T: +44 (0)300 244 5046
E:MD.MarineLicensing@gov.scot

Conservation (Natural Habitats, &c.) Regulations 1994

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 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)**
- **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.**

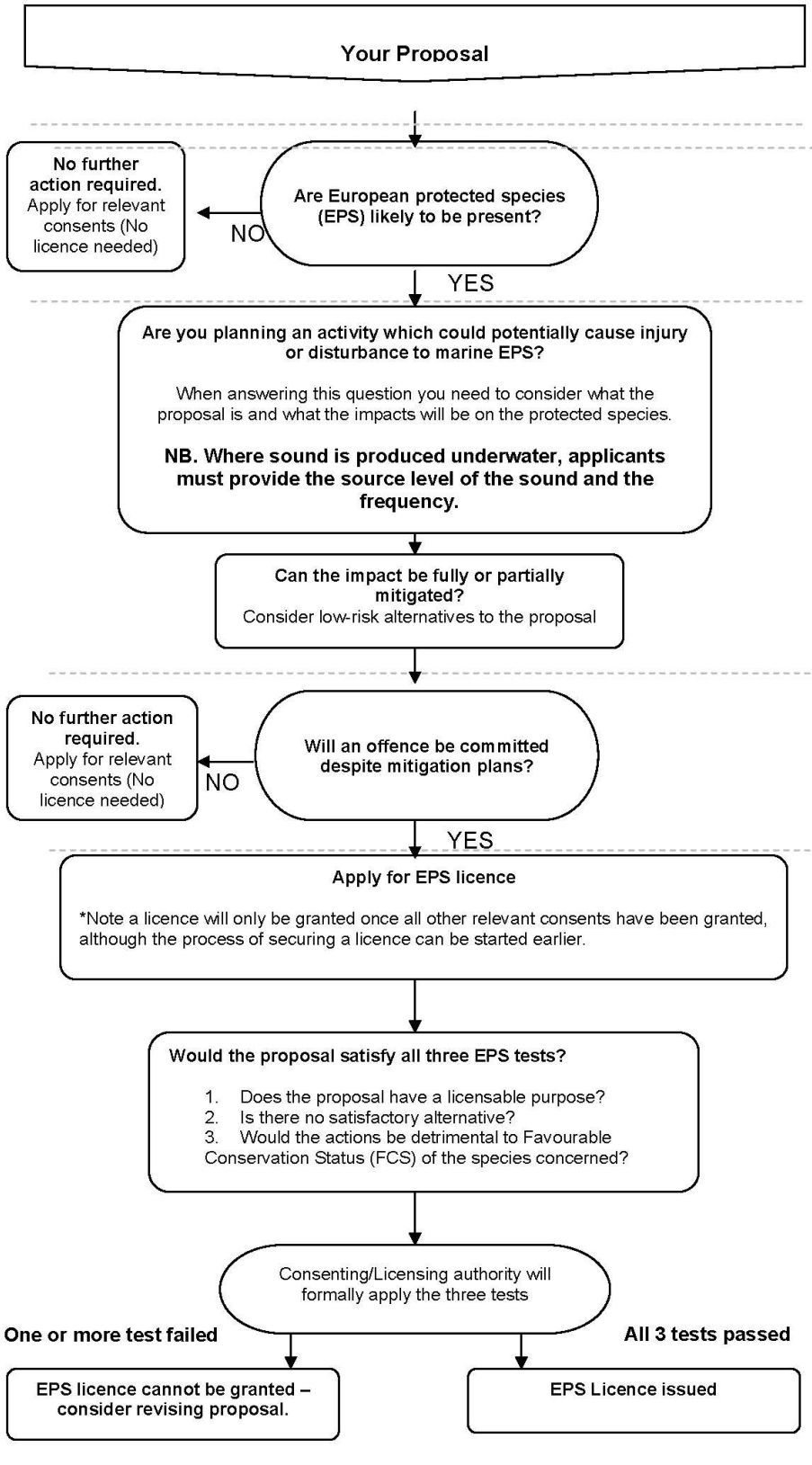
Please use this application form if you wish to undertake works/activities that would affect European protected species in the Scottish inshore marine area (0 – 12nm).

