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From: informed@planning.nature.scot
Sent: 02 October 2025 11:03
To: [Redacted]
Cc: [Redacted]
Subject: Advice for EPS licence - Peterhead Smith Quay Extension

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NIRASProjectId: 81400408

Dear [Redacted]

Thank you for sending through the EPS risk assessment for comment and I apologise for the delay in getting back to you.

Our advice below confirms the requirement for a licence and includes details of the additional information that should be provided in support of the licence application and to enable us to assess the impact of the proposals on the Moray Firth SAC and the Southern Trench MPA..

Peterhead Quay Extension A5356821– EPS RA Response

Overview

- An EPS license to disturb inshore EPS is required
- An EPS license to injure inshore is not required, providing the SMWWC and full JNCC mitigation is adhered to.
- An EPS license to injure or disturb offshore EPS is not required
- A basking shark license is not required, providing that any mitigation and SMWWC applied for cetaceans is also applied to basking sharks
- We require further information to confirm no adverse effect on site integrity for Moray Firth SAC and non-significant disturbance to the Southern Trench MPA.

This is on the condition that the following best practise and mitigation are adhered to:

- Scottish Marine Wildlife Watching Code (SMWWC)

<https://www.nature.scot/sites/default/files/2017-06/Publication%202017%20-%20The%20Scottish%20Marine%20Wildlife%20Watching%20Code%20SMWWC%20-%20Part%201%20-%20April%202017%20%28A2263518%29.pdf>

- JNCC 2010 mitigation for piling

<https://jncc.gov.uk/resources/31662b6a-19ed-4918-9fab-8fbcff752046>

- JNCC 2025 mitigation for explosives

<https://jncc.gov.uk/resources/24cc180d-4030-49dd-8977-a04ebe0d7aca>

Comments on the EPS RA Report

From para 2.1.1 we note that the plan is to extend the existing 120m quay to 200m and these works begin in Jan 2026 and finish in May 2027, with a construction period of 67 weeks.

They break down this construction period across each activity but it is not clear exactly how many days per activity there will be as summarised below:

- Dredging: 11 weeks, but not clear how many days of active dredging over this time
- Pile driving: 15 weeks, 85 tubular steel piles of 1.3m diameter going into 10m deep pre drilled sockets, but not clear how many days active piling days over the 15 weeks
- Rock breaking: not clear how many days over what time period
- Blasting : 0.030kg TNT (similar to low order deflagration) and 20 boreholes. Presumably this would be very temporary (seconds) but not clear how many days over what time period

For any noise producing activities, we require to understand whether the noise is continuous vs impulsive, what frequencies, what dB (peak), how often and for how long.

We disagree that because the activities will occur within the harbour, that sound will not travel outside of the harbour. This means we do not agree with the disturbance impact area of 1.21km².

Throughout the document, each impact has been assessed with a significance allocated almost like a mini EIA – this is not the purpose of an EPS risk assessment. The focus should be on whether one individual of any EPS is at risk of disturbance and if the answer is yes or possibly, then an EPS license is required.

For the EPS license being sought, we advise that they list all species and all activities capable of producing noise, not just the ones they deem will be significant in terms of disturbance, as any disturbance (unless it can be proven <1 animal will be subjected to it/ de minimis) requires an EPS license for inshore works. We also advise that mitigation applied for the listed EPS applies to any incidental species of cetacean or other marine megafauna that may appear during the works.

An underwater noise modelling report is referred to "*DHI (Annex 1 Noise Modelling Report)*" but this has not been provided to us and the impact ranges for disturbance seem smaller than we would expect. We would expect disturbance from piling to be calculated using the dose response from [Graham et al 2019](#) applied to all species of cetacean. We would expect the number of animals disturbed from explosives to be calculated using TTS as a proxy.

We note in paragraph 4.2.7 it states that it is extremely unlikely that there will be any interactions between basking sharks and the proposed construction activities and they were not considered further. Despite basking sharks tending to congregate in larger numbers off the west coast of Scotland seasonally, they have been spotted off the east coast for the past 3 years consecutively. However, providing all mitigation and SMWWC for cetaceans is applied to basking shark, we agree that any disturbance will not be significant and a license to disturb basking shark is not required.

HRA Required

Moray Firth SAC – bottlenose dolphin

While the Moray Firth SAC is >100km away, we advise that the proposed works will still have connectivity to the Moray Firth SAC so there is potential for LSE. However, we need to understand how many days of noise there will be within the 67 week construction period before we can comment on effects on site integrity. Additionally, the number of animals should be recalculated using UWN modelling that isn't limited within the harbour and is based on using the dose response curve from Graham et al 2019. They should be using a higher density for bottlenose dolphin than SCANS III at least out to the 20m depth contour and we advise there are now SCANS IV modelled density surfaces available. It is of our view that there should not be an adverse effect on site integrity due to the temporary nature of noise producing activities, but we cannot confirm from what has been presented in the EPS RA. As per our advice on 13th June 2024 a Habitats Regulation Appraisal (HRA) will be required to consider the potential impacts on designated sites.

Southern Trench ncMPA – minke whale

We would expect noise from piling and blasting to travel into the Southern Trench ncMPA, hence there is potentially an impact on minke whale, which is a protected feature of this MPA. We assume noise will be travelling into the MPA from the proposed works, and we need to understand exactly how many days of noise there will be over the construction period to deem any disturbance to the MPA insignificant. Additional mitigation, such as carrying out works outside of peak minke whale season may be discussed further.

I hope this helps and apologies again for the delay.

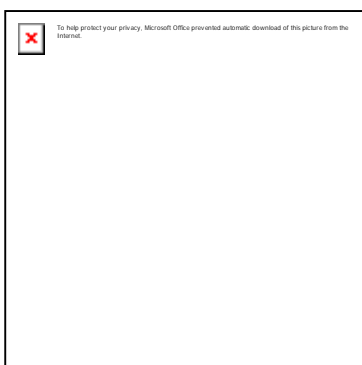
Regards

[Redacted]

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