Marine Directorate
Licensing Operations Team
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

10 April 2025

Our ref. 444119

Dear Marine Directorate – Licensing Operations Team,

Marine (Scotland) Act 2010
Argyll Regional EPS and Basking Shark Licence Variation Request

Scottish Hydro Electric Power Distribution plc (SHEPD) holds a 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 for the distribution of electricity and to ensure that its assets are maintained to ensure a safe, secure and reliable supply to customers.

Fifty-nine Scottish Islands are currently connected to the electricity network that serves Great Britain by the SHEPD network. They are connected by submarine electricity cables which supply electricity to homes and businesses on the islands.

In June 2023, SHEPD applied for a European Protected Species (EPS) licence and a basking shark (*Cetorhinus maximus*) derogation licence to undertake geophysical surveys, as well as testing and calibration of survey equipment, covering 24 cable routes within the Argyll Scottish Marine Region (Figure 1). An EPS and Protected Sites and Species Risk Assessment was prepared to support the licence applications (Xodus Document No. A-303128-S04-A-REPT-002: EPS and Protected Sites and Species Risk Assessment – Argyll EPS Risk Assessment).

On 1st September 2023, Marine Directorate – Licensing Operations Team (MD-LOT), acting on behalf of the Scottish Ministers, granted SHEPD with an EPS licence (Licence reference: EPS/BS-00010461) under the Conservation (Natural Habitats, &c.) Regulations 1994 permitting disturbance of harbour porpoise (*Phocoena phocoena*), bottlenose dolphin (*Tursiops truncatus*), minke whale (*Balaenoptera acutorostrata*), Risso's dolphin (*Grampus griseus*), short-beaked common dolphin (*Delphinus delphis*), killer whale (*Orcinus orca*) and white-beaked dolphin (*Lagenorhynchus albirostris*) in the Argyll Marine Region. On 1st September 2023, SHEPD was also granted a basking shark derogation licence was granted (Licence reference: EPS/BS-00010462) under the Wildlife and Countryside Act 1981 (as amended) permitting disturbance of basking shark. These Argyll Regional EPS and basking shark licences are valid from 4th September 2023 to 31st July 2028.

SHEPD is now seeking to vary the existing EPS and basking shark derogation licences in order to undertake geophysical surveys within the following new cable survey corridors within the Argyll Marine Region (Figure 2):

- Kintyre – Islay (*potential for two cable routes*); and

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- Mainland – Kerrera – Mull (*route crosses through Kerrera*).

The coordinates of the cable survey corridors are provided within the Argyll EPS Risk Assessment Addendum (see Xodus Document No. A-101009-S00-A-REPT-001) which is being submitted alongside this Argyll Regional EPS and basking shark derogation licence variation request.

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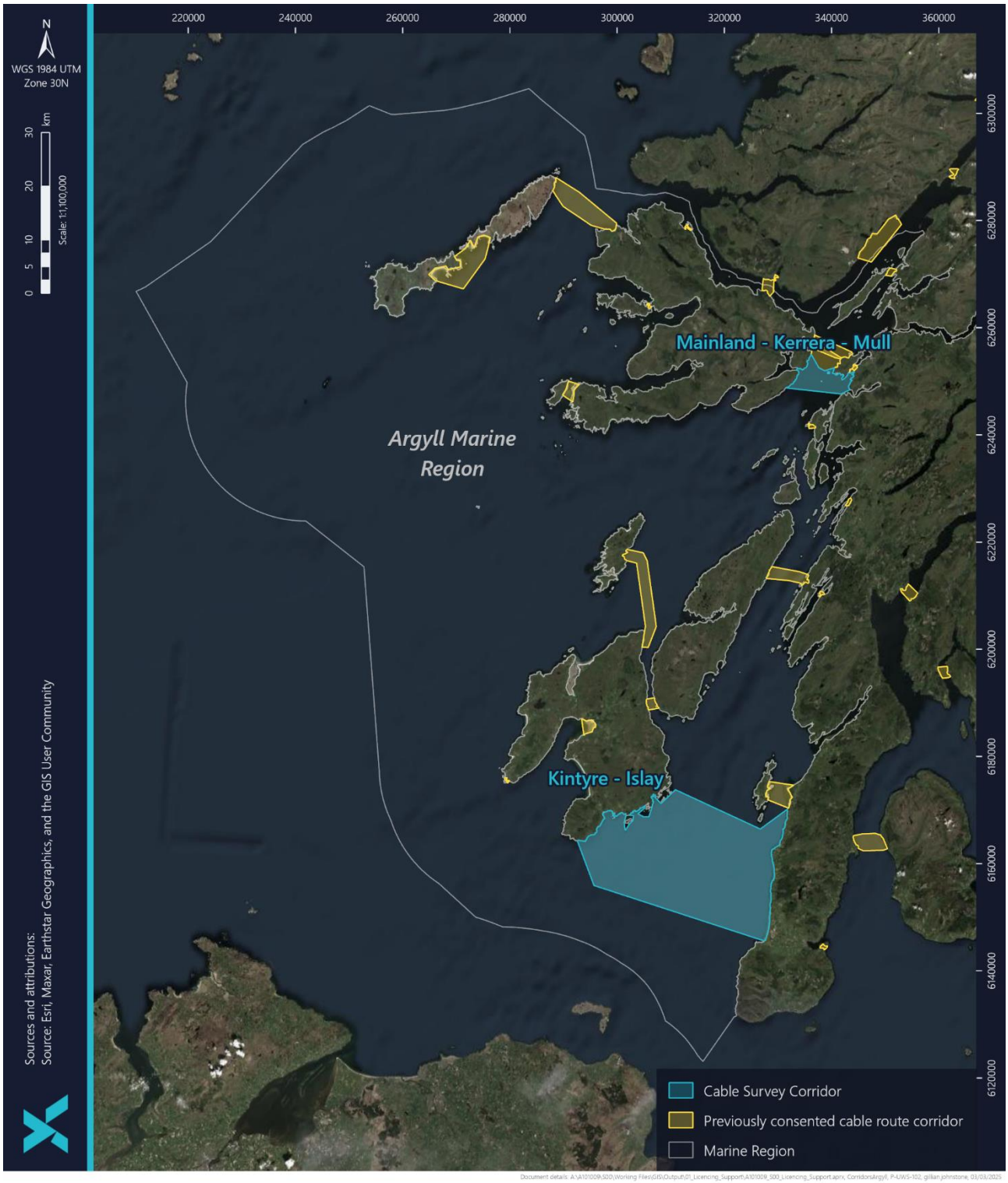

