

**marine scotland**

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## **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.

# Marine Licence Application for Finfish and Shellfish Farms

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

Date 31.05.2022

Name in BLOCK LETTERS

CHRISTOPHER KEITH ROBERTSON

### 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: **Mr**                      Initials: **C K**                      Surname: **Robertson**

Trading Title (if appropriate):    **Olnafirth Sea Farm Limited**

Address: **Lower Voe, Voe, Shetland, ZE2 9ND 9PX**

Name of contact (if different):

Telephone No. (inc. dialing code):    **01806588392**

Email: **ckr@krshet.plus.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:                                      Initials:                                      Surname:

Address:

Email:

**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
06061/16/0	19.12.2022

**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		
Square pens		
Longlines	4	220 metre twin-headline
Feed barges		
Feedpipes (to shore)		
Grid moorings	12	
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		
Square pens		
Longlines		
Feed barges		
Feedpipes (to shore)		
Grid moorings		
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):

existing site

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

£ no additional

(f) Location:

Pinchdyke  
Olnafirth  
Delting  
Shetland

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>																				
6	0	°	2	1	.	9	2	9	'N	0	0	1	°	2	0	.	0	8	6	'W
6	0	°	2	1	.	8	5	7	'N	0	0	1	°	2	0	.	0	3	9	'W
6	0	°	2	1	.	8	0	4	'N	0	0	1	°	2	0	.	3	7	1	'W
6	0	°	2	1	.	8	7	6	'N	0	0	1	°	2	0	.	4	1	8	'W
<b>Cage Group Area/Longline Position(s)</b>																				
									'N											'W
									'N											'W
									'N											'W
									'N											'W
									'N											'W
									'N											'W
<b>Feedbarge/Feedpipe Position(s)</b>																				
									'N											'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:

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

The site has been in existing location since 2002.

No issues to navigation have been highlighted during this time period.

## 6. Planning Permission

Do you have planning permission for the marine farm?  
If YES, please supply a copy of the planning permission

YES  NO

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

**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:

Objectives and policies applicable have been implemented where possible and achievable.

The site has proven to be economically viable and contributes to Scotland's food security, whilst minimizing environmental impact.

The development avoids adverse impacts on the landscape and visual amenity of the area and follows SNH guidance on the siting and design of aquaculture sites.

The farm operates in accordance with a bio-security plan that has been fully approved by Marine Scotland: Science.

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

N/a

**8. Consultation**

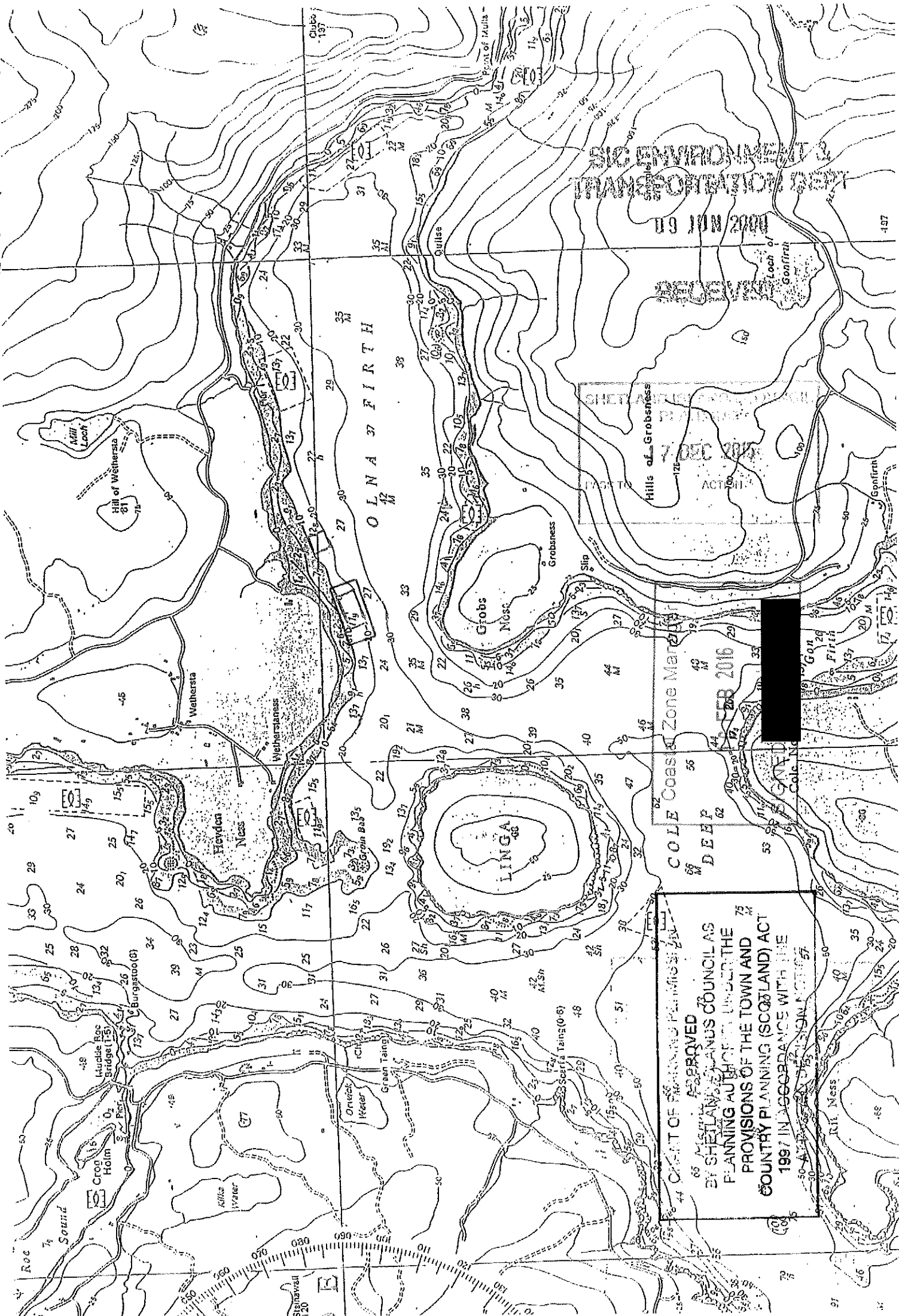
List all bodies you have consulted and provide copies of correspondence:

Shetland Shellfish Management Organisation  
SEPA  
RSPB  
Delting Community Council  
Shetland Fishermens Association  
Marine Scotland: Science  
Delting Community Council  
Northern Lighthouse Board  
Scottish Natural Heritage  
The Crown Estate Scotland  
Shetland Public through advert in 'The Shetland Times'

**9. Associated Works**

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

N/a

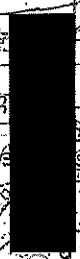


US ENVIRONMENT &  
TRANSFORMATION UNIT  
19 JUN 2002

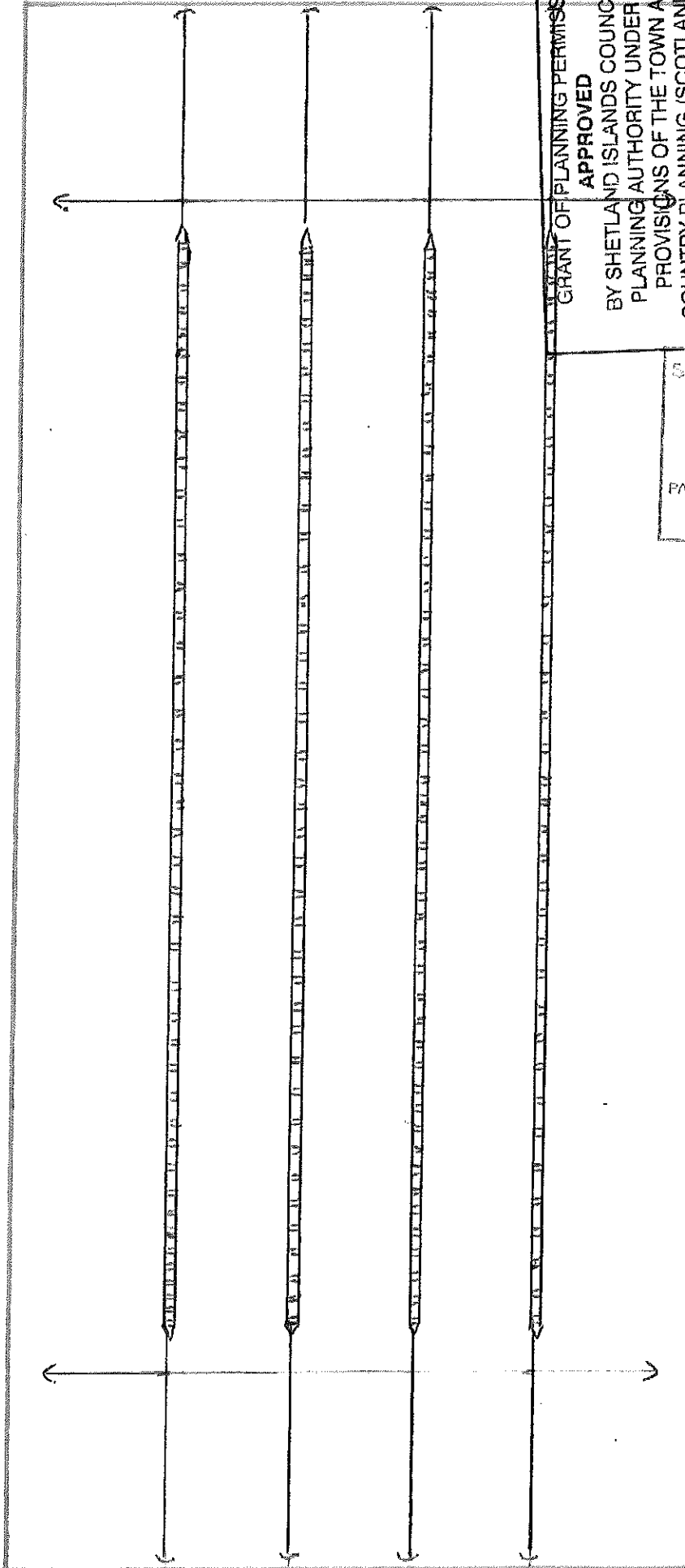
SHETLAND PLANNING  
ACT 1977  
7 DEC 2004

COLE Coastal Zone Marginal  
DEEP  
4 FEB 2016

44 COUNCIL OF PLANNING PERMITS  
65 MESSING APPROVED  
BY SHETLAND ISLANDS COUNCIL AS  
PLANNING AUTHORITY UNDER THE  
PROVISIONS OF THE TOWN AND  
COUNTRY PLANNING (SCOTLAND) ACT  
1997 IN ACCORDANCE WITH THE  
50 A 1997 (S) TOWN AND COUNTRY ACT 1997

