

# MD-LOT Basking Shark Licence Case Handling Report

## Annex Two

### MD-LOT Basking Shark Licence Case Handling Report

**Licence Number:** 00010531

**Licensing Officer:** Redacted

<b>Site</b>	Outer Hebrides Cable Survey
<b>Company</b>	Scottish Hydro Electric Power Distribution plc Inveralmond House 200 Dunkeld Road Perth PH1 3AQ
<b>Applicant</b>	Redacted
<b>Brief Description of Project</b>	Geophysical Surveys for Electricity Cable Route
<b>Associated Licences</b>	EPS Licence 00010530

<b>Species</b>	Basking Shark ( <i>Cetorhinus maximus</i> )
<b>Inshore/Offshore</b>	Inshore

<b>TEST 1</b>	<b>Purpose of licence</b>
	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
<b>Comments</b>	
<p>The Applicant has advised the following:</p> <p>With regard to Test 1 there are several different purposes for which a Basking Shark licence can be granted including, under Section 16(3)(i) of the Wildlife and Countryside Act 1981, for ‘a social, economic or environmental purpose’.</p> <p>NatureScot Guidance states that, when determining a Basking Shark 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>Scottish Hydro Electric Power Distribution plc (SHEPD) hold a 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 for the distribution of electricity and to ensure that its assets are maintained to provide a safe, secure and reliable supply to customers.</p> <p>Electricity is considered to be an essential service for communities, with the Outer Hebrides cable routes subject to this application distributing electricity to commercial and domestic customers, providing a long term economic and social benefit. Therefore, the monitoring of submarine electricity and power cables constitutes work of overriding public need.</p>	

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<p>The geophysical surveys will enable electricity supplies to residents of the Outer Hebrides region to be maintained or improved. Failure to monitor the condition of cable routes could impact on electricity supply to the region. The proposed survey activities will enable SHEPD to: identify cable location and condition to inform potential replacement; identify fault locations and carry out repairs; identify any new routes that may be required; and inform cable routing, protection and decommissioning decisions; as well as ensure accurate installation of new cables and their protection during installation.</p>	
<b>Test 1 satisfied?</b>	YES

<b>TEST 2</b>	<b>Other Satisfactory Solutions</b>
<b>Comments</b>	
<p>Section 16(1A)(a) of the Wildlife and Countryside Act 1981 requires the Scottish Ministers to be satisfied that there is no other satisfactory solution before a Basking Shark Licence can be issued for the Licensable Operations.</p> <p>The applicant indicated that there is no satisfactory alternative method or activity available which is capable of the range of functions served by the geophysical surveys proposed. Hypothetical alternatives considered included the use of human divers or underwater camera systems to monitor these cables. However, neither of these methods were considered capable of achieving the same results, nor could they facilitate the decommissioning of an old cable or the installation of a new cable.</p> <p>Due to the geographic distribution of the subsea cables, the length of some cables and the requirements of the surveys, there are no feasible alternatives to the use of acoustic (geophysical) survey methods, operated from vessels, to ensure the integrity of the network, to identify cables that may require replacement / decommissioning, and to install new subsea cables.</p> <p>The option of not undertaking the work at all is not deemed to be compatible with the applicant's statutory duties and functions to provide an economic and efficient system for the distribution of electricity in the region, and to ensure that its assets are maintained to provide a safe, secure and reliable supply to customers. The network is reliant on a series of subsea cables, linking offlying islands with the mainland grid. Maintenance of this subsea cable network involves routine and unplanned inspection, maintenance and surveys to ensure its integrity, reliability and effective functioning, therefore can be considered as essential.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable Conservation Status ("FCS")</b>
<b>Comments</b>	
<p>NatureScot has concluded in its advice of 05 October 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 in the 'EPS and Protected Sites and Species Risk Assessment - Outer Hebrides EPS Risk Assessment' (Document A-303128-SO4-A-REPT-004) and the 'Regional EPS and Protected Sites and Species Risk Assessments - Protected Species Mitigation Plan' (Document A-303128-SO4-A-REPT-005) are followed.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 10/08/2023

**Date variation application received:**

**Consultation start date:** 07/09/2023

**Consultation end date:** 05/10/2023

### 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:** 15/03/2024

**Date report due:** 30/10/2028