

# Developers Workshop – March 2021

## Works Licence Applications

- Introduction to our Team
  - Key Work Areas
  - **Works Licences:**
    - Process
    - Application Types
    - Policy and Guidance
    - Website and Forms
- Questions/Discussion

**Simon Pallant – Coastal Zone Manager**

# Shetland Islands Council – Planning Service

## **Planning (16 staff)**

- Development Plans & Heritage
- Development Management
- Enforcement

## **Building Standards (5 staff)**

- Building Warrants
- Site Inspections
- Enforcement

## ★ **Coastal & Marine Planning (4 staff)** ★

- Regional Marine Plan
- Aquaculture Fish Farms and Shellfish
- Works Licences
- Enforcement
- Flooding, Drainage, Coastal

## **KIMO (2 staff)**

- Marine Environment
- Preventing Pollution of Seas & Coastal Waters
- Representing Member Local Authorities

## **Technicians & Business Support (7 staff)**

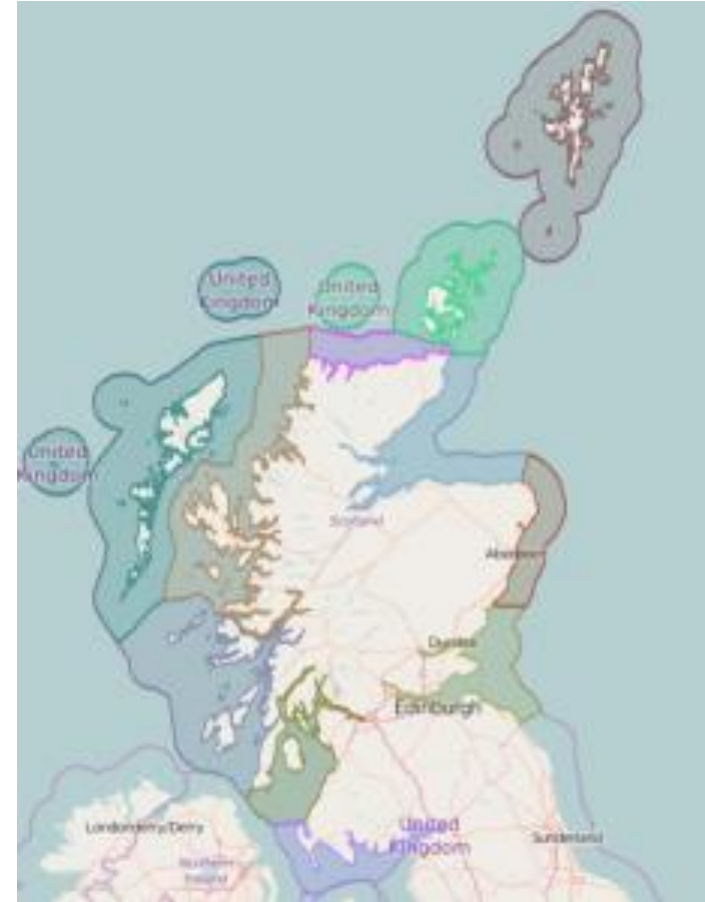
# Marine Planning in Shetland

- National and Regional Marine Plans
- Supplementary Guidance
- Aquaculture Planning Applications
- Works Licence Applications
- Pre-Application Advice
- Monitoring and Enforcement



# Regional Marine Planning

- 11 Scottish Marine Regions
- Covers sea areas extending out to 12 NM
- Delivered by Marine Planning Partnerships made up of marine stakeholders reflecting marine interests specific to their region
- Requirement to produce Regional Marine Plans
- Must conform with the National Marine Plan
- **Shetland** first to take forward – April 2021 Committee
- Powers do not include licensing and consenting



