

T: +44 (0)300 244 5046

E: [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

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

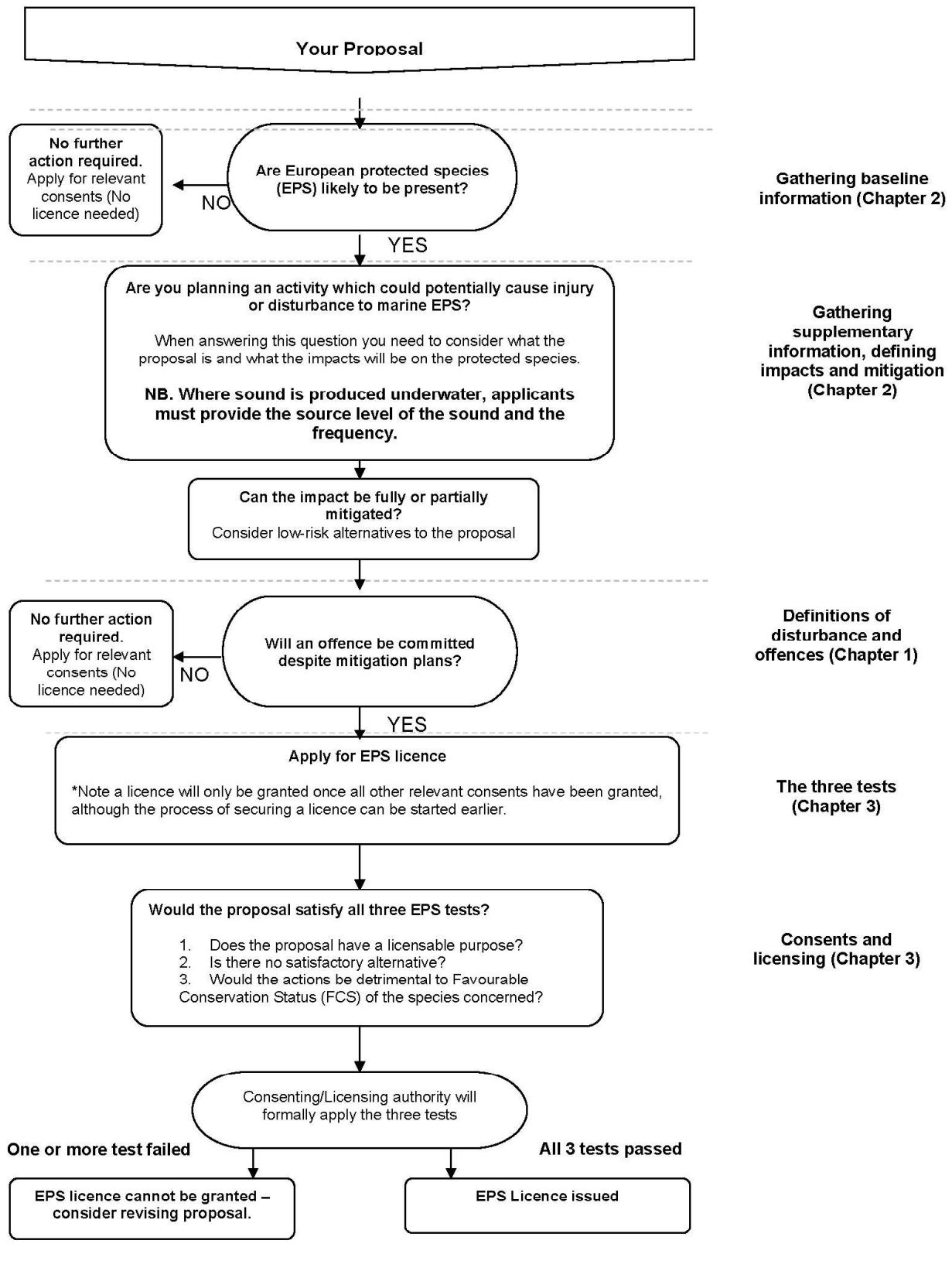
### **Application for a licence to disturb or injure marine European protected species (EPS) for one of the following purposes**

- For preserving public health or public safety or other imperative reasons 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 Directorate Licensing Operations Team (MD-LOT) on 0300 244 5046 or email: [MD.MarineLicensing@gov.scot](mailto:MD.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 Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot).

