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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).

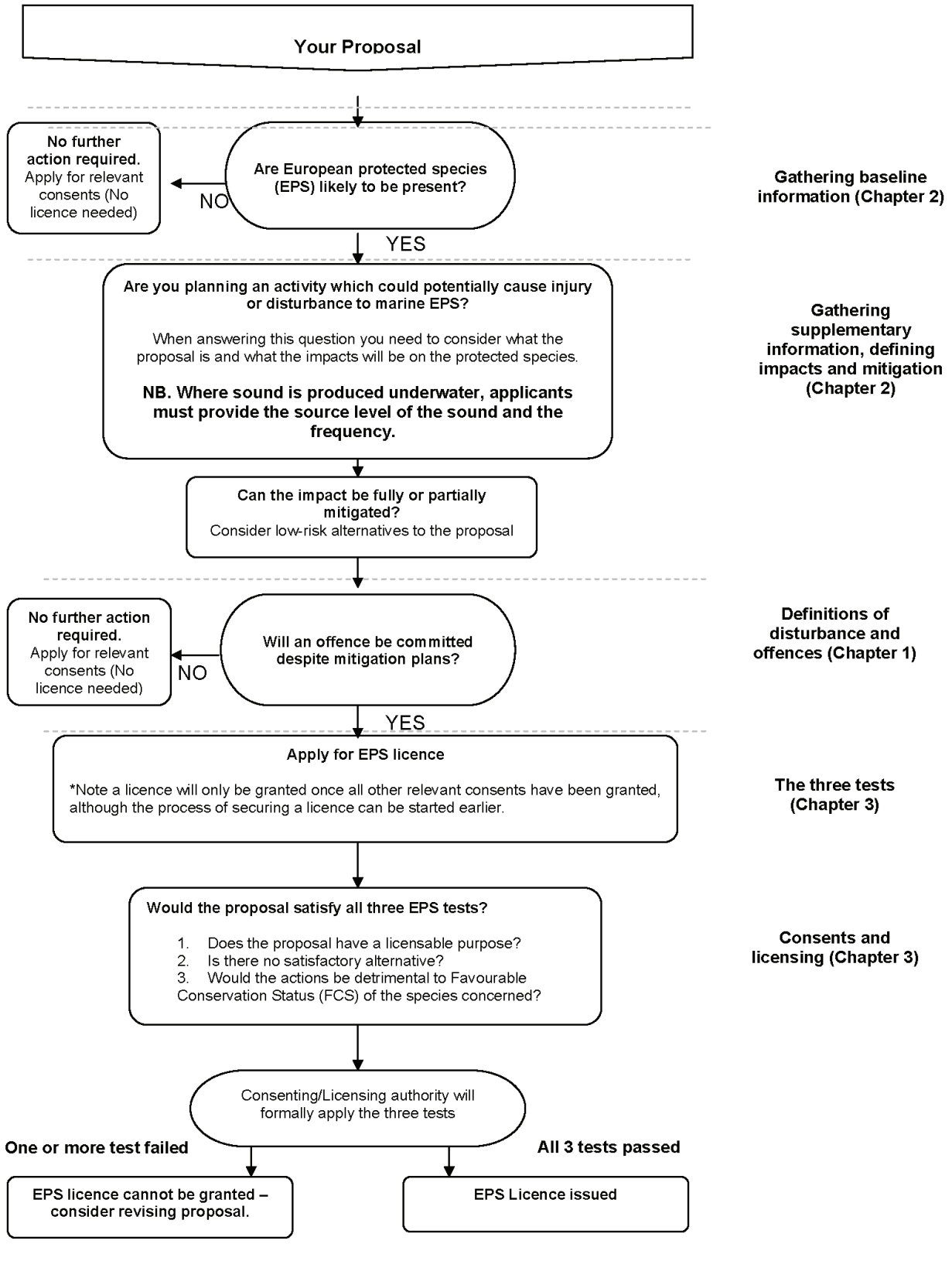
IMPORTANT: Before completing this form, please read these notes carefully

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

Company Name:

Moray Offshore Windfarm (West) Limited

Business Title (if Appropriate):

Moray West EPCI Director

Address:

5th Floor, Atria One, 144 Morrison Street, Edinburgh, EH3 8EX

Tel no. (inc. dialling code):

[Redacted]

[Redacted]

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?