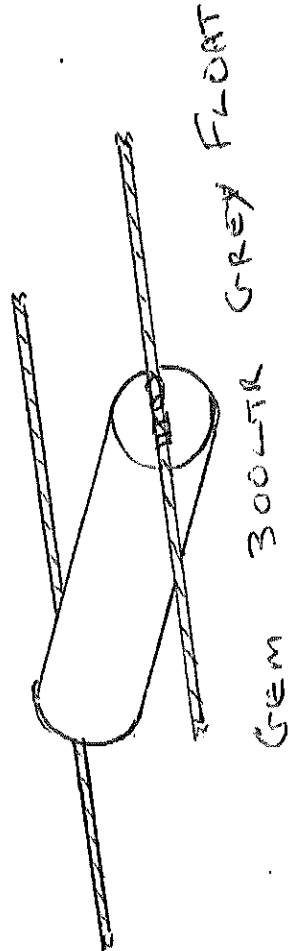


2015-043-MAR-002



140m

320m



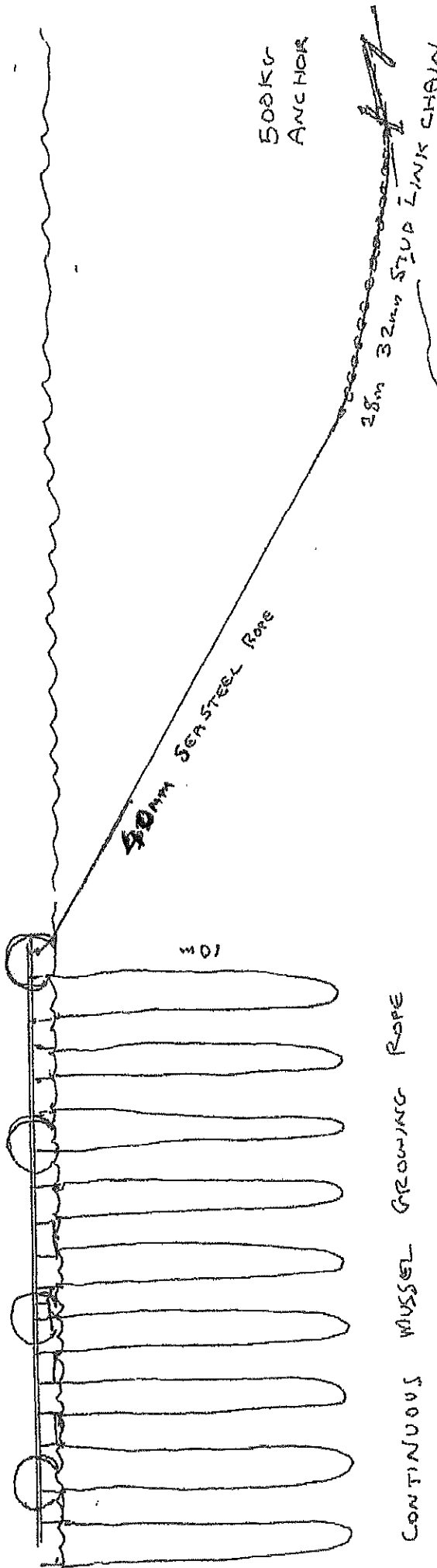
GRANT OF PLANNING PERMISSION  
 APPROVED  
 BY SHETLAND ISLANDS COUNCIL AS  
 PLANNING AUTHORITY UNDER THE  
 PROVISIONS OF THE TOWN AND  
 COUNTRY PLANNING (SCOTLAND) ACT  
 1997 IN ACCORDANCE WITH THE  
 ATTACHED DECISION NOTICE

SHETLAND ISLANDS COUNCIL  
 PLANNING  
 17 DEC 2015  
 PASS TO ACTION

SCALE 1:1250

Coastal Zone Management  
 16 FEB 2016  
 SIGNED

2015 - 043 - MAR - 003



GRANT OF PLANNING PERMISSION  
 APPROVED  
 BY SHETLAND ISLANDS COUNCIL AS  
 PLANNING AUTHORITY UNDER THE  
 PROVISIONS OF THE TOWN AND  
 COUNTRY PLANNING (SCOTLAND) ACT  
 1997 IN ACCORDANCE WITH THE  
 ATTACHED DECISION NOTICE

Coastal Zone Manager  
 16 FEB 2016  
 SIGNED: [Redacted]

SHETLAND ISLANDS COUNCIL  
 (PLANNING)  
 17 DEC 2015  
 PASS TO ACTION

MARKER BUOY TO  
 N.L.B. SPECIFICATION



## **SHETLAND ISLANDS COUNCIL**

### **Town and Country Planning (Scotland) Acts**

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With reference to the application for **Planning Permission** (described below) under the above Acts, the Shetland Islands Council in exercise of these powers hereby **GRANT Planning Permission** for the development, in accordance with the particulars given in, and the plans accompanying the application as are identified; subject to the condition(s) specified below.

#### **Applicant**

Olnafirth Sea Farm Ltd  
Lower Voe  
Voe  
Shetland  
ZE2 9PX

#### **Agent**

**Reference Number:** 2015/043/MAR

**Development:** To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels

**Location:** Pinchdyke, Olnafirth

Development Services  
Shetland Islands Council  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

**PLEASE LOOK AT THE IMPORTANT INFORMATION ON THE BACK OF THIS SHEET  
AND ON THE ATTACHED SHEET**

## **IMPORTANT INFORMATION**

If you are aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, you may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to:

Shetland Islands Council  
Marine Planning Service  
Development Services  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



## **Details of Approved Plans and Drawings:**

- Admiralty Chart Location Plan  
Stamped Received 17.12.2015
- Site Plan  
Stamped Received 17.12.2015
- Longline Section  
Stamped Received 17.12.2015

### **Reasons for Council's decision:**

- ( 1.) Aquaculture development at this location has been previously established with the granting of planning permissions for mussel longline development. The application process has demonstrated that continuation of mussel farming operations by means of the alternative development proposed subject to appropriate planning conditions is, on balance, an acceptable use of the site. In particular, condition no. 5 will ensure that the development will not have an unacceptable adverse effect on natural environment interests.

The proposal complies with policy AQUACULTURE 4 of Scotland's National Marine Plan (2015), with policy CST1 of the Shetland Local Development Plan 2014, with policies G1, G2, S4 and S7 of the Shetland Islands Council Interim Policy for Marine Aquaculture (2007) and with policies MSP HER7, MSP FISH1 and MSP AQ1 of Shetland Islands' Marine Spatial Plan Supplementary Guidance (Fourth Edition 2015).

Although contrary to policy S1 of the Shetland Islands Council Interim Policy for Marine Aquaculture (2007) regarding minimum separation distance between aquaculture farms, the mussel farm at its current scale and location is an established use of the site which appears to have coexisted, without adverse incident, with other aquaculture developments in the Olnafirth area over a considerable period of time. In terms of proximity to existing marine farms that are within the minimum distance of 500m as recommended by policy S1, the proposed replacement development is sited further away from the Wetherstaness mussel farm located to the west than the existing development is whilst the proposed planning boundary will not be located within 500m of the Foulawick mussel farm to the east once development at that site takes place in accordance with related planning permission ref: 2015/044/MAR. Furthermore, no representations have been received from the seabed lease holder of the adjacent farms which are located within the minimum distance recommended by policy S1. Accordingly, such material considerations are deemed to be sufficient to warrant the setting aside of Council Policy in this instance.

### **Conditions:**

- ( 1) The development hereby permitted shall not be carried out other than wholly in accordance with the approved plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

- ( 2) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

- (a) include the full name and address of the person intending to carry out the development;
- (b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;
- (c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and
- (d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

**Reason:** To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

- ( 3) The following navigational marks shall be provided:

The site shall be marked by a lit yellow can buoy, flashing group four yellow every twelve seconds (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark.

The buoy shall be positioned at the most Southerly extremity of the site.

The buoy shall have a diameter of approximately 1 metre at the waterline with the focal plane of the light some 2 metres above that level. The nominal range of the light shall be 2 nautical miles. The multiplication cross shall measure a minimum of 50cm in length by 7.5cm in width.

The above navigation light must be installed at the same time as the site equipment.

**Reason:** In the interest of navigational safety and to comply with the guidelines laid down by the Northern Lighthouse Board.

- ( 4) All surface floats and buoys, excluding those required to comply with navigational requirements, shall be coloured dark grey, black or blue.

**Reason:** To minimise the visual impact of the development.

- ( 5) Any necessary predator control measures shall be non-lethal and non-destructive in accordance with the guidance provided by Scottish Natural Heritage (see Note to Applicant below for guidance). If anti-predator nets are used, they must be properly installed and maintained to ensure effective and predator-friendly protection. Any changes to permitted anti-predation measures shall be submitted to the Planning Authority for consideration and approval prior to any installation and use.

**Reason:** In the interest of protecting wildlife within the area and for the avoidance of doubt as to what is being authorised by this permission.

- ( 6) In the event of equipment 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 developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment so as to remove the obstruction or danger to navigation.

Reason: In the interest of navigational safety.

- ( 7) In the event that the longlines or associated apparatus approved by this planning permission ceases to be in operational use for the growing of mussels for a period exceeding three years, they shall be wholly removed and the site restored to the satisfaction of the Planning Authority within 4 months of being notified, unless agreed otherwise in writing by the Planning Authority. For the avoidance of doubt, under such circumstances the permission so granted will cease.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure that the site does not become a navigational hazard or source of marine litter.

### **Notes to Applicant:**

#### **Commencement of Development**

The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

#### **Anti-predator netting**

It is recommended that you consider the following as guidelines with regard to installation of anti-predator netting:

- Monofilament netting must not be used under any circumstances. Brightly coloured thick mesh should instead be used in order to make the netting visible to diving birds and minimise the risk of entanglement and drowning;
- Only vertical anti-predator netting panels should be used. Horizontal panels must not be used as they increase the potential for entanglement and drowning of diving birds;
- The anti-predator netting must be properly tensioned. Nets that are not properly installed and maintained pose a potential hazard to wildlife, in particular diving birds such as eider ducks may become entangled and drown;
- The anti-predator netting must have a mesh size of 70mm to avoid entangling and drowning diving birds;
- Netting should only be deployed on site between February and April when year one mussels are most vulnerable to predation by eiders. After this time

all netting must be removed from the water and stored at a recognised location above Mean High Water Springs;

- The operator should keep records of any animals that are by-caught in the anti-predator netting and submit an annual report to the Council and Scottish Natural Heritage.

### **Disease Control**

The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 01224 295525; Email: [ms.fishhealth@scotland.gsi.gov.uk](mailto:ms.fishhealth@scotland.gsi.gov.uk)

### **Marine Licensing**

All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 - Section 34 consent), please visit the Scottish Government's website at <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@Scotland.gsi.gov.uk](mailto:MS.MarineLicensing@Scotland.gsi.gov.uk); or calling 01224 295 579.

