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

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

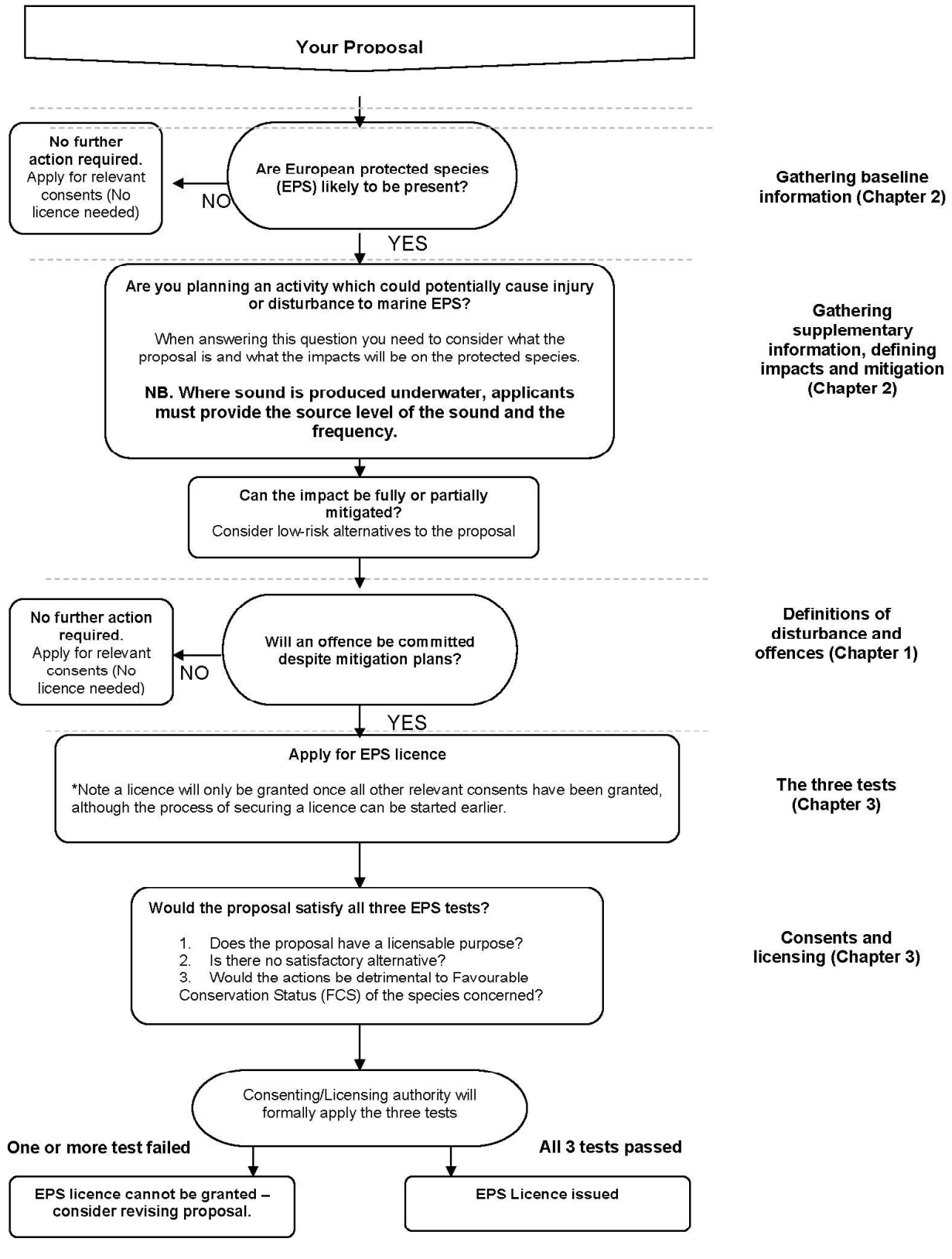
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock,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

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

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

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

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



Please complete all relevant sections of the form.

Please ensure that you answer questions fully in order to avoid delays.