# Aquaculture in Shetland

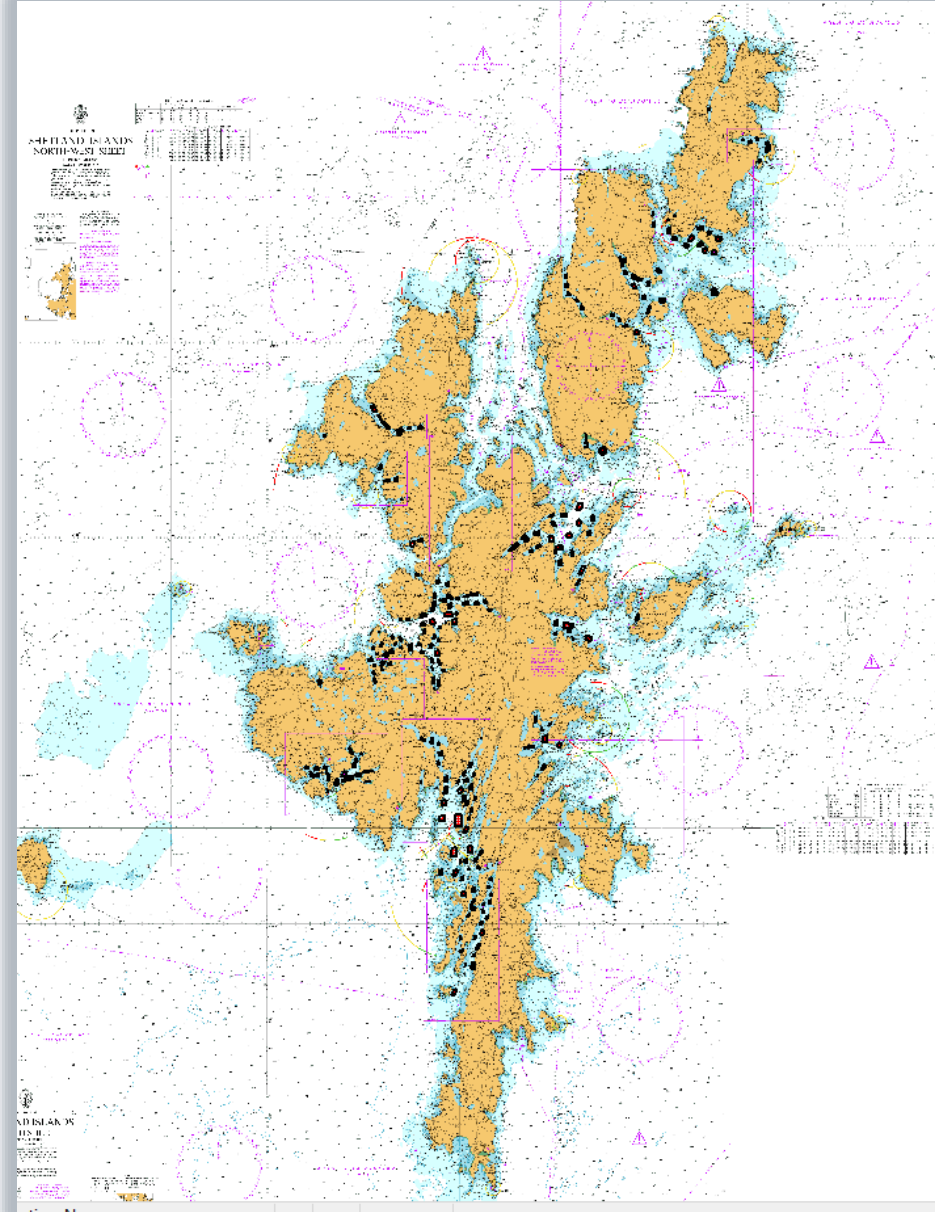
- Hugely important to local economy
- Significant player nationally

## Finfish (Atlantic salmon)

- Approx. 83 consented farms
- 38,908 tonnes produced in 2017  
(21% of Scottish total)

## Shellfish (Common mussel)

- 147 consented farms
- 5,324 tonnes produced in 2019  
(79% of Scottish total)





# Marine Development Applications

- Average 30-40 applications per year
- Majority are aquaculture planning applications
- Remainder are works licence applications
- Nearly all applications are subject to pre-application discussions
- Results in very high approval rate (100% in recent years)
- Majority of decisions taken at officer level
- Planning Committee decisions rare



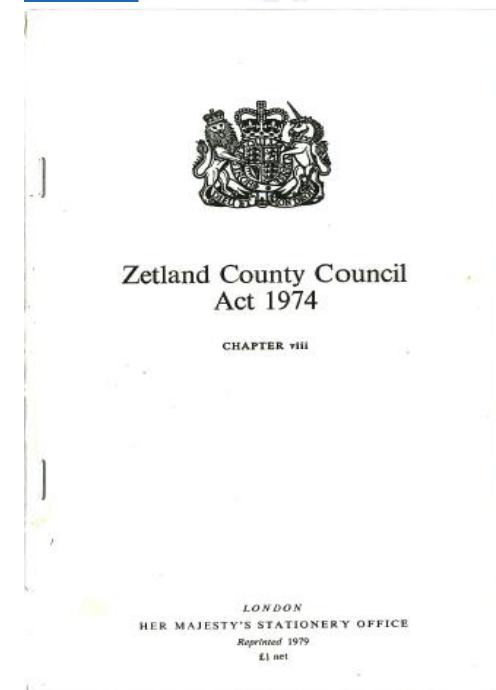
# Supplementary Guidance & Policy

## Aquaculture (finfish & shellfish)

- Statutory SG under the Shetland LDP
- Aquaculture-specific policies including general policies, prohibitive zonal policies and policies requiring separation distance between farms

