

The Highland Council
Planning, Development and Infrastructure Committee

18 February 2015

Agenda Item	21
Report No	PDI 18/15

Aquaculture Supplementary Guidance

Report by Director of Development and Infrastructure

Summary

This report introduces the draft Aquaculture Supplementary Guidance for approval for consultation. It provides a clear policy framework for making planning decisions to support environmentally, economically and socially sustainable aquaculture development in Highland in appropriate locations. This draft Supplementary Guidance aims to streamline the process of preparing, submitting and determining aquaculture planning applications for aquaculture development by ensuring that all relevant information is provided by developers at the outset.

Members are asked to approve the draft Aquaculture Supplementary Guidance to enable a public consultation to be carried out.

1. Background

- 1.1 Policy 50 of the Highland-wide Local Development Plan (HwLDP) provides policy guidance on how planning applications for the aquaculture industry will be considered. As use of this policy and the wider HwLDP has 'bedded in' over the last two years, it was felt that further, more detailed, guidance would be helpful. Thus, in response to the growing industry and Scottish Government targets, the *Aquaculture Supplementary Guidance* aims to provide up to date Highland-wide policy guidance on the issues developers should consider when submitting aquaculture planning applications. It will also allow other stakeholders to have a better understanding of the main issues considered in aquaculture planning applications.
- 1.2 The initial steps towards reviewing the adopted HwLDP have started but are expected to take approximately 3 years to complete. It is therefore appropriate to develop the *Aquaculture Supplementary Guidance* in advance of this review to ensure the growing aquaculture industry has the best available guidance ahead of the full HwLDP review.

2. Draft Aquaculture Supplementary Guidance

- 2.1 The draft document presented to committee has been prepared by the Development Plans team. The content had been informed by best practice, technical guidance from various national and international sources, recent appeal decisions, and case law, including recent local decisions in the Highland Council area. A copy of the draft Aquaculture Supplementary Guidance is

attached at **Appendix A**, and a copy has been placed in the Members' Lounge for review.

- 2.2 The document briefly explains the importance of aquaculture to the Highland economy. A spatial strategy and six development criteria are defined, which will guide the suitability and determination of planning applications in Highland. The guidance has been prepared in accordance with NPF3, SPP (2014) and takes cognisance of the emerging National Marine Plan, and related marine policy and guidance.
- 2.2 Section 2 of this document sets out the spatial strategy that guides developers to areas of potential growth and highlights area of sensitivity. Section 3 details the development criteria that will be used to assist the assessment of fish farming development planning proposals. Background information and links to key supporting documents are provided in Section 4. Information boxes are provided throughout the document to clarify key points.
- 2.3 The guidance within the document will ensure that there is consistency in decision making across the Highland Council area, which will keep Highland Council decisions on aquaculture development (both marine and freshwater) in line with best practice. It will ensure transparency and clarity in the aquaculture planning process. Implementation of the guidance should support the sustainable development of aquaculture in the Highland area; this is of a significant economic value given many of the aquaculture developments are in remote rural areas.

3. Proposed Consultation Arrangements

- 3.1 The consultation of the document will be through circulation to an established list of stakeholders who have an interest in aquaculture, area planning offices, service points and availability on the Council's website. We will also be carrying out tailored consultation with industry representatives.
- 3.2 The consultation period will be advertised in local press, on the Council website, in the planning offices and services points and will run for no less than six weeks in March and April. Following consultation a further report and final amended document will be brought back to the Planning, Development and Infrastructure Committee for approval prior to formal adoption.

4. Implications

4.1 Resource

The cost of publication, advertising and consultation will be met within existing budgets. There are no additional resource implications associated with the development and adoption of the Supplementary Guidance: Aquaculture.

4.2 Equalities, Climate Change/Carbon Clever, Risk, Rural and Gaelic

There are no direct legal, resource, equality, climate change/Carbon Clever, risk, rural or Gaelic implications directly arising from this report.

Recommendation

The Committee is recommended to approve the draft Aquaculture Supplementary Guidance for full public consultation.

Designation: Director of Development and Infrastructure

Date: 06 February 2015

Author: Shona Turnbull

Background Papers: Appendix 1 - Aquaculture Supplementary Guidance

Aquaculture Supplementary Guidance Stiùireadh Leasachail a thaobh Tuathanachas Uisge



Foreword

The purpose of this document is to provide supplementary guidance for the aquaculture industry, statutory consultees and third parties to support environmentally, economically and socially sustainable aquaculture development in Highland.

The aim of this Aquaculture Supplementary Guidance is to guide development to those locations that are considered to have fewer constraints to development; or to where those constraints can be mitigated through sensitive equipment design or working practices. The guidance will also assist in the streamlining of the process of preparing, submitting and determining aquaculture planning applications.

The guidance is also designed to help improve the quality of planning applications submitted for aquaculture development by ensuring that all relevant information is provided by developers at the outset and that the Council can have a clear policy framework for planning decisions.

Status

This is draft supplementary guidance for aquaculture which is published for public consultation. It sets out the proposed spatial strategy and development criteria against which future fish farming development proposals in Highland would be assessed. It reflects policy advice provided in the Highland-wide Local Development Plan and Scottish Planning Policy. The supplementary guidance does not form part of the development plan until it is finalised and statutorily adopted following this consultation period.

How to Make Comment

The public consultation runs from <date> – <date>. During this time the Council is inviting comments on the draft aquaculture supplementary guidance. Questions to guide your responses can be found at the end of each section.

All comments should be made by the <date> and submitted in one of the following ways:

- By email to devplans@highland.gov.uk ; or
- In writing to Coastal Planning, Development Plans Team, Development and Infrastructure Service, The Highland Council, Glenurquhart Road, Inverness, IV3 5NX.

Please note that the consultation is limited to the content of this draft aquaculture supplementary guidance only.

What Happens Next

All comments received during the consultation on this draft aquaculture supplementary guidance will be considered when the Council prepares the final consultation version later this year. There will then be a final consultation on the document, with an accompanying Environmental Report. The final version will be adopted as statutory supplementary guidance and will form part of the development plan. It will therefore be used to assess all planning applications with the Highland area.

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Development Criterion 4 Water Quality

Development Criterion 5 Other marine users

Development Criterion 6 Construction, Operation & Decommissioning

4.0 Additional sources of information

Annex 1 Diagram of planning process

DRAFT

1.0 Introduction

Purpose

1.1 This Aquaculture Supplementary Guidance provides guidance to support Policy 50 of the Highland wide Local Development Plan (HwLDP). Its preparation will also inform the early stages of any replacement policies in the revised HwLDP. It aims to support sustainable of marine and freshwater aquaculture development within appropriate sites around Highland (see Map 1 in the Spatial Strategy). It provides a spatial strategy and a suite of development criteria against which aquaculture planning applications will be assessed, in agreement with national and local policy guidance and legislation. It is accompanied by a Strategic Environmental Assessment and Habitats Regulation Assessment at the various consultation stages. This Aquaculture Supplementary Guidance must be read in conjunction with the Highland wide Local Development Plan and any related policy guidance.

1.2 The Highland-wide Local Development Plan supports the sustainable development of finfish and shellfish farming subject to there being no significant adverse effect, directly, indirectly or cumulatively on the natural, built and cultural heritage and existing activity (see Box 1). The Council has also produced a range of other supplementary guidance, which are relevant to the consideration of aquaculture development. In particular but not limited to, Supplementary Guidance on '*Highland Statutorily Protected Species*', '*Physical Constraints*', '*Special Landscape Areas*' and the '*Highland Historic Environment Strategy*' and the Aquaculture Framework Plans are relevant.

1.3 The Highland wide Local Development Plan (HwLDP) remains the key planning policy document for Highland. The Council is beginning a review of relevant policies in the HwLDP alongside this supplementary guidance. This process will take approximately two years to complete and will include an evaluation of all supporting supplementary guidance. This review includes the associated Aquaculture Framework Plans, integrated coastal plans and the Highland Coastal Development Strategy, which remain in force during this period. However it is recognised that some of these supporting documents, or elements within them, may be somewhat outdated. Whilst the review process is underway, the Aquaculture Supplementary Guidance will ensure it takes the latest available information from the review process into account. The policies that emerge through the review will include reference to and be compatible with this supplementary guidance. This is considered to be the most appropriate approach to ensure that developers have clear policy guidance to support the sustainable growth of the aquaculture industry.

1.4 Section 2 of this document sets out the spatial strategy that guides developers to areas of potential growth and highlights area of sensitivity. Section 3 details the development criteria that will be used to assist the assessment of fish farming development planning proposals. Background information and links to key supporting documents are provided in Section 4. Information boxes are provided throughout the document to clarify key points.

Box 1: Policy 50 of the Highland wide Local Development Plan*

The Council supports the sustainable development of finfish and shellfish farming subject to there being no significant adverse effect, directly, indirectly or cumulatively on:

- the natural, built and cultural heritage, taking into consideration:
 - landscape character, scenic and visual amenity with reference to SNH commissioned report: landscape/seascape carrying capacity for aquaculture;
 - the classification and objectives set out in the river basin management plan for the Scotland river basin district and supplementary area management plans;
 - wild fish populations;
 - biological carrying capacity;
 - and cumulative benthic and water column impacts - for finfish proposals support is conditional on proposals being consistent with Marine Scotland's Locational Guidelines for the authorisation of Marine Fish Farms in Scottish Waters;
 - habitats and species, including designated sites and protected species;
- existing activity, taking into consideration:
 - commercial inshore fishing grounds;
 - existing and consented aquaculture sites;
 - established harbours and natural anchorages and navigation (including recreational);
 - the location of existing/proposed pipelines/outfalls and discharge points for treated waste water and storm water.

All proposals will be subject to detailed assessment in these terms. Where proposals are located on a suitable site they will also need to show:

- appropriate operational and site restoration arrangements (including management of noise and lighting impacts, public health and safety, and the effective control of pollution, fish farm escapes, predator interaction and disease);
- good design of cages, lines and associated facilities (please refer to Marine aquaculture and the Landscape: The Siting and Design of Marine Aquaculture Developments in the Landscape SNH);
- that opportunities for shared use of jetties, piers and ancillary facilities are promoted where possible.

There is a national presumption against expansion of marine finfish farms on north and east coasts. This does not preclude shellfish farming in these areas. More detailed policy relating to key pressure areas for aquaculture is given through the Council's Aquaculture Framework Plans and Integrated Coastal Zone Management Plans, which the Council intends to adopt as Supplementary Guidance to this Plan.

Where new fish farm provision will result in existing fish farm infrastructure becoming redundant, we will seek the removal of the redundant infrastructure as a requirement of the development.

The core principles of the Highland Council's aquaculture framework plans and coastal development plans are similar. However, coastal development plans cover all sectors and are relevant to proposals for all types of installations in coastal waters. The aquaculture framework plans will:

- guide the location and scale of aquaculture development;
- ensure that development is environmentally sustainable;
- identify both opportunities and constraints so that developers have a realistic idea of the development potential and other interests which should be taken into account;
- provide an overview for the use of the coastal waters and promote a balanced approach which can safeguard the area's core natural assets and sustain or enhance its productivity over the longer term;
- aim to guide investment, help in the evaluation of development proposals, and help to minimise conflicts of interest.

* see paras 1.2-1.3

Background

1.5 Aquaculture in Scotland is an important industry, creating and supporting employment, particularly in remote areas. Figures prepared by the Scottish Government indicate that output of the sector in 2012 was around 170,000 tonnes, worth £560 million at the farm gate. Of this, salmon accounted for 96% of the output. In Highland the industry makes an important contribution to the local economy, particularly within areas on the north and west coasts where employment opportunities may otherwise be limited. This economic investment in turn generates social benefits.

