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## 1. Purpose and scope

- 1.1 SEPA engages with the land use planning system to enable good development and protect the environment. The purpose of this note is to provide guidance on the approach that we should take when dealing with consultations relating to the marine environment and aquaculture developments. The same principles of providing proportionate, solution-orientated advice apply as in our land-use planning work.
- 1.2 This guidance is being developed during a period of rapid development of marine policy at national and international levels. The UK Marine and Coastal Access Act 2009 provides for a new system of marine planning. This initiated the preparation of a Marine Policy Statement (MPS), which will set out government policies for the sustainable development of the UK marine area. Under the [Marine \(Scotland\) Act 2010](#) the preparation of a national marine plan and regional planning will follow, which will guide and direct decisions in the marine environment. Therefore, this guidance needs to be flexible to incorporate the changes that may be introduced through the completion of the [Marine \(Scotland\) Act 2010](#).
- 1.3 The Marine (Scotland) Act 2010 will introduce a new statutory marine planning framework and a streamlined marine licensing system which promotes the sustainable management of the seas around Scotland. [Scottish Planning Policy](#) indicates how the Act interacts with The Town and Country Planning Act 1997 and River Basin Management Plans (RBMPs) (paragraph 99). The Act also makes links to wider initiatives such as the [Marine Strategy Framework Directive](#), which will be transposed to cover UK waters by July 2010, including Scottish waters from 0-200 miles. It requires Member States to prepare national strategies to manage their seas to achieve or maintain good environmental status (GES) by 2020.
- 1.4 We will be actively involved in the development of the National Marine Plan and regional marine plans under the Marine (Scotland) Act 2010 to ensure we build effective working relationships within marine planning. As these plans progress, this guidance will be updated accordingly.

## 2. Our planning service role in the marine environment

- 2.1 Our planning service receives consultations relating to the marine environment and aquaculture developments as summarised in Appendix 1. Our role as a consultee on these applications differs from our role as a regulatory authority. Advice on the interaction of the planning system and regulation can be found in SEPA Guidance Note [LUPS-GU15 Planning guidance in relation to SEPA-regulated sites and processes](#).
- 2.2 Involvement in these consultation processes provides us with an opportunity to highlight environmental concerns and opportunities about a proposed development and to identify how policies, plans or developments can be modified to mitigate these impacts/deliver opportunities in line with RBMP objectives.
- 2.3 Environmental impacts from aquaculture developments are quite different from the impacts associated with other types of marine developments. For this reason section 4 on aquaculture has been developed and should be referred to for all consultations on aquaculture policies, plans and developments.

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- 2.4 The Marine (Scotland) Act 2010 will introduce a streamlined licensing system to improve and speed up the decision making for developments in the marine environment. There are a number of different types of licensing requirements within the marine environment, but Marine Scotland Licensing Team (MS-LOT) has made a number of changes to simplify the existing licensing process and more streamlined licensing will be developed over the coming months.
- 2.5 In the past, we have been consulted more than once on the same development because the project required a number of separate licences ie Food and Environment Protection Act 1985 (FEPA), Coastal Protection Act 1949, and s.36 of the Electricity Act 1989. A major objective of the new licensing system is to eliminate duplication when a development requires several different licences. The Marine (Scotland) Act 2010 will minimise the number of licences required. Therefore, we will receive fewer consultations for marine activities.
- 2.6 We will continue to monitor the new licensing regime as it develops and will update this guidance as necessary. Until the secondary legislation for the licensing regime is available and the new marine licensing procedures are clearly worked out, the Planning Casework System (PCS) should be checked to see the advice we have previously given on a marine development.

### **3. Marine policy and development management**

#### **3.1 Marine planning policy**

- 3.1.1 Statutory planning control under the Town and Country Planning (Scotland) Act 1997 and associated legislation extends to the mean low water mark of ordinary spring tides (LWMOST), and to marine fish farming out to three nautical miles. Therefore, development policy is restricted to coastal planning and aquaculture. Further details on aquaculture planning policy are provided in section 4.
- 3.1.2 SPP requires development plans covering coastal areas to “protect the coastal environment, indicate priority locations for enhancement and regeneration, identify areas at risk from coastal erosion and flooding...” (paragraph 103). Our main role within this objective relates to flood risk, as land stability and coastal erosion are matters for the local authority geotechnical services. Our forthcoming planning guidance note on flood risk will detail how we should address flood risk, including coastal flooding, within development plans. In the interim, provided the Main Issues Report and Proposed Plan addresses flood risk in line with SPP and our [Interim Position Statement on Planning and Flooding](#), then we are unlikely to submit representations (object) to proposals to address coastal erosion as this is a matter for the local authority. Moreover, we expect both the National Marine Plan and regional marine plans (within the context of the Marine (Scotland) Act 2010) to provide further guidance on marine planning and therefore, this guidance note will be updated accordingly.
- 3.1.3 The powers of the marine planning system extend up to the mean high water mark. Therefore, although the terrestrial planning system and the marine planning system are legally and functionally separate, the two overlap in the inter-tidal area. SPP states in this context that "Planning authorities should work closely with Marine Planning Partnerships and neighbouring authorities to ensure that development plans and regional plans are complementary" (paragraph 99). For example, we should ensure that

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the land-based developments which are associated with marine developments ie offshore wind farms or oil and gas developments are included in the spatial strategy for both strategic and local development plans. As the new marine planning system progresses, this guidance note will have to be updated.

