



THE CONSERVATION (NATURAL HABITAT, &c.) REGULATIONS 1994 (AS AMENDED)

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: BS-00011521

<b>Site</b>	Inner harbour, Tarbert, Loch Fyne
<b>Company</b>	Tarbert (Loch Fyne) Harbour Authority  Harbour Office Garval Terrace Tarbert  United KingdomPA29 6TR
<b>Brief Description of Project</b>	Rock drilling, peckering and placement
<b>Associated Licences</b>	

<b>Inshore/Offshore</b>	Inshore
-------------------------	---------

<b>TEST 1</b>	<b>Purpose of licence</b>
	Social, economic or environmental purpose <sup>2</sup>
<b>Comments</b>	
<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>This proposal supports the economic and social development of the region by creating business opportunities for local operators, both at the Water Sports &amp; Activity Hub and on the water, fostering partnerships with local businesses, accommodation, and hospitality providers. Collaboration with local businesses is expected to help attract more tourism and spending.</p> <p>In addition, enhanced water access should offer safer, more enjoyable experiences for novices and individuals with disabilities.</p> <p>The new slipway will support launching and recovering leisure boats and small fishing vessels, whilst additional land will expand marina revenue, provide boat storage, and improve customer service through more parking and space.</p>	
<b>Test 1 satisfied?</b>	YES

TEST 2	Satisfactory alternatives
<b>Comments</b>	
<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 'do nothing' approach was considered by the applicant, but it was concluded that this would have a significant impact on social and economic development of the Harbour, and exacerbate pressures from projected population and service growth.</p>	
<p>The applicant has also considered design choices, ruling out more impactful construction methods in order to minimise or eliminate harmful noise and vibration effects, while adhering to the mitigation hierarchy, especially on sensitive species.</p>	
<p>In response to MD SEDD advice, the applicant detailed further consideration of alternatives, advising that methods were specifically chosen to avoid or reduce underwater noise and disturbance at source. A key mitigation measure was to undertake all feasible construction activities using land-based plant above the tideline, thus removing underwater noise as a pathway of effect. These activities include the removal of boulders, rock revetment, and demolition of the existing concrete wall. This approach avoids the need for intrusive or percussive works below water, substantially reducing potential noise generation.</p>	
<p>For elements that must occur below the Mean Low Water (MLW) line, the construction methodology has been refined to limit environmental effects:</p>	
<ul style="list-style-type: none"> <li>• Form of construction: Alternative foundation options such as piles (percussively driven or installed with drilled in-situ rock sockets) were considered at design stage but discounted in part as they would create more construction noise / disruption over a longer period of time</li> <li>• The rock excavation as proposed is required to ensure suitable navigational clearances between the new slipway and existing infrastructure. In the detailed design we have sought to minimise the required extent of excavation of rock below the MLW line through refining/optimising slipway width and alignment.</li> <li>• Rock armour will be placed or pushed into the existing soft sediment without any excavation. This method was selected to minimise sediment disturbance and to avoid noisier, more invasive alternatives.</li> <li>• Following placement, fill material will be promptly covered with secondary and primary armour layers. This design choice reduces the likelihood of fine material washout and minimises both water column disturbance and underwater noise.</li> </ul>	
<p>Overall, the works have been designed to avoid intrusive in water activities wherever practicable and to ensure that any unavoidable below MLW operations are carried out using the least impactful techniques available. These design choices directly contribute to reducing potential effects on EPS and demonstrate that alternatives have been properly considered.</p>	
<b>Test 2 satisfied?</b>	YES

<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
NatureScot has concluded in its advice of 05 March 2026 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.	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 01/12/2025

**Consultation start date:** 21/01/2026

**Consultation end date:** 13/03/2026

**Notes**

Date	title	Text
------	-------	------

**National Marine Plan considerations:**

The decision is: In accordance and no further action required
<p>Comments: Gen 2: Economic Benefit – The facility will create business opportunities for local operators, both at the Water Sports &amp; Activity Hub and on the water, fostering partnerships with local businesses, accommodation, and hospitality providers.</p> <p>Gen 3: Social Benefit – Collaborations with local businesses will help attract more tourists and spending. Enhanced water access will offer safer, more enjoyable experiences for novices and individuals with disabilities.</p> <p>Gen 4: Co-existence – A new slipway will support launching and recovering leisure boats and small fishing vessels. Additional land will expand marina revenue, provide boat storage, and improve customer service through more parking and space.</p> <p>Gen 5: Climate Change - The project supports climate action through reduced carbon emissions via the choice of construction materials, and design considers future climate change.</p> <p>Gen 6: Historic Environment - The design considers local historic sites and features.</p> <p>Gen 7: Landscape and Seascape - The design respects the visual impact on Scotland's coastal views. The applicant has indicated they recognise these landscapes support local tourism, create a sense of place, and enhance quality of life for coastal communities, with a design reflecting that importance.</p> <p>Gen 8: Coastal Processes - The development is designed to withstand coastal changes and flooding. The works will not harm coastal processes or increase flood risks.</p> <p>Gen 9: Natural Heritage – Impacts on EPS (European Protected Species) will be assessed and a licence acquired.</p> <p>Gen 12: Water Quality - Water quality standards will be maintained in line with key directives, including the Water Framework Directive and Marine Strategy Framework Directive.</p> <p>Gen 13: Noise Management - Through design choices, the applicant has sought to minimise or eliminate</p>

harmful noise and vibration effects, especially on sensitive species.

#### Chapter 12: Tourism and Recreation

Objective 3 – Partnerships between local businesses and the Water Sports & Activity Hub will boost tourism and village spending.

Objective 4 – Independent of the existing marina pontoons, new ‘dry’ berthing and accessible kayak launching will improve water access for novices and people with disabilities.

Objective 5 – The development will enable launching and recovery of boats up to 25 tons via a modern submersible trailer, with reclaimed foreshore providing extra marina space for storage and parking.

Objective 7 – The facility will generate local business opportunities and improve access to water for all, including an accessible kayak launch system for safer experiences.

#### Chapter 13: Shipping, Ports, Harbours, and Ferries

Objective 1 – A new slipway, pontoon and modern boat launch and recovery system will improve water access for novices and people with disabilities and allow boat launches up to 25 tons.

GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio-economic evidence. The application has been consulted on and conditions have been applied.

Date document generated: 21/04/2026