

## **GUIDANCE NOTES FOR COMPLETING FRESHWATER & MARINE AQUACULTURE PRIOR NOTIFICATION FORMS**

Guidance Notes on the interpretation of Fish Farming permitted development rights can be accessed at <http://www.scotland.gov.uk/marinescotland>

### **APPLICATION FOR PRIOR NOTIFICATION Freshwater & Marine Aquaculture Town and Country Planning (Scotland) Act 1997 (As Amended) Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended) Schedule 1, Part 6A, Development Classes 21A, 21B, 21C, 21D & 21E**

#### **1. Applicant Name and Address**

Please enter the Applicant Details, including full name and title. Please also enter the business/house name or number and full address including full postcode.

#### **2. Agent Name and Address**

Please enter the Agent Details (if agent is to be used), including full name and title. Please also enter the business/house name or number and full address including full postcode.

*If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf), all correspondence, including the decision letter, will be sent to him/her.*

#### **3. Location of the existing aquaculture site**

Please ensure that you give a clear indication of the existing fish farm site and equipment on site (a map showing its position will be required as part of the application).

The location coordinates of this site should be specified with a 12-figure Ordnance Survey grid reference (note in some locations in Orkney and all locations in Shetland, 13 figures will be required: 6 figures northing and 7 figures easting's) and latitude/longitude positions of the external corners or edges and centre point. All applications should provide these locations for the sea bed site mooring containment position along with the surface area site (cage/pen grid).

Ordnance Survey grid reference (Grid ref.) should use the following format: NGR 307538 116625, Latitude and Longitude (lat./long.) should use the following format :60° 24' 24.24"N 001° 17' 5.367"W.

The site should be clearly identified a location plans, admiralty charts and a site plan, showing at least one named feature (e.g. a bay, point, island, or settlement). The location plan/admiralty charts/site plan of the site should be edged clearly with a blue line and a red line surrounding the location of the proposed development covered by the prior notification submitted. All plans must be to a metric scale, include a scale bar and north point, and any figured dimensions given in metres.

Please provide details of the previous consent (application/audit/review or order) on the site.

#### **4. Proposed works and description of proposal**

Prior notification can be applied for to carry out development under the five following categories:

- 4a Replacement of existing finfish cage/pen or installation of an additional finfish cage/pen.
- 4b Replacement and/or repositioning of a feed barge at a finfish farm.
- 4c Replacement of top nets and/or their support structures at a finfish farm.
- 4d Temporary deployment of equipment within an existing fish farm (finfish and shell fish) site which is required in connection with the operation of the fish farm.
- 4e Addition of longlines at a shellfish farm.

Tick the relevant box(s) on the PN form and then complete the corresponding parts of the form below (i.e. 4a or 4b or 4c etc.)

#### **Description of proposed works**

Please describe the proposed works accurately and concisely, a more detailed description will be required under relevant section under which the proposal falls

*Prior notifications cannot be applied for retrospectively therefore, if any work has taken place in connection with this proposal, a full planning application will be required.*

*Prior notifications can only be applied for if the development falls within the existing consented fish farm boundary area*

ONCE THESE SECTIONS HAVE BEEN COMPLETED MOVE ONTO THE SECTION WHICH IS RELEVANT TO YOUR PROPOSAL

**4a. Replacement of an existing finfish cage or installation of an additional finfish cage (Class 21A)**

Development under this section is only permitted if the resulting area of the fish farm would not exceed 15,000sq.m, therefore if the area of the fish farm already exceeds 15,000 sq.m. no development is permitted under this section.

The total cage area proposed under this section also cannot exceed 10% of the original total cage area or 1,000 square metres whichever is the smallest.

If the above two criteria can be satisfied please select from the 4 proposal options. More than one option can be selected provided they still satisfy the above criteria.

*Please describe the proposal accurately and concisely. Provide full details of all the proposed works: and any associated works created by this proposal.*

Complete the following boxes as relevant to the development and provide accurate locations details, following the format specified in section 3 of these guidance notes.

*Note: If your proposed changes under this class are likely to alter the position or increase the benthic footprint of the existing farm then this may require authorisation from SEPA under the Controlled Activities Regulations (CAR) and also may involve a re-run of the modelling. In these cases, we would advise prior discussions with SEPA to ascertain if the proposals will require a re-run of the modelling and whether it is necessary for remodelling under CAR.*

**4b. Replacement or relocation of a new or existing feed barge (Class 21B)**

Tick the appropriate box for your proposal.

Please describe the current location of the feed barge and the proposed location of the proposal accurately and concisely. Full locational details for the existing and proposed feed barge anchorage/ mooring location (following the format specified in section 3 of these guidance notes) should be inserted into the boxes provided.

Provide full details of the feed barge including all dimensions and scaled drawings, if appropriate photographs should be submitted to support the prior notification submission.

Provide details of both the existing and proposed feed barge: capacity, type of feed barge and colours.

**4c. The placement or assembly of equipment within the area of an existing fish farm (Class 21C)**

Development under this class is only permitted if the top nets or support structures will not exceed 2.5m in height, this should be confirmed by ticking the appropriate box.

