



T: +44 (0)300 244 5046

E: ms.marinelicensing@gov.scot

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

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

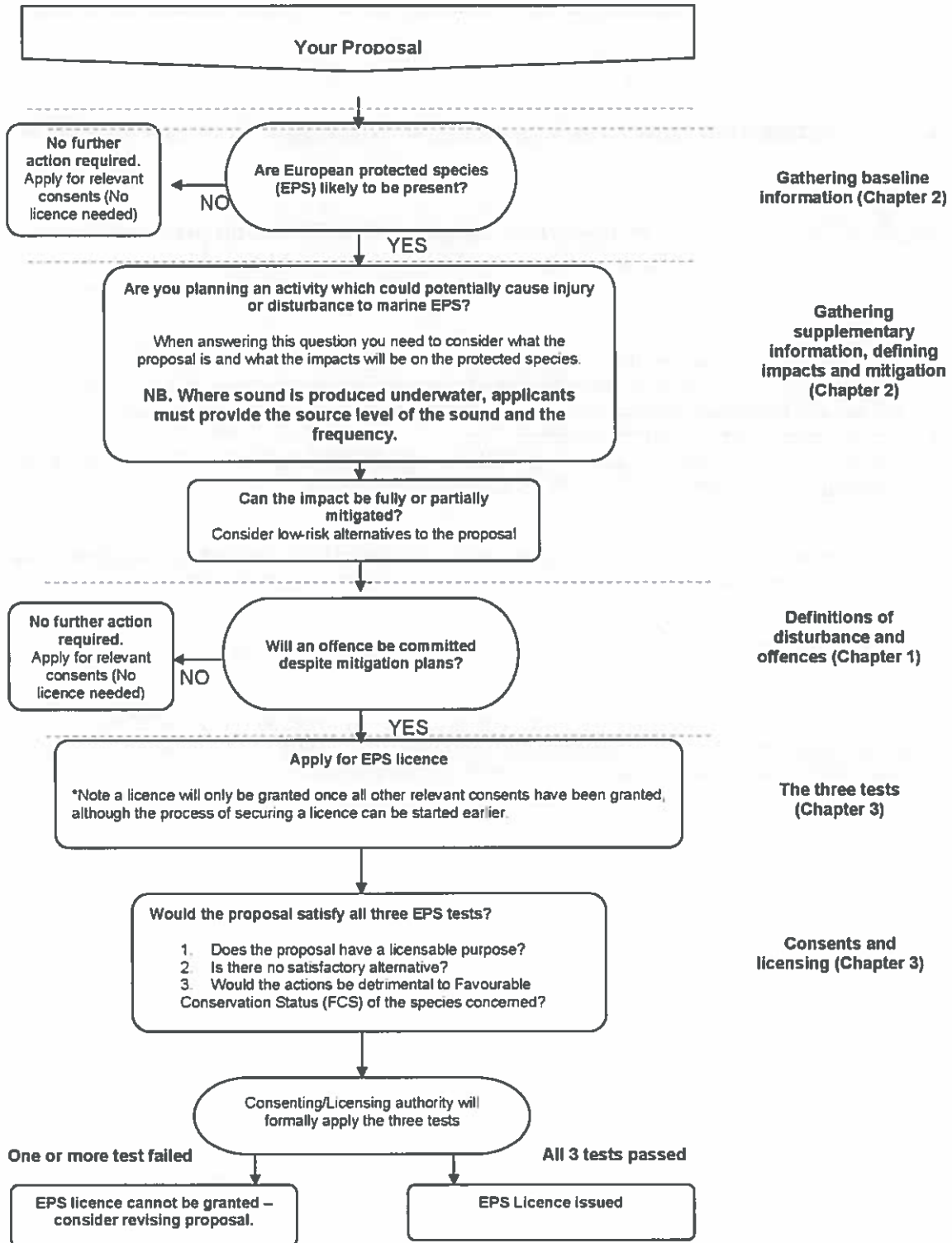
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock,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

