



**Outer Hebrides Local Development Plan  
Supplementary Guidance:  
Marine Fish Farming**

**November  
2018**

Comhairle nan Eilean Siar



# OUTER HEBRIDES LOCAL DEVELOPMENT PLAN

## SUPPLEMENTARY GUIDANCE FOR MARINE FISH FARMING

	Page
<b>CONTEXT</b>	2
<b>SUPPLEMENTARY GUIDANCE APPROACH AND FORMAT</b>	5
<b>SPATIAL STRATEGY</b>	6
Context	6
Spatial Strategy Policy 1: Areas for Potential Growth	7
Spatial Strategy Policy 2: Sensitive Areas	9
<b>DEVELOPMENT POLICIES</b>	11
Development Policy 1: Siting & Design in the Landscape	11
Development Policy 2: Water Quality & Benthic Impact	13
Development Policy 3: Other Marine Interests	13
Development Policy 4: Noise & Lighting	15
Development Policy 5: Operational Impacts	16
Development Policy 6: Cumulative Impact	17
Development Policy 7: Economic Benefit	17
Development Policy 8: On-shore Facilities	18
<b>APPENDICES</b>	
Annex A: Background to Spatial Strategy with Illustrative Maps	19
Annex B: Legislation and Regulations	50
Annex C: General Advice and Good Practice	53
Annex D: Further Sources of Information	54
<b>MAP</b>	
Marine Fish Farming Spatial Strategy Map	

## CONTEXT

This Supplementary Guidance is adopted on an interim basis. Revised Supplementary Guidance on Marine Fish Farming will be brought forward for adoption within 6 months of adoption of the Outer Hebrides LDP (2018).

*In reaching planning decisions, the Comhairle will take decisions in accordance with the National Marine Plan and subsequent Regional Marine Spatial Plans in so far as they impact within the inter-tidal zone and on the wider coastal zone.*

*Proposals for new marine fish farming developments or amendments to existing marine fish farming sites will be assessed against the Supplementary Guidance for Marine Fish Farming which forms part of the Development Plan. The Supplementary Guidance sets out a spatial strategy and a development policy framework to guide fish farming development in the Outer Hebrides. The spatial strategy identifies areas for potential growth including areas subject to constraint, and areas that are sensitive to new or further fish farming development while the development framework sets out a suite of detailed development policies against which fish farming proposals will be assessed. These policies address Siting and Design; Landscape; Water Quality; Operational Impacts (including Site Restoration and Waste Management); Other Marine Interests; Noise And Lighting Impacts; Economic Benefit; Cumulative and Incremental Impacts.*

*Proposals for new freshwater aquaculture developments will be assessed against all of the following criteria:*

- a) acceptable location in terms of the Development Strategy;*
- b) sympathetic siting and design of installations and associated facilities;*
- c) no unacceptable adverse noise and lighting impacts;*
- d) satisfactory operational impacts (including site restoration and waste management arrangements);*
- e) no significant adverse impact in other uses of the site or neighbouring water or land;*
- f) no unacceptable adverse environmental or amenity impacts arising from access or servicing considerations;*
- g) the incremental or cumulative impact of the proposal.*

### **National Context**

In 2009 the Scottish Government in conjunction with the aquaculture industry launched ‘A Fresh Start – The Renewed Framework for Scottish Aquaculture’. The Framework set out the shared vision of the Scottish Government and the industry for the future development of the sector: *“Scotland should have sustainable, growing, diverse, market-led and profitable farmed fish and shellfish industries, which promote best practice and provide significant economic and social benefits for their people, while respecting the marine and freshwater environment. The industries will contribute to the overall vision for Scotland's marine environment of "clean, healthy, safe, productive and biologically diverse seas managed to meet the long-term needs*

*of nature and people*". Reflecting the challenges identified by the industry, one of the key themes identified by the Framework was the need to address "*Planning, Consents and Sites*". The stated objective of this theme is "*Development of the right sites in the right places by the right people through transparent, streamlined and proportionate regulation/processes to minimise impacts on other users of the marine and freshwater environment*".

The multi-agency Improved Systems for Licensing Aquaculture Development (ISLAD) Working Group was established in 2009 following the launch of A Fresh Start - the renewed Strategic Framework for Scottish Aquaculture. Subsequently Delivering Planning Reform for Aquaculture I (Feb 2010) and II (Aug 2011) were published, which set out a shared intention to improve the existing Town and Country planning system as it relates to fish farming.

Scottish Planning Policy (SPP 2014) is a statement of Scottish Government policy on land use planning. SPP paragraphs 249 – 253 set the national policy context to support aquaculture stating:

"Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed; interaction with other users of the marine environment (inc. commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

Statutory planning control for terrestrial development extends to mean low water mark of ordinary spring tides (MLWS) and for fish farming in marine waters to a limit of three nautical miles from the coast. The powers of the marine planning system extend up to mean high water mark. Therefore although the terrestrial planning system and the marine planning system are separate the two overlap in the intertidal area. To facilitate policy consistency terrestrial planning authorities are required to accord with marine plans in decision making unless relevant considerations indicate otherwise, and to have regard to marine plans in preparing development plans. Scotland's National Marine Plan (2015) sets out high level objectives and policies for the sustainable use of Scotland's marine environment with the principle of sustainability being the primary goal. The NMP also contains policies on the aquaculture sectors sustainable growth, including where new aquaculture development should be permitted and its interaction with other sectors.

## **Local Context**

Fish farming (primarily the growing of Atlantic salmon) is an established industry and a key employment sector in the Outer Hebrides. The area is the third largest regional producer of salmon in Scotland and has an extensive number of farm sites some of which are operational and other dormant or unused.

The salmon farming industry has evolved considerably from its establishment as a widespread small scale business in the 1970's to one which is now led by a relatively small number of operators farming a lesser number of larger sites with automated equipment and competing in a global market-place.

The shellfish industry (primarily mussel and oyster farming), while small by comparison, is also developing with a number of new proposals coming forward.

The Outer Hebrides has an extensive coastline offering a clean high quality water environment which supports a rich marine natural heritage and provides ideal conditions for growing farmed fish and shellfish. The coastline also supports commercial and recreational fisheries and other business and recreational activities.

The salmon and shellfish sectors have expressed a desire for sustainable growth in the Outer Hebrides and this Supplementary Guidance aims to set out the key considerations and policies which will guide development to the right places while protecting the high quality environment which makes the islands a desirable place to live, work and visit.

## SUPPLEMENTARY GUIDANCE APPROACH AND FORMAT

The Outer Hebrides Local Development Plan and the statutory Supplementary Guidance for Marine Fish Farming will form the Comhairle's policy for the development and assessment of future fish farming development in the Outer Hebrides. All proposals for marine fish farming will be assessed against this Supplementary Guidance in addition to LDP policies specifically LDP Policy NBH2: Natural Heritage; Policy NBH4 Built Heritage; and Policy NBH5: Archaeology.

Under the Town & Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) fish farming is defined to mean '*the breeding, rearing or keeping of fish or shellfish (which includes any kind of sea urchin, crustacean or mollusc)*'. As such the term fish farming as referred to in this document would include for both fin and shellfish unless otherwise specified.

The Supplementary Guidance consists of:

- a Spatial Strategy comprising two spatial policies with accompanying map identifying Areas for Potential Growth and Sensitive Areas.
- a set of Development Policies addressing specific topic matters against which proposed fish farming developments will be assessed. These are:
  - 1 Siting & Design in the Landscape
  - 2 Water Quality & Benthic Impact
  - 3 Other Marine Interests
  - 4 Noise & Lighting
  - 5 Operational Impacts
  - 6 Cumulative impact
  - 7 Economic Benefit
  - 8 On-shore facilities.

A series of appendices provide: the detailed background and mapping from which the spatial strategy has been developed; relevant legislative background; advice on good practice and useful references.

The Supplementary Guidance brings together data provided by Marine Scotland on the carrying capacity of sea-lochs in the Outer Hebrides; planning constraints; and other data which can be mapped spatially. It takes account of the requirements of Scottish Planning Policy; the Outer Hebrides Local Development Plan; the views of key agencies and consideration of the input from a series of stakeholder interviews and consultations.

All proposals will be assessed against the policies in this Supplementary Guidance and relevant policies in the Outer Hebrides Local Development Plan.

## SPATIAL STRATEGY

### Context

The Spatial Strategy aligns with both the Government and the Comhairle's aspirations to identify areas around the coastline of the Outer Hebrides which offer potential to accommodate growth in fish farming development while at the same time identifying areas which are subject to constraint as well as areas sensitive to new or further fish farming development.

The Spatial Strategy is the culmination of a series of information analysis stages including consideration of carrying capacity; the location of harbours and ports; key navigational routes; regulatory controlled areas; natural and built heritage designations; and stakeholder input which has informed the identification of the following approach:

- areas having potential to accommodate **growth** in fish farming\* including areas subject to **constraint** that require careful consideration having regard to the identified constraints ; and
- areas which are likely to be **sensitive** to new or further development.

Annex A to this guidance provides an explanation of the background to the development of the Spatial Strategy for marine fish farming in the Outer Hebrides, including illustrative maps.

The Spatial Strategy, shown on the appended Spatial Strategy Map, will help inform all stakeholders of the factors relevant to the selection of development locations and guide developers to areas where it is more likely to realise ambitions for sustainable expansion.

*\* In identifying areas of potential growth no account has been taken of the suitability of these areas in terms of factors such as wave climate, exposure, depth and current speed, which would require detailed modelling and investigation on a case by case basis.*

## Spatial Strategy Policy 1: Areas for Potential Growth

The areas for potential growth are shown in the Spatial Strategy Map. These are the Comhairle’s preferred areas for the location of new marine fish farming proposals or extensions to existing fish farms. Proposals within these areas will be assessed against Development policies 1 – 8.

In addition proposals for new marine fish farms or extensions to existing fish farms within the areas of potential constraint listed in the table below will also require to demonstrate that identified constraints have been addressed and where an unacceptable adverse or significant detrimental impact will arise, provide details of the measures that are proposed to mitigate against the impact arising from the proposed development. Developers will be expected to provide information that will allow a full planning assessment of the potential impacts.

The areas of potential constraint are:

<b>National Scenic Areas (NSA)</b>	South Lewis, Harris & North Uist South Uist Machair
<b>Sites of Special Scientific Interest (SSSIs) Maps 3c and 3d</b>	Gress Saltings Tong Saltings Tob Valasay Shiant Isles Small Seal Islands Howmore Estuary
<b>Grade B &amp; C Listed Buildings Map 4c</b>	The marine waters which comprise in whole or in part the setting of coastal Grade B and C Listed Buildings
<b>Scheduled Ancient Monuments (SAMs) Map 4a</b>	The setting of coastal SAMS
<b><sup>1</sup>Locational Guidelines - (Category 2 lochs) Maps 1b and 1c</b>	Loch Grimshader, Lewis Loch Erisort/Leurbost, Lewis Loch Odhairn, Lewis Loch Seaforth, Harris Loch Uiskevagh, Benbecula Loch a Laip, Benbecula Loch Carnan, South Uist Loch Skiport, South Uist Loch Boisdale, South Uist
<b>Freshwater &amp; Coastal Fisheries 2 Map 5a</b>	Broadbay, Lewis Howmore to Kildonan, South Uist,

<sup>1</sup> *Locational Guidelines are produced & periodically updated by MSS and should be monitored at <http://www.scotland.gov.uk/Topics/marine/science/Publications/publicationslatest/farmedfish/locationalfishfarms>*



<b>Recognised Surfing Beaches Map 5c</b>	Port of Ness, Lewis Europie, Lewis Dalbeg, Dalmore, Lewis Mangersta, Lewis and Cliff, Lewis Scarista, Harris Hosta, North Uist
<b>Marine Renewables Development (not mapped)</b>	Areas post EIA Scoping in the consent process (not mapped)
<b>Harbour Order Areas &amp; Key Navigational Routes</b>	See Map 6b
<b>Subsea Power Cable</b>	See Map 6c

## Spatial Strategy Policy 2: Sensitive Areas

Areas sensitive to fish farming are shown on the Spatial Strategy Map and listed in the table below.

In sensitive areas fish farm development may be acceptable, subject to locational and environmental considerations. However, in recognition of the strength of protection afforded to them, unless adverse impacts can be adequately mitigated, sensitive areas are likely to be generally unsuitable for fish farm development.

<b>World Heritage Site</b>	St Kilda
<b>Special Areas of Conservation (SACs)/potential SAC Maps 3a and 3b</b>	North Rona Loch Roag Lagoons, (interaction with) Loch Langavat (interaction with) North Harris St Kilda Monach Islands Loch nam Madadh Obain Loch Euphoirt Sound of Barra pSAC Berneray & Mingulay
<b>Special Protection Areas (SPAs) Maps 3a and 3b</b>	North Rona & Sula Sgeir Flannan Isles St Kilda Islands Monach Islands Mingulay and Berneray
<b>Proposals that may interact with Ramsar Wetland Sites Map 3b</b>	Loch an Duin, North Uist North Uist Machair and Islands South Uist Machair and Lochs
<b>Grade A Listed Buildings Map 4b</b>	The marine waters which comprise the setting of Grade A Listed Buildings
<b><sup>2</sup>Locational Guidelines - (Category 1 lochs) Map 1a</b>	Loch Meanervagh, Benbecula Loch Sheilavaig, South Uist
<b>Designated Shellfish Waters (Sensitive to finfish farming only - see Annex A Section 6) Map 6a</b>	Loch Roag, Lewis Inner Loch Leurbost, Lewis Outer Loch Leurbost, Lewis Loch Eynort, South Uist

<sup>2</sup> Locational Guidelines are produced & periodically updated by Marine Science Scotland and should be monitored at <http://www.scotland.gov.uk/Topics/marine/science/Publications/publicationslatest/farmedfish/locationalfishfarms>

<b>Freshwater &amp; Coastal Fisheries 1</b> <b>Map 5a</b>	Loch Hamnaway, Lewis Loch Tealasavay, Lewis Loch Resort, Lewis /Harris Loch Cravadale, Harris
<b>Prime beaches</b> <b>Map 5c</b>	Traigh Mhor, Lewis Traigh na Berie, Lewis Northton/Scarista/Horgabost/Seilibost/ Luskentyre, Harris Vatersay Bay, Isle of Vatersay

## **DEVELOPMENT POLICIES**

### **1 SITING & DESIGN IN THE LANDSCAPE**

#### **CONTEXT**

Marine fish farming is an established activity within the coastal waters of the Outer Hebrides and there are established finfish and shellfish farms within both sea-lochs and coastal waters. Choosing an appropriate location is the first step in seeking new sites or to expand existing sites that fit well in the landscape and in this regard developers should refer to the Spatial Strategy.

The Outer Hebrides have a range of landscapes each with a different capacity to accommodate new development. The siting and design of new development should be informed by national considerations and local landscape character.

#### **National Landscape Designation**

The Outer Hebrides has three designated National Scenic Areas all of which extend into the marine environment: South Lewis, Harris and North Uist; South Uist Machair; and St Kilda NSA. In 2010 Scottish Natural Heritage published a report: *The special qualities of National Scenic Areas* which provides a description of each NSA and the list of its qualities.

The NSA designation does not preclude development but s.263A of the Town & Country Planning (Scotland) Act 1997, places an obligation on the planning authority to ensure that in exercising its planning powers, special attention is paid to the desirability of safeguarding or enhancing the character or appearance of the NSA.

Fish farm development may compromise the landscape objectives for which the area has been designated. A poorly sited and designed proposal may adversely impact on the scenic qualities or on the integrity of the specific landscape character which is valued and led to the landscape being designated.

LDP Policy NBH1 (extract) states:

*Development that affects a National Scenic Area (NSA) will only be permitted where:*

- a) the objectives of designation and the overall integrity of the area will not be compromised; or*
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.*

#### **Guidance on Landscape/Seascape Capacity**

Scottish Natural Heritage has published two relevant documents. The Siting and Design of Aquaculture in the Landscape: Visual and Landscape Considerations 2011 provides guidance to developers. SNH also produced *Guidance on Landscape/Seascape Capacity for Aquaculture, 2008* to assist local authorities in the production of strategies and policies for aquaculture.