- 3.1.4 There is an important connection between marine planning and climate change adaptation. As noted in SPP, “the risks associated with rising sea levels and coastal flooding should be taken into account when identifying areas that are suitable for development” (paragraph 101). While we acknowledge this link, our forthcoming guidance on flood risk will detail how rising sea levels and coastal flooding should be addressed in development plans.
- 3.1.5 Marine planning links to our regulatory remit of protecting and furthering many facets of ecology, natural heritage and biodiversity through legislative requirements. Our forthcoming planning and ecological guidance will detail how these interests should be addressed in development consultations.
- 3.1.6 Scottish Planning Policy draws attention to the usefulness of integrated coastal zone management to facilitate an integrated approach to the use, development and protection of resources across the interface between land and sea (paragraph 99). Coastal Zone Management Plans will address the different coastal needs such as areas adjacent to settlements for sewage dilution, commercial fin and shellfish production, and recreational uses to develop without undesirable interaction. We should co-operate in the production of these Plans and ensure that our environmental objectives are delivered through them.
- 3.1.7 The legislation that governs coastal protection includes the Coast Protection Act 1949, the Flood Prevention (Scotland) Act 1961, which will soon be repealed once the relevant sections of the new Flood Risk Management (Scotland) Act 2009 (FRM Act) become enacted later in 2010. The Coast Protection Act allows local authorities to carry out coastal protection works to deal with coastal erosion and encroachment by the sea. The FRM Act introduces new ways of managing flood risk based on the principles of sustainable flood risk management. The implementation of the new FRM Act will lead to the production of district flood risk management plans led by SEPA and local flood risk management plans led by local authorities. Such Plans will set objectives and identify measures for areas at risk from coastal flooding and be produced by December 2015.
- 3.1.8 In the past, the implementation of coastal protection schemes was impeded by the lack of scientific understanding of the ways erosion and deposition occur in coastal cells and the associated risk of flooding. In future, the development of flood risk management plans will provide for better understanding of natural coastal processes and coastal dynamics and take a long-term sustainable approach to managing coastal flood risk. The production of non-statutory shoreline management plans in certain areas in Scotland will assist in this process and in some cases may provide baseline information for producing coastal flood risk management plans. Therefore, it is important that prior to the production of flood risk management plans, we assist planning authorities who are formulating non-statutory shoreline management plans to ensure that sustainable approaches to flood risk management are adequately considered. Consideration must also be given to RBMP Plans and the development of marine spatial planning under the Marine (Scotland) Act 2010.

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### 3.2 Other statutory marine policy

- 3.2.1 At present there are no statutory marine plans which apply below LWMOST. However, under the Marine (Scotland) Act 2010 the Scottish Ministers will be preparing a National Marine Plan and regional marine plans will be prepared by Marine Planning Partnerships. These plans will guide decision making within the marine planning system and the new marine licences and existing Electricity Act applications will be determined in accordance with these plans. Our engagement in these plans will be crucial to ensure that issues relevant to our remit are considered in future marine developments. Once these plans progress and the content become clear, we will update this guidance to provide advice on how to deal with these consultations.
- 3.2.2 The Scottish Government is committed to ensuring the sustainable use of our coasts and seas and the resources that they contain. The Scottish Government's aim is to secure a vision of clean, healthy, safe, productive and biologically diverse marine and coastal environments, managed to meet the long term needs of nature and people.
- 3.2.3 To achieve the Scottish Government's vision for Scotland's seas requires an integrated approach and we along with Marine Scotland, SNH and Historic Scotland have agreed to contribute to delivering this vision by incorporating it into our corporate or strategic plans.

### 3.3 Marine development consultations

- 3.3.1 As stated above, there are no statutory planning controls below the LWMOST, except in relation to aquaculture. Therefore, we will receive development management consultations for only aquaculture developments. Guidance on the development management process for aquaculture proposals is provided in section 4.
- 3.3.2 As detailed in Appendix 1, we also engage with development proposals regulated not by land use planning, but by a range of other regulatory processes. For the purposes of this note, our approach to all such processes will be covered by the term "marine development consultations" unless there are specific individual requirements. Please refer to section 2.6 if you receive more than one type of consultation for any one development.
- 3.3.3 Under the Water Environment and Water Services (Scotland) Act 2003, SEPA is responsible for producing and implementing the RBMPs for the Scotland and the Solway Tweed River Basin Districts (RBDs). River basins comprise all estuaries and coastal waters extending to 3 nautical miles (nm) seaward from the baseline for our territorial waters. Any proposed development within 3 nm must have regard to the requirements of the Water Framework Directive to ensure that all surface water bodies achieve 'Good Ecological Status (GES)' and that there is no deterioration in status. Therefore, the local RBMP coordinator should be consulted on any marine developments within 3 nm (with the exception of aquaculture developments). As mentioned previously in this guidance, the number of consultations we receive may decrease because of the streamlined licensing process. When the details of the marine licensing regime become clear this guidance note will be updated accordingly.

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- 3.3.4 Appendix 2 provides a detailed matrix on the issues that should be considered when assessing marine development consultations. Advice on these issues should also be sought from the Marine Science Development Unit.
- 3.3.5 We should provide advice at all stages of marine development consultations including pre-application, screening, scoping and application stages. [LUPS GU1 SEPA's role in development management and similar consultations](#) provides general advice on each of these stages. Appendix 2 provides detailed advice on the issues to be considered for marine development consultations.
- 3.3.6 Where a development is likely to result in an unacceptable impact relevant to our remit, such as deterioration of the ecological status under [Water Framework Directive \(2000/60/EC\)](#), a change in coastal processes (flooding or coastal erosion), or a change in water quality, etc, then we should submit representations (object) specifying what modifications or conditions are required to mitigate such impacts. Further details on submitting representations can be found in section 8.5 of [LUPS GU1 SEPA's role in development management and similar consultations](#).

