



Shetland Islands Council

WORKS LICENCE POLICY

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Marine Development Department, North Atlantic Fisheries College,
Port Arthur, Scalloway, Shetland ZE1 0UN. Tele: 01595 772321

SHETLAND ISLANDS COUNCIL WORKS LICENCE POLICY

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SHETLAND ISLANDS COUNCIL WORKS LICENCE POLICY

PART I: POLICY FRAMEWORK AND LEGISLATION

1. Introduction

- 1.1 Under the Zetland County Council Act 1974 (the Act of 1974) Shetland Islands Council has a duty to promote the conservancy of, and control of development in, the coastal area of Shetland, with the exception of those areas under the jurisdiction of Lerwick Port Authority or Broonies Taing Pier Trust.
- 1.2 The purpose of the attached works licence policy is to provide guidance to all involved in the process of considering proposals that fall within the scope of the Act of 1974. In general terms, that means the placing of works in the sea, on the seabed or on the foreshore below Mean High Water Springs (MHWS).
- 1.3 The Council will apply this policy to all applications for works licences for which the Council has authority to issue works licences in terms of the Zetland County Council Act 1974 determined on, or after, the date it is approved by Shetland Islands Council. Applications that are out with policy, are subject to Environmental Assessment or attract objections will be determined by the Marine Development Sub-Committee of the Council. As part of the decision making process both applicants and objectors are offered the opportunity of addressing the Sub-Committee in the interests of open, fair and transparent governance. A final decision of the Council will continue to be required where an application out with this policy is recommended for approval by the Sub-Committee.
- 1.4 This policy has been drawn up in recognition of the Council's commitment to sustainable development of which the key aims in relation to development in the coastal area are to:
 - Encourage appropriate development that maintains and improves life chances for local people.
 - Involve local communities in the decision making process.
 - Protect and enhance Shetland's environment.

At all times the Council will endeavour to balance these aims to ensure its policies and decisions are equally promoted.

- 1.5 The Council has certain powers and duties in respect of environmental protection, as do other statutory bodies and agencies (see section 3, Regulatory Framework). In respect of works in the coastal area, there may be circumstances where it would be more appropriate for another body to exercise its powers to achieve the particular objective rather than for the Council to seek to secure that objective through the imposition of conditions attached to works licences. However, this does not prohibit the Council from attaching conditions to works licences that may have the effect of securing other objectives as well.

- 1.6 Shetland Islands Council is developing Marine Management Framework Plans that will seek to optimise in a balanced manner the variety of activities that occur in the Shetland's marine coastal environment to both safeguard its assets and allow appropriate sustainable development. As such this Works Licence policy will be an integral component of any Plan and will reflect the overall aims of the Plan.
- 1.7 This document comprises background information or general advice to developers and prospective licensees and informs the statements contained within the Works Licence policy.

2. Background

- 2.1 The Act of 1974 was passed primarily to regulate the activities of the oil industry in the coastal area of Shetland. However, it has enabled the Council to play a major part in regulating the activities of the mariculture industry since it became established in the 1980s. The majority of works licence applications dealt with by the Council are connected with the development of Shetland's aquaculture industry, whether for marine fish farms, associated piers or other works. This policy is primarily concerned with, but is not confined to, the following activities:
 - Marine fish farms (finfish and shellfish) including any feed barges.
 - Piers, Breakwaters, Marinas, Sea Defences and other constructions ("constructions").
 - Moorings, pontoons, Moored Barges and Pipelines.
- 2.2 The marine fish farming industry in Shetland has two major components: finfish farms and those involved in the cultivation of shellfish. The industry is a major component of the Shetland economy and salmon production is, by far, its largest element. In addition the farming of sea trout, cod and halibut has become well established. In respect of shellfish cultivation, mussels are the main species with a small number of sites being developed for scallops and oysters.

3. Regulatory Framework

- 3.1 Works licence applications are required for works in the coastal area (MHWS to the limit of territorial sea). Applications will be considered in terms of this policy; the Council's Structure and Local Plans (where relevant); and National Planning Policy Guidance, Memoranda and Advice. That advice is, for example, set out in NPPG 13 'Coastal Planning', NPPG 14 'Natural Heritage' and Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters - Policy Guidance Note (Scottish Executive, 1999). In addition, applications will be considered in terms of the existing legislative framework currently applying to the development envisaged.
- 3.2 Applications for works licences for fin fish farming require to be considered in the light of the Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999 (the Regulations of 1999).