The SNH guidance for developers states: *“All developments are expected to respect the diversity of landscape character and sustain qualities which reinforce experience*

*of place.... The nature of the coastline means that aquaculture development is often highly visible either from land or sea. The importance of visibility whether in relation to classic vistas or as a contribution to the experience of place, cannot be underestimated. Aquaculture should not need to be hidden from view, but should be well enough sited and designed to fit in the surrounding landscape character and contribute to a lived in landscape."*

Fish farms can be fitted into their surroundings to avoid or minimise visual intrusion and mitigation strategies should be incorporated into development proposals.

In 2010 SNH commissioned a study of four pilot areas in the Outer Hebrides to assess land and seascape character types and their potential development capacity. The study categorises a number of coastal (landscape) character types and sets out their capacity for aquaculture activity. The 'Landscape/seascape capacity for aquaculture: Outer Hebrides' pilot study was published in late August 2011.

### **Development Policy 1: Siting & Design in the Landscape**

Development proposals should relate to the specific landscape and visual characteristics of the local area.

The developer will be required to submit information which demonstrates that the proposal can be satisfactorily integrated with the landscape through appropriate siting and design.

Siting - The placement, layout, and orientation of installations should reflect the scale and subtleties of the surrounding landform, coastline and coastal character.

Design – The scale, configuration, number, cage grid size, and the form and height of feed-barges and support structures, should ensure the proposal is capable of being absorbed into the landscape/seascape with minimal intrusion.

Details of the colour of cage structures, nets, top-nets, barges and other surface equipment should be submitted, together with a statement detailing how the proposed colour scheme is appropriate to minimise landscape and visual impacts arising from the proposed development.

Details of the associated on-shore facilities will also require to be submitted and will accord with Development Policy 8.

A design statement is required for developments within a National Scenic Area (NSA). The design statement for proposed fish farming development within an NSA will be expected to demonstrate how the proposed development responds to the Special Qualities of the specific NSA and explain how the proposal has paid special attention to the desirability of safeguarding or enhancing the NSA's character or appearance.

Proposals will be assessed to ensure that the overall integrity of landscape character is maintained and if sited within an NSA, against the special qualities of the NSA.

## **2 WATER QUALITY & BENTHIC IMPACT**

### **CONTEXT**

SPP states that when determining planning applications, authorities should take into account the effects of the proposed development on the environment, including carrying capacity and the effects on sea or loch bed. The inputs to the environment include, fish feed and chemicals authorised for the treatment of sea-lice and other fish health issues. Outputs from a farm include uneaten food, faecal waste, nutrients and mortalities. Potential impacts on the benthic environment include enrichment of water column, anoxic conditions on the seabed and disturbance to the balance of organisms at the site.

High energy sites promote good dispersal and minimise organic loading on the seabed. The publication Modelling the Assimilative Capacity of Sea Lochs (Final Report SARF No. 12), November 2007 prepared on behalf of the Scottish Aquaculture Research Forum may provide guidance to developers.

### **Development Policy 2: Water Quality & Benthic Impact**

Proposals will require to be accompanied with modelling and calculations which demonstrate that the benthic and water column impacts of the proposed farm are localised and within environmental limits.

Proposals will be assessed to ensure to ensure that impacts on water quality and benthic environment are minimised or mitigated.

Proposals will also be assessed against the requirements of LDP Policy EI3 Water Environment.

Proposals for new marine fish 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.

## **3 OTHER MARINE INTERESTS**

### **CONTEXT**

National policy requires that a range of other marine interests are taken into account in determining the appropriateness of new fish farming development in the marine area. These include recreation; tourism; navigation and commercial fisheries as well as MOD activities.

The marine environment around the Outer Hebrides is a significant recreational resource and is important to the visitor experience of the environment.

The commercial sea fishing industry, in particular shellfish, accounts for around 90% of total Outer Hebrides landings. Standard (deep sea, fin and white fish) landings account for the remaining 10%. Much of the shell fishing is carried out by small inshore boats and resources can be negatively impacted upon by marine fish farming. Developers are advised to make contact with the Western Isles Fisherman's Association at pre-planning stage to ascertain whether or not the proposal is likely to conflict with this important resource.

Wild salmon and sea trout fisheries contribute to the environmental diversity, social and economic development of the Outer Hebrides. Marine Scotland Science's (MSS) advice is that there is no evidence of an impact of lice from salmon farms on *wild salmon* in Scotland, but acknowledge that the relatively acute declines in salmon catches on the Scottish west coast give cause for concern. MSS advise that there is evidence of an effect of sea lice from salmon farms on *sea trout* but the extent to which there is an effect at population level is not clear. In order to address any potential conflict, 'Sensitive and High Value' fresh water fish sites should be identified through pre-application discussions with the Outer Hebrides Fisheries Trust and the Western Isles District Salmon Fisheries Board.

### **Development Policy 3: Other Marine Interests**

Developers should provide evidence that potential impacts of new or extended fish farm sites on commercial fisheries, wild fisheries, MOD activities, navigational routes, anchorages, and recreational and leisure activities have been identified. Where there are likely to be conflicts, details of impacts and the mitigating measures proposed should be submitted.

Areas identified for energy exploitation, including oil, gas and renewable energy developments should be avoided unless the developer can demonstrate that the energy resource will not be sterilised by the proposed development.

Proposals for new or extended fish farm development will be permitted where it has been satisfactorily demonstrated that the proposal would not have a significant adverse effect on wild fish populations, either individually or cumulatively with other fin fish developments. Applications for new fin fish farms or extensions to existing farms to increase cage surface area by 50% or more should include the following information:

- Location and where available catch data of salmon producing rivers which are judged to be potentially adversely impacted on in the loch system;
- A statement as to whether the area is known to support sea trout fisheries.

The Comhairle will seek the advice of Marine Scotland Science and the Western Isles District Salmon Fisheries Board in respect of the information provided with regard to wild fish in informing its determination of an application.

## **4 NOISE & LIGHTING IMPACTS**

### **CONTEXT**

The potential impacts of noise from fish farming activities both on and off shore can be detrimental to neighbouring uses, while lighting can cause neighbour nuisance and/or be visually intrusive in the landscape.

With the exception of navigation lights, surface lighting should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

Generators on fish farms close to the shore have potential to cause a noise nuisance, in particular where there are residential properties close to the site.

#### **Development Policy 4: Noise & Lighting**

Developers will be required to provide details on noise and light emissions relating to the proposed development, along with details of any mitigating measure that will minimise the impacts. This should include details of surface and underwater lighting and if sited within 2km of a residential property, details of noise generating equipment and hours of operation.

The Comhairle may require the applicant to provide further technical information or undertake survey work if the information submitted is not considered adequate.

Proposals will be assessed to ensure that impacts arising from noise and lighting at fish farms are minimised.

## **5 OPERATIONAL IMPACTS**

### **CONTEXT**

Development interacts with the environment and has the potential to generate waste and or pollution during construction, operation and de-commissioning. Waste during construction and de-commissioning relate to the components of the installation. These tend to be pre-fabricated and delivered to site for assembly and installation, often by specialist contractors. Typical residual waste from operations includes plastic bags, old ropes, and discarded buoys and floats. These can cause damage to both marine species and the terrestrial and marine environments.

LDP Policy EI4 Waste Management requires that waste management and recycling facilities must be designed and built into all new industrial, commercial, retail and residential development proposals both during the construction phase as well as the completed development. The developer may be required to prepare a Site Waste Management Plan.

Planning permissions will be conditioned to ensure that in the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer will carry out or make necessary arrangements for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.



Fallow periods on sites vary according to production strategies and benthic conditions. Cages and nets if left un-attended can fall into disrepair and cause both risks to navigation and environmental damage.

On final cessation of operations at a consented site, all surface and sub-surface equipment requires to be removed and the site restored to its pre-developed state.

#### **Development Policy 5: Operational Impacts**

Information on the arrangements for waste management at the proposed site and should be submitted along with the planning application.

The proposal should be designed so as to minimise any negative impacts arising from the operation and will be assessed to ensure adequate waste management measures; no adverse environmental or amenity impacts arising from the servicing and operation of the site; and satisfactory measures for the restoration of the site, including removal of redundant equipment.

Conditions will be imposed on the grant of a planning permission to ensure management of equipment during fallow periods exceeding six months and to control the removal of damaged equipment and to ensure restoration of the site following cessation of operations.

## **6 CUMULATIVE IMPACT**

### **CONTEXT**

While a development proposal is initially assessed on its individual merits the cumulative impact of the proposal along side other existing developments and consents within the surrounding area will be taken into account.

When determining planning applications, the Comhairle will take into account the direct and cumulative effects of the proposed development on the environment including carrying capacity, visual impact and the effects on the landscape, marine historic environment and the sea or loch bed.

#### **Development Policy 6: Cumulative Impact**

The potential cumulative impact of a proposal, in conjunction with all other existing and consented fish farming developments in the same loch system will be a factor in determining the acceptability of a development proposal. This assessment will have regard to the information submitted in relation to other policy areas and the potential cumulative impact on: landscape & seascape character, including visual impacts (farms within same view from key viewpoints); noise and lighting impacts; carrying capacity of loch system; and water column and benthic impacts.

Where adverse cumulative impacts are significant and cannot be mitigated, planning permission will not be granted.

## 7 ECONOMIC BENEFIT

### CONTEXT

SPP states that *'The planning system should support economic development in all areas by: taking account of the economic benefits of proposed developments in development plans and development management decisions; promoting development in sustainable locations; supporting development which will provide new employment opportunities and enhance local competitiveness'* [paragraph 45]. It further states that *'Aquaculture is a nationally important industry, particularly for coastal and island communities, making an important contribution to the rural economy and providing a significant number of jobs, many in remote locations where alternative employment opportunities are limited.'* [paragraph 104].

The economic benefits to be accrued from new fish farming operations is potentially significant for an area such as the Outer Hebrides which suffers from an ageing and declining population and a low rate of GDP. Further growth of the fish farming sector offers economic and employment opportunities, not only at the individual site, but also for construction companies, processors and suppliers.

However, any benefits must be considered along side those accrued from other economic activities in the marine area such as commercial in-shore fisheries, tourism and recreation. Developments should respect, not constrain or degrade an area's capacity for tourism, or recreational activity.

#### **Development Policy 7: Economic Benefit**

Proposals should include details of the anticipated economic benefits for the Outer Hebrides arising from the proposed development including direct and indirect employment (FTE and part time). The assessment should have regard to the potential for displacement of local jobs both within or outwith the sector.

The potential benefits will be assessed to ensure there is no detrimental effect on the benefits to be derived from other economic activities unless it can be demonstrated that the benefits from the fish farming development outweigh the others.

## 8 ON-SHORE FACILITIES

### CONTEXT

Fish farms are likely to require land based facilities. Scottish Planning Policy encourages that where possible these requirements should be considered as part of or simultaneously with the application for the fish farm. Proposals for associated on-shore facilities will be assessed against the policies in the Local Development Plan, in particular Policy DS1 Development Strategy.

There are areas of the coast that are largely undeveloped and Scottish Planning Policy states that Development Plans should identify such areas as isolated coast and that, due to their special characteristics there should be a presumption against

development in these areas. The areas of isolated coast in the Outer Hebrides are shown on the Local Development Plan Context Map.

**Development Policy 8: On-shore facilities**

The Comhairle will only permit a marine fish farm development proposal where the associated shore based facilities are located within the Outer Hebrides.

Where new or upgraded on-shore facilities are necessary to service a development, developers are required to submit the planning application for on-shore facilities simultaneous with the associated marine fish farming application. On-shore facilities will be assessed against Local Development Plan policies.

Developers proposing to utilise existing facilities will be required to identify the shore based location and facilities from which the development will be served in the planning application.

### BACKGROUND TO SPATIAL STRATEGY

The factors which follow, as set out by Scottish Planning Policy, have been taken into consideration in developing the Spatial Strategy. These considerations, carrying capacity, landscape, natural heritage, historic environment, conflicting users and resources and other regulatory controlled areas, individually and cumulatively should aid site selection and contribute positively to industry and public understanding of the potential locations for proposed fish farming activity in the Outer Hebrides.

#### 1. Carrying Capacity

##### Finfish

The Scottish Government update and publish on a quarterly basis: 'Locational Guidelines: Marine Fish Farms in Scottish Waters'. The Guidelines assign a Category 1, 2 or 3 designation to sea lochs or similar water bodies supporting aquaculture on the basis of Marine Scotland Science (MSS) predictive models to estimate nutrient enhancement and benthic impact. The predictive models are used to assign each sea loch an index of 'nutrient enhancement' and 'benthic impact'. The sum of these indices is used for the categorisation of areas.

- A Category 1 area is one with a combined 'nutrient enhancement' and 'benthic impact' indices of 7 - 10. These areas have no further carrying capacity and are not suited to further development.
- A Category 2 area is one with a combined 'nutrient enhancement' and 'benthic impact' indices of 5 - 6. These areas have limited further carrying capacity and can accommodate limited further development. The relinquishment of existing leases and transfer of biomass consent from undeveloped sites may release development potential in these areas.
- A Category 3 area is one with a combined 'nutrient enhancement' and 'benthic impact' indices of 0 - 4. These areas have capacity for further development.

For a detailed explanation of how these categorisations were derived, refer to the Scottish Fisheries Research Report 'Scottish Government Locational Guidelines for fish farming: Predicted levels of nutrient enhancement and benthic impact'.

The Guidelines do not categorise bodies of open water outwith sea-lochs since these cannot be accurately assessed by the predictive models available. Site selection outwith sea-lochs will require site specific survey including assessment of exposure, depth and current speed and direction.

Areas that are not categorised through the Locational Guidelines may be suitable for development and those in Category 3 are defined because of their inshore nature. Marine Scotland Science may undertake modelling in response to applications in previously undeveloped areas.

**Lochs classed as Category 1** in the Outer Hebrides by the June 2011 update are Loch Meanervagh, Benbecula and Loch Sheilavaig, South Uist. The carrying capacity of these lochs is at its limit and they therefore have no new development capacity. These sites are shown on Map 1a and on this spatial aspect are considered **Sensitive** to new or further development.

**Lochs classed as Category 2** at the June 2011 update, are Loch Grimshader, Loch Erisort/Leurbost, Loch Odhairn, Loch Seaforth, Loch Eport, Loch Uiskevagh, Loch a Laip, Loch Carnan, Loch Skiport, and Loch Boisdale. These areas have limited further carrying capacity and can accommodate limited further development. The relinquishment of existing leases and transfer of biomass consent from undeveloped sites may release development potential in these areas. These sites are shown on Maps 1b & c and on this spatial aspect are considered **constrained** for new or further development.

**Lochs classed as Category 3** at the June 2011 update, are Loch Roag, West Loch Tarbert, Loch Stockinish, Loch Grosebay, East Loch Tarbert, Loch Claidh, Loch Shell, Loch Mharabhigh, Broadbay, Loch Kilerivagh and Loch Eynort. These lochs have additional carrying capacity and on the grounds of carrying capacity assessment alone, have further development potential. These sites are shown on Maps 1d & e and on this spatial aspect have **capacity for growth**.

### **Shellfish**

Marine Scotland Science do not publish equivalent 'Locational guidance' for marine shellfish farming.

## **2. Landscape**

### **National Scenic Areas (NSA)**

Three particular areas of the Outer Hebrides are recognised nationally for their scenic beauty through designation as National Scenic Area (NSA). The three NSAs are: South Lewis, Harris and North Uist; South Uist Machair; and St Kilda. Spatial Strategy Map 2a illustrates the extent of these three designations.

The NSA designation does not preclude development. However s.263A of the Town & Country Planning (Scotland) Act 1997 has specific provision on National Scenic Areas and places an obligation on the planning authority to ensure that in exercising its planning powers, *'special attention is paid to the desirability of safeguarding or enhancing [the NSAs] character or appearance'*.

Development proposals within designated NSAs require to be supported by sufficient information to allow the planning authority to assess the proposed development in compliance with the obligation imposed by s. 263A.

The SNH information portal 'Sitelink' provides a map, full description, and statement on the special qualities of the South Lewis, Harris & North Uist NSA, the South Uist Machair NSA and the St Kilda NSA.

Particular regard must be had to the scale, siting and design in relation to the landscape and seascape. The Siting and Design of Aquaculture in the Landscape: Visual and Landscape Considerations 2011 is available on the SNH website.

Proposals within the National Scenic Area are considered **constrained** on this spatial aspect.