1.6 In terms of value and production volume, fin fish farming is the main aquaculture activity taking place in Highland, contributing to food security. Production is focused on Atlantic Salmon in the marine environment, which leads to the need for salmon smolt production in freshwater cages and land based farms. There is a small volume of trout farmed in sea cages and some rainbow trout and brown trout in the freshwater environment. Historically there has been interest in diversifying production into species such as Cod, Haddock and Halibut. There is recent, renewed interest in rearing wrasse and other species to assist in the biological control of sea lice on farmed salmon.

1.7 Shellfish farming is also important to the Highland economy. This is dominated by the rope grown culture of mussels but there are a number of sites farming scallops and an increasing interest in farming both native and pacific oysters. Other novel species such as sea urchins have been considered by developers from time to time.

1.8 The bulk of aquaculture development and activity is situated on the west coast of Highland (see Maps 2 & 3 in the Spatial Strategy). These marine developments are supported by a number of fresh water farms, both loch based and land based which produce the smolts for transfer to sea cages.

Legislation and policy guidance

1.9 When making or determining planning applications for fish farming, there are a number of legislative considerations and policy guidance documents to aid developers and planners, as discussed below.

Aquaculture for the purposes of this document covers “fish farming” which is legally defined in the Town and Country Planning (Scotland) Act 1997 as ‘the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean or mollusc). This was amended by the The Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2013 to include any kind of sea urchin. Seaweed cultivation is not covered by this Act (see Box 2). In its submission to

the consultation on the draft seaweed policy statement, The Highland Council stated it had recommended on several occasions that seaweed farming be included in the meaning of development under the planning acts. It also noted that the only reasonable and feasible option would therefore be for the main consent to be provided through the terrestrial planning regime.

Box 2: Seaweed Harvesting and Culture

The Scottish Government recently consulted on a policy statement regarding commercial seaweed cultivation as well as options for managing the sustainable growth of the seaweed wild harvesting industry. The consultation analysis is now available (see further information Section 4) and the final policy statement will be published in 2015. Once more details are available, subsequent supplementary guidance can be updated.

1.10 Aquaculture development in Highland is governed by various planning regulations that consider both planning permissions and any related environmental issues (see Annex 1). In addition to terrestrial jurisdiction, the Town and Country Planning (Scotland) Act 1997 and the Planning etc (Scotland) Act 2006 bring fish farming within three nautical miles of the mean low water spring tide (MLWS) within planning control. As such, planning permission is required for fish farming on land and at sea up to 3 nautical miles. The Marine (Scotland) Act 2010 extends to the mean high water spring tides (MHWS). The two ‘consenting’ processes therefore overlap in the intertidal area (see Figure 1).

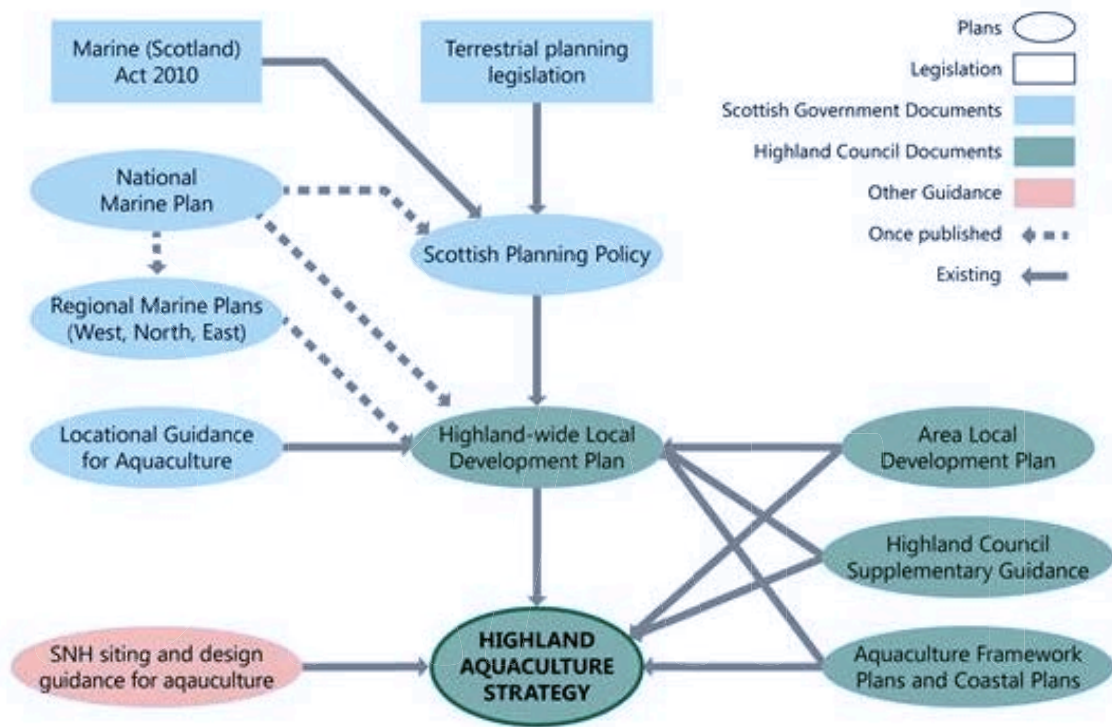


Figure 1: Schematic of where the Highland Aquaculture Supplementary Guidance fits with other key plans, policies and legislation.

1.11 At national level, Scottish Planning Policy (SPP) notes that ‘aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities...’ and ‘Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends.’ Scottish Government targets are to increase sustainable production of marine finfish by 32% and shellfish by 99% by 2020, based on a 2011/2012 baseline; the National Marine Plan reiterates these ambitious targets.

1.12 To help underpin the growth targets, the government produced ‘A Fresh Start – the Renewed Framework for Scottish Aquaculture (2009)’. One of the key themes in the Framework was to address ‘planning, consents and sites’ so that development occurred within the ‘right’ sites and in the ‘right’ location. It states that this should be done through transparent, streamlined and proportionate regulation to minimise adverse impacts on other users of the marine and freshwater environment.

1.13 Circular 1/2007 *Planning Controls for Marine Fish Farming* provides guidance on the Acts, Regulations and Orders relevant to planning controls over marine fish farming. It is understood that this circular is being updated at the time of writing. The Aquaculture and Fisheries (Scotland) Act 2013 provides further regulatory and technical guidance.

1.14 To ensure the integration of land use and marine planning, the Marine (Scotland) Act 2010 makes provision for the production of marine plans, which must integrate with land use planning. All public authorities making decisions that affect or might affect the UK marine area must therefore do so in accordance with the UK Marine Policy Statement, the Scottish National Marine Plan and any subsequent Regional Marine Plan, unless relevant considerations indicate otherwise. This applies, but is not limited to, decisions on marine licensing, consents under Section 36 of the Electricity Act 1989 (as amended) and terrestrial planning applications and enforcement.

1.15 Public bodies must have regard to the UK Marine Policy Statement and relevant Marine Plans when making decisions that are capable of affecting the UK marine area but are not enforcement or authorisation decisions. This applies to the preparation and adoption of local development plans and to other terrestrial planning functions.

Decision making processes and application procedures

1.16 Applications for most finfish farms will require assessment under the Environmental Impact Assessment (Scotland) Regulations 2011. This involves screening, scoping and Environmental Statement stages, where appropriate. There is currently no requirement for shellfish sites to undergo EIA assessment but the planning authority has the right to request environmental information it requires in order to determine an application.

1.17 Regulation (EC) 853/2004 specifies the health conditions for the production and placing on the market of lice bivalve molluscs, tunicates, echinoderms and marine gastropods, such as mussels, oysters, scallops and razor fish. Under Regulation (EC) 854/2004 the Food Standards Agency Scotland, as competent authority, must establish the location and fish the boundaries of shellfish harvesting areas. The local authority health department also has a role in the regulation of the shellfish industry.

1.18 Any proposal in a designated Natura 2000 site (see Box 3; Map 4 in the Spatial Strategy) may also have to undertake an Appropriate Assessment under the Habitats Regulations Appraisal process. The assessment is based on the conservation objectives and qualifying interests of the designated site. The Council must not authorise a development unless, by means of an Appropriate Assessment, it can ascertain that it will not adversely affect the integrity of a Natura site.

Box 3: Natura & Ramsar Sites & Marine Protected Areas

Natura is the term given to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These internationally important sites are designated under the EU Habitats and Birds Directives.

Ramsar sites are designated as internationally important wetlands. All Ramsar sites in Scotland are also either SPAs or SACs.

Of the 30 Marine Protected Areas (MPAs) designed in July 2014, 17 fall under the Marine (Scotland) Act 2010 in Scottish territorial waters and 13 in offshore waters under the Marine and Coastal Access Act 2009. 8

1.19 In addition to the Natura sites, helping to build an ecologically coherent network of sites, Nature Conservation Marine Protected Areas (MPAs) have been identified. These are for the protection of nationally important marine biodiversity and geodiversity features (see Development Criterion 3 for further information).

1.20 The Town and County Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment Order 2012 allows for some minor alterations to aquaculture developments without the need for planning permission. However, developers must notify the local Planning Authority prior to undertaking any site alterations or extensions; this process is known as 'prior notification'.

1.21 The draft Planning Circular '*Planning Scotland's Seas: The relationship between the statutory land use planning system and marine planning and licensing*' requires public bodies to have regard to the relationship between the marine and terrestrial planning systems. This requirement is reflected in the National Marine Plan. This integration will be considered in more detail in the revised Local Plans as they are updated. As most aquaculture developments have some on-shore requirements e.g. shore base, storage, depuration/grading facilities, these should be considered within the planning application submissions.

1.22 Prior to the requirement in the National Marine Plan, The Highland Council established a pre-application advice service to provide clear, detailed guidance on development proposals. This helps ensure developers are aware of the key issues that need to be considered when planning a new site or modification to an existing one. This process can help avoid costly delays at a later stage and ensure developers are aware of the key material planning considerations likely to affect their proposals (see Section 4).

1.23 Planning applications will be assessed for compliance with the policies of the Highland wide Local Development Plan or any subsequent local authority development plan, any relevant supporting guidance and other material considerations, including this supplementary guidance. Development proposals must therefore comply with all policies within the HWLDP and the supporting guidance. Where compliance cannot be assured in the first instance, the attachment of planning conditions may allow proposals to proceed. The application process is outlined in Annex 1.

1.24 When assessing a planning application, the Planning Authority will consult with various statutory consultees, depending on the type of application to be assessed, in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Depending on the type of application being assessed, these may include:

- Scottish Ministers (done via Marine Scotland Science)
- Scottish Environment Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Historic Scotland and
- the relevant District Salmon Fishery Board (see Table 1).

In addition, the following may also be consulted, dependant on the type of application: Scottish Ministers via other Scottish Government departments, Ministry of Defence, Scottish Water, local harbour authority or any other organisations as may be applicable.

1.25 In accordance with legislation, applications for fish farms are also advertised, both on The Highland Council e-planning portal and in a newspaper circulating in the location of the development. This gives the local community and any other interested

parties the opportunity to comment on proposals. Depending on the location, some freshwater sites may also have 'neighbour notification' requirements whereby residents within 20 meters of a proposed development should be notified.

1.26 The development hierarchy sets scale thresholds at which development become 'Major' development. For marine fish farms, major developments are those with an equipment surface area exceeding 2.0 hectares and therefore require additional consultation (see Section 4 for further information). All applications involving major development are expected to be accompanied by a Processing Agreement. The purpose of these agreements is to set realistic and achievable timescales on when an application will be determined, providing key milestones and targets that allow the process to be progressed in more formal project managed manner. In some instances, it may also be appropriate to have a processing agreement for local (i.e. non-major) planning applications.

1.27 Any planning permission granted will be for the benefit of the particular installation equipment within the specific location and for the culture of the species applied for. Planning permission is generally granted subject to a number of conditions. When a development is not operated within the confines of this permission it may be unauthorised development and, enforcement action may be taken. This is a formal process undertaken in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended).

