



SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts

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

Mr Christopher Thomason
C&A Thomason
Cullivoe Harbour Industrial Site
Cullivoe
Yell
Shetland
ZE2 9DD

Reference Number: 2020/002/MAR

Development: To deploy 14 x 240m twin-headline longlines at the location of an existing consented mussel farm (retrospective) and to deploy an additional 4 x 240m twin-headline mussel longlines (proposed)

Location: East Of Colvister, Basta Voe, Shetland

Details of Approved Plans and Drawings:

- Location Plan 002/MAR 01 Stamped Received 16.01.2020
- Site & Section Plan 002/MAR 02 Stamped Received 16.01.2020

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**

<Redacted>

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.

Reasons for Council's decision:

(1) The proposed development is considered to be in accordance with the majority of the relevant policies of the Shetland Local Development Plan 2014, and there are no material considerations which outweigh the proposals accordance with those Development Plan policies.

Although contrary to policies G2 and S1 of Shetland Islands Council Supplementary Guidance - Aquaculture (2017) 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 the nearby North Ayre mussel farm over a considerable period of time. Furthermore, the addition of another four longlines at the site, as proposed, is not expected to give rise to any significant increased risk of marine pollution and/or disease transfer issues. As such, the granting of this application is considered to be an acceptable departure from policies G2 and S1.

The proposal is also considered to be consistent with the policies and objectives of Scotland's National Marine Plan 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) Installation of the additional 4 x 240m twin-headline longlines hereby permitted shall not take place during the period April to September inclusive. Furthermore, no site decommissioning works shall take place during this period.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure the development will not adversely affect the integrity and conservation objectives of Bluemull and Colgrave Sounds proposed Special Protection Area.

(3) 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).

(4) The following navigational marks shall be provided:

The site shall be marked with 2 lit yellow Special Mark Buoys fitted with a yellow 'X' topmarks.

The lights shall display a character of flashing group four yellow every twelve seconds (FI (4) Y 12s) with a nominal range of 2 nautical miles and shall be installed above the 'X' topmarks.

The buoy shall be positioned at the Northeastern and Southeastern seaward extremity of the longlines.

The buoy diameter shall be approximately 1 metre at the waterline and the 'X' topmarks shall be \geq 50cm length by 7.5cm width.

The above navigation marks 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) No anti-predator measures (active scaring, auditory deterrents or anti-predator nets) shall be used at the site in conjunction with the development hereby permitted during the period April to September inclusive, unless otherwise previously agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage.

Details of any anti-predator measures to be deployed at the site outwith the period April to September inclusive shall be submitted to the Planning Authority for consideration and approval prior to any installation and use. In any event, all 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 in relation to anti-predator netting).

Reason: For the avoidance of doubt as to what is being authorised by this permission, to ensure the development will not adversely affect the integrity and conservation objectives of Bluemull and Colgrave Sounds proposed Special Protection Area, and to protect wildlife in general.

(7) In the event of any equipment approved by this permission 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.

For the avoidance of doubt, where the surface/ sub-surface equipment approved by this permission is wholly removed for the purposes of cleaning, repair, replacement, fallowing or any other reason, any anchors which remain in situ must be marked with surface buoys.

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 along with all moorings and anchors 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: In the interest of visual amenity and navigational safety, and to ensure that redundant development does not sterilise capacity for future development within the same water body.

Notes to Applicant:

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 Planning Authority 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@gov.scot

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.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; 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 Crown Estate Scotland as follows: Aquaculture Lease Co-ordinator, Crown Estate Scotland, 6 Bell's Brae, Edinburgh EH4 3BJ. Tel: 0131 260 6078; Email: emma.riach@crownestatescotland.com

Non-marking anchors (equipment deployed)

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.

Notification of deployment of equipment

Once the equipment and navigational marks have been established, you should inform the Northern Lighthouse Board by letter or email at navigation@nlb.org.uk quoting the following reference number: FM/OPS/ML/F016-20.

The UK Hydrographic Office should also be notified and all information regarding site positions forwarded in order that the admiralty charts for the area can be correctly updated.

