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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

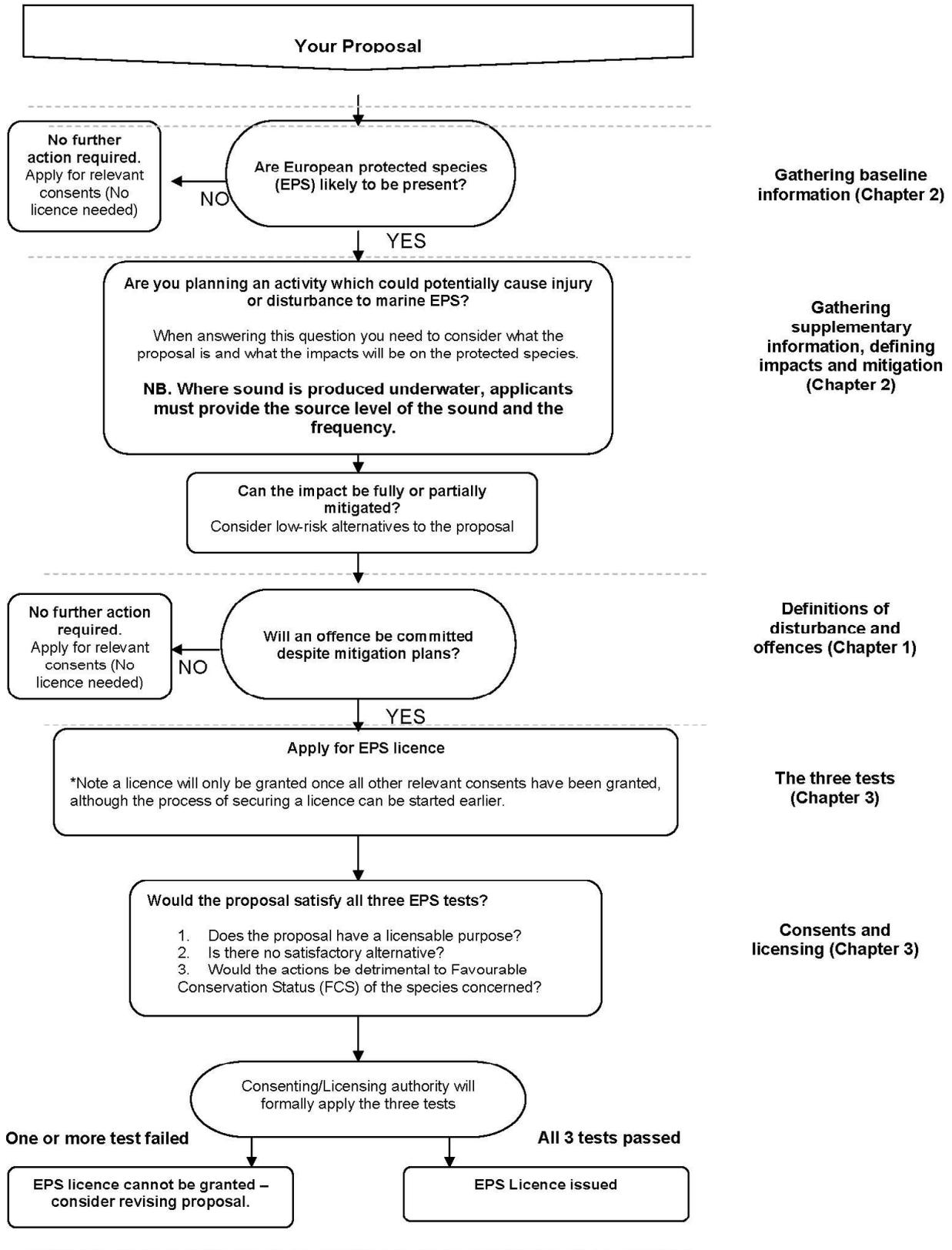
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, 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](mailto: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](#)



Gathering baseline information (Chapter 2)

