

Annex One

MD-LOT Basking Shark Licence Case Handling Report

Licence Number: 00010387

Licensing Officer: [Redacted]

Site	Colonsay Ferry Terminal
Company	Caledonian Maritime Assets Ltd, Municipal Building, Fore Street, Port Glasgow PA14 5EQ
Applicant	[Redacted]
Brief Description of Project	The Proposed Developed comprises an upgrade to the existing assets at Colonsay Ferry Terminal, which aim to support new vessels with deeper draught and higher displacement at the ferry terminal. The proposed works will be completed over 12-18 months. The following modifications are proposed: <ul style="list-style-type: none">● - Installation of toe protection to existing piles, likely in the form of concrete filled steel collars with dowels into rock or concrete mattress installed by divers to replace the overburden on the pile toe; and● - Dredging to 5.5m below Chart Datum (CD) in order to maintain at least 1 metre of underkeel clearance. The approximate dredged area would be approximately 4120m² and volume 6000m³. Dredging will either be undertaken by backhoe or trailing suction hopper dredging (TSHD); Rock breaking activities will include CO₂ hydraulic fracturing using Cardox and Rock peckering;
Associated Licences	EPS - 00010386 MS-00010430

Species	Basking shark (<i>Cetorhinus maximus</i>)
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	preserving public health or public safety or other 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 proposed development delivers the Scottish Government-funded enablement project which supports the economic and social development of the region allowing increased carriage capacity of Colonsay Ferry Terminal. The proposal comprises of an upgrade to the existing assets at the terminal, which aims to support new vessels with deeper draught and higher displacement.</p> <p>The improvements from the proposed development at Colonsay Ferry Terminal will bring social and economic benefits by addressing the need to update the port. The improvements will ultimately allow</p>	

greener transportation to and from Colonsay by allowing new emission-efficient vessels to use the terminal and will improve connectivity for the communities across the Argyll and Bute. In addition, the proposal will provide long-term social and economic development of the region by increasing the carriage capacity of the ferry terminal.

The proposal is necessary to enable new vessels to utilise Colonsay Ferry Terminal. If the proposed development is not undertaken, Colonsay would remain restricted from utilising the new vessels, subsequently creating a significant impact on social and economic development of the island and exacerbating pressures from projected population and service growth.

The key public interest of the proposal is upgrading the ferry terminal infrastructure in order to operate new vessels that maintain lifeline ferry services supporting socially and economically fragile communities, while improving connectivity across Argyll and Bute.

Maintaining and improving lifeline ferry services is a matter of Scottish Government Policy and the proposal will deliver the Scottish government-funded enablement project which supports the economic and social development of the region allowing increased carriage capacity of the ferry terminal. CMAL is the Statutory Harbour Authority for Colonsay.

Test 1 satisfied?

YES

TEST 2

Satisfactory alternatives

Comments

Section 16(1A)(a) of the Wildlife and Countryside Act 1981 requires the Scottish Ministers to be satisfied that there is no other satisfactory solution before a Basking Shark Licence can be issued for the Licensable Operations.

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. Different methodologies for dredging have been considered for the works to ensure the most appropriate and least harmful methodology is used. A hierarchical approach to methodologies will be used for the dredge works ensuring the least amount of disturbance to protected species.

A geotechnical investigation was undertaken to determine the best method for achieving the desired dredge depth. The geotechnical samples could only confirm that underlying rock was present though was unable to determine its consistency as it was impenetrable to the core sampling method used. To assess the properties of the underlying rock further, borehole samples would have been required, however this was deemed not economically viable for the project. Consequently, there is need to have a combination of contingent engineering approaches to achieving the dredging.

Any methodologies involving blasting using explosives other than CO2 have been discounted due to health and safety risks and the likelihood of significant harm to protected species from underwater noise and pressure waves. The methods proposed are significantly less invasive.

The works are intended to improve port infrastructure. Consequently, the available alternatives are to either:
1. Not undertake the enablement works and therefore the Island would remain restricted from being unable to use the new vessels. This would have significant impact on social and economic development of the island, which would also exacerbate pressures from projected population and service growth.

2. Not dredge but will not meet the capacity for the services to the island with the new vessels. This will restrict access to the area and would require further extension of the jetties into deeper waters to provide access without dredging. This would cause a larger change to the environment and construction would present greater harm than the Proposed Development.

Dredging and associated works must take place at Colonsay harbour in order to increase harbour depth and benefit new vessels. Dredging must take place before any further work can be considered to develop the harbour or new vessels deployed.

Test 2 satisfied?

YES

TEST 3	Favourable Conservation Status ("FCS")
Comments	
NatureScot concluded in its advice of 24 July 2023 that if the mitigation proposed in the application dated 13 June, as submitted to the Licensing Authority, is adhered to, the works will not be capable of having an adverse impact on Basking Sharks.	
Test 3 satisfied?	YES

Date application received: 09 May 2023

Date variation application received:

Consultation start date: 14 June 2023

Consultation end date: 12 July 2023

Notes

Date	Text	Created By
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Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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Licence issue date: 29 September 2023

Date report due: 31 October 2024