

Marine Licence Application for Pontoons

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 pontoon site or an existing pontoon site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Pontoon(s) Details

- (a) Indicate the type of deposit, either permanent, temporary or seasonal. If **temporary** or **seasonal**, please provide plan of how and when pontoon section(s) are proposed to be deposited and removed in the method statement.
- (b) Indicate the number of pontoon sections that make up the full structure.
- (c) Complete the table to indicate the dimensions of each pontoon section making up the entire structure.
- (d) Complete the table to indicate any other substance(s) or object(s) to be deposited below MHWS, including quantity and dimensions (e.g steel mooring chain, No. 6 at 50 metres length each).
- (e) Indicate the total length of the pontoon, including any access bridge, seawards of the tidal limit of MHWS. The total length should include all sections of the pontoon that make up the entire structure.
- (f) Provide the proposed start date for installation of the pontoon(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) Provide the cost of the works seawards of the tidal limit of MHWS. This estimate should only cover

work taking place below the tidal level of MHWS and must take into consideration the cost of materials, labour fees etc.

- (h) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) for the boundary points of the pontoon(s) including all moorings associated (if applicable). 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 pontoon 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.**

- (i) Indicate if the pontoon is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (j) Provide a full method statement, including plan of how, when and where pontoon section(s) are proposed to be deposited and removed.
- (k) 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 with reference to the policies, including but not limited to General Policy 7 (GEN 7), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

7. Pre-Application Consultation

Certain activities will be subject to public pre-application consultation. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. The new requirement will allow those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted. Further information can be obtained from: <http://www.scotland.gov.scot/Resource/0043/00439649.pdf>

Please provide pre-application consultation report with your application.

8. Consultation (other than carried out under pre-application consultation)

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

9. 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

13/09/18

Name in BLOCK LETTERS Redacted

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
- Project Drawings
- Maps/Charts
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority)
- Method Statement
- Additional information e.g. photographs, consultation correspondence (if applicable)
- Pre-application Report (if applicable)
- Payment (if paying by cheque)



1. Applicant Details

Redacted

Trading Title (if appropriate): Raasay Development Trust

Address: Raasay Development Trust
Raasay Community Hall
Inverarish
Isle of Raasay
IV40 8PA

Name of contact (if different):

Telephone No. (inc. dialing code): Redacted

Email: raasaydevelopmenttrust@gmail.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 pontoon site or an existing pontoon site:

New Site Existing Site

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

Consent/Licence Number	Expiry Date

5. Pontoon Details

(a) Type of deposit

Permanent Temporary Seasonal

If **TEMPORARY** or **SEASONAL**, please provide plan of how and when pontoon section(s) are proposed to be deposited and removed in method statement in section 4 (j).

(b) Number of pontoon sections:

16

(c) Dimensions of pontoon sections:

Pontoon Section	Type of Deposit (e.g steel, plastic etc.)	Length (metres)	Width (metres)
Bridge 1	steel with non-slip PE or timber deck boards	24	1.5
Bridge 2	steel with non-slip PE or timber deck boards	24	1.5
Pontoon Spine	Black polyethylene (PE) flotation tubes with non slip PE or timber deck boards	100	3
7x Finger Piers	Black polyethylene (PE) flotation tubes with non slip PE or timber deck boards	8	1.5
6x Finger Piers	Black polyethylene (PE) flotation tubes with non slip PE or timber deck boards	10	1.5

(d) Any other substance(s) or object(s) to be deposited below MHWS (e.g mooring chain):

Deposit (e.g steel mooring chain)	Quantity and Dimensions (e.g No. 6 at 50 metres each)
Steel Mooring Chain - 32mm	9 @ 40m 9 @ 30m 1 @ 25m
Drag Embedment Anchors	19
Concrete plinth to provide support for bridges	1 @ 2m in diameter 2.5m in height

(e) Total length of pontoon, including any access bridge, seawards of the tidal limit of MHWS:

148 metres

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

ASAP

(g) Cost of the works seawards of the tidal limit of MHWS:

£400000

(h) Location:

Clachan, Isle of Raasay

Latitude and Longitude co-ordinates (WGS84) defining the extent of the pontoon including all moorings (continue on Appendix 01 Additional Co-ordinates form if necessary):

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

(i) Is the pontoon located within the jurisdiction of a statutory harbour authority?

YES NO

If YES, please specify statutory harbour authority:

Isle of Raasay

(j) Method statement including schedule of work (continue on separate sheet if necessary). If **TEMPORARY** or **SEASONAL**, please provide plan of how, when are where pontoon section(s) are proposed to be deposited and removed.

