

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS/BS-00010946

Site	Forth & Tay Estuaries
Company	National Gas Transmission National Gas Transmission Warwick Technology Park Gallows Hill Warwick United Kingdom CV34 6DA
Brief Description of Project	Trial of new AUV for use in geophysical surveys of gas pipeline in Firth of Forth and River Tay
Associated Licences	Marine Licence No. 00010842

Species	harbour porpoise (<i>Phocoena phocoena</i>); bottlenose dolphin (<i>Tursiops truncatus</i>); minke whale (<i>Balaenoptera acutorostrata</i>); white sided dolphin (<i>Lagenorhynchus acutus</i>); white-beaked dolphin (<i>Lagenorhynchus albirostris</i>); humpback whale (<i>Megaptera novaeangliae</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’.</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 (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 maintaining the integrity of a gas pipeline for the community, and to trial a new AUV system to strive to reduce the impacts of any works associated with pipeline inspection or repair.</p> <p>A failure to a gas pipeline has significant implications in terms of potential supply interruptions and public safety. By carrying out regular pipeline inspections National Gas Transmission are ensuring any potential problems are identified early and mitigations can be applied.</p> <p>The work is carried out in accordance with the requirements of NGTs "MAINT5" procedures which are designed in accordance with the IGEM (Institute for Gas Engineers and Managers) TD (Transmission and Distribution) standards. These are the overarching standards used across the whole of the UK.</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>The proposed activity is a trial for a new AUV system. Given the critical nature of the infrastructure being inspected and surveyed, the ‘do-nothing’ alternative in this case (ie not to complete the survey) could result in necessary repairs remaining undiscovered, leading to a potential threat to public health and safety, and is therefore not a viable alternative.</p> <p>No alternative trialling systems were considered as the purpose of the proposed activity is to trial a new AUV system.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
In its response dated 15 October 2024, NatureScot concluded that due to the localised spatial extent and temporary / short-term nature of the works, the proposal will have no detrimental effect on the FCS of the species concerned	
Test 3 satisfied?	YES

Date application received: 04/09/2024

Consultation start date: 19/09/2024

Consultation end date: 10/10/2024

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required
<p>Comments: The proposed activity aligns with the following NMP General Principles:</p> <p>GEN 2 - Economic Benefit The proposal will ensure a reliable gas supply to the public. Residential and commercial housing and buildings can continue to provide an economic benefit to the community.</p> <p>GEN 3 - Social Benefit The purpose of the proposal is to ensure a reliable gas supply to the public, and to mitigate against the potential for threat to human health.</p> <p>GEN 13 - Noise This purpose of this proposal is to trial a new AUV system, striving to reduce the impact of works associated with the maintenance of the pipeline, and utilise less intrusive monitoring devices with regards to marine noise.</p> <p>OIL & GAS 5 - The purpose of the proposal is to monitor and survey the installed gas pipeline for integrity and reliability.</p> <p>NMP Species Protection The applicant declared that the proposed activity may disturb/harass protected species. Due to this they have applied for a European protected species (EPS) licence to ensure any impact on the protected species is reduced.</p>

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