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Marine Licence Application for Moorings

Version 1.0

Marine (Scotland) Act 2010

Acronyms

Please note the following acronyms referred to in this application form:

MHWS	Mean High Water Springs
MPA	Marine Protected Area
MS-LOT	Marine Scotland – Licensing Operations Team
SAC	Special Area of Conservation
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WGS84	World Geodetic System 1984

Explanatory Notes

The following numbered paragraphs correspond to the questions on the application form and are intended to assist in completing the form. These explanatory notes are specific to this application and so you are advised to read these in conjunction with the Marine Scotland Guidance for Marine Licence Applicants document.

1. Applicant Details

The person making the application who will be named as the licensee.

2. Agent Details

Any person acting under contract (or other agreement) on behalf of any party listed as the applicant and having responsibility for the control, management or physical deposit or removal of any substance(s) or object(s).

3. Payment

Indicate payment method. Cheques must be made payable to: The Scottish Government.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

4. Application Type

Indicate if the application is for a new mooring(s) site or an existing mooring(s) site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Mooring(s) Details

- (a) Indicate the type of mooring to be deposited, either private or commercial.
- (b) Indicate the number of moorings to be deposited.
- (c) Indicate the type of mooring to be removed, either private or commercial (if applicable).
- (d) Indicate the number of moorings to be removed (if applicable).
- (e) Indicate the type and size of vessel(s) to be moored.
- (f) Provide the proposed start date for installation of the mooring(s). The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for 6 years. **Target duration for determination of a marine licence application is 14 weeks.**
- (g) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) for each mooring or for the boundary points of any moorings area. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84.

Example: For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55°55'44"N 2°22'11"W (WGS84).

It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

To supplement your application, please provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

- the moorings position(s) in relation to the surrounding area;
- latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;
- any adjacent SAC, SPA, SSSI, MPA, Ramsar or similar conservation area boundary.

Drawings and plans will be consulted upon. If they are subject to copyright, **it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.**

- (h) Indicate if the mooring is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (i) Provide assessment of the potential impacts the works may have, including interference with other uses of the sea. Please include details of areas of concern e.g designated conservation areas, such as a SAC, SPA, SSSI, MPA or Ramsar site and shellfish harvesting areas. Further guidance on designated conservation areas can be obtained from SNH at this website: <http://gateway.snh.gov.uk/sitelink/index.jsp> and guidance on shellfish harvesting areas can be obtained from <http://www.foodstandards.gov.scot/> with regards to the Shellfish Waters Directive (2006/113/EC) which has parameters set to protect the water quality in which edible shellfish are grown.

Applicants should also be aware of the need to pay due regard to coastal and marine archaeological matters and attention is drawn to Historic Scotland's Operational Policy Paper HP6, "Conserving the Underwater Heritage".

Lochs Creran, Alsh, Duich and Long are designated as Special Areas of Conservation (SAC) under the Habitats Directive (Council Directive 92/43/EEC). Loch Creran has been selected for its bedrock and biogenic reefs of the tube worm *Serpula vermicularis* and the horse mussel, *Modiolus modiolus* and Lochs Alsh, Duich and Long for their sublittoral rock (marine) reefs. All are very sensitive to physical damage from anchors and the placement of moorings and in order to assist their protection reference should be made to the special moorings pack which can be downloaded from the following link: <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications>

Where there are potential impacts from the works, please provide details of proposed mitigation in response to potential impacts.

6. Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, Marine Scotland have considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. A copy of Scotland's National Marine Plan can be found at:

<http://www.gov.scot/Publications/2015/03/6517/0>

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made including reference to the policies that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

7. Consultation

Provide details of all bodies consulted and give details of any consents issued including date of issue.

8. Associated Works

Indicate whether the application is associated with any other marine projects (e.g. land reclamation, marine/harbour construction works, dredging and sea disposal etc). If this is the case, provide reference/licence number for the related marine projects.

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It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act

Public Register

Do you consider that any of the information contained within or provided in support of this application should not be disclosed:

- (a) for reasons of national security; YES NO
- (b) for reasons of confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest? YES NO

If **YES**, to either (a) or (b), please provide full justification as to why all or part of the information you have provided should be withheld.