#### 4. Aquaculture

- 4.1 In March 2010, the Scottish Government published [Delivering Planning Reform for Aquaculture](#). This document sets out what stakeholders will do and how they will work together to refine the existing planning system. This planning guidance fulfils part of our commitments and actions in this document.
- 4.2 One of the key objectives under [Delivering Planning Reform for Aquaculture](#) is for public organisations to collaborate in the development of improved services. In response to this, a Working Arrangement between SEPA, Scottish Natural Heritage, Marine Scotland Science and District Salmon Fishery Boards has been developed. This arrangement provides details of the responsibilities of each organisation, as well as why and how each organisation provides input to planning authorities on aquaculture developments (including the sharing of relevant information currently held by consultees). This will help clarify roles and responsibilities, avoid duplication and overlap, and ensure that requirements for information and analysis are proportionate. The Working Arrangements are available on the fish farm planning pages on our [website](#).
- 4.3 Both marine aquaculture and freshwater aquaculture are subject to statutory planning controls. Therefore, it is important that we engage early at both the development planning and development management stages.

#### 4.4 Aquaculture and development plans

- 4.4.1 Scottish Planning Policy paragraph 105 states that development plans should identify areas which are potentially suitable for new or modified fish farm developments and sensitive areas which are unlikely to be appropriate for such development. There is a presumption against new marine finfish farms on the north and east coasts in order to safeguard migratory fish species and an acknowledgement in paragraph 109 that aquaculture developments may pose a risk to angling interests. Existing sites, and modifications to them, will continue to operate as normal. As such, this will be reflected in the relevant development plans. Scottish Planning Policy paragraph 105 also states that detailed policies on aquaculture can be set out in supplementary guidance. At

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present many aquaculture policies and guidance are set out within supplementary guidance such as fish farm framework plans.

4.4.2 When we are providing advice on aquaculture development plan consultations, it is important to be aware of other guidance produced nationally. Scottish Government has produced [A Fresh Start: The Renewed Strategic Framework for Scottish Aquaculture](#) which sets out the Scottish Government's objectives for aquaculture across Scotland, including planning and [River Basin Management Planning](#). Key to this will be the progress of The Marine (Scotland) Act 2010, which has introduced a National Marine Plan and regional marine plans. The future development of these plans, along with the existing River Basin Management Plans, will play a key role in determining suitable locations for aquaculture within development plans.

4.4.3 Marine Scotland is also responsible for the production of [locational guidelines](#) that provide an indication on where the expansion of fin fish farming is likely to be acceptable in terms of water quality and benthic impacts on a whole water body basis. These guidelines tie in to the Government's presumptions against new marine finfish farms on the north and east coasts by default, as they calculate enhancement to the benthic and nutrient load from only proposed and existing farms. Marine Science Development Unit staff use these guidelines to help determine if a proposal is suitable in a particular location. Marine Scotland designates areas on the basis of predictive models to estimate environmental sensitivity of sea lochs (to nutrient enhancement and benthic impact). The three categories are:

**Category 1** where the development of new, or the expansion of existing, marine fish farms will only be acceptable in exceptional circumstances. These are only likely to arise where it can be demonstrated conclusively, by the applicant, that the development will not have an adverse effect on the environmental qualities of the area.

**Category 2** where the prospects for further substantial developments are likely to be limited, although there may be potential for modifications of existing operations or limited expansion of existing sites, particularly where proposals will result in an overall reduction in environmental effect, so enhancing the qualities of the area and hydrological conditions.

**Category 3** where there appear to be better prospects of satisfying environmental requirements; although the detailed circumstances will always need to be examined carefully.

4.4.4 There are no locational guidelines available to direct the development of shellfish farms. Developers usually propose shellfish farms within shellfish growing areas or harvesting areas in order to utilise the good water quality. Shellfish farms are dependent upon good water quality in order to produce shellfish which meets required food standards. Development plan policies on aquaculture should provide guidance on where the planning authority is likely to support shellfish farms in order to give developers greater certainty. Further details on the considerations for shellfish farms can be found in sections 4.5. below.

4.4.5 It is important that we engage early in the development plan process to ensure that our interests are addressed. When consulted on all aquaculture planning policy or

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allocations we should consult the Marine Science Development Unit in Dingwall and the local Operations team who will provide detailed comments on the issues listed in Appendix 3. Many of the relevant local authorities have their own aquaculture specialists so it is important to engage with them as soon as possible to share expertise and identify opportunities for aquaculture development.

- 4.4.6 We should support Main Issues Reports and Proposed Plans which are in accordance with the above national guidance and will not result in unacceptable environmental impacts. Where a plan is proposed which does not address aquaculture, is not in accordance with national guidance, or proposes sites which would have an adverse environmental impact, we should submit representations (object) detailing how the plan or proposal could be modified to address our concerns.