The role of other organisations

1.28 In addition to planning permission, aquaculture sites require a number of other consents and licences and advice depending on the type of aquaculture development proposed. Table 1 below outlines the main roles of each organisation. The Planning Authority will aim to ensure that planning controls exercised do not duplicate the controls and licensing requirements of other agencies. Further information on the role of the main statutory bodies is provided in the 'Working Arrangement Requirements for Statutory Consultees' document (see Section 4). Scottish Water is listed as one of statutory consultees in the planning legislation, but it is not listed in the aforementioned document or in the planning circular on controls for marine fish farming. Consultation with Scottish Water should therefore be assessed on a case by case basis.

Table 1: Role of key organisations involved in the aquaculture planning process.

Organisation	Applies to Finfish: Y/N	Applies to Shellfish: Y/N
Statutory consultees:		
Marine Scotland (MS) <ul style="list-style-type: none"> • Marine Scotland enforces provisions under the Aquaculture and Fisheries (Scotland) Act 2007 in relation to containment and parasite control. • It also implements measures that regulate the movement of live fish with a view to preventing the spread of fish/shellfish diseases. • It issues a marine licence covering navigation issues and deposits in the marine environment, including discharges from well boats when used for treating fish. 	 Y Y Y	 N N Y

<ul style="list-style-type: none"> • When a commercial activity could cause disturbance to a European Protected Species, MS may issue a licence for the activity. • MS is the licensing authority for seals under the Marine (Scotland) Act 2010. It can issue licenses for the killing of seals to protect the welfare of farmed fish. • It issues consents for an Aquaculture Production Business Authorisation. 	Y	Y
<p>Scottish Environment Protection Agency (SEPA) Under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, SEPA regulates activities which may pose a risk to the water environment. For finfish farming, SEPA sets limits on the types and amount of fish that be held in a cage configuration (fish biomass) and the amount of medicines (chemotheraputants) that can be administered and thus discharged into the environment from the fish cages. Known as a CAR licence, sites are assessed on the likely effects of discharges from a development on both the water column and the benthic environment. CAR licences are not generally required for shellfish farms.</p>	Y	N
<p>Scottish Natural Heritage (SNH) Scottish Natural Heritage is the statutory advisor in relation to Scotland's natural heritage. It advises on the Conservation (Natural Habitats, &c.) Regulations 1994 with regard to Natura sites (Special Areas of Conservation and Special Protection Areas), Marine Protected Areas and for European Protected Species. It also advises on other biodiversity, such as bird licensing, and landscape issues. It has produced two key documents to aid development: <i>'Locational guidance and the other one</i> <i>The Siting and Design of Aquaculture in the Landscape: Visual and Landscape Considerations 2011</i> and ' <i>Guidance on Landscape/Seascape capacity for Aquaculture 2008</i>'.</p>	Y	Y
<p>District Salmon Fisheries Boards (DSFBs) Where an aquaculture development falls within the boundary of an area covered by a DSFB, that DSFB becomes a statutory consultee. Where developments are proposed outwith such an area Scottish Ministers fulfil the role of the DSFB through Marine Scotland. A review of the Boards' work published by Scottish Government in October 2014, recommends changes to their governance structure, among other things (see Section 4).</p>	Y	N
<p>Ministry of Defence (MOD) The MOD is only consulted when there is a possibility that a marine war grave has the potential to be disturbed by a development.</p>	Y	Y
<p>Scottish Water Scottish Water requests that aquaculture development does not impact on its assets that provide clean, safe drinking water. Development should therefore ensure it is located where it will not lead to Scottish Water being required to upgrade infrastructure to comply with a shellfish designation.</p>	Y	Y

Statutory Consultees: EIA applications only		
Historic Scotland Advise on aspects of cultural heritage of national significance. Historic Scotland has responsibility for management of the Historic Marine Protected Areas designated in 2013 to protect historically important shipwreck sites.	Y	N
Transport Scotland On behalf of Scottish Ministers, Transport Scotland provide advise on transport related issues.	Y	N
Other organisations with a role in aquaculture planning and consenting		
Crown Estate Commissioners The Crown Estate manages approximately 50% of the foreshore, the beds of most tidal rivers and almost all of the territorial seabed out to 12 nautical miles. Most aquaculture developments will therefore require the necessary permissions from them to implement any planning consent, generally in the form of a seabed lease. Naturally occurring oysters and mussels in Scottish territorial waters form part of the ancient rights currently administered by the Crown Estate Commissioners. Preparations have been made for the transfer of existing rights and titles to Marine Scotland, on behalf of the Scottish Ministers.	Y	Y
Harbour Authority Where a development lies within or adjacent to a harbour authority area, it may provide advice on navigational or operational issues.	Y	Y

Consultation Question:

1. Do you agree with the purpose of the draft Aquaculture Supplementary Guidance (page 4)?

- | | |
|--------------------------------------|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neutral | <input type="radio"/> Don't know |

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

2.0 Spatial Strategy

Background

2.1 The Spatial Strategy guides aquaculture developers to locations of least sensitivity for sustainable development and highlights areas of constraint. It aligns with the Scottish Government and The Highland Council's objectives to support sustainable development of the aquaculture industry. It identifies potential areas of growth and areas sensitive to new or further fish farming development (see Maps 1-7 below).

2.2 The areas have been identified through the consideration of a range of material planning issues that have the potential to be affected by aquaculture development. These areas take into consideration the physical character of the area. The strategy also takes into account elements of the physical dynamics of the water bodies that are assessed by Marine Scotland.

2.3 Table 2 provides rationale for the spatial strategy and a brief overview of each map. Due to the large geographic area of Highland, it is recognised that the level of detail that can be shown is limited. However, more detailed mapping, including fine scale aspects, can be found on the National Marine Plan interactive (NMPI) website, hosted by Marine Scotland (see Section 4.0). In addition to the maps discussed, there are a number of other key spatial considerations that must be taken into account when considering aquaculture developments, as considered below.

Table 2: Background to maps 1-7

Map No./Title	Comment
1: Areas of Potential Growth	This map shows areas of least constraint in relation to designated areas. These areas represent areas of greatest growth opportunity.
2: Existing aquaculture sites	This map shows sites that have been granted planning permission or have been registered as "active" with the Fish Health Inspectorate. Some sites granted planning permission under the Scottish Government Audit/Review/Order process (2008-2015) do not have defined planning boundaries therefore the Council will refer to the previous Crown Estate lease where appropriate/available.
3: Shellfish Water Protected Areas	These areas are designated by SEPA to ensure the continued protection and improvement of Scotland's shellfish growing waters.
4: Environmental Designated Areas	Sites designated for environmental reasons are covered by a range of legislation to ensure these assets and resources are maintained.
5: Wild Land Areas and National Scenic Areas	SNH guidance states that Wild Land Areas "are identified as nationally important in Scottish Planning Policy, but are not a statutory designation."
6: Seal Haul-Out Sites	These are areas designated under The Protection of Seals (Designation of Seal Haul-Out Sites) (Scotland) Order 2014 to protect seals from harassment at their haul-out sites.
7: Presumption against further marine finfish farm developments	Scottish Planning Policy (SPP) (2014) retains a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

2.4 To support developers, Marine Scotland produces locational guidelines maps. These maps classify sea lochs into category 1, 2 or 3 areas based on predictive modelling to estimate the nutrient enhancement and benthic impacts. As these maps are updated quarterly, developers should check the Marine Scotland website for the most up to date classifications. The modelling does not take other factors such as biodiversity, landscape or amenity impacts into account and does not cover large areas of the coast.

2.5 Shellfish Harvesting Classifications are determined and reported on by the Food Standards Agency (FSA). As these are regularly updated, developers should consult the FSA website for the latest information.

2.6 Whilst the HwLDP (2012) and any supporting guidance remains in force, the spatial guidance provided in these documents will be a material consideration (see para 1.3).

Spatial strategy

Spatial Policy 1: Areas of Potential Growth

The Broad Areas of Search have potential capacity to accommodate sustainable growth of aquaculture.

Broad areas of potential growth are shown in Map 1.

Spatial Policy 2: Areas of Potential Sensitivity

The following areas have the potential to be affected by aquaculture development and may therefore be considered as constraints to development:

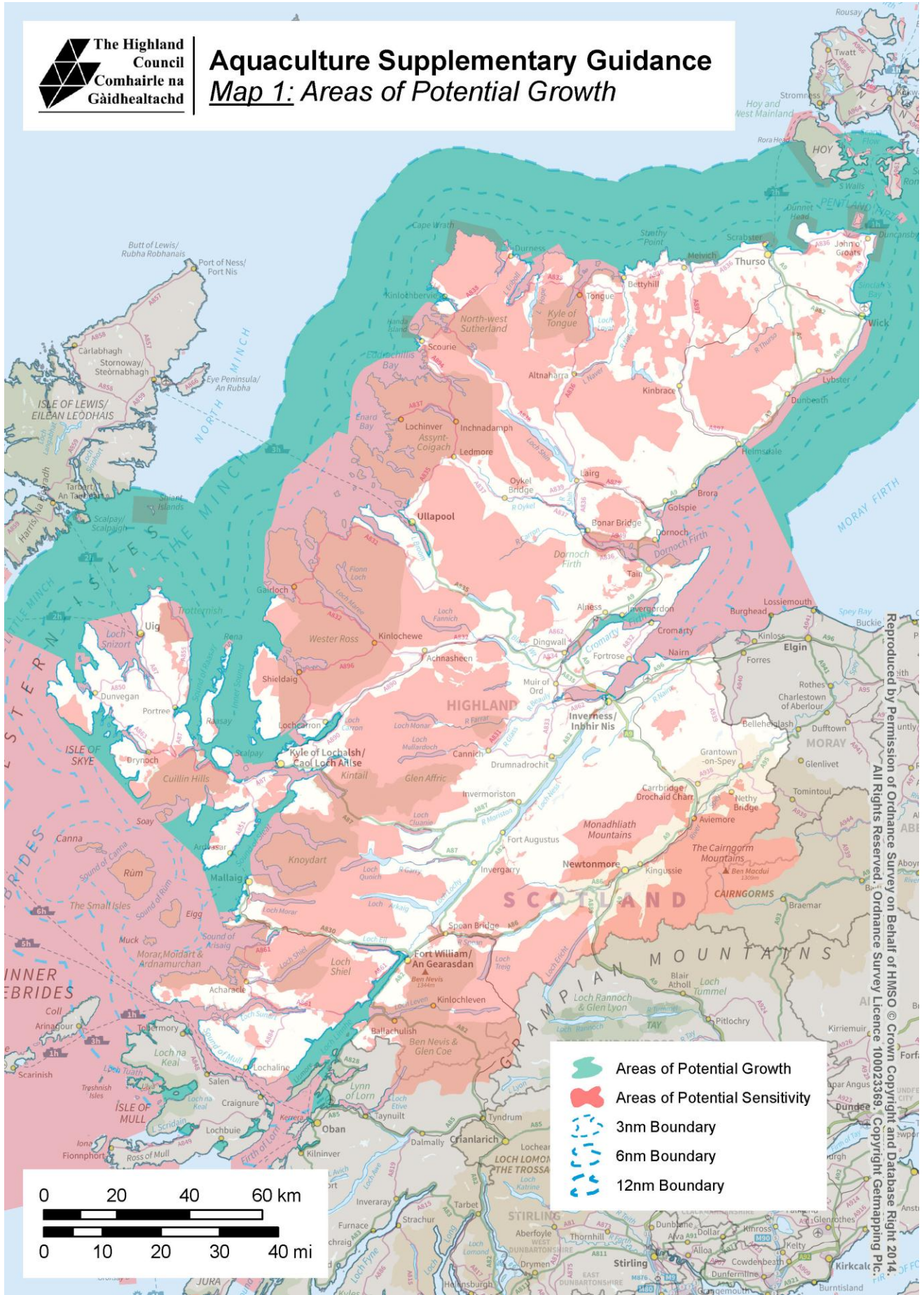
- Special Protection Areas
- Special Areas of Conservation
- Ramsar sites
- Marine Protected Areas
- National Scenic Areas
- SSSIs
- Special Landscape Areas
- Shellfish Water Protected Areas
- Scheduled Monuments
- Conservation areas
- Designated war graves
- Ferry and shipping routes
- Admiralty Charted Anchorages
- Harbours
- Marine cables, outfalls and pipelines

The maps at the start of this document show detailed spatial information for some of the sensitivities listed above.

