

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS/BS-00010831

Site	Kintyre to Hunterston
Company	Scottish Hydro Electric Transmission PLC 10 Henderson Road Inverness IV1 1SN
Brief Description of Project	Geophysical survey of Kintyre Hunterston HVAC cable corridors
Associated Licences	Basking Shark Licence No. 00010832

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>);white sided dolphin (<i>Lagenorhynchus acutus</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>);fin whale (<i>Balaenoptera physalus</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>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 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>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<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 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>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
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.	
Test 3 satisfied?	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:

The decision is:
<p>Comments: The proposed activity aligns with the following NMP General Principles:</p> <p>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.</p> <p>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 a social benefit for the community.</p> <p>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.</p> <p>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.</p>

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