



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011804

Site	Orkney to Dounreay Cable Route
Company	Nexans Norway AS Freserveien 1 Oslo Norway196
Brief Description of Project	Nexans Norway AS - GVI survey - Orkney to Dounreay Cable Route
Associated Licences	MD-00010803 EPS-00011804 BS-00011805

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>)
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, 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.</p> <p>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).</p> <p>This proposed activity addresses a specific need in undertaking a general visual survey and undertake localised concrete mattress installation works (under MD-00010803) using ROVs. The surveys will ensure the condition of the survey and the progress of the works is duly monitored and assessed, and the installation of the concrete mattresses is required to ensure the strength, stability and reliability of the installed cable.</p> <p>The cable itself will secure a better transmission infrastructure between the Scottish mainland and Orkney, and support the decarbonisation of the UK's electricity production.</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>The Applicant has considered the use of alternative survey and positioning equipment; however, the current equipment represents industry standard and is required to safely and accurately position and control the underwater survey equipment. Any alternative equipment would not reduce the potential for disturbance but could compromise equipment and operational safety, and data quality.</p> <p>The Applicant has considered alternatives to the installation of the concrete mattresses (as licenced by MD-00010803), but alternative methods do not reduce the potential for disturbance and alternatives may even result in an increase of vessel activity and operational noise.</p> <p>The Applicant has considered a do-nothing approach. However, this option is not viable as the survey data is required to inform safe engineering design. The installation of the concrete mattresses is required to ensure the protection and stabilisation of the infrastructure.</p> <p>Without the proposed activities, the Orkney Mainland Subsea link (MD-00010803) could not be progressed safely.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
In its response dated 25 May 2026, NatureScot concluded that, providing the the JNCC (2017) mitigation is secured and applied, the proposal will not have an adverse impact on the favourable conservation status of the EPS concerned.	
Test 3 satisfied?	YES

Date application received: 03/03/2026

Consultation start date: 27/04/2026

Consultation end date: 25/05/2026

Notes

Date	title	Text
------	-------	------

National Marine Plan considerations:

The decision is: In accordance and no further action required
<p>Comments: The proposed geophysical survey and associated localised concrete mattress installation activities have been designed with regard to the relevant General Policies within Scotland’s National Marine Plan (2015), particularly those relating to the protection of marine biodiversity and the sustainable use of the marine environment.</p> <p>GEN 9 (Natural Heritage): The activities have been designed to minimise the risk of disturbance to basking shark and other sensitive receptors. The works are offshore, temporary and localised in nature, which reduces the likelihood of impact.</p> <p>GEN 13 (Noise): The potential for acoustic disturbance has been considered in accordance with this policy. Survey equipment comprises high-frequency, directional, non-impulsive sources with rapid attenuation in open water, limiting the spatial extent of any potential disturbance. Noise associated with concrete mattress installation is non-impulsive and temporary. Appropriate mitigation measures are proposed to further reduce risk.</p> <p>GEN 19 (Sound Evidence): This application has been informed by the best available scientific evidence, including information on basking shark occurrence, density and sensitivity to disturbance, in line with the policy objective for evidence-based decision making.</p> <p>GEN 21 (Cumulative Impacts): While the activities are of short duration and limited spatial extent, cumulative effects have been considered in the context of existing marine traffic, licensed activities and the low density of basking shark in the area. No additive or synergistic effects are anticipated.</p> <p>Overall, the proposed activities are aligned with the National Marine Plan’s objective to manage marine activities in a sustainable manner that protects natural heritage and supports the long-term health and resilience of Scotland’s seas.</p>

Date document generated: 10/06/2026