Please describe the location of the proposed development and the nature of the proposal accurately and concisely. Provide full details of the proposed changes in the top nets or support structure, along with full details of their proposed size, colour and design

**4d. Temporary deployment of equipment within an existing fish farm/shellfish site which is required in connection with the operation of the fish farm (Class 21D)**

Development is only permitted under this class, if the equipment is to be on site for a period no greater than 3 months. Please confirm this by ticking the appropriate box.

This class cannot be utilised if any equipment (or equipment used for the same or equivalent purpose) which has been removed from the area of the existing fish farm within the preceding 12 months. Please confirm this by ticking the appropriate box.

This class should not be used for equipment, cages/pens etc. which could be permitted under any other class of the permitted development rights, please complete the two following questions to confirm this.

Please confirm that the equipment proposed is not a finfish pen or cage, longline, barge or top net or top net support

Please confirm that the surface area of the waters which would be covered by the proposed equipment is no greater than 1% of the surface area of the waters covered by the equipment which makes up this fish farm.

There is a height limit for developments within this class, the height levels depend on whether there is a feed barge on the fish farm or not. If there is **no** feed barge on site, the maximum height of the equipment allowed under this class is 2.5m. If however there is a feed barge on site the maximum height of any equipment proposed under this class  $\frac{1}{2}$  the height of the feed barge. The height of the feed barge is calculated from the surface of the water to the top of the feed barge when empty. Please confirm that your proposal meets one of these criteria by ticking the appropriate box.

Please describe the location of the proposed development and the nature of the proposal accurately and concisely. Provide full details of the proposed changes in the top nets or support structure. Along with full details of their proposed size, colour and design

Complete the coordinate boxes as relevant to the development and provide accurate locations details following the format specified in section 3 of these guidance notes.

*It should be noted that a notification should be sent to the planning authority advising that the temporary equipment have been removed. This notification should be sent with 14 day of the temporary equipment being removed.*

#### **4e. The placement or assembly of a longline for use in shellfish farming within the area of an existing marine farm (Class 21E)**

Development under this class is only permitted if the surface area covered by longlines, together with the original equipment would not be more than 500 square metres greater or more than 10 % greater than the surface area covered by the original equipment, this should be confirmed by ticking the appropriate box.

Provide full details of the proposal including all dimensions. Scaled drawings should be submitted to support the prior notification submission.

Full locational details for the proposed longline(s) following the format specified in section 3 of these guidance notes should be inserted into the boxes provided.

Provide details of the number and length of proposed longlines.

Provide details of the length and number of droppers proposed on each of the longlines proposed under this prior notification.

Details of the type, number and colour of buoys proposed should be given in the boxes provided.

Note: only longlines can be considered under this Class, no other form of shellfish growing structures can be considered under permitted development rights.

#### **5. Check list and Supporting Information**

Supporting information gives the applicant the opportunity to provide as much information as possible; this information can help assist the process,

##### **Checklist**

**The following plans should accompany the Prior Notification:**

- **Location Plan with application site (mooring containment area) outlined in red (with scale and north point given):**
- **Site Plan/block plan with application site (mooring containment area) outlined in red:** at a scale of 1:500 showing a north point. The plan should show the boundaries of the site and accurately show the location of all the equipment proposed. Plans for alteration or extensions to existing sites should show both existing and proposed equipment, clearly indicating existing and proposed equipment. The site plan should also give a 6-figure Ordnance

Survey grid reference for the centre of the site along with the latitude/longitude positions of the external corners or edges.

- Admiralty chart: The chart should show the boundaries of the site and accurately show the location of all the equipment proposed with application site clearly marked
- **Forms should be completed providing written descriptions of proposed works and include details of location, colour, size and design**
- **Plans, of proposed equipment** Should form part of the description of the application these should be at a scale of no less than 1:100 and provided full and accurate details of all equipment proposed,
- **Photographs:** These can provide a useful aid to the planning process particularly in visually sensitive sites. However, they are not required in all instances.

### **Fee**

**A fee is required to cover the cost of processing a prior notification application. A set fee covers all forms of prior notifications for Freshwater and Marine Aquaculture developments. At time of preparing these notes the fee is £78, please check with the local authority that this is still correct, as fees are liable to change.**

### **Declaration**

Please ensure you sign and date your application.

### **Notes**

Please note that your application cannot be registered if the application form is not completed/signed and accompanied by the correct fee.

### **What happens next?**

On receipt of your application, it will be checked to ensure the forms have been completed correctly, the planning fee has been paid and the required plans and information have been submitted. If however it is found that the application is not complete, it cannot be processed; we will write and inform you of what is required to complete the application. When the application is complete, you will receive an acknowledgement letter. The planning authority has 28 days from receipt of the notification to respond. You should not start work within the period of 28 days from the date on which the planning authority received your notification unless the planning authority indicate in writing that you are permitted to do so. If the planning authority does not respond within this 28 day period, then the development can proceed exactly as notified.

If the planning authority indicates, within the 28 day period, that it requires the formal submission of details for approval, work should not begin until details have been approved by the planning authority.

If the planning authority responds by advising that prior approval is required, it may request modifications or additional information. If so, please comply with the planning authority's request.