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

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

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

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



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: 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): **Bottlenose Dolphin and Harbour porpoise**

Scientific name(s) **Tursiops truncatus and Phocoena phocoena**

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

It has not been possible to obtain exact population data for the above species in proximity to Mgg. The below provides an overview of recent cetacean sightings and records. The Moray Firth SAC is adjacent to the site. The number of bottlenose dolphins using the SAC is estimated and monitored every six years, coordinated by Scottish Natural Heritage (SNH). The last assessment was undertaken in 2016, and it was considered that approximately 103 individuals were using the SAC during the summer, which is over half of the estimated 200 bottlenose dolphins which frequent the coastal North Sea off Scotland.

Since August 2016, Seawatch Foundation have received 255 records of bottlenose dolphin sightings between Nigg and Lossiemouth, the closest of which being submitted in October 2018, when 10 individuals were observed off the coast of Cromarty, within 1.5km of the site.

Chanorry Point, approximately 17km south of Nigg, is a well-known bottlenose dolphin hotspot. Passive Acoustic Monitoring (PAM) is ongoing in the area to monitor the status of the SAC feature. Between 2011 and 2016, during May and September, the percentage of days that dolphins were detected was over 90%.

During the PAM within the SAC, harbour porpoises were detected regularly at Chanorry Point, only rarely at Lossiemouth, and at an intermediate level at the Cromarty Sutors. Recent sightings submitted to Seawatch Foundation indicate that harbour porpoises are more frequently observed along the Moray Coast, in areas such as Hopeman, Covevee and Burghhead, approximately 30km east of the site. Between February 21st and 24th 2019, 52 harbour porpoise sighting records were submitted to Seawatch Foundation between Covevee and Burghhead.

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

Baseline information, to determine how marine mammals utilise the zone of influence of the proposed works, was collated from the following sources:

The Joint Nature Conservation Committee (JNCC)
Seawatch Foundation
Scottish Natural Heritage
Whale and Dolphin Conservation (WDC)
University of Aberdeen Lighthouse Field Station

(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

1. Impact Piling
Impact piling activities will likely produce the loudest noise during construction. For the most part piles will be installed into pre-drilled holes by vibration. Where sediment proves too hard for this approach impact piling will be carried out. Should the impact hammer be required to set a pile, a maximum of 1 hour 12 minutes (2880 strikes) is anticipated over a 12 hour period (noise producing activities are restricted to 07.00-19.00 daily).

2. Vibratory Piling
Two methods of vibratory piling will be undertaken to install both HZ-M King piles and AZ Sheet piles. The underwater noise model has assumed a daily maximum use of this machinery of three hours and six hours, respectively.

3. Dredging
The removal of sediment by either suction or lifting of loose material from the seabed will be undertaken via one or both of the following methods:
 - Suction dredging involves removing sediments via suction. Suction dredging is considered to be noisier due to the amount of moving parts under water, and more time is spent in deeper water where the noise propagates further. The noise model is based on data for the suction dredger, to represent a worst-case scenario.
 - Backhoe dredgers are diggers that will be situated on barges and are suitable for removing soft sediment at shallow depths.

Dredge disposal will be at the Marine Scotland licensed facility at the Sutors.

The exact measurements of the noise levels that will be reached during construction are not yet known, therefore have been predicted for the purposes of underwater noise modelling and are presented in the enclosed information: 'Nigg East Quay EIA Technical Appendix 4.2 Underwater Noise Assessment Nigg East Quay'. These predictions were based on Irwin Carr's in-house experience and the published literature. High Impact (worst case) parameters, provided by the project engineers, will be used to design mitigation to account for all eventualities.

- (e) Briefly state how you will minimise the impact of your proposed work on European protected species. Detailed information should be included in your Supporting Information.

The below summarises the mitigation that has been based on the JNCC guidance 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise' (August 2010). A 500m mitigation zone will be implemented to undertake the following:
 (Further details can be found in Nigg East Quay EIA Technical Appendix 4.1 Marine Mammal Protection Plan)

The mitigation zone will be monitored visually by a Marine Mammal Observer (MMO) for a minimum of 30 minutes prior to piling commencing. The MMO will be positioned at the best vantage point to monitor the mitigation zone.

