



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

LICENCE TO DISTURB MARINE SPECIES

Public Case Handling Report for Licence Number: EPS-00012040

Site	[Redacted]
Company	Western Ferries (Clyde) Limited Hunters Quay Dunoon Argyll PA23 8HJ
Brief Description of Project	Development at Kilmun Pier
Associated Licences	MD-00011347 EPS-00012040

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
	preserving public health or public safety
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). This proposed activity addresses the need for the safe repair of the existing pier at Kilmun. The seabed conditions require the installation of monopiles to ensure the safety and long-term stability of the works.	
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 the do-nothing approach; however, the installation of monopiles is essential to ensure health and safety compliance due to overloading of the current pier and unsafe access for crew.	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
In its response dated 12 June 2026, NatureScot conclude that an EPS licence for disturbance is required as there remains a risk of disturbance to EPS species from encountering noise emissions from the proposed port development construction activities which cannot be mitigated. The disturbance from this proposed activity will not affect the Favourable Conservation Status of the EPS species concerned.	
Test 3 satisfied?	YES

Date application received: 27/03/2026

Consultation start date: 28/04/2026

Consultation end date: 26/05/2026

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 works have taken into account the general policies in the NMP and meets all relevant objectives - specifically Gen 9 and 13. The proposed works align with the objectives of Chapter 13: Shipping Ports, Harbours and Ferries.

Date document generated: 27/07/2026