

From: [REDACTED]
To: [REDACTED]@gov.scot"
Cc: MD.MarineRenewables@gov.scot; [REDACTED]@gov.scot; [REDACTED]r@gov.scot
Subject: RE: EPS/BS-00011393 & EPS/BS-00011394 - Geophysical Surveys - Moray Firth North and Moray Firth South FLOW Parks - EPS and BS applications - NatureScot advice
Date: 02 October 2025 09:51:00
Attachments: [image001.png](#)
[image003.png](#)

Dear [REDACTED]

I can confirm that the change to the survey dates does not affect our advice. Our comments remain the same.

Kind regards

[REDACTED]

[REDACTED] | **Marine Sustainability Advisor**

NatureScot | Inverdee House | Baxter Street | Torry | Aberdeen | AB11 9QA | 01738 [REDACTED]
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[REDACTED]

From: [REDACTED]@gov.scot [REDACTED]@gov.scot>
Sent: 01 October 2025 15:35
To: [REDACTED]@nature.scot>
Cc: MD.MarineRenewables@gov.scot; [REDACTED]@gov.scot; [REDACTED]@gov.scot
Subject: RE: EPS/BS-00011393 & EPS/BS-00011394 - Geophysical Surveys - Moray Firth North and Moray Firth South FLOW Parks - EPS and BS applications - NatureScot advice

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[REDACTED]

Many thanks for providing advice on EPS/BS-00011393 and EPS/BS-00011394.

The application and risk assessment noted the start date of the surveys as mid-September for a period of 12 days. They have now informed us that their new projected start date is 19th October for a period of 15 days. The surveys will take place over ten days, however they have requested a licence for 15 days to allow for possible weather delays.

Can you please confirm that your previous advice in relation to the EPS and basking shark licences remains valid? We would be grateful if you could confirm this as soon as possible.

Kind regards,

[REDACTED]

[REDACTED], Licensing Operations Team, Marine Directorate
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The Scottish Government

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From: [REDACTED]@nature.scot>

Sent: 18 September 2025 17:07

To: MD Marine Renewables <MD.MarineRenewables@gov.scot>

Subject: EPS/BS-00011393 & EPS/BS-00011394 - Geophysical Surveys - Moray Firth North and Moray Firth South FLOW Parks - EPS and BS applications - NatureScot advice

Dear [REDACTED]

Thank you for consulting us on the European Protected Species (EPS) and Basking shark licences for geophysical survey work to inform the Moray FLOW-Park proposals. We have reviewed the two licence applications and the accompanying risk assessment.

Background

The proposed surveys are in two locations, approximately 2.6km north of Nairn and 2.5km north of Findhorn in the Moray Firth and cover a total area of 36km².

The work is to be carried out using a single vessel. The survey equipment to be used is as follows:

- Multibeam Echosounder (MBES) Bathymetry.
- Sidescan Sonar (SSS).
- Ultra-short baseline (USBL)
- Sub-bottom profiler (SBP).
- Magnetometer (MAG)
- Ultra-High Resolution Seismic (UHRS).
-

The campaign is due to commence in mid-September 2025 and is estimated to take 12 days.

The risk assessment and application include a list of embedded mitigation including adherence to the Scottish Marine Wildlife Watching Code, the use of an MMO (or PAM during periods of poor visibility), soft starts and pre-start searches.

NatureScot Advice – European Protected Species

Species List

We agree with the species list provided in the application, which is as follows:

- Harbour porpoise
- Common dolphin
- Bottlenose dolphin
- White-beaked dolphin
- Minke whale

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Mitigation

We agree with the mitigation suggested, in particular adherence to [JNCC 2017 guidance](#) and Scottish Marine Wildlife Watching Code, which should be applied for MBES, SSS, SBP and UHRS.