Notice of completion of development

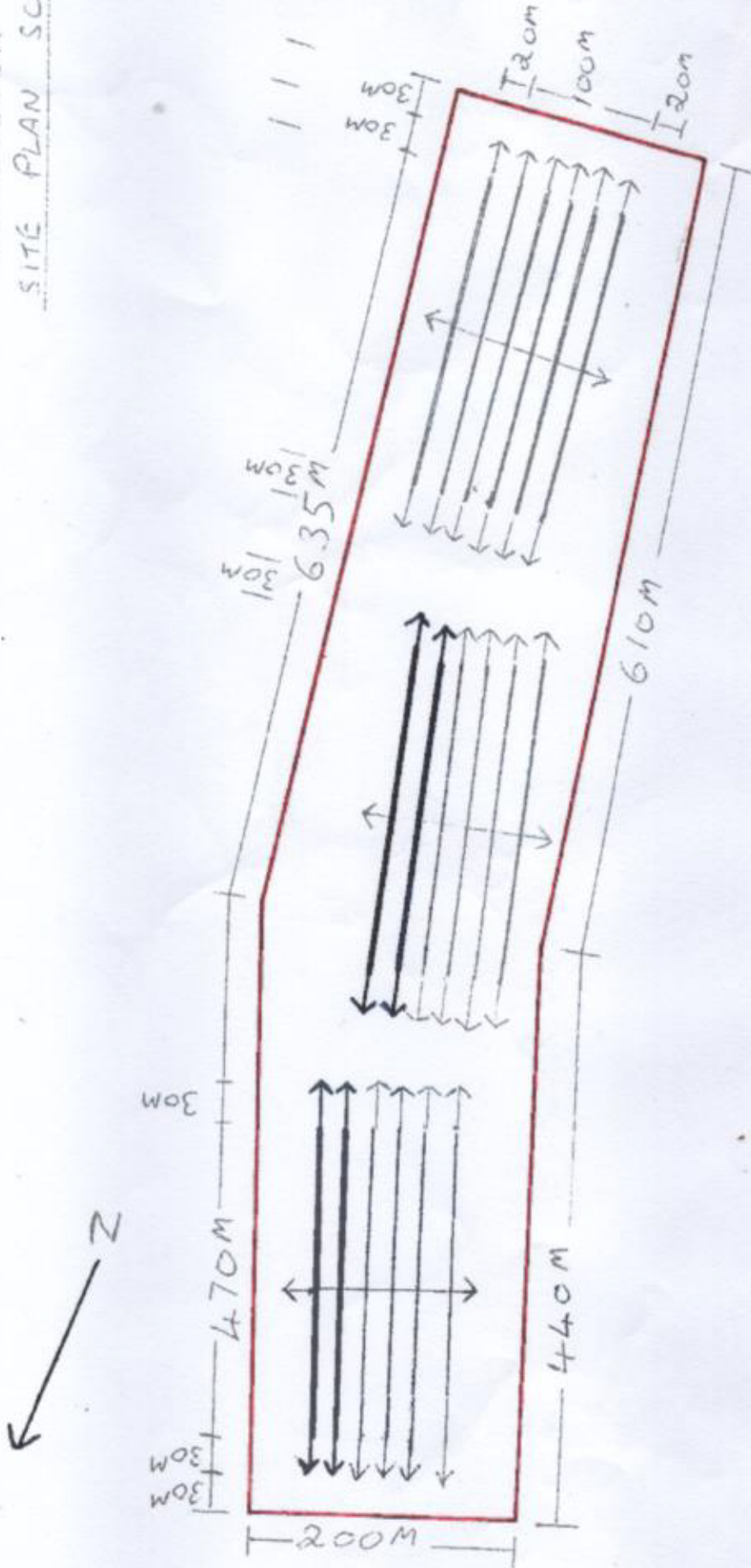
As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

22 May 2020

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Executive Manager - Planning

