

## **Marine Licence Application for Moorings**

Version 1.0

### **Marine (Scotland) Act 2010**

## Acronyms

Please note the following acronyms referred to in this application form:

|               |                                             |
|---------------|---------------------------------------------|
| <b>MHWS</b>   | Mean High Water Springs                     |
| <b>MPA</b>    | Marine Protected Area                       |
| <b>MS-LOT</b> | Marine Scotland – Licensing Operations Team |
| <b>SAC</b>    | Special Area of Conservation                |
| <b>SNH</b>    | Scottish Natural Heritage                   |
| <b>SPA</b>    | Special Protection Area                     |
| <b>SSSI</b>   | Site of Special Scientific Interest         |
| <b>WGS84</b>  | World Geodetic System 1984                  |

## Explanatory Notes

The following numbered paragraphs correspond to the questions on the application form and are intended to assist in completing the form. These explanatory notes are specific to this application and so you are advised to read these in conjunction with the Marine Scotland Guidance for Marine Licence Applicants document.

### **1. Applicant Details**

The person making the application who will be named as the licensee.

### **2. Agent Details**

Any person acting under contract (or other agreement) on behalf of any party listed as the applicant and having responsibility for the control, management or physical deposit or removal of any substance(s) or object(s).

### **3. Payment**

Indicate payment method. Cheques must be made payable to: The Scottish Government.

**Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.**

### **4. Application Type**

Indicate if the application is for a new mooring(s) site or an existing mooring(s) site. Provide the existing or previous consent/licence number and expiry date if applicable.

### **5. Mooring(s) Details**

- (a) Indicate the type of mooring to be deposited, either private or commercial.
- (b) Indicate the number of moorings to be deposited.
- (c) Indicate the type of mooring to be removed, either private or commercial (if applicable).
- (d) Indicate the number of moorings to be removed (if applicable).
- (e) Indicate the type and size of vessel(s) to be moored.
- (f) Provide the proposed start date for installation of the mooring(s). The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for 6 years. **Target duration for determination of a marine licence application is 14 weeks.**
- (g) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) for each mooring or for the boundary points of any moorings area. 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.

**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.**

To supplement your application, please provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

- the moorings position(s) in relation to the surrounding area;
- latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;
- any adjacent SAC, SPA, SSSI, MPA, Ramsar or similar conservation area boundary.

Drawings and plans will be consulted upon. If they are subject to copyright, **it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.**

- (h) Indicate if the mooring is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (i) Provide assessment of the potential impacts the works may have, including interference with other uses of the sea. Please include details of areas of concern e.g designated conservation areas, such as a SAC, SPA, SSSI, MPA or Ramsar site and shellfish harvesting areas. Further guidance on designated conservation areas can be obtained from SNH at this website: <http://gateway.snh.gov.uk/sitelink/index.jsp> and guidance on shellfish harvesting areas can be obtained from <http://www.foodstandards.gov.scot/> with regards to the Shellfish Waters Directive (2006/113/EC) which has parameters set to protect the water quality in which edible shellfish are grown.

Applicants should also be aware of the need to pay due regard to coastal and marine archaeological matters and attention is drawn to Historic Scotland's Operational Policy Paper HP6, "Conserving the Underwater Heritage".

Lochs Creran, Alsh, Duich and Long are designated as Special Areas of Conservation (SAC) under the Habitats Directive (Council Directive 92/43/EEC). Loch Creran has been selected for its bedrock and biogenic reefs of the tube worm *Serpula vermicularis* and the horse mussel, *Modiolus modiolus* and Lochs Alsh, Duich and Long for their sublittoral rock (marine) reefs. All are very sensitive to physical damage from anchors and the placement of moorings and in order to assist their protection reference should be made to the special moorings pack which can be downloaded from the following link: <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications>

Where there are potential impacts from the works, please provide details of proposed mitigation in response to potential impacts.

## 6. 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, Marine Scotland have 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 at:

<http://www.gov.scot/Publications/2015/03/6517/0>

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made including reference to the policies that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

## **7. Consultation**

Provide details of all bodies consulted and give details of any consents issued including date of issue.

## **8. Associated Works**

Indicate whether the application is associated with any other marine projects (e.g. land reclamation, marine/harbour construction works, dredging and sea disposal etc). If this is the case, provide reference/licence number for the related marine projects.

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Version 1.0

## Marine (Scotland) Act 2010

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

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act

### Public Register

Do you consider that any of the information contained within or provided in support of this application should not be disclosed:

(a) for reasons of national security; YES  NO

(b) for reasons of confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest? YES  NO

If **YES**, to either (a) or (b), please provide full justification as to why all or part of the information you have provided should be withheld.

## WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

### Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Signature

[redacted]

Date

06/03/2023

Name in BLOCK LETTERS

Andrew Duns

### Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- Completed and signed application form
- Maps/Charts
- Additional information e.g. photographs, consultation correspondence (if applicable)
- Payment (if paying by cheque)

### 1. Applicant Details

Title: Mr                      Initials: A                      Surname: Duns

Trading Title (if appropriate): Mid Kerrera Moorings Association

Address: 11 York Road, North Berwick , East Lothian , EH39 4LX

Name of contact (if different):

Telephone No. (inc. dialing code): [redacted]

Email: [redacted]

Statutory Harbour Authority?      YES  NO

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

### 2. Agent Details (if any)

Title:                              Initials:                              Surname:

Trading Title (if appropriate):

Address:

Name of contact (if different):

Telephone No. (inc. dialing code):

Email:

### 3. Payment

Enclosed Cheque                       Invoice

Contact and address to send invoice to:

Applicant                       Agent                       Other

If **OTHER**, please provide contact details:

Title:                              Initials:                              Surname:

Address:

Email:

#### 4. Application Type

Is this application for a new mooring(s) site or an existing mooring(s) site:

New Site  Existing Site

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

| Consent/Licence Number | Expiry Date |
|------------------------|-------------|
| 06284/17/1             | APRIL 2023  |

#### 5. Mooring(s) Details

(a) Type of mooring(s) to be **deposited**:

Private  Commercial

(b) Number of mooring(s) to be **deposited**:

26 already laid

(c) Type of mooring(s) to be **removed** (if applicable):

Private  Commercial

(d) Number of mooring(s) to be **removed** (if applicable):

0

(e) Type and Size of vessel(s) to be moored (continue on a separate sheet if necessary):

| Type                     | Size (metres) |
|--------------------------|---------------|
| Sailing and Motor yachts | <15m          |
|                          |               |
|                          |               |
|                          |               |
|                          |               |

(f) Proposed start date (**Target duration for determination of a marine licence application is 14 weeks**):

April 2023

(g) Location:

Midway through the Sound of Kerrera. 2 areas:-  
- East Group - the first 4 rows in the coordinate table below - 20 moorings  
- West Group - the last 4 rows in the coordinate table below - 6 moorings



Latitude and Longitude co-ordinates (WGS84) defining the location of each mooring or for the boundary points of any moorings area (continue on Appendix 01 Additional Co-ordinates form if necessary):

| Latitude |   |   |   |   |   |   |   |   |    | Longitude |   |   |   |   |   |   |   |   |   |    |
|----------|---|---|---|---|---|---|---|---|----|-----------|---|---|---|---|---|---|---|---|---|----|
| 5        | 6 | ° | 2 | 3 | . | 8 | 8 | 2 | 'N | 0         | 0 | 5 | ° | 3 | 0 | . | 6 | 6 | 7 | 'W |
| 5        | 6 | ° | 2 | 3 | . | 9 | 7 | 9 | 'N | 0         | 0 | 5 | ° | 3 | 0 | . | 4 | 6 | 0 | 'W |
| 5        | 6 | ° | 2 | 4 | . | 1 | 6 | 2 | 'N | 0         | 0 | 5 | ° | 3 | 0 | . | 2 | 1 | 7 | 'W |
| 5        | 6 | ° | 2 | 3 | . | 8 | 4 | 1 | 'N | 0         | 0 | 5 | ° | 3 | 0 | . | 5 | 9 | 7 | 'W |
|          |   | ° |   |   | . |   |   |   | 'N |           |   |   | ° |   |   | . |   |   |   | 'W |
| 5        | 6 | ° | 2 | 3 | . | 9 | 6 | 3 | 'N | 0         | 0 | 5 | ° | 3 | 1 | . | 1 | 4 | 1 | 'W |
| 5        | 6 | ° | 2 | 3 | . | 9 | 2 | 5 | 'N | 0         | 0 | 5 | ° | 3 | 1 | . | 0 | 8 | 2 | 'W |
| 5        | 6 | ° | 2 | 3 | . | 6 | 6 | 2 | 'N | 0         | 0 | 5 | ° | 3 | 1 | . | 4 | 3 | 3 | 'W |
| 5        | 6 | ° | 2 | 3 | . | 6 | 7 | 8 | 'N | 0         | 0 | 5 | ° | 3 | 1 | . | 6 | 2 | 2 | 'W |
|          |   | ° |   |   | . |   |   |   | 'N |           |   |   | ° |   |   | . |   |   |   | 'W |

(h) Is the mooring located within the jurisdiction of a statutory harbour authority?

YES  NO

If **YES**, please specify statutory harbour authority:

(i) Potential impacts the works may have (including details of areas of concern e.g designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

None, the moorings are already laid. this is a renewal of licence 06284/17/1 which expires in April 2023. We do not propose laying any more moorings in the above area.

**6. Scotland's National Marine Plan**

Have you considered the application with reference to Scotland's National Marine Plan?

YES  NO

If **YES**, provide details of considerations made including reference to the policies that have been considered:

a. The renewal of this licence supports many of the objectives and marine planning policies listed at the start of chapter-12 Recreation and Tourism (p89).  
b. The location of the mooring areas has no detrimental impact on the activities listed under "Interaction with other users" in section 12.22.  
c. Since the moorings are already laid, and no new moorings anticipated, there will be no impact on the sea-bed (as referenced in section 12.31).  
d. It is noted that the Sound of Kerrera in which the mooring areas are located lies within the Loch Sunart to the Sound of Jura MPA which is designated to protect the environment for the common skate. It is our view that, with the moorings being located close to the shore, the operation of these moorings represents no threat to the objectives of the MPA.

If **NO**, please provide an explanation of why you haven't considered the National Marine Plan?

**7. Consultation**

List all bodies you have consulted and provide copies of correspondence:

None but we are happy to consult with anyone as a part of this application

**8. Associated Works**

Provide details of other related marine projects, including reference/licence numbers (if applicable):

none we are aware of