Aquaculture proposals will be required to demonstrate these potential sensitivities have been satisfactorily addressed in accordance with the Development Criteria.

Aquaculture Supplementary Guidance

Map 1: Areas of Potential Growth



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Aquaculture Supplementary Guidance

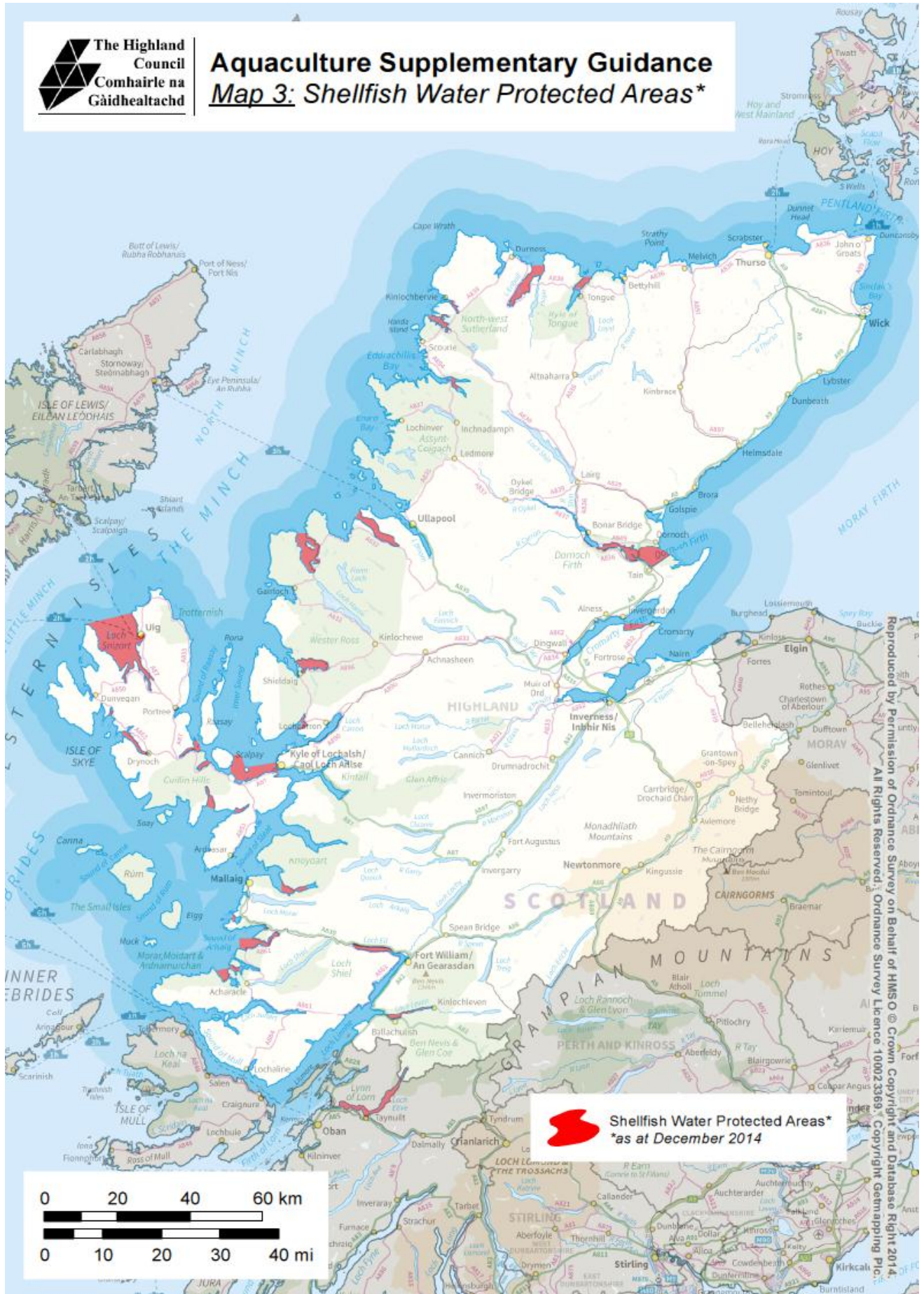
Map 2: Existing Aquaculture Sites



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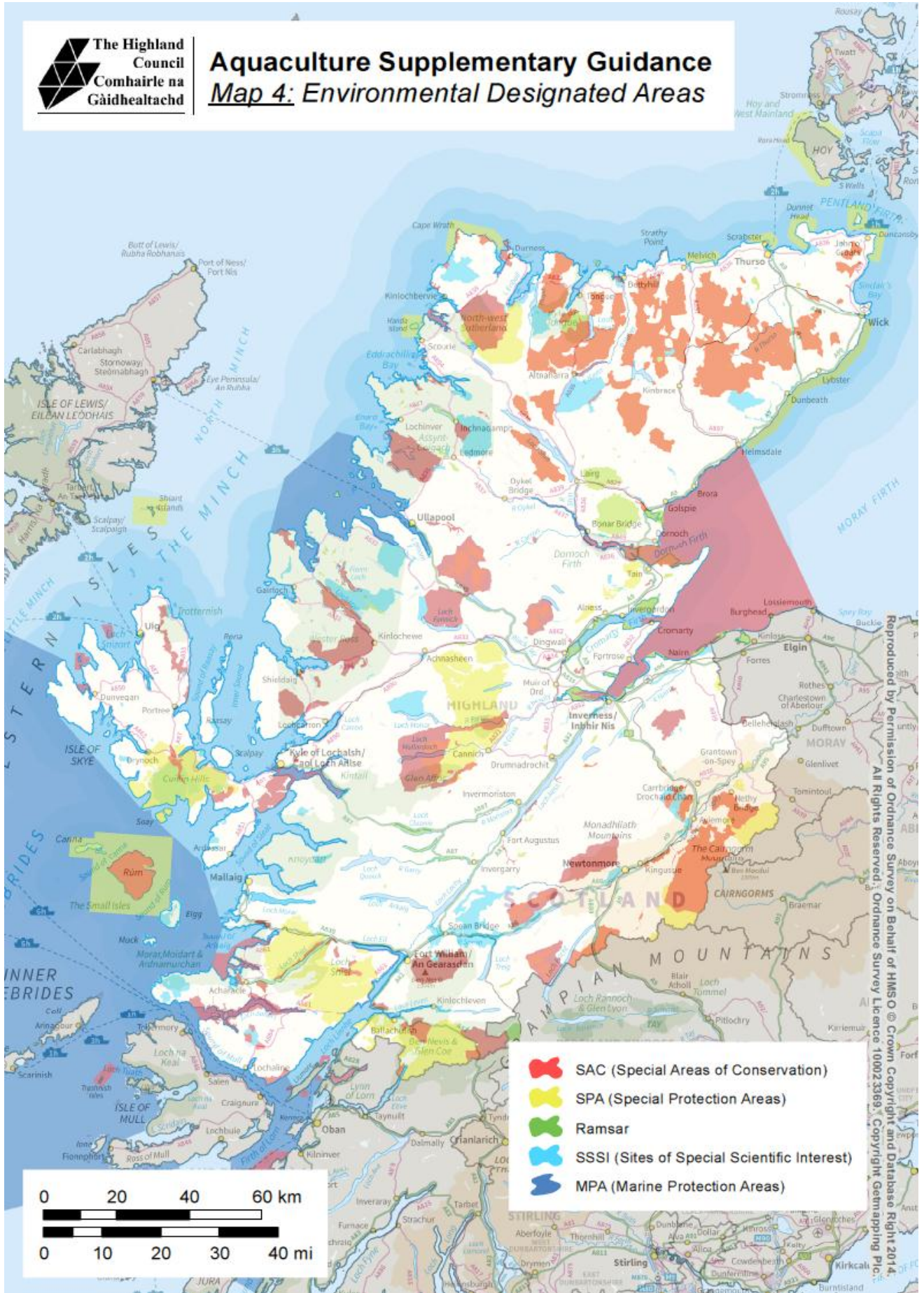
Aquaculture Supplementary Guidance

Map 3: Shellfish Water Protected Areas*

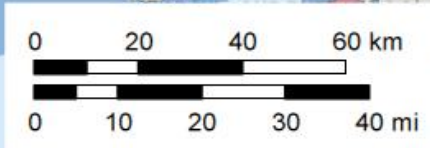


Aquaculture Supplementary Guidance

Map 4: Environmental Designated Areas

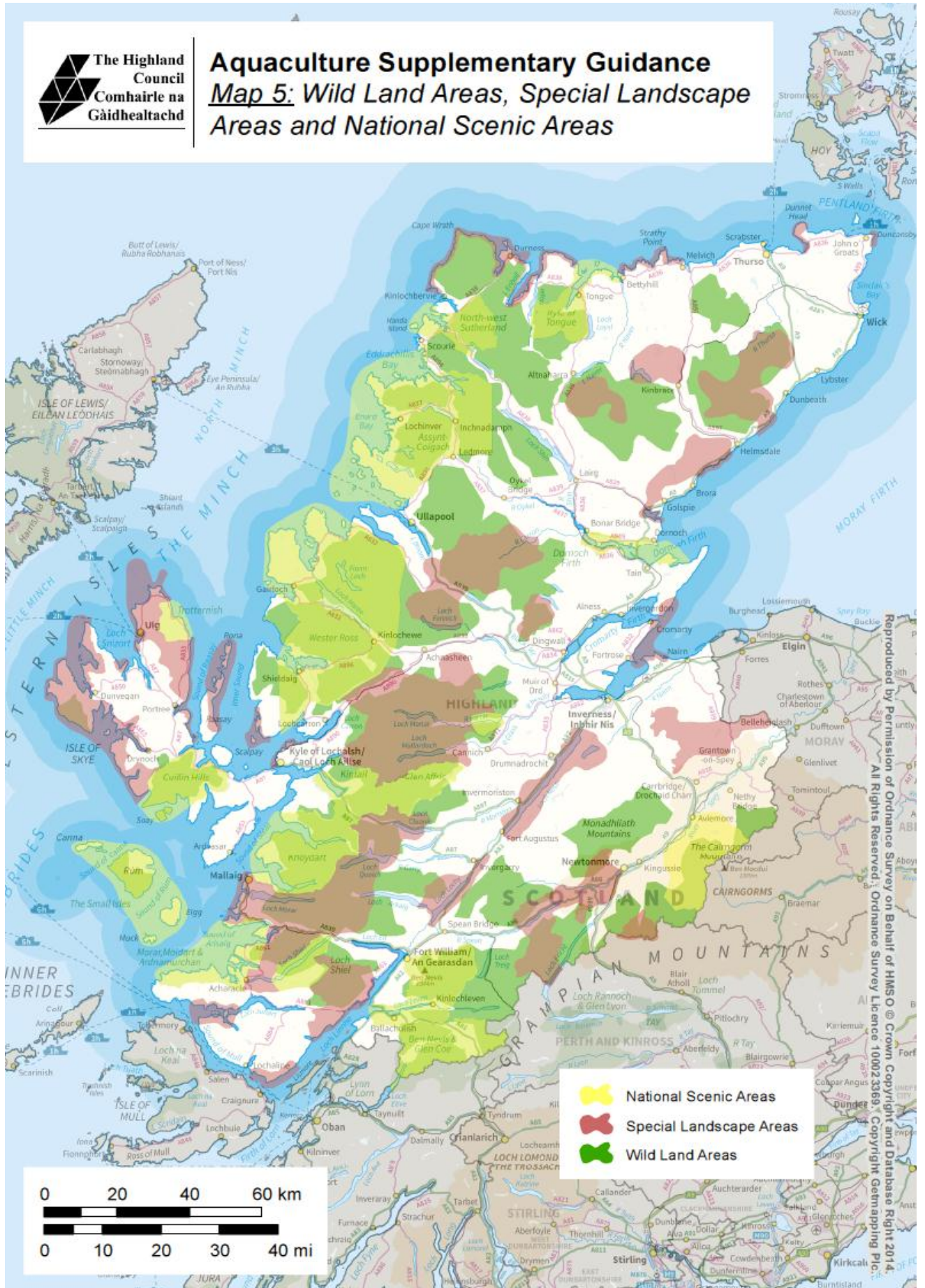


- SAC (Special Areas of Conservation)
- SPA (Special Protection Areas)
- Ramsar
- SSSI (Sites of Special Scientific Interest)
- MPA (Marine Protection Areas)