- 3.3 Development for which a works licence is required may also require other permissions from the Council, most notably planning permission (for development above MLWS) or consent from the Council as Coast Protection Authority (for coast protection works). In respect of such developments, existing land-use planning policies (as set out in National Planning Policy Guidance, Memoranda and Advice, the Council's Structure and Local Plans and the Council's Coast Protection Policy) provide the primary policy guidance.
- 3.4 For applications for the other consents that the Council may be required to consider, referred to at paragraph 3.3, the Environmental Impact Assessment (Scotland) Regulations 1999 may apply.
- 3.5 Works below MLWS will generally require a seabed lease from the Crown Estate.
- 3.6 Works may require a discharge consent from Scottish Environment Protection Agency (SEPA) under the Control of Pollution Act (1974); consent under the Food and Environment Protection Act 1985; or consent under the Coast Protection Act 1949 (both from the Scottish Executive). Works licences do not control aspects of an operation that are specifically controlled by powers granted to these other regulatory bodies.
- 3.7 The Conservation (Natural Habitats &c) Regulations 1994 (the Habitats Regulations) place a statutory duty on the Council to meet the requirements of the EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EC) (the Habitats Directive). The Directive contributes to the conservation of biodiversity by requiring Member States to take measures to maintain or restore the conservation status of natural habitats or species across the territory of the Community and includes the designation of Special Areas of Conservation. Similarly the Council has obligations under the Birds Directive (79/409/EEC) that covers the conservation of wild birds and includes provision for designation of Special Protected Areas. Detailed advice on the requirements of these Directives is contained in the Scottish Office Circular 6/1995 (updated 2000) on the Habitats and Birds Directives. The Council will also take account of the requirements of the Wildlife and Countryside Act 1981, the Water Environment and Water Services (Scotland) Act 2003 and the Nature Conservation (Scotland) Act 2004.
- 3.8 Under the Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) Order 2002 there is a statutory requirement to notify Scottish Ministers of (a) any circumstances which give rise to a significant risk of an escape of fish and (b) the circumstances that caused, or are believed to have caused, an escape of fish. As the licensing authority, a copy of the notifications submitted to the Scottish Executive Environment and Rural Affairs Department for either of the aforementioned scenarios must also be submitted to the Council through the Marine Development Department, North Atlantic Fisheries College, Scalloway.

4. General Policies

- 4.1 In respect of developments for which a licence under the Act of 1974 is required the Council aims to carry out its duty in such a manner as to avoid significant adverse impact on other interests.
- 4.2 Where no works are present on a site for a continuous period of 3 years, the licensee will be required to inform the Council of their intentions with respect to development of the site. This may involve a request for more time to develop the site or an indication that development is about to commence. Where no intent to develop is indicated, the Council may take steps to initiate revocation proceedings. However, if works were removed to comply with notices or orders served under other legislation, for example to comply with disease control, any such period would be discounted. In addition, licensed sites may be cleared for fallowing purposes to allow seabed recovery. Licensees are advised to notify the Council, through the Marine Development Department (NAFC) if a licensed site is to be cleared of works in any of these circumstances. "Works" does not include any stock of fish or shellfish.
- 4.3 Attached, at Annex 1, is a note of relevant Policies and Designations that apply to parts, or all, of Sullom Voe Harbour Area; Weisdale Voe; Whiteness Voe; Basta Voe and elsewhere. Annex 2 indicates the location of various designations affecting the coastal area of Shetland.

5 Marine Fish Farming

- 5.1 The Council's policy on separation was originally devised for the purposes of pollution control and minimisation of the risk of disease transfer and took particular account of the hydrographic and topographic characteristics of the coastal area. In these respects, the policy has generally been successful. Whilst the Council will seek to achieve specified minimum separation distances between marine fish farms, it recognises that it may be necessary and appropriate to consider increased separation distances in certain instances to facilitate sustainable development and environmental improvements.
- 5.2 Increased separation distances may be supported where a Farm Management Agreement (FMA) or an Area Management Agreement (AMA) has been drawn up by site operators. Where any such Agreement involves site relocation, amalgamation or revocation, the Council may be minded to refuse works licence applications for new aquaculture developments in the space so created in acknowledgement of the need for increased separation distances to promote sustainable use of the coastal zone, improved biosecurity and environmental benefit. It is strongly recommended that any FMA or AMA involves both fin fish and shellfish interests, and all other stakeholders in the area under consideration.
- 5.3 Whilst the Council may be minded to refuse works licence applications for new aquaculture developments in those areas created by site relocation, amalgamation or revocation, it may be possible for existing licensees to seek variations to existing sites, including expansion of sites up to the maxima permitted by this policy, provided

separation distances promoted by such action are not adversely compromised. Applications of this type will be subject to the normal consultation process.