No – both questions; information can be disclosed.

WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Redacted
Signature

Date

05/11/2021

Name in BLOCK LETTERS

LIZZIE KEENAGHAN

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- | | |
|--|-------------------------------------|
| Completed and signed application form | <input checked="" type="checkbox"/> |
| Maps/Charts | <input checked="" type="checkbox"/> |
| Additional information e.g. photographs, consultation correspondence (if applicable) | <input checked="" type="checkbox"/> |
| Payment (if paying by cheque) N/A – update submitted to existing application | <input type="checkbox"/> |

Marine Scotland, 375 Victoria Road, Aberdeen, AB11
9DB <http://www.gov.scot/Topics/marine/Licensing/marine>

4. Application Type

Is this application for a new mooring(s) site or an existing mooring(s) site:

New Site Existing Site

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

Consent/Licence Number	Expiry Date

5. Mooring(s) Details

(a) Type of mooring(s) to be **deposited**:

Private Commercial

(b) Number of mooring(s) to be **deposited**:

6 initially in 2022, and an additional 4 anticipated in a later year – hence licence application for 10

(c) Type of mooring(s) to be **removed** (if applicable):

Private Commercial

(d) Number of mooring(s) to be **removed** (if applicable):

none

(e) Type and Size of vessel(s) to be moored (continue on a separate sheet if necessary):

Type	Size (metres)
Yachts & motorboats	up to 13.7m (45 ft)

(f) Proposed start date (**Target duration for determination of a marine licence application is 14 weeks**):

01/03/2022

The ordering of equipment and booking of marine contractor for installation needs to occur several weeks ahead of course, so we would like to complete the marine licensing process well ahead of this date.

(g) Location:

Loch Staosnaig, Isle of Colonsay

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9DB <http://www.gov.scot/Topics/marine/Licensing/marine>

Latitude and Longitude co-ordinates (WGS84) defining the location of each mooring or for the boundary points of any moorings area (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude										
5	6	°	0	3	.	6	3	5	'N	0	0	6	°	1	1	.	3	9	2	'W
5	6	°	0	3	.	6	3	5	'N	0	0	6	°	1	1	.	3	5	4	'W
5	6	°	0	3	.	6	3	5	'N	0	0	6	°	1	1	.	3	1	5	'W
5	6	°	0	3	.	6	3	5	'N	0	0	6	°	1	1	.	2	7	6	'W
5	6	°	0	3	.	6	3	6	'N	0	0	6	°	1	1	.	2	3	7	'W
5	6	°	0	3	.	6	3	6	'N	0	0	6	°	1	1	.	1	9	8	'W
5	6	°	0	3	.	6	1	3	'N	0	0	6	°	1	1	.	3	9	4	'W
5	6	°	0	3	.	6	1	3	'N	0	0	6	°	1	1	.	3	5	4	'W
5	6	°	0	3	.	6	1	3	'N	0	0	6	°	1	1	.	3	1	6	'W
5	6	°	0	3	.	6	1	3	'N	0	0	6	°	1	1	.	2	7	7	'W

The first 6 of these coordinates will have moorings installed spring 2022, and the last 4 listed are intended for later installation.

(h) Is the mooring located within the jurisdiction of a statutory harbour authority?

YES NO

If **YES**, please specify statutory harbour authority:

(i) Potential impacts the works may have (including details of areas of concern e.g designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

According to the GeMS database there are no Scottish Priority Marine Features (PMF) present within Loch Staosnaig

The proposed moorings are to be located within the Inner Hebrides and the Minches Special Area for Conservation (SAC) for harbour porpoise. Given the fixed nature and how widespread mooring arrays are across the west coast of Scotland, we would suggest minimal impact on this SAC could be expected from the proposed mooring array.

The Lord Colonsay Category C listed monument is located above the proposed development at Cnoc na Faire Mor. Loch Staosnaig is currently used as an anchorage for visiting boats, and therefore the presence of fixed moorings should not change the nature of the use of the bay. We would propose that given the small and static nature of the mooring array that the appearance would have minimal impact on visual amenity from this monument.