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

We will not process unsigned application forms.

Please ensure that you provide appropriate information to support your application. Applicants can provide this supporting information in the form of an EPS Risk Assessment. Guidance can be found in [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#). Please contact MS-LOT if you wish to discuss the level of supporting documentation required for your application. Failure to provide sufficient supporting information may delay the consultation and licensing process.

MS-LOT will aim to determine whether a licence should be issued **within 6 to 8 weeks of acceptance of a completed application**. However, please note that for large scale or complex projects, the determination period may be longer.

If you experience any problems filling in this form, please contact MS-LOT.

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

Please note that European protected species are also protected in the offshore marine environment (between 12 and 200 nautical miles). Species in this area are protected under The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Do not use this form if your application relates to scientific, research, conservation or educational purposes. Please contact Scottish Natural Heritage (SNH Licensing, Great Glen House, Leachkin Road, Inverness IV3 8NW, Telephone 01463 725000, email licensing@snh.gov.uk or visit [their website](#)) for a licence application for these purposes. SNH also issues licences for the purposes of marking animals or plants in relation to conservation or introducing them to particular areas for conserving natural habitats, and for protecting zoological or botanical collections.

Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).

It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Part A

Section 1 Personal details

Please provide details of the individual, company or partnership you wish to be named on the licence. The licensee is responsible for ensuring compliance with the licence and its conditions. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with the terms and conditions of a licence.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B
Section 3

Species

Please provide details of the species that will be affected by the work, the number likely to be affected and a description of how this number was determined. This information can be described in detail in your supporting information. You will need to provide detailed proposals (to be included in the 'Supporting information') of all the mitigation work that you plan to carry out which will affect European protected species.

Location

Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the proposed project. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84. In a few cases, (e.g. laying of cables or pipelines) it may only be practicable to supply co-ordinates for the start and end points.

Example: For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55°55'44"N 2°22'11"W (WGS84).

It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

Section 4 Consideration of designated sites

Please provide details of any designated sites affected by your proposals. You are advised to consult Scottish Natural Heritage, or other appropriate regulator, if the work you propose to do affects a Natura site, an MPA or a Site of Special Scientific Interest.

Section 5 Activities to be licensed

Please indicate the activities you intend to undertake that would otherwise be unlawful. Provide details of the proposed commencement and completion dates of the activities. **The licence start date will not be backdated, since to commence a project for which a licence has not been obtained may constitute an offence resulting in appropriate legal action.**

It is the licensee's responsibility to apply for any further licences or an extension prior to the expiry of the initial licence.

Section 6 Purpose of the licence application

Please indicate the purpose of the licence application, the first of the legal tests.

Please complete the relevant Annex to provide justification for the licensing purpose. This is the [legal basis of the application](#).

Section 7 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This must include all other options that have been evaluated, the alternative sites that were considered by you and why they were rejected (if no other sites were considered, you must provide the reasons why), as well as all alternative methods of carrying out the work and alternatives dates / timings.

In relation to each alternative considered, please provide an explanation of why you consider it to be satisfactory or unsatisfactory. In respect of any alternative sites please provide the location(s) and details of the alternative site(s), or your views on how the activity/proposal might have been achieved differently, and any other helpful information; e.g., pros and cons of alternative sites, or whether there is likely to be demand for all suitable sites to be used to meet an identified need. Please explain how this conclusion was reached.

Section 8 Summary of the planning / licensing position

Detail all consents and licences required for the proposed project and indicate those that you have applied for or received.

Section 9 Noise Monitoring

Under the Marine Strategy Regulations (2010), there is now a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. This includes use of seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. This monitoring requires completion of a form at the application stage (giving details of the proposed work) as well as completion of a 'close-out' form (giving details of the actual dates and locations where the activities occurred). The close-out form should be returned within 12 weeks of completing the 'noisy' activity or, in the case of prolonged activities such as piling for harbour construction or wind farms, at quarterly intervals or after each phase of foundation installation.

