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THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)

Application for a Basking shark (*Cetorhinus maximus*) licence for one of the following purposes

- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.
- Social, economic or environmental purpose

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

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 supply any necessary supporting information e.g. detailed method statements, risk assessments etc.

MS-LOT will aim to determine whether a licence should be issued **within 6 to 8 weeks of acceptance of a completed application.**

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 Basking sharks in the inshore marine area (0 – 12 nautical miles).

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 email 01463 725000 licensing@snh.gov.uk to discuss licensing requirements for these purposes.

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. Failure to carry out the work proposed in accordance with the terms of the licence may expose the licensee to criminal liability.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B

Section 3

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 long 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 as described in the Wildlife and Countryside Act 1981 (as amended), Part 1, Section 16 (3).

Section 7 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This must include the 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), or alternative methods of carrying out the work and alternative dates / timings. The 'do nothing' alternative must also be considered.

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 a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. Activities where this type of noise is produced include impact pile driving, geophysical surveys (seismic, sub bottom profiling and multibeam echosounders), explosives and some acoustic deterrent devices. Where noisy activity is being undertaken, you must complete a Proposed Activity form in the Marine Noise Registry, which collects estimated location and date range data on noisy activities. The Marine Noise Registry can be accessed at <https://mnr.jncc.gov.uk/>. The Marine Noise Registry also collects the actual location and date data (after the activity has been completed). This data should be provided as a Close-out Report in the Marine Noise Registry following completion of the activity, please note that any licensee with a marine licence granted subject to conditions specific to the Marine Noise Registry will need to complete the appropriate data submission to fulfill the Marine Noise Registry. Indicate any noise generating activity and the sound frequency in hertz.

Section 10 Privacy notice

This section briefly describes the Scottish Ministers' responsibilities in relation to Data Protection based on the requirements 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 Method Statement 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 returns.

Where to seek further information

Further information can be obtained from Licensing Operations Team at the address below.

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 2017 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 The Wildlife and Countryside Act 1981 (as amended) failure to carry out the work which you propose in accordance with the terms of the licence may expose you to criminal liability.

1. Name of applicant

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

Company Name: [Orbital Marine Power (Orkney) plc]

Business Title (if Appropriate): [Programme Manager]

Address: [Innovation Centre - Orkney
Hatston Pier Road
Kirkwall
Orkney]

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

Email address: [Redacted]

2. The Applicant: Previous applications:

Have you previously held a wildlife licence issued in the UK? (please tick as appropriate)

Yes ☒ No ☐ (If yes, please complete below, if no, please go to Part B)

Who issued the licence? [Marine Directorate]

Licence number (most recent licence) [BS-00010905]

Year in which the licence was issued. [2024 (renewed)]

What species were covered by the licence? [basking shark]

What activity was covered by the licence e.g. disturb, injure? [Licence to disturb]

Part B. The Application

3 Species

(a) How many individuals will be affected by licensed work?

Although the Orkney Islands are not considered a hotspot or key aggregation site for this species, over the years infrequent sighting of basking shark have been recorded (Witt et al., 2012; Drewery, 2012; NGN, 2023; Marine Scotland, 2023; HWDT, 2024). The peak period for records in between July and September, with sightings between November and April considered rare (Evans et al., 2003; HWDT, 2024).

The boat-based visual observations during the Westray / EMEC marine wildlife surveys (April 2023 – March 2025) recorded one single basking shark within the month of August during the first year of survey, indicating a low density of the species in this area.

Orbital has not recorded any instances of basking sharks during maintenance operations associated with the O2.

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

Please see above for an indication of the low number of basking shark present at the Fall of Warness test site.

(c) Location of proposed licensed action

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

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

The project will involved the installation, operation and maintenance of the Orbital O2 2MW tidal turbine and associated gravity anchors system, mooring lines and electrical cable. Multicat style workboats are likely to be employed for all installation operations. RIB style crew transfer vessels will be employed for regular maintenance, with multicats to tow the O2 2MW to and from site if more extensive maintenance is required.

See Project Information Document 2018 for further details.

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

The project will adhere to a Project Environmental Monitoring Programme (PEMP). Details regarding the proposed mitigation and monitoring measures are provided within the PEMP. Key mitigation measures that will be applied includes:
The Scottish Marine Wildlife Watching Code (SMWWC) will be adhered to, vessel activity, speed and routing will be considered to mitigate disturbance potential.

See Project Environmental Monitoring Programme 2018 for further details.

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. Please enclose any relevant correspondence.

None of the adjacent designated site are of relevance to basking sharks.

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.

Disturb	Kill	Take / trap	Damage or destroy place of shelter / protection	Method	From	To
☒	☐	☐	☐	Installation, operation and decommissioning of Orbits	1/06/2019	31/12/2039
☐	☐	☐	☐			
☐	☐	☐	☐			
☐	☐	☐	☐			

6. Purposes of the licence application (tick one box only)

Please indicate which purpose relates to the proposed works. The options shown are taken from the **The Wildlife and Countryside Act 1981 (As amended)**

- (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) (Section 16 (3) (f)) ☐

Complete Annex A

- (b) Preventing the spread of disease (Section 16 (3) (g)) ☐

Complete Annex B

- (c) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries. (Section 16 (3) (h)) ☐

Complete Annex C

- (d) Social, economic or environmental purpose (Section 16 (3) (i)) ☒

Complete Annex D

7. Satisfactory alternatives

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'.**

The UK government, with active support from the Scottish Government, Highlands and Islands Enterprise and European Commission, has established the European Marine Energy Centre (EMEC) as a test site for wave and tidal energy conversion devices.

