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Marine Licence Application for Algal Farms

Version 1.0

Marine (Scotland) Act 2010

Acronyms

Please note the following acronyms referred to in this application form:

MHWS	Mean High Water Springs
MPA	Marine Protected Area
MS-LOT	Marine Scotland – Licensing Operations Team
SAC	Special Area of Conservation
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WGS84	World Geodetic System 1984

Explanatory Notes

The following numbered paragraphs correspond to the questions on the application form and are intended to assist in completing the form. These explanatory notes are specific to this application and so you are advised to read these in conjunction with the Marine Scotland Guidance for Marine Licence Applicants document.

1. Applicant Details

The person making the application who will be named as the licensee.

2. Agent Details

Any person acting under contract (or other agreement) on behalf of any party listed as the applicant and having responsibility for the control, management or physical deposit or removal of any substance(s) or object(s).

3. Payment

Indicate payment method. Cheques must be made payable to: The Scottish Government.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

4. Application Type

Indicate if the application is for a new algal farm site or an existing algal farm site. Provide the existing or previous consent/licence number and expiry date if applicable.

5. Algal Farm Details

- (a) Indicate the deposits of algal farm component parts/equipment as a number (e.g 4 lines). Provide details of any component parts/equipment not included in the list and specify the quantity as a number.
- (b) If applicable, indicate the removals of algal farm component parts/equipment as a number (e.g 4 lines). Provide details of any component parts/equipment not included in the list and specify the quantity as a number.
- (c) Provide the total area of proposed works in square metres.
- (d) Provide the proposed start date for installation of the algal farm. The start date will not be backdated, since to commence a project for which a licence has not been obtained will constitute an offence, which may result in appropriate legal action. A licence is normally valid for 6 years. **Target duration for determination of a marine licence application is 14 weeks.**
- (e) Provide the cost of the works seawards of the tidal limit of MHWS. This estimate should only cover work taking place below the tidal level of MHWS and must take into consideration the cost of materials, labour fees etc.
- (f) Describe the location of the proposed works. Include a list of the latitude and longitude co-ordinates (WGS84) for the boundary points of the moorings area and for each of the component parts of the algal

farm, including sub-surface equipment. WGS84 is the World Geodetic System 1984 and the reference co-ordinate system used for marine licence applications. Co-ordinates taken from GPS equipment should be set to WGS84. Coordinates taken from recent admiralty charts will be on a WGS84 compatible datum. Ordnance survey maps do not use WGS84.

Example: For positions read from charts the format should be as in the example: 55°55.555'N 002°22.222'W (WGS84). The decimal point specifies that decimals of minutes are used and the datum is stated explicitly. If seconds are used then the format should be as in the example: 55°55'44"N 2°22'11"W (WGS84).

It is important that the correct positions, in the correct format, are included with this application, as any errors will result in the application being refused or delayed.

To supplement your application, please provide photographs of the project location and submit these with your application. Please also provide a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) or Admiralty Chart which must be marked to indicate:

- o the full extent of the works in relation to the surrounding area;
- o latitude and longitude co-ordinates defining the location of the works;
- o the level of MHWS;
- o any adjacent SAC, SPA, SSSI, MPA, Ramsar or similar conservation area boundary.

Drawings and plans will be consulted upon. If they are subject to copyright, **it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.**

- (g) Indicate if the algal farm is located within the jurisdiction of a statutory harbour authority and provide details of the statutory harbour authority where relevant.
- (h) Provide a full method statement, including plan of how, when and where component parts are proposed to be deposited and removed.
- (i) Provide assessment of the potential impacts the works may have, including interference with other uses of the sea. Please include details of areas of concern e.g designated conservation areas, such as a SAC, SPA, SSSI, MPA or Ramsar site and shellfish harvesting areas. Further guidance on designated conservation areas can be obtained from SNH at this website: <http://gateway.snh.gov.uk/sitelink/index.jsp> and guidance on shellfish harvesting areas can be obtained from <http://www.foodstandards.gov.scot/> with regards to the Shellfish Waters Directive (2006/113/EC) which has parameters set to protect the water quality in which edible shellfish are grown.