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 Directorate Licensing Operations Team (MD-LOT) on 0300 244 5046 or email: MD.MarineLicensing@gov.scot

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

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



Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

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 Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to MD.MarineLicensing@gov.scot.

If the activity relates to a renewable energy project, completed applications should be sent to Marine Scotland Licensing Operations Team (MD-LOT) at the address below or emailed to MD.MarineRenewables@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 MD-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.

MD-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 MD-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 NatureScot, email licensing@nature.scot, Telephone 01463 725364 or visit the NatureScot website for a licence application for these purposes. NatureScot 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. The number of animals must be the maximum that could be affected prior to any mitigation measures being applied. 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 NatureScot, or other appropriate regulator, if the work you propose to do affects a European site, a 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 on the Marine Noise Registry website.

Section 10 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, the Marine Directorate has 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 on the Scottish Government website.

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 Policies 9 and 13 (GEN 9 and GEN 13), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

Section 11 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.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Part D
Section 12 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.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9 DB

Tel: 0300 244 5046
Email: MD.MarineLicensing@gov.scot

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:	[Redacted]	Forename(s):	[Redacted]	Surname:	[Redacted]

Company name: Caledonian Maritime Assets Limited (CMAL)

Business title (if appropriate):

Address:
Municipal Buildings
Fore St
Port Glasgow
PA14 5EQ

Tel no. (inc. dialling code): 0175749920

Email address: info@cmassets.co.uk

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? Marine Directorate (formerly Marine Scotland)

Licence number (most recent licence) EPS-00010388

Year in which the licence was issued. 2023

What species were covered by the licence? Harbour Porpoise (*Phocoena phocoena*); Bottlenose Dolphin (*Tursiops truncatus*); Minke Whale (*Balaenoptera acutorostrata*); Short-beaked Common Dolphin (*Delphinus delphis*)

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

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Part B. The application

3. **Species**

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

Common name(s): Bottlenose Dolphin; Short-beaked Common Dolphin; Harbour Porpoise; Harbour Seal; Grey Seal; Risso's Dolphin; Minke Whale.

Scientific name(s) *Tursiops truncatus*; *Delphinus delphis*; *Phocoena phocoena*; *Phoca vitulina*; *Halichoerus grypus*; *Grampus griseus*; *Balaenoptera acutorostrata*

(b) How many individual animals will be affected by licensed work? This number must be the maximum number that could be affected before any mitigation measures are applied.

Bottlenose Dolphin (113); Short-beaked Common Dolphin (25); Harbour Porpoise (17); Harbour Seal (521); Grey Seal (43); Risso's Dolphin (9); Minke Whale (1).

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

The estimated area of disturbance (7.07km2) was calculated based upon the result of underwater noise modelling to determine the greatest distance for behavioural disturbance from source of Cardox blasting for low frequency cetaceans (see Section 7.3 of the enclosed risk assessment document for discussion). The quantity of European protected species within this area was calculated using recent sightings densities or the densities published in (see enclosed risk assessment document for the full citation):

- Marine Directorate's estimates for the nearby W1 site (Hague, Sinclair and Sparling, 2020);
- Modelled densities for the region (Waggitt et al., 2019) for June/July/August;
- SCANS III results (Hammond et al., 2021) where available;
- Seal at-sea usage maps (Russell et al., 2017) cited in Hague, Sinclair, and Sparling (2020);
- Datasets from Habitat-based distribution estimates for seals (Carter et al., 2022).

An assumption has been made that there is a probability of re-entry into the disturbance zone during cessation of operations is reduced by 25% every week. It is also assumed that there is a cessation in activities long enough each week to allow receptors to re-enter the disturbance zone. Consequently, this has been used to predict the maximum number of individuals likely to be disturbed over the duration of construction activities. See Section 7.3 of the enclosed risk assessment document for details.