- 5.4 Insignificant changes (such as re-positioning of cages or other surface plant within the licensed area) do not require a variation to an issued licence. Nevertheless, licensees must notify any change from the works as originally specified by sending 2 copies of the plans or specifications to the Council through the Marine Development Department at the North Atlantic Fisheries College either in advance of the changes taking place or, failing that, within 2 weeks of the changes occurring. Section 9, Interpretation, gives examples of “significant” and “insignificant” changes in respect of applications for variations.
- 5.5 Works licences will normally be granted for a specified time period, currently 12 years. Prior to their expiry, licences will require to be reviewed before a continuation of the licence can be approved. It is not envisaged that any review process will require licensees to provide the Council with any more information than that necessary to comply with other legislative requirements. Continuation of works licences will not be unreasonably withheld, subject to the proviso that the existing licensee has complied with the terms of the previous licence and not been the subject of persistent breaches. Licensees will be informed by the Council that their works licence fall due for review at least 6 months prior to its expiry and all works licences due for review will be subject to a Public Notice advert placed in the local newspaper.
- 5.6 Where any such review finds that works in situ do not match that licensed, the licensee will be required to submit a works licence application to maintain the equipment in place and all such applications will require advertisement in the local newspaper. Licensees should be aware that such applications may trigger the EIA Regulations and will be subject to the normal consultation process.

6. Finfish

- 6.1 All finfish farming proposals will be considered in the light of the Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999 (the Regulations of 1999). This means that the Council will determine, for each application for a works licence or significant variation to an existing licence, whether it will be likely to have significant effects on the environment, as defined in the Regulations of 1999. The Council will have regard to the indicative criteria set out at paragraph 15 of the Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters - Policy Guidance Note (Scottish Executive, 1999). In addition the comments of the statutory consultees under the Regulations of 1999 will be taken into account in determining the need for Environmental Assessment.
- 6.2 Prospective applicants are urged to consult staff of the Marine Development Department at the NAFC as early as possible when formulating their proposals so that an informal view can be given as to whether an Environmental Impact Assessment (EIA) will be necessary in respect of a particular development. Developers may also request a “screening opinion”, which is a formal determination as to whether an EIA is required. The Regulations of 1999 specify that certain

information must be included in Environmental Statements prepared in terms of those regulations. Once again, developers may seek a formal determination on the information to be supplied in the Environmental Statement, known as a “scoping opinion”. Prospective licensees should note that the 3-month period for considering works licence applications under the ZCC Act excludes the period up to the submission of the Environmental Statement.

- 6.3 Whilst a valid works licence application may be made without seeking any such informal or formal opinions, developers should be aware that early consultation with Marine Development Staff (NAFC) staff and other competent bodies, as set out in Annex 3, regarding their proposals may speed determination of their application. In any case, applications submitted where a screening opinion has not previously been sought will be treated as an application for a screening opinion.
- 6.4 For the avoidance of doubt, any change that would result in significant effects or impacts on the environment, as defined in the Regulations of 1999, requires an application for a variation to the works licence and may also require the carrying out of an EIA.
- 6.5 Where a works licence application is made to vary a site, which may include relocation, amalgamation or revocation, as part of a FMA it will be necessary to consider these applications in light of the EIA Regulations. However the Environmental Statement in support of such applications may only be required to cover the specific issues relating to the proposed variation.
- 6.5 Prospective licensees should be aware that the Council might not be able to grant works licences for sites of the maximum size due to the overriding need to maintain separation distances between marine fish farming sites.

7. Shellfish

- 7.1 Prospective licensees should be aware that the Council might not be able to grant works licences for sites of the maximum size due to the overriding need to maintain separation distances between marine fish farming sites. In any such case the Council will indicate if it would be willing to licence works with a smaller surface works area.
- 7.2 Prospective applicants are urged to consult Marine Development Department (NAFC) staff and other competent bodies as listed in Annex 3 at as early a stage as possible when formulating their proposals. Whilst a valid works licence application may be made without seeking officers’ informal opinion, developers should be aware that involving such staff in early discussions about their proposals may speed determination of their application.
- 7.3 Where space has been created through site relocation, amalgamation or revocation as part of a FMA or an AMA, prospective applicants should be aware that the Council may be minded not to approve works licence applications for new aquaculture developments in these areas. However it may be feasible to permit existing shellfish developments in such areas to relocate or increase their surface

works area, as part of an AMA or FMA, up to the maximum allowed under this policy provided minimum separation distances are maintained. Applications will be subject to the normal consultation process.

- 7.4 As the shellfish sector has grown a number of concerns have been raised regarding the issue of biological carrying capacity and the ability of the coastal zone to support increasing production. Prospective applicants should be aware that all shellfish applications will be assessed against a simple carrying capacity model and where the model indicates that carrying capacity is nearing attainment or has been exceeded the Council may not grant works licences for new developments or expansions to existing operations in such areas.

8 Piers, Breakwaters, Marinas and other constructions (“constructions”)

- 8.1 In determining works licence applications for constructions the Council will take into account relevant local policies, as set out in the Council’s Structure and Local Plans and elsewhere, national policies and guidance and any representations received
- 8.2 In formulating proposals, prospective licensees should be aware that the use of shared facilities carries a potential to contribute to the spread of disease and would not normally be encouraged. In all cases management regimes should be devised with the aim of eliminating any such risk.

