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E: ms.marinelicensing@gov.scot

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Application for a licence to disturb or injure marine European protected species (EPS) for one of the following purposes

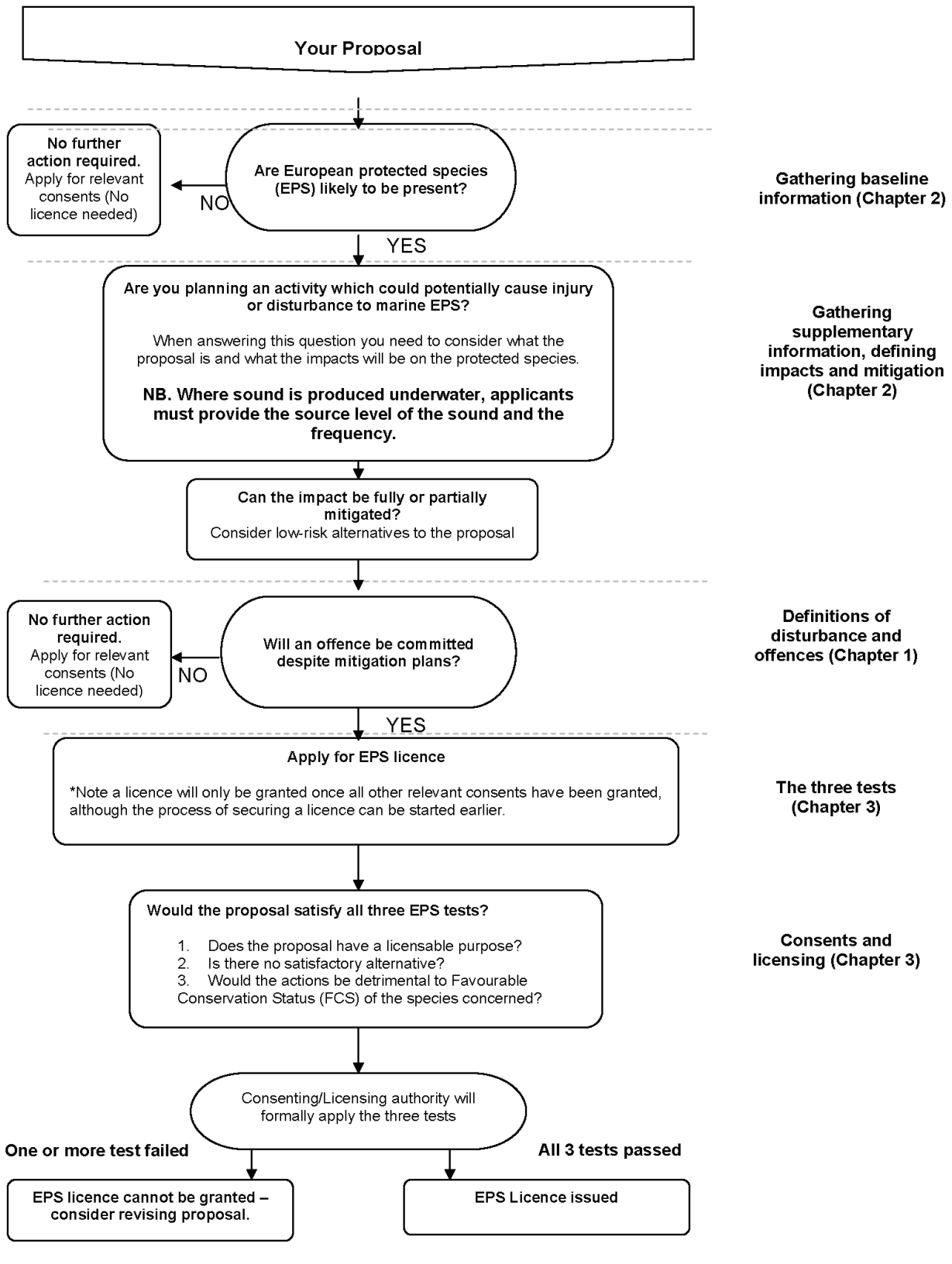
- For preserving public health or public safety
- For an imperative reason of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
- For preventing the spread of disease
- For preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.

Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish inshore marine area (0 – 12nm).

