

marine scotland



**The Scottish
Government**

T: +44 (0)131 244 6325 F: +44 (0)131 244 6512
E: fishfarmreview@scotland.gsi.gov.uk

Bill Johnson
Hjaltland Seafarms Ltd
Gremista
Lerwick
Shetland
ZE1 OPX

18 December 2012

Dear Sir or Madam

TOWN AND COUNTRY PLANNING (MARINE FISH FARMS PERMITTED DEVELOPMENT) (SCOTLAND) ORDER 2011

On 23 February 2011 the Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011 came into force. You can view this at <http://www.legislation.gov.uk/ssi/2011/144/contents/made>.

This Order grants planning permission for the operation of marine fish farms which meet the criteria specified in the Order.

Those marine fish farm(s) that are operated by your company and which we understand meet these criteria are stated overleaf. We have also provided the information we hold about equipment permitted by your Crown Estate lease, or Works Licence (where relevant). Where equipment was placed into the water before 2007 and differs from that on your Crown Estate lease or Works Licence you should clarify this with the Planning Authority who has enforcement responsibility.

This is not a definitive statement of the legal position which depends upon meeting the criteria in the Order but merely represents our understanding of the position based on the information we have available to us. The criteria are set out below:

(a) the farm is situated in one of the named marine waters specified in the Schedules to the Order;

Victoria Quay Edinburgh EH6 6QQ
www.scotland.gov.uk/marinescotland



- (b) that the operation of the fish farm involves the use of relevant equipment¹
- (c) the relevant equipment was in use for the purpose of breeding, rearing or keeping finfish or shellfish; and
- (d) the relevant equipment was either in use on 23 February 2011 or between 1 January 2008 and 23 February 2011 for the purposes of fish farming.

Please also note the following:

- Planning permission granted by this Order is subject to the condition that in the event of any equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner to cause an obstruction or danger to navigation, the developer shall carry out such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) so as to remove the obstruction or danger to navigation.
- You no longer have to apply for a Works Licence if your farm is in Orkney or Shetland, but you will still need a Crown Estate lease. You should speak to the Crown Estate if your lease is due for renewal.
- You will not receive any additional documentation relating to the planning permission granted for these sites in the form of stamped maps etc. However, all local authorities and the Crown Estate have been sent copies of these letters and will be aware of those sites which we believe meet the criteria as well as the equipment data which we hold about these sites (as stated overleaf). This will form the baseline for any modifications which you may require to make to your planning permission in the future.

If you have any queries please call me on the above telephone number.

Yours faithfully

Bridget Kelly
Aquaculture Planning Officer

¹ Relevant equipment is equipment referred to in section 26AA(1)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended by section 4 of the Planning etc. (Scotland) Act 2006). This means equipment which is placed or assembled in the water-
(i) before 1st April 2007; or
(ii) after 31st March 2007 and before 1st April 2010 if done under a Crown Estate consent or a works licence.

Farms covered by Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011

Site Name	MSS Ref	SIC Works Licence	Equipment Stated on Works Licence
Setter Voe	FS0316	2005/1034/RF	6 CAGERD 90 M C 3865.91 maximum production area of 3864 sqm
Collafirth 3	FS0999	2008/039/TF	10 CAGERD 100 M2 A 7960 Total surface area not to exceed above. Also salmon. 10M-DIAMETER FEED BARGE ALSO PERMITTED.
Langa Isle (East)	FS0433	2004/1020/RF	10 CAGERD 90 M C 6443.18 26m x 7m feed barge also permitted.
North Voe	FS0946	2008/34/TF	8 CAGERD 90 M2 A 5160 total surface area; MOV issued (species). & SALMON & TROUT 10m X 7m feed barge also permitted.
North Havra	FS0674	2005/1027/RF	10 CAGERD 90 M C 6443.18 and barge (24.6m x 17m) & TROUT
West of Burwick	FS0937	2006/34/TF	12 CAGERD 90 M C 7731.82 Also salmon 21m x 8m feed barge also permitted.
Papa	FS0447	2006/1017/RF	10 CAGERD 90 M C 6443.18 20m x 7m feed barge also permitted.