Applicants should also be aware of the need to pay due regard to coastal and marine archaeological matters and attention is drawn to Historic Scotland's Operational Policy Paper HP6, "Conserving the Underwater Heritage".

Lochs Creran, Alsh, Duich and Long are designated as SAC under the Habitats Directive (Council Directive 92/43/EEC). Loch Creran has been selected for its bedrock and biogenic reefs of the tube worm *Serpula vermicularis* and the horse mussel, *Modiolus modiolus* and Lochs Alsh, Duich and Long for their sublittoral rock (marine) reefs. All are very sensitive to physical damage from anchors and the placement of moorings and in order to assist their protection reference should be made to the special moorings pack which can be downloaded from the following link:

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications>

Where there are potential impacts from the works, please provide details of proposed mitigation in response to potential impacts.

6. Scotland's National Marine Plan

Scotland's National Marine Plan has been prepared in accordance with the EU Directive 2014/89/EU, which

came into force in July 2014. The Directive introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements all of which have been addressed in this plan. In doing so, and in accordance with article 5(3) of the Directive, Marine Scotland have considered a wide range of sectoral uses and activities and have determined how these different objectives are reflected and weighted in the marine plan. Land-sea interactions have also been taken into account as part of the marine planning process. Any applicant for a marine licence should consider their proposals with reference to Scotland's National Marine Plan. A copy of Scotland's National Marine Plan can be found at: <http://www.gov.scot/Publications/2015/03/6517/0>

Indicate whether you have considered the project with reference to Scotland's National Marine Plan and provide details of considerations made with reference to the policies, including but not limited to General Policy 7 (GEN 7), that have been considered. If you have not considered the project with reference to Scotland's National Marine Plan please provide an explanation.

7. Pre-Application Consultation

Certain activities will be subject to public pre-application consultation. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. The new requirement will allow those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages – before an application for a marine licence is submitted. Further information can be obtained from: <http://www.scotland.gov.uk/Resource/0043/00439649.pdf>

If applicable, please submit your pre-application consultation report with your application.

8. Consultation (other than carried out under pre-application consultation)

Provide details of all bodies consulted and give details of any consents issued including date of issue.

9. Associated Works

Indicate whether the application is associated with any other marine projects (e.g. pontoon, moorings etc). If this is the case, provide reference/licence number for the related marine projects.

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It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act.

Public Register

Do you consider that any of the information contained within or provided in support of this application should not be disclosed:

(a) for reasons of national security; YES NO

(b) for reasons of confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest? YES NO

If **YES**, to either (a) or (b), please provide full justification as to why all or part of the information you have provided should be withheld.

WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Signature

Stevie Jarron

Digitally signed by Stevie
Jarron
Date: 2017.10.05 17:01:50
+01'00'

Date

05/10/2017

Name in BLOCK LETTERS

Stevie Jarron

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- Completed and signed application form
- Project Drawings
- Maps/Charts
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority)
- Method Statement
- Photographs of the location of the project
- Additional information e.g. consultation correspondence (if applicable)
- Noise Registry – Initial Registration Form (if applicable)
- Pre-application Report (if applicable)
- Payment (if paying by cheque)

1. Applicant Details

Title: **Mr** Initials: **W** Surname: **Spiers**

Trading Title (if appropriate): **Muckairn Mussels Ltd**

Address: **Muckairn Mussels Ltd, Achnacloich, Connel, Argyll. PA37 1PR**

Name of contact (if different):

Telephone No. (inc. dialing code): **01631 710 653**

Email: **[REDACTED]**

Statutory Harbour Authority? YES NO

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

2. Agent Details (if any)

Title: **Mr** Initials: **S** Surname: **Jarron**

Trading Title (if appropriate): **Argyll Aquaculture Resource Consultants LLP**

Address: **Tigh air Oisean, Cnoc a Chaltuinn, Clachan Seil, Argyll and Bute. PA34 4TR**

Name of contact (if different):

