T: +44 (0)300 244 5046
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.**

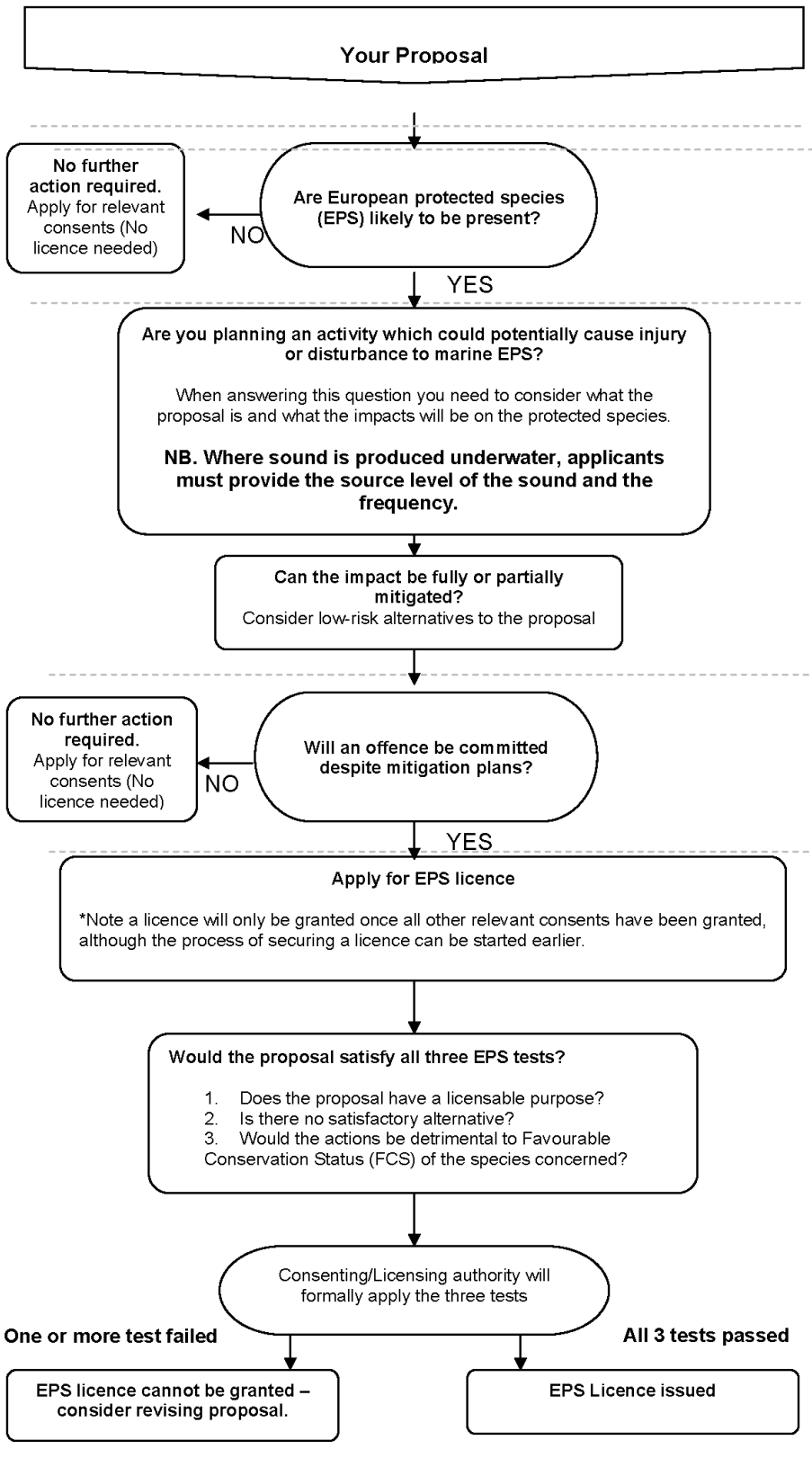
Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish inshore marine area (0 – 12nm).