Gathering supplementary information, defining impacts and mitigation (Chapter 2)

Definitions of disturbance and offences (Chapter 1)

The three tests (Chapter 3)

Consents and licensing (Chapter 3)

**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](mailto: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](mailto: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](mailto:MS.marinelicensing@gov.scot)

Disclaimer

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

**Part A. The Applicant: Personal details**

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

1. Name of applicant

Title:  Forename(s):  Surname:

Company Name:

Business Title (if Appropriate):

Address:

Tel no. (inc. dialling code):

Email address:

2. **The Applicant: Previous applications:**

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

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

Who issued the licence?

Licence number (most recent licence)

Year in which the licence was issued.

What species were covered by the licence?

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

**Part B. The Application**

**3. Species**

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

Common name(s):

Harbour Porpoise Minke Whale White-Beaked Dolphin Bottlenose Dolphin
-------------------------------------------------------------------------------

Scientific name(s)

Phocoena phocoena Balaenoptera acutorostrata Lagenorhynchus albirostris Tursiops truncatus
-----------------------------------------------------------------------------------------------------

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

Exact number is unknown but likely to be very few, if any.
------------------------------------------------------------

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

Please see attached EPS Risk Assessment Document
--------------------------------------------------

(c) **Location of proposed licensed action**

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

LATITUDE								LONGITUDE							
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W
		°			.		'N			°			.		'W

- (d) Provide a brief description of the proposed activity and the methods to be used.  
Detailed information should be included in your Supporting Information  
**Please provide details of the source levels and frequencies of underwater noise if relevant**

A Dynamically Positioned vessel will deploy either a Work Class Remotely Operated Vehicle (WROV) or Subsea Utility Vehicle (SUV) to investigate target positions within the following areas:

- A 300m x 300m box around the centre of planned wind turbine locations and offshore substation locations
- 50m each side of all planned inter-array and interconnector cable routes
- The entire 300m-wide export cable corridor into Kilometre Point (KP) P01 (i.e. to one kilometre offshore from the landfall)

Within the near shore 300m - wide export cable corridor (e.g. from KP01 to landfall) the WROV and SUV will be replaced with divers.

The following survey equipment relevant to EPS licensing will be used on the remote vehicles or by the divers to investigate specific targets within these areas:

- High frequency sonar imagery; and
- Ultra-Short Baseline (USBL) positioning equipment.

Representative and worst case sound source levels and frequencies are presented in detail in the accompanying EPS Risk Assessment document.

- (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.

Mitigation measures to reduce the risk of disturbance include ensuring that the USBL is operated at the lowest potential sound levels and over the shortest period of time. The survey will also be undertaken within as localised area as possible. This will reduce the potential extent and duration of any possible disturbance.

The use of a Marine Mammal Observer (MMO) or Passive Acoustic Monitoring (PAM) is not considered to be necessary as there is no risk, of injury occurring due to the very low number of cetaceans recorded in the area. There is also no risk of injury to any EPS from noise arising from USBL which operates at a level below which noise could cause the onset of PTS. There is no risk of injury to any EPS from noise arising from Very High Frequency Imagery which operates at frequencies that cannot be detected by marine mammals.

**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 survey partially overlaps the Firth of Forth and St Andrews Bay Complex pSPA.

The nearest SAC for which a cetacean is a qualifying feature is the Moray Firth SAC that lies c.165 km from the survey area. Although bottlenose dolphins from the SAC do occur in coastal waters of the Firths of Forth and Tay. In 3 years of at-sea surveys at the NnG site, no bottlenose dolphins were recorded.

No consultation has been undertaken as the survey is approximately 165 km from the nearest SAC for which an EPS is a qualifying feature. No bottlenose dolphins were recorded during three years of surveys undertaken within 8 km of the proposed survey area. The potential effects from the survey will not impact on bottlenose dolphin along the inshore of the waters of the coast.