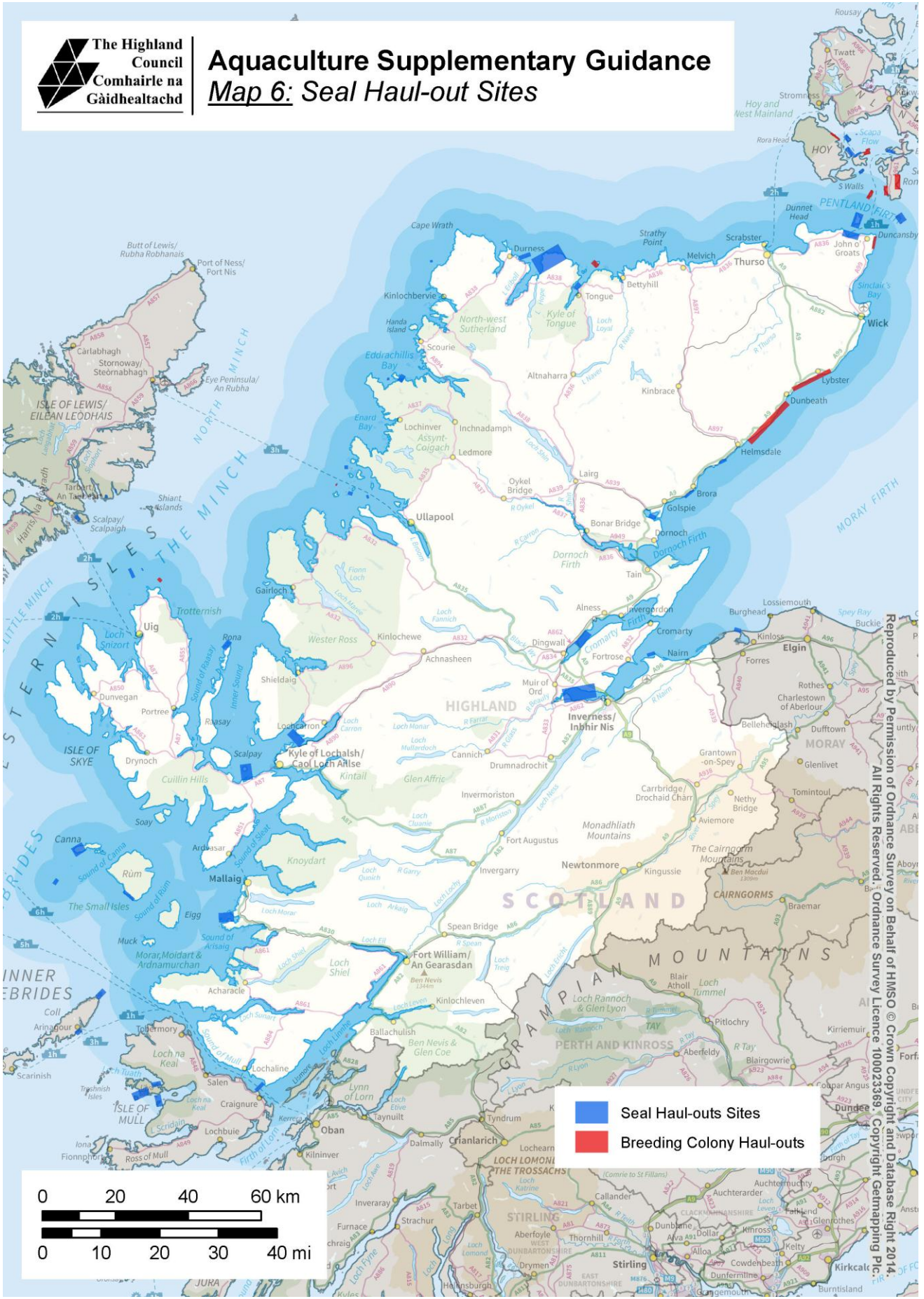
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Aquaculture Supplementary Guidance
Map 5: Wild Land Areas, Special Landscape Areas and National Scenic Areas



Aquaculture Supplementary Guidance

Map 6: Seal Haul-out Sites



Seal Haul-outs Sites
Breeding Colony Haul-outs

0 20 40 60 km
0 10 20 30 40 mi

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Aquaculture Supplementary Guidance

Map 7: Areas of Presumption Against Further Fin Fish Development



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Consultation Question

2. What do you think about having a spatial strategy to support the proposed development criteria (page 14)?

- Approach will support development criteria
- Approach might support development criteria
- Approach will not support development criteria
- Don't know

DRAFT

3.0 Development Criteria

Development Plan considerations

3.1 All proposals for aquaculture development in Highland marine and freshwater environments will be assessed against the spatial strategy and the Development Criteria provided in this section, as listed in Table 3. Each development criterion below has supporting text that outlines the various topics covered, followed by the criteria boxes.

Table 3: Development Criteria	
DC1	Landscape/Seascape
DC2	Historic Environment
DC3	Biodiversity
DC4	Water Quality
DC5	Other marine users
DC6	Construction, Operation & Decommissioning

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Development Criterion 1: Landscape/Seascape, Siting and Design

Topics covered:

- Landscape
- Seascape
- Siting and Design
- Wild Land/Unspoiled Coast
- Amenity
- Separation Distances

3.2 Aquaculture installations are established features of the Highland coastline. Most of the active sites are located within sheltered sea lochs or in the lee of small islands. In some instances, mussel sites have a much lower impact on the landscape and/or seascape compared to finfish farming due to the low-profile equipment used. However, in some instances a relatively high concentration of developments can have a significant impact, particularly in constrained lochs and bays. Oyster sites currently tend to be located in the intertidal zone where large areas of trestles are visible for less than half of the tidal cycle. Finfish development has moved from relatively compact sites made up of rafts of square cages towards plastic circular cages which are trending towards significantly larger sizes. With increasing farm size and cage infrastructure comes the need for the larger feed barges which have appeared in recent years. Such installations can dominate some landscapes, impacting the amenity value of an area.

3.3 New aquaculture development should not dominate the landscape setting or become the main feature in views. Proposals should not materially impact on the overall quality of the landscape. Material impact includes a change to the established landscape or seascape pattern that significantly affects its general understanding or enjoyment.

3.4 The Highland Council planning area has 15 National Scenic Areas that are designed for their outstanding scenery, representing some of Scotland's finest landscapes. All but two have a coastal and/or marine element, where seascape is also a consideration. There are 27 Special Landscape Areas, which are features of local or regional importance identified by the Council as being large scale areas of regional importance for scenic quality or as small scale areas of local scenic and recreational value (see Appendix 2 of the HwLDP). Freshwater aquaculture proposals may also have designated landscape site considerations. Out with these designed sites (see Maps 4-5), there may be greater scope for the environment to accommodate development. However, there may still be local sensitivity arising from the characteristics and visibility of a particular site, which has to be addressed in landscape terms.

3.5 The siting, layout and design of aquaculture proposals should reflect the character of the surrounding landscape. Developments should take into account the effects on visual amenity. As per the SNH guidance (Table 1 & Section 4), they should follow the dominant line of the coast and should avoid filling up a bay or its entrance. Where the siting is appropriate, the scale and design of the equipment configuration, including the materials and colour schemes used, should ensure that the proposed development will be absorbed into the landscape/seascape with minimal intrusion.

3.6. Some applications may require a Landscape and Visual Impact Assessment, either as a stand alone document or as part of an Environmental Statement (see para 1.13). The assessment should consider the likely impact from significant receptor points, including popular public viewpoints, transport routes, the core path network, visitor locations and historic sites. Guidance from the Planning Authority,

including viewpoints for photomontages, on key sites and aspects to be considered, will be given at the pre-application advice stage and at the scoping stage, if relevant. The cumulative impacts with existing aquaculture and other maritime developments and activities should also be considered.

DC 1.1 Landscape, Seascape, Siting and Design

Aquaculture development that is likely to have a significant adverse impact, including cumulative impact, on the Highland landscape, seascape or visual amenity that cannot be mitigated to the satisfaction of the Planning Authority will not be permitted.

Proposals for aquaculture developments with the potential to have adverse effect on landscape, seascape or visual amenity should be accompanied by a Landscape and Visual Impact Assessment (LVIA). This should be produced in accordance with current best practice and guidance e.g. the Landscape Institute 'Guidelines for Landscape and Visual Impact Assessment'.

Developers should seek pre-application advice from the Council and Scottish Natural Heritage to inform decisions relating to siting and design and the scope and content of any LVIA. This may be done as part of an Environmental Statement for finfish sites where appropriate or independently for shellfish sites.

3.7 The coasts around Highland are famous world-wide for their quality landscapes, tranquil glens and intimate lochs. To help further protect the most important of these areas, a number of 'Wild Land Areas' have been identified (see Map 5). The National Planning Framework recognises wild land as a nationally important asset, and indicates Scotland's wildest landscapes merit strong protection. Wild land is also identified as nationally important in Scottish Planning Policy, but is not a statutory designation. In addition, Highland has many areas of largely unspoiled coast that are generally unsuitable for development. Aquaculture development must therefore be able to demonstrate that any significant effects on the qualities and amenity value of these areas can be avoided by appropriate location or substantially overcome by sensitive siting, design or other mitigation.

3.8 Highland currently has eleven prime beaches with excellent water quality, as recommended by the Marine Conservation Society. These beaches meet higher standards than those required under the revised Bathing Water Directive (2006/7/EC), which was enacted in Scotland by the Bathing Waters (Scotland) Regulations 2008, as monitored by SEPA. Most of these high quality beaches are located on the north and east coasts, with only one on the west coast, namely Achmelvich beach. In addition, there are many other beaches that are of significant tourism and recreational value in Highland. Potential impacts on any beach should therefore be considered by aquaculture development proposals, where appropriate.

DC 1.2 Wild Land & Unspoiled Coast

Development proposals should ensure that:

the character of areas of wild land is safeguarded;

the character of unspoiled sections of coast is safeguarded.

3.9 As the west coast of Highland contains a number of relatively constrained lochs, this limits the carrying capacity for the number of sustainable aquaculture developments it can reasonably contain. Proposals for new aquaculture sites will therefore have to consider the proximity to existing aquaculture sites.

3.10 Historically, the Crown Estate set out indicative separation distances setting minimum distances between finfish and finfish, finfish and shell-fish and shell-fish and shell-fish. These separation distances were removed from Scottish government locational guidelines in 1999 on the basis that the hydrography and tidal excursions between individual sites presented a clear indication of the risk of disease transmission between sites. The Council has reached the view that minimum separation distances between sites remain of value in planning terms in order to avoid additional visual impacts resulting from the cumulative development of sites in close proximity to each other. In this regard the Council considers that the separation distances previously used by the Crown Estate represent a reasonable spatial safeguard to prevent the over development of coastal water-bodies. Adequate separation between individual developments will be required to minimise the potential for disease and infection transmission.

