

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011526

<b>Site</b>	Sandford Bay, Scotland to Scotland-England sea border
<b>Company</b>	Prysmian Powerlink  6 Via Chiese Milano  Italy20126
<b>Brief Description of Project</b>	EGL2 Geophysical and Geotechnical Survey, and USBL Positioning
<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> );white sided dolphin ( <i>Lagenorhynchus acutus</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. 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, Prysmian Powerlinks Eastern Green Link 2 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? Prysmian Powerlink are undertaking the Eastern Green Link 2 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

TEST 2	Satisfactory alternatives
<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. Prysmian Powerlink considered 6 options in relation to the use of survey equipment within the EPS Licence Boundary.</p> <p>Option 1 – do nothing approach. Do not undertake the surveys. This would result in Prysmian Powerlink 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. These surveys are therefore fundamental to Prysmian Powerlink 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. Prysmian Powerlink 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.</p> <p>Option 2: Utilising equipment in a different location. Using the equipment in any location other than the consented route corridor is not an option. The spatial extent of the works has been formally assessed and authorised through existing marine licences, including consideration of environmental sensitivities, seabed conditions, and interactions with other marine users. Conducting activities outside this area would require a separate assessment and new licensing, as it would fall beyond the scope of the current consents.</p> <p>Option 3: Restrict/reduce sound emitted by the proposed equipment. The equipment specified is required to acquire essential seabed and subseabed data, including water depth, seabed topography, the presence of debris or hazards, and subseabed stratigraphy. These data can only be obtained through systems that transmit acoustic signals into the water column; no alternative technologies exist that can provide equivalent information without the use of sound.</p> <p>Option 4: Do not use equipment which emits sound. Not using equipment that emits acoustic signals is not a practicable option, as the acquisition of seabed and subseabed data for the Eastern Green Link 2 project relies entirely on soundbased survey technologies. The absence of acoustic equipment would prevent the collection of the required geophysical information and would therefore be equivalent to not undertaking the survey or the associated Eastern Green Link 2 works at all.</p> <p>Option 5: Conduct the surveys and project activities only during the summer months. The current plan is to acquire the survey data during the spring and summer months. Undertaking the survey outside this period, particularly during winter, would significantly increase Health and Safety risks due to poorer sea conditions, which affect the safe deployment and recovery of equipment and the reliability of data acquisition. Winter operations also carry a higher likelihood of delay as a result of increased weatherrelated downtime and unworkable sea states. Marine EPS species, including harbour porpoise and various dolphin species, are present within the survey area throughout the year. As such, scheduling the surveys or subsequent Eastern Green Link 2 works for a period when EPS are absent is not feasible, as no such period exists.</p> <p>Option 6: Undertake the surveys, with the implementation of appropriate mitigation, allowing Prysmian Powerlink 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. Prysmian Powerlink seek an EPS marine Licence for a 4 year period. Justification for an EPS Licence covering a 4 year period is as follows, Prysmian Powerlink 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 Prysmian Powerlink seeks to obtain consent to disturb Cetaceans in the area defined in this application (Eastern Greenlink 2 Project). 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>	
NatureScot concluded in its advice of 12 February 2026 that, due to the proposed mitigation measures in document No: 1405841 - European Protected Species Risk Assessment EGL2 Geophysical and Geotechnical Survey and USBL Positioning, 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.	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 05/12/2025

**Consultation start date:** 22/01/2026

**Consultation end date:** 12/02/2026

**Notes**

Date	title	Text
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National Marine Plan considerations:

The decision is:
Comments:

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