Orbital Marine Power's technology development programme requires that a full scale version of their technology, the O2 2MW be subject to long term testing at a grid connected site to verify the turbine and its various subsystems long term performance, to provide learning towards further design improvements, to demonstrate and validate the costs associated with a suite of maintenance activities and to provide confidence to policy makers, public innovation agencies and private investors as to the potential for the technology to justify further policy and financial support to the company and towards driving the growth of the tidal stream energy sector. This will in turn support the emergence of a new low carbon, predictable generating technology to support UK and Scottish Government climate change targets.

The EMEC test site, in line with its objectives, provides the following benefits - a Section 36 consent for up to 10 MW of installed capacity, a physical grid connection and grid connection capacity. Within the UK at the moment, there are no other options available to deploy this tidal turbine with available consents, physical grid connection and grid connection capacity.

Orbital had around the time of initial deployment considered developing its own project site for demonstration purposes. It held an agreement for lease for the Lashy Sound site, Orkney. However, it was not feasible to develop a project here that would be capable of securing grid connection capacity in the timescales required for the O2 test programme. The Lashy Sound site also had water depth limitations that would prevent the deployment of the O2 style turbine.

The deployment location is situated within the Plan Option areas set out in Scotland's National Marine Plan (2015). The associated plan policy states:

RENEWABLES 1: Proposals for commercial scale offshore wind and marine renewable energy development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process. Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables.

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 Consent (e.g. Marine Licence, Local Planning Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of consent
Marine Licence	12/10/2018	06818/19/1	16/01/2019

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.

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	☒
Completed Annex	☒
Map / Chart	☒
Correct co-ordinates	☒
Additional information / EPS risk assessment	☐

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 **THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)** failure to carry out the work which you propose in accordance with the terms of the licence may expose you to criminal liability. 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 **THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)**, 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

07/07/2026

(The person named at part 1)

Name in BLOCK
LETTERS

[Redacted]

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

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

Please remember to include all supporting information.

Licensing Operations Team
Marine Scotland
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 1981 Act and other legislation.

Marine Laboratory, PO Box 101, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland



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 *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 C

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 D

Only to be completed if you selected for a Social, economic or environmental purpose 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 deployment of the O2 tidal turbine forms a core phase of the testing and demonstration programme associated with Orbital Marine Power's technology commercialisation programme. Over the long term, the technology has the potential to underpin a global tidal stream industry of up to 10 GW in the UK and 100 GW globally, enough to power 80 million homes with low carbon electricity. The industry can make an important contribution to the lowering of the UK's carbon emissions. It will support the provision of high quality, skilled employment in the north of Scotland as part of the energy transition.

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

The project is an important step in the commercialisation of the tidal stream energy sector. It will support the growth of a generating technology that has a low carbon footprint and a highly predictable generating profile. The project will support further technology learning to reduce costs, and its performance will help secure more public and private investment into developing the sector.

This type of technology is currently not available in the UK. By contrast, wind and solar energy are intermittent forms of renewable energy generation, which necessitate a range of additional energy storage projects to balance the grid network, which results in increased overall costs and environmental impacts. Nuclear energy, which is effectively prohibited in Scotland, is associated with a range of environmental issues.

The public interest will therefore be served by supporting the emergence of a predictable, low carbon source of electricity with large scale roll-out potential in Scotland and the UK.

Why is it imperative the proposed activity goes ahead?

The European Marine Energy Centre is currently the only location in the UK suitable for the deployment of the O2 tidal turbine.

If the project does not go-ahead at EMEC, Orbital will not be able to progress the further development of its proprietary tidal technology nor to raise further funding towards its commercialisation programme. This would result in the loss of 35 full time jobs and as a leading tidal technology developer, significantly undermine the long term potential of the sector to deliver low carbon generation and high quality jobs in the low carbon economy.

This would have national and international implications for the growth of the tidal stream energy sector.

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

The deployment location is situated within the Plan Option areas set out in Scotland's National Marine Plan (2015). The associated plan policy states:

RENEWABLES 1: Proposals for commercial scale offshore wind and marine renewable energy development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process. Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables.

The project will support the targets set out in the following Scottish and UK policies and associated strategies through supporting a significant demonstration project in the commercialisation pathway for tidal stream energy. A key theme of these policies is the need for a significant increase in low carbon electricity generation in the UK, with electricity generation providing a decarbonisation pathway across all energy users. Tidal stream energy has the potential to deliver around 10 GW of predictable generating capacity in the UK to support the following:

The Climate Change Act 2008 (the 2008 Act) commits to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

The UK Energy White Paper (December 2020) sets out that "electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050. It sets a key objective to "accelerate the deployment of clean electricity generation through the 2020s" and states that a four-fold increase in clean electricity generation is required with the decarbonisation of electricity increasingly underpinning the delivery of the UK's net zero target.

The UK Government published the Net Zero strategy in October 2021. This set out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC) and establishes the long-term pathway to net zero by 2050. It sets out that power system must be fully decarbonised by 2035. The strategy also builds on the UK Government's 'Ten Point Plan' with a vision to create new jobs in net zero industries as we meet our climate target.

On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published 'Power Up Britain' which comprises a series of documents including an Energy Security Plan and Net Zero Growth Plan. The report sets out that the Government is aiming for a doubling of Britain's electricity generation capacity by the late 2030s in line with its aim to fully decarbonise the power sector by 2035, subject to security of supply.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 - The Scottish Government has a statutory target to achieve "net zero" by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets.

The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including more than 20 GW of additional renewable electricity on and offshore by 2030 and a just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.