



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.

SITE CENTRE 60° 12' 54.01908" N 001° 29' 47.40684 W

Applicant

Selivoe Shellfish
Selivoe,
Bridge Of Walls,
Shetland
ZE2 9NR

CORNERS

60° 12' 58.025952" N 001° 29' 29.30748" W
60° 12' 54.88884" N 001° 29' 27.642336 W
60° 12' 50.007132" N 001° 30' 5.470596 W
60° 12' 53.16174" N 001° 30' 7.170804 W

Reference Number: 2015/041/MAR

Development: To deploy ten 220m twin-headline longlines (6+4 group layout with 12m longline spacing) for production of mussels at the location of an existing consented mussel farm (retrospective) and to enable future amended 5+5 group layout with 15m longline spacing (proposed)

Location: Seli Voe, Gruting

Details of Approved Plans and Drawings:

- Admiralty Chart Location Plan 2015-041-MAR-01
Stamped Received 05.11.2015

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.

- Site Layout and Section 6+4 2015-041-MAR-02
Stamped Received 05.11.2015
- Site Layout and Section 5+5 2015-041-MAR-03
Stamped Received 05.11.2015

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 as proposed subject to appropriate planning conditions is, on balance, an acceptable use of the site. In particular, condition no.'s 2 and 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 policy MSP AQ1 of Shetland Islands' Marine Spatial Plan Supplementary Guidance (Fourth Edition 2015).

Although contrary to policies M1 and S1 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 Gruting Voe area over a considerable period of time. Furthermore, no representations have been received from the seabed lease holder of the adjacent farm which is located within the minimum distance recommended by policy. 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) Mussel production at the site hereby approved shall be carried out in accordance with the multi-year class operation details stated in Section 9 of the application form dated 05.11.2015 and received by the Planning Authority on 05.11.2015. 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, Policy S7.

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

The site shall be marked by 2 lit yellow can buoys, each flashing group four yellow every twelve seconds (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark.

One buoy shall be positioned at the most Easterly extremity of the site and the remaining buoy shall be positioned at the most Southerly extremity of the site.

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

The above navigation lights 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:

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

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; 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: [Redacted]

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.

22 December 2015

[Redacted]

Executive Manager - Planning