Marine Scotland

Licence number (most recent licence)

EPS/BS-00009879

Year in which the licence was issued.

2022

What species were covered by the licence?

harbour porpoise (*Phocoena phocoena*);
bottlenose dolphin (*Tursiops truncatus*);
minke whale (*Balaenoptera acutorostrata*);
short beaked common dolphin (*Delphinus delphis*);
white-beaked dolphin (*Lagenorhynchus albirostris*)

What activity was covered by the licence e.g. disturb, injure?

The EPS licence was granted for the purpose of permitting the disturbance of the species listed above

Part B. The Application

3. Species

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

Common name(s):

Harbour porpoise
Bottlenose dolphin
Common dolphin
White-beaked dolphin
Minke whale

Scientific name(s)

Phocoena phocoena
Tursiops truncatus
Delphinus delphis
Lagenorhynchus albirostris
Balaenoptera acutorostrata

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

The implementation of the UXO-specific Marine Mammal Mitigation Protocol (MMMP) will reduce the risk of PTS, resulting in negligible risk to EPS of physical or permanent auditory injury. However, there is a residual risk of permanent auditory injury for harbour porpoise and minke whale should UXO high-order clearance methodologies be used. The residual risk of PTS on harbour porpoise and minke whale would be reduced by using low-order clearance such as deflagration which is the primary disposal method for the clearance of the UXOs.

Potential for temporary disturbance from UXO clearance has been assessed based on the maximum predicted impact ranges for TTS (SPL_{peak}) for a 166kg (+ donor charge) UXO high-order detonation as realistic worst case. The maximum number of animals that could be temporarily disturbed would be:

- 1,228 harbour porpoise (0.35% of North Sea MU) based on site survey density of 1.468/km²;
- 0.01 bottlenose dolphin (0.005% of CGNS MU) based on the density estimate of 0.0037/km²;
- 0.3 white-beaked dolphin (0.0003% of CGNS MU) based on the density estimate of 0.123/km²;
- 0.2 common dolphin (0.0002% of CGNS MU) based on the density estimate of 0.074 /km²;
- 0.6 minke whale (0.003% of CGNS MU) based on the density estimate of 0.023/km².

The risk of TTS would be reduced by using low-order clearance such as deflagration which is the primary disposal method for the clearance of the UXOs.

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

The risk associated with clearance of UXO associated with the Development was investigated by 6 Alpha Associates Ltd (Appendix C of the EPS Risk Assessment Report), in respect of the underwater noise produced for high-order clearance. The range of impact in relation to marine mammals and fish injury from UXO detonation was estimated based on the results of the underwater noise modeling.

Following the completion of the pUXO ID Works, the information received provides a real-life scenario, upon which the worst-case can be modelled. The updated EPS risk assessment (8460005-DG0207-MWW-REP-000003) uses the impact ranges from the underwater noise modelling that is available for the UXO items that have been found at the Development Site (Moray West Site and OfTI Corridor). The heaviest items that have been found are an air dropped 250lb mine, an air dropped 500lb mine and a 10” projectile with an NEQ of 51kg, 89kg and 105 kg (+ donor charge), respectively. However, no impact ranges have been previously modelled for these sizes, thus a precautionary approach of using a 166kg NEQ from the Moray West Underwater Noise modelling report.

(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
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		°			.		'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. UXOs Identification Operations: February 2023 - April 2023

This work will utilise a Remotely Operated Vehicle (ROV) to localise, excavate and identify UXO based on a master target list generated in the UXO survey campaign.

