



THE CONSERVATION (NATURAL HABITAT, &c.) REGULATIONS 1994 (AS AMENDED)

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: BS-00011422

<b>Site</b>	Ardmore to Loch Pooltiel
<b>Company</b>	Scottish Hydro Electric Power Distribution Plc  Inveralmond House, 200 Dunkeld Road Perth Perthshire PH1 3AQ
<b>Brief Description of Project</b>	Cable Installation
<b>Associated Licences</b>	MD-00011420 BS-00011422 EPS-00011421

<b>Inshore/Offshore</b>	Inshore
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<b>TEST 1</b>	<b>Purpose of licence</b>
	Social, economic or environmental purpose2
<b>Comments</b>	
<p>This application has been assessed by the Applicant against the licensable purpose for IROPI, in particular the necessity for safe and reliable electricity on the Island of Skye utilising the following questions:</p> <p>Is a specific need being addressed? Scottish Hydro Electric Power Distribution ("SHEPD") have responsibility to distribute electricity within Scotland, including the Islands. They have a duty to ensure the system is efficient and carry out necessary repairs. The existing Skye Cable requires repair as part of a wider repair connecting Skye to South Uist.</p> <p>What benefit does the activity provide or what need does it address – social, economic, environmental, health and safety etc? SHEPD has a statutory duty to provide a safe, secure, economic and efficient system for the distribution of electricity, ensuring a reliable source of telecommunications is maintained for customer use.</p> <p>Why is the activity essential? The existing cable has been identified as requiring replacement and the surveys are required during works to ensure the cable burial and associated protection are safe for the duration of use. The cable is critical to Island life and should it fail then the supply of electricity is at risk.</p> <p>What public interest is served? Those living, working and visiting the Isle of Skye rely on access to electricity which is vital to daily living and working.</p> <p>I concur with the reasoning provided by SHEPD in this instance and am satisfied that Test 1 has been fulfilled.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>The applicant has considered alternatives locations within Skye for the Landfall of the cable however these were discounted, In particular; Loch Pooltiel East as this would have added additional cable, lengthening the cable length and in turn timing of works. Milovaig was discounted on the basis of poor access, again requiring an increase in cable and working time as well as crossing anchorages and moorings. Ardmore East and West were discounted on the basis of rocky outcrops and existing cable infrastructure. To do nothing would severely impact the safe installation of the cable and not considered appropriate for the statutory and regulated function which SHEPD undertake. As such, we are satisfied that no satisfactory alternatives exist in this instance in relation to both the location and need to undertake the surveys, and therefore, it is considered that Test 2 is fulfilled.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
As per NatureScot advice, Test 3 will be considered fulfilled should the following mitigation be adhered to:	
<ul style="list-style-type: none"> <li>• Slow moving vessels - the installation vessel will be moving at a maximum speed of 4 knots to allow any basking sharks time to move away from the vessel should they be disturbed by the vessel presence or noise. Should a Basking Shark be found to be in the direct way of the route, the vessel will slow down further or, if possible, alter course to avoid collision.</li> <li>• Toolbox talks - Crew will be made aware of all protected species within the marine environment through guidance such as the Marine Conservation Society (MCS) Basking Shark Code of Conduct and good practice measures for boat control near basking sharks.</li> </ul>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 02/09/2025

**Consultation start date:** 14/11/2025

**Consultation end date:** 09/01/2026

**Notes**

Date	title	Text
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**National Marine Plan considerations:**

The decision is: In accordance and no further action required
<p>Comments: The activity has been assessed and aligns with the following General Policies and Specific Policy on Submarine Cables. GEN 1: General planning principle There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan. GEN 2: Economic Benefit Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan. GEN 4: Co-existence Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision making processes, when consistent with policies and objectives of this Plan. GEN 9: Natural heritage Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area. GEN 12: Water quality and resource Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply. GEN 13: Noise Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects. GEN 15: Planning - Alignment A Marine and terrestrial plans should align to support marine and land-based components required by development and seek to facilitate appropriate access to the shore and sea. GEN 16: Planning -Alignment B Marine plans should align and comply where possible with other statutory plans and</p>

should consider objectives and policies of relevant non-statutory plans where appropriate to do so. GEN 18: Engagement Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes. CABLES 2: The following factors will be taken into account on a case by case basis when reaching decisions regarding submarine cable development and activities: Cables should be buried to maximise protection where there are safety or seabed stability risks and to reduce conflict with other marine users and to protect the assets and infrastructure. Where burial is demonstrated not to be feasible, cables may be suitably protected through recognised and approved measures (such as rock or mattress placement or cable armouring) where practicable and cost-effective and as risk assessments direct.