

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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS/BS-00011188

Site	Gasay Ferry Terminal
Company	Caledonian Maritime Assets Limited Municipal Building Fore Street Port Glasgow PA14 5EQ
Brief Description of Project	Caledonian Maritime Assets Ltd - Geophysical Surveys and Ground Investigation - Gaasay, Isle of South Uist
Associated Licences	Basking Shark Licence No. 00011232 Marine Licence No. 00011322

Species	harbour porpoise (<i>Phocoena phocoena</i>); minke whale (<i>Balaenoptera acutorostrata</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	
<p>The applicant has stated that the ground investigation activities will feed into the detailed design of the replacement for the current ferry terminal which is at the end of its useful life. The replacement terminal will provide economic and social benefits in the long term, as it will result in the ferry service from Lochboisdale to the Scottish Mainland being maintained, with some potential improvement in the reliability of the service. Without a replacement, the ferry terminal would need to be closed due to its condition, potentially within the next five years. There will also be environmental benefit as maintaining a local ferry terminal will negate the need to travel further afield to other ferry terminals within the Outer Hebrides. The new terminal will be providing charging facilities for the future hybrid diesel/electric ferries which will have a positive environmental benefit.</p> <p>It is in the public interest to provide a replacement ferry terminal due to the condition of the existing structure, with respect to safety and the ongoing provision of a ferry service to the Scottish mainland. The local community of South Uist and wider community of the adjacent islands will benefit as maintaining a terminal on South Uist will negate the need to travel further afield to other ferry terminals within the Outer Hebrides.</p> <p>It is imperative that the ground investigation work goes ahead to provide the data required to undertake the detailed design of the new ferry infrastructure.</p> <p>The Ground Investigation feeds into the design of the new ferry infrastructure, which supports regional and national policies with respect to the Scottish Government's Islands Connectivity Plan 2023 – 2045 and National Transport Strategy (NTS2, Feb 2020). It also meets the policy of the local authority (Comhairle nan Eilean Siar) with respect to their Local Development Plan, with respect to the development site.</p>	
Test 1 satisfied?	YES

TEST 2	Satisfactory alternatives
Comments	
<p>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'.</p> <p>There is a requirement to undertake marine-based ground investigations and geophysical surveys to gather information that will allow for development of future design stages of a replacement berth and ferry terminal. The existing Gasay Ferry Terminal infrastructure is coming to the end of its useful life. Maintenance works were undertaken in 2021/22, which were limited to keeping the infrastructure operational for another five years. There is limited capacity to extend or improve the berth to accommodate larger vessels, as well as there being a limited marshalling area onshore which impacts on traffic on adjacent roads, and limited ability to deepen the berth for larger vessels. In 2024, a detailed structural inspection and assessment was carried out, the results of which led to further restrictions on vessel approach and speed, as well as vehicle loadings due to the condition of the infrastructure. It also noted regular inspections are required in order to determine if the infrastructure's condition remains suitable to maintain operations. The ferry service between Lochboisdale and Mallaig provides a much-needed link between the Scottish mainland and the Outer Hebrides. Whilst there are alternative routes, each involves additional travel time by road and/or inter-island ferries. The local economy is reliant on the tourism trade and the ability for services and goods to pass through the ferry terminal. There are plans for a new</p>	

vessel to replace the existing ferry which provides the service between Lochboisdale and Mallaig and it will primarily be designed based on service route requirements and future demand forecasting. Whilst the new vessel will be of similar size to the current vessel, others that may use the new infrastructure in the future will be larger and heavier and the infrastructure as well as being life limited, will not be capable of accommodating these vessels unless replaced.

In order to design structurally safe and robust replacement infrastructure it is necessary to understand the geotechnical and geo-environmental constraints in the area along with their potential impact on the designs. The proposed surveys and investigations are the most reliable methods of gathering information on these constraints and have been designed to be temporary and localised in nature, ensuring the information required to progress the design is captured at this early stage.

There are a number of techniques proposed for both the intrusive GI Works and the geophysical surveys, with the latter proposed over a larger area to ensure baseline seabed conditions have been covered. Alternative methods of capturing the data required are discussed below and set out why the methods proposed are considered the most appropriate.

The alternatives to geophysical surveys include carrying out significantly more intrusive ground investigations to understand the variability in the depth / strength of the material beneath the proposed site, or utilising divers and / or Remotely Operated Vehicles (ROVs) to capture information about the seabed. Both of these alternative methods would prolong the time that vessels would be working in the area, therefore increasing the potential for impacts to marine species in the area. Increased quantum of intrusive ground investigations would have the potential to result in increased underwater noise and vibration over a larger area than that proposed, which has been designed to provide the minimum level of information required to inform future design works. Further to this, the health and safety implications of having personnel in the water means that using divers would be not considered appropriate in this case. Utilising divers and / or ROVs would also capture inadequately detailed information due to potential sea state and visibility of the seabed; elements of the proposed geophysical survey (i.e. Sub-Bottom Profiling) cannot be captured by a visual assessment alone.

The level of detail required to inform future design work cannot rely solely on geophysical surveys to provide design parameters and any non-intrusive survey work needs to be validated through intrusive investigation, sampling, and testing.

In terms of the methodologies for forming the exploratory holes, other methods available are sonic drilling or Static Compaction Penetration Tests (SCPTs), however neither of these methods are considered appropriate in this case. This is due to either requiring a resonance of the casing in the case of the sonic boreholes, or being unlikely to penetrate the superficial deposits expected and not able to confirm rock parameters in the case of the

SCPT. As a consequence, it is considered that sonic drilling could result in greater potential impacts to cetaceans than the methods proposed as it would result in a prolonged resonance, and SCPTs would not provide the detail required of the ground investigations.

Test 2 satisfied?	YES
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TEST 3	Favourable conservation status
Comments	
<p>NatureScot confirmed that the proposed works will not have an adverse impacts on the conservation status of the Harbour porpoise or Minke whale populations.</p> <p>Based on the information provided, NatureScot understand that all potential impacts on the listed species have been identified.</p>	
Test 3 satisfied?	YES

Date application received: 31/03/2025

Consultation start date: 16/07/2025

Consultation end date: 13/08/2025

Notes

Date	title	Text
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National Marine Plan considerations:

<p>The decision is: In accordance and no further action required</p>
<p>Comments: It is anticipated that there would be no significant effects on seascape, landscape or visual receptors during the ground investigations and geophysical surveys which will be temporary and localised in nature. The proposal is therefore considered to be compliant with Policy GEN 7.</p> <p>In terms of complying with legal requirements for protected areas and protected species, the investigations and surveys will not result in significant impact on the national status of Priority Marine Features or areas. An ecological summary report has been produced which concludes no significant residual impacts on ecological features. This is following implementation of proposed mitigation measures which include adherence to environmental management plans including an Environmental Action Plan (EAP) or similar. The Marine European Protected Species (EPS) disturbance licence conditions would be adhered to. Therefore the proposal is considered to be compliant with Policy GEN 9.</p> <p>No significant effect on coastal waters is anticipated during the proposed activities. Impacts during the investigations and surveys are temporary and are not anticipated to result in significant effects. The proposal is therefore considered to be compliant with Policy GEN 12.</p> <p>Mitigation measures have been proposed to reduce any potential disturbance impacts on marine mammals and basking sharks from underwater noise and vessel activity.</p>

With the application of mitigation, it is considered that any adverse noise or disturbance effects associated with the investigations and surveys are unlikely to be significant. The proposal is therefore considered to be compliant with Policy GEN 13.

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