



Annex 1 - Case Handling Report to EPS - 00011630

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

LICENCE TO DISTURB MARINE SPECIES

Case Handling Report for Licence Number: EPS-00011630

Site	Eastern Green Link 1, Scotland-England
Company	Prysmian Powerlink 6 Via Chiese Milano Italy20126
Brief Description of Project	
Associated Licences	00011492 - Prysmian Power Link Group (Per Natural Power Consultants) - UXO Clearance - Thorntonloch Beach East Lothian to Scotland_England Border

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>);white-beaked dolphin (<i>Lagenorhynchus albirostris</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	
Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment) 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, 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). The Eastern Green Link 1 Project will reinforce the UK electricity transmission network, transporting renewable energy from Scotland to demand centres in England in support of the UK's legally binding Net Zero 2050 target. UXO clearance is necessary to enable safe installation of the subsea HVDC cable, which will provide additional cross-border network capacity and power transfer capability. The public interest is served as The project will create employment for the population of the east of Scotland and the wider UK. It will contribute to the Scottish Government's aims of achieving Net Zero by 2045 and make a significant contribution to meeting the targets set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. Contributing to meeting the aims of tackling climate change and reducing emissions will benefit the wider population. The proposal is imperative as UXO clearance is required to reduce the risk of UXO for personnel, vessels and the project infrastructure once installed. Without UXO clearance where necessary it would not be safe to continue the development of the Project. There are no alternative methods available for UXO clearance.	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
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. The applicant has considered a number of alternatives, I have considered the applicants submissions and agree that the necessary information has been provided to satisfy the test as per below: The following alternatives to the proposed UXO clearance activity have been considered. No satisfactory alternative exists that would achieve the project's objectives without impacting European Protected Species (EPS). Option 1: Do not undertake the proposed work This option is not satisfactory. The Eastern Link — a subsea HVDC cable between Torness and Hawthorn Pit — has been identified by National Grid Electricity System Operator as a nationally necessary infrastructure	

project. It supports the UK's legally binding net-zero targets (2050 for England and Wales; 2045 for Scotland) and the Government's commitment to deliver 40 GW of offshore wind by 2030. UXO clearance is a prerequisite for safe construction and operation of the cable. Without it, the project cannot proceed safely and the overriding public interest objective cannot be met.

Option 2: Conduct work when marine EPS are absent

This option is not satisfactory. Harbour porpoise and dolphin species are present in the North Sea year-round, and minke whales are present seasonally (April to October). There is therefore no period during which marine EPS are entirely absent from the project area. Relocation is not possible as the cable route is fixed. Option 4 mitigation will be applied to reduce impacts.

Option 3: Use only non-sound-emitting clearance methods

This option is not satisfactory. While micro-siting, relocation, and low-order methods will be prioritised and produce minimal sound, it is not feasible to clear all UXO without some sound-generating methods. High-order clearance will be required in certain cases where low-order methods are unsuccessful. There are no suitable non-sound-emitting alternatives available for this purpose. Option 4 mitigation will be applied to reduce impacts.

Option 4: Restrict and reduce sound from the work (Proposed Approach)

This is the preferred and proposed option. The following mitigation hierarchy will be applied to all UXO clearance activities:

Micro-siting or relocation will be considered for every UXO in the first instance to avoid the need for clearance entirely;

Where clearance is required, low-order methods will be used first, with a minimum of three attempts before escalating to high-order clearance;

High-order clearance will only be used by exception, with documented evidence that low-order methods have failed;

A pre-work marine mammal search will be conducted by at least two MMOs and one PAM operator prior to all clearance activities;

An Acoustic Deterrent Device (ADD) will be deployed prior to high-order clearance (duration dependent on UXO size);

A Noise Attenuation System (NAS) will be used for all high-order clearance of UXO exceeding 30 kg net explosive quantity; and

USBLs will operate at a maximum source pressure level of less than 202 dB re 1 μ Pa @ 1 m.

Marine mammal, turtle, and basking shark watches will also be maintained during all transits, with actions taken in accordance with the Scottish Marine Wildlife Watching Code to minimise the risk of vessel strike.

Option 5: Conduct UXO clearance during winter months

This option is not satisfactory. Winter operations would significantly increase health and safety risks due to adverse sea conditions during equipment deployment and recovery, and would substantially increase the

likelihood of weather-related delays. Critically, harbour porpoise and dolphin species are present year-round, meaning this option would not avoid impacts on EPS. Option 4 mitigation will therefore be applied during the planned Spring/Summer clearance programme

Test 2 satisfied?	YES
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TEST 3	Favourable conservation status
Comments	
NatureScot were consulted on 19 February 2026 and has concluded in its advice dated 11 March 2026 that the activities within the proposal are not capable of having an adverse impact on the favourable conservation status of the EPS concerned. With all mitigation measures implemented, the proposed activities will not adversely affect the favourable conservation status of relevant European Protected Species (EPS). Cetacean species likely in the region have been correctly identified, and mitigation is appropriately applied to all marine mammals. Equipment capable of injury/disturbance has been accurately identified. NatureScot confirm that measures align with JNCC guidance and the Scottish Marine Wildlife Watching Code and are appropriate and proportionate to minimise risk to marine mammals. EPS injury licence not required; . In relation to designated site NatureScot confirm that the designated sites are correctly identified and no features are affected. NatureScot confirm that no other sites require consideration, and conclude that the activities will not harm the conservation status of relevant species. NatureScot conclude that the project may result in Likely Significant Effects on certain protected sites and species, but if the proposed mitigation package is secured and fully implemented, there will be no adverse effect on the integrity of European sites and no injury to marine mammals from the proposed activities. As such the appropriate documentation to cover the all the above mitigation has been secured via condition 2.	
Test 3 satisfied?	YES

Date application received: 16/01/2026

Consultation start date: 19/02/2026

Consultation end date: 13/03/2026

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: GEN 1 General Planning PrinciplePresumption in favour of sustainable development consistent with Plan policies and objectives.The UXO clearance works form part of the EGL1 Marine Scheme, which will facilitate the export and import of sustainably generated energy, supporting UK energy security and carbon reduction objectives. Supported.

GEN 2 Economic BenefitSustainable development providing economic benefit to Scottish communities is encouraged.The EGL1 Marine Scheme constitutes an economically sustainable activity that supports UK energy

security and carbon reduction objectives. Supported.

GEN 3 Social Benefit Sustainable development providing social benefits is encouraged. The EGL1 Marine Scheme will have minimal interference with tourism and recreation during installation and no impact once complete. Supported.

GEN 4 Coexistence Proposals enabling coexistence with other sectors and activities are encouraged. UXO clearance operations will be short-term and spatially limited. Coordination with other sea users will be maintained through marine notices, liaison with the Kingfisher Information Service, and implementation of a Fisheries Liaison and Communication Plan. Supported.

GEN 5 Climate Change Marine planners and decision makers must act to mitigate and adapt to climate change. The EGL1 Marine Scheme facilitates the export and import of sustainably generated energy, directly supporting UK carbon reduction and energy security objectives. Supported.

GEN 6 Historic Environment Development should protect and, where appropriate, enhance heritage assets. See Section 4 assessment. Supported.

GEN 16 Planning Alignment Marine plans should align with statutory plans and consider relevant non-statutory plans. Coordination between Marine Scotland, NGET, SPEN, and local authorities ensures integration of the Marine Licence with onshore infrastructure planning. Supported.

GEN 17 Fairness All marine interests will be treated fairly and transparently in decision-making. Stakeholders, including regulators and local communities, have been consulted throughout project planning and survey stages. Supported.

GEN 18 Engagement Early and effective engagement should be undertaken with the public and all interested stakeholders. Stakeholders, including regulators and local communities, have been consulted throughout project planning and survey stages. Supported.

GEN 19 Sound Evidence Decision-making will be based on sound scientific and socio-economic evidence. This SEI provides the evidence base to inform decision-making. Supported.

GEN 20 Adaptive Management Adaptive management should account for new data and inform future decisions. Environmental monitoring and post-clearance review will be undertaken to inform any future activities. Supported.

GEN 21 Cumulative Impacts Cumulative impacts on the marine ecosystem should be addressed in decision-making. Cumulative effects are assessed in the Environmental Appraisal (Section 4). Supported.

Submarine Cables 1 Protect submarine cables whilst achieving seabed user coexistence. The cable will be buried where practicable, with alternative protection installed where not, without compromising seabed user coexistence. Supported.

Submarine Cables 2 Achieve the highest quality and safety standards and reduce risks to seabed users and the marine environment. UXO clearance will be managed under strict safety protocols to protect marine traffic and other users. Supported. Submarine

Cables 5 Support the generation, distribution and optimisation of electricity from traditional and renewable sources. UXO clearance supports the EGL1 Marine Scheme, facilitating sustainable energy transmission in line with Scotland's climate and energy commitments. Supported.

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