

Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010388

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	Basking Shark Licence 00010390

Species	harbour porpoise (<i>Phocoena phocoena</i>);bottlenose dolphin (<i>Tursiops truncatus</i>);minke whale (<i>Balaenoptera acutorostrata</i>);short beaked common dolphin (<i>Delphinus delphis</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 an EPS licence can be granted including, under Regulation 44(2)(e) of the Habitat Regulations, for ‘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’.</p> <p>NatureScot Guidance states that, when determining an EPS 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>	

The works being carried out include piling on shore for which this EPS licence is required. No works require a marine licence.

Test 1 satisfied? YES

TEST 2 Satisfactory alternatives

Comments

Regulation 44(3)(a) of the Habitat Regulations 1994 requires the Scottish Ministers to be satisfied that there is no satisfactory alternative before an EPS Licence can be issued for the Licensable Operations.

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 EPS as it would involve directly piling in the sea rather on land, as with the current option.

Test 2 satisfied? YES

TEST 3 Favourable Conservation Status ("FCS")

Comments

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.

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