

Annex Two

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010503

Licensing Officer: [Redacted]

Site	Western Isles HVDC Link
Company	Scottish Hydro Electric Transmission Plc. 10 Henderson Rd Inverness IV1 1SN
Applicant	<Redacted
Brief Description of Project	Geophysical surveys for cable route, including the use of the following: Ultra-short Baseline (USBL) positioning system; "Pinger" Sub-Bottom Profiler (SBP); and "Chirp" SBP
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>);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) Regulation 44(2)(e)
Comments	

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The Applicant has advised the following:

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 Western Isles HVDC Link project addresses a specific need in relation to facilitating the transmission of renewable energy from Lewis and Harris to mainland Scotland. This will contribute to national and international targets, and align with governmental policy to significantly reduce carbon emissions. The associated surveying is essential to support the installation of HVDC link, in terms of informing a route which will avoid obstructions, avoid and mitigate against adverse environmental effects, and identify burial and protection requirements to provide a reliable transmission system, whilst ensuring the safety of other legitimate users of the sea.

The effective distribution of renewable energy can be seen as serving in the public interest. In addition, the activity will contribute to statutory functions under the Electricity Act 1989, in order to fulfil the applicant’s duty to provide an economic and efficient system for the transmission of energy, and to ensure that its assets are installed and maintained to enable a safe, secure and reliable transmission of power.

Test 1 satisfied?	YES
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TEST 2	Satisfactory alternatives
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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 indicated that there is no alternative equipment or methods available in the current industry / technology which are capable of obtaining the seabed data required to inform subsea cable routing and engineering information for the western isles HVDC Link Project. Marine Directorate casework management confirmed that this was a reasonable analysis in relation to the approach taken. Therefore, in this instance, there is no alternative method for surveying the seabed to assess conditions and finalise cable routing across such a large body of water.

Monitoring, mitigation and reporting will be in place to reduce the impact on protected species.

The existing Western Isles electricity network is at full capacity, therefore in order to maximise the renewable energy potential of the Western Isles, the transmission system to the Scottish Mainland is necessary.

Timing the activities during winter months limits the potential impact on basking sharks.

Given the critical nature of the infrastructure being developed the ‘do-nothing’ alternative in this case (ie not to complete the survey scope proposed, and therefore not to develop the project) is not feasible. The surveys are fundamental to the HVDC link going ahead, and failure to progress the development of the cable could hamper the transmission of electricity from renewable sources and potentially reduce the ability for the Scotland to achieve net-zero carbon emissions by 2045.

Test 2 satisfied?	YES
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TEST 3	Favourable Conservation Status ("FCS")
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Comments

NatureScot has concluded in its advice of 28 September 2023 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 set out in the Western Isles HVDC Link: EPS and Protected Sites and Species Risk Assessment (Document Ref: A-100336-S06-A-REPT-001) are followed, in addition to the EPS Licence conditions.

Test 3 satisfied?	YES
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Date application received: 27/07/2023

Date variation application received:

Consultation start date: 31/08/2023

Consultation end date: 28/09/2023

Notes

Date	Text	Created By
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Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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Licence issue date: 21/12/2023

Date report due: 30/04/2024