

## Annex One

### MD-LOT Basking Shark Licence Case Handling Report

**Licence Number:** BS-00010784

**Licensing Officer:** [Redacted]

<b>Site</b>	Shetland to Orkney
<b>Company</b>	EGS International Ltd
<b>Applicant</b>	[Redacted]
<b>Brief Description of Project</b>	Cable survey ahead of a telecommunications cable being laid. The total route length in UK/Scottish Waters is just over 991km, of which 42km is within Scottish inshore waters.
<b>Associated Licences</b>	EPS 00010783

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

<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>This application has been assessed against the licensable purpose for IROPI.</p> <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>In this case there is a Specific Need for installation of a telecommunications cable.</p> <p>The activity will inform a future telecommunications cabling route as well as identifying environmentally valuable areas and in turn informing possible changes of route to avoid.</p> <p>The activity is essential as it is necessary to survey the cable route ahead of planned</p>	

<p>implementation of the cable.</p> <p>The Public Interest is served as the intended telecommunications cable will bring social and economic benefit to the human population .</p> <p>The installation of cables is subject to the NMP Gen Policy 15 - and Objectives for Submarine Cables; Support the development of a Digital Fibre Network, connecting Scotland's rural and island communities and contributing to world-class connectivity across Scotland, Safeguard and promote the global communications network and ae in line with planning policies to ensure cables are safely routed minimising impact on the environment, seabed and other users.</p> <p>Is Applicant Undertaking a Statutory Function No</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Other Satisfactory Solutions</b>
<b>Comments</b>	
<p>Section 16(1A)(a) of the Wildlife and Countryside Act 1981 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 applicant has considered a number of alternatives, I have considered the applicants submissions and agree that the necessary information has been provided to satisfy the test as per below.</p> <ul style="list-style-type: none"> <li>• No Activity - not viable as there is a requirement to collect data on the physical and biological properties of the seabed along the proposed cable route.</li> <li>• Use differing equipment - not viable as acoustic properties not sufficient.</li> <li>• Location shift - considered and route already requested through consultation to avoid sensitive areas.</li> <li>• Different Timing - Weather constraints are present in the cable route and the timings have been chosen to reflect the optimum sea conditions.</li> </ul>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable Conservation Status ("FCS")</b>
<b>Comments</b>	
<p>NatureScot has concluded in its advice of <b>Basking shark</b> We can advise that the proposed activities will pose a low risk to basking sharks and will not have an adverse impact on the conservation status of this species.</p> <p>JNCCC advise as follows :</p> <p>We defer to NatureScot for comments related to marine protected areas (MPAs) within territorial waters and for any potential impacts to basking shark.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received: 4 April 2024**

**Date variation application received:**

**Consultation start date:** 22 May 2024

**Consultation end date:** 31 May 2024

**Awaiting Information**

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Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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**Licence issue date:** 3 July 2024

**Date report due:** 30 September 2024