



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011418

Site	Little Minch, Hebrides
Company	Scottish Hydro Electric Power Distribution Plc Inveralmond House, 200 Dunkeld Road Perth Perthshire PH1 3AQ
Brief Description of Project	South Uist Planned Subsea Cable Replacement
Associated Licences	

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>);humpback whale (<i>Megaptera novaeangliae</i>);long-finned pilot whale (<i>Globicephala melas</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	
<p>This application has been assessed against the licensable purpose for IROPI, in particular the necessity for safe and reliable electricity on the Islands of Skye and Uist (South). 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 to South Uist requires repair as the existing cable has been identified as requiring replacement. 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. 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. What public interest is served? Those living, working and visiting the Isle of Skye and South Uist rely on access to safe electricity which is vital to daily living and working.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<p>Various alternative landfall sites were assessed as possibilities for the Skye – South Uist cable replacement. Following review of the existing landfall sites, the sites were considered not feasible for the landing of an additional cable. Skye: Loch Pooltiel East – This landing site had rock outcrops, required an additional 1.4km of cable length, required the crossing of a chartered anchorage, had a limited extent and therefore was not suitable to land more than one cable, limited soil thickness and required beach alter courses. Loch Pooltiel East – This landing site had rock outcrops, required an additional 1.4km of cable length, required the crossing of a chartered anchorage, had a limited extent and therefore was not suitable to land more than one cable, limited soil thickness and required beach alter courses. Milovaig Beach – This landing site had poor access, required both an increased subsea and terrestrial cable length, had challenging landing geomorphology and crossed anchorages and moorings within the Meanish Community Pier. South Uist Loch Duart Fishery – This landing site had limited spatial extent and a very narrow beach preventing the landing of additional future cables, required the temporary movement of equipment, had a challenging landing geomorphology, irregular seabed and potential landownership conflicts. Oilear Bheag – This landing site is not located near a substation, required additional subsea cable length, crosses a third party cable and would result in an extremely congested marine route out of Loch Carnan. To nothing would severely impact the safe installation of the cable and not considered appropriate for a statutory undertaker as there is need for the connection between Skye and South Uist.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>Cetaceans</p> <p>We are content with the species identified within this application:</p> <ul style="list-style-type: none"> •Harbour porpoise (<i>Phocoena phocoena</i>) •Bottlenose dolphin (<i>Tursiops truncatus</i>) •White-beaked dolphin (<i>Lagenorhynchus albirostris</i>) •Risso’s dolphin (<i>Grampus griesus</i>) •Minke whale (<i>Balaenoptera acturostrata</i>) •Common dolphin (<i>Delphinus delphis</i>) •White-sided dolphin (<i>Lagenorhynchus acutus</i>) <p>Injury</p> <p>The use of a hull mounted USBL is proposed for cable installation activities and surveys and constitutes the only noise source with the potential to cause injury to marine mammals. The expected USBL frequency range is 19 -34kHz and overlaps with all cetacean functional hearing groups, with a proposed USBL source level limited to 202dB re 1Pa (peak). This is within the auditory injury threshold for harbour porpoise (202Db SPLpeak). With strict adherence to the below mitigation, to ensure porpoises are not exposed to USBL noise emissions, we advise that a licence for injury will not be required.</p> <p>Disturbance</p> <p>There is a risk of disturbance to individual animals from the USBL, and we therefore advise under the inshore regulations (Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)) that an EPS licence is required for disturbance. We request mitigation to minimise disturbance – see below. Lastly, we also advise that the activities are not capable of having an adverse impact on the favourable conservation status of the EPS concerned.</p> <p>Proposed mitigation</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>Providing mitigation (as above) is adhered to, we advise</p> <ul style="list-style-type: none"> •There is a risk of auditory injury for harbour porpoises, however, with strict adherence to mitigation measures, an EPS licence for injury is not required. •An EPS licence for disturbance under the Inshore Regulations is required. •The proposal will not have an adverse impact on the Favourable Conservation Status of the EPS concerned. •The equipment capable of disturbing the species has been correctly identified. 	
Test 3 satisfied?	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

Comments: The activity has been assessed and aligns with the following General Policies and Specific Policy on Submarine Cables, (Cables 1, 2, 3 and 4). The following factors has been taken into account when reaching the decision regarding the 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. Sea Fisheries (Fisheries 1 and 2), Existing fishing opportunities and activities are safeguarded wherever possible. The potential impact (positive and negative) of marine developments on the sustainability of fish and shellfish stocks and resultant fishing opportunities in any given area. 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, 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, 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.

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