(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	°	3	7	.	7	0	6	‘N		0	0	6	°	1	1	.	4	4	7	‘W
5	5	°	3	7	.	7	0	6	‘N		0	0	6	°	1	1	.	3	0	1	‘W
5	5	°	3	7	.	6	8	4	‘N		0	0	6	°	1	1	.	2	1	1	‘W
5	5	°	3	7	.	6	1	7	‘N		0	0	6	°	1	1	.	2	6	2	‘W
5	5	°	3	7	.	4	8	0	‘N		0	0	6	°	1	1	.	5	0	7	‘W
5	5	°	3	7	.	5	8	2	‘N		0	0	6	°	1	1	.	6	7	0	‘W
		°			.				‘N					°			.				‘W
		°			.				‘N					°			.				‘W

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

(d) Provide a brief description of the proposed activity and the methods to be used. This should make clear which equipment / activities you consider require an EPS licence and also the equipment / activities you consider do not require an EPS licence.

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 Developed comprises an upgrade to the existing assets at Port Ellen Ferry Terminal, which aim to support new vessels with deeper draught and higher displacement at the ferry terminal. The proposed works will be completed over 18 to 36 months. The following modifications are

- **The reclamation of land to form (with adjoining land) an area of approximately 2.01 hectares to facilitate the required marshalling area, unaccompanied trailer facilities, new terminal building, associated parking, improvements to passenger access and general quayside working space. The land reclamation will be retained seaward on the northern and western sides by armoured revetments and, on the south and southeast sides by quay structures incorporating a commercial berth and fisherman's berths for vessels**
- **An open piled jetty structure extending over the armoured revetment from the reclaimed area,** forming berthing faces each side with bollards and fenders, and incorporating cable handling equipment and a passenger access gangway;
- **A hydraulically operated linkspan, providing access to and from vessels extending from the reclaimed area, including a linkspan control building, pile supported bankseat and lifting frame on supporting dolphin structures;**
- **An open piled structure forming a fixed ramp, providing access to and from vessels, extending from the reclaimed area;**
- Single storey terminal building to be constructed, comprising of passenger waiting area, sales areas, management offices, staff welfare facilities and store areas;
- Associated ancillary works including;
  - the demolition of the existing terminal building and partial demolition of the existing pier and marshalling area;
  - the removal of fenders, fender sponsons, bollards, fencing and relocation of Diageo's grain handling equipment;
  - rerouting existing roads through the terminal; and
  - **dredging to -5.5mCD maintained dredge depth on ferry berths and commercial berth.**
- Construction of permanent aids to navigation, as required by CMAL's Harbour Master.

Note, the items in bold are below the MHWS

To carry of the proposed works:
- Dredging will be undertaken by backhoe dredging;
- Rock breaking activities will include CO2 hydraulic fracturing using Cardox blasting and Rock breaking/rock wheeling;
- Piling works to install the new anchored steel sheet wall

Source Level & Frequencies
- Rock pre-drilling: 50Hz - 5KHz
- Cardox blasting: 20Hz - 1kHz (Peak frequency band: 50Hz)
- Rock peckering: 80Hz - 6.3KHz
- Dredging with backhoe: 20Hz - 1kHz
- Vibropiling sheet pile: 20Hz - 20kHz (Peak frequency band: 25Hz)
- Bore piling: 20Hz - 10kHz
- Impact piling: 50Hz - 20kHz

(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.

The following underwater noise mitigation measures will be implemented as mandatory during impact piling, rock breaking/rock wheeling, vibropiling, rock socket piling and dredging:

- A mitigation zone of no less than 500m in radius will be established. Either a Marine Mammal Observer (MMO) or Passive Acoustic Monitoring (PAM) will be present on site before and during the works to monitor the presence of European protected species (EPS). It is anticipated that harbour seals may be in the waters close to the construction location. Additional consideration has been given to ensure the sufficient protection of harbour seals and the practicality of the mitigation measures.
- Prior to starting any noise-generating activities, a pre-construction activity search will be made to detect the presence of any EPS within the mitigation zone. Visual observation will be undertaken for 30 minutes in daylight conditions (Beaufort sea state 4 or less) by suitably trained (JNCC methods) and dedicated observers.
- A soft start is a gradual ramp up in power of equipment to avoid a sudden increase of noise levels. During the soft start process, the mitigation zone will be monitored visually and/or acoustically to detect marine mammal behaviours.
- No piling or rock breaking work will commence during periods of darkness or in poor visibility. However, a distinction will be made for piling that commences during times of good visibility that continues into a period of poor visibility/darkness. In the case of construction works commencing during darkness or poor visibility, the works would need to be demonstrated as essential for commercial viability and enhanced detection of EPS would be required (e.g. increased number of PAM systems and PAM operatives for the commencement of works during darkness or poor weather conditions).

The following underwater noise mitigation measures will be implemented as mandatory during Cardox blasting:

- A mitigation zone of no less than 800m in radius will be established.
- Prior to starting Cardox detonations, a pre-detonation search is required to detect the presence of any marine mammals within the mitigation zone. Visual observation will be undertaken for 60 minutes in daylight conditions (Beaufort sea state 4 or less) by suitably trained (JNCC methods) and dedicated observers.
- The detonation of multiple Cardox charges will be done sequentially to reduce the cumulative effect of the charges and lessening the adverse noise impacts.
- A post-detonation search will be done within the mitigation zone for a minimum of 15 minutes after the last detonation to look for any evidence of injury to marine life, with any unusual observations noted in the report.

Details of the above-mentioned mitigation measures and other general mitigation measures are included in the supporting information - see enclosed risk assessment document.

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 NatureScot's website.

(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.

Port Ellen ferry terminal is not located within any marine or land designated area. However, the South-East Islay Skerries Special Area of Conservation (SAC), (NatureScot site code: 8381; EU site code: UK0030067) is approx. 4.4km, air distance and 5.2km, water distance from the work area. Harbour seal is a protected species within Annex II and is the reason of designation for the South-East Islay Skerries SAC.

NatureScot have been consulted with prior licence submission for the Proposed Development.
Based upon their comments, no adverse effect is anticipated from the works once mitigation measures are in place.

Communications with NatureScot submitted along with licence application

5. **Activities to be licensed**

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
☐	☐	☐	☐	☑	Dredging	Quarter 4 2025	Quarter 1 2029
☐	☐	☐	☐	☑	Piling	Quarter 4 2025	Quarter 1 2029
☐	☐	☐	☐	☑	Cardox blasting	Quarter 4 2025	Quater 1 2029
☐	☐	☐	☐	☐			
☐	☐	☐	☐	☐			

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.

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) 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) Rgulation 44(2)(e) ☑

Complate 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 annex D

In addition

(e) If you wish to use acoustic deterrent devices to protect fish farm sites in Scottish waters, you must also complete Annex E ☐

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

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 unsatisfactory. Alternatives may include but should not be limited to alternative equipment, methods, location and timing. You must also consider the option of not undertaking the work. It is not acceptable to state that 'there is no alternative'.

The works are intended to improve port infrastructure. Consequently, the available alternatives are to either:

1. Not undertake the upgrade to the terminal development works and therefore the Island would remain restricted from being unable to use the new vessels. This would have significant impact on social and economic development of the island, which would also exacerbate pressures from projected population and service growth.

2. Not dredge but will not meet the capacity for the services to the island with the new vessels. This will restrict access to the area and would require further extension of the jetties into deeper waters to provide access without dredging. This would cause a larger change to the environment and construction would present greater harm than the Proposed Development.

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 planing authority, local works licence)	**Date applied for**	**Reference no.**	**Date of issue of licence / consent**
European Protected Species Licence	April 2023	EPS- 00010388	September 2023
Basking Shark Licence	April 2023	BS-00010390	September 2023
European Protected Species Licence	May 2023	EPS-00010386	September 2023
Basking Shark Licence	May 2023	BS- 00010387	September 2023

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 on the Marine Noise Registry website.

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.

Proposed draft form has been submitted through JNCC.
Activity application number 3888

Application will be submitted with Proposed Development dates once confirmed.