#### **4.5 Aquaculture and development management**

- 4.5.1 New fish farms or modifications to existing farms within the 3-mile limit of UK territorial waters adjacent to Scotland require planning permission. We are a statutory consultee on all new marine and freshwater finfish and shellfish farms which require consent under the Town & Country Planning (Scotland) Act 1997. This includes any modifications or renewals to existing fish farms. Marine and freshwater finfish may consist of salmon, cod, or trout, while shellfish farms may consist of mussels, oysters, or scallops.
- 4.5.2 The Crown Estate owns the seabed and around half the foreshore in the UK. They lease areas of seabed and foreshore for commercial operations, including finfish and shellfish development. They determined applications for marine fish farms up until 2007 and therefore we used to receive consultations from them. We occasionally receive outstanding consultations from them which have yet to be determined. These should be dealt with in line with the advice below. The operator of a marine fish farm operating under a consent granted by the Crown Estate or a works licence granted by Orkney or Shetland Islands Council may continue to operate without formal planning permission until either a date prescribed by Scottish Ministers or the expiry of the consent or works licence, whichever is the later. The Town and Country Planning (Prescribed Date) (Scotland) Amendment Regulations 2010 provides that the 'prescribed date' is March 31, 2013.
- 4.5.3 We should provide advice at all stages of aquaculture development consultations including pre-application, screening, scoping and application stages. [LUPS GU1 SEPA's role in development management and similar consultations](#) provides general advice on each of these stages. Section 4.6 below gives specific advice on environmental impact assessment for aquaculture consultations. Appendix 3 provides detailed advice on the issues to be considered for aquaculture development consultations.
- 4.5.4 As noted in section 4.2, a Working Arrangement between SEPA, Scottish Natural Heritage, Marine Scotland Science and District Salmon Fishery Boards has been agreed. This arrangement sets out which issues each organisation leads and comments on in relation to aquaculture. The Working Arrangements are available on the fish farm planning pages on our [website](#).
- 4.5.5 SEPA is the lead agency to comment on benthic impacts but in relation to biodiversity of the seabed, SNH is the lead agency. Therefore, you should consult with them to take advice on any natural heritage interests of concern within the development site. SEPA

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also comments on water column issues but this is not a lead role, and where relevant, we take advice from the lead agency, which is Marine Scotland. SEPA has joint responsibility for commenting on sea lice therapeutants (together with Marine Scotland) with SEPA leading on the effects of chemotherapeutants on the environment. There are also certain areas which are common to all organisations, such as husbandry practice, food conversion ratios, stocking density and fallow periods.

- 4.5.6 We are to copy all our draft responses on all aquaculture proposals to SNH and Marine Scotland in which they have 4 days to respond with any comments/concerns. This is required to ensure our responses do not duplicate each other and do not provide conflicting advice. This procedure also allows MSS and SNH to be aware of any historical data which SEPA holds for the site/area which may alleviate the need for further information to be requested from the applicant. For full details of all agency agreed processes and contact details please refer to the [Working Arrangements document](#). Responses should be copied to the local SNH area office and Marine Scotland.
- 4.5.7 SEPA regulates finfish farms under CAR. Shellfish farms are not regulated by SEPA. Our role as a consultee on these applications differs from our role as a regulatory authority.
- 4.5.8 Our role in planning consultations is to advise on whether a development is environmentally acceptable in terms of issues relevant to our remit or whether it needs to be modified or subject to planning conditions to make it environmentally acceptable. Where a planning application is also subject to a CAR application we should provide advice on the likely consentability of the proposal and what will be controlled under CAR in line with SEPA Guidance Note [LUPS-GU15 Planning guidance in relation to SEPA-regulated sites and processes](#). To avoid duplication, it is important that we inform the planning authority of the issues controlled under CAR which do not need to be addressed by a planning condition, and hence a paragraph in all our fish-farming responses should state: "We will control the maximum biomass and discharges of licensed medicines through CAR and hence planning conditions relating to these aspects are unnecessary."
- 4.5.9 Planning conditions in practice have been sought less frequently for aquaculture developments than in other forms of planning applications. However, a planning condition may be used in the instance where an old fish farm needs to be relinquished before a new site is farmed, due, for example, to the water body having reached or surpassed the maximum nutrient enhancement capacity according to the locational guidelines (see section 4.4.3). As SEPA is unable to revoke CAR consent in these circumstances, we would request that the planning authority ensure that planning consent for an old site is withdrawn when planning consent is given for a new site in the same area. If Marine Science highlight this as an issue you should discuss with Marine Scotland (as they lead on assessing the carrying capacity of the water body to receive nutrient discharges) to determine if a planning condition would be necessary to make the new proposed site environmentally acceptable.
- 4.5.10 There may be other occasions when planning conditions could address information requirements relevant to SEPA's interests where they are not going to the principle of development and not addressed by CAR. One such issue Operations staff may highlight relates to seeking a planning condition for site restoration to avoid abandoned waste

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equipment being left on disused sites. Such conditions have previously been put on consents but for navigational safety reasons. As fish farm planning consents are now permanent, planning authorities have expressed concern that such conditions would not meet the planning condition tests. Although we consider wording could be developed with local authorities that would meet these tests, as this is primarily an amenity/navigational issue, we are not pursuing at this time.

