



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00012331

Site	Leverburgh to Berneray
Company	Caledonian Maritime Assets Limited Municipal Building Fore Street Port Glasgow PA14 5EQ
Brief Description of Project	
Associated Licences	BS-00012332 https://marinescotland2022.lightning.force.com/500Pz00000z3nkm

Species	harbour porpoise (<i>Phocoena phocoena</i>);bottlenose dolphin (<i>Tursiops truncatus</i>);minke whale (<i>Balaenoptera acutorostrata</i>);Risso's dolphin (<i>Grampus griseus</i>);short beaked common dolphin (<i>Delphinus delphis</i>);killer whale (<i>Orcinus orca</i>)
Inshore/Offshore	Inshore

TEST 1	Purpose of licence
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
Comments	
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'. 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). The proposed activity addresses a specific need in relation to maintaining safe operable depths along the Leverburgh - Berneray ferry route. The geophysical survey is required to inform safe dredging in the area. The Leverburgh – Berneray ferry service is a key transport link for the Outer Hebrides and of considerable socio-economic significance in supporting and maintaining the sustainability of these communities. National Marine Plan Transport Policy 3 highlights the need to safeguard ferry routes to the islands. The survey also support the Islands Connectivity Plan which sets out the Scottish Government's long-term objectives and policies for ensuring necessary and sustainable transport links for the islands (including sustainable ferry services). In addition, Caledonian Maritime Assets Limited have a statutory role to manage navigational risks. The geophysical survey is required to inform dredging, to maintain safe water depths for the ferry service and therefore manage navigational safety.	
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 carrying out the survey or associated dredge but determined that it would be likely that the ferry could not safely make the crossing, resulting in the service ending. Carrying out dredging without going ahead with the geophysical survey was also considered but the applicant concluded that without the survey data to inform key aspects of the work, such as the dredge route and equipment selection, there would be a heightened risk of the dredge being unsuccessful, delayed, or more costly. That approach was also deemed to potentially be more impactful on marine habitats and ecosystems as more destructive dredge equipment may be used than is necessary. Consideration was also given to carrying out geotechnical, rather than geophysical, surveys in order to understand the seabed conditions. However, this was ruled out due to the high numbers of vibrocore samples which would be required, resulting in extended survey duration and associated disruption to ferry movements. This option was ultimately deemed financially unviable.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
NatureScot has concluded in its advice of 16 July 2026 that the activity is not capable of having an adverse impact on the favourable conservation status of the European Protected Species concerned if the mitigation measures outlined in the application paperwork are adhered to.	
Test 3 satisfied?	YES

Date application received: 04/05/2026

Consultation start date: 11/06/2026

Consultation end date: 09/07/2026

Notes

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

National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments: The proposed activity aligns with the following NMP General Principles:

GEN 2 Economic Benefit:

The proposal will contribute towards ensuring a reliable ferry service to / between remote island communities. This will support local businesses in their operations and provide an economic benefit for the community.

GEN 3 Social Benefit:

The proposal will contribute towards ensuring a reliable ferry service to / between remote island communities. This will support communities having a reliable power supply. This will provide a social benefit for the community.

TRANSPORT 1: Navigational safety:

The proposed survey will not interfere with any shipping routes, and dredging will allow for continued safe navigation.

TRANSPORT 3: Ferry routes and maritime transport to island and remote mainland areas:

The proposed survey will allow for the safe dredging of the essential connection between Leverburgh and Berneray.

NMP Species Protection:

The applicant declared that the proposed activity may disturb/harass protected species. Due to this they have applied for European protected species licence and basking shark licence to ensure any impact on the protected species is reduced.

NatureScot reviewed the mitigation proposed by the applicant and agreed with this in place, the activity would not impact the favourable conservation status of the protected species.