



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00012428

Site	Portavadie Ferry Terminal, Portavadie
Company	Caledonian Maritime Assets Limited Municipal Building Fore Street Port Glasgow PA14 5EQ
Brief Description of Project	Portavadie Harbour Improvements
Associated Licences	MD-00011584 MD-00011586 EPS-00012428 BS-00012449

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>);white sided dolphin (<i>Lagenorhynchus acutus</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 harbour construction is required to facilitate the new larger ferry being built for the Portavadie to Tarbert route. The new ferries improve to improve reliability, resilience, accessibility and capacity which will result in a significant social and economic benefit for rural communities. The new ferries are also lower emission which will assist towards SG Net Zero targets. Without the harbour improvements at Portavadie the new vessel will not be able to safely berth and will be unsuitable for the route.	
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. There are no additional practical alternatives the applicant can consider. As part of the design process the applicant considered various construction methods and designs and has selected methods which will result in the lowest impact. The do nothing option is not a viable due to the critical nature of the infrastructure and lifeline ferry.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
NatureScot have concluded in their advice of 12 August 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.	
Test 3 satisfied?	YES

Date application received:

Consultation start date:

Notes

Date	title	Text
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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 ensure that the new larger lifeline ferry being built for the Portavadie route will be able to use the Portavadie Harbour. This will ensure communities have reliable transport available and bring economic benefit.

GEN 3 Social Benefit:

The proposal will ensure that the new larger lifeline ferry being built for the Portavadie route will be able to use the Portavadie Harbour. This will ensure communities have reliable transport available and bring social benefit.

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 to ensure any impact on the protected species is reduced.

NatureScot have concluded in their advice of 12 August 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.

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