- 4.5.11 Planning staff should seek advice on all marine aquaculture consultations using the PCS from the local Operations team and the Marine Science Development Unit who draw together advice from Marine Ecology, Chemistry and Modelling and provide a co-ordinated response back to us. The extent to which Modelling input is included within the co-ordinated response is currently being resolved. Where required, local Operations staff may need to seek comments from SEPA's fishery scientists. A list of commonly used acronyms and terms used by the Marine Science Development Unit is given in Appendix 4. Applications for freshwater finfish farms do not occur very often. However if we are consulted on these we should consult Ecology and the local Operations team (who may need to seek further specialist advice themselves to provide a coordinated response) for advice. We then use this advice to formulate a response to the planning authority and applicant.
- 4.5.12 Where a development is likely to result in an unacceptable impact in relation to issues relevant to our remit, then we should submit representations (object) specifying what modifications or conditions are required to mitigate the impacts. For example, where an applicant is seeking to replace or amalgamate fish farms, and Marine Science has expressed concerns about the cumulative impact of the proposed fish farm and any old fish farms, then a condition to ensure decommissioning of the old/existing farm prior to the operation of any new developments may be appropriate in order to mitigate the cumulative impacts (as detailed in section 4.5.9). Further details on submitting representations can be found in section 8.5 of [LUPS GU1 SEPA's role in development management and similar consultations](#).
- 4.5.13 **Wellboat discharges.** We currently get consulted under the Marine (Scotland) Act 2010 on discharges of waste sea lice treatments from wellboats situated in close proximity to fish farm sites. Following discussions between our aquaculture specialists, legal and Marine Scotland we have now agreed an appropriate condition for these applications. As such there is no need to consult with Marine Science but you should still consult with the Operations team to ensure the type and amount of chemicals to be discharged (as listed within the Marine Licence application) are licensed under CAR. The condition wording agreed is:

*Where any of the chemical(s) or agent(s) listed in Condition XX, XX and XX are also authorised for discharge to the water environment following bath treatment at the fish holding cages at the site described in Part 1, section X under an authorisation granted by Scottish Environment Protection Agency, then the quantity of that chemical or agent discharged over the time period specified in the relevant condition by the method specified in Condition X and from the cages over the same time period shall not exceed the total quantity specified in the relevant condition.*

The reason we require such a condition is because the CAR licence only controls chemical discharges from within the fish cages (usually carried out as bath treatments

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using tarpaulins) and does not control discharges from wellboats outside the cages. This is therefore complementary regulation to prevent simultaneous discharges exceeding the permitted chemical quantities.

- 4.5.14 **Appropriate Assessment.** Where SEPA has identified that a fish farm proposal would have a likely significant effect on any SAC or SPA, then under The Conservation (Natural Habitats, &c.) Regulations 1994, as amended (Provision No.48) we are required to undertake an Appropriate Assessment (AA) before determining the CAR licence. Marine Science carry out the scientific appraisal of the impacts of the proposals on the qualifying interests, in consultation with SNH.
- 4.5.15 At the EIA screening/scoping consultation stage if Marine Science consider the proposals will likely have an effect on a SAC/SPA they will advise that an AA will be required as part of the CAR application process. You should inform the planning authority of this for their information. As a competent authority, the planning authority are likely to be required to undertake an AA for the planning application but SNH will advise them if this is required.
- 4.5.16 When consulted on the final planning application it is unlikely that we will already have carried out the AA for the CAR application (as generally operators send in the CAR licence at the same time as the final planning application). In these cases, we would not be able to provide advice as to whether the proposal is capable of being authorised under CAR. As this issue is likely to go to the principle of development, we should contact the planning authority advising that we are unable to provide comment on the planning application until the AA for the CAR application has been completed (we would also seek agreement from the planning authority to a deferral for our planning response for say two months). To assist the planning authority in undertaking their own AA we should offer to help and provide advice, if required. In the past, on their request, we have forwarded a copy of the completed CAR AA but joint meetings with the planning authority, SNH and SEPA may be requested. Once the CAR AA has been completed Marine Science should provide updated comments on the planning application so a final planning response can be provided.
- 4.5.17 **Shellfish.** Our experience is that most shellfish farms have little environmental impact. However, there are some cases where, because of their location, or because of the techniques being used, significant environmental impact can occur. Discharges from shellfish farms are not subject to the Environmental Impact Assessment (Scotland) Regulations 2011 (EIA) or controlled by CAR, so our only opportunity to influence these developments is at the pre-planning and planning application stage.
- 4.5.18 The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 identifies 84 shellfish water protected areas (SWPAs). Under The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013 (which replaces the repealed EC Directive 2006/113/EC and subsidiary Scottish legislation) we have a duty to prevent deterioration of water quality in these designated SWPAs and, where necessary, aim to improve shellfish water quality status to good, as part of the River Basin Management Plan (RBMP) programmes. The new regulations mean that SEPA will continue to monitor these waters against the standards for sewage related bacteria set out in the Regulations, using our own and Food Standards Agency (Scotland) monitoring data to ensure that discharges to the water environment will not adversely impact on the SWPAs.

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Monitoring for the wider objectives of water quality improvement under Water Framework Directive (2000/60/EC) driven programmes may also contribute to our assessment of water quality in SWPAs. SWPAs will be prioritised through the RBMP process and, if required, improvements made to the quality of these waters such as through the Scottish Water capital spending program to improve sewerage infrastructure.