### **3. Natural Heritage**

The Outer Hebrides has a wealth of natural heritage and biodiversity resources. In recognition of their natural heritage value parts of the Outer Hebrides marine and coastal environments are subject to international and national designation. The following are considered of relevance to this spatial strategy for marine fish farming.

#### **International Natural Heritage Designation (Maps 3a & b)**

1. St Kilda and its surrounding waters hold World Heritage Status for both natural and cultural significance.
2. RAMSAR sites (being wetland sites of international importance):
  - Loch an Duin, North Uist.
  - North Uist Machair and Islands
  - South Uist Machair and Lochs.
3. Under the EU Birds Directive, the following sites designated Special Protection Area (SPA) (to provide suitable habitat for certain bird species);
  - North Rona & Sula Sgeir
  - Flannan Isles
  - St Kilda.
  - Monach Islands
  - Berneray and Mingulay
4. Under the EU Habitats Directive, the following sites designated and one possible Special Area of Conservation (SAC):
  - North Rona
  - Loch Roag Lagoons (interaction with)
  - Loch Langavat (interaction with)
  - North Harris
  - St Kilda.
  - Monach Islands
  - Loch nam Madadh
  - Obain Loch Euphiort
  - Sound of Barra pSAC.
  - Berneray & Mingulay

Collectively, SPAs and SACs sites are termed Natura sites. Ramsar sites are also designated as SPA and/or SAC and will therefore be assessed on the same terms.

Any development proposal which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site will be subject to an Appropriate Assessment by the Comhairle.

Development which could have a significant effect on a Natura site will only be permitted where:

- an Appropriate Assessment has demonstrated that the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of a social or economic nature.

In view of their international importance the above areas mapped on Map 3a are on this spatial aspect considered **sensitive** to new or further fish farming developments. Proposals in or around the mapped area may be considered sensitive if their interaction is such that the proposal is likely to have a significant effect on the qualifying features of the designated site.

#### **National Natural Heritage Designations (Map 3c & d)**

Parts of the Outer Hebrides marine and coastal environments are also subject to national natural heritage designation, primarily Sites of Special Scientific Interest (SSSI). The following national natural heritage designations are of relevance to this spatial strategy for marine fish farming where not covered by higher level designations.

#### **Site of Special Scientific Interest**

- Gress Saltings
- Tong Saltings
- Tob Valasay
- Shiant Isles
- Small Seal Islands
- Howmore Estuary

Development proposals that may affect a SSSI will only be permitted where:

- they will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

Planning applications for developments within areas subject to national natural heritage designation should include sufficient information to allow an assessment to be made against the above criteria.

Maps 3a - d indicate the extent of the national natural heritage designations present of relevance to marine fish farming activities in the Outer Hebrides.

## **Future Designation – Marine Protected Areas**

The Marine (Scotland) Act 2010 has established a new power for Marine Protected Areas in the seas around Scotland, to recognise features of national importance and meet international commitments for developing a network of MPAs.

The Scottish Government is committed to delivery of the MPA network to meet national and international commitments by 2012 and to report on progress of a MPA network by 2013. The development of the MPA network is to be undertaken in collaboration with marine stakeholders.

Work on this is in progress by Marine Scotland at the time of preparation of the draft Supplementary Guidance and therefore its outputs cannot be reflected in the spatial strategy.

The Marine (Scotland) Act 2010 allows for additional protection for seals at designated haul-outs - the locations on land where seals come ashore to rest. A consultation on possible sites, including a number in the Outer Hebrides was undertaken and the following weblink details outcomes:

<https://www.gov.scot/Topics/marine/marine-environment/species/19887/20814/haulouts>

This site selection process sought to focus on those haul-out sites that offered an optimum balance between maximising protection for the largest number of seals while minimising possible impacts on other sustainable activities around the coast.

## **4. Historic Environment**

Historic environment interests include World Heritage Sites; Scheduled Ancient Monuments (SAMS); terrestrial and marine archaeological sites; Listed Buildings; Conservation Areas; and Designed Landscapes.

Coastal or marine historic environment resources may be impacted upon either directly (damage by moorings or anchors) or indirectly through impact on their setting.

Not all archaeological sites and monuments are of equal importance. World Heritage sites are of international importance while SAMS are of national importance and non-scheduled sites of either regional or local importance.

The weight that is given to archaeological considerations in the planning process will depend on a number of factors, including:

- the relative rarity of the archaeological feature concerned;
- the completeness of the feature / whether it is a particularly good example of its type;
- the historical or cultural associations of the feature;
- the value given to the feature by the local community;
- the potential value of the feature as an *in situ* educational or research resource; and
- the potential value of retaining the feature for tourism or place-making.



At present there is a limited record of the marine archaeological resource of the Outer Hebrides. Where remains are found, the principles of preservation *in situ*, or mitigation where necessary, outlined in SPP, Scottish Historic Environment Policy (SHEP) and Planning Advice Note (PAN) 2/2011: Planning and Archaeology apply equally to sites on land or under water. Scotland's marine historic environment records are generally held by Royal Commission for Ancient and Historical Monuments of Scotland (RCAHMS).

St Kilda and its surrounding waters hold World Heritage Status for both natural and cultural significance. The designation makes the areas sensitive to marine fish farm development and is mapped under Natural Heritage (Map 2a).

Coastal and inland terrestrial SAMS are detailed on Map 4a. While there is perhaps only a low probability of impacting on the setting of a SAM, this probability cannot be ruled out and therefore this spatial aspect will be a potential **constraint**.

Historic buildings enrich Scotland's landscape. They help to create our distinctive character and contribute significantly to our economy. They are a highly visible and accessible element of Scotland's rich heritage, spanning a wide range of uses and periods, which together chart a great part of the history of Scotland. They cover diverse aspects of life, from education to recreation, to defence, industry, homes and worship. Much of Scotland's social and economic past and its present are expressed in these exceptional buildings. Listing recognises their historic importance. This in turn helps to ensure that their potential for the study of history and for wider issues such as sustainability, community identity, place-making, and social and economic regeneration are all fully explored.

Grade A Listed Buildings (Map 4b) are of national importance. The Outer Hebrides has a limited number of Grade A listed buildings with a smaller number on or near the coast. Developments which may impact on the setting of a Grade A Listed Building are on this spatial aspect considered **sensitive** to development.

Grade B Listed Buildings are of regional importance while Grade C Listed Buildings (Map 4c) are of local importance and more numerous. Developments which may impact on the setting of a Grade B or C Listed Building are on this spatial aspect identified as a potential **constraint**.

There are four Conservation Areas in the Outer Hebrides: Stornoway, Lewis; Gearrannan, Lewis; Ruisgarry, Berneray; Howmore, South Uist. These all have a coastal boundary. Developments which may impact on the setting of a Conservation Area are considered constrained. Developments which may impact on the setting of a conservation area are mapped on Map 4d and on this spatial aspect identified as a potential **constraint**.

There is one designated Historic Garden and Designed Landscape – Lews Castle Grounds extending to 238 ha. Marine fish farming developments are unlikely to impact on the setting and therefore this spatial aspect is not mapped.

## 5. Potential conflict with other users/resources

SPP states that when designating potential development areas and sensitive areas, planning authorities should take into account amongst other matters, potential conflict with other users.

Other uses/users of the marine and coastal environment of the Outer Hebrides include:

- freshwater and coastal game fishing - recreational and tourism
- water-based recreational and tourism activities e.g. inshore sailing, surfing, scuba diving
- prime beaches – recreation, tourism, TV/film industry and regular marketing and publicity of the Outer Hebrides
- areas near shore and deep water areas likely to become important for marine renewables.

### **Freshwater and coastal game fishing - recreational and tourism**

Healthy and vibrant wild fisheries and populations are of environmental, economic and cultural importance to the Outer Hebrides.

Fresh water and coastal game fishing for salmon, brown trout and sea trout and sea angling primarily for saithe, pollack and mackerel, provide popular outdoor recreational activity for many residents and account for a significant percentage of annual tourist visits per annum.

There is limited current quantitative data available on the value of game fishing to the Outer Hebrides. A study *Assessing the Economic Value and Realising the Potential of Recreational Freshwater Fisheries in the Western Isles* - prepared for the Western Isles Fisheries Trust by M.A. James PhD, was published in 2000 and commented further upon in 2005. This report states that *“Using the most conservative estimate of employment generated by game angling expenditure, salmon and sea trout angling employs at least 81 people and trout angling employs at least 54 people on an [Full Time Equivalent] FTE basis. Overall, the expenditure of those visitors to the Western Isles whose main reason for doing so is to game fish generates about 143 FTE jobs.”* While the data is limited there is no question as to the importance of ‘game angling’ to the Outer Hebrides economy. The report valued the contribution of game fisheries and associated activities to the Outer Hebrides economy based on indirect and induced impacts as being £5.6 million per annum.

The Western Isles District Salmon Fisheries Board is a statutory consultee on all planning applications for marine fish farming. Fish Hebrides promotes fishing throughout the Outer Hebrides and includes statistics on the seasons’ catches throughout the area.

The Rivers and Fisheries Trusts of Scotland (RAFTS) (now incorporated in the Association of Scottish River & Fishery Management Trusts) and its member fishery trusts, including the Outer Hebrides Fisheries Trust, have set out clear objectives highlighting the need for protection of ‘Sensitive and High Value’ fresh water fish sites, maintenance of aquaculture free areas and on a planned approach, seek to relocate farms from sites and locations where the site is so sensitive and the

impact so great that available mitigation, management and best practice cannot reduce risks and impacts to acceptable levels in terms of wild fish and fisheries. A proposal has been submitted to Marine Scotland for a project which would result in the creation of locational guidance and zones of sensitivity to wild fish.

The Outer Hebrides Fisheries Trust has been consulted in the preparation of this draft Supplementary Guidance. The Trust expressed concern as to the impact of marine fish farming on the fresh water fisheries on the east coast of the Outer Hebrides. The areas identified by the OHFT as in need of protection from new marine fish farming include, but are not exclusive to, the Atlantic coast of the Outer Hebrides, in particular Loch Hamnaway in Uig, Luskentyre to Northton and Howmore to Kildonan in South Uist, these being important for stock conservation and Broadbay as a successful nursery and feeding area for sea-trout fisheries and community resource.

These areas are mapped on Map 5a and considered **constrained** for new or further fish farming developments.

### **Water-based recreational and tourism activities e.g. inshore sailing, surfing, scuba diving**

Hosta North Uist; Scarista Harris; Mangersta, Cliff and Dalmore on the Atlantic coast and Eorpie and Port of Ness on the north coast are all popular surfing beaches which attract both locals and visitors to enjoy this outdoor activity in the clean waters of the Atlantic. These beach areas have a recreational or tourism value and are therefore identified on Map 5b as a potential **constraint**.

Inshore sailing and scuba diving while popular can be enjoyed in a host of different environments and therefore less likely to be constrained. Many of the most popular and varied dive sites are those already identified through natural heritage designation while anchorages are numerous, marked on navigation charts and considered by both the single marine licence and on a case by case planning assessment. These spatial aspects are not mapped in relation to any specific areas.

### **Prime beaches**

Tourism in the Outer Hebrides has grown in significance for the regional economy, contributing 15.6% to Gross Regional Domestic Product (GRDP) in 2006 as compared to 14.3% in 1997 and only 4% in 1988/89.

In addition to leisure and activity based tourism (angling, fishing, sailing, golfing etc.) a significant number of people come purely to experience the iconic beaches, uninterrupted views, the natural environment and wide open space. The Outer Hebrides are publicised as a holiday destination through TV programmes, advertisement and features in many national newspapers, supplements and publications. The Outer Hebrides have some of the most spectacular beaches in Scotland, Europe and possibly the world. Beyond their recreational and scenic value they have an inherent value in marketing the islands as a destination. The introduction of fish farming infrastructure into these locations could have a significant direct and indirect impact on the area.

Due to their inherent value in marketing the islands the beaches, which are classified as **sensitive** to marine fish farming activities, are mapped at Map 5c and are considered to include:

- Traigh Mhor, Isle of Lewis
- Traigh na Berie, Uig
- Northton/Scarista/Horgabost/Seilibost/Luskentyre, Isle of Harris
- Watersay Bay, Isle of Watersay.

### **Marine Renewables Development**

Marine renewables presents a significant development opportunity for the Outer Hebrides. Marine planning is still at an early stage but it is clear that areas within 3 nautical miles of the coast, likely to become important for marine renewables development (including the landing points on-shore for transmitting the generated electricity on-shore to join the transmission network), are likely to pose a constraint to marine fish farming development. The projects which have been the subject of EIA Scoping are identified as a **constraint** to marine fish farming development.

## **6. Other regulatory controlled areas**

Scottish Planning Policy states that when designating potential development areas and sensitive areas, planning authorities should take into account amongst other matters, 'other Regulatory Controlled Areas'.

In the Outer Hebrides these include:

- Designated Shellfish Waters
- Key navigational routes and Harbour Order Areas;
- Subsea power cable.

### **Designated Shellfish Waters**

The Association of Scottish Shellfish Growers Code of Good Practice states that the '*Biological carrying capacity of a defined water body refers to the potential maximum production a species or population can maintain in relation to available food resources within an area ...Most farmed shellfish (e.g. mussels, oysters, scallops) obtain their food by filtering natural particles from the surrounding water. They are dependent upon natural primary production and hydrographic processes to bring food particles to them. ....Bodies of water such as sea lochs or other embayments have a finite resource of filterable organic matter. This resource must be shared between the various shellfish farms and natural biota within the body of water.*'

The European Community Shellfish Waters Directive (2006/113/EEC) concerns the quality of shellfish growing waters in Member States and seeks to protect and, where necessary, improve the quality of waters where shellfish grow, in order to contribute to the high quality of directly edible shellfish products. The UK has designated those coastal and brackish waters needing protection or improvement in order to support shellfish (bivalve and gastropod molluscs) life and growth.

In June 2009, the Scottish Government issued a revised list of coastal areas designated as 'shellfish waters'. The list includes the following four areas in the Outer Hebrides:

- Loch Roag
- Inner Loch Leurbost
- Outer Loch Leurbost
- Loch Eynort, South Uist.

These waters require protection to ensure the quality and productivity of shellfish and must meet the minimum environmental quality standards as laid out in the Directive. While SEPA has responsibility for regulating water quality, the Food Standards Agency (FSA) undertakes responsibilities arising from the Shellfish Hygiene Directive and relevant Regulations. This includes responsibility for the designation of harvesting areas, setting standards and reporting the classification of harvesting areas according to the presence of faecal indicator organisms. The degree of shellfish contamination determines the degree of depuration (purification) required before the produce may be commercially marketed.

These Designated Shellfish Waters areas are sensitive to marine fin-fish development but clearly support marine shellfish developments due to the high standard of water quality. The Designated Shellfish Waters are identified on Map 6a as **sensitive** to fin-fish developments.

#### **Harbour Order Areas and Key Navigational Routes**

Marine fish farming proposals will be constrained by key navigational routes and Harbour Order Areas. These spatial aspects are mapped on Map 6b as **constraint** to marine fish farming development.

#### **Subsea Power Cable**

The Outer Hebrides are connected to the national grid by means of a subsea cable with landfall sites at various locations around the coastline. These are identified as a **constraint** and mapped on Map 6c.