Piling will not commence if marine mammals are detected within the mitigation zone or until 20 minutes after the last visual detection. The MMO will track any marine mammals detected and ensure they are satisfied that the animals have left the mitigation zone before they advise the crew to commence piling activities.

A soft-start will be employed, with the gradual ramping up of piling hammer power incrementally over a set time period until full operational power is achieved. The soft-start duration will be a period of between 10 and 20 minutes. This will allow for any marine mammals to move away from the noise source.

As some of the works are scheduled during the winter months, it is anticipated that, on occasion, piling works will be programmed during periods of low visibility or darkness. Deviations will be made to the above protocol during times of sea states exceeding 4 or during periods of darkness and/or low visibility i.e. fog.

For periods when MMO monitoring is not possible, a PAM protocol has been designed. This will be implemented during times of low visibility or when the sea state is not conducive to visual monitoring.

If there is a pause in the piling operations for a period of greater than 10 minutes, then the pre-piling search and soft-start procedure will be repeated before piling recommences. If a watch has been kept during the piling operation, the MMO should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft-start immediately. If there has been no watch, the complete pre-piling search and soft-start procedure will be undertaken.

An MMO will be present on the dredge vessel during disposal at The Sutors site. A scan of the water within an approximate 250m radius will be undertaken prior to dredge material being disposed of to ensure that there are no marine mammals, particularly bottlenose dolphin which frequently utilise this habitat, in proximity to the vessel. The search will be conducted for a minimum of 10 minutes.

4. Consideration of designated sites

Designated Areas: National Nature Reserves (NNR), Sites of Specific Scientific Interest (SSSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites, Marine Protected Areas (MPA). Information on designated sites is available on Scottish Natural Heritage website (<http://gateway.snh.gov.uk/sitelink/>) or from your local SNH office.

- (a) Will any part of the proposed activity fall within /or adjacent to an area covered by a designated site eg SSSI, SAC, MPA? Yes No
- (b) Please give the name of the designated site(s) and either the outcome of your consultations or the reason why you have not consulted (see note 4). Please enclose any relevant correspondence.

The Moray Firth SAC is adjacent to the site and is designated for bottlenose dolphins. The Highland Council, in their scoping response, stated that the EIA should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. An assessment of the potential cumulative effects of other developments ongoing within or in proximity to the SAC was also requested.

Paul Thompson of the University of Aberdeen Lighthouse Field Station, who has been involved with the cetacean population studies as part of SNH site monitoring, was consulted to appraise the assessment of the species of concern, and the mitigation protocol outlined above.

The impacts of the proposed development on the Dornoch Firth and Morrich More SAC and the Cromarty Firth SSSI were also considered and are assessed within Nigg East Quay Volume 1: EIA report (Chapter 4), 2019.

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 licenced (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 Vibratory Piling Dredging and dredge disposal		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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'.**

In relation to alternative construction techniques, due to the design and build nature of the construction contract that will be procured by the Applicant, project engineers Arch Henderson have considered a parameter based approach which will be dependent upon the Contractor's final choices. This EIA is written in such a way that accommodates a worst case scenario based on current information. All noise producing activities, even assuming the worst-case scenario, were considered to be negligible to low magnitude impacts upon review of the results of the underwater noise modelling.

'Do nothing' scenario:

The alternative is not to have the scheme and lose out on the associated/ substantial economic and social benefits for The Highlands. The scheme enables Nigg to have a competitive edge in attracting opportunities and investment in the future by having this infrastructure in place. An alternative location would result in failure to capture these benefits and potential contracts that will contribute greatly to the overall development of the Highlands.

