



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011685

<b>Site</b>	Port of Dundee and Lady Shoal
<b>Company</b>	Port of Dundee Limited Forth and Tay Navigation Service South Shore Road Grangemouth Docks Grangemouth FK3 8TQ
<b>Brief Description of Project</b>	Port of Dundee Quay Improvement and Capital Dredging
<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> );short beaked common dolphin ( <i>Delphinus delphis</i> );white-beaked dolphin ( <i>Lagenorhynchus albirostris</i> )
<b>Inshore/Offshore</b>	Inshore

<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>The proposed geophysical survey is required to enable the planned capital dredge that will deepen the approach channels to the Port of Dundee, including the Lady Shoal approach channel, thereby ensuring continued safe access and sufficient underkeel clearance for vessels supporting Scotland’s offshore wind sector. The activity delivers longterm economic and environmental benefits, as it will allow the port to operate more efficiently as a key offshore renewables hub, contributing directly to national growth in lowcarbon energy and supporting Scotland’s wider offshore wind supply chain. The work is essential because accurate geophysical data significantly reduces engineering risk associated with reconfiguring the dredge channel and ensures the subsequent dredging can be undertaken safely. The survey also serves clear public interest by enhancing the port’s efficiency and capacity to support the offshore renewable industry, aligning directly with Scotland’s Net Zero targets and the UK’s ambitions for lowcarbon energy generation, as well as contributing to the ScotWind objective of delivering 25% local industry involvement in future offshore wind development. As the statutory harbour authority and operator of a strategically important port, Port of Dundee Limited is fulfilling its statutory role by undertaking essential preparatory works that enable safe navigation and support nationally significant renewableenergy infrastructure.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>A geophysical survey is required to safely progress the Port of Dundee capital dredge, as it provides essential information on potential UXO risk within the dredge footprint. The practical alternatives were explored and rejected because they could not meet the project’s safety or dataquality requirements. The survey area, duration and number of survey lines have already been reduced to the smallest extent that can still generate sufficient data, and any further reduction would result in an inadequate dataset for engineering and safety decisionmaking. The equipment and methodology have also been optimised, with the design selecting the most efficient geophysical techniques and the potential use of ROVs to minimise unnecessary acoustic output while still meeting survey objectives. The EPS Risk Assessment confirms that it is not possible to undertake the required surveys with zero potential for EPS disturbance, because any geophysical system emits some underwater noise; however, the chosen method represents the leastimpact practicable option, with all unnecessary techniques removed and all feasible mitigation built in. The “do nothing” option was rejected because the dredge cannot proceed safely without UXO characterisation, and delaying or relocating the survey would not eliminate risk or produce the necessary information. Accordingly, the Port of Dundee concludes that no satisfactory alternative exists that would both avoid potential EPS disturbance and still achieve the essential safety and engineering objectives of the project.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
<p>NatureScot advised that the FCS of all species should not be affected by the proposed survey.  Mitigation required:</p> <ul style="list-style-type: none"> <li>• Full implementation of JNCC 2017 mitigation guidelines, including pre-watch, soft start, and re-watch procedures. These requirements apply regardless of whether the sub-bottom profiler is deployed from a vessel or ROV. Additional watches must occur if equipment is shut down for 10 minutes or more.</li> <li>• A dedicated Marine Mammal Observer (MMO) - is always recommended despite the length of survey if there is any potential that PTS thresholds could be met.</li> <li>• Harbour Seals - As an additional best practice measure, we recommend that the surveys take place before June.</li> <li>• Biosecurity Measures to prevent the spread of INNS</li> </ul> <p>The above have been included in the Port of Dundee Geophysical Survey EPS Risk Assessment and this will be conditioned through the licence.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 02/02/2026

**Consultation start date:** 26/02/2026

**Consultation end date:** 26/03/2026

**Notes**

Date	title	Text
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**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"> <li>(a) Comply with legal requirements for protected areas and protected species.</li> <li>(b) Not result in significant impact on the national status of Priority Marine Features.</li> <li>(c) Protect and, where appropriate, enhance the health of the marine area.</li> </ul> <p>No requirement for Marine Protected Area Assessment.  Appropriate Assessment required.</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.

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