

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

**LICENCE TO DISTURB MARINE SPECIES**

**Public Case Handling Report for Licence Number: EPS/BS-00010832**

<b>Site</b>	Kintyre to Hunterston
<b>Company</b>	Scottish Hydro Electric Transmission PLC  10 Henderson Road Inverness  IV1 1SN
<b>Brief Description of Project</b>	Geophysical survey of Kintyre Hunterston HVAC cable corridors
<b>Associated Licences</b>	European Protected Species Licence No. 00010831

<b>Inshore/Offshore</b>	Inshore
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<b>TEST 1</b>	<b>Purpose of licence</b>
	Social, economic or environmental purpose <sup>2</sup>

<b>Comments</b>	
<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 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.</p> <p>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.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<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 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.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
<p>NatureScot has concluded in its advice of 01 April 2025 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 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.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 29/05/2024

**Consultation start date:** 07/03/2025

**Consultation end date:** 04/04/2025

#### Notes

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

<p>The decision is: In accordance and no further action required</p>
<p>Comments: The proposed activity aligns with the following NMP General Principles:</p> <p><b>GEN 2 Economic Benefit:</b> 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.</p> <p><b>GEN 3 Social Benefit:</b> The proposal will ensure a reliable power supply to remote communities. This will support communities having</p>

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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