



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011435

Site	Arlanda, Holmsgarth, Heogan and North Ness Channel, Lerwick
Company	Lerwick Port Authority Albert Building Lerwick Shetland ZE1 0LL
Brief Description of Project	Lerwick Capital Dredge
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>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’. 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 in relation to improving navigational safety at the port in order to support oil and gas decommissioning, the offshore wind sector, other harbour users and the wider Shetland community. Lerwick Harbour is one of the principal deep water ports in the northern North Sea and north east Atlantic. The proposed activity will contribute towards employment and business opportunities and aid in the transition to green renewable energy.</p> <p>Drilling and blasting is required to remove hard rock strata in an effective and timely manner.</p> <p>The proposal is consistent with government policy, including the National Planning Framework 4, which identifies Lerwick as a site to service the energy and renewables sector. It also aligns with the Shetland Islands Council Local Development Plan, which identifies sites at the port for industrial development, which would require marine transportation facilities. The proposed activity is necessary to achieve that objective.</p> <p>In addition, Lerwick Port Authority is a statutory harbour authority and has a duty to ensure the safe, efficient, sustainable and cost-effective operation at the site.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<p>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.</p> <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 were considered to lack the energy required to sufficiently break the rock under water, and carry additional safety and environmental concerns, such as chemical residue in the marine environment. Controlled underwater drilling and blasting was deemed to be the safest, most efficient, and environmentally manageable method to pre-treat the rock prior to dredging.</p> <p>The proposed activity will partially coincide with a previously approved dredge footprint.</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>Use of Acoustic Deterrent Devices was strongly suggested as part of the mitigation suite by NatureScot, if required.</p> <p>The use of bubble curtains was discounted as it would be extremely challenging to deploy them effectively in open water and the presence of the existing heavy vessel traffic, for individual blasts at different locations. This aligned with a NatureScot report finding the effectiveness of bubble curtain use for blasting is mixed, and acknowledging the high costs of deploying them for individual blast locations.</p> <p>Marine Directorate Science Evidence, Data and Digital advised the justifications provided by the applicant seemed reasonable, but the scope of alternatives would require engineering expertise to consider. On balance, it is not considered proportionate to obtain specialist engineering advice to consider the matter further.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>NatureScot has concluded in its advice of 03 February 2026 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 if the mitigation measures within the Shadow Habitats Regulations Appraisal are adhered to.</p>	
Test 3 satisfied?	YES

Date application received: 17/09/2025

Consultation start date: 26/01/2026

Consultation end date: 23/02/2026

Notes

Date	title	Text
National Marine Plan considerations:		
		<p>The decision is: In accordance and no further action required</p>
		<p>Comments: The proposed activity aligns with the following NMP General Principles: GEN 2 Economic Benefit: The proposal will ensure effective and continued marine transportation at the site. This will provide an economic benefit for the community. GEN 3 Social Benefit: The proposal will ensure ongoing navigational safety in the area. This will provide a social benefit in respect of marine transportation and accessibility for the local population. NMP Species Protection: The applicant declared that the proposed activity may disturb/harass protected species. Due to this they have applied for European protected species licence and basking shark licence to ensure any impact on the protected species is reduced. NatureScot reviewed the mitigation proposed by the applicant and agreed with this in place, the activity would not impact the favourable conservation status of the protected species. The requirement to adhere to this mitigation has been conditioned in this licence.</p>

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