Farms covered by Town and County Planning (Manner Farm Farms
Permitted Development) (Scotland) Order 2011

Site Name	MS Ref	SIC	Works	Equipment stated on Works
Green Lane	150310	Licence	Licence	Licence
Corston	150300	Licence	Licence	Licence
Langside (East)	150310	Licence	Licence	Licence
Northside	150310	Licence	Licence	Licence
North House	150310	Licence	Licence	Licence
Weston Quarry	150310	Licence	Licence	Licence
Plot	150310	Licence	Licence	Licence

Hjalftland Seafarms UK Ltd
Gremista
Lerwick
Shetland
ZE1 0PX

3 March 2011

Dear Sir or Madam

AUDIT OF FISH FARM

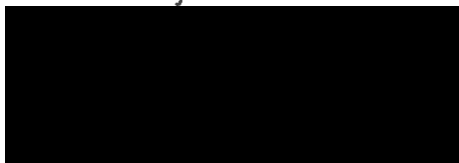
As you will be aware from previous correspondence the Scottish Ministers are undertaking a review or audit of all shellfish and finfish farms for which there was a valid Crown Estate lease or Works Licence from Shetland Islands Council or Orkney Islands Council on 1 April 2007. The purpose of this exercise is to determine whether planning permission should be granted by Scottish Ministers for you to continue to operate your farm.

On 23 February 2011 the Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011 came into force. You can view this at <http://www.legislation.gov.uk/ssi/2011/144/contents/made>. This Order grants permanent planning permission to the farms overleaf.

Please note that while you will no longer have to apply for a Works Licence if your farm is in Orkney or Shetland you will continue to need a lease from the Crown Estate. You should speak to the Crown Estate if your lease is due for renewal.

If you have any queries please call me on the above telephone number.

Yours faithfully



JAMES SERGEANT
Aquaculture Planning Officer

P.T.O.

Farms covered by Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011

Marine Scotland Ref	Crown Estate Lease	Site Name
FFA/ZET/013	SH-61-1	Colla Firth (Site 3)
FFA/ZET/017	SH-96-19	Langa Site 3
FFR/ZET/001	SH-67-16	North Voe
FFR/ZET/045	SH-88-13	North Havra Site 1
FFR/ZET/067	SH-90-13	West of Burwick
FFR/ZET/077	SH-96-19	East of Papa (Site 1)



Ref No: 2008/039/TF

SHETLAND ISLANDS COUNCIL

Zetland County Council Act 1974

Section 11

FINFISH

Shetland Islands Council GRANT a works licence for the development/works in accordance with the submitted details and charts. The licence is subject to the site specific conditions and the standard terms and conditions on the accompanying schedule. The Licence takes effect from the date of this decision (the "Effective Date"), notwithstanding the date of the signing of the Licence.

Licensee: **Hjaltland Seafarms Ltd
Gremista
Lerwick
Shetland
ZE1 0PX**

Proposal: **Transfer existing salmon/cod works licence 2005/057/VF from Collafirth Salmon Ltd, Site 3, Collafirth Voe**

Effective Date: **14 February 2001**

Expiry Date: **14 February 2011**

Site Specific Conditions:

- 1 The Works Licence hereby approved shall relate to works within the following licensed area as detailed on the attached chart received by the Council on 22 June 2005:

Mid Axis Point: 60° 24.977' N 01° 10.558' W (WGS84 Projection)

Details of any alteration to the approved site and works shall be submitted to the Council for prior approval. Failure to comply with the requirement will result in the Council taking immediate action to rectify any unauthorised development.

Reason: For the avoidance of doubt as to what is being permitted.

2. The Works Licence hereby approved shall relate to the information, production data and husbandry regime received by the Council on 22 June 2005. The area of production shall be restricted to a maximum cage surface area of 7,960 sq.m (up to ten 100m circumference cages). Production shall be limited to single class rearing and a maximum biomass as consented by SEPA.