### **Seabed Lease**

Under the terms of the Crown Estate Act 1961, a seabed lease is required for the development hereby permitted. To obtain or update a seabed lease you are advised to contact the Crown Estate as follows: Aquaculture Lease Co-ordinator, The Crown Estate, 6 Bell's Brae, Edinburgh EH4 3BJ. Tel: 0131 260 6070; Email: [Charlene.McPake@thecrownestate.co.uk](mailto:Charlene.McPake@thecrownestate.co.uk)

### **Marking outlying anchors**

The Northern Lighthouse Board wish to discourage the practice of marking outlying anchor points with buoys (unless specifically requested by local users), and recommend that alternative means to locate anchors are utilised. Allowing loose floating lines around site equipment is also strongly discouraged as this can cause serious safety implications for other mariners.

### **Notice of completion of development**

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

16 February 2016



Executive Manager - Planning

## **Delegated Report of Handling**

**Development:** To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels

**Location:** Pinchdyke, Olnafirth

**By:** Olnafirth Sea Farm Ltd

**Application Ref:** 2015/043/MAR

**Development:** To develop a new mussel farm comprising seven 220m twin-headline longlines (to replace an existing farm)

**Location:** Foulawick, Olnafirth

**By:** Blueshell Mussels

**Application Ref:** 2015/044/MAR

### **1. Introduction**

This report relates to two planning applications for mussel farm developments in Olnafirth, Delting.

Application 2015/043/MAR proposes the removal of eight 110m twin-headline longlines presently deployed and its replacement with four 220m twin-headline longlines. The western half of the proposed 220m longlines overlap with the existing eight 110m longlines, the existing lines presently constituting a breach of planning control identified during a desktop monitoring exercise carried out by the Planning Authority in 2012 which demonstrated that siting of aquaculture equipment out with the confines of approved development site boundaries was widespread across Shetland.

Application 2015/044/MAR proposes deployment of seven 220m twin-headline longlines as a replacement development for an existing mussel farm that is located approximately 50m to the west of the proposed location. The existing farm consists of five 100m twin-headline longlines as consented by planning permission 2009/043/VS with those lines also presently constituting a breach of planning control that was identified during the 2012 monitoring exercise.

Although the applications have been lodged by different developers, both sites will be operated by Blueshell Mussels under current contract arrangements. The submitted applications are the chosen means by which the developers wish to rectify the identified breaches of planning control. Whilst the proposed planning boundaries are located exactly 500m apart which is the required minimum distance in terms of separation distance policy, the existence of planning permission 2009/043/VS in between the two proposed sites means the applications are connected in terms of separation distance policy and is why they are reported for consideration together. The sites will continue to be serviced from Blueshell Mussels shorebase at Sparl, Brae.

## 2. Relevant Policies

### **Scotland's National Marine Plan**

Aquaculture 4 – Sustainable expansion of shellfish farms in designated shellfish waters

### **Shetland Local Development Plan 2014**

CST1 - Coastal Development

### **Shetland Islands Council Interim Policy for Marine Aquaculture (2007)**

PPAG1 - General Factors to be considered

PPAG2 - Views of all interested parties, including competent and relevant bodies and local communities

PPAS1 - Minimum Separation Distance Between Sites (Shellfish)

PPAS4 - Maximum Surface Works Area (Shellfish)

PPAS7 - Biological Carrying Capacity (Shellfish)

### **Supplementary Guidance Shetland Islands' Marine Spatial Plan (Fourth Edition 2015)**

MSP HER7 - Priority Marine Features

MSP FISH1 - Safeguarding Fishing Opportunities

MSP AQ1 - Aquaculture

## 3. Safeguarding

Locational Guidelines - Olna Firth Category 2 Area

Shellfish Water Protected Area - Muckle Roe Area

## 4. Consultations

Environmental Health was consulted on 5 January 2016. There was no response from this consultee at the time of report preparation.

Ports & Harbours Operations was consulted on 5 January 2016. There was no response from this consultee at the time of report preparation.

The Crown Estate was consulted on 5 January 2016. There was no response from this consultee at the time of report preparation.

Marine Scotland Science was consulted on 5 January 2016. Their comments dated 18 January 2016 can be summarised as follows:

MSS would normally recommend caution if shellfish farming has the potential to filter >50% of the water exchanged by tidal process in a region of restricted exchange such as a Shetland Voe, however from



the information available, the biomass should be at an acceptable level. There does not appear to be any negative implications on fish or shellfish health from the proposed developments.

The NLB was consulted on 5 January 2016. Their comments dated 22 January 2016 can be summarised as follows:

2015/043/MAR (Pinchdyke):

The site should be marked by a lit yellow can buoy, flashing group four yellow every twelve seconds (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark. The buoy should be positioned at the most Southerly extremity of the site.

2015/044/MAR (Foulawick):

The site should be marked by a lit yellow can buoy, flashing group four yellow every twelve seconds (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark. The buoy should be positioned at the midpoint of the site's seaward side.

RSPB was consulted on 5 January 2016. Their comments dated 7 January 2016 can be summarised as follows:

No objections so long as the changes would not result in the carrying capacity of the areas concerned being exceeded.

SEPA Aberdeen was consulted on 5 January 2016. Their comments dated 19 January 2016 can be summarised as follows:

No adverse comments.

SNH was consulted on 5 January 2016. Their comments dated 20 January 2016 and 13 January 2016 can be summarised as follows:

2015/043/MAR (Pinchdyke):

The proposal is not within or close to any sites designated for their biological interest. There are records of horse mussel beds nearby but, as this is an existing site and there will only be a relatively minor change in impacted area, the proposal, in SNH's view, is not likely to have a significant impact on this Priority Marine Feature (PMF).

2015/044/MAR (Foulawick):

The proposal is not within any sites designated for their biological interest and there are no records of PMFs within the immediate vicinity. Therefore content for it to progress without further reference to SNH.

Shetland Amenity Trust was consulted on 5 January 2016. There was no response from this consultee at the time of report preparation.

The Shetland Fishermen's Association was consulted on 5 January 2016. Their comments dated 4 February 2016 can be summarised as follows:

No objections provided the sites are adequately lit and marked for navigational safety.

Shetland Shellfish Management Organisation was consulted on 5 January 2016. Their comments dated 3 February 2016 can be summarised as follows:

No objections provided the sites are adequately lit and marked for navigational safety.

Deltling Community Council Clerk was consulted on 5 January 2016. Their comments dated 29 January 2016 can be summarised as follows:

No objections.

Blueshell Mussels Ltd was consulted in relation to application 2015/043/MAR (Pinchdyke) on 7 January 2016. Their comments dated 7 January 2016 can be summarised as follows:

No objections.

**5. Statutory Advertisements**

The applications were advertised in the Shetland Times on 24.12.2015.

**6. Representations**

None.

**7. Report**

There are policies against which these applications have to be assessed and these are listed at paragraph 2 above. The determining issues to be considered are whether the proposals comply with Council Policy, or if there are any other material considerations which would warrant the setting aside of Council Policy.

Full consultation has been undertaken with all interested parties, including competent and relevant bodies and local communities.

In terms of sensitive species or habitats, horse mussel beds are known to be present in the vicinity of the Pinchdyke site. Horse mussel beds are Priority Marine Features (PMFs) and are sensitive to both smothering from benthic deposits and damage caused by anchors. SNH are however minded that the relatively minor change in impacted area that will be brought about by the Pinchdyke proposal will mean the proposal is not likely to have a significant impact on any PMFs present.

In terms of biological carrying capacity, the application sites are located within the Olnafirth marine waters area. There are currently six consented mussel farms in the Olnafirth carrying capacity area at this time, all of which are operational. If all of the sites were to operate at full consented capacity, the estimated carrying capacity of Olnafirth for farmed mussels could be exceeded by as much as 12.7% according to SIC Marine Planning calculations.

The equipment proposed at the Pinchdyke site is equal to that which it will replace meaning there will be no increase in production biomass and therefore no further impact on carrying capacity. The Foulawick proposal (change from five 100m longlines to seven 220m longlines) however represents a substantial increase in growing equipment meaning the new site will be capable of producing significantly more biomass of mussels than the existing site. To counter this, the applicant (Blueshell Mussels) submitted a letter with the application confirming that the new Foulawick site, along with their other sites in Olnafirth at Quilse and Kurkigarth for which applications for retrospective development are currently being considered, will be operated as multi-year class sites with different year class of mussels held on the sites at any one time (previous production calculations had been based on the sites being operated as single year class sites due to a lack of controlling conditions on the relevant planning consents).

The letter states that at Quilse and Foulawick, a maximum of three longlines will hold market-size (36-month old) mussels at any one time and a maximum of three lines will hold year 2 mussels with any remaining lines holding year 1 juvenile mussels; whilst for the Kurkigarth site it states that where the site is operating at full capacity, no more than two longlines will hold market-size mussels at any one time with the remaining longline holding Year 2 mussels. If this is adhered to, the potential biomass of mussels capable of being produced by the six farms in Olnafirth, as newly consented, would be no greater than that which could be produced under the current planning consents. Condition no. 3 as attached to the Foulawick planning permission, and which will also be attached to the new Quilse and Kurkigarth planning permissions (approval pending), will require the developments to be carried out in accordance with this letter thereby ensuring no additional impact in terms of biological carrying capacity.

The site equipment and layouts as applied for will not give rise to any significant landscape or visual impact.

The western end of the proposed Pinchdyke planning boundary overlaps a crab and lobster fishery as identified in the Shetland Islands' Marine Spatial Plan (SIMSP). The Shetland Fishermen's Association (SFA) and the Shetland Shellfish Management Organisation (SSMO) were consulted on both applications. Both organisations responded to both applications stating they have no objections provided the sites are adequately lit and marked for navigational safety. Furthermore, the

part of the proposed Pinchdyke site that is identified as a creel fishery is already occupied by the existing 110m longlines and the proposed 220m lines, the western end of which overlap the existing 110m lines, will extend eastwards from that area and further away from the identified fishery. I am therefore minded that the seabed at the application sites is not an 'important fishing area' (as defined in Policy MSP FISH1) and that the developments are unlikely to result in any significant adverse effects on inshore fishing or navigational safety.

Both sites are located within a recognised kayaking route, as identified in the SIMSP, which runs along the northern coast of Olnafirth. Both proposals are for replacement developments although the surface area of the proposed developments is significantly larger than the developments they will replace. There will however be nothing to prevent kayaking from taking place to the north or south of the proposed longlines at both sites. Furthermore, with longline spacing proposed at 25m for both sites, it will even be possible for kayaking to occur between the longlines if desired. I am therefore minded that the proposals will not result in any significant impact on kayaking or any other marine recreational activity.