Figure 1 Cable Survey Corridors in the Argyll Marine Region

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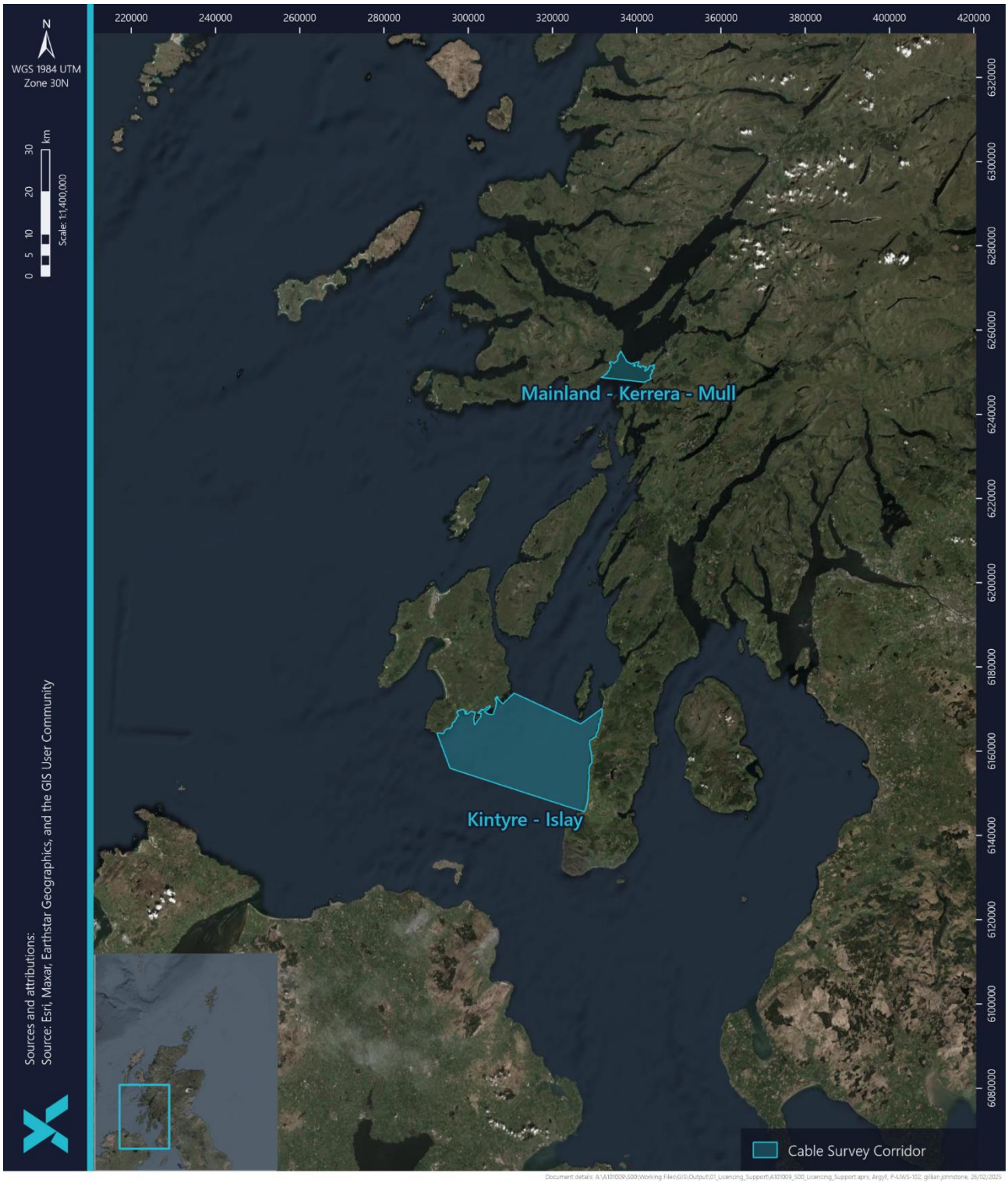