**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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	USBL	01/07/2019	18/10/2019
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	High Resolution Sonar Imacerv	<input checked="" type="checkbox"/> 01/07/2019	18/10/2019
<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'.**

The UXO inspection survey is required to investigate identified unknown targets on the seabed. These inspections will determine the presence of UXOs or debris on the seabed in which the wind turbines, offshore substations, inter-array and interconnector cables and export cable will be installed.

Target investigations are essential for the safe design and construction of the windfarm as plans can be made for debris and any confirmed UXOs.

Although there may be different types of imagery equipment that can be used, this is often constrained by the specific purpose. The inspection survey that is being undertaken and the use of alternative equipment may not be effective. There are no alternative options to the use of the imagery equipment proposed for this survey. High frequency sonar systems are preferred because they can identify targets in low light and poor visibility conditions.

In terms of positioning equipment, there are three types of positioning systems available: long based, short-based and ultra-short-based. Long-based systems requires floor mounted transponders and is therefore not suitable for this type of survey. Short-based and ultra-short based systems do not require fixed equipment. The short-based positioning system is more suited for operation from larger vessels; it requires a larger baseline of more than 20 m and more than three transducers. It is not best suited to this type of survey. The USBL system consists of a transceiver, which is mounted at the end of a single transducer pole either to the side of, or beneath the DP vessel, and a transponder (attached to) the vehicle or the diver. The baseline required is considerably smaller than for other positioning systems at less than 10 cm. It is therefore the most suitable equipment for this type of survey and is routinely used for object detection. Without an accurate positioning system it will not be possible to accurately locate targets on the seabed. There are no alternative options to the use of the positioning system proposed for this survey.

If the survey was not undertaken, the wind farm could not be safely designed and constructed. This is not an option.

## 8. Other Licences / Consents

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

Type of Licence / Consent (e.g. Marine Licence, Local Planing Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of licence / consent
Consent under Section 36 of the Electricity Act 1989	16 March 2018	N/A	3 December 2018
Marine Licences - Generating Station and Transmission Works	16 March 2018	06677/18/0 06678/18/0	3 December 2018

## 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.**

None of the proposed survey equipment operates within the 10 Hz to 10 kHz range,

**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](mailto:ms.marinelicensing@gov.scot)

**Have you remembered to enclose Supporting Information with your application, as described in the accompanying guidance? Please check**

- |                                                     |                                     |
|-----------------------------------------------------|-------------------------------------|
| <b>Completed Application form</b>                   | <input checked="" type="checkbox"/> |
| <b>Completed Annex</b>                              | <input checked="" type="checkbox"/> |
| <b>Map / Chart</b>                                  | <input checked="" type="checkbox"/> |
| <b>Correct co-ordinates</b>                         | <input checked="" type="checkbox"/> |
| <b>Additional information / EPS risk assessment</b> | <input checked="" type="checkbox"/> |

## Part C. Declarations

11. I have read and understand the guidance provided in this application form. I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.

I authorise employees or representatives of the Scottish Ministers to enter the site which is subject to this application for the purpose of monitoring and inspecting the permitted works.

### Warning

Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) it is an offence to fail to comply with the conditions imposed by a licence. The licensee is responsible for ensuring compliance with the licence.

The Scottish Ministers can modify or revoke a licence at any time, provided there are good reasons. Any licence that may be issued is likely to be revoked immediately if it is discovered that false information was provided and resulted in the issue of a licence.

Under the Conservation (Natural Habitats, &c.) Regulations 1994, any person who in order to obtain a licence knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. Any person found guilty of such offences is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale (currently £5,000), or to both imprisonment and a fine.

**Note:** Previous convictions for wildlife offences will be taken into account and in some cases may mean that the Scottish Ministers do not consider it appropriate to grant a licence.

Signature of the  
Applicant

[Redacted Signature]

Date 30/05/2019

(The person named at part 1)

Name in BLOCK  
LETTERS

EWAN WALKER

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](mailto: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.

