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

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

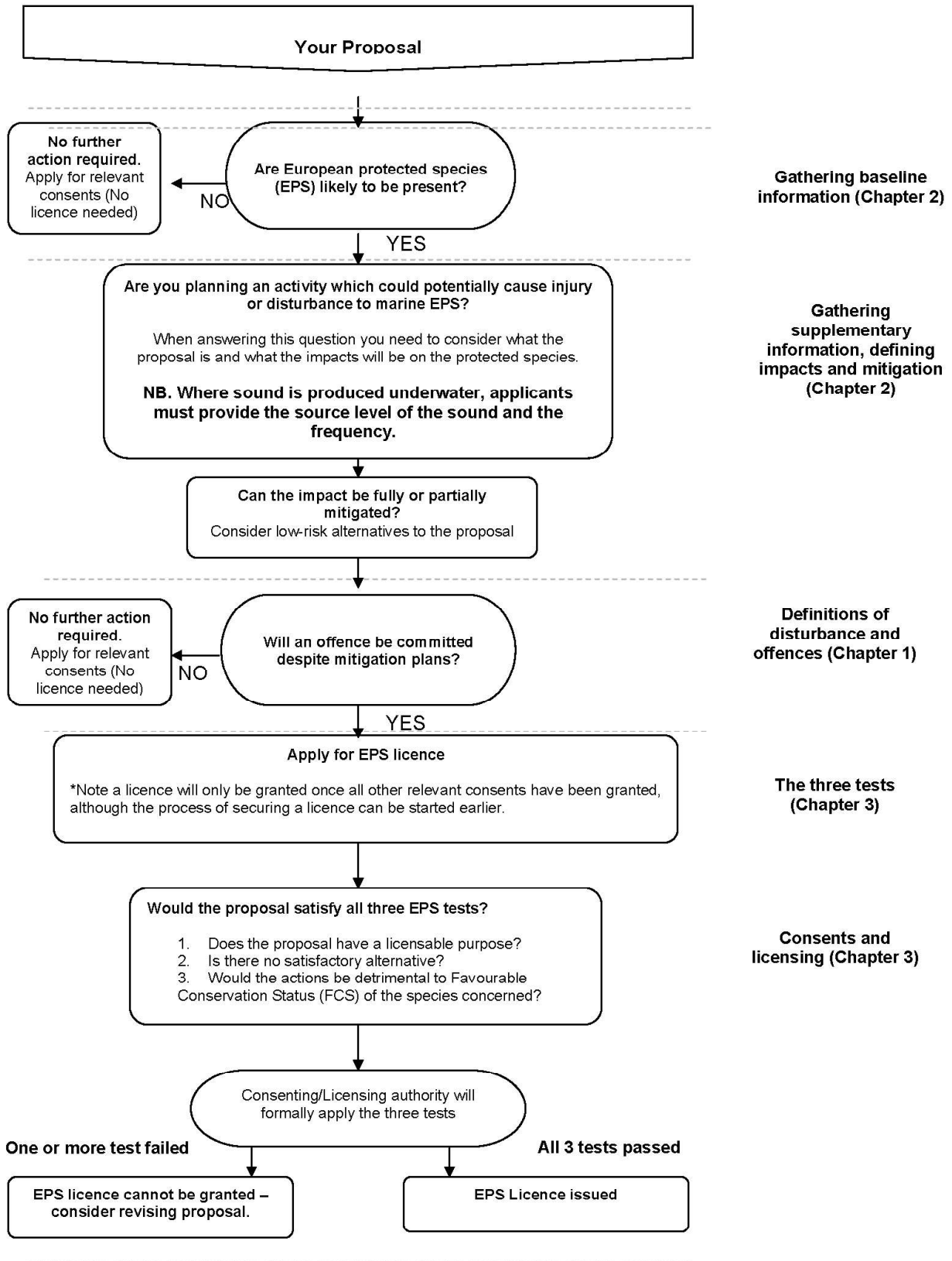
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.