With proposed surface works area values of 17,380m<sup>2</sup> at Pinchdyke and 34,540m<sup>2</sup> at Foulawick, the proposals do not exceed the maximum limit of 50,000m<sup>2</sup> as specified by Policy S4.

In light of all of the above, the applications are deemed to be compliant with Policies AQUACULTURE 4, CST1, G1, G2, S4, S7, MSP HER7, MSP FISH1 and MSP AQ1.

Both applications involve the removal of existing equipment and replacement with new equipment in modified locations. The two application site boundaries are located exactly 500m apart which is the minimum distance required by Policy S1 in respect of separation distance between aquaculture farms. The planning boundary of the Pinchdyke application (ref: 2015/043/MAR) is however located only 370m from an existing consented mussel farm to the west at Wetherstaness (planning permission ref: SFA/ZET/006) and only 350m from the planning boundary of the current Foulawick farm (planning permission ref: 2009/043/VS) to the east, both of those sites being operated by Blueshell Mussels, whilst the planning boundary of the Foulawick application (ref: 2015/044/MAR) is located only 50m from the planning boundary of the current Foulawick farm to the west. Both applications are therefore contrary to Policy S1.

The proposed Foulawick development is to be undertaken at the same time as the longlines at the current Foulawick farm are removed as confirmed in the letter from the applicant referred to above. The letter states that it is not envisaged that growing equipment will be deployed on both sites simultaneously with the establishment of the new site and the complete removal of equipment from the current site likely to take place in a timescale of days rather than weeks. Condition no. 3 as

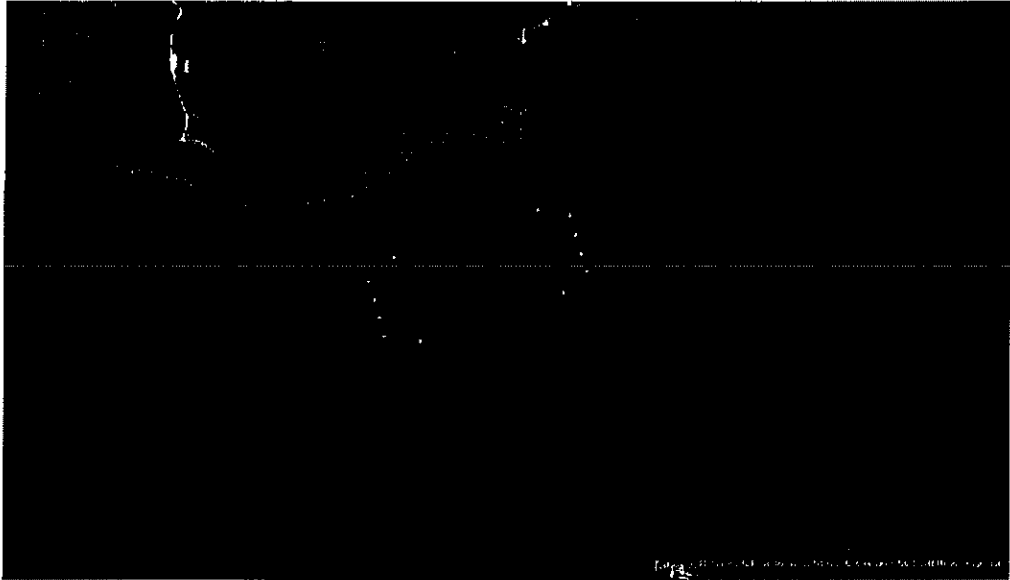
attached to the new Foulawick planning permission will require the development to be carried out in accordance with the letter and once all the equipment at the existing Foulawick farm is removed, the current planning permission for the site (ref: 2009/043/VS) will fall due to the permission having been 'spent'. Once planning permission 2009/043/VS has fallen, the planning boundary of the proposed new Foulawick farm will not be located within 500m of any aquaculture consents. As such, I am minded that application 2015/044/MAR is an acceptable departure from Policy S1.

As the proposed Pinchdyke development is located within 500m of the existing Foulawick planning permission (ref: 2009/043/VS), Blueshell Mussels, as operator and seabed leaseholder of that site, was consulted on the application. Unsurprisingly, given their interest in the proposed development as future site operator, Blueshell Mussels responded to the consultation confirming they have no objections to the Pinchdyke proposal. In any case, as explained above, approval of application 2015/044/MAR will result in planning permission 2009/043/VS falling thereby leaving the planning boundaries of the new Pinchdyke and Foulawick developments being separated by the minimum distance of 500m as required by Policy S1.

The matter of the Pinchdyke application (ref: 2015/043/MAR) being located less than 500m from the Wetherstaness planning permission (ref: SFA/ZET/006) still however needs to be addressed. The western end of the eight 110m twin-headline longlines currently deployed at the application site are already sited less than 500m from the Wetherstaness planning permission given they are sited further to the west than the now fallen planning permissions for the current Pinchdyke site (refs: SFA/ZET/134 and 2009/046/VS). The existing longlines have been in situ for a number of years and although sited less than the minimum 500m recommended by Policy S1 from the Wetherstaness mussel farm, the two developments appear to have coexisted, without adverse incident, over a considerable period of time.

Had this application simply been a proposal to maintain the currently deployed equipment as a means of rectifying a breach of planning control identified during the 2012 monitoring exercise, as has been sought by developers in numerous cases to date, I would have been minded to have granted the application on the basis that continuation of the operation of the mussel farm at its current scale and location would be unlikely to result in an increased risk of marine pollution and/or disease transfer between aquaculture farms (for background information regarding the 2012 monitoring exercise and justification for policy relaxation in relation to applications arising from it, see report of handling for application reference 2014/032/MAR). In this case however, it is proposed to remove the existing longlines and replace them with new longlines, which are equivalent in terms of total headrope length, but in a location which is further to the east and therefore further away from the Wetherstaness mussel farm than the location of the existing longlines (as illustrated in image below). On this

basis, I am satisfied that the proposed Pinchdyke development will pose no greater risk in terms of marine pollution and/or disease transfer between aquaculture farms than the development it will replace and as such, I am minded that application 2015/043/MAR is also an acceptable departure from Policy S1.



**8. Recommendation**

Application Ref: 2015/043/MAR – Pinchdyke

Grant subject to conditions

**Reasons for Council's decision:**

(1.) Aquaculture development at this location has been previously established with the granting of planning permissions for mussel longline development. The application process has demonstrated that continuation of mussel farming operations by means of the alternative development proposed subject to appropriate planning conditions is, on balance, an acceptable use of the site. In particular, condition no. 5 will ensure that the development will not have an unacceptable adverse effect on natural environment interests.

The proposal complies with policy AQUACULTURE 4 of Scotland's National Marine Plan (2015), with policy CST1 of the Shetland Local Development Plan 2014, with policies G1, G2, S4 and S7 of the Shetland Islands Council Interim Policy for Marine Aquaculture (2007) and with policies MSP HER7, MSP FISH1 and MSP AQ1 of Shetland Islands' Marine Spatial Plan Supplementary Guidance (Fourth Edition 2015).

Although contrary to policy S1 of the Shetland Islands Council Interim Policy for Marine Aquaculture (2007) regarding minimum separation distance between aquaculture farms, the mussel farm at its current

scale and location is an established use of the site which appears to have coexisted, without adverse incident, with other aquaculture developments in the Olnafirth area over a considerable period of time. In terms of proximity to existing marine farms that are within the minimum distance of 500m as recommended by policy S1, the proposed replacement development is sited further away from the Wetherstaness mussel farm located to the west than the existing development is whilst the proposed planning boundary will not be located within 500m of the Foulawick mussel farm to the east once development at that site takes place in accordance with related planning permission ref: 2015/044/MAR. Furthermore, no representations have been received from the seabed lease holder of the adjacent farms which are located within the minimum distance recommended by policy S1. Accordingly, such material considerations are deemed to be sufficient to warrant the setting aside of Council Policy in this instance.

**List of approved plans:**

- Admiralty Chart Location Plan  
Stamped Received 17.12.2015
- Site Plan  
Stamped Received 17.12.2015
- Longline Section  
Stamped Received 17.12.2015

**Conditions:**

( 1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

( 2.) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

(a) include the full name and address of the person intending to carry out the development;

(b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;

(c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and

(d) Include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

( 3.) The following navigational marks shall be provided:

The site shall be marked by a 11t yellow can buoy, flashing group four yellow every twelve seconds (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark.

The buoy shall be positioned at the most Southerly extremity of the site.

The buoy shall have a diameter of approximately 1 metre at the waterline with the focal plane of the light some 2 metres above that level. The nominal range of the light shall be 2 nautical miles. The multiplication cross shall measure a minimum of 50cm in length by 7.5cm in width.

The above navigation light must be installed at the same time as the site equipment.

Reason: In the interest of navigational safety and to comply with the guidelines laid down by the Northern Lighthouse Board.

( 4.) All surface floats and buoys, excluding those required to comply with navigational requirements, shall be coloured dark grey, black or blue.

Reason: To minimise the visual impact of the development.

( 5.) Any necessary predator control measures shall be non-lethal and non-destructive in accordance with the guidance provided by Scottish Natural Heritage (see Note to Applicant below for guidance). If anti-predator nets are used, they must be properly installed and maintained to ensure effective and predator-friendly protection. Any changes to permitted anti-predation measures shall be submitted to the Planning Authority for consideration and approval prior to any installation and use.

Reason: In the interest of protecting wildlife within the area and for the avoidance of doubt as to what is being authorised by this permission.



( 6.) In the event of equipment 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 developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment so as to remove the obstruction or danger to navigation.

Reason: In the interest of navigational safety.

( 7.) In the event that the longlines or associated apparatus approved by this planning permission ceases to be in operational use for the growing of mussels for a period exceeding three years, they shall be wholly removed and the site restored to the satisfaction of the Planning Authority within 4 months of being notified, unless agreed otherwise in writing by the Planning Authority. For the avoidance of doubt, under such circumstances the permission so granted will cease.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure that the site does not become a navigational hazard or source of marine litter.

Application Ref: 2015/044/MAR – Foulawick

Grant subject to conditions

**Reasons for Council's decision:**

( 1.) Aquaculture development in this locality has been previously established with the granting of planning permission for mussel longline development. The application process has demonstrated that continuation of mussel farming operations by means of the alternative development proposed subject to appropriate planning conditions is, on balance, an acceptable use of the site. In particular, condition no.'s 3 and 6 will ensure that the development will not have an unacceptable adverse effect on natural environment interests.