9. Interpretation

- 9.1 The following meanings will be applied in the interpretation of this policy:
- “Appropriate consultation bodies,” means those bodies specified in Regulation 9 and Schedule 3 of the Regulations of 1999.
 - “Cage surface area,” means the total sea area of finfish cage nets, including net frames.
 - “Coastal area” is as defined in the Zetland County Council Act 1974.
 - “EIA” means Environmental Impact Assessment, as defined in the Regulations of 1999.
 - “Environmental statement” has the meaning given in the Regulations of 1999.
 - “Environmental information” has the meaning given in the Regulations of 1999.
 - “Insignificant changes” includes the following, for the purpose of determining whether or not an application for a variation to a works licence is required:
 - * Deployment of alternative cage types provided total surface area is not increased.
 - * Re-positioning of cages or other surface plant within the licensed area.
 - “Licensed site” means the overall area for which a licence may be granted for a marine fish farm and is defined by the fullest extent of seabed occupied by the mooring system.
 - “Marine fish farm” means the placement of cages, rafts, lines or other means of enclosure or attachment, including all associated equipment, barges, moorings and lighting used for the purpose of marine fish farming.

- “Marine fish farming” means the cultivation of finfish or shellfish in the coastal area.
- “Regulations of 1999, the” means the Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999
- “Relevant authority” has the meaning given in the Regulations of 1999.
- “Scoping opinion” has the meaning given in the Regulations of 1999.
- “Screening opinion” has the meaning given in the Regulations of 1999.
- “Significant changes” includes the following, for the purpose of determining whether or not an application for a variation to a works licence is required:
 - * Change of species (environmental impact).
 - * Deployment of additional cage(s) resulting in greater surface area (cumulative environmental impact).
 - * Increased biomass for finfish farms (cumulative environmental impact).
 - * Change from rafts to long lines or vice versa (landscape impact).
 - * Mooring of barges or similar structures (environmental and landscape impact).
- “Sullom Voe Harbour Area” is defined in the Sullom Voe Harbour Revision Order 1980.
- “Surface works area” means the extent of surface works or the inner (cage) end of buoys on cage, raft or longline mooring lines.
- “Works” has the meaning given in the Zetland County Council Act 1974.

SHETLAND ISLANDS COUNCIL WORKS LICENCE POLICY

PART II: POLICY STATEMENTS

1. GENERAL POLICIES

These policies apply to all structures and developments requiring a works licence under the Act of 1974.

- G1 In determining applications for works licences, the Council will take account of, *inter alia*, the following factors:
- The need to ensure that safe navigation is maintained.
 - Potential effects, including cumulative, on the environment and natural heritage interests.
 - The implications for fishing interests.
 - Existing marine fish farms in the locality.
 - The implications for recreational and other interests.
 - The availability of any necessary infrastructure and potential impact on existing infrastructure, when relevant.
- G2 The Council will take account of the views of all interested parties, including competent and relevant bodies and local communities, in its determination of works licence applications.
- G3 Works licences will be determined with due regard to relevant national and local policies and guidance in place at the time of the application.
- G4 It shall be a condition of all works licences granted that 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 circumstances warrant it and the Council consider it appropriate, result in the works licence being revoked.
- G5 In respect of all works licences approved pursuant to this policy, if no works are present during any continuous period of 3 years on a site for which a works licence has been granted the relevant works licence would cease to have effect. In that case, the licensee will take appropriate steps in correspondence with the Council to seek either an extension of time or approval to commence development. The Council will not be unreasonable in dealing with either of these requests but where neither scenario happens or there continues to be no development on site, the Council may initiate revocation proceedings.
- G6 In calculating the 3 year period, no account will be taken of any period that works are removed from a site for the purposes of pollution, environmental or disease control, or in order to comply with orders or notices served under other legislation. 'Works' does not apply to either fin fish, shellfish or other live organisms.
- G7 Works licences may only be transferred to a new licensee with the Council's prior written consent. A written application to transfer the licence must be made to the Council who will

not unreasonably withhold any such request. Failure to obtain the Council's consent may result in the Council revoking the licence.

- G8 Works licence applications will be dealt with by the Council on a first come, first served basis. Where the Council has a pre-existing application, any subsequent applications that are made in the area of the initial application will be recommended for refusal on the basis that the application process is in train for a previous applicant.
- G9 Appropriate lights, buoys or beacons that comply with the International Association of Lighthouse Authorities' guidelines must mark any installations close to navigation channels, or which may otherwise be a danger to navigation. Such markings must be specified in the works licence following consultation between the Council's Ports and Harbours Operations and the Northern Lighthouse Board.
- G10 Where a works licence application is made to the Council for development adjacent to or within a Natura 2000 site (Special Area of Conservation or Special Protection Area) designated under either the Habitats or Birds Directives, the Council, as competent licensing authority, will undertake an appropriate assessment of the development as required under Regulation 48(1) of the Conservation regulations 1994. Should such an assessment indicate that the development will have an adverse effect on the integrity of any Natura 2000 site, the Council will be minded to refuse the application as required by the 1994 Regulations. Additionally the Council will take proper account of Articles 12, 13 and 16 of the Habitats Directive in respect of European protected species when considering works licence applications.