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

Applicants are advised to read these notes in conjunction with [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#). If further clarification is needed please contact Marine Scotland Licensing Operations Team (MS-LOT) on 0300 244 5046 or email: ms.marinelicensing@gov.scot

Flowchart showing the decision-making process
 Please refer to the relevant chapter of [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#)



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 Scotland Licensing Operations Team (MS-LOT) at the address below or emailed to ms.marinelicensing@gov.scot.

We will not process unsigned application forms.

Please ensure that you provide appropriate information to support your application. Applicants can provide this supporting information in the form of an EPS Risk Assessment. Guidance can be found in [The Protection of Marine European Protected Species from injury and disturbance: Guidance for Scottish Inshore Waters](#). Please contact MS-LOT if you wish to discuss the level of supporting documentation required for your application. Failure to provide sufficient supporting information may delay the consultation and licensing process.

MS-LOT will aim to determine whether a licence should be issued **within 6 to 8 weeks of acceptance of a completed application**. However, please note that for large scale or complex projects, the determination period may be longer.

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

Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish marine area (0 – 12nm).

Please note that European protected species are also protected in the offshore marine environment (between 12 and 200 nautical miles). Species in this area are protected under The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Do not use this form if your application relates to scientific, research, conservation or educational purposes. Please contact Scottish Natural Heritage (SNH Licensing, Great Glen House, Leachkin Road, Inverness IV3 8NW, Telephone 01463 725000, email licensing@snh.gov.uk or visit [their website](#)) for a licence application for these purposes. SNH also issues licences for the purposes of marking animals or plants in relation to conservation or introducing them to particular areas for conserving natural habitats, and for protecting zoological or botanical collections.

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. Under the Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with the terms and conditions of a licence.

Section 2 Previous applications

Please provide details of any previous relevant licences.

Part B
Section 3

Species

Please provide details of the species that will be affected by the work, the number likely to be affected and a description of how this number was determined. This information can be described in detail in your supporting information. You will need to provide detailed proposals (to be included in the 'Supporting information') of all the mitigation work that you plan to carry out which will affect European protected species.

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 cables or 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 Natura 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, the first of the legal tests.

Please complete the relevant Annex to provide justification for the licensing purpose. This is the [legal basis of the application](#).

Section 7 Satisfactory alternatives

Please provide your consideration of why there is no satisfactory alternative. This must include all 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), as well as all alternative methods of carrying out the work and alternatives dates / timings.

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 at: <https://mnr.jncc.gov.uk/>

Section 10 Privacy notice

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

Part D

Section 11 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 application and supporting information 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 reports.

Where to seek further information

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

If your proposal relates to one of the purposes for which SNH is the licensing authority, please contact your local office of SNH.

Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

Tel: 0300 244 5046
Email: MS.marinelicensing@gov.scot

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 1994 Regulations 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 Conservation (Natural Habitats) Regulations 1994 (as amended) it is an offence to fail to comply with any condition imposed by a licence.

1. Name of applicant

Title: [Re] Forename(s): [Red] Surname: [Redact]

Company Name: Argyll and Bute Council

Business Title (if Appropriate):

Address: Argyll and Bute Council
Kilmory, Lochgilphead
PA31 8RT

Tel no. (inc. dialling code): +44 (0)300 244 5046

Email address: [Redacted] k

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?

Licence number (most recent licence)

Year in which the licence was issued.

What species were covered by the licence?

What activity was covered by the licence e.g. disturb, injure?

Part B. The Application

3. Species

(a) Please indicate which species is / are affected by the proposed works.

Common name(s): Harbour porpoise, bottlenose dolphin, short-beaked common dolphin (common dolphin), Risso's dolphin, minke whale

Scientific name(s) Respectively - Phocoena phocoena, Tursiops truncatus, Delphinus delphis, Grampus griseus, Balaenoptera acutorostrata

(b) How many individual animals will be affected by licensed work?

For geophysical surveys behavioural disturbance has a maximum disturbance range of 4.3 km which has the potential to affect the species listed above (3(a)). For harbour porpoise 12 individuals could be affected, which is 0.048% of the West Scotland Management Unit (MU) population estimate (IAMWWG, 2023). For bottlenose dolphin three individuals could be affected, which is approximately 5.48% of the CWSH MU population estimate (IAMWWG, 2023). For common dolphin four individuals could be affected, which is 0.005% of the CGNS MU population estimate (IAMWWG, 2023). For Risso's dolphin less than one animal could be affected, which is 0.002% of the CGNS MU population estimate (IAMWWG, 2023). Lastly, minke whale could have less than one animal affected, which is 0.008% of the CGNS MU population estimate for geophysical surveys (IAMWWG, 2023).