If the activity relates to a renewable energy project, completed applications should be sent to Marine Scotland Licensing Operations Team (MD-LOT) at the address below or emailed to [MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@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 MD-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.

MD-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 MD-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 NatureScot, email [licensing@nature.scot](mailto:licensing@nature.scot), Telephone 01463 725364 or visit the [NatureScot website](#) for a licence application for these purposes. NatureScot 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. The number of animals must be the maximum that could be affected prior to any mitigation measures being applied. 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 NatureScot, or other appropriate regulator, if the work you propose to do affects a European site, a 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 on the [Marine Noise Registry website](#).

## Section 10 Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, the Marine Directorate has considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. A copy of Scotland's National Marine Plan can be found on the [Scottish Government website](#).

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made with reference to the policies, including but not limited to General Policies 9 and 13 (GEN 9 and GEN 13), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

## Section 11 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 12 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.

Marine Directorate - Licensing Operations Team  
Scottish Government  
375 Victoria Road  
Aberdeen  
AB11 9 DB

Tel: 0300 244 5046  
Email: [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

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: MachairWind Limited.

Business title (if appropriate):

Address: Company contact: [Redacted]  
ScottishPower Renewables,  
9th Floor,  
320 St Vincent Street,  
Glasgow

Tel no. (inc. dialling code): [Redacted]

Email address: [Redacted] @scottishpower.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

Licence number (most recent licence) EPS/BS-00010313

Year in which the licence was issued. 2023

What species were covered by the licence? Harbour porpoise, bottlenose dolphin, minke whale, risso's dolphin, white sided dolphin, short beaked common dolphin and white-beaked dolphin.

What activity was covered by the licence e.g. disturb, injure? Geophysical surveys, including sub-bottom profilers, ultra-high resolution sparkers, multi-beam echo sounders, ultra-short baseline systems, side scan sonar, benthic sampling and geotechnical works

## 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
- Short beaked common dolphin
- Risso's dolphin
- Atlantic white-sided dolphin
- White-beaked dolphin
- Long-finned pilot whale
- Killer whale
- Minke whale
- Humpback whale

Scientific name(s)

- Phocoena phocoena
- Tursiops truncatus
- Delphinus delphis
- Grampus griseus
- Lagenorhynchus acutus
- Lagenorhynchus albirostris
- Globicephala melaena
- Orcinus orca
- Balaeoptera acutorostrata
- Megaptera novaeangliae

(b) How many individual animals will be affected by licensed work? This number must be the maximum number that could be affected before any mitigation measures are applied.

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

For disturbance, the total number of individuals at risk is minimal, with up to 31% of the bottlenose dolphin population (45 individuals), 2.6% of killer whale with a population of 2 individuals, and up to 0.279% any relevant population impacted as a worst-case (and based on the JNCC (2023) Marine Noise Registry daily disturbance of 256km2):

- Up to 0.211% (up to 52 individuals) of the harbour porpoise population may be disturbed
- Up to 30.3% (up to 14 individuals) of the Coastal West Scotland and Hebrides (CWSH) bottlenose dolphin population may be disturbed
- Up to 0.279% (up to 161 individuals) of the short-beaked common dolphin population may be disturbed
- Up to 0.019% (up to 66 individuals) of the white-beaked dolphin population may be disturbed
- Up to 0.046% (up to 6 individuals) of the Atlantic white-sided dolphin may be disturbed
- Up to 0.03% (up to 3 individual) of the Risso's dolphin population may be disturbed
- Up to 2.6% (up to 1 individuals) of the killer whale population may be disturbed, of the west coast community
- Up to 0.005% (up to 9 individuals) of the killer whale population may be disturbed,
- Up to 0.186% (up to 20 individuals) of the minke whale population may be disturbed

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

The estimated number of individuals (as provided above) were determined based on a potential daily disturbance range of 256km2 for all species, as a worst-case, and the relevant densities for each species. The above number of individuals are based on one survey vessel being in use at any one time.

