

MD-LOT Basking Shark Licence Case Handling Report

Annex Two

MD-LOT Basking Shark Licence Case Handling Report

Licence Number: 00010408

Licensing Officer: [Redacted]

Site	Eastern Green Link 3 (EGL3) Cable Corridor
Company	Scottish Hydro Electric Transmission Plc. Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
Applicant	[Redacted]
Brief Description of Project	Geophysical Surveys for Electricity Cable Route
Associated Licences	EPS Licence 00010407

Species	Basking Shark (<i>Cetorhinus maximus</i>)
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	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
Comments	
<p>The Applicant has advised the following:</p> <p>With regard to Test 1 there are several different purposes for which a Basking Shark licence can be granted including, under Section 16(3)(i) of the Wildlife and Countryside Act 1981, for ‘a social, economic or environmental purpose’.</p> <p>NatureScot Guidance states that, when determining a Basking Shark 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 EGL3 project addresses a specific need in relation to creating additional network capacity and greater power transfer capability across the Anglo-Scottish border to facilitate distribution of increased offshore energy. Project will allow renewable energy to reach consumers in England. It is expected to create environmental benefits in support of the transition to the Net Zero 2050 target through reinforcement of the electricity transmission system to transport renewable energy from the centre of generating potential in Scotland to centres of demand in England. The associated surveying is required to support installation of subsea transmission link.</p>	

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The effective distribution of offshore energy to meet demand areas can be seen as serving in the public interest, and falls within the UK Government's British Energy Security Strategy in respect of offshore wind and the requirement for additional network and transfer capacity.

In addition, the activity will contribute to statutory functions under Schedule 9 of the Electricity Act 1989.

Test 1 satisfied?	YES
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TEST 2	Other Satisfactory Solutions
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Comments

Section 16(1A)(a) of the Wildlife and Countryside Act 1981 requires the Scottish Ministers to be satisfied that there is no other satisfactory solution before a Basking Shark Licence can be issued for the Licensable Operations.

In this instance, the cable / survey covers a large area, and there are no other satisfactory solution for surveying the seabed to assess conditions and finalise cable routing on such a scale. A reduction in survey scope using fewer instruments or using lower sound exposure levels could result in less confidence in the actual ground conditions along our long cable route and lower coverage, which may mean that some sensitive habitats could be missed. A lower level of quality geological data may mean further surveys are required in future, or mis-informed engineering design and installation methodology techniques being chosen. Given the critical nature of the infrastructure being developed the 'do-nothing' solution in this case (ie not to complete the survey scope proposed, and therefore not to develop the project) is not feasible.

Test 2 satisfied?	YES
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TEST 3	Favourable Conservation Status ("FCS")
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Comments

NatureScot has concluded in its advice of 18 July 2023 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 if the mitigation measures in in Section 5.3 of the Eastern Green Link 3 (EGL3) Protected Species Assessment & Marine Mammal Mitigation Plan (MMMP) EGL3 Cable Route Survey (ref: C01494_NGET_REP_D0124) are followed.

Test 3 satisfied?	YES
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Date application received: 08/06/2023

Date variation application received:

Consultation start date: 09/16/2023

Consultation end date: 01/08/2023

Notes

Date	Text	Created By
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Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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Licence issue date: 04/08/2023

Date report due: 03/09/2024