The proposal complies with policy AQUACULTURE 4 of Scotland's National Marine Plan (2015), with policy CST1 of the Shetland Local Development Plan 2014, with policies G1, G2, S4 and S7 of the Shetland Islands Council Interim Policy for Marine Aquaculture (2007) and with policies MSP HER7, MSP FISH1 and MSP AQ1 of Shetland Islands' Marine Spatial Plan Supplementary Guidance (Fourth Edition 2015).

Although contrary to policy S1 of the Shetland Islands Council Interim Policy for Marine Aquaculture (2007) regarding minimum separation distance between aquaculture farms, such non-compliance will only be temporary in nature until such time as all equipment currently installed at the existing Foulawick farm (planning permission ref: 2009/043/VS)

is removed as declared by Blueshell Mussels in their letter dated 21.12.2015 and received by the Planning Authority on the same date. Such temporary non-compliance during the transitional phase of the proposed development is not considered sufficient to warrant refusal of the application.

**List of approved plans:**

- Admiralty Chart Location Plan  
Stamped Received 21.12.2015
- Site Plan  
Stamped Received 11.12.2015
- Longline Section  
Stamped Received 11.12.2015
- Blueshell Mussels letter dated 21.12.2015  
Stamped Received 21.12.2015

**Conditions:**

( 1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

( 2.) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

- (a) include the full name and address of the person intending to carry out the development;
- (b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;
- (c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and
- (d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(3.) The development hereby permitted shall be carried out in accordance with the letter from Blueshell Mussels dated 21.12.2015 and received by the Planning Authority on 21.12.2015. Any changes to longline deployment practices shall be submitted to and approved in writing by the Planning Authority prior to being implemented.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure compliance with Shetland Islands Council Interim Policy for Marine Aquaculture 2007, Policies S1 and S7.

(4.) The following navigational marks shall be provided:

The site shall be marked by a lit yellow can buoy, flashing group four yellow every twelve seconds (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark.

The buoy shall be positioned at the midpoint of the site's seaward side.

The buoy shall have a diameter of approximately 1 metre at the waterline with the focal plane of the light some 2 metres above that level. The nominal range of the light shall be 2 nautical miles. The multiplication cross shall measure a minimum of 50cm in length by 7.5cm in width.

The above navigation light must be installed at the same time as the site equipment.

Reason: In the interest of navigational safety and to comply with the guidelines laid down by the Northern Lighthouse Board.

(5.) All surface floats and buoys, excluding those required to comply with navigational requirements, shall be coloured dark grey, black or blue.

Reason: To minimise the visual impact of the development.

(6.) Any necessary predator control measures shall be non-lethal and non-destructive in accordance with the guidance provided by Scottish Natural Heritage (see Note to Applicant below for guidance). If anti-predator nets are used, they must be properly installed and maintained to ensure effective and predator-friendly protection. Any changes to permitted anti-predation measures shall be submitted to the Planning Authority for consideration and approval prior to any installation and use.

Reason: In the interest of protecting wildlife within the area and for the avoidance of doubt as to what is being authorised by this permission.

( 7.) In the event of equipment 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 developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment so as to remove the obstruction or danger to navigation.

Reason: In the interest of navigational safety.

( 8.) In the event that the longlines or associated apparatus approved by this planning permission ceases to be in operational use for the growing of mussels for a period exceeding three years, they shall be wholly removed and the site restored to the satisfaction of the Planning Authority within 4 months of being notified, unless agreed otherwise in writing by the Planning Authority. For the avoidance of doubt, under such circumstances the permission so granted will cease.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure that the site does not become a navigational hazard or source of marine litter.

#### **Notes to Applicant (both permissions):**

##### Commencement of Development

The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

##### Anti-predator netting

It is recommended that you consider the following as guidelines with regard to installation of anti-predator netting:

- Monofilament netting must not be used under any circumstances. Brightly coloured thick mesh should instead be used in order to make the netting visible to diving birds and minimise the risk of entanglement and drowning;
- Only vertical anti-predator netting panels should be used. Horizontal panels must not be used as they increase the potential for entanglement and drowning of diving birds;
- The anti-predator netting must be properly tensioned. Nets that are not properly installed and maintained pose a potential hazard to wildlife, in particular diving birds such as eider ducks may become entangled and drown;
- The anti-predator netting must have a mesh size of 70mm to avoid entangling and drowning diving birds;

- Netting should only be deployed on site between February and April when year one mussels are most vulnerable to predation by eiders. After this time all netting must be removed from the water and stored at a recognised location above Mean High Water Springs;
- The operator should keep records of any animals that are by-caught in the anti-predator netting and submit an annual report to the Council and Scottish Natural Heritage.

### Disease Control

The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 01224 295525; Email: [ms.fishhealth@scotland.gsi.gov.uk](mailto:ms.fishhealth@scotland.gsi.gov.uk)

### Marine Licensing

All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 - Section 34 consent), please visit the Scottish Government's website at <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@Scotland.gsi.gov.uk](mailto:MS.MarineLicensing@Scotland.gsi.gov.uk); or calling 01224 295 579.

### Seabed Lease

Under the terms of the Crown Estate Act 1961, a seabed lease is required for the development hereby permitted. To obtain or update a seabed lease you are advised to contact the Crown Estate as follows: Aquaculture Lease Co-ordinator, The Crown Estate, 6 Bell's Brae, Edinburgh EH4 3BJ. Tel: 0131 260 6070; Email: [Charlene.McPake@thecrownestate.co.uk](mailto:Charlene.McPake@thecrownestate.co.uk)

### Marking outlying anchors

The Northern Lighthouse Board wish to discourage the practice of marking outlying anchor points with buoys (unless specifically requested by local users), and recommend that alternative means to locate anchors are utilised. Allowing loose floating lines around site

equipment is also strongly discouraged as this can cause serious safety implications for other mariners.

Notice of completion of development

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

9. **Further Notifications Required**

None.

10. **Background Information Considered**

None.

Delegated\_Report\_of\_Handling.doc  
Officer: Mr John Rosie  
Date: 15<sup>th</sup> February 2016

**From:** una  
**Sent:** Thu, 4 Feb 2016 09:33:33 +0000  
**To:** Rosie John@Marine Planning  
**Cc:** Leslie Tait; Carole Laignel  
**Subject:** Planning Applications 2015/043/047/048/MAR

Dear John

In concurrence with the SSMO's recent correspondence, I can confirm that the Shetland Fishermen's Association has no objections to the Planning Applications 2015/043/MAR, 2015/047/MAR and 2015/048/MAR provided these sites are adequately lit and marked for navigational safety.

Kind regards

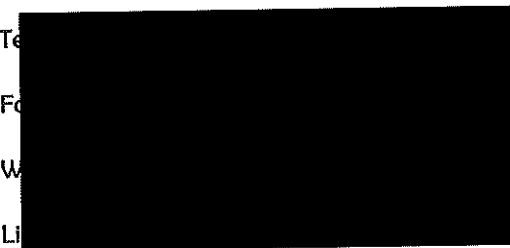
Una



Office/Finance Manager

Shetland Fish Producers' Organisation Limited

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Fo  
W  
Li



Shetland Seafood Centre, Stewart Building, Lerwick, Shetland, ZE1 0LL

**From:**Carole Laignel

**Sent:**Wed, 3 Feb 2016 14:50:44 +0000

**To:** [REDACTED]

**Cc:**una

**Subject:**Planning Applications 2015/043/047/048/MAR

After consultation with our licensed members, I can confirm that we have no objection to the Planning Applications 2015/043/MAR, 2015/047/MAR and 2015/048/MAR provided that the sites are adequately lit and marked for navigational safety.

Regards

Carole Laignel

Inshore Co-ordinator

SSMO

Shetland Seafood Centre

Stewart Building

LERWICK

ZE1 0LL

Tel: [REDACTED]

Fax: [REDACTED]

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**From:** Alison Foyle  
**Sent:** Fri, 29 Jan 2016 09:14:13 +0000  
**To:** Marine Planning@Development Services  
**Subject:** RE: Marine Planning Consultation - 2015/043/MAR

Dear sir or madam,

Delting Community Council held their meeting yesterday and have no objections to make with regards to this planning application.

Yours faithfully,

Alison Foyle

Clerk

Delting Community Council



**From:** Hannah.Chapman@shetland.gov.uk [mailto:Hannah.Chapman@shetland.gov.uk] **On Behalf Of** MarinePlanning@shetland.gov.uk  
**Sent:** 05 January 2016 14:12

**To:**



**Subject:** Marine Planning Consultation - 2015/043/MAR

Dear Sir/Madam

<b>Planning Ref:</b>	2015/043/MAR
<b>Proposed</b>	To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels

<b>Development:</b>	
<b>Applicant:</b>	Olnafirth Sea Farm Ltd
<b>Planning Officer:</b>	John Rosie

Please see our online system for all of our the newest planning applications  
<http://pa.shetland.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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The consultation period is 14 days, but if you have any queries please contact the above officer.

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Phone numbers are:  
John Rosie 74-5681  
Ryan Leask 74-5682  
Martin Holmes 74-4805

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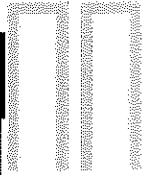
If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid  
Executive Manager  Planning  
Shetland Islands Council  
8 North Ness Business Park  
Lerwick  
ZE1 0LZ

Your Ref: 2015/043/MAR  
Our Ref: SD/OPS/MLF001-16

Iain McDiarmid  
Executive Manager - Planning  
Marine Planning Service  
Shetland Islands Council  
Grantfield  
Lerwick  
Shetland  
ZE1 ONT

11 George Street  
Edinburgh E1 2DA  
Switchboard



22 January 2016

Dear Iain

## **APPLICATION FOR MARINE FISH FARM PLANNING PERMISSION TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

We are in receipt of your email correspondence dated 05 January 2016 regarding **Olnafirth Sea Farm Ltd's** application for alterations/extension to their existing shellfish site Pinchdyke, Olnafirth, Shetland.

We recommended that the site be marked by a lit yellow can buoy, flashing group four yellow every twelve seconds, (FI(4) Y 12s) and fitted with a yellow multiplication cross topmark.

The buoy should be positioned at the most Southerly extremity of the site.

The buoy should have a diameter of approximately 1 metre at the waterline with the focal plane of the light some 2 metres above that level. The nominal range of the light should be 2 nautical miles. The multiplication crosses should measure a minimum of 50cm in length by 7.5cm in width.

Northern Lighthouse Board wish to discourage the practice of marking outlying anchor points with buoys (unless specifically requested by local users), and recommend that alternative means to locate anchors are utilised. Allowing loose floating lines around site equipment is also strongly discouraged as this can cause serious safety implications for other mariner.

If the site does not hold an up to date Marine Licence from the Scottish Government, Northern Lighthouse Board would encourage **Olnafirth Sea Farm Ltd** to rectify this situation. This consent is concerned solely with the safety of navigation and would include the information given above. For further information and application forms please go to the web site link given below.