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

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

Applicants are advised to read these notes in conjunction with [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#). If further clarification is needed please contact Marine Scotland Licensing Operations Team (MS-LOT) on 0300 244 5046 or email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

**Flowchart showing the decision-making process**  
 Please refer to the relevant chapter of [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#)



**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

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:  Forename(s):  Surname:

Company Name:

Business Title (if Appropriate):

Address:

Tel no. (inc. dialling code):

Email address:

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): Atlantic white-sided dolphin, bottlenose dolphin, harbour porpoise, minke whale, white-beaked dolphin

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

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

The noise modelling demonstrated that without the implementation of mitigation, and for all equipment, less than one harbour porpoise is predicted to have the potential to experience auditory injury at any one time within the Cluaran Deas Ear (E3) survey area.  
Up to six harbour porpoise and up to approximately two white-beaked dolphin have the potential to be disturbed by the Licensable Operations, equivalent to 0.003% and 0.006% of the UK portion of the relevant MU, respectively. (Using the worst case scenario for USBL for E3).

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

The noise modelling report calculated and presented radii of effect for injury and disturbance for each species and for each piece of geophysical equipment. These radii were used to calculate area of sea affected.  
The number of animals affected was calculated by multiplying the density of animals (as per SCANS III (Hammond et al., 2021)) by the area of sea affected. The percentage of the Management Unit population was calculated by dividing the number of animals affected by the relevant Management Unit abundance (IAMMWG, 2022) and multiplying by 100.  
Harbour porpoise: Density - 0.599; Management unit (UK portion) - 159,632 individuals; Radii of disturbance for USBL - 1.69km  
White-beaked dolphin: Density - 0.243; Management unit (UK portion) - 34,025 individuals; Radii of disturbance for USBL - 1.69km  
See EPS Licence Supporting Information document accompanying this application for further details.

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



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

Geophysical surveys will be undertaken within the cable corridor option survey area of the Cluaran Deas Ear (E3) offshore wind project site. The survey area will include a vessel turning area used for manoeuvring the vessel, as well as to enable soft-start and line run-out. The earliest planned start date will be 1st May 2023 and the last planned end date will be 29th February 2024; the survey period will represent ~33 days but additional time has been included to account for bad weather and technical downtime.

The following equipment will be used:

Inshore vessel (landward of 20m contour)

- Multibeam Echosounder (0-220dB re 1 uPa re 1 m (rms); 350-430kHz)
- Side Scan Sonar (230-850kHz; source level not provided)
- Sub Bottom Profiler (236 dB re 1 uPa re 1 m (rms); 100kHz (primary) and 5-15kHz (secondary))
- Ultra Short Base Line (USBL) (194dB re 1 uPa re 1 m (rms); 19-34kHz)

Offshore vessel (beyond 20m contour)

- Multibeam Echosounder (191-221dB re 1 uPa re 1 m (rms); 170-450kHz)
- Side Scan Sonar (213 and 214dB re 1 uPa re 1 m (rms); 300 kHz (LF); 660kHz (HF))
- Sub bottom profiler (248 dB re 1 uPa re 1 m (rms); 85-115kHz)
- Ultra Short Base Line (USBL) (190dB re 1 uPa re 1 m (rms); 5-100kHz)
- Sparker (229dB re 1 uPa re 1 m (peak))

- (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.

Marine mammal mitigation activities will be conducted in the field following the JNCC Guidelines for Minimising the Risk of Injury and Disturbance to Marine Mammals from seismic surveys (JNCC, 2017). The following specific mitigation measures are proposed for the planned geophysical surveys:

- Up to three dedicated marine mammal observers / passive acoustic monitoring operatives (potentially dual role) operating during daylight hours
- Monitoring will be carried out with particular attention given to a 500 m exclusion zone around the seismic source and from 30 minutes before start of geophysical equipment, throughout the 20 minute soft-start period until the start of acquisition
- Towed passive acoustic monitoring (PAM) will be used when visual searching is not possible (i.e. during periods of low visibility or darkness).
- In the event that marine mammals are detected within the mitigation zone, the procedures outlined in the JNCC (2017) guidance will be followed with respect to delaying the soft start