2. MARINE AQUACULTURE

- M1 In cases where an existing works licence falls due for review, the relevant separation distances will apply as far as that is practicable. Where existing marine aquaculture developments have been operated within 3 years of any such review but are closer than the relevant separation distance required by policy, the Council will normally be minded to accept the existing separation distance provided:
- (a) unacceptable levels of pollution, as determined by the relevant body, resulting from the proximity of the relevant marine aquaculture developments has not occurred or, if it has, steps have been taken to remedy the situation.
 - (b) one or more of the relevant marine aquaculture developments was originally licensed on the basis of a signed management agreement between the relevant licensees and the applicant for a renewed works licence can demonstrate that the agreement continues to operate.

In all cases the Council will pay due regard to the impact of the development on the environment and, in particular, the avoidance of pollution.

- M2 For the avoidance of doubt, the Council will normally be minded to accept applications to vary existing sites closer than the relevant separation distance required by policy provided

the proposed variation does not result in any increase to the existing licensed mooring containment area or increased environmental impact.

- M3 Works licences for marine aquaculture developments will be granted for a period of 12 years from the effective date of their approval, at which point the works licence will cease to have effect. Prior to its expiry, the Council will, following application by the licensee, review each works licence against extant policy and determine whether it would be appropriate to *continue* the licence for a further period of time. In such cases the Council will not unreasonably withhold the continuation of the licence subject to the proposal complying with the Council's works licence policy and the licensee has complied with the terms of the previous licence and not been subject to persistent breaches. The Council will notify licensees in advance of the expiry of their works licences.
- M4 Works licences that were granted prior to (date of approval of this policy by Shetland Islands Council) will be reviewed against extant policy in accordance with the time period specified in those works licences.
- M5 Where a works licence is subject to review, any such review will determine compliance with the conditions of the licence through consideration of navigation aspects, lighting, siting, on-site equipment and annual survey results available through the Public Register. The findings of the initial review will determine the level and timescale for any future review and continuation of the licence.
- M6 If the review indicates that the works placed in the water do not comply with that stipulated in the works licence, the licensee will be required to submit a works licence application to maintain the works so placed. Licensees should be aware that such applications may trigger the EIA Regulations and will be subject to the normal consultation process.
- M7 All applications for new marine aquaculture developments must be submitted with a mooring specification that is suitable for the proposed development.
- M8 All marine aquaculture proposals will be considered in the light of codes of practice that the Council may adopt and optimum standards of sustainable site management, husbandry practices and general efficiency. In assessing these factors the Council will consider them against current best practice guidelines published by relevant recognised bodies or competent authorities. In the case of new and experimental species the applicant must demonstrate that these objectives are fully considered during the development of proposals, within the constraints of scientific knowledge, research evidence and practical experience prevailing at the time of application.
- M9 All marine aquaculture proposals must demonstrate that anti-predator measures deter or prevent predation through use of methods which are non-lethal and do not cause any significant harm. For the avoidance of doubt the use of monofilament nets for such purposes is not permitted.
- M10 In every case that requires alteration of the size or extent of either the surface works area or the licensed site, as shown on an approved works licence plan, the licensee will be required to submit an application for a variation to the works licence. In addition, any other significant changes to the scale or nature of the development, including an increase in biomass, the

siting of feed barges, or change of species will require the licensee to submit an application for a variation to the works licence prior to any changes being made to the development.

- M11 With regard to the development of the culture of new or novel species, the Council will permit up to two (2) cages of an existing facility to be given over to a new species for a single production cycle to allow licensees the opportunity to assess the suitability of the site. Documentation showing that all species originated from hatcheries with a disease free status would be required to be submitted to the Council as would an application for variation to the existing works licence prior to any changes being made to the development. Thereafter, the licensee would be required to indicate through a licence variation whether the site was to be utilised for either a single species in successive production cycles or different species in alternate production cycles. Licensees can apply for a variation to a works licence to include new or novel species without the need for an initial assessment cycle. In all instances the site must be operated on a single species basis except for any initial assessment cycle. Where different species are being ongrown in alternate cycles, a fallow period of at least 6 weeks must be observed between introductions of fish.