Figure 2 The Kintyre - Islay and Mainland - Kerrera - Mull Cable Survey Corridors

Supporting Assessment

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Description of Project Activities

There will be no change to the geophysical survey methodology, including the type of survey equipment and specification (i.e. source levels and frequencies), which is currently licensed through the existing EPS and basking shark licences. As such, there will be no change to the underwater noise modelling presented in the original Argyll EPS Risk Assessment (Xodus Document No. A-303128-S04-A-REPT-002) and therefore no change to the species which are to be disturbed or number of animals to be disturbed. The proposed mitigation measures have been updated to reflect feedback from NatureScot during the original application and are as per the original licence, as detailed in Section 5 of the Argyll EPS Risk Assessment Addendum (see Xodus Document No. A-101009-S00-A-REPT-001).

Furthermore, there will be no change to the licensable purpose as described within the existing licences, i.e. imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment) Regulation 44(2) and no change to the need for the project or consideration of alternatives, as presented in the existing EPS Licence (Annex One to licence EPS/BS-00010461) and basking shark derogation licence (Annex One to licence EPS/BS-00010462). Finally, there will be no change to the licence expiration date of 31st July 2028.

Risk Assessment

An assessment of the potential impacts of the geophysical survey activities for the new cable survey corridors has been prepared to support this Argyll Regional EPS and Basking Shark Licence variation request (see Xodus Document No. A-101009-S00-A-REPT-001: Argyll EPS Risk Assessment Addendum). The Argyll EPS Risk Assessment Addendum (Xodus Document No. A-101009-S00-A-REPT-001) reviews and assesses any material changes to the content of the original Argyll EPS Risk Assessment (Xodus Document No. A-303128-S04-A-REPT-002) as a result of the proposed geophysical surveys of the new cable survey corridors. An update to the EPS and other protected species risk assessment has been carried out (see Section 3 of the Argyll EPS Risk Assessment Addendum; Xodus Document No. A-101009-S00-A-REPT-001) and concluded that there will be no significant impacts on EPS (i.e. cetaceans and otters) or other protected species (seals, basking sharks and birds) as a result of the proposed geophysical survey activities. Additionally, an update to the protected sites assessment has been prepared (see Section 4 of the Argyll EPS Risk Assessment Addendum; Xodus Document No. A-101009-S00-A-REPT-001).

Finally, an update to the cumulative and in-combination impact assessment has been carried out (see Section 4.3 of the Argyll EPS Risk Assessment Addendum; Xodus Document No. A-101009-S00-A-REPT-001) and concluded that there will be no cumulative or in-combination risk to the Management Unit (MU) populations of harbour porpoise, bottlenose dolphin, short-beaked dolphin, white-beaked dolphin, Risso's dolphin, killer whale, minke whale or harbour seal.

Marine Noise Registry

A new entry has been submitted to the Joint Nature Conservation Committee (JNCC) Marine Noise Registry for the geophysical survey activities (Activity Application Number (AAN): 3885). This entry will be revised once the licences have been granted.

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Marine Licence Exemption for Geotechnical Survey Activities

The geotechnical survey activities will involve vibrocoring and sediment grab sampling. Grab samples will be less than one cubic metre (m^3). SHEPD is currently undertaking stakeholder engagement with the Maritime and Coastguard Agency (MCA), Northern Lighthouse Board (NLB) and NatureScot regarding a Marine Licence exemption for the geotechnical survey activities to confirm no Marine Licence is required. A notification of the exempted activity will be provided to MD-LOT prior to the sampling campaign being undertaken.

Conclusion

We trust that this letter is sufficient for the purposes of applying for a variation to the existing Argyll Regional EPS (EPS/BS-00010461) and Basking Shark (EPS/BS-00010462) Licences to include the new cable survey corridors. Should you have any questions about the application, do not hesitate to contact us.

Yours sincerely

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Engineering Design Manager, Large Capital Delivery

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