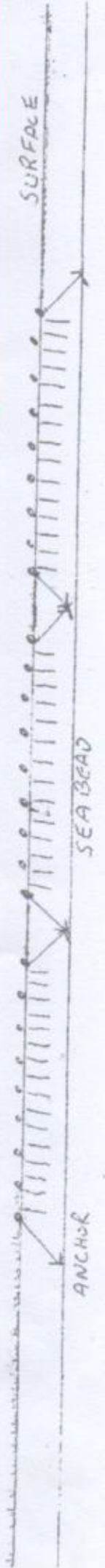
COLVISTER BASTARDIE
 SITE PLAN SCALE 1:50

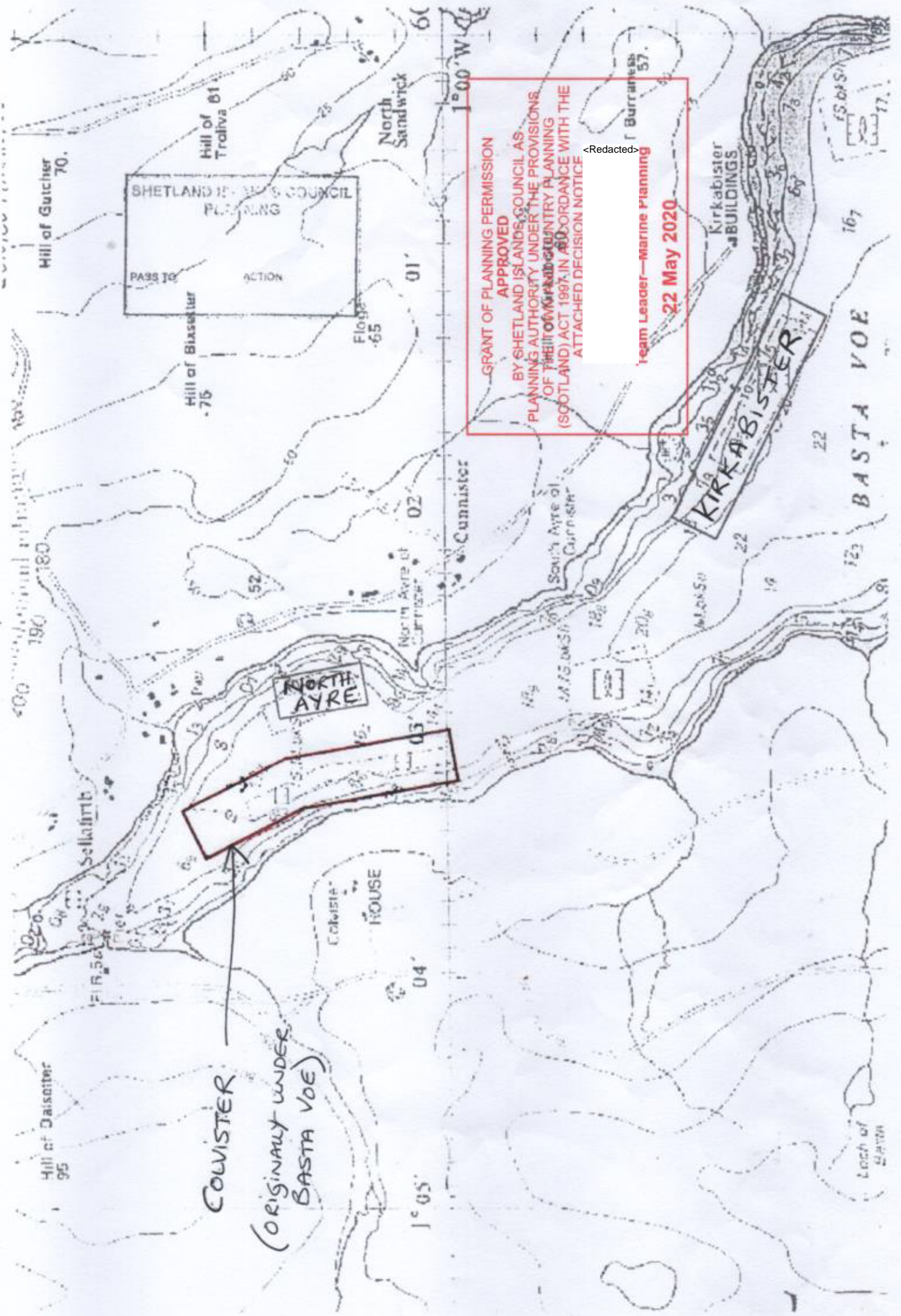


GRANT OF PLANNING PERMISSION
 APPROVED
 BY SHETLAND ISLANDS COUNCIL AS
 PLANNING AUTHORITY UNDER THE PROVISIONS
 OF THE TOWN AND COUNTRY PLANNING
 (SCOTLAND) ACT 1997 IN ACCORDANCE WITH THE
 <Redacted>

Team Leader—Marine Planning
 22 May 2020

CROSS SECTION





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

Team Leader—Marine Planning
22 May 2020

COWISTER
 (ORIGINALLY UNDER BASTA VOE)

NORTH AYRE

KIRKABISTER

Hill of Gutscher 70.

Hill of Troilva 61

Hill of Bixsetter 75

North Sandwick

SHETLAND ISLANDS COUNCIL PLANNING

PASS TO ACTION

Flogsta 65

Cunnister

North Ayre of Cunnister

South Ayre of Cunnister

Kirkabister BUILDINGS

BASTA VOE

Hill of Daisetter 95

Sellaarib

Cowister HOUSE

Loch of Gutscher

1° 05'

01'

60

1° 00' W

Burra Ness 57.

167

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123

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