

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00011432

Site	Loch Eireasort, Isle of Lewis
Company	Scottish Hydro Electric Power Distribution Plc Inveralmond House, 200 Dunkeld Road Perth Perthshire PH1 3AQ
Brief Description of Project	Laxay - Kershader Subsea Cable Replacement
Associated Licences	MD-00011431, BS-00011433

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>);Sowerby's beaked whale- (<i>Mesoplodon bidens</i>);Cuvier's beaked whale (<i>Ziphius cavirostris</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	
The applicant has considered the specific need and benefit of the activity, including public interest. The main driver behind this Project is to reduce the overall network risk associated with the existing Laxay-Kershader cable which, following routine cable inspections has been deemed to be at the end of its operational life and is therefore prioritised for Asset Replacement by the applicant. The applicant considers the proactive replacement of cables before they fail to be essential to ensure a continued electricity supply to customers connected to the circuit. This Project will allow the applicant to deliver upon two of its commitments within the RIIO ED2 business plan given the existing cable is a named scheme within the plan. This application covers the proposed replacement works (i.e. USBL positioning during installation). The applicant has considered a 'Do Nothing' approach with regard to the cable replacement and the use of USBL. It concluded that not using the USBL would restrict the ability to position subsea equipment, and therefore would not provide sufficient information for the purposes of cable installation. Thus, the use of USBL is necessary during installation. The applicant holds a licence under the Electricity Act 1989 for the distribution of electricity in the north 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 ensure a safe, secure and reliable supply to customers.	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
The applicant has demonstrated that reasonable effort has been made to consider alternatives that would achieve the same result but with less / no impact on EPS, including the 'do nothing alternative'. Following routine inspection of the existing Laxay- Kershader 2 subsea cable, the following options were considered by the applicant to provide the best investment option and improve network resilience: Option 1: Do minimum – replace on failure. Under this option the existing Laxay – Kershader 2 subsea cable would not be replaced and the subsea cable would instead continue to operate with minimal repairs until the point where it fails in service. At the time of failure the subsea cable would then be replaced with a new cable. This option was not considered a viable option as it would risk customers being without an electricity supply and would incur greater impact costs due to the cost of an emergency replacement being significantly higher than a planned replacement. Option 2: Replace cable with a similar sized cable. This option would replace the existing 11 kV Laxay – Kershader 2 subsea cable with the same sized cable and not allow for any required future increase in network capacity. This would improve resilience of the network, deliver network security and be sufficient to support current energy supply and demand. Option 3: Replace the cable with a larger sized cable. This option is similar to Option 2 but laying a new larger sized 33 kV cable to increase the capacity of the circuit should it be needed in the future. With this option the larger cable would initially operate at 11 kV but would have the capacity to run at a higher level if needed in the future. Option 3 is considered to be the best option by the applicant as it delivers network security for customers via a cost effective planned replacement, and also provides the potential to increase capacity of the network in the future, without having to replace the subsea cable. It is noted by the applicant that the use of USBL for positioning of subsea equipment would be required for all potential alternatives.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
In its response dated 15 January 2026, NatureScot advised that: Providing mitigation detailed is adhered to: The risk of auditory injury is minimal and 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: 17/09/2025

Consultation start date: 04/12/2025

Consultation end date: 15/01/2026

Notes

Date	title	Text
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National Marine Plan considerations:

The decision is: In accordance and no further action required
Comments: Aligns with NMP objective to support the generation, distribution and optimisation of electricity from traditional and renewable sources to Scotland and UK; and objectives in respect of renewable energy. In relation to the specific objectives that these licences interact with: GEN 1 General planning principle: There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan. 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 3 Social benefit: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan. GEN 13 Noise: 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. - The risk assessment concluded negligible/minor impacts and appropriate mitigation has been suggested. GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio-economic evidence. GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation

Date document generated: 17/02/2026