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The Scottish Government
Riaghaltas na h-Alba

Marine Licence Application for Pontoons

Version 1.0

Marine (Scotland) Act 2010

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

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

Acronyms

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

MHWS	Mean High Water Springs
MPA	Marine Protected Area
MS-LOT	Marine Scotland – Licensing Operations Team
SAC	Special Area of Conservation
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WGS84	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 pontoon site or an existing pontoon site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Pontoon(s) Details

(a) Indicate the type of deposit, either permanent, temporary or seasonal. If **temporary** or **seasonal**, please provide plan of how and when pontoon section(s) are proposed to be deposited and removed in the method statement.

(b) Indicate the number of pontoon sections that make up the full structure.

(c) Complete the table to indicate the dimensions of each pontoon section making up the entire structure.

(d) Complete the table to indicate any other substance(s) or object(s) to be deposited below MHWS, including quantity and dimensions (e.g steel mooring chain, No. 6 at 50 metres length each).

(e) Indicate the total length of the pontoon, including any access bridge, seawards of the tidal limit of MHWS. The total length should include all sections of the pontoon that make up the entire structure.

(f) Provide the proposed start date for installation of the pontoon(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) Provide the cost of the works seawards of the tidal limit of MHWS. This estimate should only cover

work taking place below the tidal level of MHWS and must take into consideration the cost of materials, labour fees etc.

(h) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) for the boundary points of the pontoon(s) including all moorings associated (if applicable). 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 pontoon 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.**

(i) Indicate if the pontoon is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.

(j) Provide a full method statement, including plan of how, when and where pontoon section(s) are proposed to be deposited and removed.

(k) 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 with reference to the policies, including but not limited to General Policy 7 (GEN 7), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

7. Pre-Application Consultation

Certain activities will be subject to public pre-application consultation. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. The new requirement will allow those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted. Further information can be obtained from: http://www.scotland.gov.scot/Resource/0043/00439649.pdf

Please provide pre-application consultation report with your application.

8. **Consultation** (other than carried out under pre-application consultation)

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

9. 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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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 7.11.2022

Name in BLOCK LETTERS BRIAN JAMES SWINBANKS

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 ☑
- Project Drawings ☑
- Maps/Charts ☑
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority) ☑
- Method Statement ☑
- Additional information e.g. photographs, consultation correspondence (if applicable) ☑
- Pre-application Report (if applicable) ☐
- Payment (if paying by cheque) ☐

1. Applicant Details

Title: MRS Initials: A Surname: FRASER

Trading Title (if appropriate): TOBERMORY HARBOUR

Address: TAIGH SOLAIS, LEDAIG, TOBERMORY, ISLE OF MULL, PA75 6NR.

Name of contact (if different):

Telephone No. (inc. dialing code): 01688 302876

Email: anne.fraser@tobermoryharbour.co.uk

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: MR Initials: B J Surname: SWINBANKS

Trading Title (if appropriate): KFT LTD

Address: UNIT 1, BALISCATE, TOBERMORY, ISLE OF MULL, ARGYLL, PA75 6QA

Name of contact (if different):

Telephone No. (inc. dialing code): 01688 302113

Email: kft@btconnect.com

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 pontoon site or an existing pontoon site:

New Site ☒ Existing Site ☐

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

Consent/Licence Number	Expiry Date

5. Pontoon Details

(a) Type of deposit

Permanent ☒ Temporary ☐ Seasonal ☐

If **TEMPORARY** or **SEASONAL**, please provide plan of how and when pontoon section(s) are proposed to be deposited and removed in method statement in section 4 (j).

(b) Number of pontoon sections:

1

(c) Dimensions of pontoon sections:

Pontoon Section	Type of Deposit (e.g steel, plastic etc.)	Length (metres)	Width (metres)
1	Steel Frame & Timber Deck	10m	5m

(d) Any other substance(s) or object(s) to be deposited below MHWS (e.g mooring chain):

Deposit (e.g steel mooring chain)	Quantity and Dimensions (e.g No. 6 at 50 metres each)
Steel chain	2 x 30m long x 36mm Dia
Steel chain	2 x 25m long x 36mm Dia
Anchor Blocks concrete	4 x 2m x 2m x 0.6

(e) Total length of pontoon, including any access bridge, seawards of the tidal limit of MHWS:

24 metres

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

1st Feb 2023

(g) Cost of the works seawards of the tidal limit of MHWS:

££69,500

(h) Location:

Aros Waterfront, Aros, Tobermory Bay, Isle of Mull. PA75 6QB
West of the repaired and improved AROS WATERFRONT PIER, applied for under Marine + Construction

Latitude and Longitude co-ordinates (WGS84) defining the extent of the pontoon including all moorings (continue on Appendix 01 Additional Co-ordinates form if necessary):

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

(i) Is the pontoon located within the jurisdiction of a statutory harbour authority?