Auditory Injury

With regards to the potential for auditory injury we consider the following equipment in our appraisal due to their potential for impact:

- Multibeam Echosounder (MBES) Bathymetry. This operates lower than 200kHz as stated in Table 2.2 so should be listed as source of disturbance. Table 3.2 presents the source level of 200-240 dB (rms) so full JNCC 2017* mitigation should also be applied when in use.
- Sidescan Sonar (SSS) is listed to operate above 200kHz in Table 2.2. As long as these are the frequencies used, then there is no risk of disturbance or injury. However, if frequencies below 200kHz are used, then this will be a source of disturbance. This would entail operating at 205 – 230 dB (peak) and so full JNCC 2017 mitigation should be applied.
- Ultra-short baseline (USBL). This equipment is listed to operate below 200kHz and will be a source of disturbance. However, no mitigation is required for injury as it states in Table 3.2 it will operate below 210dB peak.
- Sub-bottom profiler (SBP). Table 2.2 states that parametric SBPs will be used, which are non-impulsive but the sound level is not given (PTS can still be achieved from continuous sources) and it is within hearing frequencies (<200kHz). We advise full JNCC 2017 guidance is applied for injury as Table 3.2 states sound level up to 250dB(peak) and also that the SBP used will emit impulsive noise.

- Ultra-High Resolution Seismic (UHRS). Both pieces of equipment listed is within hearing ranges and operates over 220dB (peak) so we advise full JNCC 2017 mitigation for injury is applied.

Disturbance

All equipment, apart from the magnetometer, is capable of disturbing the species listed and these pieces of equipment are correctly identified in within the EPS application form.

We advise under the inshore regulations (Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)) that an EPS licence is required for disturbance. We can conclude that the activity will not be detrimental to the maintenance of the populations of the species concerned at FCS in their natural range.

NatureScot Advice – Basking sharks

We welcome the consideration of basking shark and agree that a basking shark license should be sought as a precaution. We are satisfied with the mitigation measures set out in the risk assessment are adequate.

We also highlight another source of basking shark sightings as HWDT's [Whale Track Sightings Map](#).

NatureScot Advice -Designated Sites

- Moray Firth Special Area of Conservation (SAC)

The surveys are proposed inside the Moray Firth SAC, which is designated for bottlenose dolphin. The surveys are likely to have a significant effect on bottlenose dolphins due to noise disturbance. However, provided that the specified mitigation is adhered to and that the works are only carried out in daylight hours, we advise that there should be no adverse effect on site integrity. The reason we advise working during daylight hours because bottlenose dolphins will only be detected with PAM when vocalising, so there is a chance of injury as well as disturbance when relying on PAM outside of daylight hours. If surveys must be started outside daylight hours the following additional mitigation is required to avoid an adverse effect on site integrity.

- For the MMO prewatch, we advise artificial lighting is used and night vision/infrared binoculars if a survey line must be started outside daylight. After the prewatch, we advise the use of equipment which is only capable of disturbance (not injury) such as USBL (similar to the use of ADDs) for 15 minutes prior to any injury risk equipment being used (any equipment operating <200kHz and above 210dB peak). This would allow animals to flee at least 1km away from the source, in case geophys equipment is unable to soft start, as it is implied in the RA that some may not be able to.
- From this point normal JNCC 2017 mitigation applies and we also advise that machinery is selected which is capable of performing a soft start for any injury risk equipment listed in the proposals.

Although this does not affect our overall conclusion, we would like to flag that the number of dolphins calculated to be disturbed is underestimated. We recommend for future assessment that the applicant generates a density estimate using the SAC population spread along the Moray Firth coastline/the Moray Firth portion of the CES MU for bottlenose dolphins. We wish to [highlight that SCANS IV modelled density surfaces](#) are now available and that these should also be used for future assessments.

- *Moray Firth Special Protection Area (SPA)*

The surveys take place within the Moray Firth SPA, which is designated to protect 10 species of inshore wintering waterfowl, non-breeding and breeding European shags, and their supporting habitats. As stated in the accompanying risk assessment the operations have the potential to cause disturbance and displacement through use of vessels. However, due to the scale and temporary nature of the proposals we conclude that the work is unlikely to have a significant effect on this SPA.

- *Dornoch Firth and Morrich More SAC*

The proposals are likely to have a significant effect on harbour seal, which are a qualifying interest of the Dornoch Firth and Morrich More SAC. However, with the same additional mitigation applied for bottlenose dolphin, and considering the short time scale within which the surveys will be undertaken, we are content there will be no adverse effect on site integrity. There are new [Carter et al 2025](#) seal density maps available which we recommend the applicant uses for future assessments.

I hope this advice is useful to you. Please do not hesitate to contact me if you have any further questions.

Yours sincerely

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████████████████████ **Marine Sustainability Advisor**

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