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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: BS-00012114

Site	Eastern Green Link 3
Company	SSEN Transmission Inveralmond House 200 Dunkeld Road Perth United KingdomPH1 3AQ
Brief Description of Project	SSEN Transmission - Geophysical Survey - Eastern Green Link 3
Associated Licences	EPS-00012113 BS-00012114

Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	Social, economic or environmental purpose
Comments	
The applicant has determined that the proposed survey activities serve an imperative environmental purpose with national and international significance. They have been determined to be a critical component of the Eastern Green Link 3 (EGL3) development, which directly supports the delivery of energy, particularly renewable energy from offshore wind, from Scotland to the Midlands and South of England. The proposed surveys are essential for progressing the EGL3 project, which supports the UK and Scottish Governments' legally binding net-zero targets (2045 for Scotland, 2050 for the UK). By enabling offshore wind development, the Project will help deliver clean, affordable energy, strengthen energy security, and reduce carbon emissions. The UK aims to achieve 50 GW of offshore wind capacity by the early 2030s, with much of this generation located in Scotland. Current transmission infrastructure cannot accommodate this increase, making EGL3 critical for transporting renewable electricity to areas of high demand. The applicant advises that without these surveys, the project cannot advance through the consenting and development phases, resulting in delays or failure to deliver essential renewable energy capacity. Therefore, the proposed activities provide beneficial consequences of primary importance for the environment, satisfying the IROPI test. In summary, the proposed surveys meet the legal requirements for an EPS Licence under Regulation 44(2)(e), as they deliver substantial environmental benefits and align with national and international climate and energy policies. In addition to environmental gains, the project offers significant economic and social advantages, reinforcing its qualification under the IROPI provisions.	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
The Applicant has considered the alternative to the surveys, including the 'do nothing' alternative. It advises that for the proposed geophysical and borehole surveys, there are no practical alternatives that would achieve the same objectives without compromising the integrity of the project. While alternative equipment could theoretically be used, such substitutions would significantly reduce data quality and reliability, undermining the purpose of the surveys and the ability to progress the development safely and efficiently. Alternative Locations: Not feasible. The surveys must be conducted within the defined corridor within the DCO application to inform route planning and risk assessment. Alternative Methods: Lower-noise technologies exist; however, these options cannot deliver the resolution and accuracy required for geophysical data collection. High-quality data is essential for seabed risk assessment, archaeological evaluation, and environmental monitoring. No Survey Option: This is not a viable alternative. Without these surveys, the Project cannot advance through the consenting and development phases, resulting in delays to Scotland’s renewable energy targets and national climate commitments. The proposed geophysical surveys aim to achieve 100% seabed coverage and detect objects as small as 0.5 m. These results will identify hazards to avoid during construction and provide critical input for the EIA, including archaeological assessments and baseline characterisation for technical topics. Without this level of detail, the EIA would lack robustness, and the project could not be developed safely or in compliance with regulatory standards. Furthermore, alternatives can be considered in terms of mitigation measures. The Applicant concludes that given that no alternative locations, methods, or mitigation strategies can achieve the same outcomes while avoiding the need for an EPS Licence, the ‘no satisfactory alternative’ test is met. The proposed geophysical surveys are essential for project delivery and cannot be replaced or omitted without risking environmental compliance and renewable energy targets.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
In its consultation response, NatureScot advised that it is content that injury mitigation is not required for the use of the proposed equipment as the MBES and SSS will operate above the generalised hearing range (NMFS, 2024) of all cetaceans. The USBL will be audible to all cetaceans but will operate with a sound pressure level below the PTS-onset auditory injury thresholds based on NMFS (2024). NatureScot are content that mitigation is not required for the use of this equipment to avoid injury. The SBP and percussive borehole operation will be audible to all cetaceans and will operate with a sound pressure level above the PTS-onset auditory injury thresholds based on NMFS (2024), as such there is a potential risk of auditory injury from this equipment. Due to the survey location and noise impact of this equipment, the use of SBP has the potential to have an impact on EPS. Therefore, NatureScot advised that mitigation should be secured and applied by MD-LOT for the use of SBP and percussive borehole operations. NatureScot agreed with the conclusion of the risk assessment and advise that under the inshore regulations - Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - an EPS licence for disturbance is required for the use of both USBL, SBP and percussive boreholes. It advised that the mitigation measures listed by the applicant are secured by MD-LOT and applied to all operations involving USBL, SBP and percussive boreholes. The mitigation measures proposed by the applicant are based on the JNCC (2017 guidelines) and, in summary, includes the following: • An MMO will be present • A pre-search survey will be undertaken • Soft start procedures will be employed. • Operational controls will be imposed including powering down of equipment during line turns, maintenance of vessel speeds of 4 knots during surveys • Adherence to the Scottish Marine Wildlife Watching Code • Toolbox talks briefing all crew members of the mitigation protocols and wildlife interaction best practise. NatureScot advised that: • The 4 species listed in the application form are appropriate (bottlenose dolphin, harbour porpoise, minke whale, white-beaked dolphin). • if the proposed package of mitigation measures is secured and applied, then the risk of auditory injury can be mitigated and an EPS licence for injury will not be required; • an EPS licence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to cover disturbance is required (harbour porpoise, bottlenose dolphin, minke whale, Atlantic white-sided dolphin). • there will be no detrimental effect on favourable conservation status of any EPS species from disturbance under these Regulations. NatureScot Advice – basking shark The above package of mitigation measures outlined for cetaceans is also appropriate for basking shark and will avoid any negative impacts to this species. NatureScot advised that a basking shark licence is not required.	
Test 3 satisfied?	YES

Date application received: 14/04/2026

Consultation start date: 05/06/2026 **Consultation end date:** 26/06/2026

Notes

Date	title	Text

National Marine Plan considerations:

The decision is: In accordance and no further action required
Comments: Aligns with NMP objective to support the generation, distribution and optimisation of electricity from traditional and renewable sources to Scotland and UK; and objectives in respect of renewable energy. In relation to the specific objectives that these licences interact with: GEN 1 General planning principle: There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan. GEN 2 Economic benefit: Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan. GEN 3 Social benefit: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan. 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. GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio–economic evidence. GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation

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