## **SPATIAL STRATEGY BACKGROUND MAPS**

### List of Spatial Strategy Background Maps:

Map 1a Carrying Capacity - Category 1 Areas

Map 1b (North) Carrying Capacity - Category 2 Areas

Map 1c (South) Carrying Capacity - Category 2 Areas

Map 1d (North) Carrying Capacity - Category 3 Areas

Map 1e (South) Carrying Capacity - Category 3 Areas

Map 2a National Scenic Area

Map 3a (North) International Environmental Designations (Coastal Only)

Map 3b (South) International Environmental Designations (Coastal Only)

Map 3c (North) National Environmental Designations & Isolated Coast (Coastal Only)

Map 3d (South) National Environmental Designations & Isolated Coast (Coastal Only)

Map 4a Scheduled Ancient Monuments

Map 4b "A" Grade Listed Buildings

Map 4c "B" & "C" Grade Listed Buildings

Map 4d Conservation Areas

Map 5a Freshwater and Coastal Game Fishing (with 2 km buffer from coast)

Map 5b Recreational and Tourism Activities - Surfing Beaches (with 1 km buffer from coast)

Map 5c Recreational and Tourism Activities - Prime Beaches


Map 6a Designated Shellfish Growing Waters

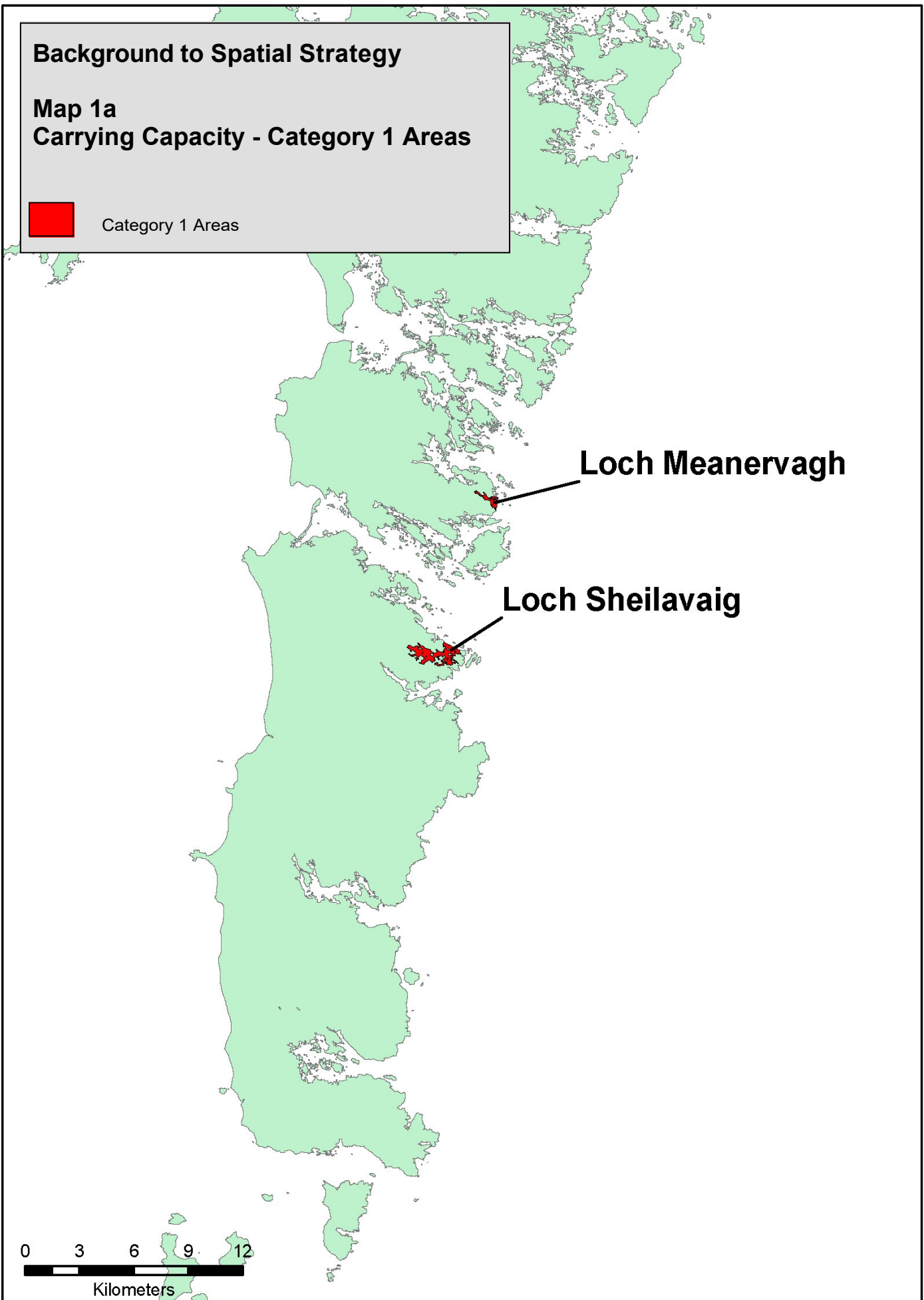
Map 6b Harbour Order Areas & Key Navigational Routes