Telephone No. (inc. dialing code): **01852 300 056**

Email: **[REDACTED]**

3. Payment

Enclosed Cheque Invoice

Contact and address to send invoice to:

Applicant Agent Other

If **OTHER**, please provide contact details:

Title: Initials: Surname:

Address:

Email:

4. Application Type

Is this application for a new algal farm site or an existing algal farm site:

New Site Existing Site

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

Consent/Licence Number	Expiry Date
05121/14/0	

5. Algal Farm Details

(a) **Deposits** of component parts/equipment:

Component Parts/Equipment	Quantity	Dimensions (metres)
Longlines		
Grid moorings		
Boat moorings		
Rafts	10	10m x10m
Pontoons		
Marked Buoys		
Other (please specify)		

(b) **Removals** of component parts/equipment (if relevant):

Component Parts/Equipment	Quantity	Dimensions (metres)
Longlines		
Grid moorings		
Boat moorings		
Rafts		
Pontoons		
Marked Buoys		
Other (please specify)		

(c) Total area of the proposed works (in square metres):

as in original mussel consent m²

(d) Proposed start date (**Target duration for determination of a marine licence application is 14 weeks**):

01/01/2018

(e) Cost of the works seawards of the tidal limit of MHWS:

£ <2,500

(f) Location:

Loch Etive, Argyll and Bute - Please see attachment (Site coordinates - Site 1 - Rafts) and attachment (Site map - Site 1 - Rafts).

Latitude and Longitude co-ordinates (WGS84) defining the boundary points of the moorings area and each of the component parts, including sub-surface equipment, of the algal farm (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude									
Moorings Area																			
									' N										' W
									' N										' W
									' N										' W
									' N										' W
Longline Position(s)																			
									' N										' W
									' N										' W
									' N										' W
									' N										' W
									' N										' W
									' N										' W
Boat Mooring Position(s)																			
									' N										' W
									' N										' W
Raft Position(s)																			
									' N										' W
									' N										' W
Pontoon Position(s)																			
									' N										' W
									' N										' W
Marked Buoy Position(s)																			
									' N										' W
									' N										' W

(g) Is the algal farm located within the jurisdiction of a statutory harbour authority

YES NO

If YES, please specify statutory harbour authority:

(h) Method statement including schedule of work (continue on separate sheet if necessary):

See attachment "Muckairn Mussels Seaweed Farm - Method Statement"

(i) Potential impacts the works may have (including details of areas of concern e.g designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

Proposed site is a consented mussel farm within a Shellfish Water Protected Area

As such, the potential impacts have been weighed up carefully. It is put forward that the algae cultivation is a low impact on the designated areas classifications and even could be argued to be an environmental improvement as it may mitigate some of the impact of Finfish Farming nearby and provides an artificial reef refuge during the growing season.

Commercial mussel production at the site has ceased for the time being and the level of seaweed production proposed will be limited to a trial scale.

6. Scotland's National Marine Plan

Have you considered the application with reference to Scotland's National Marine Plan?

YES NO

If **YES**, provide details of considerations made with reference to the policies, including but not limited to General Policy 7 (GEN 7), that have been considered:

See attachment - "Muckairn Mussels Seaweed application - General planning principles"

If **NO**, please provide an explanation of why you haven't considered the National Marine Plan?

7. Pre-Application Consultation

Is the application subject to pre-application consultation, under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013?

YES NO

If **YES**, please indicate the date of the public notice for the pre-application consultation event and the type of consultation event held (a copy of the public notice must be supplied with this application):