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine/cpa>

Yours sincerely

Peter Douglas  
Navigation Manager

*For the safety of all*



## Scottish Natural Heritage

All of nature for all of Scotland

Mr John Rosie  
Marine Planning  
Shetland Islands Council  
Grantfield  
Lerwick  
Shetland  
ZE1 0NT

13 January 2016

Our ref: CNS/MFF/SI/AQUA

Dear John

### **Town and Country Planning (Scotland) Acts**

**2015/043/MAR - To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels, Pinchdyke, Olnafirth.**

Thank you for your email of 5<sup>th</sup> January consulting us on the above proposal.

This proposal is not within or close to any sites designated for their biological interest. There are records of horse mussel beds nearby but, as this is an existing site and there will only be a relatively minor change in impacted area, in our view the proposal is **not** likely to have a significant impact on this Priority Marine Feature.

Yours sincerely

Afra Skene

Operations Officer  
Scottish Natural Heritage  
Northern Isles and North Highland  
Lerwick  
Shetland  
[REDACTED]



INVESTOR IN PEOPLE

Scottish Natural Heritage. Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, ZE1 0LL  
[REDACTED]

Our ref: PCS/144500  
Your ref: 2015/043/MAR

Iain McDiarmid  
Shetland Islands Council  
8 North Ness Business Park  
Lerwick  
ZE1 0LZ

If telephoning ask for:  
Jessica Fraser

19 January 2016

By email only to: [marine.planning@shetland.gov.uk](mailto:marine.planning@shetland.gov.uk)

Dear Mr I McDiarmid

**Town and Country Planning (Scotland) Acts  
To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels  
Pinchdyke, Olnafirth**

Thank you for your consultation email which SEPA received on the 5 January 2016.

To assist with streamlining the planning process, we now focus our site specific advice in development management where we can add best value in terms of enabling good development and protecting Scotland's environment. As you will be aware, we have recently revised our planning consultation thresholds. This is set out within our guidance document entitled "Advice for planning authorities on how and when to consult SEPA".

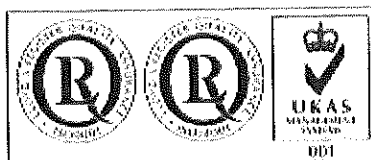
In relation to aquaculture applications it states the following:

"Do not consult us on new or repositioning of feed barges, but otherwise consult us on fin fish applications.

Consult us under the Town & Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment Order 2012 where the Scottish Government PDR Guidance advises consultation with SEPA, currently a) replacing an existing finfish cage or installing an additional cage (Class 21A) and changes are being made to benthic footprint; and b) adding longlines at a shellfish farm (Class 21E), but only if specific advice is required above that provided under our standing advice.

Do not consult us on any shellfish applications."

This consultation is therefore below the threshold where we would provide bespoke advice. However, our standing advice relating to this issue has not yet been finalised and therefore we would refer you to the advice set out below:



Chairman  
David Sisworth

Chief Executive  
Tony McLean

Aberdeen Office



## **1. Shellfish applications**

- 1.1 Shellfish farms are not regulated by SEPA.
- 1.2 Shellfish farms are dependent upon good water quality in order to produce shellfish which meet required food standards set by the Food Standards Agency (Scotland). The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 identifies shellfish water protected areas. The applicant should identify if the proposed site is located within a shellfish water protected area and it would be in their interest to liaise with the Food Standards Agency on whether or not the shellfish water protected area has failed or passed recently.
- 1.3 As part of our regulatory remit we monitor waters against the standards for sewage related bacteria set out in the Regulations to ensure that discharges to the water environment will not adversely impact on shellfish water protected areas. In addition, any new sewerage discharge proposed within, or with the potential to impact upon, a shellfish water protected area has to comply with SEPA's microbiological policy. In view of this, we recommend that any new shellfish farm sites should be located within a shellfish water protected area.
- 1.4 Outwith shellfish water protected areas, we recommend that it is established if there are any Scottish Water assets, trade discharges or other private treatment works in the area. The applicant should be aware that the potential input of coliforms into the water body from treatment works could affect the classification of shellfish grown.
- 1.5 The applicant should also be aware that, regardless of location, land run-off, including that from grazing livestock, has the potential to impact upon water quality and shellfish classification.
- 1.6 We consider that the issue of whether or not shellfish are likely to be marketable to be a commercial risk to the applicant. The above issues should be taken into consideration when assessing the commercial viability of the shellfish farm in the proposed location.
- 1.7 We encourage waste minimisation and reuse/recycling whenever possible. There is a guidance document available "Aquaculture Waste Minimisation Guide" specifically for the aquaculture industry which the applicant may find useful.
- 1.8 In addition to the above, the Planning Authority may wish to consider if there are other active shellfish or fin fish farms in the vicinity.
- 1.9 Scottish Natural Heritage can advise on protection of designated protected areas.

We hope that the above comments are useful to you. However, if you are seeking comment on some site specific issue, which is not adequately addressed within the above advice, we would welcome the opportunity to be re-consulted. The reason for consultation should be clearly indicated in the body of the email or letter.

If you have any queries relating to this letter, please contact me by telephone on [REDACTED] or e-mail at [REDACTED]

Yours sincerely

Jessica Fraser  
Planning Officer, Planning Service

Our ref: FFP-16-001  
Your ref: 2015/043/MAR

18/01/2016

Dear Mr Rosie

**To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels at Pynch Dyke, Olnafirth**

We have reviewed the application submitted and offer the following comment:

**Environmental Impacts**

This application to replace 8 x 110m twin-headed longlines with 4 x 220m twin headed longlines, and no associated increase in stocked mussel biomass, should not result in unacceptable impacts in Olna Firth.

MSS would normally recommend caution if shellfish farming has the potential to filter >50% of the water exchanged by tidal process in a region of restricted exchange such as a Shetland Voe, however from the information available to us, the biomass should be at an acceptable level.

**Shellfish hygiene**

Pinch Dyke, Olnafirth is located within the currently classified shellfish production area of Olna Firth Outer, which is currently classified for mussels as 2015 = Class 'A' Apr to Dec; 2016 = Class 'A' Jan to end Mar. As regards the biotoxin risk, Olna Firth is considered a low risk area, this does not mean that no biotoxins are present, just that there is a low risk of the area being closed for extended time periods for shellfish production due to the presence of toxins over the regulatory limit.

**Aquaculture Animal Health**

**Site Location**

There are currently 3 sites registered with Marine Scotland Science within 1000m of the site to be modified (see map on page 3). Two of these sites, operated by Blueshell Mussels Ltd, are situated ~410m east and ~800m west of the site to be modified and are both active mussel sites. The third site is situated ~920m south east of the site to be modified and is an active Atlantic salmon site, operated by Grieg Seafood Shetland Ltd.

To the knowledge of the FHI, there are currently no sites proposed in the planning system within 1000m of the site to be modified.

*It should be noted that all measurements are taken from the mid point of site coordinates.*

**Authorisation**

Olnafirth Sea Farms Ltd are already authorised to farm at this location. The company should ensure that any changes to operations on site do not contradict the authorisation conditions.

**Summary**

There does not appear to be any negative implications on fish or shellfish health from the proposed modifications, to replace eight 110m longlines with four 220m longlines, at the Pynch Dyke site in Olna Firth, The Shetland Islands. No further information is required.

Notes to applicants:

*The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 01224 295525; Email: [ms.fishhealth@gov.scot](mailto:ms.fishhealth@gov.scot)*

*All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot) or calling 01224 295 579.*

Yours sincerely

Marine Scotland Science

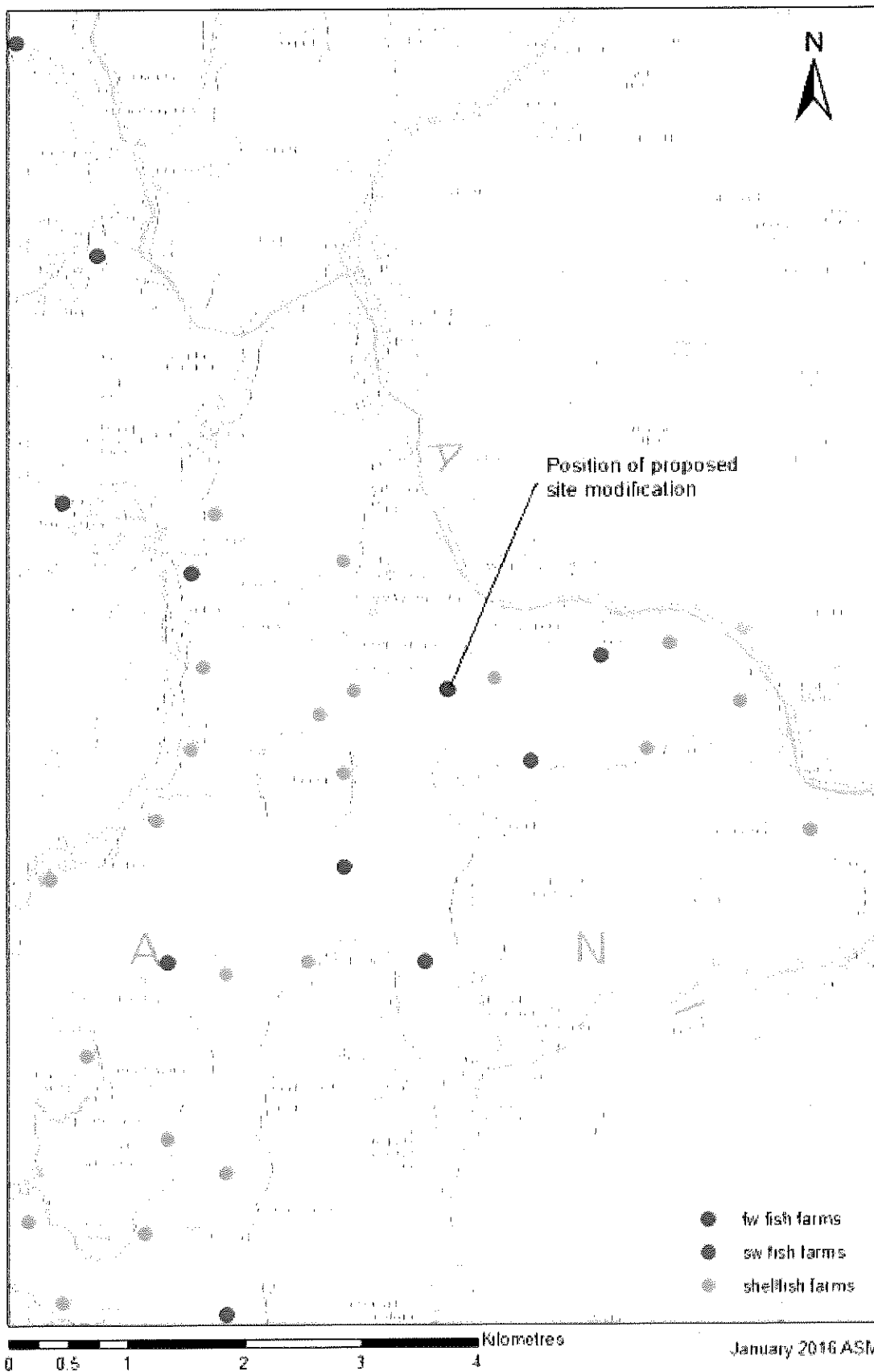
Attached:

Map showing the position of the proposed site modification at Pynch Dyke.