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 Asessment. 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]

Company Name: Lerwick Port Authority

Business Title (if Appropriate): N/A

Address: Albert Buillding, Lerwick,

Tel no. (inc. dialling code): 01595 692991

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? N/A

Licence number (most recent licence) N/A

Year in which the licence was issued. N/A

What species were covered by the licence? N/A

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

Part B. The Application

3. **Species**

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

Common name(s):

Harbour porpoise
Risso's dolphin
Minke whale
Long-finned Pilot Whale
Common dolphin
Killer Whale

Scientific name(s)

Phocoena phocoena
Grampus griseus
Balaenoptera acutorostrata
Globicephala melas
Delphinus delphinus
Orcinus orca

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

Harbour porpoise = 14
Risso's dolphin = 2
Minke whale = 1
Long-finned Pilot Whale = 1
Common dolphin= 6
Killer Whale = 8

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

Subacoustech provided thresholds alongside the calculated result for a selection of charge weights (with embedded charge correction) for marine mammals As harbour porpoise are considered to be the most sensitive to noise and for this species PTS at 1000m may be exceeded with a Maximum nstantaneous Charge (M C) of >30kg that a 3 6km buffer for disturbance would be most suitable and would cover noise related behavioural responses Therefore if you apply a 3 6km buffer to the application site boundary it covers an area of 22 57km2 at sea

Where available Scans V block density estimates have been used to calculate the maximum numbers of individuals likely to be present within the area Where this number was less than one the figure has been rounded up as it would not be possible to disturb less than one individual For some species the Scans V density estimates are 0 individuals or are not available however records indicate they may be present n this case numbers of individuals have been estimated based on number of individuals reported within recent sightings from Shetland (in the past three years) on the Sea Watch Foundation with the highest figure used on a precautionary basis
Harbour porpoise Scans V density estimates are up to 0 4 0 77 individuals per km2 (average 0 6) 0 6 x 22 57 = 13 54
Risso s dolphin Scans V density estimate is 0 0702 per km2 0 0702 x 22 57 = 1 58
Minke whale Scans V density estimates are 0 011 0 015 per km2 average 0 013 0 013 x 22 57 = 0 29
Long finned Pilot Whale Scans V density estimate is 0 0023 per km2 0 0023 x 22 57 = 0 052
Common dolphin Scans V density estimate is 0 259 per km2 0 259 x 22 57 = 5 84
Killer Whale has no Scans V density estimate Maximum number reported at one time in recent years =8

(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**										
6	0	°	1	1	.	5	9	9	‘N		0	0	1	°	1	0	.	9	2	4	‘W
6	0	°	1	1	.	6	1	3	‘N		0	0	1	°	1	0	.	8	7	7	‘W
6	0	°	1	1	.	6	0	3	‘N		0	0	1	°	1	0	.	8	3	8	‘W
6	0	°	1	1	.	6	4	7	‘N		0	0	1	°	1	0	.	7	2	1	‘W
6	0	°	1	1	.	6	8	2	‘N		0	0	1	°	1	0	.	6	0	0	‘W
6	0	°	1	1	.	7	0	2	‘N		0	0	1	°	1	0	.	5	1	9	‘W
6	0	°	1	1	.	7	5	7	‘N		0	0	1	°	1	0	.	4	4	6	‘W
6	0	°	1	1	.	7	1	4	‘N		0	0	1	°	1	0	.	4	3	6	‘W

All latitudes and longitudes. **Bold** entries are additional points to the above-mentioned points.

Latitude	Longitude
60° 11.599' N	1° 10.924' W
60° 11.613' N	1° 10.877' W
60° 11.603' N	1° 10.838' W
60° 11.647' N	1° 10.721' W
60° 11.682' N	1° 10.600' W
60° 11.702' N	1° 10.519' W
60° 11.757' N	1° 10.446' W
60° 11.714' N	1° 10.436' W
60° 11.617' N	**1° 10.600' W**
60° 11.525' N	**1° 10.757' 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 proposed activity includes pretreatment drilling and blasting of harder rock strata that will be carried out before the dredging operations are initiated. A license is already procured (MS-00011213) for the dredging and disposal of 168,000 Wet Tonnes of dredge material, and this EPS application is for the proposed pretreatment drilling and blasting only.