Until relatively recently the potential to expand the Energy Park in this area was limited due to the lack of available land to the east. However, with the purchase of the adjacent Dunskeath House and associated land, the proposed development is now viable for expansion. This is regarded as the most practical and safe option for handling and storing renewables and North Sea oil components, which would arrive, be assembled (within the Energy Park) and ultimately leave by sea. The alternative of expanding over vacant land to the east of the B9175 public road is less attractive. This would involve regular movements of large components across this road and, unlike the current proposals, does not provide direct access to the existing and proposed berthing facilities in the Cromarty Firth. The concept of an East Quay was also identified within the Highland Council's Nigg Masterplan.

Additionally, the Dunskeath land comprises reclaimed, made ground with few ecological features of interest; whereas the land adjacent to the B9175 comprises scrub and grassland habitats of greater value.

8. Other Licences / Consents

Please detail below all licences / consents you have applied for or received. **Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).**

Type of Licence / Consent (e.g. Marine Licence, Local Planing Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of licence / consent
Marine Licence for Construction			
Marine Licence for Dredging and Sea Disposal			

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.

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

14 - Aug - 2019

(The person named at part 1)

Name in BLOCK LETTERS

RORY GUNN

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.

The Nigg fabrication yard was established in 1972 and consists of approximately 70 hectares of land reclaimed from the eastern edge of Nigg Bay. Nigg Oil Terminal was subsequently established to support the Beatrice oilfield development in the mid-1970s. The yard was operational from 1972 until 2001 and during peak operation employed around 5,500 personnel and supported a wider supply chain. Following sector-wide operational difficulty at the turn of the Millennium, approximately 5,000 jobs were lost along with the supply chain benefits. Following a period of instability, Global Energy purchased the facility in 2011 and have been operational since. Following this, the Applicant is continuing to create an internationally competitive industrial multi-user facility providing fabrication and support service to the energy sector as outlined within the Nigg Development Masterplan which was adopted by the Council in March 2013. Depending on the nature of the contracts awarded to Global Energy, post completion, the development of the East Quay would see the creation of 250-300 direct full time jobs. Alternatively on a project by project basis, up to 100 people could be employed for the duration of a project (approx. 12 – 18 months).

Offshore energy represents a key opportunity for sustainable economic growth in Scotland, with around 25% of all of Europe's wind energy crossing the seas around Scotland. Confidence in the offshore sector is growing since Electricity Market Reform, with several high profile offshore windfarms being consented in waters around Scotland in the last five years. According to the Scottish Government's Sectoral Marine Plan for Offshore Wind Energy, in the last two years Scottish Ministers have given consent to several demonstration scale projects in Scottish Waters.

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

Depending on the nature of the contracts awarded to Global Energy, post completion, the development of the East Quay would see the creation of 250-300 direct full time jobs. Alternatively on a project by project basis, up to 100 people could be employed for the duration of a project (approx. 12 – 18 months).

The primary function of the Nigg Energy Park is the provision of facilities and services to support the oil and gas and renewables sectors. The Applicant has since successfully diversified to satisfy current market needs in the north of Scotland. A typical day may include the repair of drilling rigs, fabricating subsea manifolds, berthing vessels or marshalling offshore wind components.

Also contained within Nigg Energy Park is the "not-for-profit" business - Nigg Skills Academy (NSA). The independent business was set up to support black trade skills (Welding, fabrication and pipe fitting) for local employees in partnership with North Highland College and is now diversifying into running courses for other industries.

Why is it imperative the proposed activity goes ahead?

After acquiring the Nigg fabrication yard in 2011 the Global Energy Group made significant investments in site infrastructure, general enhancement and in the establishment of the Nigg Skills Academy on-site training facility. This and Nigg's strategic location close to the Moray Firth has seen Global capture a significant share of rig inspection, repair and maintenance (IRM) and renewable energy device manufacturing, assembly, installation and maintenance contracts.

The upgrading and extending of the South Quay in 2015 also significantly enhanced Nigg's ability to attract work relating to a resurgence in the North Sea Oil sector. It also provides facilities in support of the construction and marshalling of components for off-shore wind turbine projects. This success has seen the growth in demand for further berthing and laydown space. The proposed East Quay development now aims to address this demand and help create additional employment opportunities.