Event Type	Date

8. Consultation

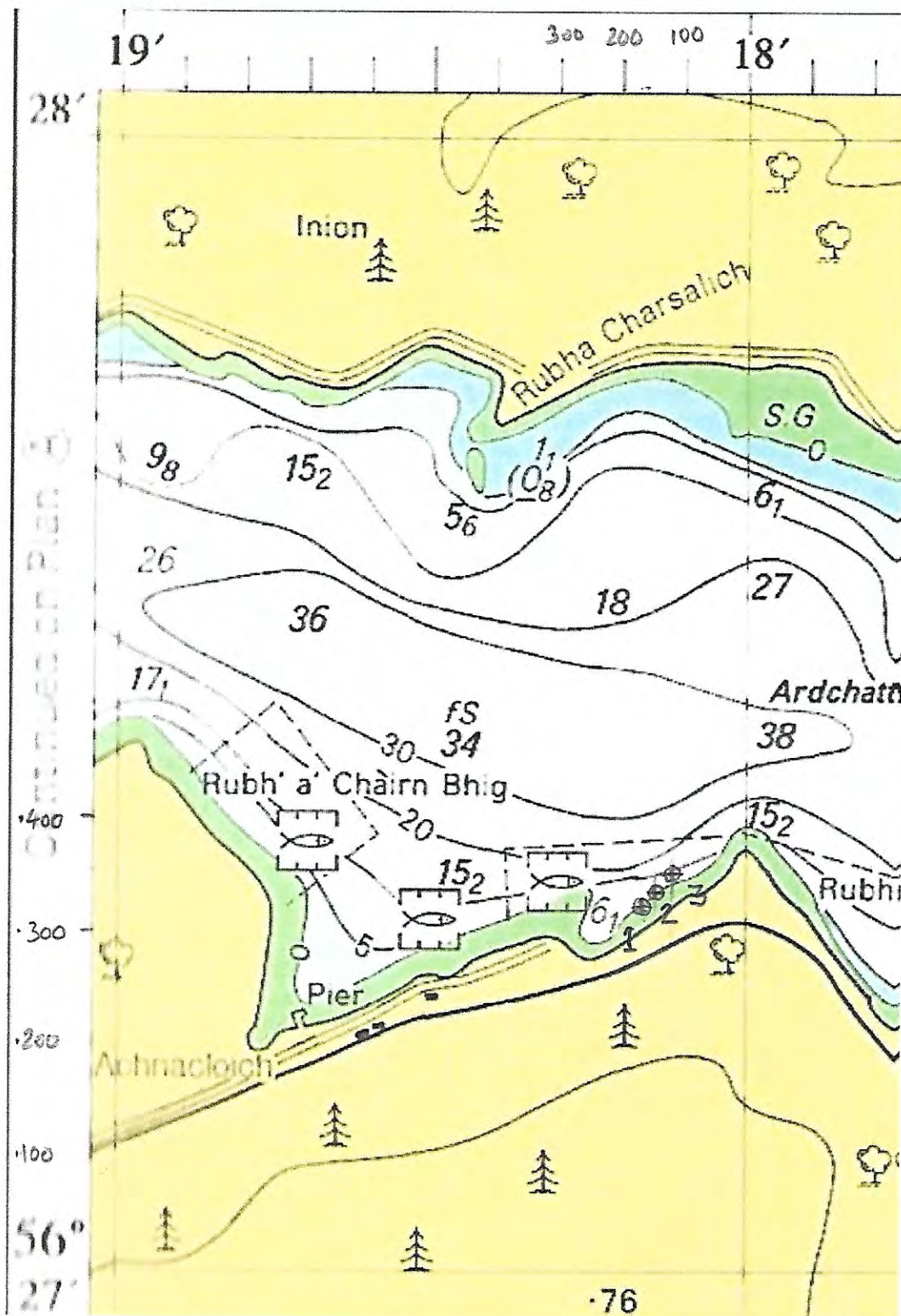
List all bodies you have consulted and provide copies of correspondence:

We are confident that when MS-LOT contact the original Statutory Consultees, they will have no objection to the change of species at this site

