

## Annex One

### MD-LOT Basking Shark Licence Case Handling Report

**Licence Number:** 00010528

**Licensing Officer:** <Redacted>

<b>Site</b>	North Coast and Orkney Region
<b>Company</b>	Scottish Hydro Electric Distribution Plc. Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
<b>Applicant</b>	<Redacted>
<b>Brief Description of Project</b>	Geophysical Surveys of cable corridors
<b>Associated Licences</b>	EPS Licence 00010527

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

<b>TEST 1</b>	<b>Purpose of licence</b>
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
<b>Comments</b>	
<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 maintaining the electricity supply for island communities. Surveying existing cables and potential new cable routes ensures the reliability of electrical supply to the Islands for both domestic and commercial customers. Ensuring reliable electricity provides a social and economic benefit to remote communities.</p> <p>The applicant holds the licence under the Electricity Act 1989 for the distribution of electricity in the north and west of Scotland including the islands. It has a statutory duty to provide an economic and efficient system of distribution of electricity and to ensure assets are maintained to ensure a safe, secure and reliable</p>	

supply to customers.	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Other Satisfactory Solutions</b>
<b>Comments</b>	
<p>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.</p> <p>The applicant has considered using divers and underwater cameras, however in this instance, it was not considered suitable as it would not provide the same range of functions as the survey. The applicant considers the survey as the only way to ensure reliable electricity to remote communities.</p> <p>Given the critical nature of the infrastructure being maintained and developed the ‘do-nothing’ alternative in this case (ie not to complete the survey) is not feasible as this may compromise electricity supplies to remote communities.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable Conservation Status ("FCS")</b>
<b>Comments</b>	
<p>NatureScot has concluded in its advice of 27 November 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 within the Protected Species Mitigation Plan are adhered to.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 28/04/2023

**Date variation application received:**

**Consultation start date:** 06/09/2023

**Consultation end date:** 04/10/2023

**Notes**

Date	Text	Created By
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**Awaiting Information**

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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**Licence issue date:** 31/01/2024

**Date report due:** 30/10/2028