For geotechnical surveys (vessel, rotary coring, sonic coring and vibro-coring), behavioural disturbance has a maximum disturbance range of 4.7 km which has the potential to affect the species listed above (3(a)). For harbour porpoise 14 individuals could be affected, which is 0.057% of the West Scotland MU population estimate (IAMWWG, 2023). For bottlenose dolphin three individuals could be affected, which is approximately 6.55% of the CWSH MU population estimate (IAMWWG, 2023). For common dolphin four individuals could be affected, which is 0.007% of the CGNS MU population estimate (IAMWWG, 2023). For Risso's dolphin less than one animal could be affected, which is 0.002% of the CGNS MU population estimate (IAMWWG, 2023). Lastly, minke whale could have less than one animal affected, which is 0.009% of the CGNS MU population estimate for geotechnical surveys (IAMWWG, 2023).

Behavioural effects are likely to be short-term and reversible with animals returning to baseline levels of activity within the very short term (within hours) of cessation of the surveys.

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

Noise modelling was undertaken for geophysical of which there were four scenarios using different types of gear

- 1 Parametric sub bottom profiler (SBP) with active ultra short baseline (USBL) (including side scan sonar (SSS) multi beam echosounder (MBES) and vessel)
- 2 Parametric SBP no USBL (including SSS MBES and vessel)
- 3 Chirper/pinger SBP with active USBL (including SSS MBES and vessel)
- 4 Chirper/pinger SBP no USB (including SSS MBES and vessel)

For Geotechnical surveys a single underwater noise modelling scenario was presented (vessel rotary coring sonic coring and vibro coring) The scenarios which the underwater noise report presented the highest impact ranges for different hearing groups were taken forward to the risk assessment These ranges informed the area of sea affected The numbers of animals which could be affected by surveys was calculated by using appropriate species specific density estimates multiplied by the area of sea affected The percentage of the MU population was calculated by dividing the number of animals affected by the relevant MU abundance and multiplying by a hundred The species specific density estimates are as follows

Harbour porpoise 0.201 animals per km² (SCANS V survey block CS F (Gilles et al 2023))
 Bottlenose dolphin 0.0425 animals per km² (SCANS V survey block CS F (Gilles et al 2023))
 Common dolphin 0.0544 animals per km² (MSCANS V survey block CS F (Gilles et al 2023))
 Risso's dolphin 0.0027 animals per km² (SCANS V survey block CS F (Gilles et al 2023))
 Minke whale 0.0137 animals per km² (SCANS V survey block CS F (Gilles et al 2023))

(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.

LATITUDE										LONGITUDE										
5	5	°	4	0	.	0	9	4	'N			5	°	4	4	.	1	0	0	'W
5	5	°	4	0	.	0	1	0	'N			5	°	4	3	.	6	6	5	'W
5	5	°	4	0	.	9	7	6	'N			5	°	4	3	.	3	2	3	'W
5	5	°	4	0	.	9	3	0	'N			5	°	4	3	.	1	0	9	'W
5	5	°	3	9	.	1	2	4	'N			5	°	4	0	.	7	0	4	'W
5	5	°	3	9	.	7	5	1	'N			5	°	4	0	.	7	6	3	'W
5	5	°	3	9	.	1	4	0	'N			5	°	4	0	.	1	9	5	'W
5	5	°	3	9	.	7	7	2	'N			5	°	4	0	.	0	5	8	'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 Proposed Development at Gigha ferry port and Tayinloan ferry port intends for the construction of a pier/breakwater to provide overnight berthing facilities at Gigha (Ardminish) and a breakwater extension at Tayinloan in order to ensure normal service for a larger ferry at both ports. To progress concept development, detailed geophysical and geotechnical surveys is needed for Gigha & Tayinloan Port Development in 2024.