It is not possible to safely design and construct a wind farm without ensuring there is no UXO present within the area. The removal of UXO is a safety critical activity. This survey is essential in order to identify potential UXO. If it is not undertaken then there is a risk of UXO occurring in areas where construction activities are being carried out that could cause the uncontrolled detonation of bombs causing significant risk to human safety and potential impacts to marine mammals. This survey will allow the location of UXO to be identified. In the event UXO is identified a further application will be made for the controlled management of UXO so that there is minimal risk to both human safety and injurious impacts to marine mammals, including cetaceans.

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

It is not possible to safely construct a wind farm without ensuring there is no UXO present within the area.

Ensuring structural integrity of wind farm components is in the interest of all marine users.

Removal of UXO reduces the risk of uncontrolled explosions occurring during the construction of the wind farm and makes the area safer for wider users of the sea, including fishermen.

Why is it imperative the proposed activity goes ahead?

Public safety is imperative. It is not possible to safely construct a wind farm without ensuring there is no UXO present within the area.

The wind farm demonstrates a direct environmental benefit on a national and international scale and complies with international and national environmental policies. Furthermore, the life-span of the Project is predicted to be up to a 50 year period and therefore a long-term development that will contribute to ensuring the security of energy supply, with long-term environmental benefits. It is not a development for short-term economic interests. The Project will have a direct national and international environmental benefit by significantly reducing carbon emissions to the atmosphere compared to other sources of non-renewable energy generation. By replacing non-renewable energy generation, e.g. coal generation, the development of the Project will reduce annual CO2 emissions. Over the operational period of the wind turbines, the Project will displace CO2 from other energy sources by up to 12.61 million tonnes coal equivalent.

The development of the wind farm identifies a direct environmental benefit and complies with both international and national policies and plans and is therefore a project of Imperative Overriding Public Interest.

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

The proposed activity is required in order to develop the wind farm.

The development of the wind farm complies with a number of national policies and plans including:

The National Renewable Energy Action Plan for the UK produced under Article 4 of the Renewable Energy Directive;

The UK National Policy Statements (NPSs) on Energy, produced under Part 2 of the Planning Act 2008, which decision makers must have regard to when deciding an application for nationally significant infrastructure projects consented under that Act. As energy policy is a reserved matter for UK ministers, the Energy NPSs may be a relevant consideration in energy infrastructure decisions in Scotland. Of the 12 NPSs, EN-1 (overarching energy) sets out the policy for the delivery of major energy infrastructure and reflects the UK Low Carbon Transition Plan, and EN-3 (Renewable Energy) supports the development of renewable energy and offshore wind farms in particular

The National Planning Framework 2 (NPF2), produced under the Planning etc. (Scotland) Act 2006, sets out a strategy for Scotland's development up to 2030. One of the main elements of the strategy is to 'realise the potential of Scotland's renewable energy resources and facilitate the generation of power and heat from all clean, low carbon sources' (Scottish Government, 2009);

The 2020 Routemap for Renewable Energy in Scotland, which sets further targets of renewable sources to meet the equivalent of 100% of Scotland's gross annual electricity demand by 2020 (Scottish Government, 2011);

Scotland's Low Carbon Economic Strategy (LCES) aims to secure economic growth and includes an approach to guiding Scotland into a low carbon economy. The strategy focuses on Scotland's targets for reducing GHG emissions, and recognises that, 'By 2030 almost all of our electricity will have to come from low carbon technologies such as renewables and fossil fuelled plants fitted with carbon capture and storage technology' (The Scottish Government, 2010);

A sector specific marine plan, 'Blue Seas - Green Energy: A Sectoral Marine Plan for Offshore Wind in Scottish Territorial Waters' ('the Plan') (Marine Scotland, 2011) was published in March 2011 (including a SEA, HRA and an Economic Impact Assessment), and confirmed that six sites for offshore wind developments were suitable for development. Within the Plan the Neart na Gaoithe site was shortlisted as one of these sites.

**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.