

## Annex One

### MD-LOT European Protected Species Licence Case Handling Report

**Licence Number:** 00010441

**Licensing Officer:** [Redacted]

<b>Site</b>	Moray Firth and Spittal to Peterhead
<b>Company</b>	Scottish Hydro Electric Transmission Plc. Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
<b>Applicant</b>	[Redacted]
<b>Brief Description of Project</b>	Geophysical Surveys of existing cable and new electricity cable route
<b>Associated Licences</b>	Basking Shark Licence 00010444

<b>Species</b>	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> ); killer whale ( <i>Orcinus orca</i> ); white-beaked dolphin ( <i>Lagenorhynchus albirostris</i> ); humpback whale ( <i>Megaptera novaeangliae</i> ); Risso's dolphin ( <i>Grampus griseus</i> )
<b>Inshore/Offshore</b>	Inshore and Offshore

<b>TEST 1</b>	<b>Purpose of licence</b>
	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
<b>Comments</b>	
The Applicant has advised the following:  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).	

<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> <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.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>Regulation 44(3)(a) of the Habitat Regulations 1994 and Regulation 55(7)(a) of the Conservation of Offshore Marine Habitats and Species Regulations 2017 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>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.</p> <p>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.</p> <p>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.</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 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.</p>	
<b>Test 3 satisfied?</b>	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
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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:** 18/08/2023

**Date report due:** 11/10/2028