Drilling and blasting will occur from a specialist drill platform, 'Rockmate', equipped with two marine drill tower units. The 'Rockmate' is 41 x 81m and utilises four spud legs (avoiding the requirement for anchor spread).

The 'Rockmate' will start at a test-blast location in a less sensitive area to measure vibration levels. Drilling will begin at the shallowest rock layer, minimising the amount of explosives required, and keeping the Maximum Instantaneous Charge (MIC) low. The drill pattern will vary depending on rock type, strength, and proximity to structures. The hole spacing ranges from 6m² to 20m². Drill hole diameters will range from 85mm to 165mm.

Drilling will extend up to 2 meters deeper than the planned design to ensure full rock removal during dredging and to reduce the creation of pinnacles. To ensure proper coverage, drilling may also extend 1-2 meters beyond the planned dredge area.

Offshore Kemiitti Explosives, a liquid explosive with packaged boosters and detonators, will be used for underwater rock blasting. These explosives are specifically designed for this purpose. Additionally, EXEM 100, a 50mm packaged emulsion provided by EPC, will be used for controlled blasting to manage Maximum Instantaneous Charge (MIC) and keep vibrations within safe limits.

Trial blasting is required to ascertain the site parameters for vibration predictions. Initial trial blasting will be carried out as part of the production, but with charged levels reduced to ensure vibration levels at nearby structures stay below the normal operational safe limits. Several trial blasts over the first days will be used to take these trial measurements. A warning signal (both aural and visual) will be emitted several minutes before the blast, and the area checked visually for the presence of swimmers, divers, vessels, mammals, etc. in good time. The quantity of explosives in each hole will be dependent on the layer of rock and findings from trial blasting, which will start at MIC 20kg and work up in small increments (2kg) whilst monitoring noise levels at 500m and 1000m. When noise levels reach near the PTS range at 1000m of the hearing frequencies of any marine mammals considered to be within waters associated with the site location (all relevant pinnipeds and cetaceans), then this will identify the maximum MIC for the project. It is also estimated that 9-90 holes will be drilled for each field. Charges will go off at the beginning and end of each day (during daylight). Blasting is expected to occur over a duration of 2.5 weeks at Dales Voe, weather dependent, and may be undertaken partly in winter. As part of an overall mitigation of blast noise impact intensity then the contractor is proposing to use 25 millisecond blast delays between each charged hole to help minimise the MIC / Qmax value for each overall blast.

The drilling and charging will continue on a 24 hours a day, 7 days a week basis.

A review of available resources assessing underwater noise impacts of blasting and findings from similar projects was used to inform and assess likely Permanent Threshold Shift (PTS) and Temporary Threshold Shift (TTS) and general disturbance ranges for marine mammals as a result of blasting, dredging and drilling works required for this project. Blasting PTS ranges are considered to be within 1000m for a MIC of <30kg for all relevant cetacean hearing ranges, dredging PTS ranges for all relevant cetaceans are up to 82m and TTS are up to 350m (and up to 10,000m for harbour porpoise, although these species are considered highly adaptable with the ability to forage over large areas thus not anticipated to cause significant consequences of detrimental effects).

(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.

Marine Mammal Mitigation Plan will be implemented. Full details are provided in the supporting MMRA.