The site will be operated in conjunction with Collafirth Site 1 (ref 2008/37/TF) and Collafirth 2 (ref 2008/038/TF) with only two of the three sites being operated at any one time.

Details of any increase in production levels or changes to husbandry regimes shall be submitted to the Council for consideration. Failure to comply with this requirement will result in the Council taking immediate action to rectify any unauthorised development.

Reason: For the avoidance of doubt as to what is being approved by the Works Licence.

3. Production shall be limited to the practice of farming cod or salmon. Only one species shall be on-grown at the site within a single production cycle at any one time. Under no circumstances shall more than one species be stocked at the site at the same time.

Reason: In the interests of preventing the transfer of disease from one specie to another.

4. The following navigational lights shall be provided:

The site should be marked as follows:

The North most cage should be marked by a yellow pole, fitted with a yellow multiplication cross topmark and a yellow light group flash 4 every 12 seconds.

The visible range of the light shall be 2 nautical miles.

The pole shall be at least 75mm in diameter and not less than 2 metres in height.

The light shall be exhibited from a point at least 1 metre above any obstruction on the group of cages.

Reason: To secure safe navigation and to comply with the guidelines laid down by the Northern Lighthouse Board.

5. The feed barge hereby approved shall relate to the specification and plans received by the Council on 22 June 2005. The finished surfaces of the feed barge hereby approved shall be non-reflective and finished with a dark, muted colour. Details of any additional sheds and/or equipment to be located on the barge shall be submitted to the Council for written approval prior to their siting. The barge and all associated equipment and moorings shall be removed from the site within six months of the site ceasing to be operational.

Reason: In order to reduce the potential visual impact of the barge.

6. Any floodlighting deployed on the barge should be designed as to deflect all light in a downwards direction onto the working area of the barge. Floodlighting should be extinguished when personnel are not on board or at those times when it is not required.

Reason: In the interests of preventing light pollution by minimising the spillage of light beyond the working area in order to preserve navigational visibility and the amenity of any adjacent dwellinghouses.

7. Only non-lethal methods of deterring predators from interfering with farmed stock shall be used. If anti-predator nets are used, they must be properly installed and maintained to ensure effective and predator-friendly protection. Details of any deterrents must be submitted to the Coastal Zone Manager for written approval (see Note to Licensee below).

Reason: In the interests of protecting wildlife within the area.

8. No tripping anchor buoys or ancillary mooring equipment should be deployed to the North of the cage containment area of this site.

Reason: It is important that navigational access in the channel between Collafirth Ness and Fora Ness is maintained.

9. Video seabed monitoring shall be undertaken throughout the growing cycle and the fallowing period. The results of the surveys undertaken during each fallowing period shall be submitted to the Coastal Zone manager. In the event that consultation with Marine Development Department and/or SEPA and/or independent body, indicates that the fallowing period requires to be extended in order to allow the recovery of the site, the Licensee shall submit written details of the proposals to the Coastal Zone Manager for written approval prior to the site being restocked.

Reason: For the avoidance of doubt and to control the potential impact of accumulative organic deposition within the inner area of Collafirth.

Note to Licensee:

With regard to anti-predation systems, you must consider the following guidelines prior to the submission of details in compliance with site-specific condition number 7:

- All anti-predation systems must be effective, non-lethal and seek to deter or dissuade wildlife through exclusion;
- Top nets must be fitted to deter and exclude birds and small mammals (otters);
- Predator nets (both top and submerged) must be of a size which prevents access but does not result in entanglement;
- Tensioned cage nets (utilising some combination of sinker tubes/concrete weights, pulleys and rope) is the preferred anti-predation option;
- Secondary predator nets must only be used where it is impractical to use a cage net tensioning system;
- Secondary predator nets shall be made of brightly coloured thick mesh in order to make the netting visible to predators and minimise the risk of entanglement and drowning. The nets must be tensioned by using suspended weights;
- Monofilament netting must not be used as an anti-predation method;
- All nets must be regularly checked and maintained;
- The operator should keep records of any animals that are by-caught in the anti-predator netting and submit an annual report to Scottish Natural Heritage (SNH);
- Acoustic Deterrent Devices (ADD's) should only be deployed in conjunction with exclusion nets where there is a persistent problem, unless otherwise specified by SNH;
- ADD's should be set and operated in such a manner as to cover the whole site and should be capable of emitting a random and variable signal.

