T: +44 (0)300 244 5046
E: MD.MarineLicensing@gov.scot

THE WILDLIFE AND COUNTRYSIDE ACT 1981

Application for a Basking shark *(Cetorhinus maximus)* licence for one of the following purposes

- **Preserving public health or public safety**
- **Preventing the spread of disease**
- **Preventing serious damage to livestock, foodstuffs for livestock, crops,vegetables, fruit, growing timber or any other form of property, or to fisheries.**
- **Social, economic or environmental purpose**

Important: Before completing this form, please read these notes carefully

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Please complete all relevant sections of the form.

Please ensure that you answer questions fully in order to avoid delays.

The completed application should be sent to Marine Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to MD.MarineLicensing@gov.scot.

We will not process unsigned application forms.

Please ensure that you supply any necessary supporting information e.g. detailed method statements, risk assessments etc.

MD-LOT will aim to determine whether a licence should be issued within 6 to 8 weeks of acceptance of a completed application.

If you experience any problems filling in this form, please contact MD-LOT.

Please use this application form if you wish to undertake works/activities that would affect Basking sharks in the inshore marine area (0 – 12 nautical miles).

Do not use this form if your application relates to scientific, research, conservation or educational purposes. Please contact NatureScot, email licensing@nature.scot, Telephone 01463 725364 or visit the NatureScot website for a licence application for these purposes.

Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg Marine licence).

It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Part A
Section 1 Personal details

Please provide details of the individual, company or partnership you wish to be named on the licence. The licensee is responsible for ensuring compliance with the licence and its conditions. Failure to carry out the work proposed in accordance with the terms of the licence may expose the licensee to criminal liability.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B
Section 3

Location

Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the proposed project. 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. In a few cases, (e.g. laying of long pipelines) it may only be practicable to supply co-ordinates for the start and end points.

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.

Section 4 Consideration of designated sites

Please provide details of any designated sites affected by your proposals. You are advised to consult Scottish Natural Heritage, or other appropriate regulator, if the work you propose to do affects a European site, an MPA or a Site of Special Scientific Interest.

Section 5 Activities to be licensed

Please indicate the activities you intend to undertake that would otherwise be unlawful.
Provide details of the proposed commencement and completion dates of the activities. The licence start date will not be backdated, since to commence a project for which a licence has not been obtained may constitute an offence resulting in appropriate legal action.

It is the licensee's responsibility to apply for any further licences or an extension prior to the expiry of the initial licence.

Section 6 Purpose of the licence application

Please indicate the purpose of the licence application as described in the Wildlife and Countryside Act 1981, Part 1, Section 16 (3).

Section 7 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This must include the other options that have been evaluated, the alternative sites that were considered by you and why they were rejected (if no other sites were considered, you must provide the reasons why), or alternative methods of carrying out the work and alternative dates / timings. The ‘do nothing’ alternative must also be considered.

In relation to each alternative considered, please provide an explanation of why you consider it to be satisfactory or unsatisfactory. In respect of any alternative sites please provide the location(s) and details of the alternative site(s), or your views on how the activity/proposal might have been achieved differently, and any other helpful information; e.g., pros and cons of alternative sites, or whether there is likely to be demand for all suitable sites to be used to meet an identified need. Please explain how this conclusion was reached.

Section 8 Summary of the planning / licensing position

Detail all consents and licences required for the proposed project and indicate those that you have applied for or received.

Section 9 Noise Monitoring

Under the Marine Strategy Regulations (2010), there is now a requirement to monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. This includes use of seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. This monitoring requires completion of a form at the application stage (giving details of the proposed work) as well as completion of a ‘close-out’ form (giving details of the actual dates and locations where the activities occurred). The close-out form should be returned within 12 weeks of completing the ‘noisy’ activity or, in the case of prolonged activities such as piling for harbour construction or wind farms, at quarterly intervals or after each phase of foundation installation. These forms are available on the Marine Noise Registry website.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

INVESTOR IN PEOPLE

Section 10 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, the Marine Directorate has 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 on the Scottish Government website.

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 Policy13 (GEN 13), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

Section 11 Privacy notice

This section briefly describes the Scottish Ministers' responsibilities in relation to Data Protection based on the requirements the data protection laws and the Environmental Information (Scotland) Regulations 2004 and the Freedom of Information (Scotland) Act 2002.

Part D
Section 12 Declaration and warning

It is important to read the Declaration and Warning sections before signing the application form.