Please see attached European Protected Species (EPS) and Basking Shark Risk Assessment Report (Doc ID: MCW-DWF-CNS-REP-RHS-000001).

(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
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(d) Provide a brief description of the proposed activity and the methods to be used. This should make clear which equipment / activities you consider require an EPS licence and also the equipment / activities you consider do not require an EPS licence.

Detailed information should be included in your supporting information. Please provide details of the source levels and frequencies of underwater noise if relevant.

The proposed geophysical survey is required to inform early project design work for the MachairWind Offshore Wind Farm (OWF). The geophysical survey will take place over the MachairWind Windfarm Development Area (WDA), plus a 1.5km buffer (to allow for line changes and coverage of the whole area).

Two vessels will be deployed: one to undertake the geophysical survey, and a second for guard vessel and fisheries scouting purposes. The geophysical survey is expected to be undertaken between 1 April to 31 August 2025. The geophysical survey is expected to take up to 153 days.

The source levels and associated frequency for the equipment used during the proposed geophysical survey are:

- Sub-bottom profiler (Innomar SES 2000): SPL of 250 dB re 1 uPa @1m; SEL of 218 dB re 1 uPa2s; primary frequency range 85 - 115 kHz; frequency range of 2 - 22 kHz
- MBES (EM2040 Dual Rx): SPL of 215 dB re 1 uPa @1m; SEL of 175 dB re 1 uPa2s; frequency range of 200 - 400 kHz
- SSS (Edgetech 4205; 300kHz): SPL of 220 dB re 1 uPa @1m; SEL of 200 dB re 1 uPa2s; frequency range of 210 - 250 kHz
- SSS (Edgetech 4205; 600kHz): SPL of 220 dB re 1 uPa @1m; SEL of 196 dB re 1 uPa2s; frequency range of 510 - 570 kHz
- USBL (Kongsberg HiPAP 501/502): RMS of 206 dB re 1 uPa; frequency range of 21 - 31 kHz
- Ultra high resolution sparker (DuraSpark 400 UHD): SPL of 220 dB re 1 uPa @1m; SEL of 193 dB re 1 uPa2s; frequency range of 0.5 - 4 kHz

Please see attached European Protected Species (EPS) and Basking Shark Risk Assessment Report (Doc ID: MCW-DWF-CNS-REP-RHS-000001).

(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.

Summary of mitigations for geophysical survey equipment (based on the JNCC 2017 guidelines):

- Pre-survey search of a 500m zone around the acoustic survey source.
  - During hours of daylight and good visibility only.
  - This watch must be for at least 30 minutes.
  - To be undertaken by a non-dedicated MMO (fully trained and JNCC accredited, but can be a member of the vessel crew).
  - Delay procedures in case of marine mammal or basking shark sighting.
    - If any mammal or shark is sighted within the 500m zone, during the 30 minute watch, then the acoustic source cannot be started until the individual/s have been outside of the 500m zone for at least 20 minutes, and the full 30 minute watch has been completed.
- Soft-start and ramp-up
  - Following full pre-watch, sources can be started, but must start with a gradual and consistent increase in power to the required levels, over a 15 minute period. The survey line must commence within 25 minutes of the soft-start commencement.
- Line change procedure
  - For line changes of more than 40 minutes, acoustic source switched off, and full pre-watch and soft-start procedures required before the next line can commence. These procedures can start during the line turn.
  - For line changes less than 40 minutes, can leave the sources running but must increase the shot point interval to at least 5 minutes, and then decrease gradually to required rates in the final 10 minutes of the line turn. This would mean would not have to undertake the pre-watch and soft-start procedure.

