

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

**LICENCE TO DISTURB MARINE SPECIES**

**Public Case Handling Report for Licence Number: EPS/BS-00011135**

<b>Site</b>	Coll to Tiree Cable Replacement
<b>Company</b>	Scottish Hydro Electric Power Distribution Plc  Inveralmond House, 200 Dunkeld Road Perth Perthshire PH1 3AQ
<b>Brief Description of Project</b>	Coll to Tiree Cable Replacement
<b>Associated Licences</b>	Basking Shark Licence No. 00011136 Marine Licence No. 00011134

<b>Species</b>	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> )
<b>Inshore/Offshore</b>	Inshore

<b>TEST 1</b>	<b>Purpose of licence</b>
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
<b>Comments</b>	
<p>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’.</p> <p>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).</p> <p>The replacement of the existing cable is required as surveys have deemed them to be at the end of their operational life. Proactive replacement of the cables before they fail is essential to ensure reliable and continued electricity supply to the population.</p> <p>In addition, the activity will contribute to statutory functions under Section 9 of the Electricity Act 1989, including SHEPD’s duty to provide an economic and efficient system for the distribution of electricity and to ensure that it's assets are maintained to ensure a safe, secure and reliable supply to domestic and business customers.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>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.</p> <p>The applicant has considered a range of alternatives, including different routes, different landfall locations and do nothing until failure option. The chosen method and route provides the greatest benefits in terms of being the most suitable with regards to environmental designations and sensitivities. The do nothing alternative would risk electricity supply to part of Scotland which would result in an emergency replacement if the existing cable was to fail. The do nothing option is not a viable due to the critical nature of the infrastructure.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
NatureScot has concluded in its advice of 24 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 provided the mitigation within the Protected Species Management Plan was adhered to.	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 21/02/2025

**Consultation start date:** 11/03/2025

**Consultation end date:** 22/04/2025

## 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 an social benefit for the community.

#### NMP Species Protection:

The applicant declared that the proposed activity may disturb 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 proposed proposed works by the applicant and confirmed the activity would not impact the favourable conservation status of the protected species provided the mitigation in the Protected Species Management Plan was adhered to.

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