2. UXO Disposal Operations: April 2023 - 31 August 2023.

After all the pUXO targets have been inspected (after consideration of whether they can be avoided), the confirmed and unavoidable UXO targets will need to be cleared. Should the target be confirmed as UXO, the preference is to avoid this target where practicable. If avoidance is not possible, the target will be subject to Explosive Ordnance Disposal (EOD) operations. There are three options for UXO disposal which could be used as part of EOD operations:

1. UXO clearance in situ – this is the preferred option for health and safety reasons;
2. Relocation of the UXO on the seabed and then detonation – an example of when this would occur are in instances when detonating in situ could potentially compromise the safety of existing nearby assets. In the instance where third party assets are situated nearby, Moray West will contact the third party prior to detonation in order to establish a safe distance between the asset and detonation site. Another example of this occurrence is where two UXO are located in close proximity to one another, whereby one UXO is relocated nearer to the other UXO, allowing a single detonation to take place rather than two separate detonations; and
3. Recovery of the UXO to the deck of the vessel – this would be undertaken for small items of UXO e.g., hand grenades, or as a last resort for larger items should options 1 or 2 not be possible.

The sound frequency produced by UXO detonation is 2-1000 Hz with the main energy between 6-21 Hz.

- (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.

Embedded mitigation measures are proposed for a number of environmental receptors, which will be implemented for the UXO clearance activities to reduce the potential for certain impacts.

The following mitigation will be adopted in relation to the UXO clearance works:

- UXO will be avoided and left in-situ, if possible.
- Micrositing of infrastructure, if possible, to avoid any potential UXO, so clearance is not required.
- Relocation of UXO to where it is not in close proximity to existing or planned infrastructure, so that the UXO can be cleared in a less sensitive area (i.e., outside of a designated site). If the UXO appears structurally sound and there is no risk, the UXO could potentially be moved to a location that is not in a sensitive area for subsequent clearance, subject to a proportional assessment of the risk posed to the vessel and staff from a health and safety perspective.

A UXO-specific Marine Mammal Mitigation Protocol (MMMP) has been prepared for the UXO clearance works, which details the proposed mitigation to avoid or reduce the potential for auditory injury in marine mammals during UXO clearance:

- Low-order clearance by deflagration as the preferred method to dispose of UXO;
- All UXO clearance within the Moray West Export Cable Corridor, which overlaps with the Southern Trench NCMPA, will be scheduled to take place outside the summer season (June – September) when the minke whale population will be at its lowest.
- All UXO clearance to take place in daylight and, when possible, in favourable conditions with good visibility (sea state 3 or less);
- Establishment of a monitoring area with minimum of 1 km radius.
- The observation of the monitoring area will be by dedicated and trained Marine Mammal Observers (MMOs) during daylight hours and suitable visibility;
- The deployment of Passive Acoustic Monitoring (PAM) devices, if required, and if the equipment can be safely deployed and retrieved;
- The activation of Acoustic Deterrent Device (ADD); and
- The controlled explosions of the UXO will be undertaken by specialist contractors, using the minimum amount of explosive required in order to achieve safe disposal of the UXO.

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.

1. Moray Firth SAC (approximately 17 km from the Development Site). The implementation of the MMMP for UXO clearance at the Development Site will reduce the risk of PTS in bottlenose dolphin and therefore there would be no potential for any significant effects. The first and preferred option for any UXO that require clearance is low-order clearance such as deflagration. There could be the potential for the proposed UXO clearance in the Development Site to disturb bottlenose dolphin; 1 high-order UXO detonation located in the Development Site without mitigation (2.8km²) would impact less than 0.01 bottlenose dolphin (0.005% of Coastal East Scotland population). The number of bottlenose dolphin that could potentially be disturbed due to the UXO clearance, based on the precautionary 5 km disturbance range, is less than 0.3 animals (0.13% of Coastal East Scotland population). The assessment indicates that through the application of mitigation as outlined in the UXO MMMP (see Appendix B of the EPS Risk Assessment Report) there is no potential Adverse Effect on Site Integrity (AEoSI) of the Moray Firth SAC in relation to the conservation objectives for bottlenose dolphin as a result of any disturbance from underwater noise during UXO clearance.

