

Annex One

Marine Directorate – Licensing Operations Team Basking Shark Licence Case Handling Report

Licence Number: BS-00010598

Licensing Officer: [Redacted]

Site	Moray Firth Spittal to Peterhead
Company	Scottish Hydro Electric Transmission PLC Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
Applicant	[Redacted]
Brief Description of Project	Geophysical and Geotechnical Surveys along proposed cable route – variation to survey area in order to re-route cable due to identified sea features.
Associated Licences	Variation of BS-00010444, EPS-00010441/00010597

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

TEST 1	Purpose of licence
	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>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>The proposed activity addresses a specific need in relation to creating additional network capacity to facilitate the construction and connection of offshore wind projects to the national grid. The project will provide employment and environmental benefits by reducing the reliance in fossil fuels and drive to net zero. The associated surveying is require to support the installation of subsea transmission link.</p> <p>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.</p> <p>Whilst the activity does not fulfil a statutory role, they are in support of the development and connection of offshore wind sites connection to the national grid in support of various Scottish and UK Government</p>	

policies.	
<p>The marine survey corridor refinement which requires the licence variation was made in order to:</p> <ul style="list-style-type: none"> • Avoid seabed features and potential geohazards; • Reduce the need for pre-installation seabed intervention; • Increase the likelihood of successful burial to depth of the subsea cable; and, • Reduce the likelihood of requiring cable protection such as rock placement. <p>The proposed licence variation does not change any of the risk assessments, mitigations, or licence conditions associated with EPS-00010441 and BS-00010444. All of these will be adhered to.</p>	
Test 1 satisfied?	YES

TEST 2	Other Satisfactory Solutions
Comments	
<p>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.</p> <p>In this instance, the cable survey covers a large area which will give the applicant greater flexibility in selecting the final cable route. The survey area was selected following discussions with the licensing authority to reduce the number and frequency of survey applications/variations in an attempt to minimise the impact.</p> <p>A temporal shift was considered viable and adopted by the applicant. This includes timing the surveys to avoid minke whales during their peak periods within the Southern Trench Marine Protected Area.</p> <p>Given the critical nature of the infrastructure being developed the 'do-nothing' alternative in this case (ie not to complete the survey scope proposed, and therefore not to develop the project) is not feasible.</p> <p>The re-routing of the cable is required to avoid seabed features and potential geohazards, and reduce the need for pre-installation seabed intervention. Varying the location of the cable is not a viable option in this instance due to the presence of identified above features.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable Conservation Status ("FCS")
Comments	
<p>NatureScot has concluded in its advice of 09 November 2023 that it has no additional comments to make regarding the variation to license 00010441 and its advice dated 29 July 2023 still stands.</p> <p>The consultation advice for the original license from Nature Scot can be found here: https://marine.gov.scot/sites/default/files/annex_one_bs-00010444_redacted_1.pdf</p>	
Test 3 satisfied?	YES

Date application received:

Date variation application received:

Consultation start date: 02/11/23

Consultation end date: 09/11/23

Notes

Date	Text	Created By
------	------	------------

Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
------------	----------	-----------------	-------------	-----------------------------

Licence issue date: 16/11/2023

Date report due: 24/06/2024