

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: EPS-00010322

Licensing Officer: [Redacted]

Site	Loch Spelve
Company	Clydeside Surveys Ltd Unit 10 Gordon Avenue Glasgow G52 4TG
Applicant	[Redacted]
Brief Description of Project	Sub-bottom profiling for siting of NLB navigation beacon
Associated Licences	-

Species	harbour porpoise (<i>Phocoena phocoena</i>); bottlenose dolphin (<i>Tursiops truncatus</i>); minke whale (<i>Balaenoptera acutorostrata</i>); short beaked common dolphin (<i>Delphinus delphis</i>)
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	Preserving public health or public safety. Regulation 44(2)(e)
Comments	
<p>The objective of the survey is to enable the Northern Lighthouse Board to design a beacon for the location, which will facilitate safe navigation of the rock hazard for mariners. The activity facilitates a health & safety need. The Northern Lighthouse Board consider there is an ongoing risk to mariners when transiting this waterway and the proposed beacon mitigates this risk.</p> <p>The Northern Lighthouse Board considers the lack of a beacon at this location to be an ongoing risk to mariners in accordance with safe navigation practice. Establishing navigation beacon to aid safe navigation at this location will protect mariners and vessels using this waterbody.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	

Alternative methodologies have been considered by the applicant, but found to be unsatisfactory. Physical drilling below the seabed is a possible alternative, but has been discounted due to the highly invasive nature of the activity.

An alternative to the fixed beacon has also been considered. The installation of a moored buoy has been rejected as it has the potential to become a navigation risk should it break free from its mooring.

The applicant considers there are no other practical and safe methods of establishing the data that Northern Lighthouse Board require to carry out their obligations.

The applicant has considered the do nothing alternative and concluded that to not undertake survey would mean that a navigation beacon would not be placed at the site, therefore placing mariners at risk

Test 2 satisfied?	YES
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TEST 3	Favourable Conservation Status ("FCS")
Comments	
NatureScot has considered the application and advised in its responses of 13 and 24 October 2023 that the proposal will not have an adverse impact upon the favourable conservation status of the species identified by the applicant. The proposed methodology and the use of standard mitigation measures (MMO) ensures the species are unlikely to be within the locality either prior to or during the survey work. It also noted that the duration of the survey work is very short and temporary in nature and the alternative survey method (i.e. drilling) would also be of greater disturbance to species.	
Test 3 satisfied?	YES

Date application received: 27/03/2023

Date variation application received:

Consultation start date: 6/10/23

Consultation end date: 03/11/2023

Notes

Date	Text	Created By

Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From

Licence issue date: 15/01/2024

Date report due: 01/06/2024