3. MARINE FIN FISH DEVELOPMENTS

- F1 Works licences will not be granted for the siting of fin fish cages or shore-based fin fish rearing intakes/outfalls situated within 1,000m (measured as the water flows from the extents of licensed sites) of any other licensed fin fish farm or 500m of any licensed shellfish farm.
- F2 Where licensees within an area seek to address issues of sustainability, biosecurity and environmental benefit through site relocation, amalgamation or revocation, the Council may be minded to seek greater separation distances than the minimum stated within this policy. To preserve these increased separation distance the Council may in addition be minded to refuse new applications for aquaculture developments in those areas created by site relocation, amalgamation or revocation. Industry should seek to achieve agreement with all licensees through either a Farm Management Agreement or Area Management Agreement.
- F3 The Council will assess applications for fin fish sites on the basis of their cage surface area and surface works area. Its licensed site will define the overall area for which a licence may be granted.
- F4 Works licences may be granted for sites that have a maximum cage surface area of 9,000 m² and a maximum surface works area of 30,000 m². If, after considering the information contained in the works licence application, Environmental Statement, including any further information, any relevant comments or representations received as a result of publicity for the application, the Council may consider the above maxima can be waived.
- F5 Single point mooring systems will be considered on their own merits but maximum cage surface area will be limited to 9,000 m².
- F6 Each marine fin fish development must remain part of a management regime so as to ensure that it is fallowed for the purposes of seabed recovery, disease and parasite control, in accordance with current best practice guidelines published by relevant recognised bodies or competent authorities. Any such regime may be managed solely by the licensee or jointly so

as to include marine fin fish developments operated by other licensees. In all cases prospective licensees will have to state their proposed stocking, fallowing and other relevant operational practices at the time of applying for a works licence.

- F7 In any event, licences will only be granted for sites whose production, either in isolation or in conjunction with adjoining sites, will not have significant adverse effects on the environment of the site under application or the adjacent marine environment, insofar as current scientific method is able to determine.
- F8 Prior to commencing development, site specific containment and contingency plans detailing both the means by which risks of fish escapes are minimised and the steps to be taken in the event of a fish escape must be submitted to the Council. In addition, copies of the notifications submitted to SEERAD on either events giving rise to the potential for an escape of fish or an actual escape of fish must also be submitted to the Council through the Marine Development Department (NAFC).

4. MARINE SHELLFISH DEVELOPMENTS

- S1 Works licences will not be granted for shellfish developments and water intakes/outfalls associated with shore based shellfish washing and/or depuration facilities within 500m (measured as the water flows from the extents of licensed sites) of any other licensed marine aquaculture development.
- S2 Where both the intake and outfall water supplies associated with shellfish washing and/or depuration facilities are subject to appropriate treatment, the Council may be minded to waive the minimum separation distances contained within this policy.
- S3 The Council will assess applications for shellfish sites on the basis of their surface works area. Its licensed site will define the overall area for which a licence may be granted.
- S4 Licences for the suspended culture of shellfish will be restricted to a maximum surface works area of 50,000 m².
- S5 Licences for the cultivation of shellfish in seabed structures will be restricted to a maximum seabed area of 10,000 m² in respect of the extent of these structures.
- S6 Whilst the Council may be minded not to approve applications for new aquaculture developments in those areas created through site relocation, amalgamation or revocation for the purposes of sustainability, biosecurity and environmental benefit, relocation of, or variations to, existing shellfish licences may be permitted provided they do not either exceed the size criteria or reduce the minimum separation distances allowed by this policy and form part of an AMA or FMA.
- S7 The Council will assess applications for shellfish sites within a particular body of water with respect to its biological carrying capacity (i.e the total shellfish biomass that can be sustained within a water body). Where the proposed new development or variation to an existing site results in the carrying capacity being significantly exceeded, the Council may be minded to refuse such applications.

5. CONSTRUCTIONS (Piers, Breakwaters, Marinas and Other Constructions)

- C1 Works licence applications for other marine constructions will be determined with regard to relevant local and national policies, local and national guidelines and any representations received. For the avoidance of doubt, constructions include those lengths of piped septic tanks outfalls that cross the foreshore below MHWS.

- C2 All applications for works licences for floating pipes connecting shore feeding bases to floating cages will be considered on a case by case basis with due consideration being given to their specific merits such as location, navigation aspects, impact on other users, etc.

Other relevant Planning Policies and Designations

Policies and Designations that apply to parts, or all, of Sullom Voe Harbour Area (as defined in the Sullom Voe Harbour Revision Order 1980)

North Mainland Local Plan (Shetland Islands Council 1989) policy E9:

Fish farming will not as a matter of policy be permitted anywhere within the Sullom Voe Harbour Area (as defined in the Sullom Voe Harbour Revision Order 1980) for as long as its primary purpose is to accommodate vessels engaged in the carriage of hydrocarbons or other dangerous substances.

*Sullom Voe Special Area of Conservation
Yell Sound Coast Special Area of Conservation
The Houb, Fugla Ness Marine Consultation Area
Shetland National Scenic Area*

Policies and Designations that apply to parts, or all, of Weisdale Voe and Whiteness Voe

West, South & Central Interim Local Plan (Shetland Islands Council October 1992) policy EV16:

No aquaculture developments will be permitted in Whiteness Voe north of a line between Usta Ness and Grutwick or the upper part of Weisdale Voe between the Taing of Haggersta and Vedri Geo.

