



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00012355

Site	Argyll Marine Region
Company	Scottish Hydro Electric Power Distribution Plc Inveralmond House, 200 Dunkeld Road Perth Perthshire PH1 3AQ
Brief Description of Project	Argyll Marine Region Cable Surveys
Associated Licences	BS-00012354 EPS-00012355

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

TEST 1	Purpose of licence
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
Comments	
With regard to Test 1 there are several different purposes for which an EPS licence can be granted including, under Regulation 44(2)(e) of the Habitat Regulations, for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. NatureScot Guidance states that, when determining an EPS 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 for island communities. Surveying existing cables and potential new cable routes ensures the reliability of electrical supply to the Islands for both domestic and commercial customers. Ensuring reliable electricity provides a social and economic benefit to remote communities. The applicant holds the 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 of distribution of electricity and to ensure assets are maintained to ensure a safe, secure and reliable supply to customers.	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
Regulation 44(3)(a) of the Habitat Regulations 1994 requires the Scottish Ministers to be satisfied that there is no satisfactory alternative before an EPS Licence can be issued for the Licensable Operations. The applicant has considered using divers and underwater cameras, however in this instance, it was not considered suitable as it would not provide the same range of functions as the survey. The applicant considers the survey as the only way to ensure reliable electricity to remote communities. Given the critical nature of the infrastructure being maintained and developed the 'do-nothing' alternative in this case (ie not to complete the survey) is not feasible as this may compromise electricity supplies to remote communities.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
NatureScot advised in its consultation response of 16 June 2026 that the variation to add one more survey corridor to this licence would not result in any additional species or animals being disturbed as a result of these activities. NatureScot stated that its advice on the previously licensed Mainland- Mull survey corridor remain valid. These included that 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 provided by NatureScot and by the applicant within the risk assessments are adhered to.	
Test 3 satisfied?	YES

Date application received: 29/04/2025

Consultation start date: 04/06/2026

Consultation end date: 18/06/2026

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required
Comments: 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 and support local businesses in their operations. This will provide an economic benefit for the community. GEN 3 Social Benefit: The proposal will ensure a reliable power supply to remote areas, providing a social benefit for those communities. 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, 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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