

LICENCE/CONSENT VARIATION – VALIDATION OF APPROPRIATE ASSESSMENT (“AA”)

1 Licence Details

<u>Licensee/Developer Name:</u>	The European Marine Energy Centre Limited (“EMEC”)
<u>Site Details:</u>	Fall of Warness tidal test site located in Orkney (“the Development”)
<u>Date Existing Licence/Consent Issued:</u>	22 March 2016, as subsequently varied on 14 March 2023 (“ the s.36 consent ”)
<u>Date of Existing Appropriate Assessment (“AA”):</u>	01 December 2015, as validated on 26 January 2023 and 17 April 2024 (“ the 2015 AA as validated”)

2 Summary of proposed variation application:

EMEC has requested to extend the duration of the Existing Consent by a period of 2 years, until 22 March 2028 by varying condition 2 of the Existing Consent so that the operational lifetime of the Development shall be 12 years (“the Variation Application”). There is no change proposed to any of aspect of the Existing Consent that would alter the physical parameters, or the scale and character of the Development.

3 Summary of consultation responses – in relation to European protected sites:

NatureScot (operational name of Scottish Natural Heritage) advised that, given no changes to the site activities or project envelope are proposed, its advice remains the same as the advice provided in 2023, which concluded no Likely Significant Effect (“LSE”) with respect to the Scapa Flow Special Protection Area (“SPA”) and North Orkney SPA as a result of the Variation Application.

NatureScot had no other comments to make on the Variation Application.

4 Summary of other information in relation to European protected sites (MSS responses, external reports).

No other advice was sought in relation to European protected sites.

5 Updated in-combination assessment:

The Scottish Ministers have considered all the projects which currently have an active or open application for a marine licence, section 36 consent or European Protected Species licence and associated AA which identified LSE on the qualifying interests of the same designated sites as are affected within the 2015 AA (as validated). Providing all the projects adhere to any conditions identified in their respective AAs, the Scottish Ministers conclude that the conclusion of the 2015 AA (as validated) is still valid and there will be no adverse effect on the site integrity of the sites within the 2015 AA (as validated) from the Variation Application in-combination with other projects.

6 Conclusion - Consideration of whether AA completed for the original decision is still valid:

No consultation responses, advice, external reports or representations have been received which would invalidate the conclusions or alter the outcome of the 2015 AA (as validated) in respect of the Existing Consent. The Existing AA (as validated) is still valid in its conclusion that the proposal is not likely to have an adverse impact on the site integrity of any SPAs or Special Areas of Conservation detailed in section 1a of the 2015 AA, or on Scapa Flow or North Orkney SPAs which have been subsequently classified, either alone or in combination with other projects providing the mitigation measures previously secured remain in place.

Name	Assessor or Approver	Date
Anna Shenton	Assessor	09/12/2025
Robert McMorran	Approver	23/12/2025

