

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010738

Licensing Officer: <Redacted>

<b>Site</b>	Ardersier Port, Nairn
<b>Company</b>	Ardersier Port (Scotland) Ltd Ardersier Port Approach Ardersier Inverness IV2 7QX United Kingdom
<b>Applicant</b>	<Redacted>
<b>Brief Description of Project</b>	Capital Dredging of 8.6million wet tonnes of material. Construction works including piling to create 659m quay wall.
<b>Associated Licences</b>	MS-00009478, Quay Wall Construction MS-00010583, Capital Dredging

<b>Species</b>	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> ); white-beaked dolphin ( <i>Lagenorhynchus albirostris</i> )
<b>Inshore/Offshore</b>	

<b>TEST 1</b>	<b>Purpose of licence</b>
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)

<b>Comments</b>
<p>The applicant has stated that Ardersier Port is considered to provide a key facility in delivering the UK's 50GW offshore wind energy target by 2030, and is a once-in-a-generation opportunity to create a global hub for renewable energy in Scotland. The development of Ardersier Port is dependent on deep dredging the channel adjacent to the quayside in order to provide the necessary water depth for vessels supporting the offshore wind industry. In addition, piling works are necessary to install the quay wall to provide onshore access for these vessels.</p> <p>Historically, Ardersier Port supported the local economy when it operated as a McDermott oil and gas fabrication yard. Now Ardersier Port is considered to provide a key facility in delivering the UK's 50GW offshore wind energy target by 2030 and aim to create and enable thousands of direct and indirect jobs and re-skilling opportunities in the community across industries related to the energy transition, including construction, offshore wind and decommissioning. The scale and location of the project mean that over time, Ardersier's activities can diversify to include more industries related to the energy transition, including renewable energy fabrication. In the long term, Ardersier holds the potential to create a circular economy manufacturing model that supports the UK's energy security and decarbonisation priorities. The</p>

dredging and piling activities are essential works that must be undertaken to realise the Port's ambitions.

The Applicant considers the dredging and piling activities imperative as no other alternatives offer suitable options. As stated above, these activities are essential to the development of the Port and creating a facility that can adequately service the offshore wind sector.

The public interest and need is outlined within the benefits text above. Future users of the port will benefit directly as well as the wider public and businesses within Ardersier and the north of Scotland. Further details on the need for the project can be found at: <https://www.haventus.com/>

Full details of how the project is supporting regional and national policies are provided within the EIA accompanying the planning application. A separate Planning Supporting Statement (Graham + Sibbald 2018) provides an assessment of the Proposed Development's compliance with these policies, was submitted with the application to renew the existing planning permission in principle.

<b>Test 1 satisfied?</b>	Yes
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<b>TEST 2</b>	<b>Satisfactory alternatives</b>
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**Comments**

The applicant has consider alternative to the proposed methodology. Using mechanical dredging would lead to very high percentages of suspended sediment, whilst cutter suction dredging utilises suction in combination with a cutter head, so it minimises suspended settlement and has a high production rate, meaning it is the best method for a project of this scale within the very limited permitted dredging window. Dredging by other means within the same timescale would require multiple dredgers working simultaneously and thus likely lead to increased levels of noise within the water environment, which could affect marine species.

Extraction of sheet piles using a vibratory hammer is industry standard practice. Simply pulling piles out through applying a lifting force with a crane would likely not be appropriate as the cohesive forces between the sheet pile and soil would likely be too strong to overcome with a reasonable crane pull. In addition, the age and poor condition of the piles mean that they are not likely to be able to withstand significant pulling forces. Another alternative is to cut the piles at seabed level using a dive team and underwater burning equipment, lifting them out and leaving part of the pile in the ground. This is not considered suitable in this particular case, as dredging is to occur below the existing piles. The only remaining option would be to excavate either side of the piles before lifting them out, which is considered to be far more disruptive to the marine environment than vibrating the piles out, which is a commonly preferred method by environmental agencies in the UK. The vibrations move the soil and break the cohesion, making the piles much easier and safer to remove.

Not carrying out any dredging would render the consented project unviable as vessels would not be able to safely approach the port. Not installing the new quay wall would impact on the ability of the Port to service the offshore wind industry and render the entire development redundant.

There are no alternatives to the location of the piling and dredging due to the nature of the works to be undertaken. Work must take place at the specified locations to facilitate the development of the Port. Timing of the dredging has been planned to take into account the impact on a number of designated sites. The applicant has sought advice from NatureScot.

<b>Test 2 satisfied?</b>	Yes
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<b>TEST 3</b>	<b>Favourable Conservation Status ("FCS")</b>
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**Comments**

In its response dated 9 May 2024 NatureScot advised that MD-LOT add-in common dolphin to the list of species that the licence should cover. They advised that although this species is considered to be a generally deep-water offshore species, it would seem that some animals are being seen, or perhaps animals are becoming more frequent within our waters. The other species identified within the licence application are appropriate, including - bottlenose dolphin, harbour porpoise, minke whale and white-beaked dolphin.

It further advised that based on the Marine Mammal Protection Plan mitigation and discussions/agreement with regard to timing of operations around the deep-dredge application, Favourable Conservation Status for

the five European Protected Species should not be undermined.	
<b>Test 3 satisfied?</b>	Yes

**Date application received: 23 February 2024**

**Date variation application received:**

**Consultation start date:** 09 April 2024

**Consultation end date:** 07 May 2024

**Notes**

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Date	Text	Created By
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**Awaiting Information**

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Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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**Licence issue date:** 10 June 2024

**Date report due:** 31 October 2025