#### 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"/> | Geophysical survey - MBES, SSS SBP. Seabed. USBL | May 2023    | February 2024 |
| <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’.**

TWP have considered several options in relation to the requirements of the geophysical surveys:

Option 1: Do not undertake the geophysical survey works or use subsurface positional equipment. This would result in excessive project risk and potential abandonment of the project. This would mean TWP being unable to develop the design for the ScotWind site, or conduct the environmental assessments necessary to support the consent applications. These surveys are therefore fundamental to the project development and without them the wind farm development would be prevented. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for Scotland, and UK, to reach net-zero emissions by 2045 and 2050, respectively

Option 2: Carry out surveys in different or smaller location. The site was awarded a lease by the Crown Estate Scotland and therefore TWP can only develop the wind farm in this location- we have no alternative locations to develop on. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for the UK to reach net-zero emissions by 2050.

Option 3: Carry out the surveys at another time. The timing of the surveys has been scheduled in to take into account favourable weather, avoiding winter whereby harsh weather conditions and sea states have the potential to have health and safety risks to crew. Likewise carrying out the survey in winter conditions has the potential to prolong the survey duration due to slower rate of survey, this has the potential to increase the disturbance of EPS to a greater extent. Carrying out the survey during another period would also mean that further surveys may be required as the survey would be undertaken in sub-optimal times meaning that data gathered might not be of sufficient quality to help address the projects engineering and environmental uncertainties. This too has the potential to mean further surveys and disturbance to EPS may be experienced. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for the UK and Scotland to reach net-zero emissions by 2050 and 2045, respectively.

Option 4: Smaller survey windows/smaller survey times. Conducting the surveys over a number of visits is not deemed a viable option as extra survey time would be required to ensure the survey covered the entire area. Again, this option would likely increase the overall survey period and therefore has potential to increase disturbance to EPS. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for the UK to reach net-zero emissions by 2050.

Option 5: To undertake the geophysical survey works and use subsurface positional equipment, in conjunction with undertaking a Marine Mammal / EPS Risk Assessment. The EPS Risk Assessment will identify, quantify and determine a mitigation strategy for the works such that the conservation status of EPS & Marine Mammals present in the works area, or in adjacent waters, where a disturbance could be perceived, are minimised through the use of mitigation tools i.e. MMO and PAM following the JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys (August 2017).

TWP has determined that Option 5 will be progressed, as the survey activities will provide TWP with an in depth understanding of the project site, while maintaining favourable conservation status of cetaceans within the works or adjacent areas.

## 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 |
|---|------------------|---------------|------------------------------------|
|   |                  |               |                                    |
|   |                  |               |                                    |
|   |                  |               |                                    |
|   |                  |               |                                    |
|   |                  |               |                                    |

## 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.**

Proposed Activity registered on Marine Noise Registry. Activity codes are 3264, 3282, 3281, and 3283.

**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 21st April 2023

(The person named at part 1)

Name in BLOCK  
LETTERS

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

**The completed application should be signed and sent to Marine Scotland Licensing Operations Team (MS-LOT) at the address below or emailed to [MS.Marinelicensing@gov.scot](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.

While the marine surveys associated with the ScotWind Offshore Wind farms present a temporary disturbance to the localised marine environment, this work will allow an important addition to Scotland's growing contributions to the UK's renewable energy sector and benefits to the socio-economics of Scotland through potential direct investment, local supply chain development, and training indicatives.

The UK has an urgent need for new electricity generation capacity due to the closure of coal fired stations, the aging of thermal power stations and the closure of nuclear power programmes, and the target of net zero by 2045. Offshore wind provides the opportunity to deliver this vital, new, large scale capacity, not only from a renewable, low carbon resource, but a resource which is indigenous and does not depend upon the geo-economic and geo-political risks attendant with importing fuels.

