



THE CONSERVATION (NATURAL HABITAT, &c.) REGULATIONS 1994 (AS AMENDED)

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011434

Site	Dales Voe, Shetland
Company	Lerwick Port Authority Albert Building Lerwick Shetland ZE1 0LL
Brief Description of Project	Dales Voe Dredging
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>);long-finned pilot whale (<i>Globicephala melas</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 proposed activity addresses a specific operational and environmental need by enabling safe and effective capital dredging at Dales Voe, which is essential for improving navigational safety and supporting the infrastructure required for offshore energy sectors.</p>	
<p>Compared to other pre-treatment methods, the approach is environmentally preferable, reducing the risk of repeated dredging attempts and associated ecological disturbance. The activity facilitates the removal of hard rock strata that would otherwise hinder dredging operations, ensuring the process is safe, efficient, and environmentally manageable.</p>	
<p>This work is critical to supporting the oil and gas decommissioning sector and the rapidly expanding offshore wind industry. Both sectors face significant infrastructure challenges, including a shortage of suitable facilities for asset decommissioning and deployment. By enhancing the operational capacity of Dales Voe, the activity contributes to short-term economic gains and long-term strategic goals, including job creation, business development, and the transition to renewable energy.</p>	
<p>The public interest is served through improved maritime safety, economic resilience in coastal communities, and alignment with national energy transition goals. The activity supports the UK's broader environmental and energy objectives, including commitments to reduce carbon emissions and increase renewable energy capacity.</p>	
<p>The proposal is consistent with government targets and policies, including the National Planning Framework 4, which identifies Dales Voe as a strategic site for industrial investment and offshore renewables infrastructure. It also aligns with the Shetland Islands Council Local Development Plan, which recognises the site's development potential.</p>	
<p>Lerwick Port Authority, as a statutory harbour authority, is undertaking this activity in fulfilment of its legal duty to ensure safe, efficient, and sustainable harbour operations. The proposed works are therefore not only necessary but also legally mandated and strategically aligned with national and regional planning priorities.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<p>Alternative methods such as mechanical rock excavation or non-explosive chemical rock fragmentation were reviewed. These methods were found to be impractical due to the hardness and depth of the rock strata. Mechanical excavation would not be able to achieve the required fragmentation depth efficiently and would significantly extend project timelines and increase cost. Non-explosive techniques lack the energy required to sufficiently break the rock underwater and carry additional safety and environmental concerns, such as chemical residue in the marine environment. Controlled underwater drilling and blasting remains the safest, most efficient, and environmentally manageable method to pre-treat the rock prior to dredging.</p> <p>The location for the drilling and blasting activity is fixed to coincide with the approved dredge footprint, already licensed under MS-00011213. Any other location will not serve the purpose of the proposed activity,</p> <p>The "Do Nothing" alternative proceeding with dredging operations without pre-treatment drilling and blasting was considered but deemed unfeasible. The presence of hard rock strata would render conventional dredging equipment ineffective, risking damage, increased operational delays, and incomplete material removal. Furthermore, repeated dredging attempts would increase environmental disturbance and extend the project timeline. Therefore, pre-treatment using controlled drilling and blasting is essential to ensure the dredging operation is safe, efficient, and environmentally manageable.</p> <p>NatureScot advised to ensure that all predicted Permanent Threshold Shift (PTS) injury impacts from blasting can be fully mitigated, the maximum injury (PTS) zone must not exceed 1000m, as this is the effective limit for standard marine mammal mitigation of MMOs (Marine Mammal Observers) and PAM (Passive Acoustic Monitoring).</p> <p>If modelling shows an injury zone greater than 1000m, then traditional mitigation alone is insufficient. In that scenario, the developer must either:</p> <ul style="list-style-type: none"> - Modify the blasting design (e.g., reduce charge size, reduce number of charges, alter timing), - Apply noiseabatement technologies, such as bubble curtains, or - Use deterrence methods, such as Acoustic Deterrent Devices (ADDs), to ensure animals are displaced beyond the injury radius. <p>This approach demonstrates that practicable alternatives to avoid injury do exist, that they have been incorporated, and that the project can therefore meet Licensable Test 2.</p> <p>The use of bubble curtains has been discounted as it would be extremely challenging to deploy them effectively in open water and with the presence of the existing heavy vessel traffic, for individual blasts at different locations.</p> <p>Trial Blasting and ADD use were taken forward fully assessed and mitigation provided.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>If PTS cannot be fully mitigated, it will not be possible to conclude no Adverse Effect on Site Integrity (AESI). In that circumstance an EPS licence for injury would be required; however, such a licence is unlikely to be granted because feasible alternatives exist (e.g., ADDs or blast modification) that would prevent injury altogether.</p> <p>NatureScot advises the only realistic and viable mitigation option appears to be the use of ADDs to ensure animals are kept outside the predicted PTS zone. Therefore:</p> <ul style="list-style-type: none"> - ADDs should be included within the mitigation and assessed within the EPS application. - ADDs should also be included as part of the EPS licence conditions, ensuring works can proceed lawfully. - Posttestblast monitoring may show that ADDs are not required in all areas; however, including them now provides sufficient flexibility to proceed without delay. <p>NatureScot advised that if the proposal is carried out strictly in accordance with the mitigation proposed and in accordance with the recommended changes, it can conclude that the proposal will not have an adverse impact on the favourable conservation status of the EPS concerned.</p>	
Test 3 satisfied?	YES

Date application received: 17/09/2025

Consultation start date: 18/09/2025

Consultation end date: 02/10/2025

Notes

Date	title	Text
------	-------	------

National Marine Plan considerations:

<p>The decision is: In accordance and no further action required</p>
<p>Comments: GEN 9 Natural heritage: Development and use of the marine environment must:</p> <ul style="list-style-type: none"> (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area. <p>No requirement for Appropriate Assessment or Marine Protected Area Assessment.</p> <p>GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio-economic evidence.</p>

In accordance with the above.

Date document generated: 23/03/2026