

MS-LOT European Protected Species Case Handling Report

Licence Number: 00010823

Licensing Officer: [Redacted]

Site	Orkney Region A
Company	Scottish Hydro Electric Transmission Plc Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
Applicant	[Redacted]
Brief Description of Project	Orkney HVAC Link Surveys
Associated Licences	Basking Shark Licence No. 00010824

Species	harbour porpoise (<i>Phocoena phocoena</i>);bottlenose dolphin (<i>Tursiops truncatus</i>);minke whale (<i>Balaenoptera acutorostrata</i>);Risso's dolphin (<i>Grampus griseus</i>);white sided dolphin (<i>Lagenorhynchus acutus</i>);short beaked common dolphin (<i>Delphinus delphis</i>);killer whale (<i>Orcinus orca</i>);humpback whale (<i>Megaptera novaeangliae</i>);fin whale (<i>Balaenoptera physalus</i>);long-finned pilot whale (<i>Globicephala melas</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	

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This application has been assessed against the licensable purpose for IROPI.

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 and Regulation 55(6)(a) of the Offshore Marine 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'.

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).

Scottish Hydro Electric Transmission Plc, referred to as SSEN Transmission hold a licence under the Electricity Act 1989 for the transmission of electricity in the north of Scotland, including Orkney. As the licenced electricity Transmission Owner (TO) for this region, SSEN Transmission has a statutory duty to provide an economic and efficient system for the transmission of energy, and to ensure that its assets are installed and maintained to enable a safe, secure and reliable transmission of power. SSEN Transmission are developing the Orkney Connection Project to develop the capacity required to accommodate the increased renewable energy generation in the Orkney area.

Why is the activity essential

Geophysical, benthic and geotechnical surveys are essential to inform the project design specifications and to inform environmental assessment for reasons including but not limited to:

- Avoidance of challenging seabed features or sediments which would impede cable installation;
- Identification of any protected benthic habitats and/or species to ensure correct mitigations are in place;
- To allow for the design development to avoid environmental constraints identified, such as reefs; and
- Informing cable burial and protection requirements in order to provide a reliable transmission system, whilst ensuring the safety of other legitimate users of the sea.

What public interest is served?

The surveys are required to determine the seabed conditions of the EPS Licence Boundary and to inform associated environmental assessments to support consent applications. Without acquiring this information, Scottish Hydro Electric Transmission Plc Orkney projects cannot be progressed. As such the proposed surveys will have a direct national and international environmental benefit by facilitating the transmission of renewable energy, thus significantly contributing to the reduction in carbon emissions to the atmosphere compared to other sources of non-renewable energy generation.

The activity in relation to any government targets or policies?

Scottish Hydro Electric Transmission Plc holds a licence under the Electricity Act 1989, for the transmission of electricity in the north of Scotland.

Scottish Hydro Electric Transmission Plc has a duty to provide an economic and efficient system for the transmission of energy, and to ensure that its assets are installed and maintained to enable a safe, secure and reliable transmission of power.

Scottish Hydro Electric Transmission Plc have taken all relevant aspects of the policies outlined below into consideration with regards to the cable installation, operation and decommissioning activities and the assessment of potential environmental and socio-economic impacts.

Details of relevant policies from Scotland's National Marine Plan and consideration are detailed in the Planning and Policy and Legislative Framework of the Orkney-Mainland HVAC 220kV Subsea Link Environmental Appraisal: Xodus Document Number: A-100413-S02-REPT-002 provided in support of the original marine licence application.

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Test 1 satisfied?	YES
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TEST 2	Satisfactory alternatives
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Comments

Test 02

Scottish Hydro Electric Transmission Plc considered 2 options in relation to the use of survey equipment within the EPS Licence Boundary.

Option 1 – do nothing approach.

Do not undertake the surveys. This would result in Scottish Hydro Electric Transmission Plc being unable to develop the design for transmission cable routes in Orkney waters, or conduct the environmental assessments necessary to support the consent applications. These surveys are therefore fundamental to Scottish Hydro Electric Transmission Plc fulfilling their statutory role to provide an economic and efficient system for the transmission of energy within the north of Scotland, and without them, development would be prevented. Scottish Hydro Electric Transmission Plc do not consider this to be an appropriate or responsible option. The risk of not progressing the development of transmission cable routes could hamper the transmission of renewable energy and potentially reduce the ability for the UK to reach net-zero emissions by 2050.

Option 2: Undertake the surveys, with the implementation of appropriate mitigation.

This would enable Scottish Hydro Electric Transmission Plc to identify subsea conditions to allow project design specification to be finalised, to ascertain a suitable cable routes, and collect data to inform the environmental assessments, whilst minimising environmental impacts. This will facilitate the continued development of transmission links within the north of Scotland and hence contribute to the UK's ambition to reach net-zero emissions by 2050.

Location

SSEN Transmission are planning to conduct geophysical and environmental surveys (including testing and calibration of equipment) over five survey blocks which span over the Orkney Islands, North Coast and Moray Firth Marine Regions Collectively these survey areas are referred to as the EPS Licence Boundary within this report. Details of the survey areas are contained within the Xodus Document Reference:

A-100782-S00-A-REPT-007: Orkney Regional EPS Licence Application EPS Risk Assessment.document.

These survey areas include the Orkney – Mainland High Voltage Alternating Current (HVAC) Subsea Link which is the development of a subsea connection between Orkney and Mainland Scotland to enable the export of increased generation from Orkney and a number of inter-island connections (subsea cables and overhead lines) (hereafter “Orkney Inter-Island Connections”) to enable the various generation projects to connect to the 220 kV Orkney – Mainland Subsea Link.

SSEN Transmission seek an EPS/ BS marine Licence for a 5 year period

Justification for a Regional Orkney EPS Licence covering a 5 year period is as follows, Scottish Hydro Electric Transmission Plc the transmission licence holder in the north of Scotland, including the Orkney islands. Scottish Hydro Electric Transmission Plc is developing and HVAC link between Orkney and Cathiness to provide a resilient power transmission link between Orkney and the Scottish mainland. Accompanying it is the development of transmission connections between the Orkney islands and Orkney mainland where the Orkney Caithness HVAC link terminates. These inter-island links form part of the work necessary to enable the development of both conventional wind turbine generation and also tidal and wave generation. As the inter-island generation and its connection point have not yet been confirmed. Scottish Hydro Electric Transmission Plc seeks to obtain consent to disturb Cetaceans in basking sharks etc. in the areas defined in this application. This area has been developed to allow developers flexibility in the location of their grid connection points and to allow Scottish Hydro Electric Transmission Plc flexibility in the development of subsea cable

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routes, without having to make multiple applications. This approach has been discussed and agreed with MD_LOT and has been successfully implemented on projects in the wider Moray Firth.

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Alternative equipment would not be as effective as the equipment to be used it for the specific purposes of the geophysical surveys

Test 2 satisfied?	YES
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TEST 3	Favourable conservation status
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Comments

NatureScot conclude that conclude that the activity will not be detrimental to the maintenance of the populations of the species concerned at FCS in their natural range provided that the suite of mitigation measures laid out in Section 5 of the Risk Assessment (ref A-100782-S00-A-REPT-007). In addition, as good practice we 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.

Test 3 satisfied?	YES
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Date application received: 20/05/2024

Consultation start date: 20/06/2024

Consultation end date: 18/07/2024

Notes

Date	Text	Created By
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Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
02/08/2024	30/08/2024	28	Awaiting information from NS	Consultee
21/08/2024	30/08/2024	9	Applicant Comments sent to JNCC and NS	Consultee

Licence issue date: 06/09/2024

Date report due: 30/11/2029

Licence start date: 09/09/2024

Licence end date: 31/10/2029

National Marine Plan considerations:

The decision is:

Comments:

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Reviewed and signed by:

[Redacted]

Signed:

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[Redacted]

Date: 06/09/2024