Given that, as of May 2018, Scotland had 217 Megawatts (MW) of installed offshore wind capacity but with a further 4.2 Gigawatts (GW) in construction or awaiting construction, it is clear that facilities such as Nigg Energy Park are imperative in servicing this pipeline of development. The proposed development aims to address the current lack of suitable berths at Nigg to service both the Applicant's North Sea oil sector clients, whilst the wider Energy Park would service their current and potential clients in the rapidly growing offshore renewables sector.

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

The proposals are supported by national, regional and local planning, economic development and environmental policies. These and future development opportunities offered by the Nigg Energy Park and over proximal lands to the east are identified within the following:

- The National Planning Framework (NPF3) (June 2014)
- Scottish Planning Policy (June 2014)
- The Inner Moray Firth Ports and Sites Strategy (June 2008)
- The Nigg Development Masterplan (March 2013)
- The National Renewable Infrastructure Plan (NRIP) (2009)
- The Highland Wide Local Development Plan (April 2012)
- The Inner Moray Firth Local Development Plan (July 2015)

National Planning Framework 3 sets the context for development planning and provides a framework for the spatial development and a long term vision for development and investment across Scotland as a whole over the next 20 to 30 years. The Nigg yard is mentioned as:

- A diverse and distinctive opportunity to develop a successful, sustainable place in the context of the Inverness and the Inner Moray Firth City Region;
- A key port and industrial site well placed to take advantage of investment in the energy sector, both renewables and oil and gas with 'its deep water is an asset of strategic importance' and
- Part of the Low Carbon and Renewables North Enterprise Area where development will go hand in hand with continuing protection of the very special environment of the Firths

The Highland wide Local Development Plan supports the growth of jobs and population within the Luster Rise area. Specific policy advice in Policy 23 supports the development of Nigg and proximal lands in line with the Council's approved Masterplan

The Inner Moray Firth Local Development Plan identifies Nigg as a key employment site and forms part of the Plan's strategy to develop the fabrication industry in the Cromarty Firth area, particularly related to North Sea oil and the renewables industry. The Nigg fabrication yard, all berths to the north and proximal lands to the east are allocated for industrial use covering 210 9ha. Only the East Quay proposal forms part of this allocation. This is potentially due to the house and associated lands of Dunneath House not being available during preparation of the Local Development Plan and Nigg Masterplan.

The application advice was obtained from The Highland Council as Planning Authority in 2016. Overall this acknowledged the key role Nigg plays as a major employer in the area and the need to ensure it is well placed to expand and re-develop to take advantage of arising opportunities. The broad principle of development is considered to be acceptable when assessed against the Local Development Plan and Supplementary Guidance. A number of issues which should be addressed as part of any application were set out in this advice and are summarised below. Policy Development of Nigg as multi-functional site is supported.

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



Annex C

Only to be completed if you selected for *Preventing the spread of disease* in Question 6 of the application form

Please complete all questions

What disease(s) is / are at risk of being spread if the proposed activity does not go ahead? Please give details of any expert advice received.

How will the proposed activity prevent the spread of disease? Please give details of any expert advice received.

