

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010560
Licensing Officer: [Redacted]

Site	Shetland to Yell
Company	Scottish Hydro Electric Transmission Plc Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
Applicant	[Redacted]
Brief Description of Project	Geophysical and Geotechnical Surveys
Associated Licences	

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>);white sided dolphin (<i>Lagenorhynchus acutus</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>);fin whale (<i>Balaenoptera physalus</i>);long-finned pilot whale (<i>Globicephala melas</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 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>

The proposed activity addresses specific need in that it will inform the installation of a HVAC cable between Yell and Shetland mainland. This will allow the transmission of renewable energy to the island and help reduce carbon emissions. The survey will assist the applicant by being able to avoid challenging seabed features which would impede cable installation, identify benthic habitats/species and ensure correct mitigation is in place and inform cable burial and protection requirements to ensure the safety of other legitimate users of the sea.

The applicant holds a licence under the Electricity Act 1989, for the transmission of electricity in the north of Scotland. The applicant has a duty to provide an economic and efficient system for the transmission of energy and to ensure that its assets are installed and maintained to enable a safe, secure and reliable transmission of power.

Test 1 satisfied?	YES
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TEST 2	Satisfactory alternatives
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Comments

Regulation 44(3)(a) of the Habitat Regulations requires the Scottish Ministers to be satisfied that there is no satisfactory alternative before an EPS Licence can be issued for the Licensable Operations. In this instance, the applicant considered that without carrying out the surveys, it would not be possible to develop the design for the cable route. This would mean that the cable could not be installed and this would hamper the transmission of renewable energy and potentially reduce the ability for the UK to reach net-zero emissions by 2050.

Test 2 satisfied?	YES
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TEST 3	Favourable Conservation Status ("FCS")
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Comments

NatureScot has concluded in its advice of 24/10/2023, that the advice it previously provided for the original marine licence remains valid. Within this advice NatureScot concluded that provided the mitigation proposed in the EPS Risk Assessment, there will be no detrimental effect on favourable conservation status of any EPS species from disturbance.

Test 3 satisfied?	YES
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Date application received: 15/09/2023

Date variation application received:

Consultation start date: 04/10/2023

Consultation end date: 01/11/2023

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: 01/12/2023

Date report due: 31/03/2025