

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:

MHWS	Mean High Water Springs
MS-LOT	Marine Scotland – Licensing Operations Team
WGS84	World Geodetic System 1984

Explanatory Notes

The following numbered paragraphs correspond to the questions on the application form and are intended to assist in completing the form. These explanatory notes are specific to this application and so you are advised to read these in conjunction with the Marine Scotland Guidance for Marine Licence Applicants document.

1. Applicant Details

The person making the application who will be named as the licensee.

2. Agent Details

Any person acting under contract (or other agreement) on behalf of any party listed as the applicant and having responsibility for the control, management or physical deposit or removal of any substance(s) or object(s).

3. Payment

Indicate payment method. Cheques must be made payable to: The Scottish Government.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

4. Application Type

Indicate if the application is for a new marine farm site or an existing marine farm site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Marine Farm Details

- (a) Indicate the type of marine farm, either finfish or shellfish.
- (b) Indicate the deposits of marine farm component parts/equipment as a number (e.g 4 ring cages). Provide details of any component parts/equipment not included in the list and specify the quantity as a number.
- (c) If applicable, indicate the removals of marine farm component parts/equipment as a number (e.g 4 ring cages). Provide details of any component parts/equipment not included in the list and specify the quantity as a number.
- (d) Provide the proposed start date for installation of the marine farm. The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for 6 years. **Target duration for determination of a marine licence application is 14 weeks.**
- (e) Provide the cost of the works seawards of the tidal limit of MHWS. This estimate should only cover work taking place below the tidal level of MHWS and must take into consideration the cost of materials, labour fees etc.
- (f) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the moorings area and for each of the component parts of the marine farm, including sub-surface equipment. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84.

Example: For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55°55'44"N 2°22'11"W (WGS84).

It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

To supplement your application, please provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

- the full extent of the works in relation to the surrounding area;
- latitude and longitude co-ordinates defining the location of the works;
- the level of MHWS;

Drawings and plans will be consulted upon. If they are subject to copyright, **it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.**

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

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

6. Planning Permission

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

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

7. Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, Marine Scotland have considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. A copy of Scotland's National Marine Plan can be found at: <http://www.gov.scot/Publications/2015/03/6517/0>

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made including reference to the policies that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

8. Consultation (other than carried out under pre-application consultation)

Provide details of all bodies consulted and give details of any consents issued including date of issue.

9. Associated Works

Indicate whether the application is associated with any other marine projects (e.g. pontoon, moorings etc). If this is the case, provide reference/licence number for the related marine projects.

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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 01.09.2020

Name in BLOCK LETTERS

ALISDAIR H. CUNNINGHAM

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: **A.H.** Surname: **Cunningham**

Trading Title (if appropriate): **Seaforth Mussels Ltd**

Address: **Limepark, Ardinashaig, Isle of Scalpay, Harris, HS4 3XZ**

Name of contact (if different):

Telephone No. (inc. dialing code): **01859 540264**

Email: **alisdair.h@hotmail.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

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	0	
Square pens	0	
Longlines	4	4 X 200m
Feed barges	0	
Feedpipes (to shore)	0	
Grid moorings	1	see co-ordinates listed below
Boat moorings	0	
Rafts	0	
Pontoons	0	
Marked Buoys	0	
Other (please specify)	0	

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

Component Parts/Equipment	Quantity	Dimensions (metres)
Ring cages	0	
Square pens	0	
Longlines	0	
Feed barges	0	
Feedpipes (to shore)	0	
Grid moorings	0	
Boat moorings	0	
Rafts	0	
Pontoons	0	
Marked Buoys	0	
Other (please specify)	0	

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

20 October . 2020

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

£ 14,000

(f) Location:

East Loch Tarbert

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

Due to clearly visible moorings, which mark the boundaries of each of our three sites, and the fact that all local fishermen and fishing operations who work anywhere near these sites have been informed of our mussel lines, we believe that we've done everything possible to minimize and, hopefully, mitigate any potential negative impact on navigation.

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:

NB: We have planning permission granted through the Crown Estate, and they have this information. The relevant reference numbers are: 99/00299/MAR (Loch Seaforth) and 99/00300/MAR (East Loch Tarbert, and Sound of Scalpay)

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:

Consulted with Western Isles Council, Crown Estate Commissioners, and Marine Scotland as part of the pre-application process. With regard to the National Marine Plan, we consider that our entire operation is in accordance with the General Policies (which we treat wholly as planning policy) stated therein. For example, mussel farming works with a truly sustainable product and contributes towards the development of a sustainable economy (4.1 & 4.2). The mussels we supply the market with, would not exist without the methods we employ. Left to their own devices, mussel spat would dissipate and not survive to maturity. It is only through the good governance of the sea and inland waters of Loch Seaforth, the Sound of Scalpay and East Loch Tarbert that this product survives year after year to create an environmentally sustainable community-based business.

Sustainable aquaculture provides economic benefits for both community and national levels, delivering economic growth and employment which, in turn, positively affects local population levels (4.7 & 4.9). Job creation benefits apply to a wide demographic, including gender and sexuality, as well as some physical and mental conditions, thus offering opportunities to a much broader group.

I believe that my business plays its part in local regeneration, helping to retain population and families (4.10).

In terms of environmental impact (4.18), moving to a more capable work boat (as we're about to do in 2020), will be more fuel efficient and lessen our carbon footprint and CO2 emissions. A newer work boat would cut down times per task, and give us the ability to harvest more mussels per day, rising from the present 2-4 tonnes, to 10 tonnes.

We're also very much conscious of the visual impact (GEN 7) our operation has on the tourism experience, and makes sure that all of our floats, ropes and visible equipment kept in the water is black and blends into the natural environment. Moreover, we have a zero tolerance and a zero output of marine litter (GEN 11), especially with regard to plastic and other non-degradable materials.

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

8. Consultation

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

Crown Estates
Western Isles Council
Marine Scotland

9. Associated Works

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