In addition to the mitigation outlined above, the following measures will also be used for all vessels:

- Adherence to both the Scottish Marine Wildlife Watching Code and the Shark Trust's Basking Shark Code of Conduct during all operations and transits
- All vessels transiting to the WDA will remain at a distance of at least 500m from the protected seal haul-out sites and will use existing shipping lanes and transit routes wherever available (and safe to do so)

Please see attached European Protected Species (EPS) and Basking Shark Risk Assessment Report (Doc ID: MCW-DWF-CNS-REP-RHS-000001).

#### 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 [NatureScot's website](#).

(a) Will any part of the proposed activity fall within /or adjacent to an area covered by a designated site eg SSSI, SAC, MPA? Yes ☒ No ☐

(b) Please give the name of the designated site(s) and either the outcome of your consultations or the reason why you have not consulted (see note 4). Please enclose any relevant correspondence.

There are a number of protected sites within the vicinity of the proposed geophysical survey, including The Inner Hebrides and the Minches SAC, Treshnish Isles SAC, South-East Islay Skerries, and the Sea of the Hebrides NCMPA.

Due to the close proximity of these designated sites to the proposed geophysical survey area, MachairWind Ltd recognises that there is potential for interaction with qualifying and interest features associated with these sites. However, as there is no potential for injury or significant disturbance to EPS in the vicinity of the survey operations, the conservation status of the protected sites relevant to EPS will not be compromised.

Please see attached European Protected Species (EPS) and Basking Shark Risk Assessment Report (Doc ID: MCW-DWF-CNS-REP-RHS-000001).

## 5. Activities to be licensed

Proposed methods

(a) Please complete all relevant columns in the table below to indicate the methods you propose to use, the activity involved and the time period in which you propose to use each method. This information will be used when preparing the licence to cover activities that would otherwise be unlawful, and failure to give full details may result in an inappropriate licence being issued.

Activity to be licensed (please tick)					Time period	
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass	Method to be used, (e.g. piling)	From To
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SBP	01/04/2025 31/12/2025
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MBES	01/04/2025 31/12/2025
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UHR	01/04/2025 31/12/2025
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	USBL	01/04/2025 31/12/2025
<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.

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) or other 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 annex D

In addition

(e) If you wish to use acoustic deterrent devices to protect fish farm sites in Scottish waters, you must also complete Annex E ☐

## 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 unsatisfactory. Alternatives may include but should not be limited to alternative equipment, methods, location and timing. You must also consider the option of not undertaking the work. It is not acceptable to state that 'there is no alternative'.

Prior to progressing with a geophysical survey within the MachairWind WDA, alternative options were carefully considered, including the option of not undertaking the survey.

In order to map the seabed and sub-surface characteristics of the WDA, a geophysical survey is required. It is considered to be essential due to the need to accurately characterise the baseline WDA environment in order to inform the environmental assessment and ongoing design considerations necessary to the project's development. The proposed geophysical survey methods outlined in this document are the only viable way to ensure the accurate planning and assessment of the MachairWind OWF. The option of not undertaking the geophysical survey was not deemed to be a satisfactory alternative as the data that will be collected is critical to the robust assessment and onward consenting of the project.

Additionally, there are no satisfactory alternatives to the use of survey equipment required during the site investigation works. Although there might be different types of survey equipment that could be used, this is often constrained by the specific purpose of the site investigation survey and the alternative equipment may not be effective in securing the quality of data or coverage that is required for EIA purposes.

Desktop studies of the WDA were undertaken to gain a clearer understanding of ground conditions and UXO risk. This has enabled the refinement of the geophysical survey methodology to ensure the most efficient survey is implemented. Therefore, MachairWind Ltd considers that the 'no satisfactory alternative test' has been met.

Please see attached European Protected Species (EPS) and Basking Shark Risk Assessment Report (Doc ID: MCW-DWF-CNS-REP-RHS-000001).

## 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
Existing Basking Shark Licence	21 March 2023	EPS/BS-00010313	23 June 2023

## 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 on the [Marine Noise Registry website](#).

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.

MachairWind Limited: activity application number 3833\_1 and 3833\_2.

EPS licence applications will not be accepted until this form has been completed and submitted.