Geophysical and geotechnical survey required to develop the Gigha & Tayinloan design envelope includes ground profiling for suitability of piles or ground bearing foundations, and suitability for dredging, disposal at sea and/or reuse as fill. Profiling the natural deposits at the breakwater extension, overnight berth and within the dredge pocket will occur, along with bottom profiling to provide updated bathymetry for computational modelling of the baseline environment and proposed development.

Geophysical survey equipment is likely to include a SSS (173 dB SPL, 400 - 900 kHz), MBES (203 dB SPL, 200-400 kHz), parametric sub-bottom profiler (P-SBP) (207 dB SPL, 80-125 kHz for primary and 2-20 kHz for secondary), sub-bottom profiler chirper/pinger (C-SBP) (184 dB SPL, 1.6-16 kHz) and ultra short baseline (USBL) (195 dB SPL, 20-31.5 kHz). Geotechnical survey equipment is likely to include boreholes, vibrocores (187 dB SPL, 50-16,000 Hz), and grab samples.

- (e) Briefly state how you will minimise the impact of your proposed work on European protected species.
Detailed information should be included in your Supporting Information.

or assessed geophysical surveys unmitigated injury ranges (no so t start) are predicted to not exceed 150 m (permanent threshold shift (P_S) or all hearing groups and 400 m (temporary threshold shift (T_S) or behavioural disturbance), other than very high frequency (VH) hearing species (harbour porpoise), where P_S could occur out to 670 m and T_S could occur out to 3,700 m with no so t start. The application of a 20-minute so t start would reduce the maximum P_S range to 240 m or VH hearing and harbour porpoise individuals (falls within the recommended 500 m mitigation zone (JNCC, 2017) and therefore, with standard measures applied (i.e. Marine Mammal Observers (MMO), Passive Acoustic Monitoring (PAM) and a 500 m mitigation zone), there would be no residual risk of P_S. Predicted P_S ranges or the geotechnical surveys do not exceed 10 m. It has therefore been concluded that due to the small area over which injury could occur and the low number of animals which may be affected, the risk of injury is considered to be negligible and therefore mitigation in the form of a so t start is not proposed or geotechnical surveys. With standard mitigation measures applied (MMO, PAM and a 500 m mitigation zone), although intended to reduce injury, the risk of T_S or behavioural disturbance from geophysical and geotechnical surveys to individuals will also be reduced.

In accordance with JNCC (2017) guidelines, a 30-minute search to establish marine mammal presence will be carried out before the start of geophysical and geotechnical surveys. Dedicated and experienced MMO operatives will operate from the vessel bridge during daylight and will monitor within the 500 m mitigation zone for marine mammals around the survey equipment source. If animals are detected so t-starts will be delayed until they are outside of the mitigation zone and re-commenced after 20 minutes since the marine mammal's sighting in the 500 m zone. Where equipment allows a 20-minute so t start period will be employed prior to start of survey with power reduced to 10% of modelled power, as per so t-start procedures and JNCC guidelines (JNCC, 2017). This aims to deter marine animals from the surrounding area prior to full volume being reached so that the noise exposure and associated risk of injury is reduced and/or mitigated.

Furthermore, PAM provides an opportunity to detect and indicate the location of marine mammal vocalisations at sea relative to a hydrophone when visual searching is not possible (i.e. during periods of low visibility or darkness). Marine mammal species are identified by the specific characteristics of the detected click and whistle sounds, the interpretation of which requires a specialised operator. PAM can be used to detect vocalising cetaceans, but it is not applicable to detection of pinnipeds or non-vocalising animals such as basking shark. When conditions are optimal, visual MMO searches are considered to be the most effective monitoring method for marine mammals. PAM should be used as a substitute for visual observations when the full extent of the mitigation zone cannot be seen (JNCC, 2023).

Where there are breaks in the operation of survey of more than 10 minutes, this full procedure of 30-minute search over 500 m mitigation zone and the 20-minute so t starts will be carried out again.

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 Scottish Natural Heritage website (<http://gateway.snh.gov.uk/sitelink/>) or from your local SNH office.

- (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 (see note 4). Please enclose any relevant correspondence.

Designated sites found within a 100 km radius from the Gigha & Tayinloan Port Development includes: Inner Hebrides and the Minches SAC, which is 6.3km from Gigha (marine route) and 7.8 km from Tayinloan (marine route). South-East Islay Skerries SAC, which is 20.8 km from Gigha (marine route) and 21.5 km from Tayinloan (marine route). Eileanan agus Sgeiran Lios mor SAC, which is 91.2 km from Gigha (marine route) and 93.4 km from Tayinloan (marine route).