DC 1.3 Separation Distances

Proposals for new finfish sites will not be granted planning permission for developments situated within 1,000m of the extent of any other approved finfish farm boundary or any water intakes/outfalls associated with shore based finfish rearing facilities, or within 500m of the extent of any approved shellfish farm boundary.

Proposals for new shellfish sites will not be granted planning permission for developments situated within 500m (measured as the water flows) of the extent of any other approved aquaculture developments or any water intakes/outfalls associated with shore based finfish rearing facilities, or shellfish washing and/or depuration facilities.

Where developers seek to address issues of sustainability, biosecurity or environmental benefit through site relocation, amalgamation or revocations, the Planning Authority may be minded to seek greater separation distances as it deems appropriate.

Guidance on separation distances for proximity to rivers supporting wild salmonids will be considered once guidance due from MSS in March 2015 is available.

The impact on 'Views over open Water' will be considered where developments are close to residential properties, roads and heritage and amenity features.

Development Criterion 2: Historic Environment

Topics covered:

- Historic Environment
- Historic Marine Protected Areas

3.11 Highland's historic environment makes a valuable contribution to the distinctive character of the area, the sense of place, identity and quality of life. As well as fulfilling a vital role in showcasing the vibrancy of Highland culture, the historic environment is a key economic driver. Historic environment assets currently include designations such as Conservation Areas, Battlefields, Gardens and Designed Landscapes, over 3,000 listed buildings, 1,236 scheduled monuments and a further 52,000 historic buildings, structures and archaeological sites.

3.12 To help preserve these valuable and irreplaceable assets, the Highland Historic Environment Strategy Supplementary Guidance defines the Council's approach to the protection of the historic environment through the planning process. The guidance is supported by the Historic Environment Record (HER) that provides details and maps of all recorded historic environment assets. The HER is not, however, a definitive or comprehensive record; it is continually updated as new sites and information comes to the attention of the Council.

3.13 The Marine (Scotland) Act 2010 established a new power to designate Historic Marine Protected Areas. Under these powers, seven MPAs are currently designated, four of which are in Highland. The Highland MPAs currently covers vessels that were wrecked around 1590 to 1690. The wrecks are a key link to understanding historic ship design and use, and may additionally contain artefacts that do not survive on land and that can offer valuable insights to our understanding of the past.

3.14 The terrestrial, coastal and marine historic environment should be a consideration in any Landscape and Visual Impact Assessment and/or Environmental Impact Assessment. The assessment should include the impacts of a development on all historic environment assets, whether designated or undesignated. It should include wrecks, sites, deposits, buildings and both submerged and terrestrial archaeological landscapes, as well as their setting. Some sites, such as designated features and protected war graves, may require additional assessments on potential sedimentary or biological changes that the developments may have.

DC 2.1 Historic Environment

All aquaculture planning applications shall consider potential direct, indirect and cumulative impacts on the historic environment.

Applicants will be required to identify and undertake any mitigation measures required to avoid, reduce or minimize any adverse impacts on the historic environment to the satisfaction of the Planning Authority.

The special characteristics and qualities of Historic Marine Protected Areas shall be safeguarded.

Aquaculture development will not be permitted in locations where it would have a significant adverse effect on historic environment resources.

Development Criterion 3: Biodiversity

Topics covered:

- Environmental Designated Areas
- Protected Species
- Appropriate Assessment
- Seals
- Wild Salmonids
- Sea Lice

3.15 The term 'biodiversity' covers all plants and animals and their habitat, along with their genetic variation. The Highland area is rich in marine habitats and species that collectively make up diverse biological communities. The east coast is dominated by sea cliffs in the far north-east and low-lying firths over much of the rest. The north and north-west coasts are mainly sea cliffs with some narrow sea lochs. The west coast is a mix of relatively narrow sea lochs and sheltered bays. Each coast offers varying opportunities for aquaculture development.

3.16 Along with all other public bodies, the Planning Authority has a duty to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004 when exercising its functions. The Wildlife and Natural Environment (Scotland) Act 2011 requires public bodies to prepare and publish a biodiversity report on their compliance with the biodiversity duty. Whilst some marine species, such as many seabirds, have varying levels of protection under the Wildlife & Countryside Act 1981, some are so endangered they require special protection.

3.17 A key mechanism for protecting biodiversity (see Maps 4-6) is the use of designated habitats and species under the Habitats and Birds Directives (para 1.15 & Box 3). These are protected Natura 2000 areas and the associated flora and fauna represent the most valuable and vulnerable habitats and species in an international and/or national context (see Map 4). In addition, the first qualitative descriptor in the Marine Strategy Framework Directive (see Box 4) requires that biological diversity is maintained. Marine Protected Areas (see Box 5) will also play an important role in helping to safeguard marine biodiversity.

3.18 Species protected under the Conservation (Natural Habitats, &c.)

Regulations 1994 (as amended) legislation are generally known as European Protected Species. All cetacean species, along with seals (both grey and harbour) are given protection under this legislation. As these are mobile species, particular care is required when any aquaculture development may impact on their migratory routes or key feeding or calving areas, as the animals are unlikely to be present all year round. A license is required from Marine Scotland if the animals are likely to be injured or disturbed by aquaculture activities.

Box 4: Marine Strategy Framework Directive

Fundamental aims of the MSFD are to:

- ensure that priority should be given to achieving or maintaining Good Environmental Status (GES) in the EU Community's marine environment;
- to continuing its protection and preservation and;
- to preventing subsequent deterioration.

This will be done through adherence to targets, for which 'descriptors' of GES have been established.

Box 5: Highland Nature Conservation Marine Protected Areas (MPAs)

The Scottish Marine Nature Conservation Strategy (2011) explains the approach that was taken to develop a coherent network of nature conservation Marine Protected Areas. These designated sites will protect biodiversity and geodiversity but may still allow multiple uses of low impact activities that do no damage the ecological integrity of the sites. The MPAs in Highland are shown on Map 4.

The Planning Authority must notify Scottish Ministers if it believes that there may be a significant risk of hindering the stated conservation objectives of the Nature Conservation MPA.

3.19 Other species, such as otters, eagles and some diving birds are also European Protected Species, therefore have the highest level of species protection (see Box 3 for information on Natura sites). Some protected species of diving birds such as eider ducks may pose a threat to mussel sites by stripping the mussels off longlines. Detailed information on the deterrent measures or other types of mitigation proposed should be supplied with an application where such predation is likely to be an issue. The Planning Authority will be advised by Scottish Natural Heritage and Marine Scotland in relation to potential effects on protected species. SEPA will also provide information on the potential impacts on the seabed communities, also know as the benthic habitat.

3.20 The Marine (Scotland) Act 2010 makes specific provision for the conservation of seals. However, to

protect the health and welfare of farmed fish, the Scottish Ministers may grant a licence authorising the killing or taking of seals. Should a development be likely to require a licence, this aspect should be covered as part of the predator control section of an Environmental Statement.

3.21 The degree of impact that an aquaculture development will have on biodiversity will depend on the scale and type of development. Mussel sites generally have a much lower impact on biodiversity compared to finfish farming due to the limited operational input required. Pacific oyster (*Crassostrea gigas*), a non-native species, forms the bulk of oyster species cultivated. It may compete for habitat and have the potential to harbour disease affecting other shellfish species e.g. native oyster (*Ostrea edulis*). Finfish developments have the greatest potential to have negative impacts on biodiversity due to the volumes, methods of farming and inputs required. Some elements of these aspects are governed by other agencies, as discussed in para 1.28, but are taken into account during the planning process.

DC 3.1 Designated Habitats and Species

Development or activities will not be permitted that would likely have significant adverse effects, either individually or cumulatively, on the qualifying interests and integrity of Natura 2000 or Ramsar sites.

Development or activities likely to have a significant effect on a Natura 2000 or Ramsar site and not directly connected with, or necessary to the conservation management of the site, would be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives.

Aquaculture development will only be permitted where there is no significant adverse impact on the qualifying interests and integrity of a:

Marine Protected Area;
European Protected Species;
Priority Marine Feature;
Site of Special Scientific Interest.

Development and activities should consider the impacts on wider biodiversity and ensure these are minimised and mitigated.

To the satisfaction of the Planning Authority, planning applications must be supported by an assessment of the likely impact and the potential mitigation measures.

Where the significant effects on a designated habitat or species remain uncertain but there are scientific grounds for believing that severe damage could occur, the Precautionary Principle will apply.

3.22 Salmon and trout are key species of our Highland rivers and coastal waters. An objective of the National Marine Plan is to maintain healthy salmon (and diadromous fish) stocks. This therefore requires effective management of both marine and freshwaters i.e. an integrated approach. In the freshwater environment, some rivers are designated as a Special Area of Conservation (SAC) to protect salmon in the freshwater part of its life cycle. To complement this, both salmon and trout are now designated as Priority Marine Features for the marine part of their life cycle.

Box 6: Trout (*Salmo trutta*)

The sea trout is a brown trout that migrates to the sea for a part of its life cycle, returning to freshwater burns to spawn. During its sea phase, it tends to transit close to the shore.

Sea trout is a Priority Species in the UK Biodiversity Action Plan list, the Scottish Biodiversity List and is a Priority Marine Feature.

3.23 During their migrations from freshwater to the sea and their return, salmon and trout tend to stay relatively close to shore. In constrained sea lochs along the west Highland coast, their route can take them very close to finfish farms. This can result in:

- Higher than background levels of sea lice and potential disease impacts on wild fish from fish farms;
- Genetic dilution of wild stock from interbreeding of escaped salmon from the fish farms;
- Introduction of non-native farmed species.

3.24 Sea lice occur naturally in wild salmonid populations. Where they encounter a fish farm, the population of lice can increase dramatically due to the intensive nature of finfish farming. These inflated lice numbers in turn can re-infect wild populations, compromising individual infected fish and potentially have wider population-level impacts.

Box 7: Priority Marine Features

are listed as habitats and species considered to be of conservation importance in Scotland's seas. Although many PMFs are in Natura sites, not all covered by this designation.

They include many features which are characteristic of the Scottish marine environment, ranging from flame shell beds in coastal waters, to cold-water coral reefs of the deeper seas, and mobile species such as minke whale and basking shark.

The list of PMFs will be used to help focus future conservation action and marine planning, direct research and education and promote a consistent approach to marine nature conservation advice.

To produce the list, species and habitats on existing conservation schedules were assessed against criteria that considered whether a significant proportion of their population occur in Scotland's seas, whether they are under threat or in decline and the functional role they play.

3.25 Whilst Marine Scotland and SEPA have various control measures for sea lice, these mainly relate to the farmed fish. In the apparent absence of any other source of regulation, the use of the planning development regime to seek to safeguard wild salmonids from sea lice infestation from a fish farm would not duplicate a more specific control available under other legislation. Consideration therefore of impacts of aquaculture development on wild salmonids is undertaken by the Local Authority at the planning stage. This is done, in consultation with statutory consultees, to ensure the Planning Authorities' biodiversity duty is upheld.

3.26 Sea lice infestation appears to be a dynamic issue, where new information, research results and management practices are in a state of ongoing development and improvement. For example, Marine Scotland is undertaking a project on aquaculture that includes consideration of the spatial constraints of aquaculture in relation to wild salmonids, which is due to report in March 2015. This information will be considered once it becomes available.

3.27 Where the Planning Authority is of the view there may be a likely significant

effect on wild salmonids due to elevated levels of sea lice emanating from a fish farm development, it may require an environmental management scheme as a planning condition. Where appropriate it may be necessary for the Planning Authority to provide an opportunity for alternative forms of sea lice control and culture techniques to be introduced or to time-limit planning applications in order to determine likely impacts on wild salmonids, taking account of improved knowledge and best practice.