It should be noted that condition no 2 restricts production to that applied for. Whilst this condition does not prejudice any future consideration by SEPA to limit the maximum on-site biomass when application is made to them for a COPA consent, any such changes to consented biomass shall also be notified in writing to the Council for consideration.


All new fish farming businesses require to register with the Scottish Executive Rural Affairs Division for disease control purposes. You are advised to contact them at the following address: FRS Marine Laboratory, PO Box 101, Victoria Road, Aberdeen, AB11 9DB.

Consultation also requires to be undertaken with the Scottish Executive under Section 34 of the Coastal Protection Act 1949. You are advised to contact

the Transport Division of the Scottish Executive Development Department,
Victoria Quay, Edinburgh EH6 6QQ for further details.

All fish farms are expected to comply with relevant codes of best practice,
including the *SSFA Code of Best Practice for Shetland Salmon Farming* and
the *Joint Government/Industry Working Group on ISA Code of Practice to
Avoid and Minimise the Impact of ISA*.

Date: 06 June 2008

Signed: 

Coastal Zone Manager
On behalf of the Shetland Islands Council

SHETLAND ISLANDS COUNCIL

Zetland County Council Act 1974

Works Licence Schedule - Standard Terms and Conditions

1. The Works Licence (and all rights in connection with the Licence) shall be forfeit if:
 - the works are not commenced within three years from the Effective Date; or
 - the works are not used, or the operations connected cease, for a continuous period of three years; or
 - the Licensee is in breach of any of the terms, provisions and conditions of the Licence or fails to comply with any directions thereunder.
2. Works Licences for marine fish farms will only be granted for twelve years unless a temporary consent only is granted.
3. The Council will review the Licence on application by the Licensee either:
 - on or prior to the Expiry Date; or
 - at the earlier request of the Licensee following written application.

Following any review, the Council may either:

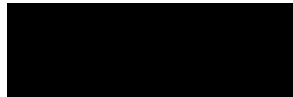
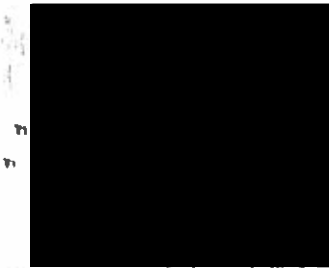
- grant an extension to the time limit of a temporary Licence; or
 - renew the Licence but vary or add to the conditions granted in the original Licence; or
 - refuse to renew the Licence.
4. The works shall be operated in compliance with the Council's terms and conditions and such codes of practice as the Council may, from time to time, adopt. Licensees must comply with all relevant statutory controls currently in force or which come into force during the period in which their works licence remains valid. A failure to comply with any relevant statutory control, or a breach of any condition of the works licence which is brought to the Council's attention will be investigated

and may, if the circumstances warrant it and the Council consider it expedient to do so, result in the works licence being revoked.

