

marine scotland

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Alexander Q Cross  
Vementry Aquaculture  
15 Windsor Street  
Edinburgh  
EH7 5LA

18 December 2012

Dear Sir or Madam

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

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

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

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

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

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

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

Please also note the following:

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

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

Yours faithfully

**Bridget Kelly**  
Aquaculture Planning Officer

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<sup>1</sup> Relevant equipment is equipment referred to in section 26AA(1)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended by section 4 of the Planning etc. (Scotland) Act 2006). This means equipment which is placed or assembled in the water-

(i) before 1<sup>st</sup> April 2007; or

(ii) after 31<sup>st</sup> March 2007 and before 1<sup>st</sup> April 2010 if done under a Crown Estate consent or a works licence.

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

<b>Site Name</b>	<b>MSS Ref</b>	<b>Crown Estate Lease</b>	<b>Equipment Stated on Crown Estate Lease</b>
Holms of Uyeasound	SS0808	2010/004/TS	10 no. 150m double-headrope longlines. MU
Uyeasound, Vementry	SS0715	2010/003/TS	10 no. 150m double-headrope longlines. MU.





Ref No: 2010/004/TS

## **SHETLAND ISLANDS COUNCIL**

### **Zetland County Council Act 1974**

#### **Section 11**

#### **SHELLFISH**

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

**Applicant:** Vementry Aquaculture  
8/1 Buckingham Terrace  
Edinburgh  
EH4 3AA

**Proposal:** Transfer of mussel Works Licence 2006/027/VF at Holms of Uyeasound, Vementry from Vementry Salmon to Vementry Aquaculture

**Effective Date:** 27 June 2003

**Expiry Date:** 27 June 2015

#### **Site Specific Conditions:**

1. The Works Licence hereby approved shall relate to works within the following licensed area as detailed on the Admiralty Chart received by the Council on 13 April 2006:

Mid Axis Point: 60° 19.789' N -1° 26.239' W (WGS84 Projection)

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

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



2. The Works Licence hereby approved shall relate to the longline culture of mussels on a site seabed of no more than 13500 square metres. A maximum of ten 150m double-headrope longlines shall be permitted at any one time.

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

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

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

Reason: In the interest of visual amenity and to minimise the impact of the development on the wider landscape setting.

4. 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 Licensee 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 Council 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 Works Licence.

5. The following navigational marks shall be provided:

- The extreme East corner of the site shall be marked with a yellow conical shaped lightbuoy with light characteristic *flash one every five seconds (Fl Y 5s)*. The lightbuoy shall have a diameter of 1 metre at the waterline and shall be fitted with a yellow multiplication cross topmark. The visible range of the light shall be 2 nautical miles and the focal plane of the light shall be 2 metres above the waterline. The multiplication cross shall measure a minimum of 75cm in length by 15cm in width;
- All buoys used to mark the extremities of the site shall be of high visibility.

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



## **Note to Licensee**

### **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:**

In accordance with The Registration of Fish Farming and Shellfish Farming Businesses Order 1985, all fish farming businesses are required to register with Marine Scotland for disease control purposes. The Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory is responsible for maintaining the Fish and Shellfish Business Register. To register, you are advised to contact the FHI as follows: Marine Scotland Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 01224 876544; Email: [enquiries@marlab.ac.uk](mailto:enquiries@marlab.ac.uk)



### **Safety of Navigation:**

Under Section 34 of the Coast Protection Act 1949, prior written consent from the Scottish Ministers is required for development which may constitute an obstruction or danger to navigation. To ensure compliance, you are advised to contact the Scottish Government as follows: Scottish Government Transport Directorate, Ports & Harbours Branch, Area 2G Dockside, Victoria Quay, Edinburgh, EH6 6QQ. Tel: 0131 244 7273; Email: [gordon.hastie@scotland.gsi.gov.uk](mailto:gordon.hastie@scotland.gsi.gov.uk)

### **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: Offshore Operations Manager (Scotland), The Crown Estate, 6 Bell's Brae, Edinburgh EH4 3BJ. Tel: 0131 260 6070; Email: [alex.adrian@thecrownestate.co.uk](mailto:alex.adrian@thecrownestate.co.uk)