2. Southern Trench NCMPA; overlaps with the Moray West export cable corridor. The implementation of the MMMP for UXO clearance at the Development Site will reduce the risk of PTS for minke whale and therefore there would be no potential for any significant effects. The first and preferred option for any UXO that require clearance is low-order clearance such as deflagration. The UXO clearance works are also scheduled to take place during the summer season when the minke whale population will be at its highest, however all UXO clearance within the Moray West Export Cable Corridor, which overlaps with the Southern Trench NCMPA, will be scheduled to take place outside the summer season (June – September) when the minke whale population will be at its lowest. There could be the potential for the proposed UXO clearance in the Development Site to disturb minke whale associated with the Southern Trench NCMPA. The number of minke whale that could potentially be disturbed due to the UXO clearance, based on the precautionary 5 km disturbance range, is less than 2 animals (0.24% of estimated Moray Firth population). The assessment indicates that through the application of mitigation as outlined in the MMMP there is no potential AEoSI of the Southern Trench NCMPA in relation to the conservation objectives for minke whale as a result of any disturbance from underwater noise during UXO clearance. The recent findings of confirmed UXOs to date have identified one UXO item, an air-dropped 500lb mine, which overlaps with the Southern Trench MPA. The removal of this UXO item would be one of the first ones to be disposed of in April, to avoid disturbance of minke whale present in the Moray Firth, primarily in the summer months (June – September).

5. Activities to be Licenced

Proposed Methods

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

Activity to be licensed (please tick)					Method to be used, (e.g. piling)	Time period	
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass		From	To
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UXO Clearance	21 April 2023	31 August 2023
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Use of ADD	21 April 2023	31 August 2023
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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

A licence can only be issued if 3 specific legal tests are met. The section below relates to the first of these tests. The options shown are taken from the **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**.

Please indicate which purpose relates to the proposed works

(a) Preserving public health or public safety (we will require evidence that there is a risk to public health or public safety e.g. an imminent risk of flooding) Regulation 44(2)(e)

Complete Annex A

(b) Imperative reasons of overriding public interest (*including those of a social or economic nature and beneficial consequences of primary importance for the environment*) Regulation 44(2)(e)

Complete Annex B

(c) Preventing the spread of disease Regulation 44(2)(f)

Complete Annex C

(d) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries Regulation 44(2)(g).

Complete AnnexD

7. Satisfactory alternatives

This relates to the second of the legal tests which must be satisfied. Please explain why there is no satisfactory alternative to carrying out the proposed work affecting the species. You must describe all possible alternatives which were considered and why they were considered unsuitable. You must also consider the option of not undertaking the work. **It is not acceptable to state that 'there is no alternative'.**

UXO represent a material risk to the safe construction of the Moray West offshore wind farm and, therefore, the identification, assessment and clearance of the unavoidable UXO is essential. Wherever possible, potential UXOs (pUXOs) will be avoided through re-routing of cables or micrositing of infrastructure. Where pUXOs avoidance is not possible, a detailed inspection will be carried out by a remote underwater vehicle (ROV), to confirm whether the target is UXO and, therefore, a hazard to construction, operation or maintenance activities. If UXO is confirmed, and avoidance is not possible, Moray West will clear the UXO using controlled detonation or deflagration. The method of disposal shall depend on the target identified, with low order deflagration, low order detonation and high order detonations considered (with preference in that order).

The proposed approach to UXO clearance activities will utilise lower-impact alternatives to explosive detonation and, in particular, high-order detonation. The first option and preferred method for UXO clearance will be deflagration.