Position of the proposed site modification at Pynch Dyke,  
Olna Firth, The Shetland Islands by Olnafirth Sea Farms Ltd



**From:**Rosie John@Marine Planning  
**Sent:**7 Jan 2016 13:45:54 +0000  
**To:**'Michael Laurenson';Lindsay Laurenson'  
**Subject:**Marine Planning Consultation 2015/043/MAR

Dear Blueshell Mussels Ltd,

**Planning Application Ref: 2015/043/MAR**

**Proposal: To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels**

**Location: Pinchdyke, Olnafirth**

**Applicant: Olnafirth Sea Farm Ltd**

**Planning Officer: Mr John Rosie**

Please see our online system for all of our the newest planning applications  
<http://pa.shetland.gov.uk/online-applications/search.do?action=simple&searchType=Application>

*You have been consulted on this application as the location of the application site breaches the minimum separation distance required by Council policy between the application site and an adjacent site for which you are the seabed leaseholder.*

*The application has come about due to the applicant choosing to resolve identified breaches of planning control through submission of the application in question. This application is as you know linked to your current planning application (ref: 2015/044/MAR) to relocate your Foulawick site and the pre-application dialogue between the Council and the applicant regarding application 2015/043/MAR, which you were party to, is shown below (see email dated 13 November 2015 in particular).*

*If you have any questions about the specifics of the application please do not hesitate to get in touch.*

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Phone numbers are:  
John Rosie 74-5681  
Ryan Leask 74-5682  
Martin Holmes 74-4805

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Iain McDiarmid  
Executive Manager – Planning  
Shetland Islands Council  
8 North Ness Business Park  
Lerwick  
ZE1 0LZ

**From:** Rosie John@Marine Planning  
**Sent:** 16 November 2015 16:07  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Pinch Dyke

Hi Keith,

Lindsay mentioned that this is how you would like to proceed.

Your proposed application for 4 x 220m lines at Pinchdyke hinges on Blueshell's Foulawick site being relocated to the east such there will be at least 500m between the two new sites. Lindsay has today sent through a lease option application to the Crown Estate for the proposed new Foulawick site so hopefully he will get a response from them soon.

Regards,

John

**From:** Christopher Robertson [REDACTED]  
**Sent:** 16 November 2015 11:05  
**To:** Rosie John@Marine Planning  
**Subject:** Re: Pinch Dyke

Hi John

That looks fine

I have spoken with Michael today and he thinks that would be the best option for them as well

If Blueshell is willing you can go ahead with that

Regards Keith.

**From:** [john.rosie@shetland.gov.uk](mailto:john.rosie@shetland.gov.uk)

**Sent:** Friday, November 13, 2015 2:46 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: Pinch Dyke

Gents,

This is quite a complex case with a number of permutations so I'll try to explain myself as clearly as possible.

The currently deployed 8 x 110m lines are well outside of the existing approved 200m x 150m (overall) Pinchdyke planning boundary. If Keith's decision is to apply to keep the existing 8 x 110m lines in their current position, a possible 200m x 150m planning boundary (same size as existing consented planning boundary) is shown in green on the attached screenshot. Separation distance policy would be waived for such a proposal if Blueshell Mussels had no objection to the application (see text in italics in my email below of 11 November). Similarly, separation distance policy could also be waived to increase longline spacing in a southerly direction as this would not further reduce the distance to the two sites that are the subject of the policy breach.

You have however indicated that rather than apply for the 8 x 110m lines, your preference would instead be to apply for 4 x 220m lines in the vicinity of the 8 x 110m lines. With such an application it would be possible for the western end of the 4 x 220m lines to be no closer to the Wetherstaness site than the western extent of the existing deployed 8 x 110m lines (which would be acceptable) but clearly the eastern end of the 220m lines would end up significantly closer to the Foulawick site than if the application was to keep the 8 x 110m lines in their current position. As such, we do not feel we could relax separation distance policy for such a proposal in isolation. However, in response to Lindsay's question highlighted in yellow below, I can confirm that planning permission 2012/008/MAR at Olna North (shown with broken red line on the attached screenshot) has lapsed due to non-commencement of development. If the Foulawick site was to be relocated eastwards as suggested by Lindsay such that any new Foulawick site was at least 500m from any application for 4 x 220m lines at Pinchdyke then there would be an overall benefit (compliance with separation distance in one direction as opposed to non-compliance in both directions) and on this basis we feel approval of 4 x 220m lines at Pinchdyke would be acceptable. We would require the application for the new Foulawick site to be submitted at the same time as the 4 x 220m lines at Pinchdyke so the applications could be considered together. Indicative planning boundaries of possible applications are shown in blue (both polygons measure 300m x 80m). Should you decide to progress with planning applications along these lines I would also offer the following advice:

- Even though planning permission 2012/008/MAR at Olna North has lapsed, it is likely that a Crown Estate seabed lease remains in effect. You may therefore wish to acquire a lease option agreement for any relocated Foulawick site in advance of applying for planning permission.
- Pre-application consultation with SNH is advised on the matter of any horse mussel beds that may be present in the area as this could dictate the location of any planning applications.
- The proposals should not result in a breach of carrying capacity policy.

- The area where any new Foulawick site could go does not fall within any fishing areas in the Shetland Islands' Marine Spatial Plan. However, the local fishing associations will be consulted on any new site application so you may wish to undertake pre-application consultation with those bodies.

*I trust the above information is of use to you, however it should be noted that this is informal advice only which shall not prejudice the consideration of any application which you subsequently make, nor any decision taken by the Planning Authority.*

Best regards,

John

**From:** Lindsay Laursen [REDACTED]  
**Sent:** 12 November 2015 07:09  
**To:** Rosie John@Marine Planning  
**Subject:** FW: Pinch Dyke

Hi John,

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We would have preferred that the 8 x 110m lines could have been made into 4 x 220m lines which would keep site about the same distance from the shore.

Is there any scope to move our Foulawick site further in, now that the salmon site has been away for a bit at the same time?

Cheers,

Lindsay

**From:**Lindsay Laurenson  
**Sent:**Thu, 7 Jan 2016 13:52:46 +0000  
**To:**Rosie John@Marine Planning;Michael Laurenson  
**Cc:**Michael Laurenson  
**Subject:**RE: Marine Planning Consultation 2015/043/MAR

Hi John,

We are happy with this and will not be making any objections with regards to this.

Thanks,

Lindsay

**From:** john.rosie@shetland.gov.uk [mailto:john.rosie@shetland.gov.uk]  
**Sent:** 07 January 2016 13:46  
**To:** Michael Laurenson; Lindsay Laurenson  
**Subject:** Marine Planning Consultation 2015/043/MAR

Dear Blueshell Mussels Ltd,

**Planning Application Ref: 2015/043/MAR**

**Proposal: To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels**

**Location: Pinchdyke, Olnafirth**

**Applicant: Olnafirth Sea Farm Ltd**



**Planning Officer: Mr John Rosie**

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Cheers,

Lindsay

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For more information please visit <http://www.symanteccloud.com>

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07 January 2016

John Rosie  
**Development Services**  
**Shetland Islands Council**  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ



Dear John

**Planning Application Ref: 2015/043/MAR**  
**Proposal: To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels, Pinchdyke, Olnafirth**  
**Applicant: C Keith Robertson**

Thank you for consulting us about this application. We have no objection to the above development, so long as these changes would not result in the carrying capacity of the areas concerned being exceeded. We should like to make the following comments:

### 1. Introduction

- 1.1 The RSPB is a registered charity incorporated by Royal Charter. Its principal objective is the conservation of wild birds and their habitats. It is the largest voluntary nature conservation organisation in Europe with a membership of over 1,010,000, of which 70,000 are in Scotland, and manages 93,000 ha of nature reserves in the UK.
- 1.2 Mussels are one of the main foods of the eider duck (dunter). This area can hold significant numbers of eiders.

RSPB Scotland  
Shetland Office  
Sumburgh Head Lighthouse  
Vikie  
Shetland



The RSPB is part of BirdLife International  
a partnership of conservation organisations  
working to give nature a home around the world


- 1.3. The Shetland population of the eider is isolated from those in the rest of Britain. Since 1977, the Shetland eider population has declined by about 65% to a current population of about 5,700 individuals.
- 1.4. Eiders are fully protected under the Wildlife and Countryside Act 1981 and Nature Conservation (Scotland) Act 2004

## **2. Recommendations**

- 2.1. **This Society recommends that no lethal methods (including shooting and the use of anti-predator nets, deployed in such a way that eiders may become entangled) of reducing eider predation of mussels should be used at this or any other mussel farm in Shetland.**
- 2.2. **The developer should consider the use of properly installed anti-predator nets. Any anti-predator nets should comply with the following guidelines:**
  1. **The anti-predator netting should hang vertically in the water and must be properly tensioned. Nets that are not properly installed and maintained and horizontal nets pose a potential hazard to wildlife; in particular diving birds such as eiders may become entangled and drown.**
  2. **The anti-predator netting must have a mesh size of 70mm to avoid entangling and drowning diving birds.**
  3. **Brightly coloured, thick mesh netting (as opposed to monofilament netting) should be used in order to make the netting visible to diving birds and minimise the risk of entanglement and drowning.**

The operator should keep records of any animals that are by-caught in the anti-predator netting and submit an annual report on this to SIC and SNH. I hope you find these comments helpful. I will pass this letter on to the developer and I should be grateful if you would let me know the outcome of this application.

Yours sincerely

  
Jenny Sutherland  
Casework Administrator

cc C. Keith Robertson, Olnafirth Seafam Ltd

# PUBLIC NOTICES

**SHETLAND ISLANDS COUNCIL**  
The Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations 2011  
Notice under Regulation 18

Notice is hereby given that an Environmental Statement has been submitted to the Shetland Islands Council by Froeligh (Shetland) Ltd relating to the planning application referenced 2015/425/MAR in respect of the development to install three wind turbines 67m high with associated works, including renovation of existing building to be used as control room. A copy of the Environmental Statement and the associated planning application and other documents submitted with the application, may be inspected during normal office hours in the register of planning applications kept by the planning authority for the area at:

Shetland Islands Council, Planning Services, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ or:

A copy of the Environmental Statement and other documents submitted with the associated planning application may also be inspected at:

Froeligh (Shetland) Ltd Office, Lytjastan, Cunningsburgh, Shetland, ZE2 9HB 9am-5pm, Monday to Friday, and evenings and weekends by appointment by telephoning either 01595 477384 or 07835 444395.