3.28 In some regions, Area Management Agreement areas have been established with fish farming companies, owners of significant rivers and other relevant wild salmonid interests.

DC 3.2 Wild Salmonids and Sea lice

Aquaculture development will only be permitted where:

- there is no significant adverse impact on wild salmonid populations;
- cumulative impacts on wild salmonids have been assessed and mitigated where appropriate.

Where appropriate, mitigation measures to be followed in relation to the management of sea lice and their potential impacts on biodiversity must be contained within an environmental management scheme to be submitted in support of the planning application.

Development Criterion 4: Water Quality

Topics covered:

- Water Quality
- Benthic impacts

3.29 Aquaculture development and activities rely on high water quality. Finfish cages have the potential to impact the water column and seabed (benthic impact) from the discharge of treatment chemicals, waste feed, feed treated with anti-seallice chemicals and fish faeces. Aquaculture development therefore requires a degree of tidal flushing to disperse waste materials and provide plankton for shellfish developments. Under the River Basin Management Planning (RBMP) Process, the status of freshwater, transitional and coastal water-bodies is assessed and monitored against a range of criteria. The aim is for all water-bodies to reach good ecological status within a specified timeframe.

Box 8: Good Ecological Status

The Water Framework Directive (WFD) aims to achieve 'Good Ecological Status' for all waters from Mean High Water Springs out to three nautical miles by 2015. The Directive was transposed into Scottish law by the Water Environment and Water Services (Scotland) Act 2003.

3.30 The RBMP process is managed by SEPA, which provides datasheets for all water bodies. These set out the status and identified pressures within that water-body that will adversely impact on water quality. Measures are suggested that can help mitigate, remove or reduce those pressures. In determining planning applications for aquaculture developments in both the Marine and Freshwater Environment, the Council will have regard to the RBMP status of the

receiving water body and whether or not proposed development will result in increased pressures on it.

3.31 When alterations or extensions to an existing fin fish farm would increase the biomass or extend the equipment used, additional information would be required by both the Planning Authority and SEPA. Evidence would be required to assure SEPA that additional impacts would be within acceptable limits before it can recommend the Planning Authority to approve an application.

3.32 Many Highland fin fish farms make use of well boats for the treatment of fish for seallice or disease. Where these activities require discharges from the boat, which may affect water quality, a Marine Scotland licence is required (see Table 1).

3.33 SEPA guidance suggests that new shellfish development should be located within what are now known as 'shellfish water protected areas' (SWPA) (see Map 3). The boundaries of these may be updated by SEPA as required. Developers should consult with SEPA to ensure they have the latest information. However, for applications which propose to develop outwith these areas, SEPA advise it will not object, but will provide advice as to the likely suitability of the waters and highlight where there may be issues that would impeded a site being designated as SWPA. A package of Scottish Government measures ensures the continued protection and improvement of these shellfish growing waters. These measures are integrated within the river basin management planning process and the water quality within the designated areas is regularly monitored by SEPA. These areas are ultimately protected to ensure good quality products that are safe for human consumption.

DC 4.1 Water Quality

Proposals for new marine finfish farming development and/or extensions to existing sites will not be permitted in locations where they would have a significant adverse impact on water quality.

Where appropriate, proposals will require to be accompanied with modelling and calculations that demonstrate that the benthic and water column impacts are localised and within environmental limits.

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Development Criterion 5: Other marine users

Topics covered:

- Inshore fishing
- Recreational users
- Navigation

3.34 Development in the marine environment has increased significantly in the last few decades. This has driven the need to a more formalized approach to resource utilization in the form of marine spatial planning. Any proposal for aquaculture development in the coastal area therefore has to consider a wide range of other marine activities and resource use and vice versa (see Table 4). These activities may have an economic, environmental and social impact both in the sea and on neighbouring land.

3.35 Many Highland marine activities make significant contributions to the local economy and support fragile, remote communities. These include fishing, ports and harbours, renewable energy, recreation and leisure.

3.36 Inshore fishing in particular has a long history around the Highland coast and can be one of the main competitors for space with aquaculture. Whilst acknowledging the data limitations, information from the Scotmap projects suggests this pressure may be particularly found along areas off the west coast and off north-west Skye. This project targeted all Scottish registered commercial fishing vessels under 15 meters. The data were collected during face-to-face interviews with individual vessel owners and operators and relate to fishing activity for the period 2007 to 2011.

3.37 Coastal tourism supports a variety of related business such as wildlife tour boats, sailing, accommodation, cafes and restaurants. Further detailed information about each of these sectors will be available once the various Regional Marine Plans are developed by the Regional Marine Partnerships, as proposed by Scottish Government under the Marine (Scotland) Act 2010.

Table 4: Examples of other marine users and potential interactions with aquaculture development.*

User/Activity	Potential Interaction	
	Finfish	Shellfish
Creel fishing	May compete for space, leading to perceived displacement and socio-economic impacts. Detritus from fish farms may have localised effects.	May compete for space, leading to perceived displacement and socio-economic impacts.
Existing aquaculture	Use of shared infrastructure e.g. piers May compete for space. Adequate separation distances between other finfish sites are required to reduce potential for disease and infection transmission.	Use of shared infrastructure e.g. piers May compete for space.
Marine renewable energy developments	Negligible at present but may change as offshore wind,	Negligible

	wave and tidal schemes develop. May be opportunities for synergistic benefits.	
Marine cable routes and pipelines	Cable and pipeline routes may affect existing or new fin fish sites but effects likely to be restricted to installation stages.	Negligible
Yachting/Pleasure craft	Poorly sited developments may encroach on or take over natural anchorage or impede navigation.	Poorly sited developments may encroach on or take over natural anchorage or impede navigation.
Recognised dive sites	Opportunity for shared access to piers. Acoustic Deterrent Devices (ADDs) may impacts on divers' enjoyment of a site.	Lines or trestles close to shore may impede access.
Harbours/Piers/Jetties	Opportunities for shared use	Opportunities for shared use

*Note: A detailed assessment of interacting factors would be undertaken on a case-by-case basis: this list provides examples only.

DC5.1 Other marine users**

Aquaculture development will only be permitted where, in the view of the Planning Authority:

there is no significant adverse impact on other marine users;

existing fisheries have been considered and where appropriate, effects mitigated.

Developers should consult with the relevant harbour authority and Marine Scotland at an early stage in the planning process to consider any potential navigation and shipping issues, where appropriate. Details of such considerations should be provided in any subsequent planning application.

Developers should consult with local fisheries interests at an early stage where there is evidence of fishing activity in the area of the proposed development.

Development will not be permitted where there would be adverse effects on the amenity value of anchorages and harbours, including their approaches, would be compromised.

Where appropriate, opportunities for shared use of jetties, piers and harbours should be considered.

Access to the foreshore for recreational activities, recognised yacht anchorages and dive sites should not be impeded.

** Note: given the large geographic size of Highland, it is impracticable to map the variety of existing users. However, where local information is available, the Planning Authority will aim to provide this information at the pre-application stage. The Planning Authority would expect developers to take a common sense approach to identifying other key marine users likely to be affected, or affect their development proposals and discuss appropriate mitigation in submitted applications.

Development Criterion 6: Construction, Operational & Decommissioning Impacts

Topics covered:

- Equipment
- Amenity
- Access
- Waste
- Light
- Noise
- Predator Control
- Decommissioning

3.38 Aquaculture developments have the potential to impact on neighbouring users, wildlife and the landscape. The trend for finfish developments to use increasingly larger cages and feed barges and for more extensive mussel and oyster farms has led to increased visual and amenity pressures. Additional or extended aquaculture sites increases the amount of boat traffic and other operational issues.

3.39 To help reduce such impacts, mitigation measures may be required. Developers may therefore be required to provide information on issues such as visual impact, light, noise and odour mitigation measures in support of their applications. The main considerations are:

a) Equipment

Poor choice of colour or design of equipment can have a significant impact on the surrounding landscape or seascape. The height of some equipment can make it more difficult to assimilate in the landscape and seascape therefore low-profile designs are generally preferable. With the growing trend for the finfish farming equipment used to be larger, e.g. 400T feed-barges and higher top-nets, additional mitigation may be required. Whilst there may be a drive within the industry for standardized equipment, a 'one size fits all' approach is not appropriate in some areas of Highland. All aquaculture equipment should fit with Sustainable Design policy (No. 28) in the HwLDP. Equipment, other than navigational markers, should be in muted, matt colours that to blend into the surroundings. Where other colouration would be more appropriate, written permission should be obtained in advance from the Planning Authority.

b) Amenity

The amenity value of an area can be impacted by aquaculture activities that introduce new structures that are unsympathetic to the surroundings or existing pattern of use. Amenity value can be defined as natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. An assessment of the amenity impacts may be particularly helpful in proposals for new developments or significant amendments to existing sites.

c) Access

Particularly where developments are proposed in remote areas and road access is required, developers may be required to undertake an access assessment. Where operations require access to the intertidal zone e.g. tractors and trailers used for oyster harvesting, an assessment of the impact on pedestrian and leisure use access may be required. Harbours, piers, jetties and pontoon are key access points for both aquaculture and many other marine activities, allowing opportunities for shared use.

d) Waste

Waste from aquaculture has the potential to harm wildlife, cause unsightly litter, particularly in otherwise relatively pristine areas or become an obstruction or navigation hazard. Development proposals should include information on how waste will be dealt

with and a commitment to minimize waste in all aspects of the site's operation. Storm-damaged equipment that has broken free from its moorings or abandoned equipment can also be a hazard to navigation, people and wildlife. Recovery and proper disposal of such equipment is therefore important.

e) Light

Above surface lighting on feed-barges and cage systems, along with underwater lighting, can cause light pollution and additional visual impact, particularly in remote sealochs where the sense of naturalness and isolation is a key tourist draw. It also has the potential to impact on the faunal communities, other than the farmed fish, present in the water ecosystem by altering a variety of biological processes.

f) Noise

Operational noise caused by equipment such as generators, feed-blowers and harvesting boats or other mechanised equipment working outwith normal working hours have the potential to affect nearby people, particularly in closely confined loch systems or areas where there is normally little background noise. Noise assessment and potential mitigation measures should be provided where such equipment is to be used.

g) Predator Control

Some species may be attracted to the concentrations of fish or shellfish at an aquaculture sites, which can have a significant impact on the operation of the site. In order to enable the determination of site-specific risks, where appropriate, the developer will be required to provide information on the proposed predator management system. This is likely to include the presence and abundance of species that might be at risk from any proposed anti-predator methods.

h) Decommissioning

Once a site is no longer required for aquaculture production it may be decommissioned. In most instances, appropriate conditions are attached to a planning consent to ensure timely removal of equipment and adequate restoration of a site.

3.40 To help mitigate some of the potential impacts discussed above, finfish and shellfish developers have access to their respective Code of Good Practice. Whilst these provide standards of practice and a framework for industry development, they do not replace or remove any of the planning requirements outlined in this supplementary guidance.

DC 6.1 Construction, Operation & Decommissioning

All aquaculture development proposals should ensure that any potential significant adverse effects, including cumulative impacts, due to equipment design, colour, amenity, access, lighting, noise, predator control or site closure are appropriately mitigated to the satisfaction of the Planning Authority.

Where appropriate, planning applications should be supported by a predator management strategy.

With regard to all planning permissions granted pursuant to this policy, if any site is not operational for a continuous period exceeding three years, all equipment must be removed from the site to the satisfaction of the Planning Authority.