Shetland National Scenic Area

Whiteness Voe

Whiteness Voe Marine Consultation Area

Policy that applies to all of Busta Voe

No further new developments will be permitted in Busta Voe north of a line drawn between Hevden Ness, Mainland and Green Taing, Muckle Roe as a matter of policy and variations to existing sites north of this line should not result in either an increase in site size, a change in site location or an increase in environmental or visual impact.

Sensitive Areas

These are referred to in the Environmental Impact Assessment Regulations of 1999 and guidance is set out in the document "*Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters - Policy Guidance Note*" (Scottish Executive, 1999).

Other relevant designations

East Mires and Lumbister Special Area of Conservation

Fairlisle Special Area of Conservation

Hascosay Special Area of Conservation

Keen of Hamar Special Area of Conservation

Mousa Special Area of Conservation

North Fetlar Special Area of Conservation

Papa Stour Special Area of Conservation

Ronas Hill – North Roe Special Area of Conservation

The Vadills Special Area of Conservation

Tingon Special Area of Conservation

Brindister Voe and The Vadills Marine Consultation Area

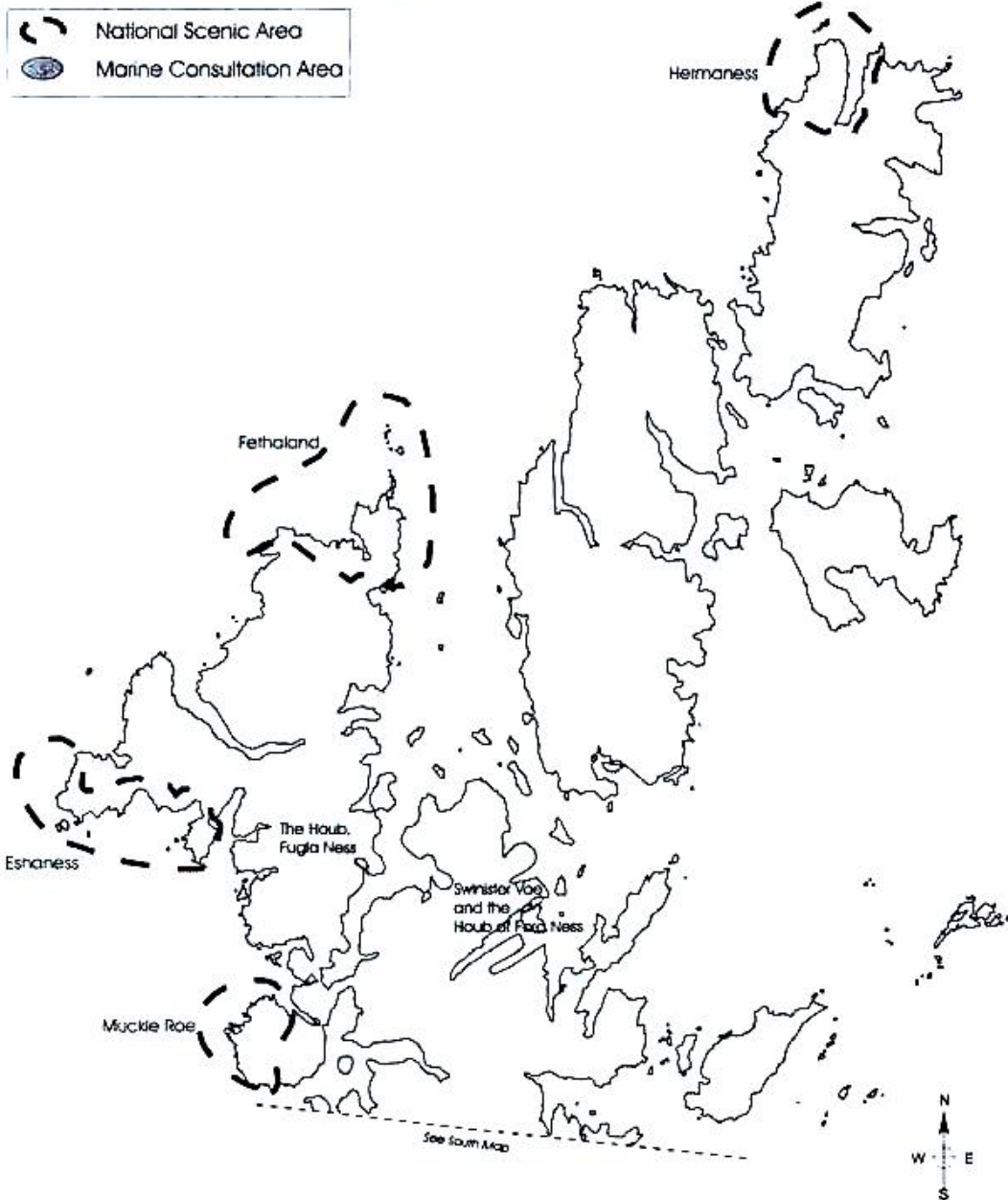
Swinister Voe and the Houb of Fora Ness Marine Consultation Area

Shetland National Scenic Area

Special Protection Areas or Sites of Special Scientific Interest, though not listed here, will be relevant in respect of individual applications.