ADDs will be utilised during adaptive management drilling and blasting trial, and may be used during works where considered appropriate (during blasting). ADDs should only be implemented in conjunction with visual and/or acoustic monitoring (PAM) and for as short a period as necessary to minimise the introduction of additional noise. ADDs will only be used if persistent issues arise with marine mammal species converging into or not leaving MMO area just prior to a blast. When ADD is considered necessary, the following should be implemented
o ADDs should be positioned in the water in close proximity to the explosive source installed.
o MMOs should ensure marine mammals are not present within 130m PTS zone of the ADD ahead of switching on, to avoid PTS (this can be done with the assistance of PAM and MMO pre-works searches).
o If a marine mammal is identified prior to ADD being switched on, ensuring that the animal is given appropriate time to leave the 130m PTS zone is required (again, this can be supported by PAM and MMO searches). If the marine mammal is not detected again within 20 minutes, it can be assumed that it has left the area and ADD use may commence.
o ADD should be used for a minimum of 12 minutes to ensure all marine mammals are safely out of the mitigation zone, and a maximum of 15 minutes to ensure they do not excessively disturb marine mammals.
o The MMOs should maintain a post-works search within the mitigation zone for at least 15 minutes after the works have commenced/ last detonation, to look for any evidence of injury to marine life, including fish kills. Any unusual observations should be noted in the report.
o Clear communication channels should exist between MMOs / PAM operators and personnel undertaking works/ detonating the explosives. It is recommended that communication channels should be established and in place before the activity commences, with these matters discussed and agreed at a pre-mobilisation meeting.

Suitably qualified Marine Mammal Observers (MMO), competent in the identification of marine mammals, will be present during dredging and blasting activities to monitor for the presence of marine mammals in the vicinity of the proposed works. An MMO Protocol will be put in place prior to works, which should include (but may not be limited to) the following, as per JNCC guidance
o For dredging, a 500m mitigation zone, and for blasting up to a 1km mitigation zone, will be implemented. This represents the area in which the MMO will monitor visually for the presence of marine mammals prior to dredging and blasting activities. The MMO will be situated on either the dredge vessel or a safe, pre-determined location for blasting to ensure effective coverage of the mitigation zone.
o As part of the drilling and blasting trial, MMOs will monitor the area at both 500m and 1000m with the support of PAMs and noise monitoring equipment, analysing the data to determine TTS and PTS associated with the blasting. JNCC guidance recommends a 1,000 m exclusion zone for underwater blasting, however this distance may be impractical in the context of the site due to spatial and operational constraints and is considered precautionary. The suitability of this will be determined by evaluation of the trial blast underwater noise monitoring as detailed within the drilling and blasting method statement. Depending on the outcome of this, it is considered that there may be potential for the mitigation zone to be reduced, in discussion with the MMOs. If the size of the mitigation zone is adjusted for any reason, this will be stipulated within the works consent or licence conditions and must be agreed with statutory bodies before being implemented.
o The mitigation zone will be monitored visually by the MMO for a minimum of 30 minutes prior to dredging or 60 minutes prior to blasting commencing. Dredging or blasting should not commence if marine mammals are detected within the mitigation zone, or until 20 minutes after the last detection.
o Where an additional fast craft vessel is used to encourage birds out of the works area, only if/ when the MMO has confirmed an absence of marine mammals within the mitigation zone this may be used.
o If there is a pause in dredging of a period of greater than 10 minutes, then the pre-dredging search procedure will be repeated before dredging recommences.
o The MMO will compile appropriate reports which should include, but may not be limited to Marine Mammal Reporting Forms (MMRFs), details of works (date, location, duration), soft-start techniques implemented, occasions where dredging was delayed or stopped due to the presence of marine mammals, watches conducted and instances of non-compliance.

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 site is located within East Mainland Coast, Shetland Special Protection Area (SPA). The site is designated for Annex 1 bird species only. So no impacts to EPS marine mammals are anticipated and Impacts to birds will be assessed in the HRA process for this project.

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
☐	☐	☐	☐	☑	Drilling	1st February 2026	30th September 2026
☐	☐	☐	☐	☑	Blasting	1st February 2026	30th September 2026
☐	☐	☐	☐	☑	Vessel movements	1st February 2026	30th September 2026
☐	☐	☐	☐	☑	Acoustic Deterrent Devices	1st February 2026	30th September 2026
☐	☐	☐	☐	☐			

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'.**

Alternative methods such as mechanical rock excavation or non-explosive chemical rock fragmentation were reviewed. These methods were found to be impractical due to the hardness and depth of the rock strata. Mechanical excavation would not be able to achieve the required fragmentation depth efficiently and would significantly extend project timelines and increase cost. Non-explosive techniques lack the energy required to sufficiently break the rock underwater and carry additional safety and environmental concerns, such as chemical residue in the marine environment. Controlled underwater drilling and blasting remains the safest, most efficient, and environmentally manageable method to pre-treat the rock prior to dredging.