A specific UXO clearance contractor has been selected which offer lower-impact alternative disposal methods to high-order detonation, including low-order (deflagration) disposal. There is an initial preference for leaving the UXO in situ and micro-site construction work and infrastructure around it supplying a do-nothing scenario which would have no impact on EPS species within the vicinity of the Moray West Development Site. If it is not possible to safely leave the UXO in situ and micro-site, an appropriate clearance approach will be selected. In order of preference, these are:

- relocation and leave in situ;
- low-order deflagration disposal;
- high-order detonation disposal.

High-order disposal represents the most commonly used approach to date for disposal of underwater UXO in situ. This involves deliberate detonation initiated by a small donor charge placed on the UXO to initiate an explosion of the main charge; therefore, neutralising it. The resulting shock wave and noise level is therefore expected to be proportional to the combined explosive mass of the donor and main charge. By contrast, low-order methods aim to neutralise the UXO without detonation of the main charge and, therefore, the energy generated should relate to the detonation of the donor charge only. Consequently, for a given size of UXO, the potential for impacts to marine life from low-order disposal are considerably less than would be expected from a high-order disposal.

The UXO clearance works are essential for the viability of the Development and are required to commence in December 2022 to enable the safe commencement of offshore construction works at landfall from 1 December 2022 (HDD works), and to be completed by the end of August 2023 to enable the safe commencement of offshore construction within the Moray West Wind Farm Site. Conducting UXO clearance works outside the proposed period (December 2022 – August 2023) would be detrimental to the Development construction programme. UXO clearance activities are scheduled to take place during the summer season when EPS presence and abundance and when the minke whale population will be at its highest. The recent findings of confirmed UXOs to date have identified one UXO item, an air-dropped 500lb mine, which overlaps with the Southern Trench MPA. The removal of this UXO item would be one of the first ones to be disposed of in April, to avoid disturbance of minke whale present in the Moray Firth, primarily in the summer months (June – September). Additionally, all UXO clearance activities will take place during day light and in favourable weather conditions with good visibility.

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 for UXO Clearance	23 August 2022	MS-00010264	30 March 2023
Section 36 Consent for the construction and operation of the Moray West Offshore Wind Farm	July 2018	012/OW/MORLW – 8)	14 June 2019
Moray West Wind Farm Marine Licence	July 2018	MS-00009774	14 June 2019 Marine Licence variation issued on 12 April 2022
Moray West OfTI Marine Licence	July 2018	MS-00009813	14 June 2019 Marine Licence variation issued on 12 April 2022
Marine Licence for UXO Clearance (additional 51 UXOs)	21 April 2023		

9. Noise Monitoring

Please indicate if any of the following noise generating activities will be taking place during the operations:

Use of explosives Piling Use of Acoustic Deterrent Devices
Survey equipment operating in the range 10 Hz – 10kHz

If you have ticked any of the above boxes please complete a Proposed Activity form 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.

3191 (Explosives)
3399 (ADDs) - linked to parent activity 3191

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.

[Redacted]

Signature of the
Applicant

(The person named at part 1)

Name in BLOCK
LETTERS

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

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

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

UXO, particularly WWII UXO, is extant in the marine environment in unknown locations and at a sufficiently high abundance to pose a significant threat to activities interacting with the seabed in the marine environment.

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

The potential for UXO to exist within the Moray West Development Site has been assessed through a desktop risk assessment carried out by UXO Consultant, which has identified the following key UXO threats that may be encountered across the Development:

- Aerially delivered High Explosive (HE) bombs
- Projectiles (naval and anti-aircraft artillery (AAA))
- Torpedoes
- Naval mines
- Shipwreck related munitions

The likelihood of encountering these UXO sources within the Development, as assessed through the desktop study, is presented in the UXO Clearance EPS Risk Assessment report.