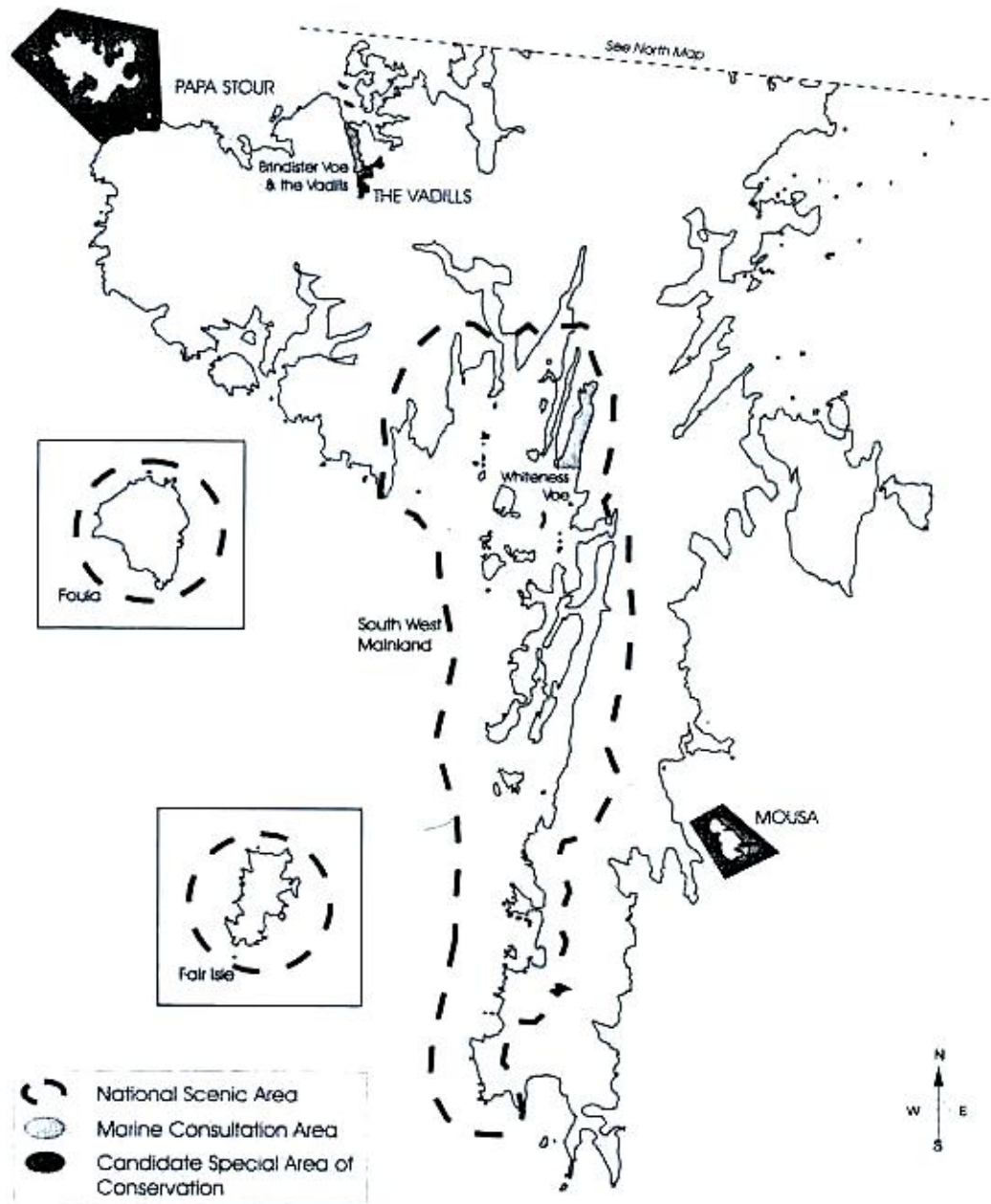
Designations in Shetland

Shetland Islands Council Works Licence Policy
Designations in North Shetland



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Bodies consulted on works licence applications

Community Council within which the application lies

The Crown Estate

Royal Society for the Protection of Birds

Scottish Environment Protection Agency

Scottish Executive Environment and Rural Affairs Department

Scottish Natural Heritage

Shetland Islands Council:

 Design Services Division (Piers)

 Legal Services Division

 Ports and Harbours Operations

 Environmental Health

Shetland Fishermen's Association

Other bodies may be consulted on specific matters, if appropriate.