The location for the drilling and blasting activity is fixed to coincide with the approved dredge footprint, already licensed under MS-00011213. As any other location will not serve the purpose of the proposed activity, pretreatment for dredging.

The "Do Nothing" alternative—proceeding with dredging operations without pre-treatment drilling and blasting—was considered but deemed unfeasible. The presence of hard rock strata would render conventional dredging equipment ineffective, risking damage, increased operational delays, and incomplete material removal. Furthermore, repeated dredging attempts would increase environmental disturbance and extend the project timeline. Therefore, pre-treatment using controlled drilling and blasting is essential to ensure the dredging operation is safe, efficient, and environmentally manageable.

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**
Dredging Licence	13th August 2024	MS-00011213	8th May 2025

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.

AAN 3949

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.

[Redacted]

Signature of the Applicant

Date 10/02/2026

(The person named at part 1)

Name in BLOCK LETTERS [Redacted]

Note – If signing on behalf of a company, please append you 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.

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 proposed activity is environmentally friendly compared to other pretreatment methods.

The proposed activity will ultimately support the proposed capital dredging works that are required to improve navigational safety at the site to support the oil and gas decommissioning and offshore wind sector, which will ultimately contribute towards employment and business opportunities for the local population and aid in the process of transition to green renewable energy. The benefits are both short-term and long-term.

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

O & Gas p atform operators are ob gated to decomm ss on the r assets when the o f e ds come to the end of the r econom c fe. There are over 340 o and gas (O&G) p atforms n the UK Cont nenta She f (UKCS), many of wh ch have reached or are approach ng the end of the r usefu ves. There s s gn f cant demand for decomm ss on ng fac t es due to a arge number of assets requ r ng decomm ss on ng, w th a m ted supp y of such fac t es.

The offshore w nd sector s exper enc ng a s gn f cant surge n demand due to the country s amb t ous p ans to meet renewab e energy targets and trans t on away from foss fue s. However, much ke the o and gas (O&G) sector, th s rap d y expand ng ndustry faces cha enges stemm ng from a ack of su tab e nfrastructure, part cu ar y n terms of fac t es to assemb e and dep oy offshore w nd assets.

Da es Voe was des gned for nspect on, repa r and ma ntenance of dr ng r gs, and n 2015, a mu t -purpose deep water fac ty was deve oped to meet the needs of offshore ndustr es, n part cu ar decomm ss on ng and renewab es. It s now a so recogn sed as a key s te for support ng the assemb y and dep oyment of arge-sca e f oat ng structures for offshore w nd farms.

The proposed act v ty w enab e cap ta dredg ng and u t mate y mprove nav gat ona safety at the s te to support the O and gas decomm ss on ng and offshore w nd sector.

Why is it imperative the proposed activity goes ahead?

The proposed pretreatment activity is required to be undertaken for already approved dredging works and it is confined to the approved dredge footprint, already licensed under MS-00011213.

The presence of hard rock strata would render conventional dredging equipment ineffective, risking damage, increased operational delays, and incomplete material removal. Furthermore, repeated dredging attempts would increase environmental disturbance and extend the project timeline. Therefore, pre-treatment using controlled drilling and blasting is essential to ensure the dredging operation is safe, efficient, and environmentally manageable.

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

Under the spatial planning priorities (Annex C), of the National Planning Framework 4, for the North and West Coast and Islands, it states the following:

"New infrastructure and repurposing of land will help to shift industrial activity towards supporting the offshore renewables sector. Key strategic sites for industrial investment and associated port infrastructure and facilities include plans for: Dales Voe and Scapa Flow as part of the Islands Growth Deal..."

Shetland Islands Council Local Development Plan (2014) identifies Dales Voe (Ref LK021) as being a site with development potential.

Lerwick Port Authority is a statutory harbour authority and has a duty to ensure safe, efficient, cost effective sustainable harbour operations.

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.