Site visits and compliance checks

It is possible that the licensing authority may undertake a site visit prior to the issue of a licence. The majority of site visits will be arranged several days in advance and will be conducted in the presence of the licensee (or applicant) however there may be occasions when a site visit will be made at short notice.

Licensees should be aware that they may receive a request for a site visit by the licensing authority, or a person authorised by the licensing authority, to assess site conditions against the conditions of the licence. It is essential that if any of the agreed mitigation measures contained in the method statement are changed for any reason, the licensing authority is informed as soon as possible.

The Licensing authority will monitor compliance with licences issued based on the information included in licence returns.

Where to seek further information

Further information can be obtained from Licensing Operations Team at the address below.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9 DB

Tel: 0300 244 5046
Email: MD.MarineLicensing@gov.scot

While every effort has been made to ensure the information contained in this document is accurate, nothing in this document should be taken to replace the current legislation in force at this time. You are advised to obtain qualified legal advice in relation to your rights and responsibilities under the 1981 Act and other legislation.

Part A. The Applicant: Personal details

These questions relate to the person who will be the named licensee. The licence can be issued to an individual or a company or a partnership and the licensee will be responsible for ensuring compliance with the licence and the conditions of the licence. Under the The Wildlife and Countryside Act 1981 failure to carry out the work which you propose in accordance with the terms of the licence may expose you to criminal liability.

1. Name of applicant

Title: [Redacted] Forename(s): [Redacted] Surname: [Redacted]

Company Name:	Caledonian Maritime Assets Ltd
Business Title (if Appropriate):	
Address:	Caledonian Maritime Assets Ltd, Municipal Buildings, Fore St, Port Glasgow, PA14 5EQ
Tel no. (incl dialling code):	01475 749920
Email address:	[Redacted]

2. **The Applicant: Previous applications**:

Have you previously held a wildlife licence issued in the UK? (please tick as appropriate)

Yes ☑ No ☐ (If yes, please complete below, if no, please go to Part B)

Who issued the licence?	Scottish Government
Licence number (most recent licence)	EPS-00010384
Year in which the licence was issued.	2024
What species were covered by the licence?	Harbour porpoise (Phocoena phocoena);bottlenose dolphin (Tursiops truncatus);minke whale (Balaenoptera acutorostrata)
What activity was covered by the licence e.g. disturb, injure?	Disturb

Part B. The Application

3 **Species**

(a) How many individuals will be affected by licensed work? This must be the maximum number of animals that could be affected prior to any mitigation measures being applied.

1 basking shark (Cetorhinus maximus)

(b) Please provide a description of how this number was calculated / estimated

Basking sharks have been sporadically recorded in the vicinity of Great Cumbrae, including an individual 100m north of Cumbrae Ferry Slip in 2010. It is therefore expected that individuals may be in the area between April and September as a seasonal visitor (a precautionary estimate of one individual in the vicinity of the slipway works as no recent density data available). Source: Marine Scotland (2023). National Marine Plan Interactive. Available at: https://marinescotland.atkinsgeospatial.com/nmpi/ [Accessed February 2025].

(c) **Location of proposed licensed action**

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project. Please continue on a separate sheet if necessary. See separate sheet

Latitude											**Longitude**										
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W

(d) Provide a brief description of the proposed activity and the methods to be used.
Detailed information should be included in your supporting information
Please provide details of the source levels and frequencies of underwater noise if relevant

The project works primarily consist of the following:
- Construction of a new permanent ferry slipway;
- Land reclamation to create a marshalling area and passenger waiting area retained by rock armour revetments;
- Removal of the existing slipway once the new slipway is operational.
Noise generating activities could comprise: impact pile driving, impact/vibration compaction of made ground, vibration removal of existing sheet piles, breaking of bedrock and concrete, placement of rock armour and bathymetry surveys. A principal contractor is still to be appointed for the works. The methods and equipment used will be the responsibility of the contractor.

Impact pile driving and bathymetry surveys are considered the most critical activities. The noise generated by impact pile driving will depend on the contractor's methodology. Typical equipment for bathymetry surveys is a multibeam echosounder operating at frequencies of 200-400kHz with peaks levels of 215dB re 1uPa @1m at 200J.

(e) Briefly state how you will minimise the impact of your proposed work on Basking shark.
Detailed information should be included in your supporting information.

Mitigation includes the requirement for Species Protection Plans to be prepared for EPS by the Contractor as part of the CEMP. A suitably qualified (or team of suitably qualified) Ecological Clerk of Works (ECoW) will be employed by the Contractor to supervise the construction works and ensure mitigation measures are implemented to avoid and reduce impacts on EPS.

