alternative foundation designs that would not require piling was not feasible.

As it is not possible to construct without some disturbance to EPS, measures that Moray West have taken to reduce potential risks to EPS include;

- A significant reduction in piling activity of that consented within the Moray West EIA (2018).
- The development and use of mitigation protocols designed to reduce the risk of physical injury to EPS as a result of piling.
- Moray West has committed to install monopile locations with any risk of pile refusal to be installed outside of the summer months to reduce risk to any minke whales associated with the Southern Trench NCMPA.
- The risk of collision between vessels and EPS will be minimised through the use of regular vessel routes and vessel operators following the Scottish Marine Wildlife Code (SNH, 2017) maintaining a suitable buffer between vessels and visible EPS.

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
Section 36 Consent for the construction and operation of the Moray West Offshore Wind Farm	July 2018	012/OW/MORLW – 8)	14 June 2019
Moray West Wind Farm Marine Licence	July 2018	MS-00009774	14 June 2019 Marine Licence variation issued on 12 April 2022
Moray West OfTI Marine Licence	July 2018	MS-00009813	14 June 2019 Marine Licence variation issued on 12 April 2022

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.

3518 and 3520 - Pile Driving
3519 and 3521 - Use of ADDs - linked to parent activities 3518 and 3520.

Pile driving at Moray West wind farm site is anticipated to take place between August 2023 and March 2024. Activity entries in the Marine Noise Registry cannot be entered when spanning

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 | <input checked="" type="checkbox"/> |
| Completed Annex | <input checked="" type="checkbox"/> |
| Map / Chart | <input checked="" type="checkbox"/> |
| Correct co-ordinates | <input checked="" type="checkbox"/> |
| Additional information / EPS risk assessment | <input checked="" type="checkbox"/> |

Part C. Declarations

11. I have read and understand the guidance provided in this application form. I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.

I authorise employees or representatives of the Scottish Ministers to enter the site which is subject to this application for the purpose of monitoring and inspecting the permitted works.

Warning

Under the 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 11/07/2023

(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

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.

Offshore wind is a key growth sector in Scotland, and the generation and development of offshore wind infrastructure is a key component for reaching Scotland's target to reduce greenhouse gas emissions (by 75% by 2030), and for being net-zero by 2045. Part of the next round of offshore wind development in Scotland (ScotWind allocated projects) is to ensure that 25% of the offshore wind industry is provided by local business. There is an overarching European, UK and Scottish policy requirement for sustainable energy supply from renewables. This need is the subject of national planning and energy policy.

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

The construction of the Moray West Offshore Wind Farm will not only provide for the need of the Scottish and wider British population, in terms of clean energy generation - and thus confer a reason of overriding public interest - the works will also contribute to mitigating/reducing the potential for climate change. In addition, the development of the Moray West Offshore Wind Farm will benefit local communities through job and input to the local economy, as well as support development of the wider supply chain and UK offshore renewables industry.

Why is it imperative the proposed activity goes ahead?

Scotland, and the UK as a whole, require new, renewable, sources of energy to combat climate change and ensure that a secure supply of electricity is available to meet increased future demand. The provision of new renewable energy projects, such as Moray West project, will help the government meet legally binding national and international targets on climate change. Moray West have undertaken extensive design and cost analysis in the development of the Moray West Offshore Wind Farm and have designed the Development to minimise environmental impacts whilst remaining economically viable and providing the best value for UK consumers as possible. Offshore wind generation has been identified at European and national level as being capable of providing a significant contribution towards such targets. The UK Round 3 Zone projects, of which Moray West is one, are recognised as being important contributors to Scottish and UK targets for reducing greenhouse gas (GHG) emissions and generating electricity from renewable energy sources by both the Scottish and UK Governments (Scottish Government, 2017; Climate Change Committee (CCC), 2017).

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, the proposed activity supports the long-term Scottish and UK Government's 2050 targets under the Climate Change (Scotland) Act and the Climate Change Act (2008) respectively, to reduce net emissions. In addition, the Development will contribute to meeting Scottish Government's 2030 Targets to generate 50% of the Scotland's overall energy consumption from renewable sources, and by 2050 to have decarbonised the energy system almost completely.

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.