



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011512

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|-------------------------------------|--|
| <b>Site</b>                         | Smith Quay Peterhead Port  |
| <b>Company</b>                      | Peterhead Port Authority<br><br>Harbour Office<br>West Pier<br>Peterhead<br>AberdeenAB42 1DW |
| <b>Brief Description of Project</b> | Peterhead - Smith Quay Extension   |
| <b>Associated Licences</b>          |  |

|                         |  |
|-------------------------|--|
| <b>Species</b>          | harbour porpoise ( <i>Phocoena phocoena</i> );bottlenose dolphin ( <i>Tursiops truncatus</i> );minke whale ( <i>Balaenoptera acutorostrata</i> );Risso's dolphin ( <i>Grampus griseus</i> );white sided dolphin ( <i>Lagenorhynchus acutus</i> ) |
| <b>Inshore/Offshore</b> | Inshore  |

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| <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>With regard to Test 1 there are several different purposes for which an EPS licence can be granted including, under Regulation 44(2)(e) 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’.</p> <p>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, complying with national planning policies and supporting economic or social development (including nationally important infrastructure development projects and employment).</p> <p>The proposed quay extension will provide vital additional berthing capacity and deck space with adjacent laydown area for the port, enhancing the area economically and further supporting its use as a base for supporting the deployment of offshore wind turbines, hosting operations &amp; maintenance facilities for offshore wind farms and for vessels engaged in decommissioning of offshore oil and gas installations. It is likely to deliver significant public benefits by strengthening the port’s role as a strategic maritime hub for Scotland by enhancing navigational safety and operational efficiency for vessels; supporting sustainable economic growth by enabling continued operations for key sectors such as pelagic fisheries, offshore energy, marine renewables, and decommissioning; and aligning with national objectives for resilient infrastructure and low-carbon transition, ensuring the port remains competitive and future-ready. The current infrastructure requires to be upgraded to allow handling of larger vessels and current operational constraints limit growth and efficiency. Enabling infrastructure for offshore wind and low-carbon energy projects will advance Scotland’s Energy Strategy and Net Zero targets, whilst the enhancement of port infrastructure will align with Aberdeenshire Council’s economic development strategies by safeguarding employment, promoting sustainable growth and diversification, and supporting the North East Scotland Investment Zone.</p> |   |
| <b>Test 1 satisfied?</b>  | YES   |

| TEST 2   | Satisfactory alternatives |
|--|---------------------------|
| <b>Comments</b>  |                           |
| <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>The applicant considered the 'do nothing' approach but concluded that the need for the extension meets the requirements of Scotland's National Marine Plan. Alternative construction programmes and methods were considered but the current proposal reduced the construction period and potential adverse impacts. Similarly, the construction of a new quay at a different location was considered to have greater adverse impacts and was ruled out on the basis of significant additional costs.</p> <p>In response to MD SEDD advice, the applicant detailed further consideration of alternatives to piling, such as gravitybased or caisson structures, which were discounted due to sitespecific constraints, including ground conditions, water depths and berth configuration. Such approaches would require extensive seabed modification, additional dredging and ground improvement works, resulting in greater environmental disturbance and longer construction durations compared to a piled solution. Wave analysis was also conducted which determined that any "solid face" quayside alternatives such as sheet piling, blockwork and caisson would have a detrimental impact due to wave reflections in the harbour.</p> <p>Alternative piling techniques were given consideration, including a land based approach, whereby piles could be installed from a temporary working platform supported on rows of permanent piles, progressing westwards from the existing quay. The applicant advised that this approach would reduce reliance on marine plant and remains under consideration, subject to contractor selection and detailed construction planning. A combination of both landbased and marinebased piling methods are therefore being progressed in parallel at this stage.</p> <p>Alternative lowenergy piling techniques (such as vibropiling) were also considered. However, based on the geotechnical condition, the presence of high variable strength rock strata and limited overburden requires drilled piling. Other techniques would not be suitable for the anticipated ground conditions or pile sizes and could introduce increased construction risk or additional works.</p> <p>Application of additional attenuation measures were also considered such as the use of bubble curtains. However, due to the need to maintain continued operation of the port throughout the project it was considered that this would not be effective if disturbed by vessel traffic and may pose a safety risk to vessel pilotage. Particularly as the adjacent existing berth will still be in operation and the works are directly adjacent to the inner harbour entrance where there is regular vessel traffic on a 24hrs basis. It was also uncertain that given the shallow depths, where forming a consistent enough bubble curtain required to be effective at lower frequency noise would be challenging, whether it would provide sufficient attenuation to make its cost and operational complexity justified.</p> <p>Alternatives to the dredge area / depth were discounted as they would result in insufficient water depth for safe vessel access and operation, restrict safe operations to certain weather or tidal states, and would undermine the functional purpose of the quay extension.</p> <p>The selection of backhoe dredging was considered to allow for targeted removal of material, precise control of dredge extents, and reduced sediment disturbance compared to other dredging techniques (cutter suction, water injection dredges etc). This approach was determined to represent the least environmentally impactful method capable of achieving the required design depths.</p> |                           |
| <b>Test 2 satisfied?</b>   | YES                       |

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| <b>TEST 3</b>  | <b>Favourable conservation status</b> |
| <b>Comments</b>  |                                       |
| NatureScot has concluded in its advice of 20 March 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 provided the the proposed mitigation measures, including the employment of a Marine Mammal Observer (MMO), are adhered to. |                                       |
| <b>Test 3 satisfied?</b>   | YES                                   |

**Date application received:** 27/11/2025

**Consultation start date:** 30/01/2026

**Consultation end date:** 20/03/2026

**Notes**

| Date | title | Text |
|------|-------|------|
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**National Marine Plan considerations:**

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| The decision is: In accordance and no further action required  |
| <p><b>Comments:</b> Chapter 13 of the NMP outlines the sector specific objectives and policies for shipping, ports, harbours and ferries that are considered important for planning and decision making. The NMP emphasises the need to promote the development of Scottish ports and harbours as they are essential for the continuation and growth of economic prosperity.</p> <p><b>GEN 13 Noise:</b> Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects. The assessment concluded low to negligible risk of disturbance to some species. NS have been consulted in relation to the noise generated. We therefore conclude that the noise levels produced are not adverse to this policy.</p> <p><b>GEN 19 Sound evidence:</b> Decision making in the marine environment will be based on sound scientific and socio-economic evidence. The application has been consulted on and relevant conditions have been applied.</p> |

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