

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010447

Licensing Officer: [Redacted]

Site	Port of Dundee
Company	Port of Dundee Ltd Port Office Stannergate Road Dundee DD1 3LU
Applicant	[Redacted]
Brief Description of Project	Geophysical Surveys for capital dredging
Associated Licences	None

Species	harbour porpoise (<i>Phocoena phocoena</i>); bottlenose dolphin (<i>Tursiops truncatus</i>); minke whale (<i>Balaenoptera acutorostrata</i>); white-beaked dolphin (<i>Lagenorhynchus albirostris</i>)
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	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
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 addresses a specific need, the survey will inform the design of a proposed capital dredge and allow the applicant to submit an application for a Marine Licence. The Port of Dundee require to undertake the dredging to allow it to accommodate the larger vessels which are being used to install offshore windfarms. The Port of Dundee is ideally located to support the installation of wind farms in the North Sea. If the port does not undertake the survey and carry out the capital dredging, vessels may</p>	

be forced to use other ports further away from the windfarms. The capital dredge will facilitate the move to Net Zero and support the local businesses and supply chain.

Test 1 satisfied?	YES
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TEST 2	Satisfactory alternatives
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Comments

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.

The applicant has considered other survey techniques to obtain the same data. This would involve an extremely geotechnical investigation, using a series of marine boreholes. This option would involve a longer survey period as well as disturbance to EPS from noise and disruption to the Port of Dundee.

In selecting the proposed survey methodology, the applicant has selected the smallest survey area possible, the smallest number of survey lines within the area to provide the shortest survey duration possible. This has allowed the applicant to ensure the minimal practicable impact to EPS. The applicant has considered doing nothing, however due to the lack of historic ground investigation or survey records to inform the design the project, it would not be feasible for the capital dredging to progress without the survey information.

Test 2 satisfied?	YES
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TEST 3	Favourable Conservation Status ("FCS")
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Comments

NatureScot has concluded in its advice of the 07 September 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 as the activity is localized and temporary and the mitigation provided by the applicant in the European Protected Species Risk Assessment (document number D/I/D/153333/501) will minimise the risk of disturbance even when animals are present.

Test 3 satisfied?	YES
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Date application received: 12/06/2023

Date variation application received:

Consultation start date: 08/08/2023

Consultation end date: 05/09/2023

Notes

Date	Text	Created By
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Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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Licence issue date: 04/10/2023

Date report due: 04/11/2024