

## Annex Two

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

**Licence Number:** 00010616

**Licensing Officer:** <Redacted>

<b>Site</b>	Argyll Marine 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>	Installation of replacement Islay to Jura Cable
<b>Associated Licences</b>	Basking Shark Licence 00010617

<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> )
<b>Inshore/Offshore</b>	Inshore

<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>	
<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 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>	

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.

<b>Test 1 satisfied?</b>	YES
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<b>TEST 2</b>	<b>Satisfactory alternatives</b>
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**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 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 options 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.

<b>Test 2 satisfied?</b>	YES
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<b>TEST 3</b>	<b>Favourable Conservation Status ("FCS")</b>
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**Comments**

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.

<b>Test 3 satisfied?</b>	YES
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**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