5. In the event of environmental pollution causing a nuisance, either on land or ashore or in the sea, in connection with the operations on, in, about or in connection with the Works, the Licensee shall carry out or make arrangements for the carrying out of all measures considered reasonably necessary for the clearance and removal of any such pollution. The Licensee shall ensure that any damage caused as a result is made good. If, after due notice, the Licensee fails to take the required measures, the Council may carry out the required measures and shall have the power to recover the costs directly from the Licensee.
6. In the event of the works falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the Licensee shall carry out or make suitable arrangements for the carrying out of all measures considered to be necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the Works. If, after due notice, the Licensee fails to take the required measures within a reasonable period of time, the Council shall carry out the required measures and notify the appropriate Government departments or statutory bodies in order that appropriate action may be taken. The Council shall have the power to recover the costs of any such measures taken by them or on their behalf directly from the Licensee.
7. The Licensee shall comply with the directions of the Council as to navigation lights, buoys, fog signals and radar reflectors.
8. The Council shall have the right to:
 - inspect the works, plans and specifications prior to the siting and mooring of the works and at all reasonable times thereafter;
 - require modification, addition or alteration to the works if such action is necessary in the interests of safe navigation.
9. The Works Licence is granted on condition that:
 - the Licensee shall not damage or injuriously affect or interfere with any submarine cable maintained by the relevant statutory undertakers or code system operators without their consent;
 - the Licensee shall meet in full all actions, proceedings and claims that may be raised against the Council by third parties in connection with the works and shall indemnify the Council against all expenses, costs and losses ensuing;
 - that all clients, agents, suppliers, contractors and sub-contractors employed in connection with the works or any part thereof are bound in a like manner.

10. Nothing in the Licence shall exempt the Licensee from compliance with the provision of any Enactment, Statutory Instrument, Bye-law or Licence, nor obviate any requirement to obtain such consents, approvals as may be required to enable the Licensee to construct and operate the works.
11. No interest (in whole or in part) in the Licence or authorised works shall be transferred to any person without the prior written consent of the Council. The use of a licensed site by a third party without the Council's consent is prohibited and any charge made for that use is also prohibited.
12. On the bankruptcy of the Licensee the Works Licence will not automatically be revoked, but any Trustees in Sequestration, Liquidator, Receiver or Administrator must write to the Council applying for consent to continue the works in order to enable the full realisation of the Licensee's committed assets. The person responsible for the affairs of the bankruptcy will not have any rights of transfer in the Works Licence without the prior written consent of the Council. If the Council's consent to the continuation of the Works Licence is not sought within one month of the date of sequestration, liquidation or administration then the Works Licence shall be automatically revoked.
13. In the case of any dispute arising out of the terms of the Licence or any directions made or approvals required, the decision of the Council shall be final.