9. Associated Works

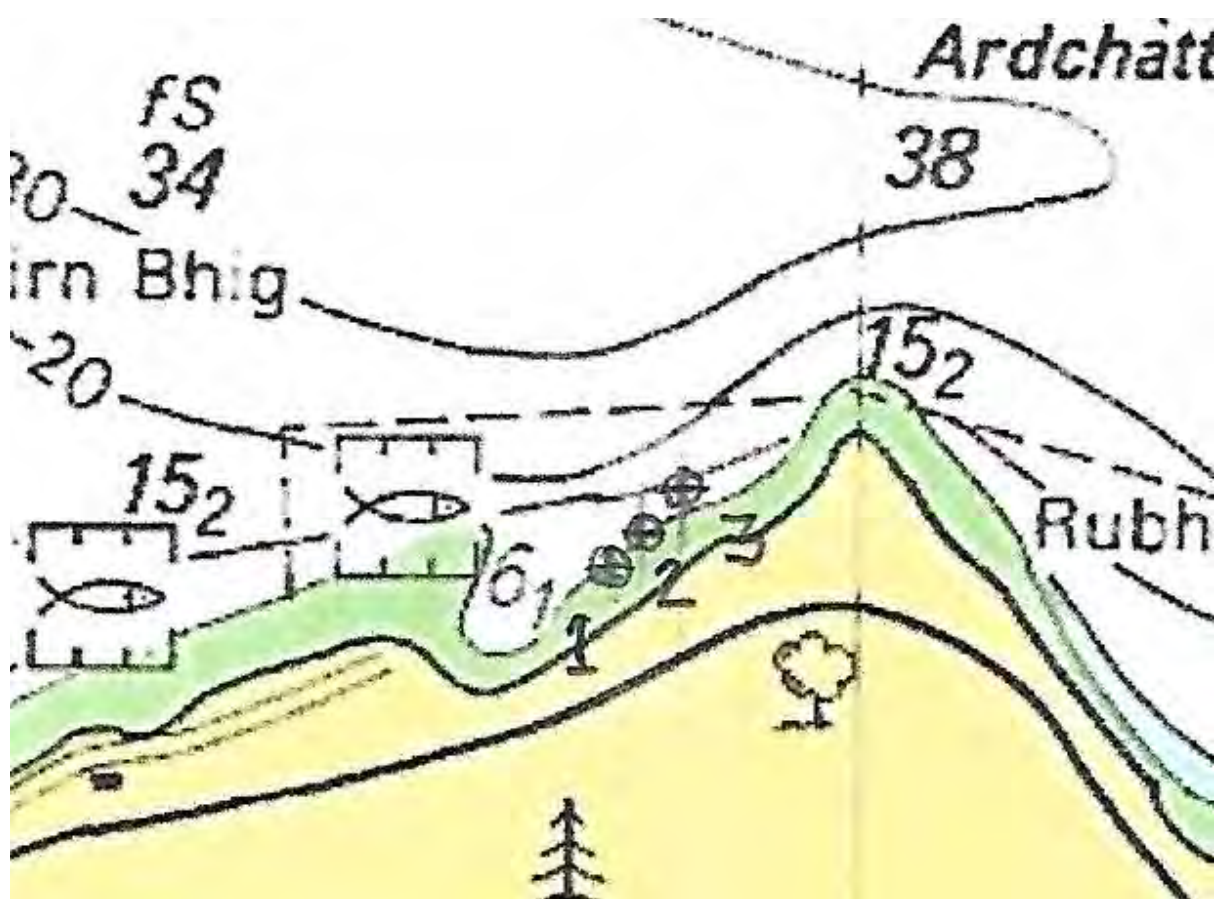
Provide details of other related marine projects, including reference/licence numbers (if applicable):

Site has an existing mussel farm license 05121/14/0 and is part of a larger mussel farm group. See attachment (Site map - All Sites, Muckairn Mussels, Loch Etive)



Moorings:

- 1 56° 27.32' N : 005° 18.16' W
- 2 56° 27.34' N : 005° 18.14' W
- 3 56° 27.35' N : 005° 18.11' W.