These forms are available at: <https://mnr.jncc.gov.uk/>

Section 10 Privacy notice

This section briefly describes the Scottish Ministers responsibilities in relation to Data Protection based on the requirements of the data protection laws and the Environmental Information (Scotland) Regulations 2004 and the Freedom of Information (Scotland) Act 2002.

Part D

Section 11 Declaration and warning

It is important to read the Declaration and Warning sections before signing the application form.

Site visits and compliance checks

It is possible that the licensing authority may undertake a site visit prior to the issue of a licence. The majority of site visits will be arranged several days in advance and will be conducted in the presence of the licensee (or applicant) however there may be occasions when a site visit will be made at short notice.

Licensees should be aware that they may receive a request for a site visit by the licensing authority, or a person authorised by the licensing authority, to assess site conditions against the conditions of the licence. It is essential that if any of the agreed mitigation measures contained in the application and supporting information are changed for any reason, the licensing authority is informed as soon as possible.

The Licensing authority will monitor compliance with licences issued based on the information included in licence reports.

Where to seek further information

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

If your proposal relates to one of the purposes for which SNH is the licensing authority, please contact your local office of SNH.

Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

Tel: 0300 244 5046
Email: MS.marinelicensing@gov.scot

Disclaimer

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

Part A. The Applicant: Personal details

These questions relate to the person who will be the **named licensee**. The licence can be issued to an individual or a company or a partnership and the licensee will be responsible for ensuring compliance with the licence and the conditions of the licence. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with any condition imposed by a licence.

1. Name of applicant

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

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

Business Title (if Appropriate): [Programme Manager]

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

Tel no. (inc. 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 Scotland]

Licence number (most recent licence) [EPS-00010903]

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

What species were covered by the licence? [Harbour porpoise, white-beaked dolphin, Risso's dolphin, minke whale and killer whale.]

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

Part B. The Application

3. Species

(a) Please indicate which species is / are affected by the proposed works.

Common name(s): Harbour Porpoise, White-beaked Dolphin, Risso's Dolphin, Killer whale, Minke Whale, European otter.

Scientific name(s) Phocoena phocoena, Lagenorhynchus albirostris, Grampus griseus, Orcinus orca, Balaenoptera acutorostrata, Lutra lutra.

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

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

Harbour porpoise
Predicted harbour porpoise densities, based on modelled SCANS IV results published by Gilles et al., (2025), estimate 0.185 individuals/km2 within the area. This is similar (albeit slightly lower) than the equivalent modelled density published by Lacey et al., (2022), which was 0.344 individuals/km2 in the vicinity of the Offshore Site. Density estimates provided by Waggit et al., (2020) show seasonal variation in harbour porpoise distribution in the North Sea with animal distribution extending further north in the summer. Density estimates for the species equal 0.253 individuals/km2 within the Study Area in July and 0.150 individuals/km2 in January (Waggit et al., 2020).
The boat-based visual observations during the Westray marine wildlife surveys (April 2023 – March 2025) recorded a total of 31 at-sea harbour porpoise sightings within the survey area.

White Beaked Dolphin
The predicted white-beaked dolphin density, based on modelled SCANS IV results published by Gilles et al., (2023), are 0.1352 individuals/km2 within the Study Area. This is similar (albeit slightly lower) than the equivalent modelled density published by Lacey et al., (2022), which was 0.021 individuals/km2. Density estimates reported in Waggit et al., (2020) indicate an increased presence of white-beaked dolphins in the northern North Sea in the summer months of 0.0275 individuals/km2 in July, compared with 0.0129 individuals/km2 in January. The species was observed during land-based surveys carried out between 2005-2014 on three occasions: on October 2005 and during August and September 2006.
The boat-based visual observations during the Westray marine wildlife surveys (April 2023 – March 2025) recorded no at-sea sightings of white-beaked dolphin within the survey area indicating that white-beaked dolphin usage of the Offshore Site is low.

