

Annex Two

MD-LOT Basking Shark Licence Case Handling Report

Licence Number: 00010617

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	EPS Licence 00010616

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>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 Jura. The existing cable is in poor condition and requires urgent replacement. Failure to replace the cable will jeopardise the power supply to Jura and have social and economic impacts for the population of the island.</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 supply to customers.</p>	

Test 1 satisfied?	YES
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TEST 2	Other Satisfactory Solutions
Comments	
<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 three other cable routes, they were rejected due to risks from tidal streams, unsuitable ground or the requirement for additional installation vessels. Two horizontal directional drilling routes were also considered, whilst viable, these option were rejected as they would be highly constrained, there was concern about the availability of sufficient water supplies at the sites and of the ground conditions. Given the critical nature of the infrastructure being maintained and developed the ‘do-nothing’ alternative in this case (ie not to complete the replacement of the cable) is not feasible as this may compromise electricity supplies to Jura.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable Conservation Status ("FCS")
Comments	
<p>NatureScot has concluded in its advice of 19 February 2024 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 and Risk assessment are adhered to.</p>	
Test 3 satisfied?	YES

Date application received: 03/11/2023

Date variation application received:

Consultation start date: 21 December 2023

Consultation end date: 19 February 2024

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: 05 June 2024

Date report due: 05 July 2026