19 February 2010

  
Head of Planning

Shetland Islands Council, C/o Marine Management Department, NAFC  
Marine Centre, Port Arthur, Scalloway, Shetland, ZE1 0UN



## **SHETLAND ISLANDS COUNCIL**

### **Zetland County Council Act 1974**

#### **Works Licence Schedule - Standard Terms and Conditions**

1. The Works Licence (and all rights in connection with the Licence) shall be forfeit if:
  - the works are not commenced within three years from the Effective Date; or
  - the works are not used, or the operations connected cease, for a continuous period of three years; or
  - the Licensee is in breach of any of the terms, provisions and conditions of the Licence or fails to comply with any directions thereunder.

2. Works Licences for marine fish farms will only be granted for twelve years unless a temporary consent only is granted.

3. The Council will review the Licence on application by the Licensee either:

- on or prior to the Expiry Date  
or
- at the earlier request of the Licensee following written application.

Following any review, the Council may either:

- grant an extension to the time limit of a temporary Licence; or
- renew the Licence but vary or add to the conditions granted in the original Licence; or
- refuse to renew the Licence.

4. The works shall be operated in compliance with the Council's terms and conditions and such codes of practice as the Council may, from time to time, adopt. Licensees must comply with all relevant statutory controls currently in force or which come into force during the period in which their works licence remains valid. A failure to comply with any relevant statutory control, or a breach of any condition of the works licence which is brought to the Council's attention will be investigated and may, if the circumstances warrant it and the Council consider it expedient to do so, result in the works licence being revoked.



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



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

004workslicence



DATED: 19/02/10  
 SIGNED: [REDACTED]  
 HEAD OF PLANNING

7-DATED: 19/02/10

**SIGNED:**

HEAD OF PLANNING

SITE

**Public-Test**

ATTACHED LICENCE

DATED: 08 JUN 2006

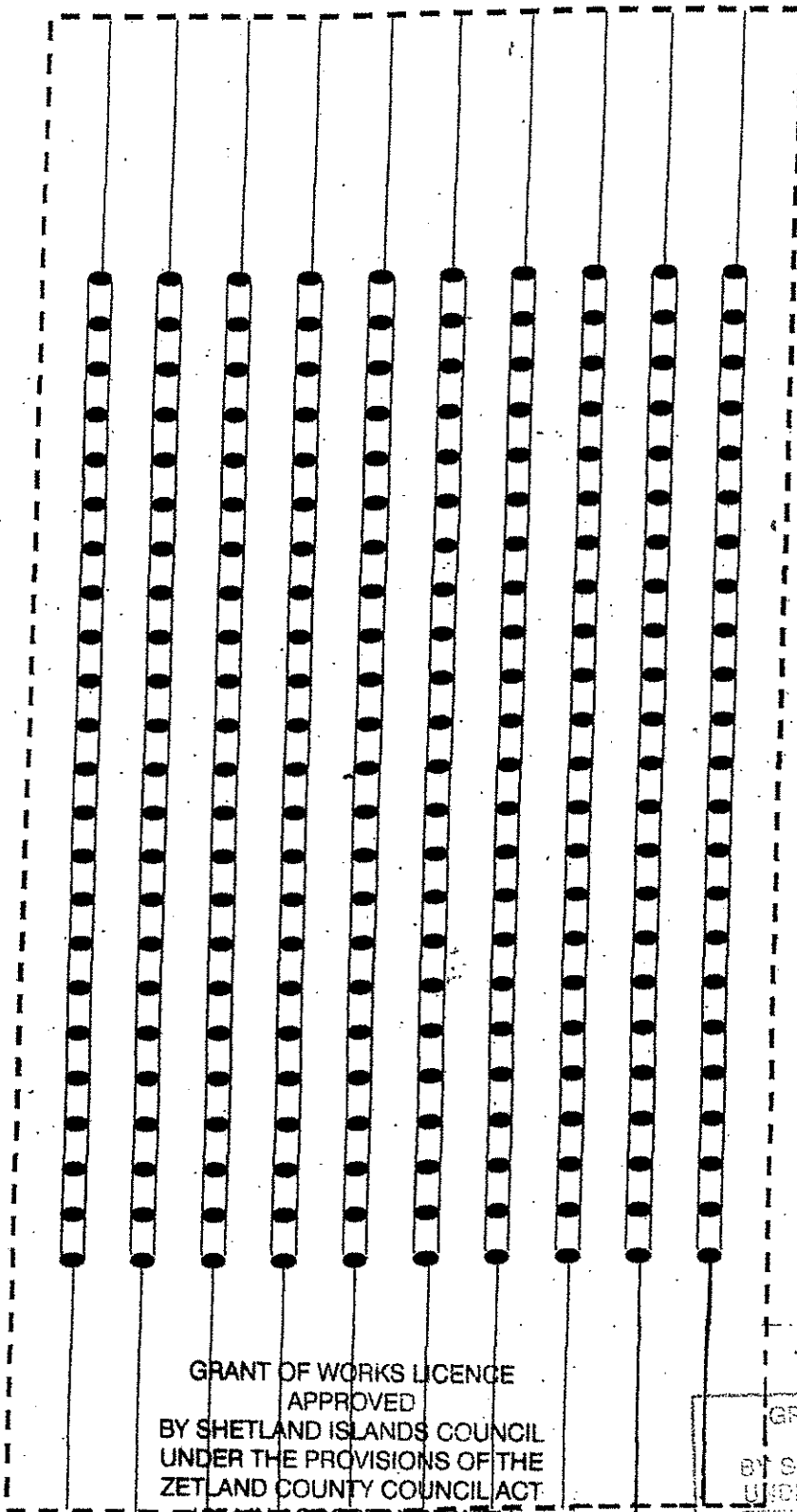
SIGNED:

COASTAL ZONE MANAGER

# SITE PLAN

HOLMS OF UYEASOUND MUSSEL SITE - UMENTRY SALMON

100m



225m

N

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

DATED: 19/02/10

SIGNED: [REDACTED]

HEAD OF PLANNING

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

DATED: 08 JUN 2006

SIGNED: [REDACTED]

COASTAL ZONE MANAGER

Scale 1:1000



Yementry Aquaculture - Helms of Uyrasound Outline Projections

Financial Resources/ Record :

Both partners have cash and other employment income and the business has zero debt and a stock of mussels growing  
Alexander Cross has been a Crown tenant for 15 years and has not missed or delayed any rental payments, nor has the partnership since formation

Accounting Year	Forecast no of lines Harvested	Forecast Tonnage per line	Estimated Price per tonne £	Pound per tonne	Lines at Start of Pt lines Old pa	Lines to pa	No of New Lines	NEW LINE TOTAL COST £	No of Recombination	Recombination Line Total Co Accounting Cost £ pa	Operating Expenses Equipment, Boat £ pa	Insurance - Crown Rent £ pa	TOTAL £ pa	TOTAL £/51	TOTAL ANNUAL COST	INCOME LESS COST
2015-16	3	18	550	29700	7	3	3	9540.30	1	8000	800	2000	800	4000	21540.30	8159.70
2016-17	3	18	550	29700	7	3	2	0.00	2	8000	800	2000	800	4000	13000.00	17700.00
2017-18	3	18	550	29700	6	3	0	0.00	0	0	800	2000	800	4000	4000.00	25700.00
2018-19	2	18	550	19800	3	2	0	0.00	0	0	800	2000	800	4000	4000.00	15800.00
TOTAL														9022.41 per annum profit		

07359.70

### Vementry Aquaculture – Decommissioning

The site will be fully decommissioned at the end of the lease via removal of all surface materials and anchors by Vementry Aquaculture. These are easily moveable and temporary in nature.

The neighbouring farm at Vementry is owned by Alexander Cross and has ample storage facilities. It is also to be noted that these items have commercial value and they will be sold if no longer required.

to / 9 / 16