Risso's Dolphin
Within the UK portion of the CGNS MU for Risso's dolphin, the total abundance is 8,687 animals (IAMMWG, 2023). SCANS IV surveys recorded an estimated abundance of Risso's dolphin in Block CS-K of 1,519 individuals and an estimated density of 0.0376 individuals/km2 (Gilles et al., 2023).
The boat-based visual observations during the Westray marine wildlife surveys (April 2023 – March 2025) recorded a total of 17 at-sea Risso's dolphin sightings within the survey area.

Killer Whale
Killer whales are regularly reported around Orkney Islands (NBN Atlas, 2023; HWD, 2024).
Sightings data around the Orkney archipelago report presence of this species in pods of between two and ten individuals (HWD, 2024).
The boat-based visual observations during the Westray marine wildlife surveys (April 2023 – March 2025) recorded three observations of killer whale, confirming that while the species is present within the Study Area, they occur at low densities within the Offshore Site.

Minke Whale
Predicted minke whale density, based on modelled SCANS IV results published by Gilles et al., (2023), are 0.0116 individuals/km2. This is similar to (although marginally lower) than the equivalent modelled density published by Lacey et al., (2022), which was 0.023 individuals/km2 in the vicinity of the Offshore Site. Waggit et al., (2020) predicted very low densities of minke whale within the Study Area, with the peak in summer months at 0.0313 individuals/km2.
The species was observed during land-based surveys carried out between 2005-2014 on 43 occasions with most sightings occurring in summer months (June-August). The boat-based visual observations during the Westray marine wildlife surveys (April 2023 – March 2025) recorded minke whale sightings on three occasions (one individual in August 2023 and two individuals in April and May 2024), which indicates the occasional occurrence but low density of the species within the Offshore 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 involve 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 European protected species.
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 include:
The Scottish Marine Wildlife Watching Code (SMWWC) will be adhered to, vessel activity, speed and routing will be considered to mitigate potential for disturbance.

Please see Project Environmental Monitoring Programme for further information.

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 EMEC Fall of Warness test site is adjacent to the Muckle and Little Green Holm SSSI which is designated for breeding grey seals. Other nearby designated areas include the Sanday SAC (harbour seal) and Faray and Holm of Faray SAC and SSSI (grey seal). A detailed Environmental Appraisal for the EMEC Fall of Warness test site was completed in 2014. The appraisal concluded that, within the bounds of the project envelope (which the Orbital O2 project falls within), the potential disturbance impacts from installation noise will not be detrimental to the maintenance of the population of the five cetacean species concerned at Favourable Conservation Status in their natural range. Furthermore, this appraisal concludes that disturbance, injury or death is considered unlikely from vessel usage or any interaction between otters and operational tidal turbines and therefore a licence to disturb otters is not considered necessary for offshore activities.

5. Activities to be Licenced

Proposed Methods

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

Activity to be licensed (please tick)					Time period	
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass	Method to be used, (e.g. piling)	From To
☐	☐	☐	☐	☒	installation, operation and decommissioning of Orbital O2 tidal turbine	1/06/2019 31/12/2039
☐	☐	☐	☐	☐		
☐	☐	☐	☐	☐		
☐	☐	☐	☐	☐		
☐	☐	☐	☐	☐		

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'.**

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 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 tidal test 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 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 Licence / Consent (e.g. Marine Licence, Local Planning Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of licence / 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.

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	☒
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 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 07/07/26

(The person named at part 1)

Name in BLOCK
LETTERS

[Redacted]

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

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

Please remember to include all supporting information.

Licensing Operations Team
Marine Scotland
EPS Division
375 Victoria Road
Aberdeen
AB11 9DB

Disclaimer

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

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



Annex A

Only to be completed if you selected *for Preserving public health or public safety* in Question 6 of the application form

Please complete all questions

Give details of the risk to public health or safety

How has the risk been identified. Please give details of any expert advice received.

How will the proposed activity address the identified risk

Annex B

Only to be completed if you selected for *Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)* in Question 6 of the application form

Please complete all questions

What benefits will be provided by the proposed activity? Give details and indicate if they are social, economic or environmental. Please indicate if the benefits are short or long term.

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 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

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.