



**RE: Application for a licence to disturb or injure marine European protected species (EPS) - FS0933  
Clashnessie Bay**

By email

16/9/2024

Thank you for your email response dated 2/8/24. To summarise:

*Looking at the original information supplied with the application and the further detail you provided, it is apparent that the evidence gathered to support the application relates to the US3 device rather than the RT1, to which the application relates.*

*Our review has highlighted this as an issue because our advisors have stated that although the duty cycle and source level of the devices are comparable, the difference in frequency range is significant and is likely to be perceived differently by seals. Due to the different acoustic properties the efficacy of the RT1 cannot be predicted from data gathered in relation to the US3. In short, based on the information we have, the efficacy evidence in the application is only relevant to the US3 device.*

*Do you have any further evidence or justification that would demonstrate that the evidence supplied to date is relevant to the RT1 device as well as the US3?*

Loch Duart Ltd (LDL) would like to provide the following response:

As stated in our response dated 25/6/2024, RT1 devices were also available during the April 2018 – January 2020 and March 2020 – October 2021 production cycles at Clashnessie Bay to supplement the use of the US3 devices as and when required. Since 2017 and until the removal of ADDs from all sites in 2021, additional ‘mobile’ RT1 devices were used to enable the escalation of predator deterrence during LDL production cycles. This essentially extended the acoustic frequency range by using the two different types of unit simultaneously. However, because the RT1 units were always deployed alongside the US3s, we cannot quantify efficacy for seal deterrence on the RT1 units as a standalone. However, we would argue that the RT1 devices are not ‘untested’ in this context.

LDL would like to note that comments by Md-LOT’s advisors do suggest some circularity of argument in the application process. For example it appears to be suggested that the permission to use the RT1 devices at Clashnessie Bay will not be granted unless the RT1s are proven to be effective at the site, however a specific EPS licencing requirement to deploy such devices at a site is required to demonstrate device efficacy. The RT1 system has also been commercially available since 2015 in both Scotland and other aquaculture producing areas. These devices, although operational at a lower frequency range than the US3s, still operate within the sensitive hearing ranges of seals indicative of their potential for effective deterrence ability.

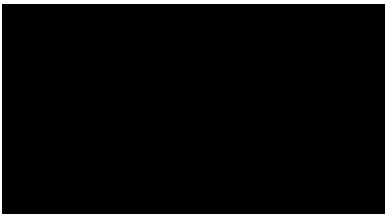
In summary, ADDs have not been used at Clashnessie Bay since 2021 and as previous submissions have detailed, although LDL have escalated equipment strategies since the removal of ADDs in 2021,

the need for ADDs is still clearly evidenced by the data that has been submitted. The decision to apply for the for RT1 devices as the primary ADD units for Clashnessie Bay site does not overlook historical ADD use data for the site but instead, it shows that the use of such mechanisms can significantly reduce predatory interactions at the site. The RT1 devices however were selected based on the current site and operational practices at Clashnessie Bay, in conjunction with the assessment of disturbance/injury risk to non-target species in the wider application area. On this basis, the RT1 was considered to be the most suitable device for deployment at the site. This is based on the following justifications:

- The RT1 device operates within the sensitive hearing ranges of seals, yet out with those of dolphins and porpoises which have been identified as specific receptors in the SCANS-IV survey block for the Clashnessie Bay marine farm site. The lower frequency device was therefore considered as a preferential option for regulators whilst allowing additional predator deterrence for the application site.
- Fewer RT1 devices are required to provide full site coverage at Clashnessie Bay. A total of 6 RT1 devices (compared to 8 US3 devices) would be required. This means, less noise is generated overall. The decision to use the RT1 device was therefore perceived to be of lesser cumulative risk in this instance compared to the US3 device requirements for the site.

Further details based on the comparison of the US3 and RT1 devices collated by AceAquatec (Attachment 1).

Yours Sincerely



Environmental Manager, Loch Duart Ltd