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9DB <http://www.gov.scot/Topics/marine/Licensing/marine>

6. Scotland's National Marine Plan

Have you considered the application with reference to Scotland's National Marine Plan?

YES NO

If **YES**, provide details of considerations made including reference to the policies that have been considered:

Looking specifically at Chapter 12: Recreation & Tourism:

The plan states "Industry projections for the future indicate that development required to meet demands should take place on: The Clyde and the west coast – the main focus of development with an emphasis on the creation of strategic berthing hubs/clusters to provide for visitor markets and benefit rural areas." (§ 12.10). The Isle of Colonsay lacks essential berthing facilities for visiting boats during the summer months due to the small size of the harbour. The proposed mooring array would provide increased ability for visiting pleasure craft to moor overnight and make use of the island's facilities, adding value to the island's rural economy.

§12.31 states that the "Installation of new pontoons, moorings, anchoring and chain rotation can damage sensitive habitats and disturb upper layers of seabed sediment", however given that there are no recognized sensitive species or habitats within Loch Staosnaig, the risk of damage to sensitive habitats is considered low.

If **NO**, please provide an explanation of why you haven't considered the National Marine Plan?

7. Consultation

List all bodies you have consulted and provide copies of correspondence:

Since our originally application we have corresponded extensively with SSEN, with Robin Burnett and others, in working towards a Proximity Agreement. The signing of this concluded agreement we anticipate being imminent, thanks to the help of Colonsay Community Development Company's solicitor & SSEN's marine consent department. This agreement includes details of insurance, a schedule of communications, planning for SSEN work in the bay and safety considerations.

Considerable community resources have gone into developing this project since 2019, and it is after legal expenses and extensive consultation and communication with SSEN that we re-submit our proposal here after consultee feedback in 2020.

We ask that the licensing process now reflects this, with a quick determination granted, as consultees have already offered their responses.

The adjustments that we have made to design and operating plans have been significant in terms of forming agreements with stakeholders and creating a viable community enterprise, but we believe the changes will not be significant from the perspective of other marine users, and we would welcome a shortened version of the consultation process now to reflect this.

Our funders, Highlands & Islands Enterprise & MOWI have been extremely understanding of the delay in implementing this project, but now the island community here and funders together need to see the community project come to fruition in the spring of 2022 to allow us to commence trading.

We have supplied Robin Burnett at SSEN our design, coordinates and operating plans concurrent to re-submitting this application.

I include the final draft of this Proximity Agreement with our application. The full complete document includes the following:

- A minimum separation distance to be maintained from the power cable (100m min.)
- Operational requirements
- Cable position data supplied to CCDC by SSEN after their survey work of early 2021
- A schedule of communication between parties ahead of installation & maintenance.
- Insurance and liability details/requirements
- Agreed reasonable access for both parties to equipment
- Planning for major SSEN works at the cable – responsibilities for a temporary shift of the moorings equipment if required

With this last point in mind, CCDC is also submitting 10 additional coordinates where the moorings could be temporarily sited, over 250m south from the cable, in a holding area. This would be only if required in the event of major SSEN work in the bay, for example, the laying of a new seabed cable, and for a period of up to two weeks only. These coordinates, for the temporary holding site, are noted separately on the additional sheet. Should SSEN undertake major work at the subsea cable, we would expect that they would notify all the necessary marine bodies, and the possible & temporary relocation of community-owned moorings would be included in these preparatory notifications.

I also include an attestation from Gael Force Marine, who have designed our moorings equipment, taking into account our location and the intended use. They attest to their proposed design being suitable and safe.

We have corresponded with 4 other west coast island communities with moorings, as well as Dunstaffnage marina and 3 experienced marine contractors. With guidance from Gael Force, we have altered our design in response to seeking their experience.

We now opt for 40m diameter spacings between moorings, 2 tonne concrete blocks with a surge chain at the base, followed by a spliced multi-plait rope riser and pick-up line. Between March and October these will have large buoys for the trading months, and then these buoys will be switched for smaller buoys printed with 'Unavailable', without the pick-up lines, when use ceases between 1st November – 1st March, as agreed with SSEN.

8. Associated Works

Provide details of other related marine projects, including reference/licence numbers (if applicable):

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