## 10. Scotland's National Marine Plan

Provide details of considerations made with reference to the relevant policies that have been considered.

The following policies in Scotland's National Marine Plan have been considered:

- Gen 9: Natural Heritage: Development and use of the marine environment must; comply with the legal requirements for protected areas and protected species, not result in significant impact on the national status of priority marine features and protect and, where appropriate, enhance the health of the marine area.
- Gen 13: Noise: Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.

## 11. Privacy notice

The Scottish Government's Marine Directorate - Licensing Operations Team (MD-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 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 and Basking shark licences under the Wildlife and Countryside Act 1981.

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 on the [Scottish Government website](#). 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: [MD.MarineLicensing@gov.scot](mailto:MD.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 or chart	<input checked="" type="checkbox"/>
Correct co-ordinates	<input checked="" type="checkbox"/>
EPS risk assessment or supporting information	<input checked="" type="checkbox"/>

## Part C. Declarations

12. 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.

[Redacted]

Signature of the  
Applicant

Date 14.01.2025

(The person named at part 1)

Name in block letters

[Redacted] on behalf of MachairWind Ltd

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 Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot) or [MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@gov.scot)

Please remember to include all supporting information.

Marine Directorate - Licensing Operations Team  
Scottish Government  
375 Victoria Road  
Aberdeen  
AB11 9DB

### Disclaimer

While every effort has been made to ensure the information contained in this document is accurate, nothing in this document should be taken to replace the current legislation in force at this time. You are advised to obtain qualified legal advice in relation to your rights and responsibilities under the 1994 Regulations and other legislation.

## Annex A

Only to be completed if you selected 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.

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. While the geophysical survey will mean a disturbance to cetacean species, it will only be temporary in nature, be a risk to a small number of individuals and, with the mitigations that will be put in place, there is no potential for injury. The benefit of undertaking this geophysical survey and allowing for the development to progress has the potential for long-term benefit to Scotland and the renewables industry and helping Scotland to reach the overall target for greenhouse gas emissions.

Please see attached European Protected Species (EPS) and Basking Shark Risk Assessment Report (Doc ID: MCW-DWF-CNS-REP-RHS-000001).

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

MachairWind OWF offers the deployment of a proven technology in a location with recognised wind resource and offers to deliver a low-cost, low-carbon supply of up to 2GW of clean, green renewable electricity. This would make a significant contribution to tackling climate change and achieving Net Zero whilst having the potential to generate enough renewable electricity to power over 2 million homes.

The delivery of the MachairWind project will also enable ScottishPower to build on its long-standing presence and positive track record of investing in and working with local communities and businesses across Argyll & Bute to realise the benefits of renewable energy developments.

Why is it imperative the proposed activity goes ahead?

Should the proposed geophysical survey not proceed, delivery of the MachairWind OWF would not be possible.

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

The MachairWind OWF will have a role in meeting the national and international commitments to greenhouse gas reduction, which correspond to Scottish and UK policies.



## 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.

## Annex E

Only to be completed if you intend to operate ADDs at marine fish farm sites in Scotland Please complete a copy of this annex for each individual site included on your application Please complete all questions

Site name and ID (FS number)

### Device Type 1

Device Details

Device name (and version if applicable)

Number of devices proposed

Source level of device (rms and SPLpeak)

Typical frequency content

Please give details of the proposed duty cycle (or available settings) including the system duty cycle

Duration of use of device (e.g. hours per 24 hour period)

Time of use (e.g particular time of day or time of year)

If multiple devices of this type are to be used, please give details of numbers to be deployed and locations in relation to the site.

## Management of ADD Use

Please give details of the cues/triggers and the decision process to activate ADDs. These cues / triggers should be specific and measurable and should relate to predation events by seals rather than presence of seals in the area.

Give details of how ADD use is to be reviewed

Give details of criteria for deactivation or removal of ADDs (including if they appear to be ineffective)

Give details of ADD deployment plans and any relevant planning conditions relating to ADD use

Please use additional sheets if you propose to use more than one device type