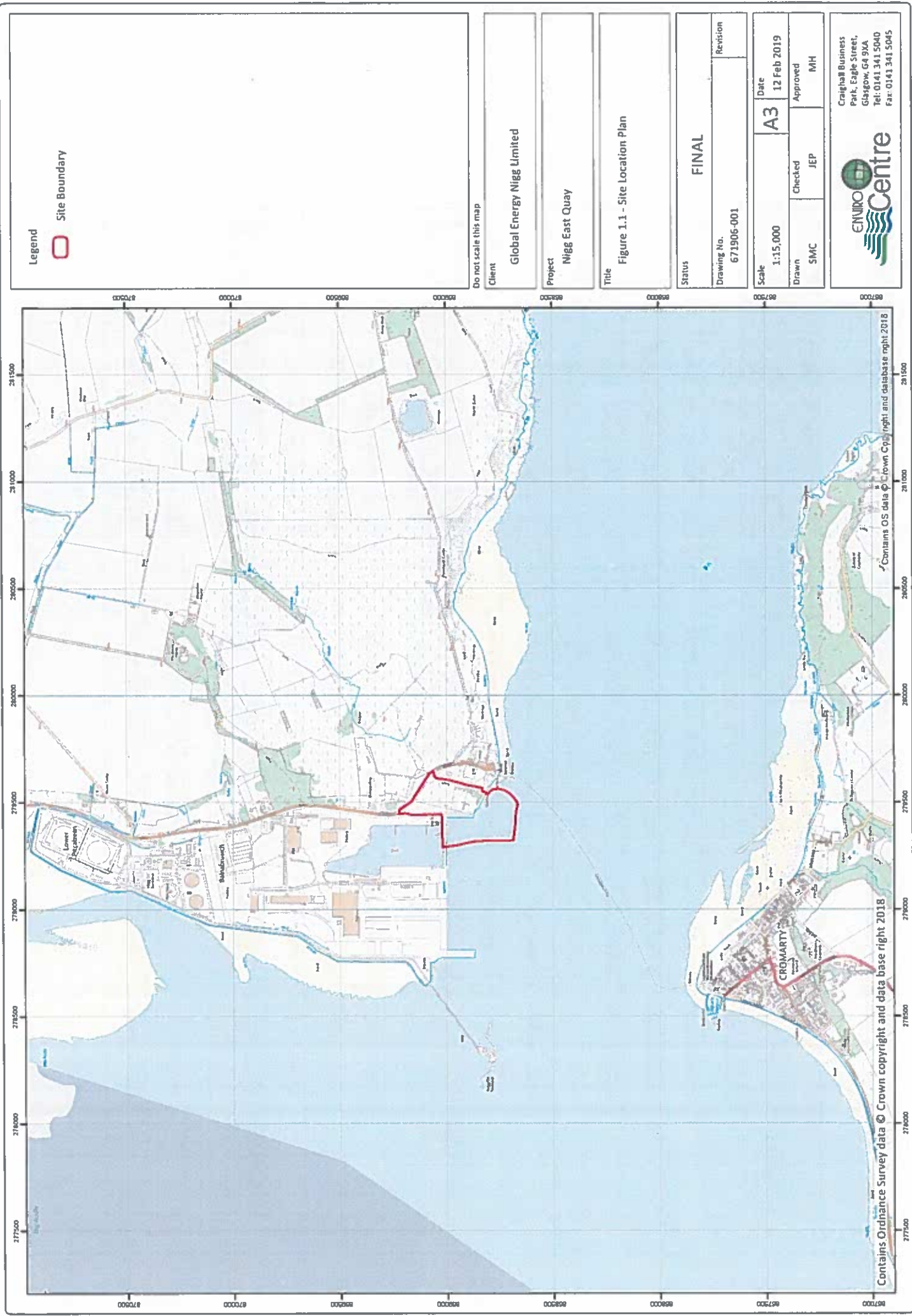
Annex D

Only to be completed if you selected for *Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries* in Question 6 of the application form.

Please complete all questions

What serious damage has occurred or will occur if the proposed activity does not go ahead. Please give details of any expert advice received.

How will the proposed activity prevent serious damage? Please give details of any expert advice received.



Legend
 Site Boundary

Do not scale this map

Client

Global Energy Nigs Limited

Project

Nigg East Quay

Title

Figure 1.1 - Site Location Plan

Status

FINAL

Drawing No.