Moorings:

- 1 $56^{\circ} 27.32' N : 005^{\circ} 18.16' W$
- 2 $56^{\circ} 27.34' N : 005^{\circ} 18.14' W$
- 3 $56^{\circ} 27.35' N : 005^{\circ} 18.11' W.$

Millar P (Peter)

From: stevie jarron [REDACTED]
Sent: 07 December 2017 14:32
To: Wilcox L (Louise)
Subject: Re: RE: RE: RE: 06567/06568 - Muckairn Mussels (per Argyll AquacultureResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, LochEtive
Attachments: Site 2 moorings chart #1.pdf; Site 2 moorings chart #2.pdf

Hi Louise,

Please find attached a 2 page Admiralty chart marked with the mooring positions for Site 2.

Please let me know if this is appropriate to inform the consultees.

Regards Stevie

On Thursday, 7 December 2017, 13:42:01 GMT, <Louise.Wilcox@gov.scot> wrote:

Hi Stevie,

Many thanks for those. That does give me what I need. I have just also realised that the boat moorings are not shown on the chart that you have provided. Please can you provide a non-Crown Estate chart which shows the location of the moorings.

Kind Regards,

Louise

From: stevie jarron [REDACTED]
Sent: 04 December 2017 17:57
To: Wilcox L (Louise)
Subject: Re: RE: RE: RE: 06567/06568 - Muckairn Mussels (per Argyll AquacultureResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, LochEtive

Hi Louise,

Sorry for my mistakes. I'm working this without the consents before me and trying to do a dozen other things at once. Pure human error!

There is no additional equipment required on site, so you can proceed with Site 1.

Attached are amended coordinates and applications for Sites 2 and 3.

Hopefully these are now in order and you can proceed with these also.

Thank you again for your patience.

Regards Stevie

On Monday, 4 December 2017, 16:33:56 GMT, <Louise.Wilcox@gov.scot> wrote:

Hi Stevie,

Thank you for the additional information about the oyster permit for site 1. Please can you confirm if there is any additional equipment required which is not already listed on the application form. The marine licence for a shellfish farm is only for the navigational aspect of the equipment and does not list the species.

Please can you send an updated application form which includes the boat moorings for site 2.

I see that you have also increased the number of rafts for site 2 however my original query with the discrepancy was for site 3. Please can you confirm the number of rafts and sites 2 and 3 and if necessary, submit updated application forms.

In the meantime, I have progressed your applications for sites 4 and 5.

Kind Regards,

Louise

From: stevie jarron [REDACTED]
Sent: 04 December 2017 12:06
To: Wilcox L (Louise)
Subject: Re: RE: 06567/06568 - Muckairn Mussels (per Argyll AquacultureResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, LochEtive

Hi again Louise,

Further to my last email...

Please find attached the amended details of Site 2.

This includes the 3 mooring coordinates and raft numbers.

Please let me know if there are any further details you require and thank you for your patience.

Regards Stevie

On Monday, 4 December 2017, 09:53:24 GMT, stevie jarron [REDACTED] wrote:

Hi Louise,

Sorry this is all coming back to you piecemeal.

Attached is a Marine Scotland document from the applicant which states the inclusion of (native and pacific) oyster consent at one site (site 1) only, not two sites as the applicant thought.

I am still awaiting the coordinates of the 3 moorings at site 2 and will amend to show 10 rafts rather than the 5 in the paperwork I was given.

In the meantime, if it doesn't cause more issues, the licensing for sites 1,3,4 and 5 can proceed while I await the last pieces of information for you.

I reattach the area chart you already approved to go with each application.

Let me know if that is ok to proceed or if you still wish to wait for the complete Site 2 details before processing the 5 applications. Which ever way suits you is fine by me.

Regards Stevie

On Monday, 27 November 2017, 15:24:34 GMT, <Louise.Wilcox@gov.scot> wrote:

Hi Stevie,

Yes that new chart meets our requirements. I will await confirmation from you that all of the equipment has been included for all 5 sites before starting the consultation process.

Kind Regards,

Louise

From: stevie jarron [REDACTED]
Sent: 27 November 2017 14:52
To: Wilcox L (Louise)
Subject: RE: 06567/06568 - Muckairn Mussels (per Argyll AquacultureResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, LochEtive

Hi Louise,

I'm still awaiting the details of the moorings etc from the applicant.

I attach a new map of the sites. Is this closer to what you are looking for?