The proposed pontoon will be a permanent fixture with the finger piers to the south of the main spine removed and stored onshore at the community owned boathouse from October to March. The agreement with CalMac to design the mooring system as an emergency 'brake' in case of loss of the ferry's power on approach to the slipway has influenced the design of the pontoon and moorings. The first of two access bridges will be attached to the existing pier where it will meet an access path alongside the existing wall. Where the first bridge attaches to the second bridge a concrete plinth will be constructed to secure the bridges. The plinth will be made up of concrete 2m diameter manhole rings, founded on the beach around 1m above low tide level. The rings are then filled with concrete to provide a robust support for the bridge ends. Once this is in place the floating pontoon, finger piers and it's anchors will be installed. All work will be undertaken by contractors and at a time to minimise disturbance to the lifeline ferry service.

- (k) 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 pontoon will be out with the boundary of the Inner Hebrides and the Minches SAC designated for the protection of the areas population of porpoises. As the development is close to the boundary we will ensure contractors follow best practice to minimise disturbance to protected species during construction. Users of the pontoon will be advised to follow best practice to avoid disturbance to protected species and to avoid the introduction on invasive non-native species.

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 with reference to the policies, including but not limited to General Policy 7 (GEN 7), that have been considered:

GEN 3 Social benefit Sustainable development and use which provides social benefits is encouraged through this development. RDT are a not for profit community company and charity which work with the local community to benefit residents and visitors to Raasay.

GEN 4 Co-existence The development has been designed after consultation with CalMac to ensure the facility does not impact on the life line ferry service. The pontoon will act as a drag break in the unlikely event that the ferry suffers a loss of power as it comes into port.

Gen 7 Landscape/seascape The location of the development is in an area already developed as a port with the addition of the pontoon enhancing the facilities. The pontoon will be designed to be dark muted colours to minimise the impact on the landscape and seascape.

GEN 9 Natural heritage The development is situated out with the Inner Hebrides and Minches SAC and due to the proximity of the ferry should not impact on the adjacent SAC conservation objectives or on any priority marine features.

GEN 18 Engagement Early and effective engagement has been undertaken with the general public and all interested stakeholders as part of a feasibility study. This has resulted in an amended design to ensure the pontoon will act as a drag break in the unlikely event that the ferry suffers a loss of power as it comes into port.

REC & TOURISM 1 The proposed pontoon promotes sustainable development of marine recreation and tourism through providing facilities, business opportunities while minimising the impact on the marine environment through careful site selection.

REC & TOURISM 2 The following key factors were taken into account when deciding on the siting and design of the pontoon

1. The extent to which the proposal is likely to adversely affect the qualities important to recreational users, including the extent to which proposals may interfere with the physical infrastructure that underpins a recreational activity. The proposed development will enhance the qualities important to recreational users by providing infrastructure that will ensure safe access to the sea at all tides.
2. The extent to which any proposal interferes with access to and along the shore, to the water, use of the resource for recreation or tourism purposes and existing navigational routes or navigational safety. The proposed development will enhance access to the water at all tides without interfering with existing access to and along the shore. A traffic light system is proposed for navigational safety to minimise impact on the ferry.
3. Where significant impacts are likely, whether reasonable alternatives can be identified for the proposed activity or development. A number of existing but unused/dilapidated facilities were highlighted as part of a feasibility study.
4. Where significant impacts are likely and there are no reasonable alternatives, whether mitigation, through recognised and effective measures, can be achieved at no significant cost to the marine recreation or tourism sector interests. The pontoon will act as a drag break in the unlikely event that the ferry suffers a loss of power as it comes into port at no cost to those using the facilities.

REC & TOURISM 3 The proposed development will take advantage of the new distillery being part of the Hebridean Whisky Trail and will link with similar facilities along the West coast.

REC & TOURISM 4 It is hoped that sailing and regatta events will be held at the facility.

REC & TOURISM 6 Codes of Practice for invasive non-native species and Marine Wildlife Watching will be provided to users and complied with.

The proposed development will create another berthing hub along the west coast and will provide for the visitor market and benefit the Island of Raasay.

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

7. Pre-Application Consultation

Is the application subject to pre-application consultation, under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013?

YES NO

If **YES**, please indicate the date of the public notice for the pre-application consultation event and the type of consultation event held (a copy of the public notice must be supplied with this application):

Event Type	Date

8. Consultation

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

Consultation was undertaken with local businesses, the community and interested parties by Wallace Stone and reported as part of a feasibility study. The consultation included discussions with CalMac which influenced the design of the proposed pontoon and moorings.

9. Associated Works

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