



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: BS-00012189

Site	Kintyre to Hunterston (extended)
Company	Scottish Hydro Electric Transmission PLC 10 Henderson Road Inverness IV1 1SN
Brief Description of Project	Geophysical survey of Kintyre Hunterston HVAC cable corridor
Associated Licences	MD-00010832 MD-00010831 BS-00012189

Inshore/Offshore	Inshore
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TEST 1	Purpose of licence
	Social, economic or environmental purpose
Comments	
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'. 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). The proposed activity addresses a specific need in relation to maintaining the electricity supply within Scotland. Surveying existing cables to gather data on their condition and identify faults ensures the maintenance and security of the national grid connection for renewable energy generation, contributing towards net zero targets. Ensuring reliable electricity provides a social and economic benefit to remote communities. The applicant holds a licence under the Electricity Act 1989 for the distribution of electricity in the area. It has a statutory duty to provide an economic and efficient system for the transmission of energy, and to ensure that its assets are maintained to enable a safe, secure and reliable transmission of power.	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
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. The applicant has considered not undertaking the survey, but this would breach the commitments made to the licensing authority and stakeholders. It also concluded that the 'do nothing' alternative could make the transmission of renewable energy from the West of Scotland less secure, which would increase economic risk to renewable generation operators and potentially reduce the ability to reach net-zero emissions targets. In addition, Scottish Ministers consider that, at present, the methods proposed for geophysical surveying that might require an EPS Licence are industry standard, and that currently there are no alternative means of gathering the data provided by these methods.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
NatureScot has concluded in its advice of 30 June 2026 that the activity is not capable of having an adverse impact on basking sharks if the mitigation measures previously outlined in the 'Kintyre Hunterston HVAC EPS Risk Assessment' (Document A-200409-S04-REPT-002) and additional mitigation incorporated into the updated 'Kintyre Hunterston HVAC EPS Risk Assessment - Addendum - Supplementary Information' are followed.	
Test 3 satisfied?	YES

Date application received: 16/04/2026

Consultation start date: 03/06/2026

Consultation end date: 01/07/2026

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: The proposed activity aligns with the following NMP General Principles:

GEN 2 Economic Benefit:

The proposal will ensure a reliable power supply to remote communities. This will support local businesses in their operation by having a reliable power supply. This will provide an economic benefit for the community.

GEN 3 Social Benefit:

The proposal will ensure a reliable power supply to remote communities. This will support communities having a reliable power supply. This will provide a social benefit for the community.

NMP Species Protection:

The applicant declared that the proposed activity may disturb/harass protected species. Due to this they have applied for European protected species licence and basking shark licence to ensure any impact on the protected species is reduced.

NatureScot reviewed the mitigation proposed by the applicant and agreed with this in place, along with additional proposed mitigation subsequently incorporated into the risk assessment, the activity would not impact the favourable conservation status of the protected species. The requirement to adhere to this mitigation has been conditioned in this licence.

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