UXO surveys in the Development Site were completed in February 2023, and these provided up-to-date and precise information to inform UXO clearance activities. As this information was not available at the time of preparing the EPS Licence application, the EPS risk assessment report was informed by the Unexploded Ordnance Threat and Risk Assessment (6 Alpha, 2022), which in turn draws upon 6 Alpha's UXO database, and is benchmarked using the number of confirmed UXO found during the installation works at the nearby Moray East Offshore Wind Farm. From the above sources, on a precautionary basis, it was estimated that a maximum of 30 detonations of UXO may be required within the Development Site during UXO clearance activities.

Additional clearance of up to 51 UXO has been identified following the completion of the UXO Investigation works carried out between February and April 2023. Further information on the location and types of UXO that require clearing has also been identified. The information received from the UXO ID Works provides a real-life scenario, upon which the worst-case can be modelled. The updated EPS risk assessment uses the impact ranges from the underwater noise modelling that is available for the UXO items that have been found at the Development Site.

How will the proposed activity address the identified risk

UXO represent a material risk to the construction of the Moray West Offshore Wind Farm and the proposed UXO clearance activities are required to ensure the safe construction of the Moray West Offshore Wind Farm; therefore their identification, assessment and clearance is essential to reduce the risk of a UXO detonation occurring during the construction and installation activities of the Moray West offshore wind farm to As Low As Reasonably Practicable (ALARP).

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.

Offshore wind is a key growth sector in Scotland, and the generation and development of offshore wind infrastructure is a key component for reaching Scotland's target to reduce greenhouse gas emissions (by 75% by 2030), and for being net-zero by 2045. Part of the next round of offshore wind development in Scotland (ScotWind allocated projects) is to ensure that 25% of the offshore wind industry is provided by local business. There is an overarching European, UK and Scottish policy requirement for sustainable energy supply from renewables. This need is the subject of national planning and energy policy. The proposed UXO clearance activities are required to ensure the safe construction of the Development. UXO represent a material risk to the safe construction of the project and therefore their identification, assessment and clearance is essential.

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

The construction of the Moray West Offshore Wind Farm will not only provide for the need of the Scottish and wider British population, in terms of clean energy generation - and thus confer a reason of overriding public interest - the works will also contribute to mitigating/reducing the potential for climate change. In addition, the development of the Moray West Offshore Wind Farm will benefit local communities through job and input to the local economy, as well as support development of the wider supply chain and UK offshore renewables industry.

Why is it imperative the proposed activity goes ahead?

In order to meet the policy objectives set out above, the UXO clearance works must be undertaken for health and safety reasons of the personnel working on construction works for the Moray West Offshore wind farm. A UXO survey campaign will be carried out to identify the potential for UXO within the Moray West Site and OfTI Corridor. The results of this campaign will be analysed to identify potential UXO (pUXO) within the Development Site. Should pUXO be identified, the preference is to avoid the pUXO and re-route and / or microsite. Where practicable, taking into account health and safety, any pUXO targets will be avoided by placing an industry standard 15 m radius avoidance zone around the target for the siting of any infrastructure and other "seabed intrusive" activities, and therefore reducing the risk of the UXO detonation occurring during construction activities to As Low As Reasonably Practicable (ALARP). Should re-routing not be possible at this stage, the pUXO will be targeted for inspection, and the targets will be confirmed as either UXO or non-UXO debris. If avoidance is not possible, the target will be subject to Explosive Ordnance Disposal (EOD) operations; removing the risk of the detonation occurring during construction works of the Moray West offshore wind farm and transmission infrastructure.

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

Through the production of renewable energy, the proposed activity supports the long-term Scottish and UK Government's 2050 targets under the Climate Change (Scotland) Act and the Climate Change Act (2008) respectively, to reduce net emissions. In addition, the Development will contribute to meeting Scottish Government's 2030 Targets to generate 50% of the Scotland's overall energy consumption from renewable sources, and by 2050 to have decarbonised the energy system almost completely.

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.