

MS-LOT European Protected Species Case Handling Report

Licence Number: 00010980

Licensing Officer: <Redacted>

Site	Port of Dundee Survey Area
Company	Port of Dundee Limited Forth and Tay Navigation Service, South Shore Road,Grangemouth Docks, Grangemouth United Kingdom FK3 8TQ
Applicant	<Redacted>
Brief Description of Project	Geophysical Survey
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>);white-beaked dolphin (<i>Lagenorhynchus albirostris</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 upgrade and maintenance of port infrastructure is to support growth of offshore renewable energy in Scotland. The port requires increased capacity/size of the vessels that are associated with the offshore energy industry this contributes to economic and environmental benefits.</p> <p>There is requirements for the survey to inform and greatly reduce the engineering risk of the reconfiguration of the dredge channel and is also necessary to identify potential archaeological interest, for the purpose of mitigating potential effects.</p> <p>This aligns with the Climate Change Scotland Act 2009 , Scotland's Net Zero & ScotWind targets.</p> <p>The increased efficiency as an offshore renewables supporting port will enable ongoing contribution to the continued growth of the offshore renewables industry in Scotland. This is in line with the UK's targets for providing low-carbon energy and will provide nationwide benefit.</p>	
Test 1 satisfied?	YES

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TEST 2	Satisfactory alternatives
Comments	
<p>A geophysical survey of the capital dredge footprint is required to provide information on the seabed characteristics to inform an environmental assessment of the proposed dredging. Although there might be different types of survey equipment that could be used, this is often constrained by the specific purpose of the geophysical survey and the alternative equipment may not be effective.</p> <p>Alternative option of marine boreholes within the dredge area were considered; however, this would require a jack-up barge stationed in the middle of a busy approach channel and would not provide detailed and complete coverage of the areas.</p> <p>A do nothing approach would create engineering risk with regard to the dredge design and environmental risk to unidentified items of potential archaeological interest.</p> <p>Undertaking a geophysical survey is considered to be the best possible solution in terms of access issues and for comprehensive identification of seabed geology and the presence of items of potential marine archaeological interest.</p>	
Test 2 satisfied?	YES

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TEST 3	Favourable conservation status
Comments	
<p>NatureScot has considered the application and have advised in its response dated 07 January 2025</p> <p>1.Summary</p> <ul style="list-style-type: none">• If the proposed mitigation, based on JNCC guidance (2017), is fully implemented, then the risk of auditory injury can be mitigated and an EPS licence for injury will not be required.• There is a residual risk of disturbance due to underwater noise produced by the geophysical survey equipment, so an EPS licence for disturbance is required for this activity.• There will be no detrimental effect on favourable conservation status of any EPS species from disturbance. <p>Within the application it states the exact nature of the geophysical equipment to be used is currently unknown but is likely to include a sub-bottom profiler. Many geophysical devices produce sound at levels which can cause auditory injury and disturbance to marine mammals.</p> <p>As the exact devices are not yet know, we advise that any equipment which operates within the hearing ranges of marine mammals (up to 200 kHz) and at source levels greater than Southall et al. (2019) thresholds will require mitigation to prevent auditory injury.</p> <p>Five cetacean species have been identified as potentially present in the region: harbour porpoise, bottlenose dolphins, white-beaked dolphins, short-beaked common dolphins and minke whales. We are content with this list, but advise that the mitigation is applied to all species of cetaceans (as well as seals) if they are present during the surveys.</p> <p>2.Designated sites</p> <p>The proposal is within the Firth of Tay and Eden Estuary Special Area of Conservation (SAC), designated for its internationally important population of harbour seal as well as its estuary, intertidal mudflats and sandflats and subtidal sandbanks habitats. As for cetaceans, harbour seals are sensitive to injury and disturbance from underwater noise.</p> <p>The proposal is also within the Outer Firth of Forth and St Andrews Bay Complex SPA, designated for its breeding and non-breeding seabirds. A full list of the qualifying species can be found on the Sitelink section of our website.</p> <p>In our view, the proposal is likely to have a significant effect on the harbour seals of the SAC and the seabirds of the SPA as the presence of a vehicle and associated noise could cause disturbance to the species.</p> <p>Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the sites' conservation objectives for their qualifying interests.</p> <p>To help you do this, we advise that, in our view, the proposal will not adversely affect the integrity of the sites. This is because with the proposed mitigation in place, the risk of auditory injury will be minimised. Due to the short duration (five days) and localised impacts from the geophysical activities, the risk of significant disturbance (for both seals and seabirds) is low. As an additional best practice measure, we recommend that the surveys take place before June. This is because harbour seals give birth around this time and, while the pups are young, both they and their mothers will be more vulnerable to disturbance. The proposal is unlikely to have a significant effect on the qualifying habitats of the SAC.</p>	
Test 3 satisfied?	YES

Date application received: 11/10/2024

Consultation start date: 06/01/2025

Consultation end date: 20/01/2025

Notes

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Date Text

21/10/2024 https://gridreferencefinder.com?gr=NO4308330756|56.465483_s__c__s_-2.925317|1,NO4308430724|56.

28/11/2024 Expedite Request rec'd. Sent to NM who agreed to expedite by shortening the consultation period to 2 weeks

28/11/2024 EPS-00010980 - Port of Dundee Survey Area Grid Reference Finder | OS Map

06/01/2025 Amended Application, updated coords and map rec'd. Coords updated on C-View and spreadsheet - Port of Dundee

14/01/2025 NS response is LSE so AA required. Email sent to Agent with NS response and to confirm application details

22/01/2025 Agent confirmed application details. AA amendments made, awaiting final review from CWM.

29/01/2025 AA reviewed by EIA/HRA Team. EPS-00010980 - Port of Dundee Ltd (Per Royal HaskoningDHV) - Geoplot

Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
26/11/2024	06/01/2025	41	Amended Application requested	Applicant
14/01/2025	14/01/2025	0		Applicant
22/01/2025	29/01/2025	7	AA sent to EIA/HRA Team for review	HRA team

Licence issue date: 30/01/2025

Date report due: 30/06/2025

Licence start date: 31/01/2025

Licence end date: 31/05/2025

National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: In accordance with GEN 1, 2, 4, 5.

GEN 1 General planning principle: There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.

GEN 2 Economic benefit: Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.

GEN 4 Co-existence: Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision making processes, when consistent with policies and objectives of this Plan.

GEN 5 Climate change: Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change.

Reviewed and signed by:

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Signed:

Date: 29/01/2025