4.5.19 Shellfish farms are dependent upon good water quality in order to produce shellfish which meet required food standards set by the Food Standards Agency (Scotland). Our role at the planning stage is to provide advice as to the likely suitability of waters and highlight when we think that there may be issues that would be an impediment to the site being designated as a SWPA. Whether or not shellfish are likely to be marketable is a commercial risk and hence we would not object on this basis. Moreover, for applications which propose farms outwith SWPAs we will advise the planning authority that it is generally our opinion that new farms should be located within designated areas, but we would not object on this basis. The Operations and/or Marine Ecology-Aquaculture teams will advise where a shellfish farm is proposed within a current SWPA which has water quality issue or failures (for example, against the standards for sewage related bacteria) and provide details of current licensed discharges which may impact the area. It is important that we highlight this information to the applicant and planning authority, as it will help them assess whether a shellfish farm would be commercially viable in the proposed location.

#### **4.6 Aquaculture and environmental impact assessment (EIA)**

4.6.1 Marine and freshwater finfish farm applications were transposed into the [Environmental Impact Assessment \(Scotland\) Regulations 1999](#) amended by [The Environmental Impact Assessment \(Fish Farming in Marine Waters\) Regulations 1999](#) which sets aquaculture EIA thresholds. These thresholds are currently being revised by the Scottish Government so the requirements for EIA are likely to change. At present applications require an EIA where:

- a) any part of the proposed development is to be carried out in a sensitive area eg Site of Special Scientific Interest, Special Areas of Conservation or Special Protection Areas;
- b) the proposed development is designed to hold a biomass of 100 tonnes or greater; or
- c) the proposed development will extend to 0.1 hectare or more of the surface area of the marine waters, including any proposed structures or excavations.

4.6.2 We currently receive combined screening and scoping consultations on most finfish farms. Shellfish farm applications are not currently subject to the EIA regulations so we receive planning application consultations but not screening, scoping or environmental statements for these.

4.6.3 New marine and freshwater finfish farm applications will likely require an EIA. Please refer to Appendix 3 for minimum information requirements. Marine Science will advise of any other information requirements. We may not require an EIA for applications to renew or modify existing finfish farms as we may already hold enough information to assess

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the environmental impacts even where a site falls above the EIA thresholds. Marine Science and the local Operations team will be able to advise on if they hold enough information or if a full EIA is required. Where a modification breaches the size or tonnage thresholds, then the planning authority may require an EIA in any case.

- 4.6.4 Guidance on how to respond to screening and scoping consultations can be found in sections 8.3 and 8.4 of [LUPS GU1 SEPA's role in development management and similar consultations](#). Most planning authorities now utilise the Scottish Government fish farm screening/scoping templates and these should be used for our responses. The planning authority will supply us with the template (in MS Word format) at the time of consultation. These templates often result in large file sizes due to the volume of pictures and information within them. Therefore, you should copy the relevant tables from Section 5 (Screening & Scoping checklist) and 6 (Statutory Consultee Response) from the Scottish Government fish farm template and append this to the bottom of the normal fish farm screening and scoping template to minimise the size of file we would be sending to planning authorities. As detailed in the Working Arrangements, our comments would generally be limited to Bethnic Impacts (1), Water Column Impacts (2) and, where appropriate, Waste Management (10). Where a planning authority does not require us to use these templates, then the normal screening and scoping templates available in the Microsoft Word planning templates.
- 4.6.5 If we advise that, relevant to our remit, an EIA is not required (either due to the scale/type of modification or because we already hold data for an existing site), we may still request certain information be submitted by the applicant in support of their planning application to enable us to assess the environmental impact. You should always ensure that this further information request is actually needed to give our opinion of the principle of development and not something which should be obtained from the operator under SEPA's regulatory remit. If in doubt, seek further advice from the Marine Science Development Unit and the local Operations team. Appendix 3 provides a simple guide to the types of information we may require for different types of applications.
- 4.6.6 At present, the Scottish Government is considering permitted development rights (PDR) for fish farms. This guidance will be updated accordingly should these PDR be agreed.
- 4.6.7 If the Marine Science Development Unit or Operations team provide additional technical data/information you should ensure that all the information which would be useful for the planning authority is highlighted within your response. Any information or regulatory advice which is useful for the applicant should be inserted within the Advice for applicants section of the template.

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## Appendix 1: Marine and aquaculture consultations received by the planning service

Consultation type	Development types	Applicable Environmental Impact Assessment Regulations	Consultation body
Planning applications under <a href="#">The Town and Country Planning Act 1997 (as amended)</a>	Finfish and shellfish farms out to 3 nautical miles (nm) and in freshwater lochs. Foreshore development down to Mean Low Water Spring (MLWS).	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Planning authority
Section 36 applications under <a href="#">The Electricity Act 1989 (as amended)</a>	Any offshore energy generation 1 mega watt or greater out to 200 nm eg tidal or wave energy generation.	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)	The Energy Consents and Deployment Unit (ECDU)
Section 37 applications under <a href="#">The Electricity Act 1989 (as amended)</a>	Any offshore electrical transmission lines or large gas and oil pipelines out to 200 nm eg inter island inter connectors.	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)	ECDU
<a href="#">The Petroleum Act 1998</a>	Oil field developments within the United Kingdom Territorial Sea and on the United Kingdom Continental Shelf (UKCS) eg oil wells or pipelines.	The Offshore Petroleum Production and Pipe-Lines (Assessment of Environmental Effects) Regulations 1999 (as amended)	Department of Energy and Climate Change (DECC) UK wide department as this is not a devolved responsibility
<a href="#">Food and Environment Protection Act 1985</a> , Part II Deposits in the sea (As Amended) ( <a href="#">FEPA</a> )	The deposit of substances or articles, either in the sea or under the sea-bed within the UKCS and below Mean High Water Spring (MHWS) e.g. slipways, sewage outfalls and sea disposal of dredged material. Some activities are exempt from FEPA control eg cable laying is exempt from FEPA where a Telecommunications Act approval has been granted. However any deposit of material in order to protect the cable once it is laid is subject to FEPA	The Marine Works (Environmental Impact Assessment) Regulations 2007	Marine Scotland