Regards Stevie

From: Louise.Wilcox@gov.scot
Sent: 23 November 2017 16:31
To: [REDACTED]
Subject: RE: 06567/06568 - Muckairn Mussels (per Argyll AquacultureResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, LochEtive

Hi Stevie,

Even if the boat mooring are registered with the Crown Estate, they also require to be listed on a marine licence so you should include the co-ordinates for them with the marine farm licence application.

I will not progress any of the applications until you have done your check and confirmed whether there are any further changes to the equipment listed at any of the sites.

Regarding the consent for oysters, I am unable to find any record of this on our system with the information that you have provided. Does the applicant have a copy of the consents that were issued or a note of the reference numbers?

Unfortunately, I am still unable to accept the chart that you have provided because it appears to be the same as the original with the copyright notice cropped from the bottom so I can only assume that it is still subject to the same restrictions. We can accept any charts providing that they are not subject to Crown Estate copyright so for example can accept admiralty charts. If you can just provide one chart showing all 5 sites then this will be acceptable.

Kind Regards,

Louise

From: stevie jarron [REDACTED]
Sent: 23 November 2017 14:54
To: Wilcox L (Louise)
Subject: RE: 06567/06568 - Muckairn Mussels (per Argyll Aquaculture ResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, Loch Etive

Hi again Louise,

I have spoken with the applicant and there are a few errors in the data that he has given to me compared to the original mussel consent.

He assures me that the boat moorings are all registered with Crown Estates and will get the coordinates for me over the weekend.

He will pass the original mussel consent on to me and I will try to ensure they match equipment and moorings.

The applicant also commented that there is additional consent for native and pacific oysters on Sites 1 and 2 (from his memory) and wishes to check that these consents also are still active along with the ongoing mussel consent?

I also attached a refreshed version of the GIS map of the sites. Is this suitable to send to the consultees?

Do I need to refresh all the maps for each site or is this "All Sites" chart enough to go with each of the 5 applications?

I will resubmit as appropriate.

Regards Stevie

[REDACTED]

From: Louise.Wilcox@gov.scot

Sent: 23 November 2017 12:36

To: [REDACTED]

Subject: RE: 06567/06568 - Muckairn Mussels (per Argyll Aquaculture ResourceConsultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Cam, Loch Etive

Hi Stevie,

Thank you for checking that for me. I have just also noticed that the charts you have provided are Crown Estate copyright. For copyright reasons, we are unable to send these to our consultees. Please can you provide none Crown Estate charts for all 5 of the sites?

Kind Regards,

Louise

From: stevie jarron [REDACTED]

Sent: 23 November 2017 12:02

To: Wilcox L (Louise)

Subject: Re: 06567/06568 - Muckairn Mussels (per Argyll Aquaculture Resource Consultants LLP) - Algal Farm - Sgeir a Chait & Rubha nan Carn, Loch Etive

Hi Louise,

I'll speak with the applicant and find out if the equipment he gave me information on, is all he wants licensed.

Regards Stevie

On Thursday, 23 November 2017, 10:23:24 GMT, <Louise.Wilcox@gov.scot> wrote:

Dear Stevie,

I have reviewed your applications to permit algal farming at the existing licensed mussel farms at Loch Etive. On cross checking the information on your new applications with that on the existing mussel licences, I found a couple of discrepancies that I wanted to confirm before progressing your applications any further.

Site 2: Sgeir a Chait

- The existing mussel licence includes 3 boat moorings. If these are in the water, or planned to be then they should be included on the new application.

Site 3: Rubha nan Carn

- The existing shellfish farm licence lists 10 rafts however the new application only includes 5. Please can you confirm the number of rafts that you would like to be included on any revised licence for the site?

Kind Regards,

Louise

Louise Wilcox
Marine Licensing Casework Officer

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: +44 (0)131 24 42912

General Queries: +44 (0)1224 295 579

Email: louise.wilcox@gov.scot

Website: ms.marinelicensing@gov.scot
<http://www.scotland.gov.uk/marinescotland>



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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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