

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: EPS-00010654

Licensing Officer: <Redacted>

Site	Flotta Deep Water Quay, Orkney
Company	Repsol Resources UK Limited Suite 1, 7th Floor 50 Broadway London SW1H 0BL United Kingdom
Applicant	<Redacted>
Brief Description of Project	Geophysical surveys to inform the design of a new quayside. Surveys will take place during the high tides and take no more than 3 days to complete. They are planned to take place between 1 May 2024 and 31 August 2024
Associated Licences	-

Species	harbour porpoise (<i>Phocoena phocoena</i>) minke whale (<i>Balaenoptera acutorostrata</i>) Risso's dolphin (<i>Grampus griseus</i>) short beaked common dolphin (<i>Delphinus delphis</i>) killer whale (<i>Orcinus orca</i>) white-beaked dolphin (<i>Lagenorhynchus albirostris</i>) humpback whale (<i>Megaptera novaeangliae</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>The applicant has demonstrated that a specific need is being addressed. Geophysical surveys of an area of approximately 0.77km² adjacent to the Flotta Oil Terminal, Orkney Isles are required to inform navigable depths and provide information on the local geology, including sediment profiles to rockhead, to inform on potential designs for a new quayside.</p> <p>The proposed development informed by the surveys will help the decommissioning sector by increasing the decommissioning capability in the area and also support the offshore renewable industry, in particular the offshore wind sector. It will also create jobs and business opportunities for local population. Environmentally, the development will aid in the process of transition to green renewable energy. The benefits are both short and long term. The proposed development could generate significant cost savings for the decommissioning process in the UKCS by reducing the investment required from platform operators, assist onshore contractors in accessing wider market opportunities and have a positive economic & social impact on Orkney and the UK. The geophysical surveys are a key part of the planning and development of the facility.</p>	

<p>The proposed development aligns with the Regional Spatial Priorities for the Orkney Islands of NPF4. Under the Isles Approach section of Business, Industry & Employment (Policy 4) of Orkney Local Development Plan 2017, it supports industrial developments on the islands that support permanent resident populations and are served by public transport services. It supports the proposal considering the nature of the proposed development as under the Ports & Harbour Section of the Coastal Policy (Policy 12).</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<p>The applicant has demonstrated that reasonable effort has been made to consider alternatives that would achieve the same result but with less / no impact on EPS.</p> <p>An Applied Acoustic AA201 Boomer SBP is the applicants preferred equipment over an Immonar Parametric SBP system due to its superior seabed penetration capabilities. The Innomar SBP is only effective to around 2m - 3m penetration at best, whereas the Boomer SBP will generally achieve penetration down to rockhead / basement. Based on the applicants previous experience of geophysical surveys grounded on the geology encountered around the Orkney Isles, they anticipate sands and conglomerates which are less likely to be penetrated by an Innomar HF system, whereas the boomer LF system should.</p> <p>A geophysical survey is necessary for the implementation of the proposed developmental activities. Without the geophysical survey, it will not be possible for the applicant to proceed with the proposed development.</p> <p>A possible alternative proposed by the applicant would be to carry out detailed ground investigation by taking numerous core samples from the seabed within the survey boundary. However the applicant states that this would increase costs significantly, result in extended survey durations and likely more repeated disruptions to marine mammals through vessel movements. In addition to this, geophysical surveys are less likely to cause any physical disturbance to the seabed.</p> <p>An alternative survey location is likely impractical due to the survey area being central to informing the development design, as such site-specific data is necessary. The area to be surveyed lies within an existing port and works further out from shore may increase the likelihood of impacts on cetaceans. Timings are primarily based on favourable weather and tides, with their being less commercial risk to the project conducting surveys in spring / summer when sea conditions are more likely to be suitable for geophysical data capture.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable Conservation Status ("FCS")
Comments	
<p>NatureScot has considered the application and advised in its responses of 29 March 2024 and 08 May 2024 that an EPS licence is required for the geophysical works in the proposed area. It notes that the application only included porpoise, Risso's dolphin and minke whale and that there are several other cetacean species that may be present in Scapa Flow. NatureScot advised that killer whale, common dolphin, white-beaked dolphin and humpback whale be added to the EPS licence.</p> <p>Nature Scot further advised that the mitigation included in the Flotta Deep Water Quay Marine Mammal Risk Assessment, dated September 2024 including, the use of a Marine Mammal Observer, a pre-search mitigation zone (500m), a soft start and following the Scottish Marine Mammal Wildlife Watching Code, is all appropriate. NatureScot concluded that if this mitigation is secured in the licence conditions then there will be no impact on the Favourable Conservation Status of any of the species covered.</p>	
Test 3 satisfied?	YES

Date application received: 07 December 2023

Date variation application received:

Consultation start date: 26 February 2024

Consultation end date: 01 April 2024

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: 14 May 2024

Date report due: 30 September 2024