

## **Marine Licence Application for Finfish and Shellfish Farms**

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>MS-LOT</b>	Marine Scotland – Licensing Operations Team
<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 marine farm site or an existing marine farm site. Provide the existing or previous consent/licence number and expiry date if applicable.

### **5. Marine Farm Details**

- (a) Indicate the type of marine farm, either finfish or shellfish.
- (b) Indicate the deposits of marine farm component parts/equipment as a number (e.g 4 ring cages). Provide details of any component parts/equipment not included in the list and specify the quantity as a number.
- (c) If applicable, indicate the removals of marine farm component parts/equipment as a number (e.g 4 ring cages). Provide details of any component parts/equipment not included in the list and specify the quantity as a number.
- (d) Provide the proposed start date for installation of the marine farm. 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.**
- (e) 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.
- (f) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the moorings area and for each of the component parts of the marine farm, including sub-surface equipment. 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 full extent of the works in relation to the surrounding area;
- latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;

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.**

- (g) Indicate if the marine farm is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (h) Provide assessment of the potential impacts the works may have on navigation, including interference with other uses of the sea.

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

## 6. Planning Permission

Indicate if you have, or if you are in the process of applying for, planning permission for the marine farm. Provide the reference number for the planning application if applicable and/or supply a copy of the planning permission along with the completed application form.

**Marine licence applications will not be determined without valid planning permission.**

## 7. 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.

## 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. pontoon, moorings 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 signature area]

Date

1/12/2020

Name in BLOCK LETTERS

NAOMI DEMPSEY

### 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)
- Copy of planning permission (if applicable)
- Additional information e.g. photographs, consultation correspondence (if applicable)
- Payment (if paying by cheque)

### 1. Applicant Details

Title: DR                      Initials: N                      Surname: DEMPSEY

Trading Title (if appropriate):    COOKE AQUACULTURE SCOTLAND LTD

Address: CROWNESS ROAD, HATSTON, KIRKWALL, KW15 1RG

Name of contact (if different):

Telephone No. (inc. dialing code): 07387022245

Email: naomi.dempsey@cookeaqua.com

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: MRS                      Initials: D                      Surname: HAY

Address: COOKE AQUACULTURE SCOTLAND, CROWNESS ROAD, HATSTON,  
KIRKWALL, KW15 1RG

Email: diane.hay@cookeaqua.com

#### 4. Application Type

Is this application for a new marine farm site or an existing marine farm site:

New Site  Existing Site

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

Consent/Licence Number	Expiry Date
05381/20/0	2/2/2022

#### 5. Marine Farm Details

(a) Type of marine farm:

Finfish  Shellfish

(b) **Deposits** of component parts/equipment:

Component Parts/Equipment	Quantity	Dimensions (metres)
Ring cages	12	120m CIRCUMFERENCE
Square pens		
Longlines		
Feed barges	1	26.1m x 9.6m
Feedpipes (to shore)		
Grid moorings	20 for site, 4 for barge	TOTAL HORIZONTAL LENGTH 150m
Boat moorings		
Rafts		
Pontoons		
Marked Buoys		
Other (please specify)		

(c) **Removals** of component parts/equipment (if applicable):

Component Parts/Equipment	Quantity	Dimensions (metres)
Ring cages	12	100m CIRCUMFERENCE
Square pens		
Longlines		
Feed barges	1	10.4 x 10.4m
Feedpipes (to shore)		
Grid moorings	20 for site, 4 for barge	N MOORINGS: 76m, E & W MOORINGS: 74m, S MOORINGS: 71m
Boat moorings		
Rafts		
Pontoons		
Marked Buoys		
Other (please specify)		



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

OCTOBER 2021

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

£ 1.8 million

(f) Location:

CHALMERS HOPE, SCAPA FLOW, ORKNEY

Latitude and Longitude co-ordinates (WGS84) defining the boundary points of the moorings area and each of the component parts, including sub-surface equipment, of the marine farm (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude										
<b>Moorings Area</b>																				
5	8	°	5	3	.	8	1	3	'N	0	0	3	°	1	4	.	4	1	5	'W
5	8	°	5	3	.	6	4	0	'N	0	0	3	°	1	4	.	7	3	6	'W
5	8	°	5	3	.	5	4	3	'N	0	0	3	°	1	3	.	8	7	4	'W
5	8	°	5	3	.	3	7	1	'N	0	0	3	°	1	4	.	1	8	8	'W
<b>Cage Group Area/Longline Position(s)</b>																				
5	8	°	5	3	.	6	9	9	'N	0	0	3	°	1	4	.	4	1	2	'W
5	8	°	5	3	.	6	4	4	'N	0	0	3	°	1	4	.	5	1	3	'W
5	8	°	5	3	.	5	4	2	'N	0	0	3	°	1	4	.	1	9	5	'W
5	8	°	5	3	.	4	8	7	'N	0	0	3	°	1	4	.	1	9	8	'W
		°			.				'N			°			.					'W
		°			.				'N			°			.					'W
<b>Feedbarge/Feedpipe Position(s)</b>																				
5	8	°	5	3	.	5	5	2	'N	0	0	3	°	1	4	.	3	8	3	'W
		°			.				'N			°			.					'W
<b>Boat Mooring Position(s)</b>																				
		°			.				'N			°			.					'W
		°			.				'N			°			.					'W
<b>Raft Position(s)</b>																				
		°			.				'N			°			.					'W
		°			.				'N			°			.					'W
<b>Pontoon Position(s)</b>																				
		°			.				'N			°			.					'W
		°			.				'N			°			.					'W
<b>Marked Buoy Position(s)</b>																				
		°			.				'N			°			.					'W
		°			.				'N			°			.					'W

