



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011663

Site	Irish Sea between Scotland and Northern Ireland
Company	Mutual Energy Ltd First Floor The Arena Building 85 Ormeau Road Belfast BT7 1SH
Brief Description of Project	Subsea surveys of The Scotland to Northern Ireland Pipeline (SNIP) and 4 x Moyle High Voltage Direct Current (HVDC) interconnector cables between Northern Ireland and Scotland.
Associated Licences	

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>);short beaked common dolphin (<i>Delphinus delphis</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	
<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 existing High Voltage Direct Current (“HVDC”) cables and a natural gas pipeline to check for damage, wear and tear on the infrastructure. These cables and natural gas pipeline run between Larne in Northern Ireland and Southwest Dumfries and Galloway in Scotland.</p> <p>Why is the activity essential? Geophysical, benthic and geotechnical surveys are essential to show the current integrity of the subsea assets currently in place, and inform any plans for required repairs. Identifying wear and tear on the infrastructure as early as possible through surveys allows remedial works to be carried out prior to breakages or leakages in pipes and cables, thus allowing for the design development of works to avoid environmental contamination, whilst ensuring the safety of other legitimate users of the sea.</p> <p>What public interest is served? The surveys will highlight any areas of wear and tear on the infrastructure and inform on what repairs are required prior to breakages or leakages, this ensures the stable and continued supply of electricity and natural gas to customers in both Northern Ireland and Scotland. As such the proposed surveys will have a direct national and international environmental benefit by facilitating the continued transmission of electricity and natural gas between Northern Ireland and Scotland.</p> <p>The activity in relation to any government targets or policies? Mutual Energy are undertaking the inspection surveys to allow an economic and efficient system for the transmission of energy, and to ensure that its assets installed and maintained to enable a safe, secure and reliable transmission of power and natural gas in line with Government policies.</p> <p>MD-LOT accept the Applicants reasoning and therefore consider Test 1 to be fulfilled.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<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.</p> <p>Mutual Energy considered 2 options in relation to the use of survey equipment within the EPS Licence Boundary.</p> <p>Option 1: do nothing approach.</p> <p>Do not undertake the surveys. This would result in Mutual Energy being unable to check the current condition of the HVAC cables and natural gas pipeline, meaning defects may go undiagnosed and maintenance plans cannot be developed. These surveys are therefore fundamental to ensuring the continued electricity and natural gas supply between Northern Ireland and Scotland and the continued environmental safety from leaks and breakages. Mutual Energy do not consider this to be an appropriate or responsible option. The risk of not progressing the condition surveys of the HVAC cables and natural gas pipeline could result in breaks in the cables or pipeline rupture, leaking natural gas into the environment and cutting off supply to customers both in Northern Ireland and Scotland.</p> <p>Option 2: Undertake the surveys, with the implementation of appropriate mitigation, allowing Mutual Energy to identify subsea conditions, HVAC cable and natural gas pipeline conditions to allow any required maintenance to be carried out prior to asset failure. This will ensure the continued provision of power and natural gas to customers in both Northern Ireland and Scotland.</p> <p>Location</p> <p>Mutual Energy are planning to conduct geophysical and environmental surveys (including testing and calibration of equipment) within a corridor between Larne in Northern Ireland and the Dumfries and Galloway coast in Scotland as this is where the HVAC cables and natural gas pipeline are located. Details of the corridor location as well as the assets to be surveyed are contained within the Mutual Energy Submarine Assets Protected Sites and Species Assessment C01612_VYS_D0684.</p> <p>Mutual Energy seek an EPS/ BS Licence until December 2026.</p> <p>Justification for an EPS Licence covering the period until December 2026 is to allow time for weather windows, standby time for vessels and also unforeseen issues with equipment. The surveys will take an estimated 20 days to complete within this window.</p> <p>Alternative equipment would not be as effective as the equipment to be used it for the specific purposes of the geophysical surveys.</p> <p>MD-LOT accept the Applicants reasoning and therefore consider Test 2 to be fulfilled.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>NatureScot has concluded, in its advice of 09 April 2026, and clarification of that advice on 16 April 2026 that, as long as all mitigation measures set out by the applicant within the risk assessment Protected Sites and Species Assessment (document reference: C01612_VYS_REP_D0684) are adhered to and all mitigation also applied to the use of the Multi Beam Echosounder (“MBES”), if used below 200 kHz, the activity is not capable of having a detrimental effect on the Favourable Conditions Status of any EPS in the area and will not negatively impact the conservation status of the basking shark.</p> <p>In addition, as good practice NatureScot 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. NatureScot state that this advice is only in relation to the area of the survey within Scottish Territorial Waters.</p> <p>MD-LOT agree with NatureScot advice and therefore consider Test 3 to be fulfilled.</p>	
Test 3 satisfied?	YES

Date application received: 28/01/2026

Consultation start date: 09/03/2026

Consultation end date: 06/04/2026

Notes

Date	title	Text
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National Marine Plan considerations:

<p>The decision is: In accordance and no further action required</p>
<p>Comments: Aligns with the NMP objectives to protect submarine cables and ensure safety standards to reduce the risks of the cables to other legitimate users of the sea and the marine environment.</p> <p>Also aligns with oil and gas protection of the submarine pipeline to ensure continued safe use of the infrastructure and safeguard the marine environment.</p> <p>In relation to the specific objectives that these licences interact with: 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. NS have been consulted in relation to the noise generated. GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio-economic evidence. - The application has been consulted on and conditions have been applied based on the recommendations made by NatureScot. GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation . No AA required</p>

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