

Annex One

MD-LOT Basking Shark Licence Case Handling Report

Licence Number: 00010390

Licensing Officer: <Redacted>

Site	Port Askaig Ferry Terminal
Company	Caledonian Maritime Assets Ltd Municipal Building Fore Street Port Glasgow PA14 5EQ
Applicant	<Redacted>
Brief Description of Project	Harbour Improvement Works – Onshore Piling
Associated Licences	EPS Licence 00010388

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>With regard to Test 1 there are several different purposes for which a Basking Shark licence can be granted including, under Section 16(3)(i) of the Wildlife and Countryside Act 1981, for ‘a social, economic or environmental purpose’.</p> <p>NatureScot Guidance states that, when determining a Basking Shark Licence application, it will be taken into account whether an activity or development is required to meet, or contribute to meeting, a specific need such as maintaining the environment of Scotland's people (including sustainable development and renewable or green energy), complying with national planning policies and supporting economic or social development (including nationally important infrastructure development projects and employment).</p> <p>The proposed activity addresses a specific need to upgrade the Port Askaig Ferry Terminal in order to prepare it for the new vessel which will be working from the port. The new vessel is employed on a lifeline route and will not be able to use the harbour without the works taking place. The new vessel will be greener, have a larger carrying capacity which will bring socio-economic and environmental benefits.</p>	
Test 1 satisfied?	YES

TEST 2	Other Satisfactory Solutions
Comments	
<p>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.</p> <p>The applicant has considered not undertaking the works, which would mean the new vessel could not be employed on the route, this would impact the lifeline ferry service and the island communities. The applicant also considered building a new port in order to accommodate the vessel. This option would likely be more impactful on Basking Sharks as it would involve directly piling in the sea rather on land, as with the current option.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable Conservation Status ("FCS")
Comments	
<p>NatureScot has concluded in its advice of 15 August 2023 that the activity will not be detrimental to the maintenance of the populations of the species concerned at Favourable Conservation Status (FCS) in their natural range if the mitigation measures within the Risk Assessment are adhered to.</p>	
Test 3 satisfied?	YES

Date application received: 24/04/2023

Date variation application received:

Consultation start date: 06/06/2023

Consultation end date: 04/07/2023

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: 15/09/2023

Date report due: 30/06/2024