(g) Is the marine farm located within the jurisdiction of a statutory harbour authority

YES  NO

If YES, please specify statutory harbour authority:

ORKNEY ISLANDS COUNCIL

(h) Potential impacts the works may have on navigation and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

The potential for significant effects on navigation, anchorage, and other non-recreational maritime users was not highlighted by statutory or non-statutory consultees during the screening and scoping process for development planning and was scoped out of the EIA assessment. The site is to be moved further out into the deeper waters of the Bring Deeps channel and whilst acknowledging the waters of Scapa Flow are used widely by both commercial and non-commercial marine users, room for safe passage is maintained relative to the anticipated vessel sizes using this area. In ensuring the appropriate strategies of site containment, navigational marking, and use of equipment suitable for the anticipated conditions from the outset of the development, the residual risk to navigation and anchorage is considered negligible and unlikely to result in any significant effects.

Pre-development consultation with Orkney Fisheries Association (OFA) indicated that potentially, the proposed site was better geographically located as far as the activities of its members were concerned (inshore shellfish fishing including crab and lobster creels and scallop diving) however, the new site may impact on buckie fishing in that area. The OFA also expressed a concern on what function the deeper water of the Bring Deeps has on the recruitment and food supply of commercial fishing stocks in the immediate vicinity, and at other points surrounding the site. Whilst no formal comments were made during the screening and scoping process for the site, since the submission of the formal planning application and the consultation which followed, OFA have since lodged a formal objection against the development proposal. This is in view of new information from its members. Cooke Aquaculture Scotland acknowledge that the proposal will result in an overall reduction in fishing grounds in this area. This will theoretically constitute a loss of 316,800m<sup>2</sup> due to an increase of the new mooring containment area for the site compared to that of the existing site. This increase constitutes a total area of 204,300m<sup>2</sup>. The positioning of the site however may mitigate this reduction in fishing area in deeper waters, by increasing and opening access to the shallower waters in the immediate vicinity of the coastline where the existing site is currently located.

## 6. Planning Permission

Do you have planning permission for the marine farm? YES  NO

If YES, please supply a copy of the planning permission

If NO, please provide details of planning application, including reference number:

An amendment to the existing sites planning consent (FFA ORK 003) was submitted to the Orkney Islands Council in June 2020 under the reference 20/231/MAR. The consultation process for this site is still active.

### Marine licence applications will not be determined without valid planning permission.

## 7. 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:

Scotland's National Marine Plan outlines a total of 7 objectives and 14 policies that relate specifically to aquaculture. All have been given consideration during the planning process. Details are as follows:

Policies 1-8: Site location was carefully chosen to minimise impacts relating to carrying capacity/location guidelines, visual amenity, disease management areas, wild fish and seal haul out areas. All required modelling and assessment has also been conducted and the site is considered to be within all required limits.

Policy 9: Emergency response plans are in place for the site.

Policy 10: Statutory and non-statutory consultation was conducted prior to the submission of formal applications.

Policy 11: Equipment attestations from manufacturers are available for all proposed equipment and detailed mooring modelling also conducted. The site will also be compliant with the Marine Scotland Technical Standards for Aquaculture.

Policy 12: Cooke Aquaculture Scotland owns and operates a dedicated hydrolicer vessel and has access to freshwater treatments for lice removal.

Policy 13: Cooke Aquaculture Scotland are actively researching the potential for integrated, multi-trophic aquaculture.

Policy 14: Community benefits relate to both direct and indirect employment as well as funding for community projects.

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

**8. Consultation**

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

Formal screening and scoping was conducted by the Orkney Islands Council (OIC) during May - July 2019. The consultation responses are available on line on the OIC planning portal, under the application reference 19/210/MARSS. The formal planning application and associated EIAR is currently subject to public consultation with the following bodies having been consulted:

- Orkney Islands Council Harbours Authority/ Marine Services
- Orkney Islands Council Marine Policy officer
- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Royal Society for the Protection of Birds (RSPB)
- Scottish Water
- Northern Lighthouse Board (NLB)
- Marine Scotland
- Historic Environment Scotland
- Orkney Fisheries Association (OFA)
- Orkney Trout Fishing Association (OTFA)
- Royal Yachting Association Scotland (RYAS)

**9. Associated Works**

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