



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011421

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

Inshore/Offshore	Inshore
Species	harbour porpoise (<i>Phocoena phocoena</i>);bottlenose dolphin (<i>Tursiops truncatus</i>);white-beaked dolphin (<i>Lagenorhynchus albirostris</i>); minke whale (<i>Balaenoptera acutorostrata</i>);Risso's dolphin (<i>Grampus griseus</i>);white sided dolphin (<i>Lagenorhynchus acutus</i>);short beaked common dolphin (<i>Delphinus delphis</i>)

TEST 1	Purpose of licence
Comments	
<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>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<p>The applicant has considered alternative 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>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>NatureScot advised that the proposal will not have an adverse impact on the Favourable Conservation Status of the EPS concerned provided that the following mitigation was adhered to:</p> <ul style="list-style-type: none"> • A vessel plan requiring slow movement of vessels and adherence to the Scottish Marine Wildlife Watching Code (SMWWC) at all times. • The presence of a qualified MMO on board, and adherence to the geophysical survey mitigation guidance (JNCC, 2017) to ensure pre-shoot watches are conducted before USBL is used. • If USBL is to be used in darkness, a PAM operator will also be required. • A 500m mitigation zone for USBL. If marine mammals are detected within the 500m mitigation zone during the pre-shooting search (visually or acoustically), the USBL must be delayed until their passage, or the transit of the vessel, results in the cetaceans being outside the mitigation zone. • There must be a minimum of a 20-minute delay from the time of the last detection within the mitigation zone and the commencement of the USBL to allow animals not visible (i.e., not re-surfacing in that time) to have moved outside of the mitigation zone. <p>We have conditioned the above mitigation into the EPS licence and therefore are satisfied that Test 3 has been fulfilled.</p>	
Test 3 satisfied?	YES

Date application received:

Consultation start date: 14/11/2025

Consultation end date: 09/01/2026

Notes

Date	title	Text
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National Marine Plan considerations:

<p>The Decision is: In Accordance and no further action is required.</p>
<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</p>

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 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.