The UK also has committed to a range of national and international targets for reducing greenhouse gas emissions in order to contribute towards the global action plan towards climate neutrality and limiting the increase in global average temperature. As the UK follows policies to meet its national and international commitments to greenhouse gas reduction, additional demands will be placed on domestic electricity supply as use of, for example, electric vehicles, increases. The project will provide additional support to the UK government's national and international commitments to reduce greenhouse gases, which will bring long-term benefits, both within Scotland, and the wider UK.

The E3 project costs will be in the order of £3 billion (TBC) of which TWP are exploring how the local expenditure can be optimised. TWP are actively engaging with Scottish ports and local companies (established and aspiring new entrants to the offshore wind sector) to develop the local content so it is ready for the large-scale roll-out of offshore wind in Scotland. TWP are actively involved in a University of the Highlands and Islands (UHI) initiative which will support careers in science, technology, engineering and maths (STEM).

The geophysical surveys will provide essential information that will enable further site investigation work and the development of the offshore wind project, whilst also establishing part of a robust baseline on which TWP's Environmental Impact Assessments (EIAs) will be undertaken. As detailed above, the offshore wind project will provide a number of benefits including social, economic and environmental.

See EPS Licence Supporting Information document accompanying this application for further details.

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

The project aims to contribute to Scotland's target of 11 GW of offshore wind by 2030, and the UK's 40 GW target by 2030. The development of the wind farm will serve to provide UK homes and businesses with a renewable source of power and will create jobs for the various roles required. The proposed activity, which will support the development of TWP's Offshore Wind Farm will serve to address the demand for cleaner sources of energy in line with the UK Government's goals and objectives. Whilst also benefiting the general population through job creation, job security, energy security and access to low carbon energy. The activity, and resulting development, will also be beneficial to the environment as a low carbon energy source.

ScotWind offers the deployment of a proven technology in a location with a recognised wind resource and to deliver a low-cost, low-carbon supply of electricity at a time when the UK urgently needs new generation capacity to maintain a secure, affordable supply of power.

In addition to providing employment over the lifetime of the project, it will also make a highly significant contribution to the local, regional and national economy of Scotland.

Why is it imperative the proposed activity goes ahead?

If the proposed survey activities do not go ahead, geophysical data for the proposed wind farm project cannot be collected to inform the design, layout and Environmental Impact Assessment. The proposed survey operations are required to facilitate the progression of the development of a proposed wind farm, which will allow an increase in renewable energy generation capacity and decrease the national reliance on fossil fuels. Hence, the survey activities constitute work of an overriding public interest whilst presenting a minimal and temporary disturbance in a limited geographical area.

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

The proposed activities will participate in meeting national and international commitments to greenhouse gas reductions, which are under the form of UK policies. This includes pieces of UK and Scottish legislation that have been enacted to help achieve targets for reduction in greenhouse gases. This legislation includes:

The Climate Change Act 2008, which the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline.

The Energy Act 2013 which makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emission reduction and renewables targets; and

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amends the Climate Change (Scotland) Act 2009 and introduces binding targets on the Scottish Government to reduce net Scottish greenhouse gas emissions by at least 100% by 2045 from 1990 levels.

- Other policies to which the project aligns include, but are not limited to:
- Offshore Wind Policy Statement
- Scottish National Marine Plan
- The Scottish Energy Strategy
- The British Energy Security Strategy
- The Net Zero Strategy
- Sectoral Marine Plan for Offshore Wind Energy
- Approved National Planning Framework 4 – achieving net zero in Scotland by 2045 (Scottish Government, 2021e).

This project will help to support the UK government's commitments to reducing greenhouse gas emissions as part of these policies and legislation. This ScotWind project offers the deployment of a technology in a location with a recognised wind resource and to deliver a low-cost, low-carbon supply of electricity at a time when the UK urgently needs new generation capacity to maintain a secure, affordable supply of power.



**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.