

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010480

Licensing Officer: [Redacted]

Site	Nearshore Pipeline, St Fergus Gas Terminal, Aberdeenshire
Company	Shell UK Limited 1 Altens Farm Road Nigg Aberdeen AB12 3FY
Applicant	[Redacted]
Brief Description of Project	Geophysical Surveys of pipelines
Associated Licences	EPS Licence 00010480

Species	Bottlenose dolphin, <i>Tursiops truncata</i> Harbour porpoise, <i>Phocoena phocoena</i> White-beaked dolphin, <i>Lagenorhynchus albirostris</i> White-sided dolphin, <i>Lagenorhynchus obliquidens</i> Minke whale <i>Balaenoptera acutorostrata</i>
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Comments
<p>With regard to Test 1 there are several different purposes for which an EPS licence can be granted including, under Regulation 44(2)(e) of the Habitat Regulations, for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’.</p> <p>NatureScot Guidance states that, when determining an EPS Licence application, it will be taken into account whether an activity or development is required to meet, or contribute to meeting, a specific need such as maintaining the environment of Scotland's people (including sustainable development and renewable or green energy), complying with national planning policies and supporting economic or social development (including nationally important infrastructure development projects and employment).</p> <p>The proposed activity address a specific need in relation to investigating, monitoring and maintaining the condition and integrity of the inshore aspects of the 4 major pipelines carrying hydrocarbons into the St Fergus gas terminal. This work is required to ensure the ongoing supply of hydrocarbons to St Fergus and to the UK and also to prevent possible rupture of one of the pipelines resulting in the spill of hydrocarbons into the marine environment. The proposed activity is an acoustic survey of the pipelines and will involve the use of a sub bottom profiler (operating at 2-12kHz) and a multi-beam echo sounder (MBES 400 kHz). The survey will identify exposures, free spans, debris, obstacles, scarring (trawl/ anchor) damage, scour or sedimentation along the pipelines and determine height and length of free spans and any protective measures that may be required such as rock dumps or mattresses.</p>

Test 1 satisfied?	YES
--------------------------	-----

TEST 2	Other Satisfactory Solutions
Comments	
<p>Regulation 44(3)(a) of the Habitat Regulations 1994 requires the Scottish Ministers to be satisfied that there is no satisfactory alternative before an EPS Licence can be issued for the Licensable Operations.</p> <p>The Applicant considered using an ROV to survey the pipelines rather than geophysical methods. This was considered to be impractical and unviable in this situation due to shallow depths and poor visibility. It was considered that this method would not yield results of sufficient resolution.</p> <p>The ‘do nothing’ was also considered but not viable as these surveys are required to maintain the pipelines protecting energy supply and preventing environmental damage through pollution.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable Conservation Status ("FCS")
Comments	
<p>NatureScot concluded in its consultation response of 31 August 2023 that the activity will not be detrimental to the maintenance of the populations of the species concerned at Favourable Conservation Status (FCS) in their natural range if the Joint Nature Conservation Committee ("JNCC") 2017 Guidelines for minimizing the risk of injury and disturbance to marine mammals from seismic surveys’ and the mitigation in section 6.3.3 of the ‘St Fergus Nearshore Pipeline Inspections Survey EIA Justification’ document are strictly adhered to. NatureScot further specified in their email of 04 September 2023 that survey activity must only be commenced during hours of daylight in periods of visibility of minimum 500 m from the source and in sea states of 3 or less in order to protect FCS.</p>	
Test 3 satisfied?	YES

Date application received: 05/07/2023

Date variation application received:

Consultation start date: 22/08/2023

Consultation end date: 29/08/2023

Licence issue date: 06/09/2023

Date report due: 31/12/2023