

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS/BS-00010852

Site	Torness to Hawthorn Pit
Company	Prysmian Powerlink 6 Via Chiese Milano Italy 20126
Brief Description of Project	Torness to Hawthorn Pit
Associated Licences	

Species	harbour porpoise (<i>Phocoena phocoena</i>);bottlenose dolphin (<i>Tursiops truncatus</i>);minke whale (<i>Balaenoptera acutorostrata</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>This application has been assessed against the licensable purpose for IROPI.</p> <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>In this case there is a Specific Need for installation of a HVDC transmission link cable. The activity will provide additional network capacity.</p> <p>The activity is essential as it will support the UK to meet its Net Zero 2050 energy generation target, transporting clean renewable energy from the centre of generating potential in Scotland to the centres of demand in England.</p> <p>The Public Interest is served as the intended transmission cable will bring social and economic benefit to the human population .</p> <p>The installation of cables is subject to the NMP Policy 14 - and Objectives for Submarine Cables; Support the generation, distribution and optimisation of electricity from traditional and renewable sources to Scotland, UK</p> <p>Is Applicant Undertaking a Statutory Function No</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 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.</p> <p>No activity : Not possible as The geophysical surveys are essential to determine the characteristics of the seabed at the landfall locations of the proposed subsea cable in order to properly and adequately produce a design for the Horizontal Directional Drill portion of the route.</p> <p>Location shift : The need for a subsea HVDC link between Torness and Hawthorn Pit, known as the Eastern Link, has been identified by National Grid Electricity System Operator and assessed as part of a continuous annual cycle identifying the infrastructure needs of the national electricity grid. As such a location shift is not possible for this activity.</p> <p>Use of different equipment : The equipment specified for the geophysical survey at the Development Area is used to acquire seabed and sub-seabed data for the assessment of water depth, seabed topography, debris and hazards, and sub-seabed stratigraphy information. There are no other systems available that acquire this data in a different way (i.e. not transmitting a sound signal in the water column).</p> <p>Different timing : The current plan is to acquire the geophysical data during the Summer and Autumn months. Acquiring this data outside of this period, i.e. Winter, both increases the Health & Safety risks (deploying and recovering equipment and acquiring data in poor sea conditions) and the potential for delay (more exposure to weather standby due to unworkable conditions)</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>NatureScot has concluded in its advice of 06 Aug 2024 that the proposal will not adversely affect the integrity of the Outer Firth of Forth and St Andrews Bay Complex (OFFSABC). This assessment is based on the short duration of the survey (less than 17 days), the temporary nature of the survey, and the limited survey area. NatureScot also state the MBES, SSS and USBL has no potential for auditory injury to EPS, therefore no mitigation is needed for this equipment.</p> <p>The use of SBES and SBP means there is potential for auditory injury to EPS and therefore mitigation must be put in place for this equipment.</p> <p>Mitigation will follow the JNCC guidelines for minimising the risk of injury to marine mammals for geophysical surveys (JNCC, 2017) and must follow the JNCC guidelines for Passive Acoustic Monitoring in UK waters for minimising the risk of injury to marine mammals from offshore activities provided the Mitigation Plan and Risk assessment are adhered to.</p>	
Test 3 satisfied?	YES

Date application received: 20/06/2024

Consultation start date: 26/07/2024

Consultation end date: 09/08/2024

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: The proposed activity aligns with the following NMP General Principles:

Gen1 : General Planning Principle : Supporting renewable activities.

GEN 2 Economic Benefit: The Eastern Green Link 1 Project is part of major reinforcement of the electricity transmission system. The survey is required to support the installation of the new subsea HVDC transmission link that is needed to provide additional network capacity and greater power transfer capability across the Anglo-Scottish border.

Gen 5 : This project is required for the UK to meet its Net Zero 2050 energy generation target, transporting clean renewable energy from the centre of generating potential in Scotland to the centres of demand in England.

NMP Species Protection:

The applicant declared that the proposed activity may disturb/harass protected species. Due to this they have applied for European protected species licence and basking shark licence to ensure any impact on the protected species is reduced.

Date document generated: 22/08/2024