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	licensing.		
Harbour Revision Order	Enables a port or harbour to extend their duties/powers and/or allow new works.	The Harbour Works (Environmental Impact Assessment) Regulations 1999	Scottish Government
Harbour Empowerment Order	Establishes a new harbour authority and permit initial works.	The Harbour Works (Environmental Impact Assessment) Regulations 1999	Scottish Government
<a href="#">The Harbours Act 1964</a>	Main primary legislation which considers powers to approve marine works.	The Harbour Works (Environmental Impact Assessment) Regulations 1999	Scottish Government
<a href="#">Section 34 Coastal Protection Act 1949 (Part 2 - Section 34as amended) (CPA)</a>	Consent required (for new works, not for maintenance) to consider safety of navigation.	The Marine Works (Environmental Impact Assessment) Regulations 2007	Scottish Government
Coastal Protection Act 1949 (Section 5)	Local authority has power to undertake coastal protection works but subject to Government approval.	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Scottish Government
Coast Protection (Notices) (Scotland) Regulations 1988 as amended by the Coast Protection (Notices) (Scotland) Amendment Regulations 1996	Requires that consultation be undertaken with certain prescribed bodies (e.g. SEPA, SNH) for any proposed new scheme.	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Scottish Government
Flood Prevention (Scotland) Act (1961), as amended by the Flood Prevention and Land Drainage (Scotland) Act (1997)	Gives local authorities the power to protect non-agricultural land from flooding.	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Scottish Government
Roads (Scotland) Act 1984	Section 30 allows the roads authority to protect public roads from hazards of nature (eg coastal erosion or flooding).	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Scottish Government
<a href="#">Works licence</a> applications under <a href="#">The Zetland County Council Act 1974</a>	All marine developments, except aquaculture. Covers all territorial waters around Shetland.	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Shetland Islands Council
Work licence applications under The Orkney County Council Act	All marine developments within the Harbour Areas of Orkney (mainly Scapa	The Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)	Orkney Islands Council

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1974	Flow and Wide Firth).		
Energy Act 2004	Requires the submission of a decommissioning programme for renewable energy installations.		Department of Energy and Climate Change (DECC) UK wide department as this is not a devolved responsibility
The Telecommunications Act 1984 and the Communications Act 2003	Laying submarine communications cables, in general limited to the maximum extent of the territorial sea around the UK.		

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## Appendix 2: Guide to issues that are likely to need assessment during marine development consultations

The table below provides a general guide on issues that are likely to need assessment. It should be used as a general guide and site specific advice should be sought from the Marine Science Development Unit (MSDU) in each case to ensure we are only seeking information that is relevant to the development. MSDU will advise us whether all the potential impacts have been identified and suitable mitigation measures proposed. Recommended text for scoping, conditions and objections for these issues are available within LUPS-GU12 [Guidance and templates for standard wording](#). A dedicated webpage on marine developments is available on our website which includes best practice and regulatory advice for applicants.

This table deals solely with the marine issues that need to be considered as part of a planning application or ES. However, marine developments will often have a terrestrial element as well, such as access tracks or a construction compound. However, where a consultation also deals with terrestrial elements please refer to the relevant planning guidance note for advice on those terrestrial issues. For example SUDS or waste water.

	Issues to consider during screening, scoping and pre-application consultations	Application/ES considerations and responses
1	<b>Location of built elements and nature of construction</b>	
	<p>Each application should contain maps giving detailed information on the layout of the development and reasons for the choice of site and design of the development. Depending on the types and scale of construction the following further information may be required:</p> <p><i>i) <u>Land reclamation and construction.</u> A site plan and cross sections showing the location of all the engineering activities, including temporary works, in the marine environment. Depending upon the scale and nature of the works there may be a need to carry out hydrodynamic modelling to predict the impacts of construction activities on water quality during construction and coastal processes in the longer term. Any potential impacts from suspended sediment should be compared to natural background levels and water quality standards e.g. Shellfish Waters Directive. Any proposed mitigation should also be detailed in the submission.</i></p> <p><i>ii) <u>Capital dredging for coastal development and maintenance dredging for navigation (including aggregate extraction and novel techniques e.g. agitation dredging).</u> The</i></p>	<p>This information should be sent to the MSDU and local Operations teams to assess whether suitable buffers or mitigation measures are proposed.</p> <p>In particular the MSDU will help identify any activities that have the potential to cause deterioration on the ecological status of coastal and transitional waters, principally through effects on hydromorphological elements.</p> <p>Where suitable buffer zones are proposed we should secure this by way of a condition. Appropriate mitigation and pollution measures should be secured by an environmental management plan condition.</p>

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application should include information on the quantities of material to be dredged, a description of the substrate type/habitats and species and the dredging method. Although by its nature dredging is a destructive activity, adverse effects can be minimised eg timing, dredging technique. Any potential impacts from suspended sediment should be compared to natural background levels and water quality standards eg Shellfish Waters Directive.