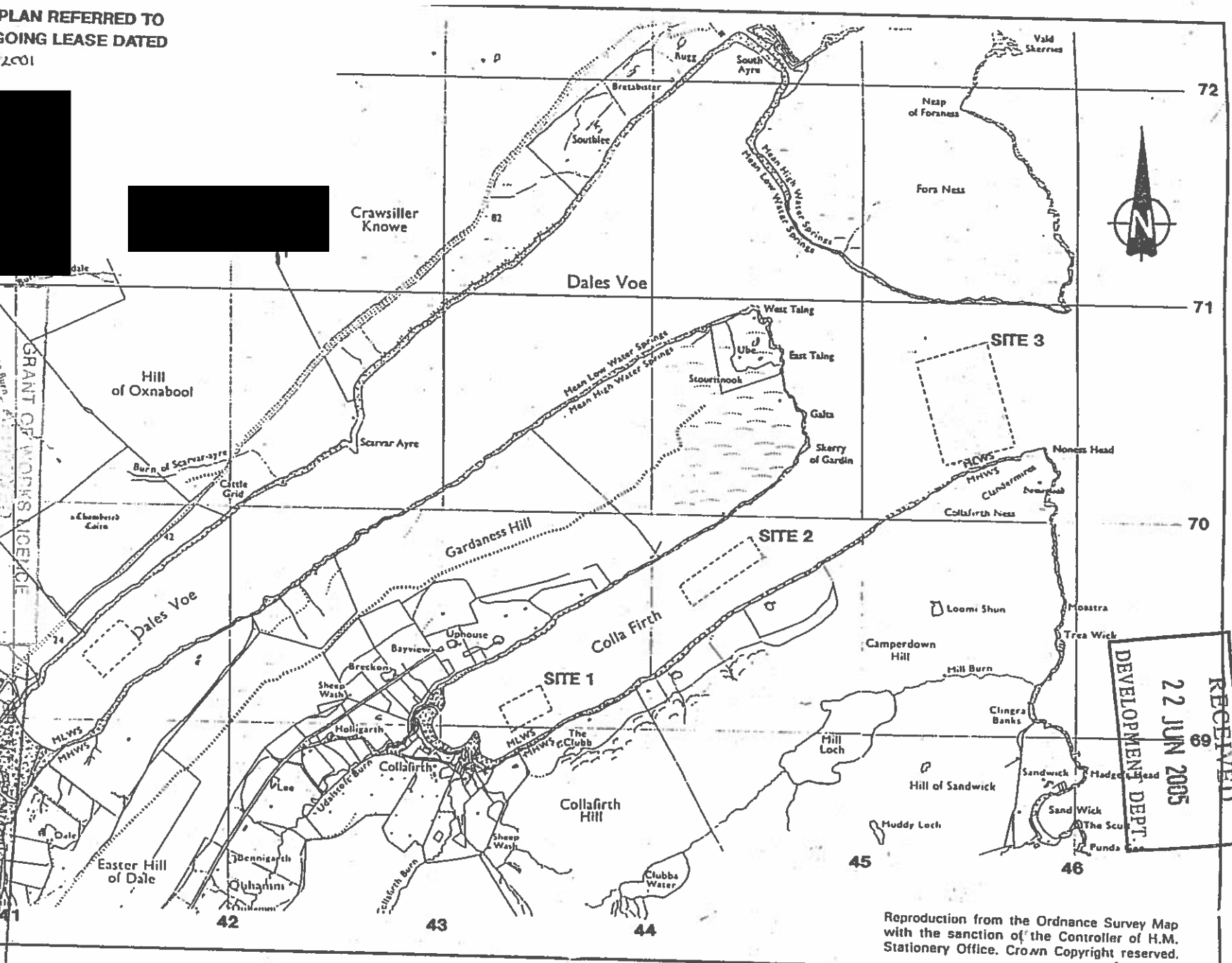
THIS IS THE PLAN REFERRED TO
IN THE FOREGOING LEASE DATED
6 and 11 JUNE 2001



MAINLAND

GRANT OF WORKS LICENCE
BANKETT &
UNDER THE
ZETLAND
1974 IN
ATTACHED
DATED: 12 AUG 2001

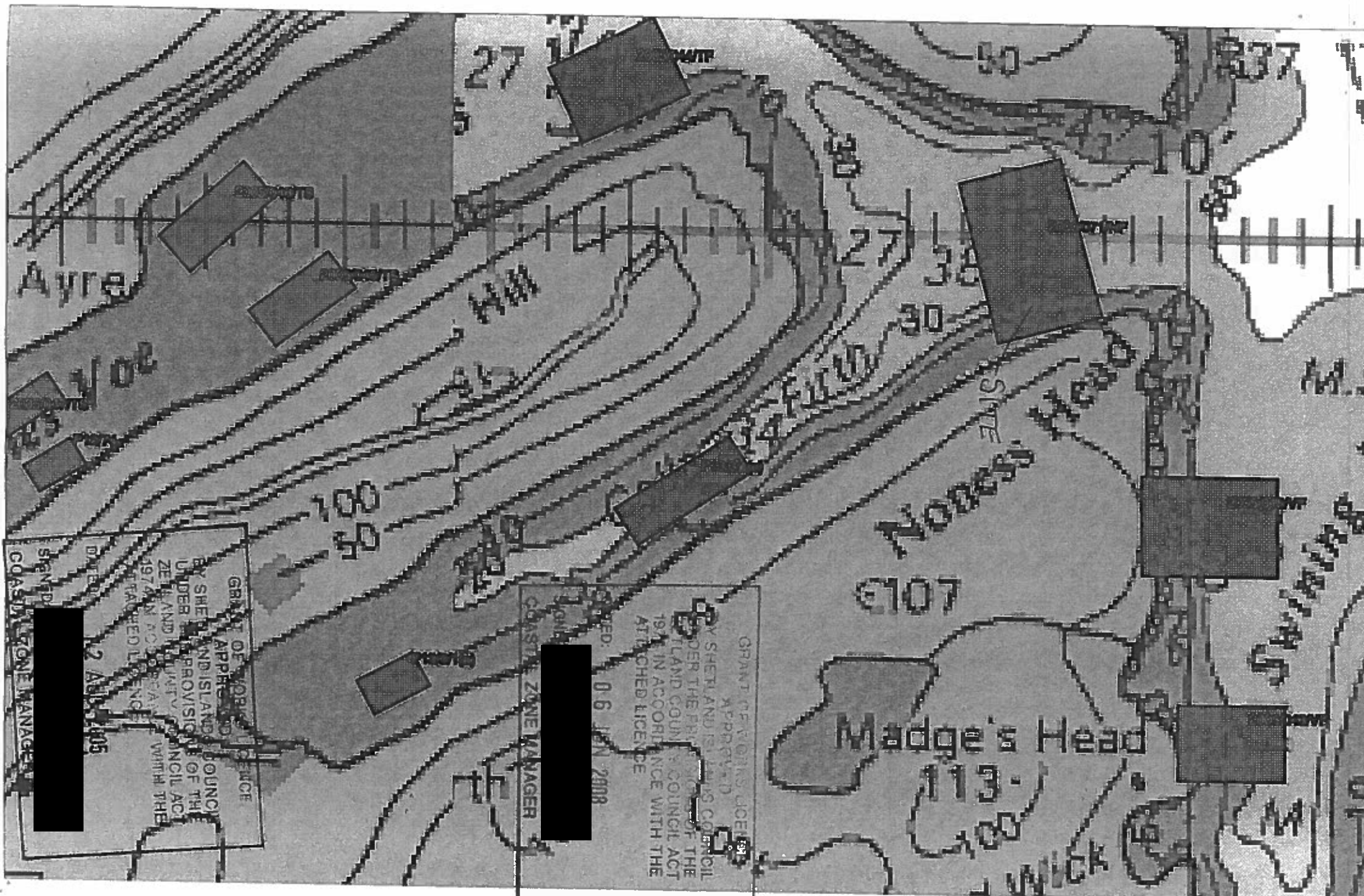
Crown Estate Office
10 Charlotte Square
Edinburgh EH2 4DR



RECEIVED
22 JUN 2005
DEVELOPMENT DEPT.

Reproduction from the Ordnance Survey Map
with the sanction of the Controller of H.M.
Stationary Office. Crown Copyright reserved.

SCALE : 1/25000



GRANT OF WORKS DONE
APPROVED
BY SHELLAND ISLANDS COUNCIL
UNDER THE PROVISIONS OF THE
ZETLAND ACT 1974 IN ACCORDANCE WITH THE
ATTACHED LICENCE