Vessel crew will observe for basking shark to reduce vessel strike risk. See the supporting information for more detail.

4. **Consideration of designated sites**

Designated Areas: National Nature Reserves (NNR), Sites of Specific Scientific Interest (SSSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites, Marine Protected Areas (MPA). Information on designated sites is available on NatureScot's website.

(a) Will any part of the proposed activity fall within /or adjacent to an area covered by a designated site eg SSSI, SAC, MPA? Yes ☐ No ☑

(b) Please give the name of the designated site(s) and either the outcome of your consultations or the reason why you have not consulted. Please enclose any relevant correspondence.

N/A

5. **Activities to be Licenced**

Proposed Methods

(a) Please complete all relevant columns in the table below to indicate the methods you propose to use, the activity involved and the time period in which you propose to use each method. This information will be used when preparing the licence to cover activities that would otherwise be unlawful, and failure to give full details may result in an inappropriate licence being issued.

Disturb	Kill	Take / trap	Damage or destroy place of shelter / protection	Method	From	To
☑	☐	☐	☐	Construction/survey activities undertaken from a vessel	August 2025	February 2027
☐	☐	☐	☐			
☐	☐	☐	☐			
☐	☐	☐	☐			

6. Purposes of the licence application (tick one box only)

Please indicate which purpose relates to the proposed works. The options shown are taken from The Wildlife and Contryside Act 1981.

(a) Preserving public health or public safety (we will require evidence that there is a risk to public health or public safety e.g. an imminent risk of flooding) (Section 16 (3) (f)) ☑

Complete Annex A

(b) Preventing the spread of disease (Section 16 (3) (g)) ☐

Complete Annex B

(c) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.(Section 16 (3) (h)) ☐

Complete Annex C

(d) Social, economic or environmental purpose (Section 16 (3) (i)) ☐

Complete Annex D

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

INVESTOR IN PEOPLE

7. Satisfactory alternatives

Please explain why there is no satisfactory alternative to carrying out the proposed work affecting the species. You must describe all possible alternatives which were considered and why they were considered unsuitable. You must also consider the option of not undertaking the work. It is not acceptable to state that 'there is no alternative'.

The existing Cumbrae ferry slipway is at the end of its useful life and must be replaced. A safe, functional slipway is an everyday necessity for the residents of Great Cumbrae. Land reclamation on both sides of the new slipway is required to construct a marshalling area to take queuing vehicles off the public road and a pedestrian waiting area to provide welfare facilities for ferry staff and passengers, including a new terminal building, a new bus-stop and pedestrian queuing lanes.

8. Other licences / consents

Please detail below all licences / consents you have applied for or received. Before a licence can be granted, it is essential that other relevant licences or consents have been secured for the proposed activity (eg marine licence).

Type of licence / consent (e.g. marine licence, local planing authority, local works licence)	Date applied for	Reference no.	Date of issue of consent
Marine Licence Application for Construction Projects	06/11/24	00011005	NA
Marine Licence Application for Dredging or Sea Disposal	06/11/24	00011004	NA
Planning Permission	29/04/25	N/25/00179PP	NA
Harbour authority licence	Draft 18/04/25	NA	NA
EPS Licence (Harbour Porpoise)	16/05/25	NA	NA

9. Noise Monitoring

Please indicate if any of the following noise generating activities will be taking place during the operations:

Use of explosives ☐ Piling ☑ Use of acoustic deterrent devices ☐
Survey equipment operating in the range 10 Hz – 10kHz ☐

If you have ticked any of the above boxes please complete a proposed activity form on the Marine Noise Registry website.

Please note the form must only be completed once for each activity. If you have already completed a form for this activity (eg through the marine licensing process) please give details.

Noise registry proposed activity no. 3918

Licence applications will not be accepted until this form has been completed and submitted.

10. Scotland's National Marine Plan

Provide details of considerations made with reference to the relevant policies that have been considered.

In terms of complying with legal requirements for protected areas and protected species, the works will not result in significant impact on the national status of Priority Marine Features or areas. An EPS and basking shark supporting information report has been produced which concludes no construction impacts on these receptors. 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) and basking shark disturbance licence conditions would be adhered to. Therefore the proposal is considered to be compliant with Policy GEN 9. Mitigation measures have been proposed to reduce any potential disturbance impacts on marine mammals and basking sharks from underwater noise and vessel activity. With the application of mitigation, it is considered that any adverse noise or disturbance effects associated with the works are unlikely to be significant. The proposal is therefore considered to be compliant with Policy GEN 13.