Map 6c Cables and Pipelines

**Background to Spatial Strategy**

**Map 1a  
Carrying Capacity - Category 1 Areas**

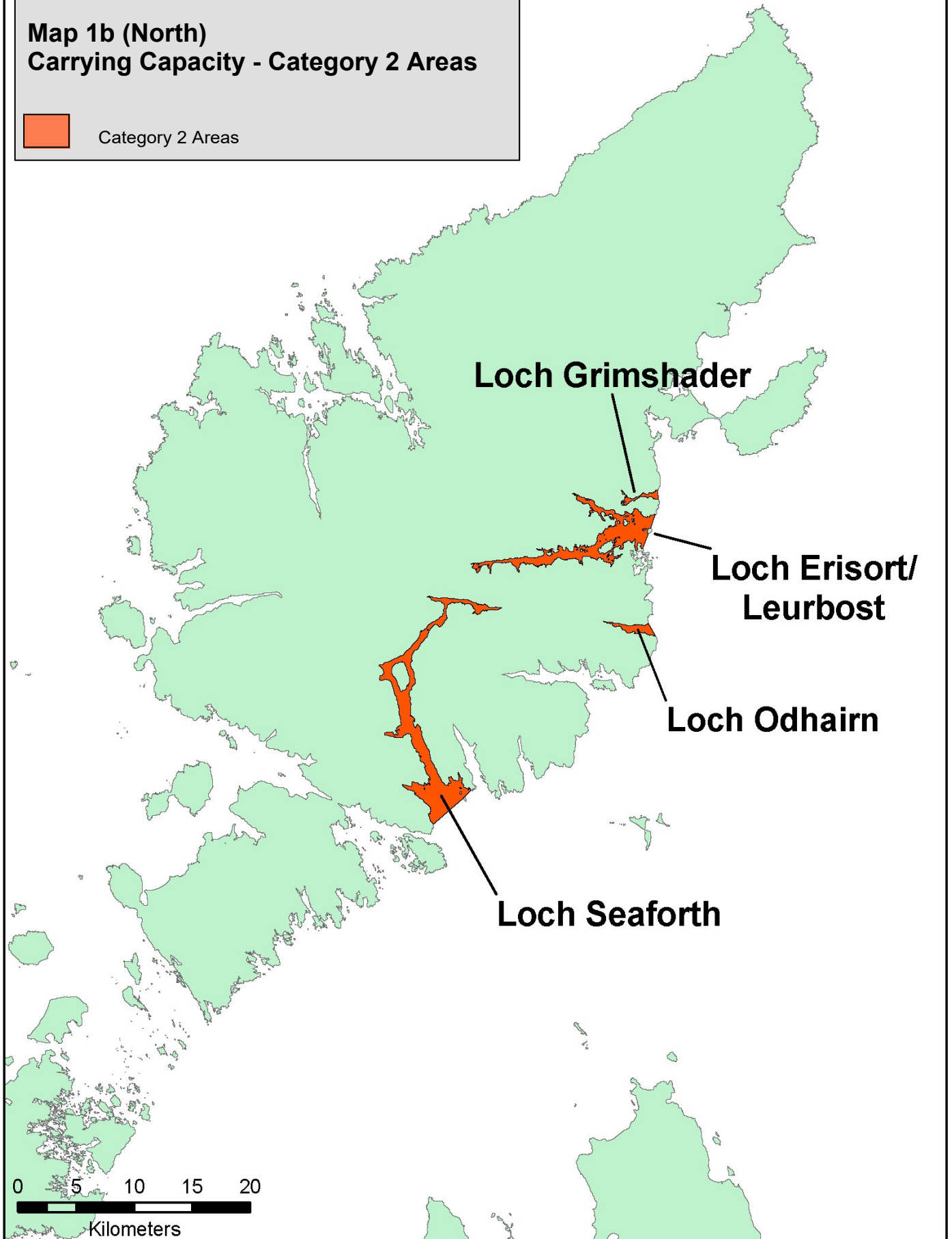
 Category 1 Areas



# Background to Spatial Strategy

## Map 1b (North) Carrying Capacity - Category 2 Areas


 Category 2 Areas

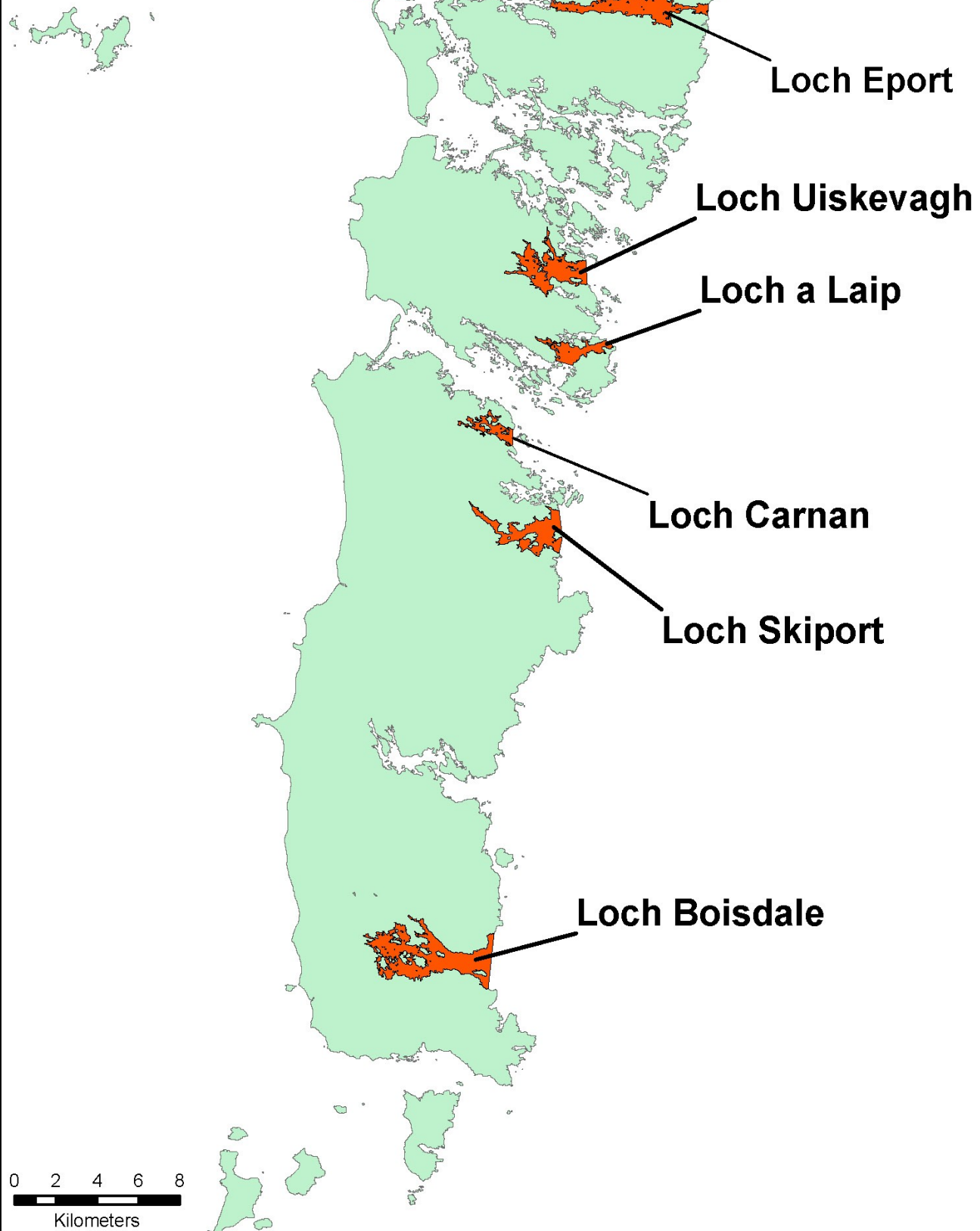




**Background to Spatial Strategy**

**Map 1c (South)  
Carrying Capacity - Category 2 Areas**

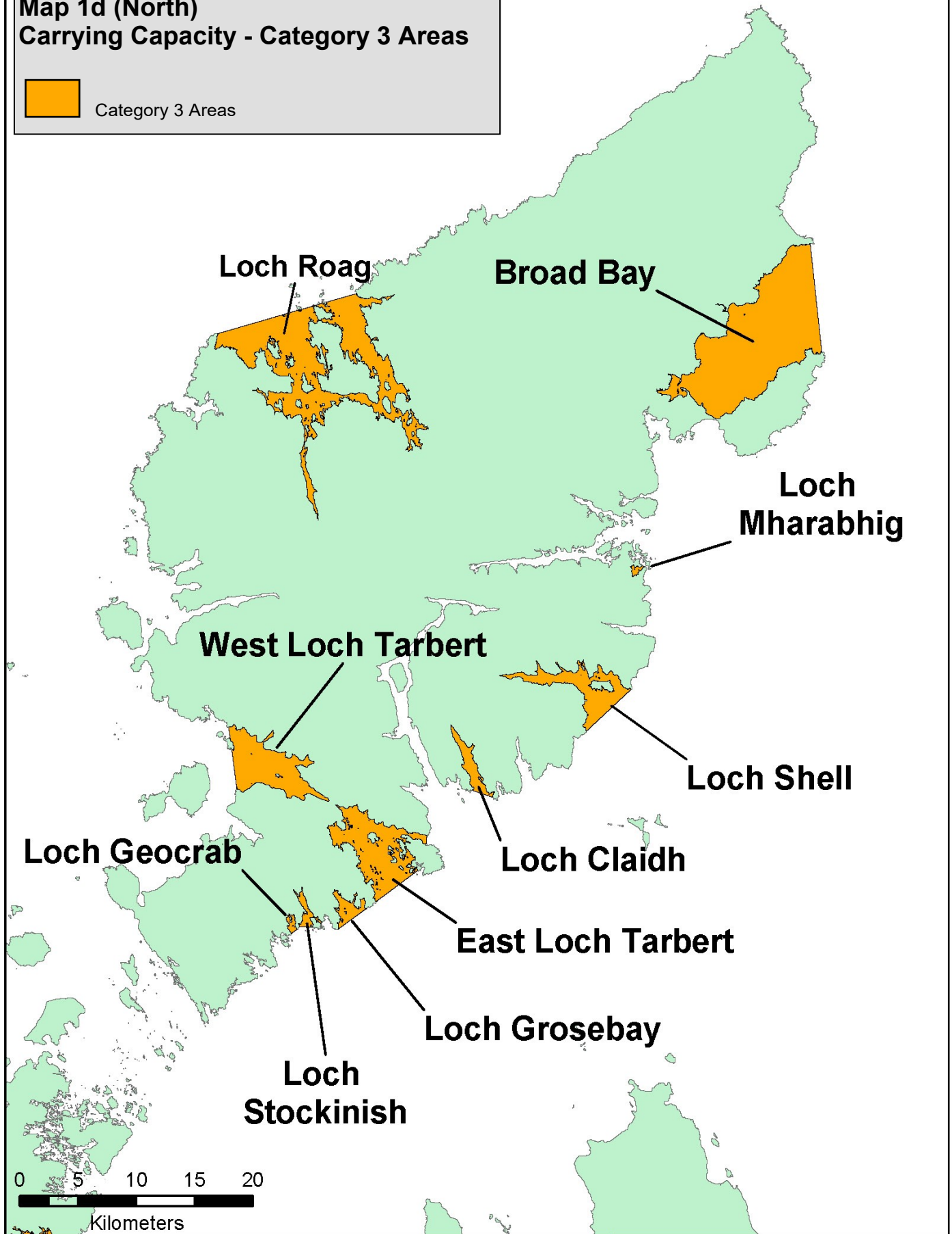
 Category 2 Areas



# Background to Spatial Strategy

## Map 1d (North) Carrying Capacity - Category 3 Areas

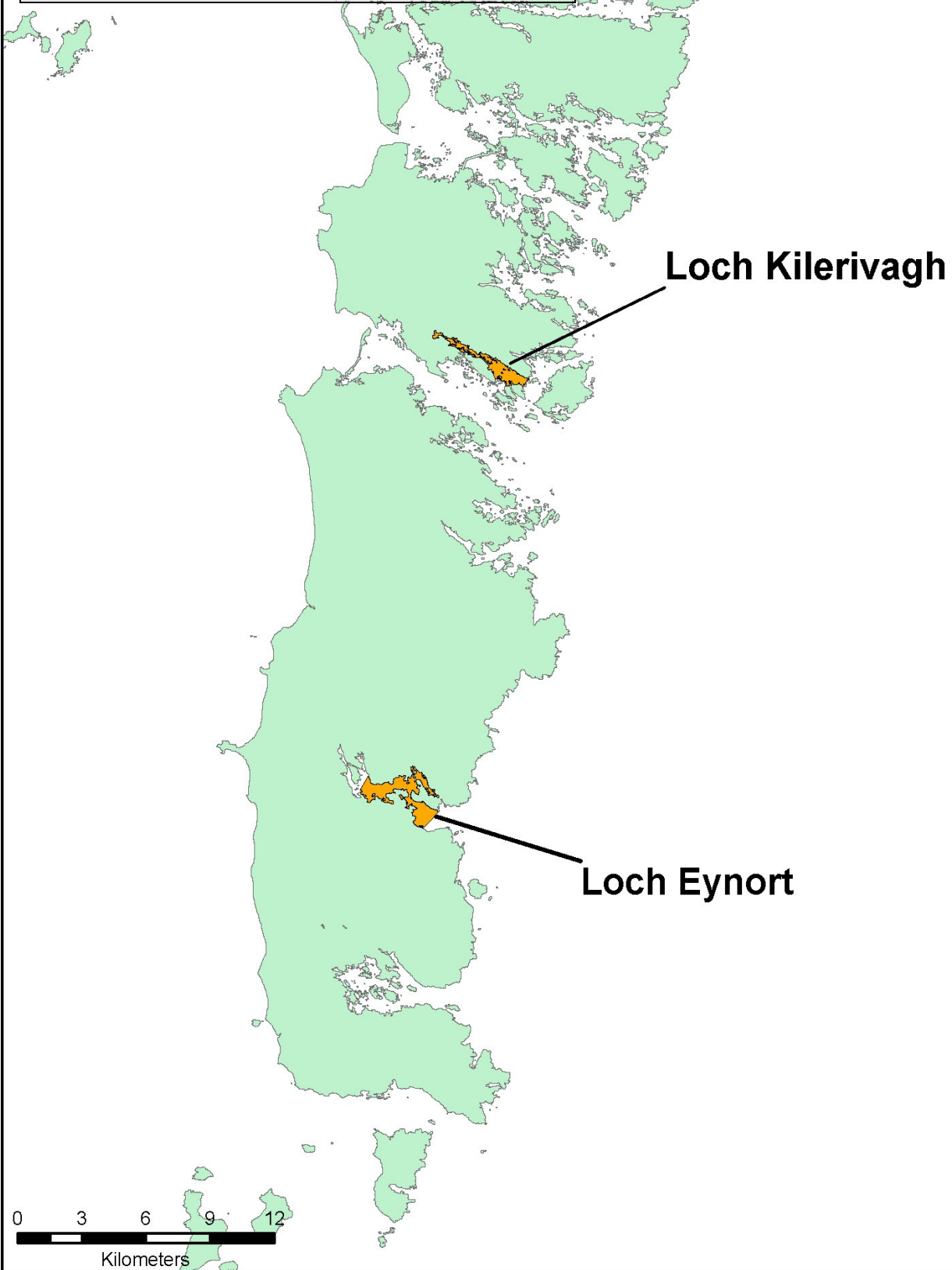
 Category 3 Areas



**Background to Spatial Strategy**


**Map 1e (South)  
Carrying Capacity - Category 3 Areas**

 Category 3 Areas



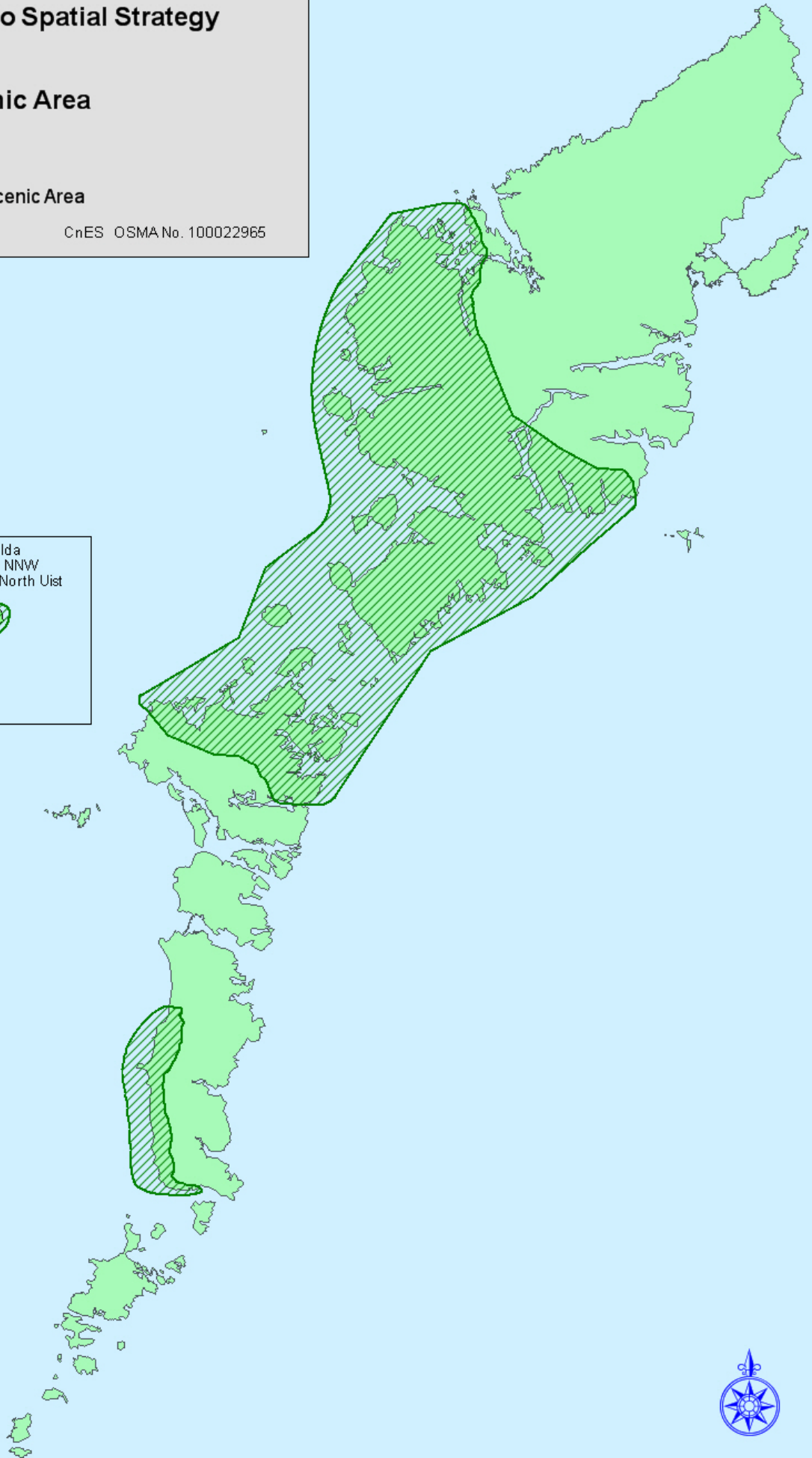
# Background to Spatial Strategy

## Map 2a National Scenic Area

 National Scenic Area



CnES OSMANo. 100022965

Inset map showing t Kilda  
which lies about 66 km NNW  
of Rubha Ghriminish, North Uist



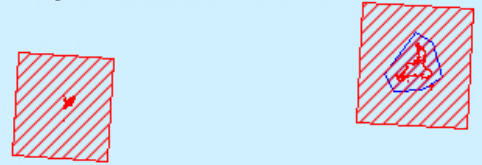
# Background to Spatial Strategy

## Map 3a (North) International Environmental Designations (Coastal Only)

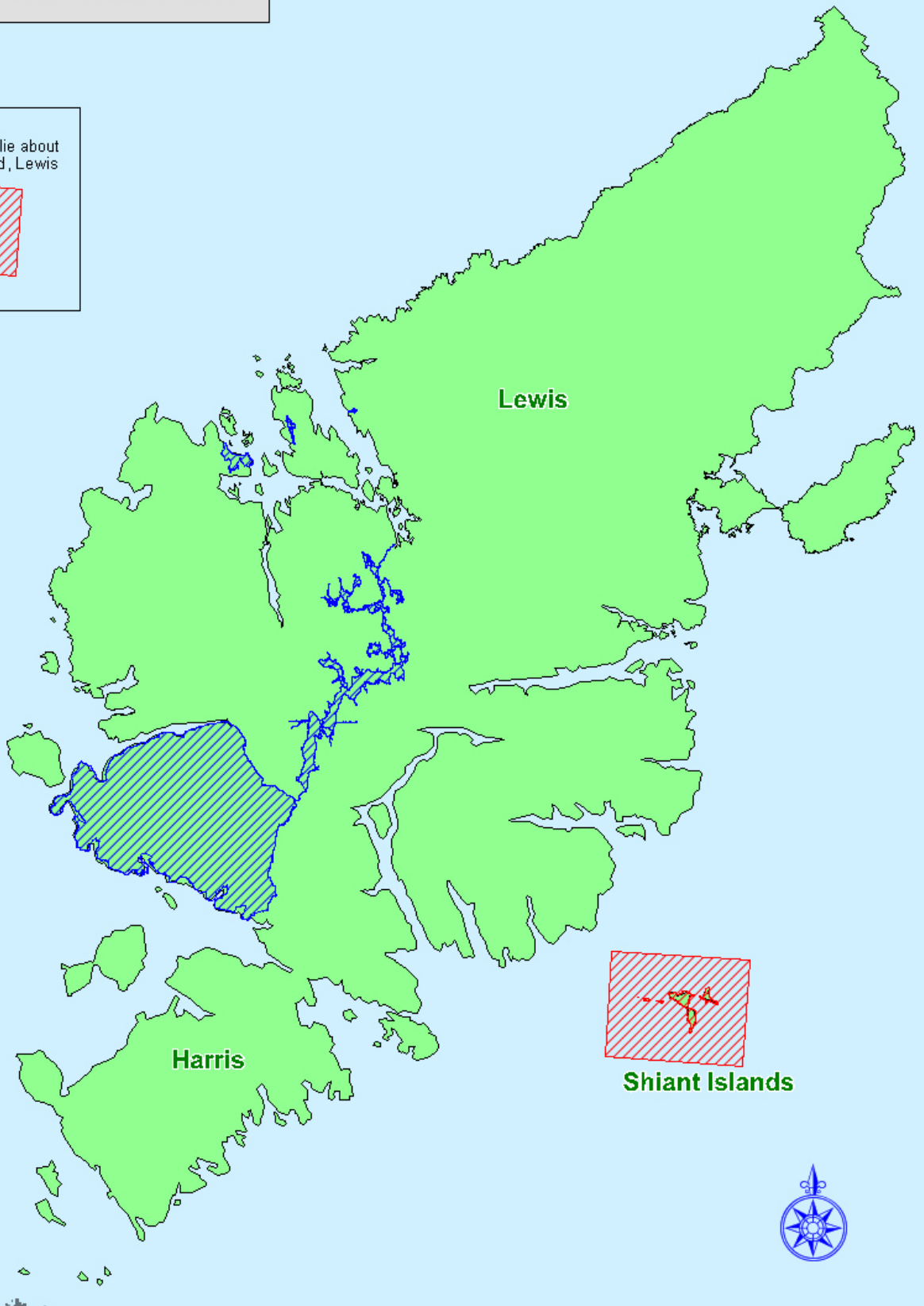
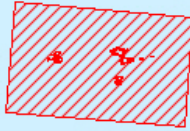
-  Special Area of Conservation
-  Special Protection Area

CnES OSMA No. 100022965

Inset map showing:  
North Rona - 71 km NNE of the Butt of Lewis  
and Sula Sgeir - 64 km north of the Butt







Inset map showing  
The Flannan Isles which lie about  
34 km NW of Gallan Head, Lewis



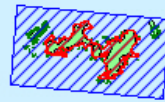
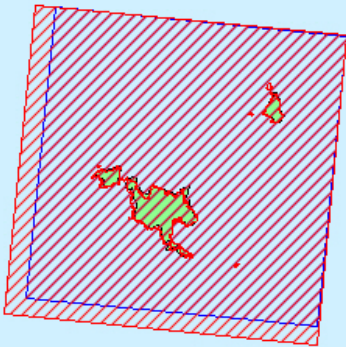
## Background to Spatial Strategy

### Map 3b (South) International Environmental Designations (Coastal Only)

-  Special Area of Conservation
-  (possible) Special Area of Conservation
-  Special Protection Area
-  Ramsar

CnES OSMA No. 100022965

Inset map showing St Kilda which lies about 66 km NNW of Rubha Ghriminish, North Uist



**Monach Islands**

**North Uist**

**Benbecula**

**South Uist**


**Barra**

**Mingulay & Berneray**



## Background to Spatial Strategy

### Map 3c (North) National Environmental Designations (Coastal Only) & Isolated Coast

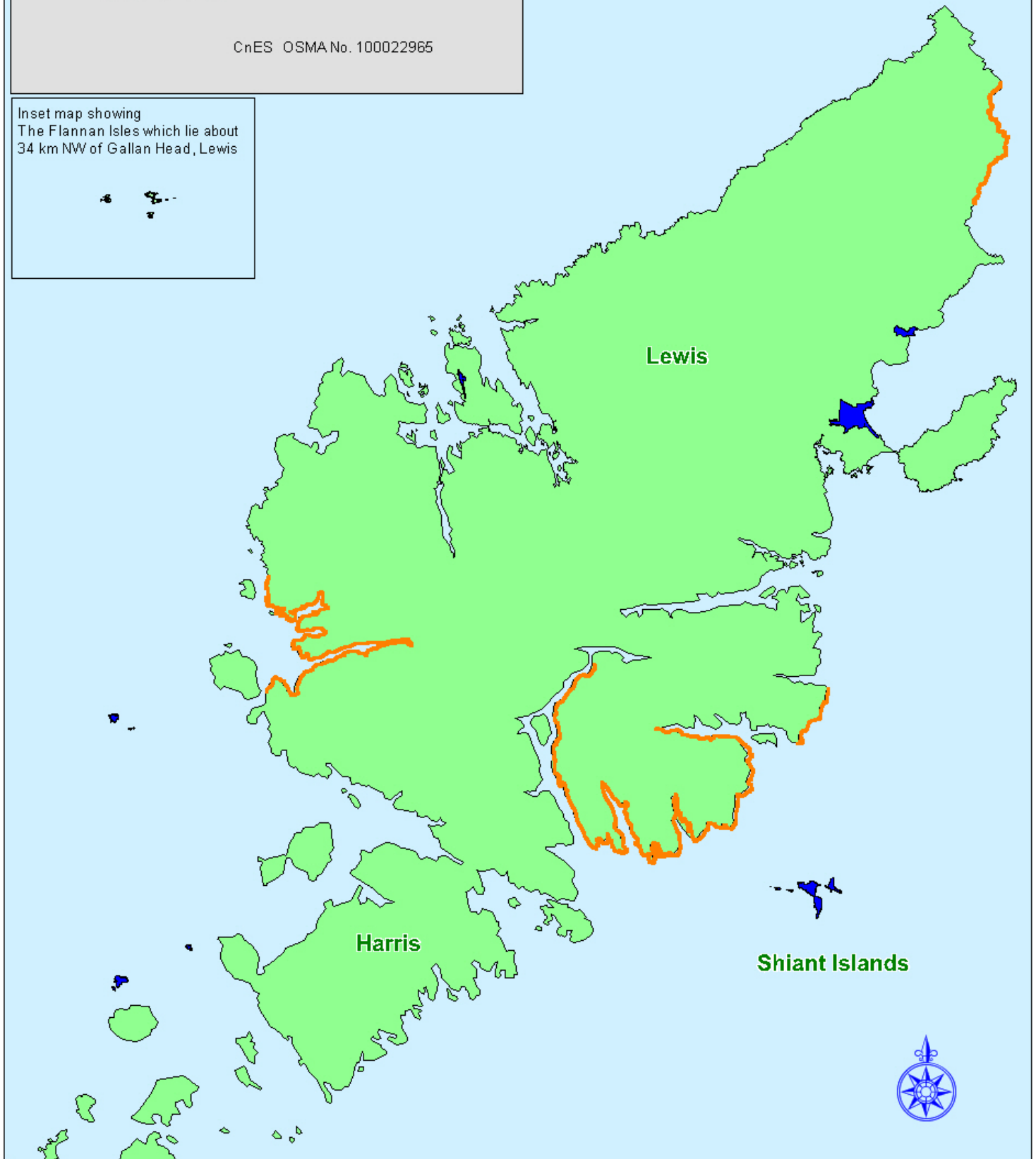
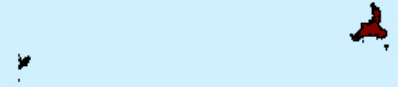
-  National Nature Reserve
-  Site of Special Scientific Interest
-  Isolated Coast

CnES OSMA No. 100022965

Inset map showing  
The Flannan Isles which lie about  
34 km NW of Gallan Head, Lewis





Inset map showing:  
North Rona - 71 km NNE of the Butt of Lewis  
and Sula Sgeir - 64 km north of the Butt

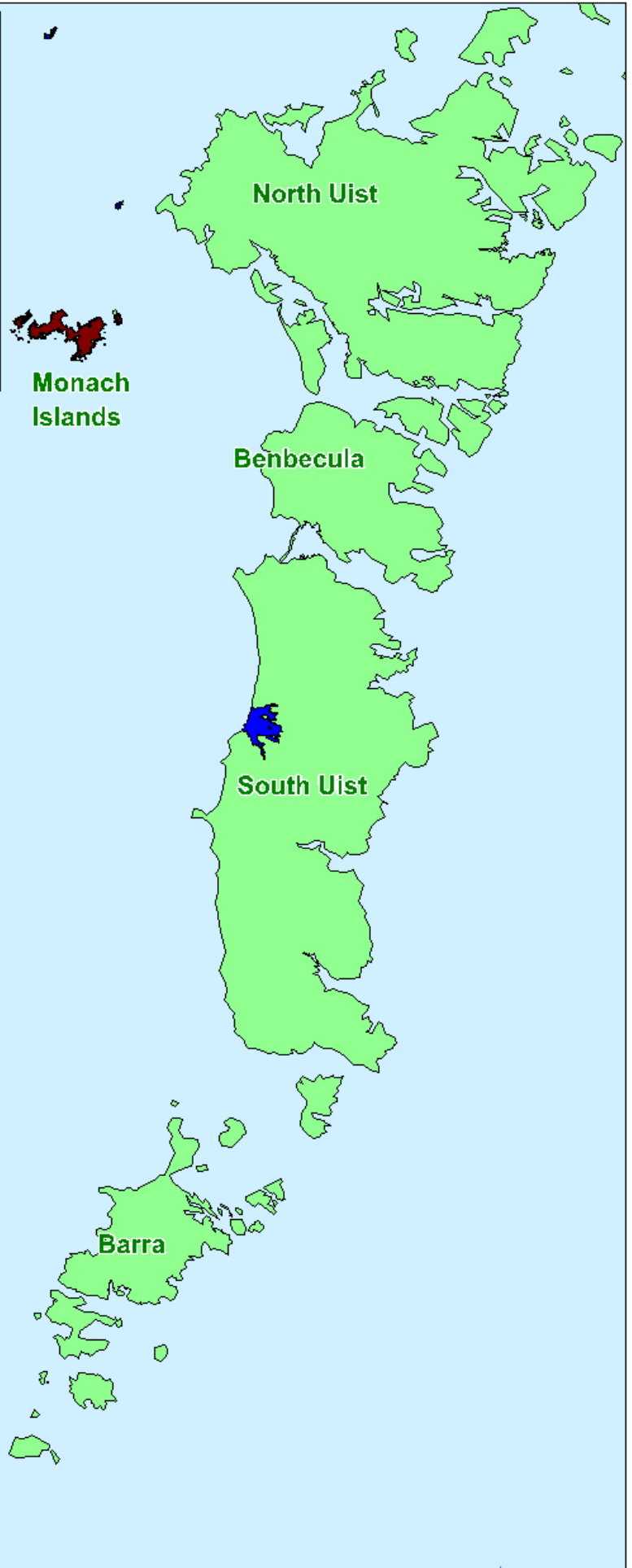


# Spatial Strategy Consideration for Marine Aquaculture

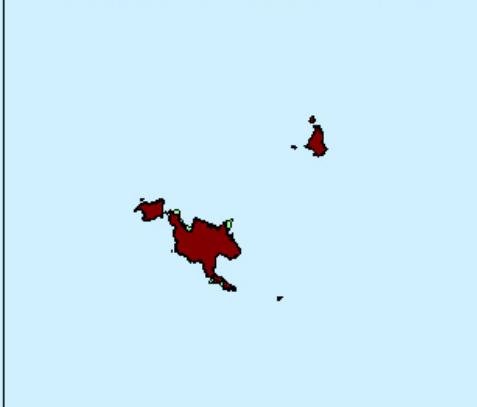
## Map 3d (South) National Environmental Designations (Coastal Only)

-  National Nature Reserve
-  Site of Special Scientific Interest

Ordnance Survey OSMA No. 100022965



Inset map showing St Kilda which lies about  
66 km NNW of Rubha Ghriminish, North Uist





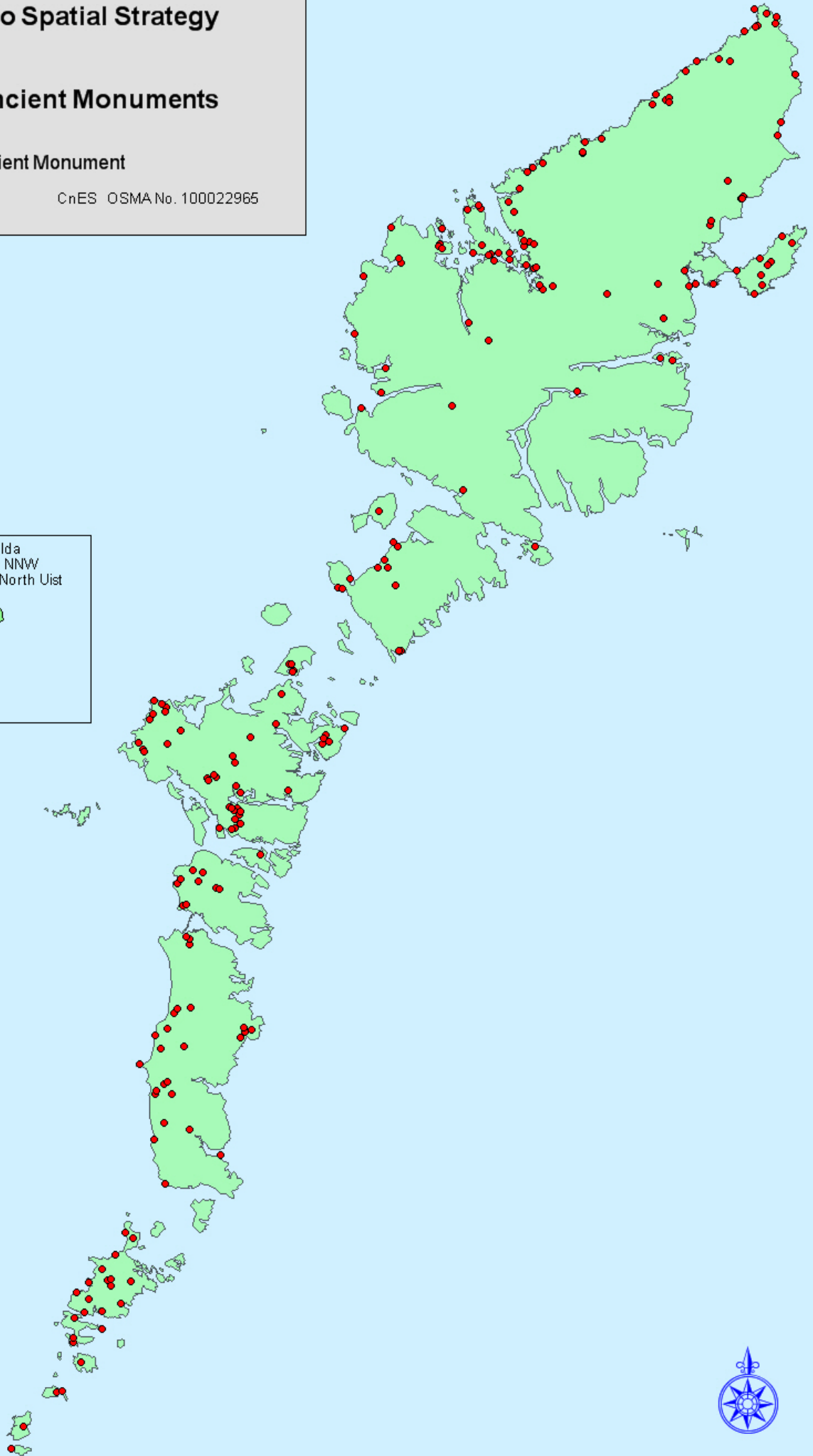
# Background to Spatial Strategy

## Map 4a Scheduled Ancient Monuments

● Scheduled Ancient Monument

CnES OSMA No. 100022965

Inset map showing t Kilda  
which lies about 66 km NNW  
of Rubha Ghrinish, North Uist

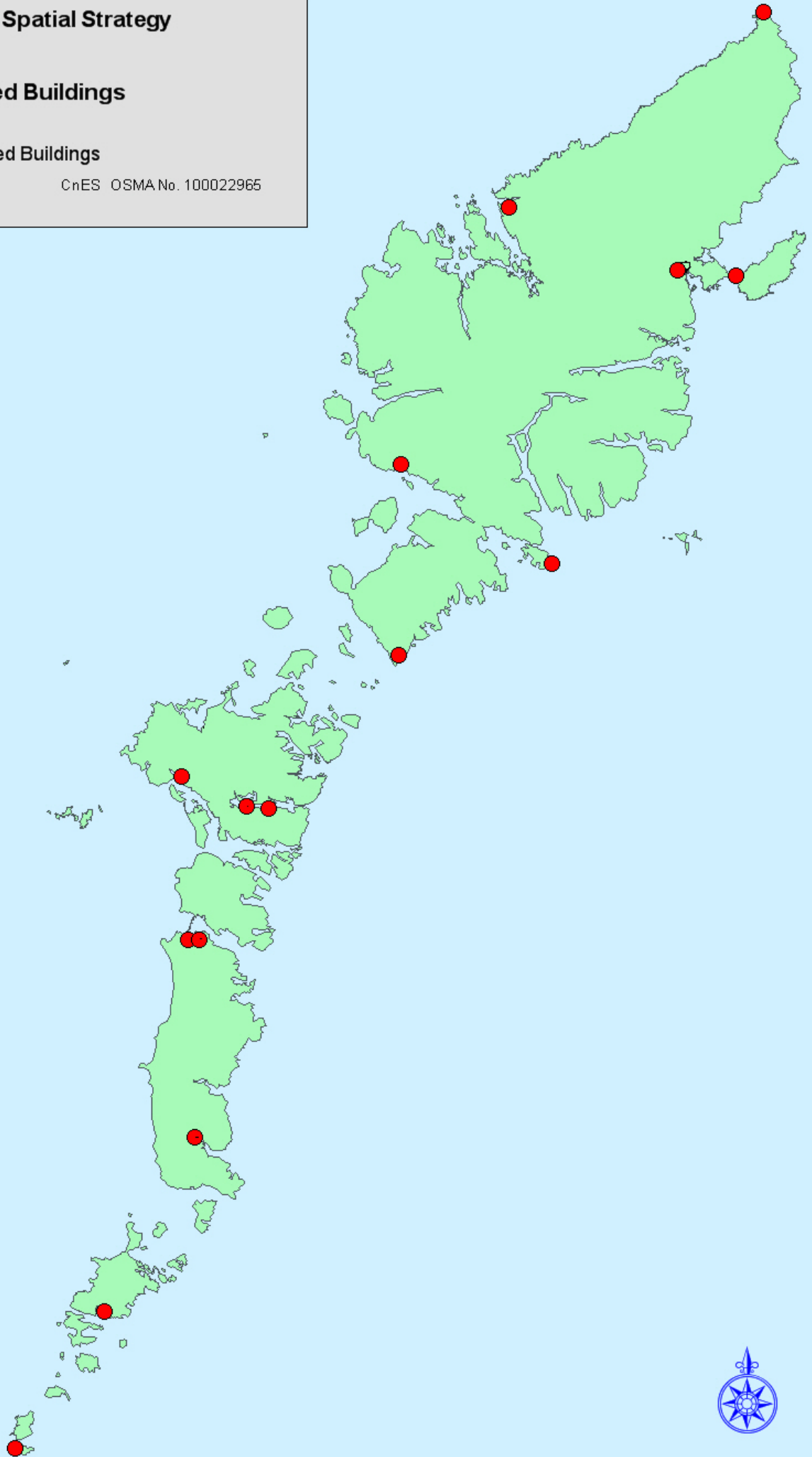


# Background to Spatial Strategy

## Map 4b "A" Grade Listed Buildings

● "A" Grade Listed Buildings

CnES OSMA No. 100022965

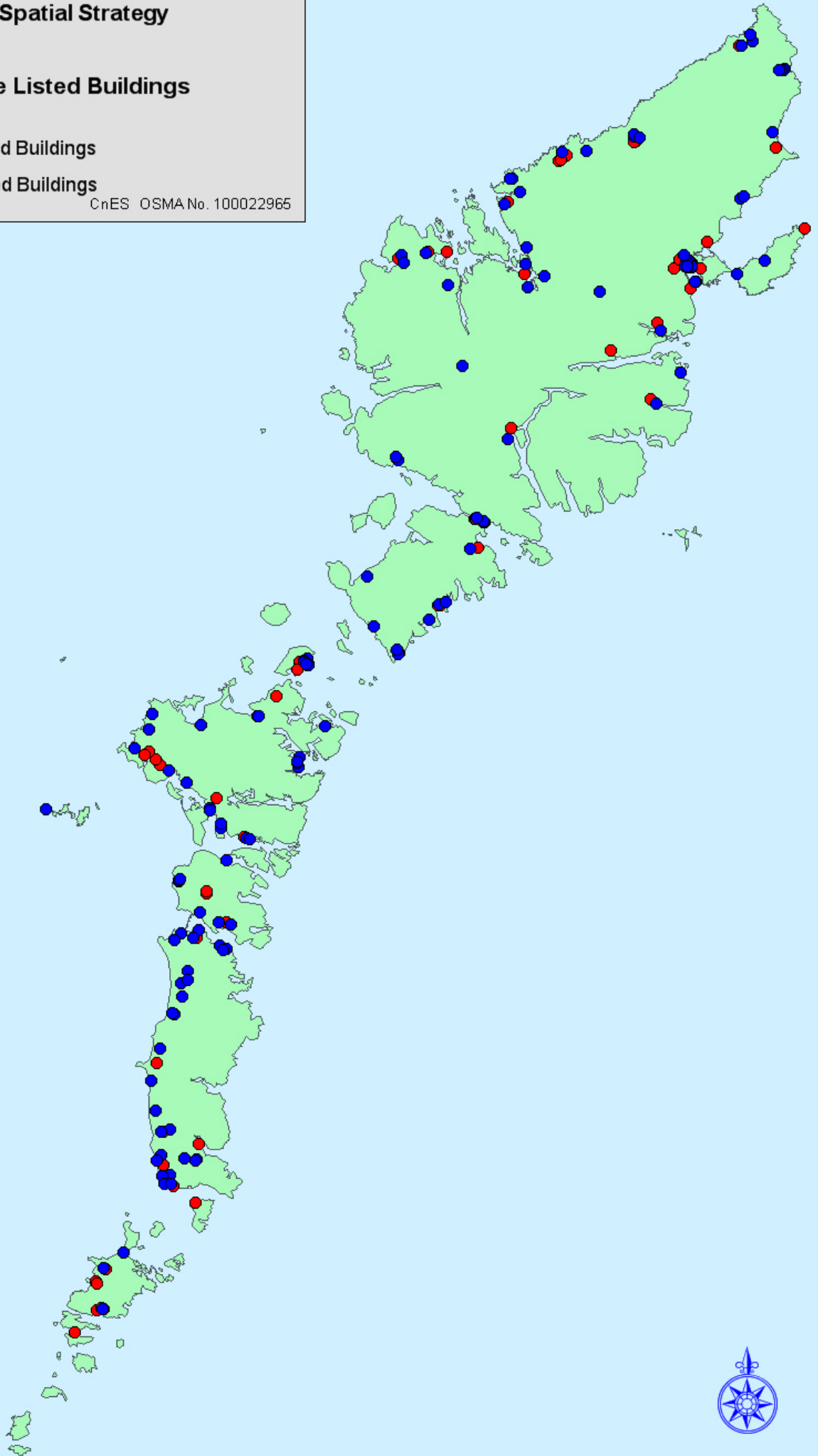


# Background to Spatial Strategy

## Map 4c "B" & "C" Grade Listed Buildings

- "B" Grade Listed Buildings
- "C" Grade Listed Buildings

CnES OSMA No. 100022965



# Background to Spatial Strategy

## Map 4d Conservation Areas



● Conservation Areas

CnES OSMA No. 100022965

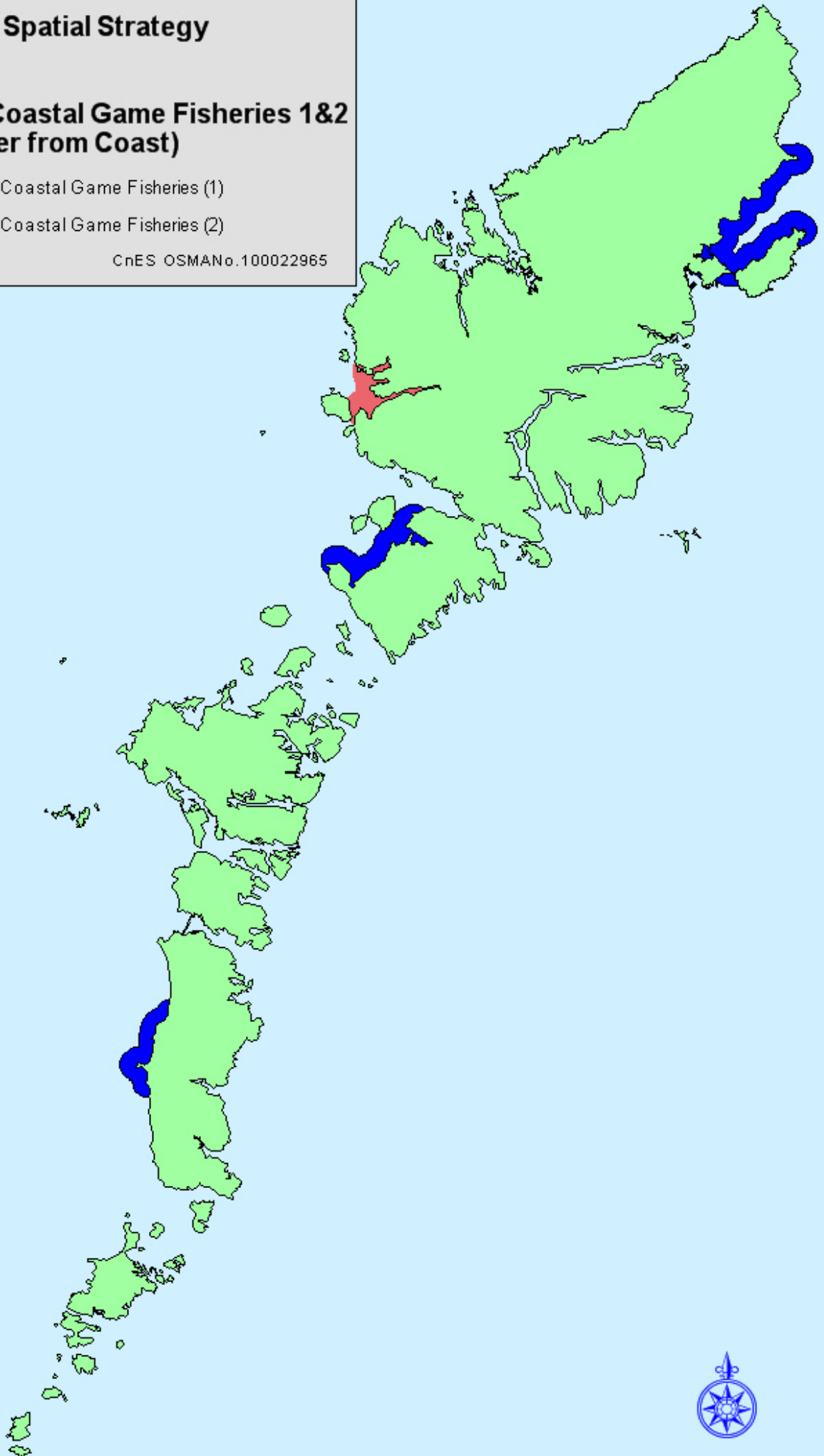


## Background to Spatial Strategy

### Map 5a Freshwater & Coastal Game Fisheries 1&2 (With 2km buffer from Coast)

-  Freshwater and Coastal Game Fisheries (1)
-  Freshwater and Coastal Game Fisheries (2)