Copies of the Environmental Statement may be purchased from Froeligh (Shetland) Ltd, Lytjastan, Cunningsburgh, ZE2 9HB - info@froeligh.shetland.co.uk at a cost of £200 for a hard copy and £10 + VAT for an electronic version on CD. The Non Technical Summary is available free of cost.

Any person who wishes to make representations to Shetland Islands Council about the planning application and Environmental Statement should make them in writing within 28 days of the date of this Notice to the Council at:

**PLANNING SERVICES,**  
Development Management  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

The possible decisions relating to the planning application are:

- Grant planning permission without conditions
- Grant planning permission with conditions
- Refuse permission

Date: 28th December, 2015.

## LERWICK PORT AUTHORITY

New harbour charges will come into effect from 1st January 2016

Details of the new charges are available to download from:

[www.lerwick-harbour.co.uk/port-information/charges](http://www.lerwick-harbour.co.uk/port-information/charges)

Hard copies of the booklet are available on request from our reception.

Lerwick Port Authority,  
Albert Building, Lerwick,  
Tel. +44 (0)1595 692991

## Shetland Football Association E.G.M.

Extraordinary General Meeting to be held in the Shetland Community Centre on Tuesday, 11th January at 6.00pm prompt. Attendance of all members and all interested parties is requested.

- AGENDA:**
- 1 Present
  - 2 Apologies
  - 3 1st AGM Minutes
  - 4 Matters arising
  - 5 Adoption of Minutes
  - 6 2015 Treasurer's Report
  - 7 2016 membership
  - 8 Election of Officers Bears:

- a) President
- b) Vice President
- c) Secretary
- d) Treasurer
- e) Independent Members (maximum of six)

In the event of failure at points 8 above, dissolution of the Shetland Football Association

Irvin Burgess  
Temporary Chairman

## FIRST REGISTRATION OF A CROFT

Mrs Heather Lumsden has registered the croft, 4 Dikke End, Burna on the Crofting Register held by the Registers of Scotland.

Any person who wishes to challenge the registration may apply to the Scottish Land Court by 26/02/2016. Details of the registration can be found at [www.crofts.gov.uk/register/home](http://www.crofts.gov.uk/register/home). The croft registration number is C2038.

## FIRST REGISTRATION OF A CROFT

Dr Stephen Mulvey has registered the croft, Middleton, Sandwick, Shetland, on the Crofting Register held by the Registers of Scotland.

Any person who wishes to challenge the registration may apply to the Scottish Land Court by 3rd August, 2016. Details of the registration can be found at [www.crofts.gov.uk/register/home](http://www.crofts.gov.uk/register/home). The croft registration number is C1906.

### Shetland Islands Council

These applications, associated plans and documents can be examined, 9.00am-5.00pm, Mon-Fri, at: Shetland Islands Council, Development Services Department, 8 North Ness Business Park, Lerwick, ZE1 0LZ. Please call 744293 to make an appointment if you wish to discuss any application. Applications, associated plans and documents can also be viewed on the Council website at [www.shetland.gov.uk](http://www.shetland.gov.uk).

**Town and County Planning (Development Management Procedure) (Scotland) Regulations 2013**  
Format: Ref No; Proposal & Address

2015/421/PPF; To erect steel framed building 8m X 8m, Broodleslab, Sandwick, Shetland, ZE2 9HH.

2016/423/PPF; Renewal of Existing Building, Four Winds, Akhador, Cunningsburgh, Shetland, ZE2 0HG.

2015/043/MAR; To remove eight 110m twin-headline longlines and replace with four 220m twin-headline longlines for production of mussels, Finchoyke, Olnafirth.

2015/044/MAR; To develop a new mussel farm comprising seven 220m twin-headline longlines (to replace an existing farm), Foulawick, Olnafirth.

2015/045/MAR; To deploy seven 220m twin-headline longlines for production of mussels at the location of an existing consented mussel farm (retrospective), Oulise, Olnafirth.

2015/046/MAR; To deploy three 220m twin-headline longlines for production of mussels at the location of an existing consented mussel farm (retrospective), Kulkgarth, Olnafirth.

2015/047/MAR; To remove existing longlines and replace with six 220m twin-headline longlines for production of mussels, Camb, Mid Yell Voe.

2015/048/MAR; To develop a new mussel farm comprising six 220m twin-headline longlines (to replace an existing farm), West of Hovdagarth, Mid Yell Voe.

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email: [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk) by 6th January, 2016.

## ANNUAL SUBSCRIPTIONS

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**SHETLAND ISLANDS COUNCIL**  
The Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations 2011  
Notice under Regulation 26(1)(b)  
Planning Application Ref: 2016/035/MAR

Development: To remove eight 80m-twin-headline cages and replace with sixteen 100m-twin-headline cages (two groups of 2x4 cages) to be used for on-growing of Atlantic salmon and retention of 10m-diameter feed bags in an amended location, The Fleabins, North Fella, Shetland.

Notice is hereby given that having considered the above planning applications and associated Environmental Statements, Shetland Islands Council has granted planning permission for the above developments under its approved scheme of delegation. A statement containing the reasons and considerations on which the decisions are based is available for public inspection at the Shetland Islands Council, Development Services Department, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ during normal office hours.

JAIN MCDIARMID,  
Executive Manager - Planning,  
24th December, 2015.

**CROFTING COMMISSION**  
COMISEAN NA CHROITEARACHID  
DECROFTING APPLICATIONS

M G Smith  
Ellistor, Sandwick  
0.251ha - Existing house site  
4.88 61628

Mrs V Smith  
Cousier, Lerwick  
0.190ha - Amenity Ground  
4.88 62243

Comments can be made to the Crofting Commission by any member of the crofting community within the locality of the land, within 28 days of the date of this newspaper.

Crofting Commission, Graal Glen House, Leachkin Road, Inverness IV3 6RW or info@crofting.scotland.gov.uk

**FIRST REGISTRATION OF A CROFT**

Mrs Lynn Anabelle Marie Wilson has registered the croft, Stornoway, Braka, Westray on the Crofting Register held by the Registers of Scotland.

Any person who wishes to challenge the registration may apply to the Scottish Land Court by 1st September, 2016. Details of the registration can be found at [www.crofts.gov.uk/register/home](http://www.crofts.gov.uk/register/home). The croft registration number is C2048.

**SHETLAND RIDING CENTRE**  
AGM  
Wednesday 13th January, 2016, 7pm, Sovereign Bar, Oldman Centre, All welcome.

# ENTERTAINMENTS

**MAREEL FILM TIMES**  
SAT 26 - THU 31 DECEMBER

Shetland arts presents

# CINEMA

**SNOOPY & CHARLIE BROWN: A PEANUTS MOVIE (U)**  
1h53  
Sat 14:30  
Sun 10:45 13:00 15:15  
Mon 11:00 13:15 15:30  
Tue 11:00 13:30 15:00  
Wed 11:00 13:30 15:45  
Thu 11:00 13:30 15:45

**COMFORT AND JOY (PG)**  
2h06  
Sun 20:30

**BROOKLYN (12A)**  
2h12  
Sun 17:30  
Mon 21:00  
Tue 19:00  
Thu 18:00

**STAR WARS: THE FORCE AWAKENS 3D (12A)**  
2h40  
Sat 14:00  
Sun 10:30 17:00  
Mon 13:45 20:30  
Tue 10:30 17:00  
Wed 13:45 20:30  
Thu 10:30 17:00

**SUFFRAGETTE (12A)**  
2h06  
Sat 17:00  
Wed 19:00  
Thu 20:45

**STAR WARS: THE FORCE AWAKENS 2D (12A)**  
2h40  
Sat 17:15  
Sun 13:45 20:15  
Mon 10:30 17:15  
18:00 (Subtitled)  
Tue 13:45 20:15  
Wed 10:30 17:15  
Thu 13:45 20:15

AN EVENING OF CELEBRATIONS TO BRING IN THE NEW YEAR @ MAREEL CAFE BAR!  
OPEN MID \$10 MIXOLOGY DJs

Shetland BOX @ MAREEL & ISLESBURGH COMMUNITY CENTRE  
OFFICE T: 01595 745555 • [www.shetlandboxoffice.org](http://www.shetlandboxoffice.org)

**Ness Boating Club**  
**CHRISTMAS PARTY**  
Tuesday 29th December  
7.00pm for 7.30pm  
2-course buffet & Christmas Draw  
Music by The Experience  
Members £17 Non-Members £20

Tickets on sale up until the 26th of December  
Please contact Cidna or Berek on 01595 460016 to book your place!

**Ness Boating Club**  
**BOXING NIGHT DISCO**  
(in Brach Head Bar)  
Saturday 26th December  
Bar open from 7.00pm  
Disco from 9.30pm  
£5 entry  
Southend FC fundraiser  
Strictly over 18s only  
proof of age required  
MEMBERS & GUESTS WELCOME

**Bridge-End Outdoor Centre**  
**FISH & CHIP NIGHT**  
Tuesday 29th December  
4.30pm-7.30pm

**Ness Boating Club**  
**2nd of January Celebrations**  
Saturday 2nd January, 2016  
Bar open from 7.00pm  
DJ Lyall from 9.00pm  
Dance the night away with a night of awesome music by the one and only DJ LYALL  
Members £5 Non-Members £7  
Strictly over 18's only  
Tickets available from:  
**Leah Colyer**  
on 07955 307286  
or e-mail  
[leah\\_colyer@yahoo.co.uk](mailto:leah_colyer@yahoo.co.uk)

**MID BRAE INN**  
01806 526634

**Christmas Eve BUBBLEROCK DISCO 9.30pm - 12.45am**

**Sunday 29th December BUBBLEROCK DISCO 9.30pm - 12.45am**

**New Year's Eve BUBBLEROCK DISCO 9.30pm - 12.45am**

**Sunday, 3rd January BUBBLEROCK DISCO 9.30pm - 12.45am**

Diane and all the staff at MBI would like to wish all our friends and family a Very Merry Christmas and a spree-filled New Year.

**The Althing Goes on the road!**  
Stanley Hill Hall, Lerwick  
Saturday, 10th January  
7.30pm  
Debate 'The Charitable Trust cuts are not charitable'  
For Ian Tinkler and John Adamson  
Against Jonathan Wills and Terrie Smith

**WATCHNIGHT CANDLE SERVICE**  
Christmas Eve  
Walkway Church of Scotland  
at 11.30pm  
COME & JOIN US

# The Shetland Times

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Shetland, ZE1 0PX.

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