671906-001

Revision

Scale

1:15,000

Date

12 Feb 2019

Drawn

SMC

Checked

JEP

Approved

MH

Craighall Business
 Park, Eagle Street,
 Glasgow, G4 9VA,
 Tel: 0141 341 5040
 Fax: 0141 341 5045



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Appendix 1 – Outline Coordinate Lists for Dredge Areas, Dredge Slopes and Extent Below MHWS

	X	Y	DMS (Degrees Minutes Seconds)	DDM (Degrees Decimal Minutes)
6m Dredge				
	279448.000122	868805.151197	57°41'35.297"N 4°1'21.306"W	57 41.588286 -4 1.355095
	279448.000122	868748.938721	57°41'33.48"N 4°1'21.207"W	57 41.558006 -4 1.353446
	279487.897483	868749.311823	57°41'33.531"N 4°1'18.801"W	57 41.558847 -4 1.313349
	279487.897483	868790.164684	57°41'34.855"N 4°1'18.872"W	57 41.580924 -4 1.31454
	279482.589679	868793.038022	57°41'34.94"N 4°1'19.201"W	57 41.582335 -4 1.320013
	279473.580872	868797.9151	57°41'35.09"N 4°1'19.761"W	57 41.584832 -4 1.329342
	279457.347107	868804.553528	57°41'35.286"N 4°1'20.743"W	57 41.588107 -4 1.345722
10m Dredge				
	279487.944747	868677.374227	57°41'31.208"N 4°1'18.669"W	57 41.520131 -4 1.311145
	279397.949657	868688.902901	57°41'31.493"N 4°1'24.125"W	57 41.524883 -4 1.402088
	279487.949657	868748.938727	57°41'33.512"N 4°1'18.804"W	57 41.558539 -4 1.313392
	279398.000122	868750.000122	57°41'33.47"N 4°1'24.229"W	57 41.557836 -4 1.403819
12m Dredge				
	279346.656412	868989.888535	57°41'41.178"N 4°1'27.766"W	57 41.686303 -4 1.462773
	279397.836345	868974.490543	57°41'40.728"N 4°1'24.672"W	57 41.678797 -4 1.411204
	279397.949657	868688.902901	57°41'31.483"N 4°1'24.116"W	57 41.524714 -4 1.401932

Appendix 1 -- Outline Coordinate Lists for Dredge Areas, Dredge Slopes and Extent Below MHWS

Extent Below MHWS		DMS		DDM	
279346.893494	868695.948914	57°41'31.669"N	4°1'27.223"W	57 41.527809	-4 1.453717
279545.420484	868815.914891	57°41'35.777"N	4°1'15.405"W	57 41.59629	-4 1.256742
279539.397663	868807.754126	57°41'35.48"N	4°1'15.835"W	57 41.591325	-4 1.263925
279560.890586	868782.916109	57°41'34.646"N	4°1'14.446"W	57 41.57743	-4 1.240774
279563.536423	868757.449905	57°41'33.912"N	4°1'14.278"W	57 41.565207	-4 1.237962
279556.9219	868729.007125	57°41'32.949"N	4°1'14.608"W	57 41.549143	-4 1.243461
279541.708325	868702.54875	57°41'32.078"N	4°1'15.518"W	57 41.534636	-4 1.258636
279502.351449	868669.806516	57°41'30.979"N	4°1'17.918"W	57 41.516309	-4 1.298639
279490.114429	868665.176238	57°41'30.831"N	4°1'18.549"W	57 41.513858	-4 1.309158
279454.064867	868675.098133	57°41'31.14"N	4°1'20.676"W	57 41.518998	-4 1.344607
279454.064867	868675.098133	57°41'31.14"N	4°1'20.676"W	57 41.518998	-4 1.344607
279321.428131	868687.489624	57°41'31.421"N	4°1'28.812"W	57 41.523677	-4 1.480192
279321.427541	868796.63896	57°41'34.86"N	4°1'28.908"W	57 41.580996	-4 1.481792
279316.849195	868870.756684	57°41'37.284"N	4°1'29.33"W	57 41.621395	-4 1.488841
279300.60624	868942.98328	57°41'39.61"N	4°1'30.483"W	57 41.660173	-4 1.508055
279292.591943	868999.237822	57°41'41.416"N	4°1'31.064"W	57 41.69026	-4 1.517727

