

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.

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.

Signature [Redacted]

Date

Name in BLOCK LETTERS

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
- Maps/Charts
- Additional information e.g. photographs, consultation correspondence (if applicable)
- Payment (if paying by cheque)

1. Applicant Details

Title: DR Initials: N Surname: DEMPSEY

Trading Title (if appropriate): LOCH DUART LTD

Address: BADCALL SALMON HOUSE, SCOURIE, SUTHERLAND, IV27 4TH

Name of contact (if different):

Telephone No. (inc. dialing code): [Redacted]

Email: naomi@lochduart.com

Statutory Harbour Authority? YES NO

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

2. Agent Details (if any)

Title: Initials: Surname:

Trading Title (if appropriate):

Address:

Name of contact (if different):

Telephone No. (inc. dialing code):

Email:

3. Payment

Enclosed Cheque Invoice

Contact and address to send invoice to:

Applicant Agent Other

If **OTHER**, please provide contact details:

Title: Initials: Surname:

Address:

Email:

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 |
|------------------------|-------------|
| MS-00009028 | 08/4/2027 |

5. Mooring(s) Details

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

Private Commercial

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

2

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

Private Commercial

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

2

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

| Type | Size (metres) |
|----------|--------------------|
| Workboat | Maximum length 24m |
| | |
| | |
| | |
| | |

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

25/4/2024

(g) Location:

Loch Drumbeg, Eddrachillis Bay, Sutherland

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 | 8 | ° | 1 | 5 | . | 0 | 4 | 3 | ' | N | 0 | 0 | 5 | ° | 1 | 2 | . | 1 | 4 | 0 | ' | W |
| 5 | 8 | ° | 1 | 4 | . | 9 | 9 | 4 | ' | N | 0 | 0 | 5 | ° | 1 | 2 | . | 6 | 1 | 0 | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |
| | | ° | | | . | | | | ' | N | | | | ° | | | . | | | | ' | W |

(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):

The application is for the amendment of the existing, consented moorings, used by workboats/barges serving the marine fish farms in the area. Vessels using the moorings range from small personnel boats to vessels of a maximum 24m length.

The mooring locations in previous application MS-00009028 were quoted incorrectly. The present application seeks to align the MD-LOT licenced mooring locations with those consented by Scottish Ministers in planning consent FFR/HLD/030 (granted 13/1/2023).

The moorings are not within any designated conservation areas, nor any shellfish harvesting areas (Shellfish Water protected Area or Classified Shellfish Harvesting Area). As such, no adverse impacts on conservation or shellfish harvesting interests are anticipated. Furthermore, the moorings are in an area historically used for mooring.

Moorings are maintained and routinely inspected/serviced by Loch Duart Ltd as part of a Preventative Maintenance Plan. As such, the moorings will be well maintained and marked, mitigating potential disruption to other marine users in the area.

In an area with well established marine and on-shore activity associated with the existing marine farms, no adverse impact on visual amenity of landscape/seascape or activity/noise issue associated with the proposal is identified.

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:

The proposal is in alignment with policy GEN 1, supporting the ongoing operation of the existing marine farms in the area which are operating with good practice & performance compatible with the NMP's Aquaculture policies (in particular AQ 1, 3, 12 & 14). Supporting the ongoing farm operations also aligns with policies GEN 2 & 3, ensuring continued socio-economic benefit in the local area in terms of employment, training opportunities, local community engagement and supply-chain use. Policy GEN 4 is also met, with the proposal being compatible with the ongoing activities of other marine users in Loch Drumbeg. As above, there are no historic environment (GEN 6) or natural heritage interests affected by the proposal (GEN 9), and being an area of well-established activity both on shore and at sea, no negative impact on landscape, seascape or local amenity are identified (GEN 7 & AQ 5). Finally, in alignment with policy AQ 11, the proposed equipment is fit for purpose and will be routinely maintained by the operator.

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:

No consultation with statutory bodies has been conducted. The application is for the purpose of amending incorrectly quoted mooring locations in the previous application MS-00009028. The present application seeks to align the MD-LOT licenced mooring locations with those consented by Scottish Ministers in planning consent FFR/HLD/030 (granted 13/1/2023), which itself was subject to appropriate consultation at the time of application.

8. Associated Works

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

Associated marine finfish farm in Loch Drumbeg MS-00009375