CnES OSMANo.100022965

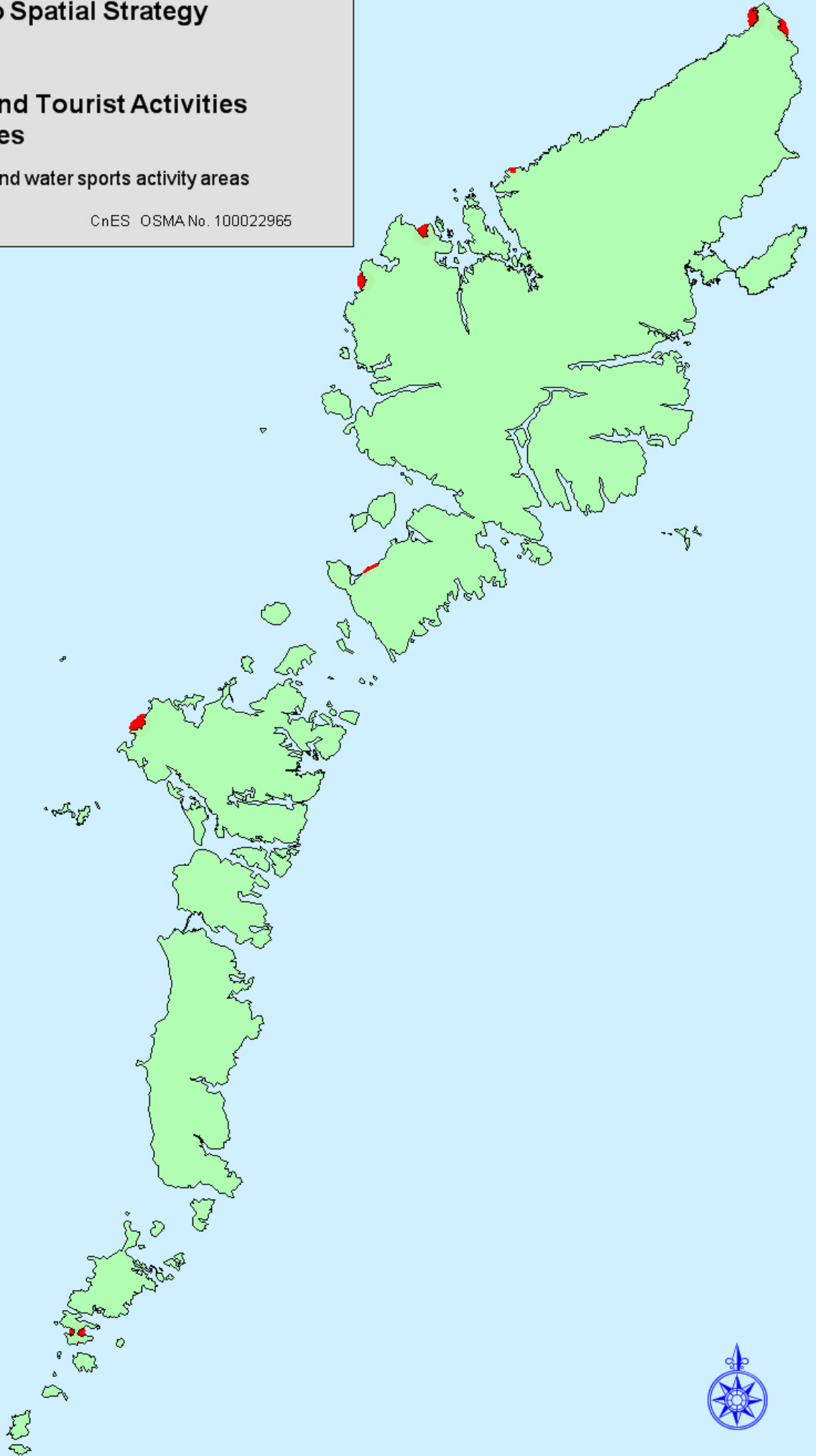


# Background to Spatial Strategy

## Map 5b Recreational and Tourist Activities Surfing Beaches


— Recreation and water sports activity areas

CnES OSMA No. 100022965

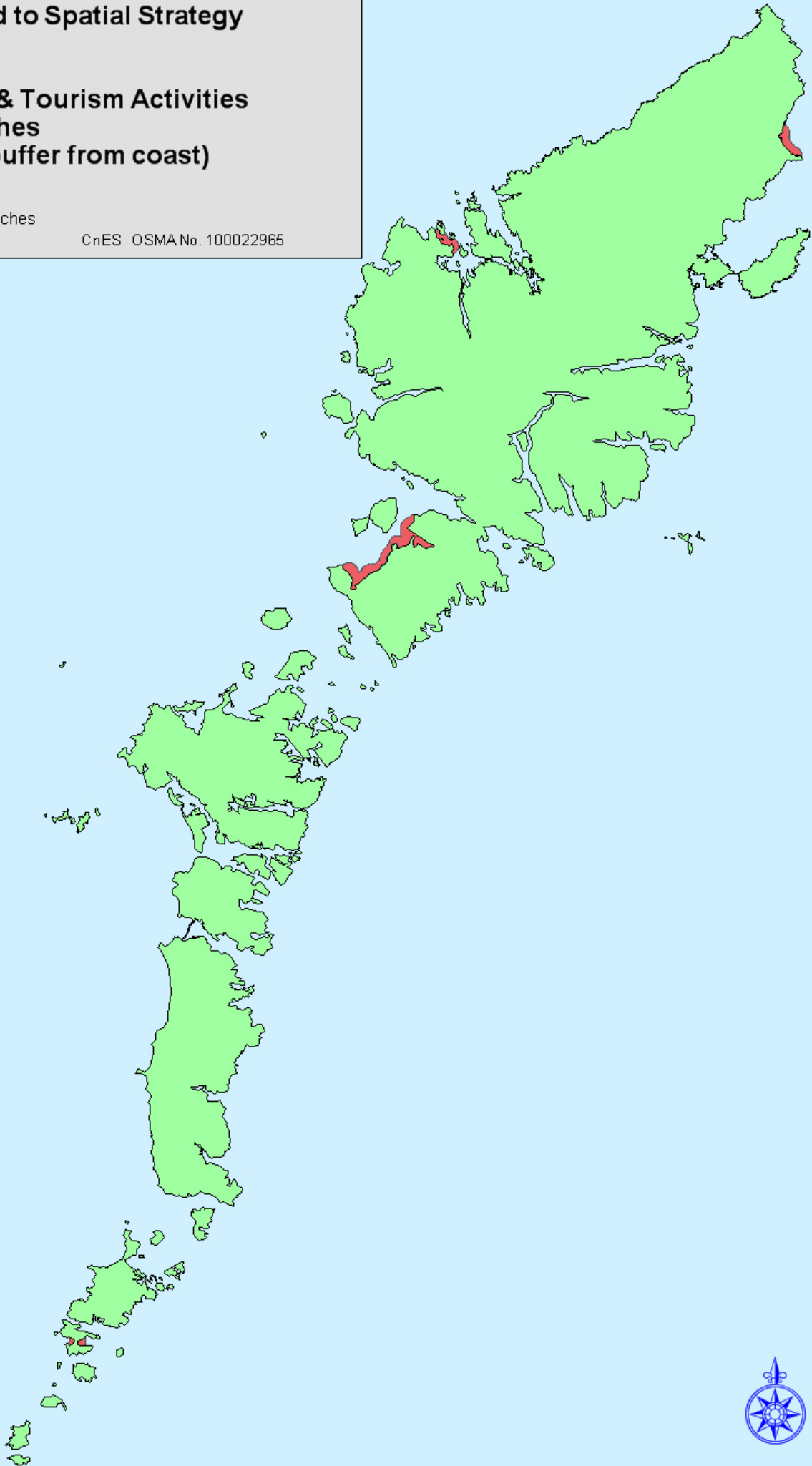


## Background to Spatial Strategy

### Map 5c Recreation & Tourism Activities Prime Beaches (With 1km buffer from coast)


 Prime Beaches

CnES OSMA No. 100022965

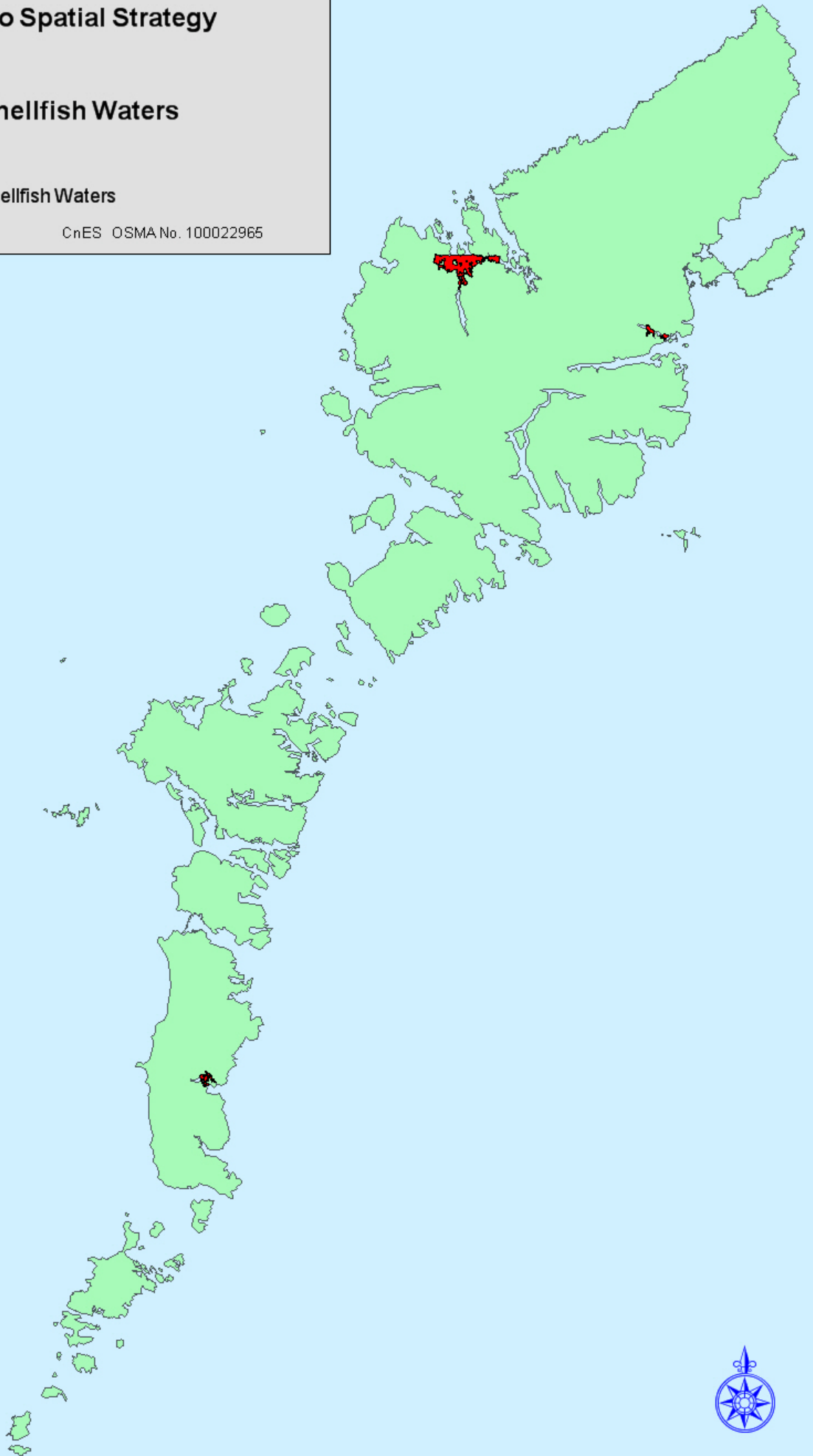


# Background to Spatial Strategy

## Map 6a Designated Shellfish Waters

 Designated Shellfish Waters



CnES OSMA No. 100022965



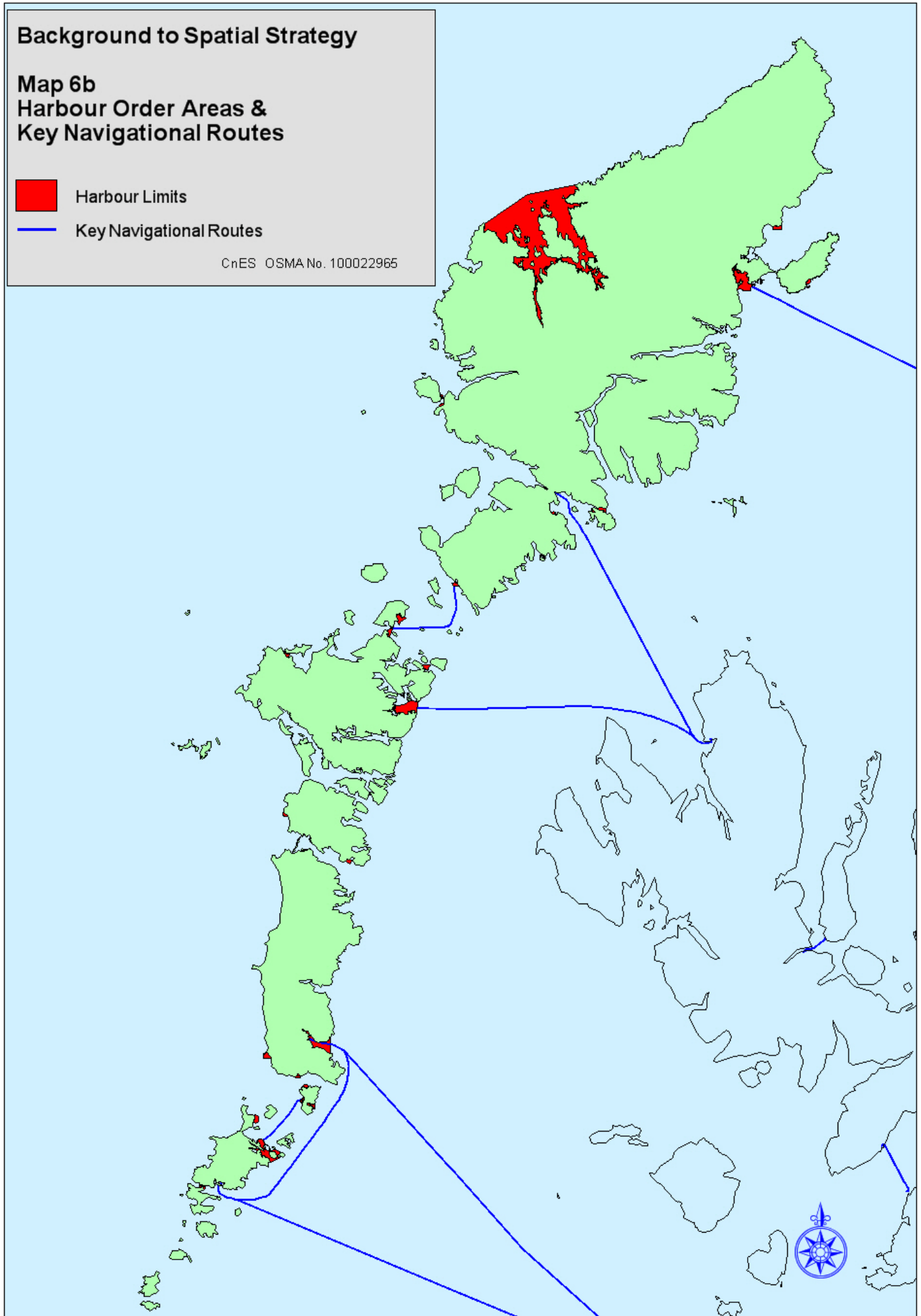


# Background to Spatial Strategy

## Map 6b Harbour Order Areas & Key Navigational Routes


-  Harbour Limits
-  Key Navigational Routes

CnES OSMA No. 100022965

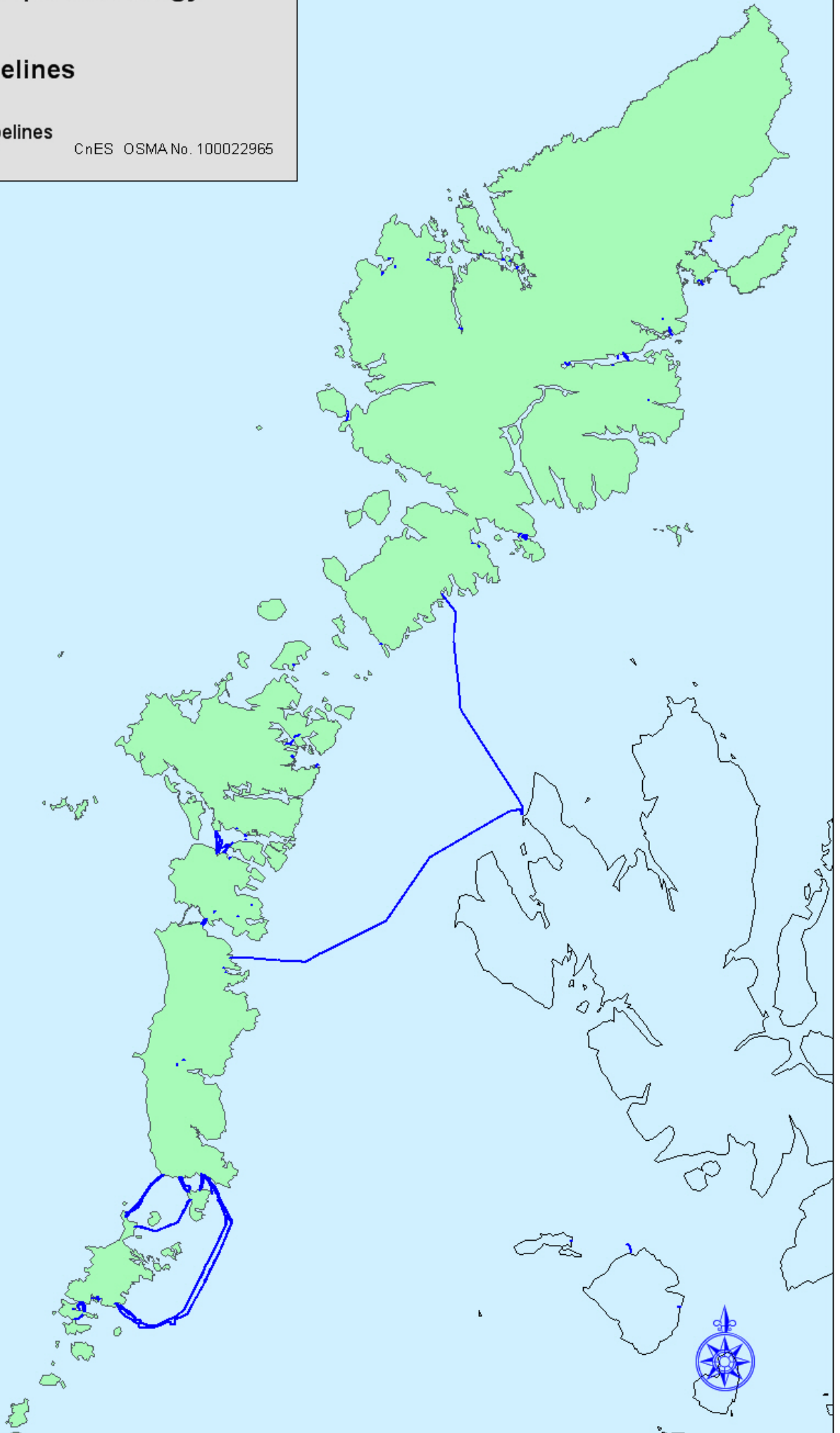


# Background to Spatial Strategy

## Map 6c Cables and Pipelines

 Cables and Pipelines

CnES OSMA No. 100022965



## LEGISLATION AND REGULATIONS

### **The Town & Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006)**

The planning system in Scotland is a Plan led system. The 1997 Act is the principal planning statute.

Section 25 of the 1997 Act states that *'Where in making any determination under the Planning Acts, regard is to be had to the development plan ..... the determination is, unless material considerations indicate otherwise – to be made in accordance with that plan...'*.

Section 26 of the Town & Country Planning (Scotland) Act 1997 as amended by Section 3 of the Planning etc. (Scotland) Act 2006 defines 'development' to mean – *'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, or the operation of a marine fish farm in the circumstances specified in Section 26AA'*.

Fish farming is defined to mean *'the breeding, rearing or keeping of fish or shellfish (which includes any kind of sea urchin, crustacean or mollusc)'*.

Planning Permission is required for 'Development' unless a 'Deemed Planning Permission' is granted by virtue of the provisions of the General Permitted Development (Scotland) Order 1992 (as amended).

### **General Permitted Development (Scotland) Order 1992 (as amended)**

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 grants permitted development rights subject to compliance with the general provision of the Order and regulations 60 to 63 of the Conservation (Natural Habitats, &c.) Regulations 1994.

The Scottish Government has consulted on proposals to introduce Permitted Development Rights (PDR) for fish farming and it is anticipated that some PDR will be introduced during the term of the Local Development Plan and this Supplementary Guidance.

### **The Town & Country Planning (Marine Fish Farming (Scotland)) Order 2007**

These Regulations came into force in March 2007, and brought marine fish farming (out to the 3 mile limit) into the jurisdiction of the planning system from the 1 April 2007. Prior to this date, consents for the development of fish farms fell within the jurisdiction of the Crown Estate.

As at time of publication of this Guidance the following areas of legislation are relevant when considering planning applications for fish farming activities.

### **The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (The EIA Regulations)**

Environmental Impact Assessment (EIA) is a process which identifies the environmental effects (both negative and positive) of development proposals. It aims to prevent, reduce and offset any adverse impacts.

Intensive fish farming is a type of development identified in Schedule 2 Column 1 of the EIA Regulations requiring that marine fin fish farm proposals in excess of 0.1ha in area, or producing more than 10 tonnes deadweight of fish, or designed to hold a biomass of 100 tonnes or more, or located in a sensitive area, be assessed to establish whether or not the proposed development is an EIA development.

In carrying out the Screening Assessment, consideration requires to be had of the 'characteristics of the development', the 'location of the development' and the 'characteristics of the potential impact' as set out in Schedule 3 of the EIA Regulations.

Under these Regulations, a planning authority or Scottish Ministers cannot grant planning permission for development unless they have first established and taken into account the likely significance of the effect of the development on the environment. Planning authorities may seek the expert advice of statutory consultees, for their respective interests, at various stages of the process before reaching a decision on an EIA development.

### **The Conservation (Natural Habitats, etc.) Regulations 1994**

The Conservation (Natural Habitats etc.) Regulations 1994 make provision for the implementation in the UK of the EU Habitats Directive. Regulation 3(4) of the Regulations state that "*every competent authority in the exercise of any of their functions, shall have regard to the requirements of the Habitats Directive so far as they [the requirements] may be affected by the exercise of those functions.*" The Comhairle as competent authority is required to have regard to the requirements of the Habitats Directive in exercising its function as a planning authority.

Proposals which are likely to have a significant effect on a Natura 2000 sites must be subject to an Appropriate Assessment. This is separate to the requirement for an Environmental Impact Assessment and Strategic Environmental Assessment and is an assessment of the implications of the proposed development for the conservation interests for which the area is designated. An Appropriate Assessment is carried out by the competent authority. Information compiled by the developer for the EIA can be used by the competent authority for the Appropriate Assessment but in some cases the developer may require to submit further information.

## **Biodiversity Duty**

Under Section 1 of the Nature Conservation (Scotland) Act 2004, all public bodies have a duty when exercising their respective functions to further the conservation of biodiversity, so far as is consistent with the proper exercise of those functions. SPP defines the term “biodiversity” as the variability among living organisms from all sources including terrestrial, marine and other aquatic eco-systems and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).

## **Other Regulatory Controls Pertaining to Fish Farming**

The responsible authorities and control regimes (other than planning) that relate to marine fish farming can be summarised as follows:

- Under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) - SEPA sets limits upon the scale and rate of discharges from fish farm sites. It requires that effluent is to be assimilated and broken down by natural processes, without irreversible or lasting benthic impact or accumulation of pollutants. It is recommended that applicants contact SEPA early in the development process to ensure that their proposals can meet the requirements of CAR.
- The Aquatic Animal Health (Scotland) Regulations 2009 sets statutory responsibilities for the health of farmed fish. The Regulation requires the authorisation of all Aquaculture Production Businesses (APB). The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) based at the Marine Scotland, Marine Laboratory in Aberdeen. All new fish and shellfish farms are required to apply for authorisation before any development takes place. The details of the specific locations (sites) that the APB will be authorised to farm at will be included in the authorisation of the APB and the details of each site the APB operates at will be published in the publicly available register
- Marine Scotland enforces provisions on containment and parasite (sea lice) control under ‘The Aquaculture and Fisheries (Scotland) Act 2007’. The Act provides for a series of information gathering, inspection and enforcement measures aimed at controlling parasites on fish farms and shellfish farms and at improving, in respect of fish farms only, the containment of, prevention or escape and recovery of, escaped fish. It also contains measures which regulate the movement of live fish with a view to preventing the spread of fish diseases
- Marine Scotland (Licensing) is responsible for issuing the single marine licence covering navigation issues (previously catered for in the Coast Protection Act 1949 consent) and the FEPA Licence (deposits in the marine environment)
- SNH - licences to control seals and licences to disturb European Protected Species.

### GENERAL ADVICE AND GOOD PRACTICE

Applicants are encouraged to consider the following when preparing a fish farm development proposal. Some of the points noted have been resolved as good practice with the industry through the Improved Systems for Licensing Aquaculture Developments (ISLAD) working group.

- Adherence to the Code of Good Practice for Scottish Fin Fish Aquaculture or the Association of Scottish Shellfish Growers Code of Good Practice.
- Use of approved templates for development applications and EIA screening/scoping
- The merit and self regulation aspect of area management agreements as proven tools in product quality optimisation and prevention and treatment of disease
- Modelling of site conditions and infrastructure suitability
- Predatory control measures
- Effective disease prevention measures
- Containment, lice and disease control measures
- Access route and measures for servicing
- Liaison with other non statutory stakeholders
- Community engagement and pre application (non statutory) activity - in particular for new, larger scale or potentially sensitive developments
- Pre-application discussion with the Comhairle Planning Service and statutory consultees on the likely requirements for environmental assessment and planning applications.

**FURTHER SOURCES OF INFORMATION**

The Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007  
Planning Circular 1 2007: Planning Controls for Marine Fish Farming  
The Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011  
Planning Circular 3/2011 – The Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011  
National Planning Framework  
Scottish Planning Policy  
A Fresh Start: The renewed strategic framework for Scottish aquaculture  
Delivering Planning Reform for Aquaculture 2  
ISLAD Working Arrangements  
Locational Guidelines: Marine Fish Farms in Scottish Waters  
Scottish Aquaculture Research Forum  
Scottish Fisheries Research Reports  
Outer Hebrides Bio security Plan  
Scottish Government - Seal Licensing  
Scottish Natural Heritage - Wildland  
Marine (Scotland) Act 2010  
Water Environment and Water Services (Scotland) Act 2003  
Scotland River Basin Management Plan – Western Highlands: Western Isles Catchment summaries  
SEPA LUPS GU17: Marine Development and Marine Aquaculture Planning Guidance  
SEPA Fish Farm Manual  
SSPO Protocol for Preparing Planning Applications for Aquaculture Development.



<http://www.cne-siar.gov.uk/planningservice/>

email: [planning@cne-siar.gov.uk](mailto:planning@cne-siar.gov.uk)

Stornoway Office: 01851 822 690

Balivanich Office: 01870 60 4990

The Planning Service  
Comhairle nan Eilean Siar  
Sandwick Road  
Stornoway  
Isle of Lewis  
HS1 2BW