Appendix 1 – Outline Coordinate Lists for Dredge Areas, Dredge Slopes and Extent Below MHWS

	279429.131492	868998.600303	57°41'41.547"N 4°1'22.823"W	57 41.692457 -4 1.380383
	279428.104287	868872.607561	57°41'37.476"N 4°1'22.628"W	57 41.624608 -4 1.377133
	279467.14	868863.921133	57°41'37.207"N 4°1'20.183"W	57 41.620124 -4 1.336391
	279477.911907	868850.923297	57°41'36.84"N 4°1'19.62"W	57 41.613998 -4 1.326992
East Dredge Slope	DDM			
			DMS	
	279448.000122	868840.968995	57°41'36.482"N 4°1'21.39"W	57 41.608034 -4 1.356496
	279469.108207	868838.552243	57°41'36.387"N 4°1'20.138"W	57 41.606442 -4 1.335628
	279479.921883	868835.466014	57°41'36.295"N 4°1'19.413"W	57 41.604923 -4 1.323556
	279532.271218	868803.231206	57°41'35.345"N 4°1'16.244"W	57 41.589077 -4 1.270726
	279544.985608	868767.917069	57°41'34.19"N 4°1'15.412"W	57 41.569827 -4 1.256867
	279532.954746	868720.512216	57°41'32.651"N 4°1'16.07"W	57 41.544189 -4 1.267826
	279527.817995	868710.367402	57°41'32.301"N 4°1'16.29"W	57 41.538353 -4 1.271497
	279507.516856	868697.716023	57°41'31.87"N 4°1'17.536"W	57 41.531174 -4 1.292274
	279487.944747	868677.374227	57°41'31.223"N 4°1'18.699"W	57 41.52038 -4 1.311652
	279487.897483	868790.164684	57°41'34.84"N 4°1'18.877"W	57 41.580673 -4 1.314612
	279457.347107	868804.553528	57°41'35.311"N 4°1'20.749"W	57 41.588519 -4 1.345818
	279448.000122	868805.151197	57°41'35.303"N 4°1'21.276"W	57 41.588379 -4 1.354601

Appendix 1 – Outline Coordinate Lists for Dredge Areas, Dredge Slopes and Extent Below MHWs

North Dredge Slope		DMS		DDM	
	279397.795945	868996.336324	57° 41' 41.46" N 4° 1' 24.704" W		57 41.690992 -4 1.411738
	279397.836345	868974.490543	57° 41' 40.733" N 4° 1' 24.644" W		57 41.678883 -4 1.410729
	279346.656412	868989.888535	57° 41' 41.197" N 4° 1' 27.747" W		57 41.686615 -4 1.462444
	279334.597127	868996.414712	57° 41' 41.366" N 4° 1' 28.515" W		57 41.689442 -4 1.475256
	279397.795945	868996.336324	57° 41' 41.439" N 4° 1' 24.663" W		57 41.690647 -4 1.411052
West Dredge Slope		DMS		DDM	
	279346.656412	868989.888535	57° 41' 41.176" N 4° 1' 27.725" W		57 41.686264 -4 1.462091
	279346.608531	868854.43667	57° 41' 36.803" N 4° 1' 27.561" W		57 41.613379 -4 1.459357
	279346.893494	868695.948914	57° 41' 31.673" N 4° 1' 27.211" W		57 41.527883 -4 1.453521
	279342.328317	868701.052574	57° 41' 31.81" N 4° 1' 27.459" W		57 41.530171 -4 1.457645
	279336.241633	868729.697828	57° 41' 32.765" N 4° 1' 27.944" W		57 41.54609 -4 1.465725
	279334.552344	868749.798041	57° 41' 33.38" N 4° 1' 28.074" W		57 41.556326 -4 1.467895
	279334.387034	868854.43667	57° 41' 36.765" N 4° 1' 28.287" W		57 41.612758 -4 1.471443
	279334.597127	868996.414712	57° 41' 41.384" N 4° 1' 28.496" W		57 41.689732 -4 1.474939