## Works Licence Policy (ZCC Act 1974)

- Non-statutory stand alone policy document
- Contains general policies relating to determination of works licence applications for marine developments (except aquaculture) between MHWS and 12 NM

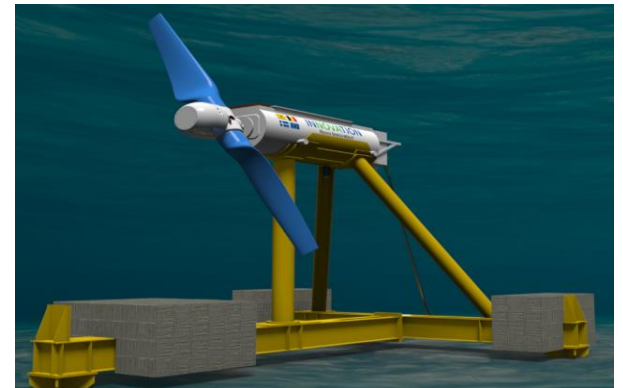


# Works Licence Application Process (Zetland County Council Act 1974)

- ZCC Act unique to Shetland
- Gives the Council powers to licence all works (except aquaculture) between MHWS and 12 NM
- Non-aquaculture marine developments in Shetland waters require a works licence from SIC and a marine licence from Marine Scotland

Process similar to a planning application except:

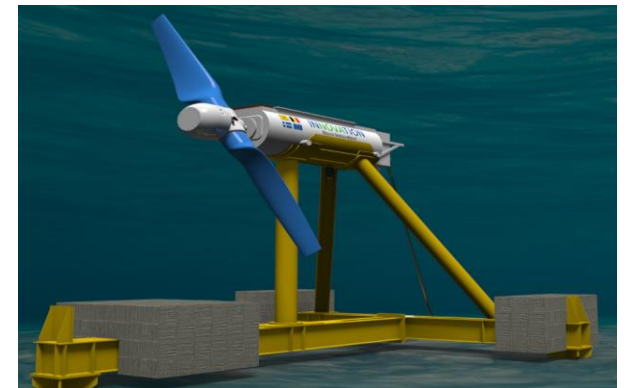
- No application fee
- Application must be determined within 3 months of advertisement otherwise deemed refusal
- Third party right of appeal unique to ZCC Act allows objector to appeal decision if objection lodged within 28 days of advertisement





# Works Licence Application Types

- Marine Renewables (wave, tidal and wind)
  - Cables/Pipelines – HVDC Application 2020
  - Sea Outfalls, including Septic Tanks
  - Sea Defences including Breakwaters and other constructions
  - Moorings, Pontoons and Barges
  - Piers and Marinas
  - Reclaimed Land
  - Seaweed Cultivation
  - The Act also empowers the Council to grant dredging licences within the limits of territorial waters around Shetland.
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- **Use our website**
  - **Pre Applications**
  - **Application Forms**



# Works Licence Process

1. Pre-application discussions
2. Works licence submitted
3. Checked/ validated
4. Registered/ plotted/ constraints check
5. Uploaded to planning portal
6. Advertisement in Shetland Times (*“valid application”*)
7. Consultation
8. Officer commences processing of the application
9. Report including policy assessment and other assessments
10. Applicant and objectors can appeal the decision
11. Monitoring/ Enforcement

***3 months to determine***

# Marine Development Application Consultees

## Statutory Consultees (Aquaculture planning applications)

- Marine Scotland
- Scottish Environment Protection Agency (SEPA)
- NatureScot (if located within or near to a designated site)
- Historic Environment Scotland (HES)  
(if may affect a designation of national importance)

## Non-Statutory Consultees (all application types)

- Relevant Community Council (always consulted)
- Northern Lighthouse Board
- Harbour Authority
- Regional Archaeologist
- Crown Estate Scotland
- Inshore Fishing Associations
- Royal Society for the Protection of Birds (RSPB)



# Other Required Marine Consents

- Seabed Lease - from Crown Estate Scotland (right to occupy Crown owned land (seabed))
- Marine Licence - from Marine Scotland (concerned with safety of navigation and/ or wellboat discharges from finfish farms)
- Controlled Activities Regulations (CAR) Licence - from SEPA (setting of biomass and chemical discharge limits from finfish farms, or point source discharges from sea outfalls)
- Aquaculture Production Business (APB) Authorisation - from Marine Scotland Science Fish Health Inspectorate (MSS FHI) (relates to animal health requirements and control of diseases)





# How to Apply

- Pre-Application
- Application Form
- Guidance
- [www.shetland.gov.uk/coastal-marine-planning](http://www.shetland.gov.uk/coastal-marine-planning)





**Thank You 😊**

**Discussion and  
Questions**