Consultation Questions:

3. Do you agree with the proposed Development Criterion 1: Landscape/Seascape, Siting and Design (page 24)?

- | | |
|--------------------------------------|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neutral | <input type="radio"/> Don't know |

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

4. Do you agree with the proposed Development Criterion 2: Historic Environment (page 27)?

- | | |
|--------------------------------------|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neutral | <input type="radio"/> Don't know |

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

5. Do you agree with the proposed Development Criterion 3: Biodiversity (page 28)?

- | | |
|--------------------------------------|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neutral | <input type="radio"/> Don't know |

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

6. Do you agree with the proposed Development Criterion 4: Water Quality (page 32)?

- | | |
|--------------------------------------|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neutral | <input type="radio"/> Don't know |

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

7. Do you agree with the proposed Development Criterion 5: Other marine users (page 34)?

- | | |
|--------------------------------------|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neutral | <input type="radio"/> Don't know |

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

8. Do you agree with the proposed Development Criterion 6: Construction, Operational & Decommissioning Impact (page 36)?

- Strongly agree
- Agree
- Neutral

- Disagree
- Strongly disagree
- Don't know

Use the box below to tell us why you made your choice. Also, is there anything missing or anything that needs to be changed?

9. Please add any other comments we have not covered in the consultation questions here:

4.0 Table 5: Additional sources of information*

Source	Information summary	Link	Cross-ref section
Highland Council	Application Form & Guidance	http://www.highland.gov.uk/info/1225/countryside_farming_and_wildlife/62/fisheries_and_aquaculture	1.21
	Pre-application advice	http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/187/when_to_get_planning_permission/4	1.21
	Major Application guidance (for site equipment > 2.0 ha)	http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/143/planning_permission	1.21
	Highland wide Local Development Plan	http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan	1.13
	Supplementary Guidance	http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance	1.13
	Special Landscape Areas	http://www.highland.gov.uk/downloads/file/2937/assessment_of_highland_special_landscape_areas	3.5
	Cultural heritage sites	http://her.highland.gov.uk/	3.12
	Highland Historic Environment Strategy	http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance/19	3.12
	Aquaculture Framework Plans	http://www.highland.gov.uk/info/1225/countryside_farming_and_wildlife/62/fisheries_and_aquaculture/6	1.14
	Highland Coastal Development Strategy	http://www.highland.gov.uk/downloads/file/1062/highland_coastal_development_strategy	1.14
Enforcement Charter	http://www.highland.gov.uk/downloads/download/203/planning_enforcement_charter	1.22	
SNH	Natura sites	http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/	3.5
	Habitats Regulations Appraisal (Appropriate Assessments)	http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/habitats-regulations/	1.7
	MPA guidance	http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/marine-protected-areas-(mpa)/	1.18
	Site and Design guidance	http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=113	1.28
	Landscape and Aquaculture guidance	http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/landscape-planning-and-development/landscape-and-aquaculture/	1.28

	Protected species	http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/	1.28
SEPA	CAR Regulations	http://www.sepa.org.uk/water/water_regulation.aspx	1.28
	Shellfish water protected areas	http://www.scotland.gov.uk/Topics/Environment/Water/15561/shellfishwaters	3.33
	Modelling data	http://www.sepa.org.uk/water/water_regulation/regimes/aquaculture/marine_aquaculture/modelling.aspx	3.31
	SEPA fish farm manual	http://www.sepa.org.uk/water/water_regulation/regimes/aquaculture/marine_aquaculture/fish_farm_manual.aspx	N/A
Scottish Government	Permitted Development Rights	http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/18716/fish-farm	1.7
	Aquaculture and Fisheries (Scotland) Act 2013	http://www.legislation.gov.uk/asp/2013/7/enacted	1.7
	Scottish Planning Policy (SPP)	http://www.scotland.gov.uk/Publications/2014/06/5823	1.7
	<i>A Fresh Start – the Renewed Framework for Scottish Aquaculture</i> (2009)	http://www.google.co.uk/url?url=http://www.scotland.gov.uk/Resource/Doc/272866/0081461.pdf&rct=j&frm=1&q=&esrc=s&sa=U&ei=xnyVU5CJYu7PZj4gNgl&ved=0CCEQFjAB&usq=AFQjCNFR4uuFrQDUAVMbb_y0rPL6wfX_Cw	1.7
	Circular 1/2007 <i>Planning Controls for Marine Fish Farming</i>	http://www.scotland.gov.uk/Publications/2007/03/29102026/1	1.7
	Locational Guidelines	http://www.scotland.gov.uk/Topics/marine/Publications/publicationslatest/farmedfish/locational_fishfarms	2.4
	Running a fish farm	http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/18716	N/A
	Marine Protected Areas	http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork	1.18
	Historic Marine Protected Areas	http://www.historic-scotland.gov.uk/index/heritage/wrecksites/scotlands-historic-wrecks.htm	3.14
	Marine (Scotland) Act 2010	http://www.oqps.gov.uk/legislation/acts/acts2010/pdf/asp_20100005_en.pdf	1.7
	Environmental Impact Assessment (EIA) Regulations	http://www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/enviro-assessment/eia	1.15
	National Planning Framework	http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3	3.8
	Working arrangement: Requirements of statutory consultees	www.scotland.gov.uk/Resource/Doc/295194/0106302.pdf	1.28
Review of DSFBs	http://www.scotland.gov.uk/Topics/marine/Sal		

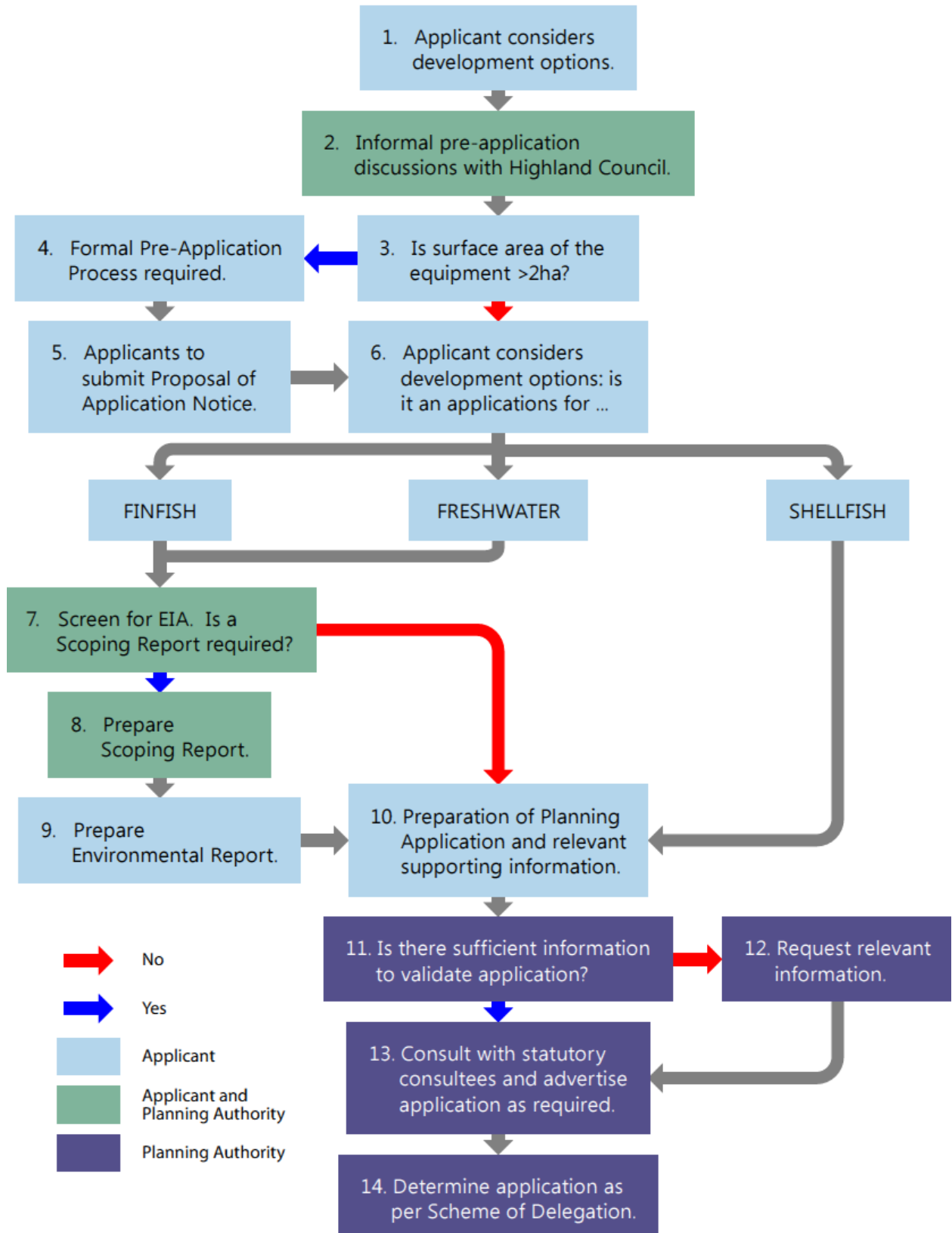
		mon-Trout-Coarse/fishreview	1.28
	Draft Planning Circular 'Planning Scotland's Seas: The relationship between the statutory land use planning system and marine planning and licensing'	www.scotland.gov.uk/Resource/0042/00428395.pdf	1.7
	Scotmap	http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/ScotMap	3.36
	Seal haul-out sites	http://www.scotland.gov.uk/Topics/marine/marine-environment/species/19887/20814/maps	2.3
	NMPi	http://www.scotland.gov.uk/Topics/marine/sea-management/nmpihome/nmpi	2.3
	Scotland's aquaculture	http://aquaculture.scotland.gov.uk/	N/A
	The Wildlife and Natural Environment (Scotland) Act 2011	http://www.legislation.gov.uk/asp/2011/6/contents/enacted	3.17
	Nature Conservation (Scotland) Act 2004	http://www.legislation.gov.uk/asp/2004/6/contents	3.17
	The Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007	http://www.scotland.gov.uk/Publications/2007/03/29102026/7	N/A
	The Town and Country Planning (Scotland) Act 1997	http://www.legislation.gov.uk/ukpga/1997/8/contents	1.7
	The Town and Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment Order 2012	http://www.legislation.gov.uk/ssi/2012/131/contents/made	1.7
	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011	http://www.scotland.gov.uk/Publications/2011/06/01084419/0	1.7
DSFB	Wild fisheries information	http://www.asfb.org.uk/	1.28
CEC	Seabed lease	http://www.thecrownestate.co.uk/coastal/aquaculture/working-with-us/aquaculture-leases/	1.28

SSPO	Code of Good Practice (including link to other relevant aquaculture legislation)	http://www.thecodeofgoodpractice.co.uk/cogp/preface-to-the-2010-edition	3.40
ASSG	Code of Good Practice	http://assg.org.uk/#/code-of-practice/4536619829	3.40
Miscellaneous	Minimising the impact of ducks on mussel farms.	www.gla.ac.uk/media/media_19794_en.pdf	3.20
	Light pollution effects	http://goo.gl/Eajcwt	3.39
	Marine Strategy Framework Directive	http://www.msfd.eu/	3.18
	National Biodiversity Network	http://www.nbn.org.uk/	3.16

*Note: The Council is not responsible for external links and all links may be updated at any time.

DRAFT

Outline of the planning process for aquaculture development



Getting Involved

If you would like more information or to get involved in the production of future plans please contact us in one of the following ways:

Telephone

(01463) 702259

Post

Director of Planning and Development, The Highland Council, Glenurquhart Road, Inverness IV3 5NX

Email

devplans@highland.gov.uk

Fax

(01463) 702298

For the most up to date news on the work of the Development Plans Team (and more) please follow our twitter account, 'Like' our Facebook page and check out our blog:

Twitter

www.twitter.com/highlanddevplan

Facebook

www.facebook.com/highlandLDPs

Blog

hwldp.blogspot.co.uk

Feedback

If you have any experience of Development Planning that you would like to comment on please complete a customer satisfaction survey:

<http://www.surveymonkey.com/s/X89YVTY>