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

10. Scotland's National Marine Plan

Provide details of considerations made with reference to the relevant policies that have been considered.

The Project considers the National Marine Plan in reference to:

General Planning Principle

- Gen 2: Economic benefit - provides economic benefit to the Island of Islay by more trade and connectivity to other Islands.
- Gen 3: Social Benefit - provides social benefit to the Island of Islay by increasing connectivity to the mainland and other Islands
- Gen 9: Species Protection - the impact on species has been identified and mitigation put in place in the Environmental Impact Assessment (EIA) (document reference: 115031-MMD-PE-XX-RP-O-0002).

Chapter 13. Shipping, Ports, Harbours and Ferries

- Transport 2 - The Project is part of the sustainable growth and development of harbours within the Island connectivity plan 2024 - 2045
- Transport 3 - the Project will provide essential connections to other islands.
- Transport 4 - the Project is sustainable development to support other sectors and is supported in marine planning and decision making (Island connectivity plan 2024-2045).
- Transport 5 - In the EIA climate change an extreme weather projections have been taken into account.

Annex B

- Good Environmental Status Descriptors
  - GES1 - as part of the EIA, the Project targets to maintain biological diversity
  - GES 5 - as part of the EIA, any impacts from the Project on the environment are minimised and mitigated against.

11. Privacy notice

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

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 on the Scottish Government website. 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: MD.MarineLicensing@gov.scot

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

Completed application form	X
Completed annex	X
Map or chart	X
Correct co-ordinates	X
EPS risk assessment or supporting information	X

Part C. Declarations

12. 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 1)

Name in block letters

Note – If signing on behalf of a company, please append you signature with “on behalf of company name”.

The completed application should be signed and sent to Marine Directorate Licensing Operations Team (MD-LOT) at the address below or emailed to MD.MarineLicensing@gov.scot or MD.MarineRenewables@gov.scot

Please remember to include all supporting information.

Marine Directorate - Licensing Operations Team
Scottish Government
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.

Annex A

Only to be completed if you selected 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?

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

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.

Long-term social and economic development of the region by increasing the carriage capacity of the ferry terminal.

Environmental benefits include allowing greener transportation with new emmission efficient vessels.

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

The Proposed Development will serve to support the development of the ferry terminal which will benefit the economic and social nature, addressing a need to update the port for more emission efficient vessels to be able to pass through.

The key public interest is maintaining lifeline ferry service to support socially and economically fragile communities.

The communities of Port Ellen and the island of Islay will benefit as well as connected communities on the mainland of Kennacraig.

The activity does address a need. The upgrades to the ferry terminal infrastructure are required to operate the new vessels on the route which provides lifeline services.

Why is it imperative the proposed activity goes ahead?

The Proposed Development is necessary to enable new vessels at the Ferry Terminal.

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

Yes: maintaining and improving lifeline ferry services is a matter of Scottish Government Policy. CMAL is the Statutory Harbour Authority for Port Ellen.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

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.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

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.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Annex E

Only to be completed if you intend to operate ADDs at marine fish farm sites in Scotland Please complete a copy of this annex for each individual site included on your application Please complete all questions

Site name and ID (FS number)

Device Type 1

Device Details

Device name (and version if applicable)

Number of devices proposed

Source level of device (rms and SPLpeak)

Typical frequency content

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Please give details of the proposed duty cycle (or available settings) including the system duty cycle

Duration of use of device (e.g. hours per 24 hour period)

Time of use (e.g particular time of day or time of year)

If multiple devices of this type are to be used, please give details of numbers to be deployed and locations in relation to the site.

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Management of ADD Use

Please give details of the cues/triggers and the decision process to activate ADDs. These cues / triggers should be specific and measurable and should relate to predation events by seals rather than presence of seals in the area.

Give details of how ADD use is to be reviewed

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Give details of criteria for deactivation or removal of ADDs (including if they appear to be ineffective)

Give details of ADD deployment plans and any relevant planning conditions relating to ADD use

Please use additional sheets if you propose to use more than one device type

Marine Directorate - Licensing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB