

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011454

<b>Site</b>	Netherton Corridor
<b>Company</b>	Scottish Hydro Electric Transmission Plc  Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
<b>Brief Description of Project</b>	Geophysical, geotechnical and benthic surveys of cable corridor
<b>Associated Licences</b>	

<b>Species</b>	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> );white-beaked dolphin ( <i>Lagenorhynchus albirostris</i> );humpback whale ( <i>Megaptera novaeangliae</i> );fin whale ( <i>Balaenoptera physalus</i> )
<b>Inshore/Offshore</b>	Inshore

<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>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). This application has been assessed against the licensable purpose for IROPI. The proposed activity addresses a specific need, the survey of a cable corridor allowing the effective transmission of renewable energy generated in Scotland and Scottish waters to areas where demand is high. This is part of the Offshore Grids Project. 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 marine licence applications. Without acquiring this information, Scottish Hydro Electric Transmission Plc (“SHET Plc.”) Offshore Grids project 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? SHET Plc are undertaking the Offshore Grids project to allow 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 green renewable power in line with Government policies and to assist in achieving Government Net Zero targets.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>Regulation 44(3)(a) of the Habitat Regulations 1994 requires the Scottish Ministers to be satisfied that there is no satisfactory alternative before an EPS Licence can be issued for the Licensable Operations. SHET 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 SHET Plc being unable to develop the design for transmission cable routes in the North Sea, or conduct the environmental assessments necessary to support the marine licence applications or proceed with the Offshore Grids Project. These surveys are therefore fundamental to SHET 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. SHET 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, allowing SHET Plc to identify subsea conditions to allow project design specification to be finalised, to ascertain a suitable cable route, 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 SHET Plc are planning to conduct geophysical and environmental surveys (including testing and calibration of equipment) over two survey blocks (Hurlie and Netherton corridors) which span over the North Sea between Aberdeenshire and the English sea border to determine which one is best suited for cable construction. Each cable corridor survey is subject to a separate EPS licence application and details of the Hurlie Corridor survey areas are contained within the Xodus Document Reference: LT516/517/518 Offshore Grids – Netherton Corridor: Marine Surveys EPS Risk Assessment. SHET Plc seek an EPS/ BS marine Licence for a 5 year period Justification for an EPS Licence covering a 5 year period is as follows, SHET Plc the transmission licence holder in the north of Scotland. SHET Plc is developing a cable link between the north east of Scotland and England to provide a resilient power transmission link to move renewable power from its generation source to where demand is. As the National Electricity System Operator (“NESO”) Impact Assessment determination has not yet occurred SHET Plc seeks to obtain consent to disturb Cetaceans in the area defined in this application (Netherton Corridor) as well as another area defined in a separate EPS application (Hurlie Corridor), with only one actually being taken forward to survey. Alternative equipment would not be as effective as the equipment to be used it for the specific purposes of the geophysical surveys.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
<p>NatureScot concluded its advice of 04 April 2025 are still valid for this variation, meaning the proposed mitigation measures in LT516/517/518 Offshore Grids – Netherton Corridor: Marine Surveys EPS Risk Assessment, mean the activity is not capable of having a detrimental effect on the Favourable Conditions Status of any EPS in the area if the mitigation measures set out by the applicant within the risk assessment are adhered to, and extended to include the percussive borehole operations. The activity is not capable of affecting designated features of Southern Trench NCMPS or Loch of Strathbeg SPA due to scale and distance from proposed works.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 02/10/2025

**Consultation start date:** 13/10/2025

**Consultation end date:** 10/11/2025

**Notes**

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: Commensurate with Cables 2 policy on minimising seabed impacts by surveying to find best suited route and Cables 4 because the NE of Scotland has been identified in the NMP as a good potential location to situate an HVDC link with northern England.

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