



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: BS-00011661

Site	Irish Sea between Scotland and Northern Ireland
Company	Mutual Energy Ltd First Floor The Arena Building 85 Ormeau Road Belfast BT7 1SH
Brief Description of Project	Subsea surveys of The Scotland to Northern Ireland Pipeline (SNIP) and 4 x Moyle High Voltage Direct Current (HVDC) interconnector cables between Northern Ireland and Scotland.
Associated Licences	

Inshore/Offshore	Inshore
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TEST 1	Purpose of licence
	Social, economic or environmental purpose
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>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>Is a specific need being addressed?</p> <p>Yes - The objective of the surveys is to collect high resolution data to assess the condition of the cables and pipeline to allow for comparison and trend analysis with previous survey data. This will facilitate proper maintenance when/if needed to avoid a loss of transmission. The SNIP pipeline between Northern Ireland and Scotland carries natural gas and must be appropriately assessed for any potential faults.</p> <p>What benefit does the activity provide or what need does it address social, economic, environmental, health and safety etc? (they should give some details)</p> <p>Social & Economic - The surveys purpose is to gather data to assist the maintenance of both energy assets so that both Northern Ireland and Scotland can maintain access to their current energy supplies.</p> <p>Environmental - Poor maintenance of HVDC cables and natural gas pipeline could lead to larger scale faults which could lead to environmental and safety hazards.</p> <p>Why is the activity essential?</p> <p>The HVDC cables have been operational since 2002 and have experienced several faults since. Periodic surveys are to be undertaken in an attempt to avoid further faults which would disrupt transmission and impact the energy supply available to the public. The SNIP pipeline must also be surveyed to check for any natural gas leaks or faults which could lead to one so this can be remedied and avoid the environmental and economic implications.</p> <p>What public interest is served?</p> <p>The survey will inform whether any maintenance work is required to ensure the continuation of a reliable energy supply and avoidance of an environmental incident.</p> <p>Is the activity in relation to any government targets or policies?</p> <p>Yes - The surveys support the safe and efficient maintenance of UK energy infrastructure as outlined in the National Policy Statements for Energy Infrastructure sections: EN-1, EN-2, EN-4, EN-5.</p> <p>Is the applicant undertaking a statutory function?</p> <p>No</p> <p>MD-LOT accept the Applicants reasoning and therefore consider Test 1 to be fulfilled.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
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>Has the applicant demonstrated that reasonable effort has been made to consider alternatives that would achieve the same result but with less / no impact on EPS?</p> <p>Yes - The location of the survey is constrained due to its goal of surveying existing cables and pipelines. Due to the nature of the data which needs to be collected, the equipment used for the geophysical surveys are limited.</p> <p>They should explain what alternatives were considered and justification for considering they are unsatisfactory. The applicant states that the equipment chosen is constrained by the specific purpose of the survey it is undertaking and the use of alternative equipment would not be effective and may not identify faults or features of the cables and pipeline as needed. Therefore there are no viable alternatives for the equipment proposed for this survey. Mitigation measures and best practice as outlined in JNCC 'Guidelines for minimising the risk to injury to marine mammals from geophysical surveys' and SNH's 'Scottish marine wildlife watching code' will be adhered to.</p> <p>They should always consider the do-nothing alternative. Do nothing considered - surveys considered necessary to help mitigate risk of large scale faults.</p> <p>MD-LOT accept the Applicants reasoning and therefore consider Test 2 to be fulfilled.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>NatureScot has concluded, in its advice of 09 April 2026, and clarification of that advice on 16 April 2026 that, as long as all mitigation measures set out by the applicant within the risk assessment Protected Sites and Species Assessment (document reference: C01612_VYS_REP_D0684) are adhered to and all mitigation also applied to the use of the Multi Beam Echosounder ("MBES"), if used below 200 kHz, the activity is not capable of having a detrimental effect on the Favourable Conditions Status of any EPS in the area and will not negatively impact the conservation status of the basking shark.</p> <p>In addition, as good practice NatureScot suggest that all equipment should be used at the lowest practicable sound level and over the shortest period to achieve the survey objectives and the devices with lower source levels should be used preferentially whenever possible. NatureScot state that this advice is only in relation to the area of the survey within Scottish Territorial Waters.</p> <p>MD-LOT agree with NatureScot advice and therefore consider Test 3 to be fulfilled.</p>	
Test 3 satisfied?	YES

Date application received: 28/01/2026

Consultation start date: 09/03/2026

Consultation end date: 06/04/2026

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: Aligns with the NMP objectives to protect submarine cables and ensure safety standards to reduce the risks of the cables to other legitimate users of the sea and the marine environment.

Also aligns with oil and gas protection of the submarine pipeline to ensure continued safe use of the infrastructure and safeguard the marine environment.

In relation to the specific objectives that these licences interact with: GEN 13 Noise: Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects. - The risk assessment concluded negligible/minor impacts and appropriate mitigation has been suggested. NS have been consulted in relation to the noise generated. GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio-economic evidence. - The application has been consulted on and conditions have been applied based on the recommendations made by NatureScot. GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation . No AA required

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