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.

Activity to be licensed (please tick)					Time period		
Capture	Kill (exceptional circumstances only)	Injure	Transport	Disturb/ Harass	Method to be used, (e.g. piling)	From	To
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Side Scan Sonar (SSS)	26 Aug 2024	27 Sep 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Multibeam Echosounder (MBES)	26 Aug 2024	27 Sep 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sub-bottom Profiler (SBP) <small>(parametric or chirp/linear)</small>	26 Aug 2024	27 Sep 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Drilling/coring (rotary/vibro/sonic coring)	26 Aug 2024	27 Sep 2024
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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

A licence can only be issued if 3 specific legal tests are met. The section below relates to the first of these tests. The options shown are taken from the **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**.

Please indicate which purpose relates to the proposed works

(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) Regulation 44(2)(e)

Complete Annex A

(b) Imperative reasons of overriding public interest (*including those of a social or economic nature and beneficial consequences of primary importance for the environment*) Regulation 44(2)(e)

Complete Annex B

(c) Preventing the spread of disease Regulation 44(2)(f)

Complete Annex C

(d) Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries Regulation 44(2)(g).

Complete AnnexD

7. Satisfactory alternatives

This relates to the second of the legal tests which must be satisfied. 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'.**

'Do nothing' scenario Without the information from the ground investigations, an overly conservative structure would be designed, which would likely occupy a greater footprint and thereore cause greater long term environmental impacts With the results of the ground investigation, an efficient design can be progressed, informed by the potential environmental impacts - at the earliest possible stage This allows mitigations to be built into the design from the outset

Reprocessing existing data Existing bathymetric survey data is available in the locality of the slipways at Gigha and Ayrinloan Information is required over a much larger area to inform the hydraulic modelling This should also be up to date in the area where sub-bottom profiling is proposed, to ensure the survey results are as accurate as possible Existing ground investigation data is available at Ayrinloan and has been considered in the preliminary design to date, and in the scoping of the proposed investigations The existing data is not suitable as the sole basis of the design of this project for the following reasons

- Geoenvironmental testing only remains valid for three years to inform licensing Further samples and testing will be required to inform the reuse or disposal of any dredged material
- The previous investigations were designed to inform a smaller scheme, they therefore do not provide adequate information to comply with Eurocode 7 Geotechnical Design and BS 6349-1-3 Maritime works - General Code of practice of geotechnical design

No existing ground investigation data is available at Gigha Additional data is therefore required, as described above Given the poor recovery in the weathered rock from the existing boreholes in Ayrinloan, the need for sonic drilling has been established, to gain good quality rock samples for testing and subsequently design of a suitable structure

Alternative vessel option All vessels that have been identified for the survey conform to industry and regulatory standards The proposed vessels will allow both accurate data quality collection and a relatively low impact on the marine environment, given the remote inshore nature of the survey area, and dispersive potential of the associated emissions The vessels are robust in adverse weather, allowing the survey to be completed in less time than would be possible with a smaller vessel, thereby minimising the potential disturbance on the marine environment by adhering to the shortest possible campaign to achieve the required data acquisition

Alternative equipment and parameters option All equipment will be operated at the lowest practicable sound levels to minimise disturbance risk and will be operated over the shortest practicable period to obtain the necessary measurements and achieve the survey objectives The use of SSS, Magnetometer, MBES, SBP and USBL is used to generate unique perspectives of the seabed that cannot be assessed through other technologies such as multi-beam sonar When used in conjunction with MBES and physical sampling data (from geotechnical surveys) sub-bottom profilers provide a detailed view of the marine geological environment To further reduce the acoustic properties of the equipment would affect their functionality and capacity to perform the work required

The use of boreholes, vibrocores and grab samples, are the industry standard methodologies of taking physical samples of the seabed and underlying sediment Samples are required for lab sampling to facilitate chemical and physical analysis, required to identify any potential contamination in the sediments, and their engineering properties The least intrusive investigations have been utilised, which still provide the required information For example, in shallow dredge areas, only grab samples are required where deeper dredge is contemplated deeper samples from vibrocores are needed and where potentially piled structures are to be located boreholes with rock coring are proposed The physical sampling has been minimised by utilising the sub-bottom profiling Sufficient intrusive investigations are proposed to calibrate the SBP, which will then provide an overview of the sub-bottom environment

