

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010461

Licensing Officer: [Redacted]

Site	Argyll Marine Region
Company	Scottish Hydro Electric Distribution Plc. Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
Applicant	[Redacted]
Brief Description of Project	Geophysical Surveys of existing cables and potential new electricity cable routes
Associated Licences	Basking Shark Licence 00010462

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>);short beaked common dolphin (<i>Delphinus delphis</i>);killer whale (<i>Orcinus orca</i>);white-beaked dolphin (<i>Lagenorhynchus albirostris</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>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>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>	

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 supply to customers.

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

TEST 2	Satisfactory alternatives
---------------	----------------------------------

Comments

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.

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.

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.

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

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

Comments

NatureScot has concluded in its advice of 24 August 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.

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

Date application received: 26/06/2023

Date variation application received:

Consultation start date: 27/07/2023

Consultation end date: 24/08/2023

Notes

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

Awaiting Information

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

Licence issue date: 01/09/2023

Date report due: 31/08/2028