YES ■ NO ☐

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

TOBERMORY HARBOUR

(j) Method statement including schedule of work (continue on separate sheet if necessary). If **TEMPORARY** or **SEASONAL**, please provide plan of how, when are where pontoon section(s) are proposed to be deposited and removed.

See also Report, AROS WATERFRONT METHOD & SCHEDULE OF WORKS, for a detailed schedule of work under PHASE 2

See Drawing - MSAW1 LOCATION PLAN AND SITE LAYOUT
See Drawing - MSAW4 PROPOSED NEW PONTOON AND BRIDGE

SITE PREPARATION
Notices to Mariners, fence off Pier access and secure site.

BRIDGE SUPPORT
Add prefabricated and marine galvanised bridge support frame to Pier.

LANDING PONTOON
Add recycled 10m x 5m landing pontoon and associated anchors and mooring chains.

RISE AND FALL BRIDGE
Add 16m recycled bridge from Ledaig Pontoons, Tobermory.

SITE DEMOBILISATION
Inspect and check all work and clear site and allow public and small boat access only when complete.

(k) 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):

This is a standard small pontoon and mooring system, no impacts are forecast.

The adjacent shellfish, mussel, harvesting area has now been closed and all cultivation equipment removed.

The adjacent site is now approved for fresh water storage, for transfer to ships, for washing Salmon at Fish farms. Marine Licence - 00009129, Deposit of Fresh Water Pens & Abstraction Pipes - Tobermory Bay, Isle of Mull

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 with reference to the policies, including but not limited to General Policy 7 (GEN 7), that have been considered:

The safety of recreational Marine Tourism in a busy Harbour.

The need to reduce the Harbours Carbon Footprint

Sustainablity and public safety on and around historic Harbour infrastucture

We consider that this project ticks the following in the Marine Plan

RECREATION AND TOURISM
12.3, 12.4, 12.5, 12.7 12.8, 12.10, 12.12, 12.13, 12.16, 12.19, 12.20, 12.21, 12.22 ,12.28, 12.31, 21.35.

SHIPPING, PORTS, HARBOUR AND FERRIES
Objective 1, TRANSPORT 4 and 13.8, 13.21, 13.22, 13.27

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

7. Pre-Application Consultation

Is the application subject to pre-application consultation, under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013? YES ☐ NO ■

If **YES,** please indicate the date of the public notice for the pre-application consultation event and the type of consultation event held (a copy of the public notice must be supplied with this application):

Event Type	Date

8. Consultation

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

1. The Mull Community at the Harbour AGM, at a Public Meeting June 2018 and online on the website and on FB

2. Purchase press release 8th October 2018

3. Argyll and Bute Planning Application, Pier West Of The Pier Hatchery Tobermory Isle Of Mull Argyll And Bute Ref. No: 22/01358/PP
Roads Bute And Cowal
Consultation Date: Thu 20 Oct 2022
Environmental Health - OLI
Consultation Date: Thu 20 Oct 2022
Marine Scotland Licensing
Consultation Date: Thu 20 Oct 2022
Marine And Coastal Development Policy Officer
Scottish Environmental Protection Agency
NatureScot - ARGYLL AND OUTER HEBRIDES

4. See letter from Argyll and Bute, M&C dev officer feedback on planning for pier

9. Associated Works

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

15 November 1985, 25 May 1986, 2 August 1997, Permission to lay and maintain moorings from the CE and Section 34 consents from DoT.
22 July 1991 Approval from Secretary of State, Dept of Transport, for a Fairway.
27 October 1997 & 15 August 1998 Application to re-organise the Moorings in Tobermory Bay - Section 34 Coastal protection act 1949
2004 - Pontoons Tobermory installed for The Crown Estate.
2007 - South leg extension and Pontoons, Tobermory, licence number possibly with Crown Estate (Scotland) as they owned the pontoons at that time.
27 June 2011 - MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING 04210 - LICENCE FOR MARINE CONSTRUCTION WORKS - Licence Number: 04210/11/0
12 April 2017 - MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING 06270 - Tobermory Harbour Association - Pontoon Installation - Tobermory Harbour, Isle of Mull.
02 Nov 2020, FUEL BERTH Extensions and alterations to Tobermory Harbour to include floating breakwater, hammer head, new fuel berths, pontoon extension and erection of fuel storage tank. Validated, Ref. 20/01611/PP
30 March 2021, Marine Licence - Pontoon Extension and Alterations - Tobermory Harbour, Isle of Mull - 00009066