Alternative location, timing and duration It is not possible to consider an alternative location for the survey As Gigha & Ayrinloan Port Development relates specifically to the re-urbishment of Gigha & Ayrinloan Port Development thereore there are no alternative sites to be considered for the project The survey duration is estimated to be up to 5 weeks on site, but subject to operational constraints, as well as favourable weather and sea conditions, Gigha & Ayrinloan will seek to minimise the duration of the survey This time frame has been proposed to provide adequate time for consultations and exemptions to be secured, avoid the peak summer season, reducing the impact on tourists to the area, and avoid the overwintering birds season Here is the necessity of covering two survey areas but consideration of the environmental sensitivity of the Greater Work Area was undertaken as part of survey feasibility to minimise interaction with particularly sensitive areas, where applicable However, the data collected from the survey is needed for Gigha & Ayrinloan Port Development works to commence The surveys will inform decisions of Gigha & Ayrinloan Port Development including engineering design and environmental assessments

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 Planning Authority, Local Works Licence)	Date Applied for	Reference no.	Date of issue of licence / consent
License to disturb Basking sharks (Cetorhinus maximus), applied to MD-LOT under the Wildlife and Countryside Act 1981 (as amended).	June 2024	TBC	TBC

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 in the Marine Noise Registry at: <https://mnr.jncc.gov.uk/>.

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.

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

11. **Privacy notice**

The Scottish Government's Marine Scotland Licensing Operations Team (MS-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 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 and Basking shark licences under the Wildlife and Countryside Act 1981 (as amended).

MS-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 at: <http://www.gov.scot/Topics/marine/Licensing/marine/PrivacyNotice>. If you are unable to access this, or you have any queries or concerns about how your personal information will be handled, contact MS-LOT at: Marine Scotland - Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Email: ms.marinelicensing@gov.scot

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

- | | |
|---|-------------------------------------|
| Completed Application form | <input checked="" type="checkbox"/> |
| Completed Annex | <input checked="" type="checkbox"/> |
| Map / Chart | <input checked="" type="checkbox"/> |
| Correct co-ordinates | <input checked="" type="checkbox"/> |
| Additional information / EPS risk assessment | <input checked="" type="checkbox"/> |

Part C. Declarations

11. 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 Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) it is an offence to fail to comply with the conditions imposed by a licence. 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 Conservation (Natural Habitats, &c.) Regulations 1994, 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



Date

(The person named at part

Name in BLOCK
LETTERS

Note – If signing on behalf of a company, please append your signature with “on behalf of *Company Name*”.

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

Please remember to include all supporting information.

Licensing Operations Team
Marine Scotland
EPS Division
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 1994 Regulations and other legislation.

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
<http://www.gov.scot/Topics/marine/Licensing/marine>



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

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

How will the proposed activity address the identified risk

Annex B

Only to be completed if you selected for *Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)* 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.

The proposed activity will provide social (more efficient commuting between Gigha and Tayinloan) and economic (larger ferries with increased car capacities (23 versus the existing 12) will allow for greater financial revenue) benefits. These benefits would be long term.

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

The slipway at Ardminish does not currently provide overnight berthing facilities. Overnight berthing is provided on the southern end of the island at South Pier, which is a 20–30 minute sailing distance from Ardminish. This distance creates practical challenges such as: an increased sailing time prior to the first timetabled sailing of the day and after the last sailing; increased fuel costs; and increased preparation time in the event of an out of hours emergency sailing. With the Small Ferries Project (which will introduce larger, hybrid ferries), it has also been recognised that that the increased size of the ferry would also create overnight berthing difficulties at South Pier. In addition to the above, the current berthing facilities at Tayinloan are inadequate for the larger, hybrid ferry.

Why is it imperative the proposed activity goes ahead?

As above- without this activity, it will not be possible for ferries to berth at Ardminish overnight and there would be a continued need for expensive trips to South Pier for berthing. Further, the greater length of the new hybrid ferry (43.5 m overall length, versus the existing ferry's 35.7 m overall length) poses berthing difficulties at the small South Pier.

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

Annex C

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.

Annex D

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.