11. Privacy notice

The Scottish Government's Marine Directorate Licensing Operations Team (MD-LOT) has a range of statutory responsibilities including determining applications for licences to disturb or injure marine European protected species (EPS) under the Conservation (Natural Habitats, &c.) Regulations 1994 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 and Basking shark licences under the Wildlife and Countryside Act 1981.

MD-LOT will, where necessary, process personal information including: names, addresses, email addresses and telephone numbers to determine a licence application. Personal information will be stored securely in the Scottish Government's official corporate record.

A full privacy notice can be found on the Scottish Government website. If you are unable to access this, or you have any queries or concerns about how your personal information will be handled, contact MD-LOT at: Marine Scotland - Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Email: MD.MarineLicensing@gov.scot

Have you remembered to enclose supporting information with your application, as described in the accompanying guidance? Please check

Completed application form	☑
Completed annex	☑
Map / chart	☑
Correct co-ordinates	☑
Supporting information / risk assessment	☑

Part C. Declarations

12. I have read and understand the guidance provided in this application form. I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.

I authorise employees or representatives of the Scottish Ministers to enter the site which is subject to this application for the purpose of monitoring and inspecting the permitted works.

Warning

Under the THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended) failure to carry out the work which you propose in accordance with the terms of the licence may expose you to criminal liability. The licensee is responsible for ensuring compliance with the licence.

The Scottish Ministers can modify or revoke a licence at any time, provided there are good reasons. Any licence that may be issued is likely to be revoked immediately if it is discovered that false information was provided and resulted in the issue of a licence.

Under the **THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)**, any person who in order to obtain a licence knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. Any person found guilty of such offences is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale (currently £5,000), or to both imprisonment and a fine.

Note: Previous convictions for wildlife offences will be taken into account and in some cases may mean that the Scottish Ministers do not consider it appropriate to grant a licence.

Signature of the Applicant [Redacted] Date 15/05/25

(The person named at part 1)

Name in block letters [Redacted]

Note – If signing on behalf of a company, please append you signature with “on behalf of company name”.

The completed application should be signed and sent to Marine Directorate Licensing Operations Team (MS-LOT) at the address below or emailed to MD.MarineLicensing@gov.scot

Please remember to include all supporting information.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Disclaimer

While every effort has been made to ensure the information contained in this document is accurate, nothing in this document should be taken to replace the current legislation in force at this time. You are advised to obtain qualified legal advice in relation to your rights and responsibilities under the 1981 Act and other legislation.

Annex A

Only to be completed if you selected for preserving public health or public safety in question 6 of the application form

Please complete all questions

Give details of the risk to public health or safety

The existing Cumbrae slipway was constructed in the 1970s and has been repaired frequently over the years and is deteriorating. An inspection of the facility (in November 2020) identified that the general condition of the slipway was in a serviceable condition but that it was certainly at the end of its useful life. The conclusion was that a reliable lifeline service might not be possible if the slipway was not replaced at the earliest opportunity.

How has the risk been identified? Please give details of any expert advice received.

An inspection of the facility (in November 2020) identified that the general condtion of the slipway was in a serviceable condition but it was certainly at the end of its useful life.

How will the proposed activity address the identified risk?

The proposed activity is required for the construction of a safe, robust replacement slipway, vehicle marshalling area and pedestrian waiting area.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

INVESTOR IN PEOPLE

Annex B

Only to be completed if you selected for preventing the spread of disease in question 6 of the application form

Please complete all questions

What disease(s) is / are at risk of being spread if the proposed activity does not go ahead? Please give details of any expert advice received.

How will the proposed activity prevent the spread of disease? Please give details of any expert advice received.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Annex C

Only to be completed if you selected for preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries in question 6 of the application form.

Please complete all questions

What serious damage has occurred or will occur if the proposed activity does not go ahead? Please give details of any expert advice received.

How will the proposed activity prevent serious damage? Please give details of any expert advice received.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

INVESTOR IN PEOPLE

Annex D

Only to be completed if you selected for a social, economic or environmental purpose in question 6 of the application form

Please complete all questions

What benefits will be provided by the proposed activity? Give details and indicate if they are social, economic or environmental. Please indicate if the benefits are short or long term.

What public interest will be served? Who will benefit from the proposed activity? Does the proposed activity address a need?

Why is it imperative the proposed activity goes ahead?

Does the proposed activity support any local regional or national policies? Please give details. Are you fulfilling a statutory role?

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB