

Annex One

MD-LOT Basking Shark Licence Case Handling Report

Licence Number: 000104444

Licensing Officer: [Redacted]

Site	Moray Firth and Spittal to Peterhead
Company	Scottish Hydro Electric Transmission Plc. Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
Applicant	[Redacted]
Brief Description of Project	Geophysical Surveys of existing cable and new electricity cable route
Associated Licences	EPS Licence 00010441

Species	Basking Shark (<i>Cetorhinus maximus</i>)
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	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
Comments	
<p>The Applicant has advised the following:</p> <p>With regard to Test 1 there are several different purposes for which a Basking Shark licence can be granted including, under Section 16(3)(i) of the Wildlife and Countryside Act 1981, for ‘a social, economic or environmental purpose’.</p> <p>NatureScot Guidance states that, when determining a Basking Shark 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>The proposed activity addresses a specific need in relation to creating additional network capacity to facilitate the construction and connection of offshore wind projects to the national grid. The project will provide employment and environmental benefits by reducing the reliance in fossil fuels and drive to net zero. The associated surveying is require to support the installation of subsea transmission link.</p> <p>The effective distribution of offshore energy to meet demand areas can be seen as serving in the public interest, and falls within the UK Government’s British Energy Security Strategy in respect of offshore wind and the requirement for additional network and transfer capacity.</p>	

Whilst the activity does not fulfil a statutory role, they are in support of the development and connection of offshore wind sites connection to the national grid in support of various Scottish and UK Government policies.

Test 1 satisfied?	YES
--------------------------	-----

TEST 2	Other Satisfactory Solutions
---------------	-------------------------------------

Comments

Section 16(1A)(a) of the Wildlife and Countryside Act 1981 requires the Scottish Ministers to be satisfied that there is no other satisfactory solution before a Basking Shark Licence can be issued for the Licensable Operations.

In this instance, the cable survey covers a large area which will give the applicant greater flexibility in selecting the final cable route, The survey area was selected following discussions with MD-LOT to reduce the number and frequency of survey applications/ variations in an attempt to minimise the impact.

A temporal shift was considered viable and adopted by the applicant. This includes timing the surveys to avoid minke whales during their peak periods within the Southern Trench NCMPA.

Given the critical nature of the infrastructure being developed the 'do-nothing' alternative in this case (ie not to complete the survey scope proposed, and therefore not to develop the project) is not feasible.

Test 2 satisfied?	YES
--------------------------	-----

TEST 3	Favourable Conservation Status ("FCS")
---------------	---

Comments

NatureScot has concluded in its advice of 26 July 2023 that the activity will not be detrimental to the maintenance of the populations of the species concerned at Favourable Conservation Status (FCS) in their natural range if the mitigation measures provided by NatureScot and by the applicant within the risk assessment are adhered to.

Test 3 satisfied?	YES
--------------------------	-----

Date application received: 09/06/2023

Date variation application received:

Consultation start date: 29/06/2023

Consultation end date: 20/07/2023

Notes

Date	Text	Created By
------	------	------------

Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
------------	----------	-----------------	-------------	-----------------------------

Licence issue date: 18/08/2023

Date report due: 11/10/2028