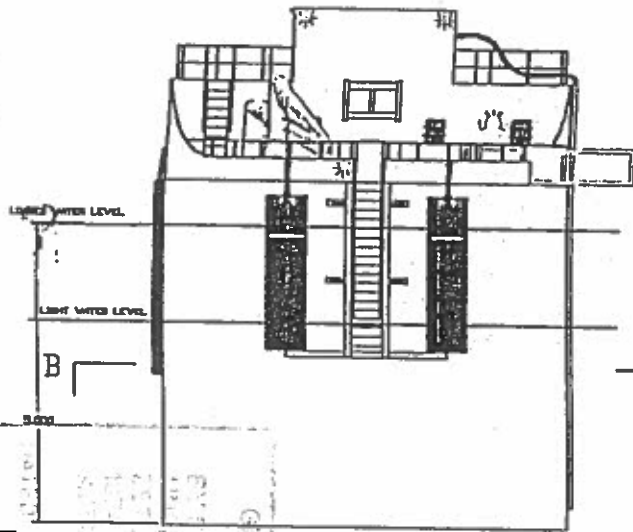
SIGNED
COASTAL ZONE MANAGER

DATE: 12 APRIL 2005

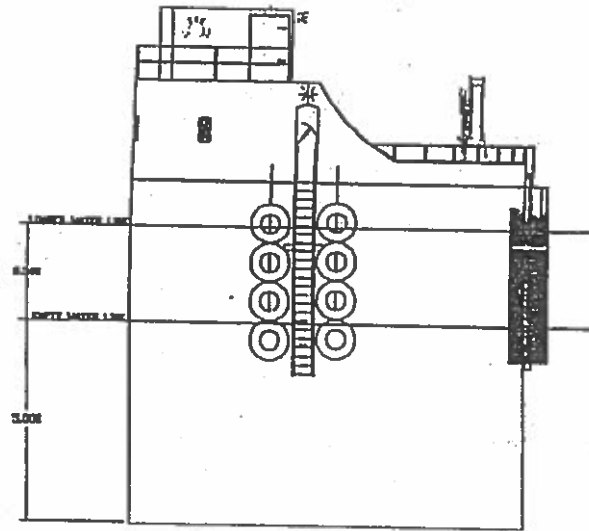
GRANT OF WORKS DONE
APPROVED
BY SHELLAND ISLANDS COUNCIL
UNDER THE PROVISIONS OF THE
ZETLAND ACT 1974 IN ACCORDANCE WITH THE
ATTACHED LICENCE

SIGNED
COASTAL ZONE MANAGER

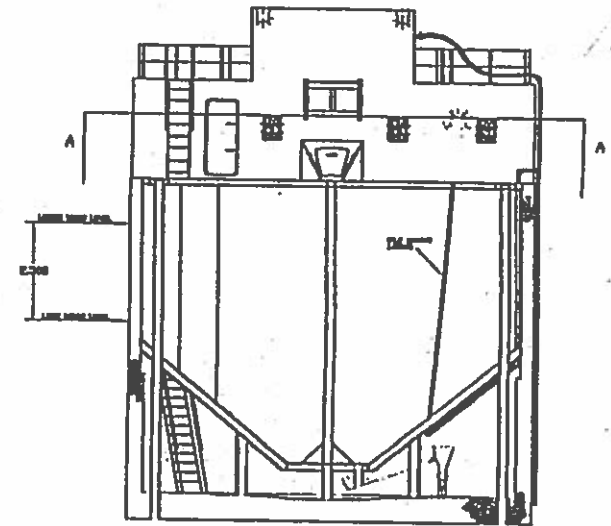
DATE: 06 JAN 2008



ELEVATION



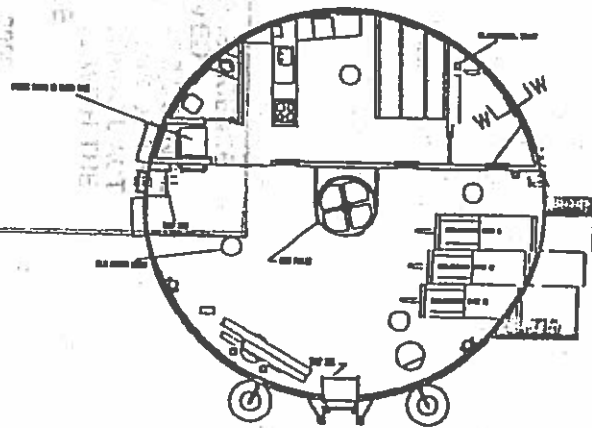
SIDE ELEVATION



SECTION C-C

FEED BARGE FOR COLLA FIRTH

THIS IS THE PLAN REFERRED TO IN THE FOREGOING LEASE DATED 11 June 2001



SECTION AT DECK LEVEL & ACCOMMODATION LAYOUT A-A

RECEIVED
22 JUN 2001
DEVELOPMENT D

C-CAP 9, 2001, Feeding System, 3 BLOWERS					
Designed by GAEL FORCE	Checked by JSD	Drawn by HSLP	Filename C-CAP9	Date DEC-2000	Scale NTE
GAEL FORCE MARINE			GENERAL ARRANGEMENT 001		
C-CAP9/001			Editor	Sheet 001	

The Crown Estate
10 Charlotte Square
Edinburgh EH2 4DR

21 MAY 2001

SCALE Illustrative only