Information describing measures to minimise impacts e.g. from suspended solids should also be provided. Depending upon the scale of the works and neighbouring sensitivities there may be a need to carry out hydrodynamic modelling to predict the impacts on water quality during construction and coastal processes in the longer term. Options for the subsequent disposal and beneficial reuse of the material should be submitted.

iii) Coastal protection/flood defence. The application should include site plans and cross sections showing the precise location, design, type (revetment, sea wall, gabion baskets) and size of material to be used in the project. Access routes and working areas for vehicles should be specified during construction. The application will also have to demonstrate that the works will not increase the risk of flooding in other locations. Depending upon the scale of the works and neighbouring sensitivities there may be a need to carry out hydrodynamic modelling to predict the impacts on water quality during construction and coastal processes in the longer term.

The application should include a section on the appraisal process and justification for the preferred defence option. The feasibility of soft engineering techniques should always be considered in the appraisal process. Any coastal defence scheme should be appropriate in scale and type for the area.

With all coastal defence initiatives there is an element of uncertainty with regard to how the shoreline will respond after implementation of the scheme. Depending upon the scale of the scheme and neighbouring sensitivities there may be a need to carry out hydrodynamic modelling to investigate potential impacts upon the local hydrodynamics and sediment transport patterns both in the vicinity of the proposed structure and along the neighbouring stretches of coastline in the longer term. Any proposed mitigation

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should be detailed in the submission.

iv) *Marine renewables*. Maps should be included in the submission showing the array of the devices, cabling routes and associated onshore infrastructure.

Background information which will help inform the ES process is available from EMEC ([www.emec.org.uk/index.asp](http://www.emec.org.uk/index.asp)). The purpose of these guidelines is to encourage and assist developers to consider as fully as possible the range and scale of impacts - positive as well as negative - that might result from the testing of their device/s at EMEC. Generally if this standard industry guidance for scoping, preparing and undertaking an EA for marine renewables is followed then we are likely to be satisfied with the assessment.

There may be a need to address the cumulative effects of devices/arrays on coastal processes depending upon array density and location with respect to existing renewable and coastal developments.

Impoundments and tidal barrages are considered to have the potential to have the biggest impact upon coastal processes and hydromorphology and the habitats and species that these support. There is therefore likely to be a need to carry out hydrodynamic modelling to predict the impacts of the structure/s on water quality during construction and coastal processes in the longer term.

v) *Oil and Gas*. A site plan showing the location of all the engineering activities, including temporary works, in the marine environment, within 3 nm should be provided. Specific details reflecting the engineering footprint on the sea bed is required. A baseline survey of existing marine habitats should be provided and should include UK Biodiversity Action Plan habitats and species e.g. maerl, sea pens, eel grass, horse mussels (<http://www.ukbap.org.uk/UKPlans.aspx?ID=35>). Advice on designated sites and protect species should be sought from SNH. Information on the potential pollution risks associated with the proposals and preventative measures and mitigation should be included in the application.

Should the proposals involve the disposal of radioactive waste the applicant will need to

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	<p>give further consideration to how these wastes will be managed and details of the proposed methods will need to be submitted to SEPA under the Radioactive Substances Act 1993.</p> <p>Please note that Oil Spill Contingency Plans should be sent directly to SEPA's Emergency Planning Unit to coordinate a response.</p>	
<b>2</b>	<b>Timing and duration</b>	
	<p>The submission should include information on likely timing and duration of the project, possible long-term locational and/or operational impacts and short-term construction impacts.</p>	<p>This information should be sent to the local Operations team and MSDU to identify whether the proposed mitigation will minimise any impacts from construction and longer term impacts.</p> <p>Appropriate mitigation should be secured by an environmental management plan <b>condition</b>.</p>
<b>3</b>	<b>Coastal and estuarine water quality and pollution prevention</b>	
	<p>A baseline survey of existing transitional and/or coastal water quality in the vicinity of the proposals should be included in the application. Information can be found on the SEPA website at <a href="http://www.sepa.org.uk/water/river_basin_planning.aspx">www.sepa.org.uk/water/river_basin_planning.aspx</a>.</p> <p>Information on the potential pollution risks associated with the proposals and preventative measures and mitigation should be included in the application. The principles included in the Pollution Prevention Guidelines (<a href="http://www.sepa.org.uk/customer_information/construction.aspx">www.sepa.org.uk/customer_information/construction.aspx</a>) and CIRIA C584 entitled "Coastal and marine environmental site guide" should be considered during the formulation of the application.</p>	<p>This information should be sent to the local Operations team who can assess whether all the potential pollution risks have been identified and suitable mitigation measures proposed.</p> <p>Appropriate mitigation and pollution measures should be secured by an environmental management plan <b>condition</b>.</p>
<b>4</b>	<b>Abstractions and discharges</b>	
	<p>Sensitive water uses, such as bathing waters and shellfish growing waters, and associated potential impacts should be assessed. Proximity to existing discharges and designated areas i.e. estuarine abstractions and cooling water discharges, should also be assessed.</p> <p>Where a proposal involves shipping or port developments it may be necessary to submit</p>	<p>This information should be sent to the local Operations team who can assess whether proposals are likely to be consentable under CAR and assess whether suitable mitigation measures proposed.</p> <p>Advice on what will be regulated by SEPA should be</p>

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	<p>a detailed description of the actions to be taken to prevent the introduction of non-native marine species from ballast water transfers or hull-fouling which can result in a deterioration of a water body under The Water Framework Directive. Ships should carry and implement a ballast water management plan. Further guidance that is based on IMO (<a href="http://www.imo.org/index.htm">www.imo.org/index.htm</a>) and OSPAR guidance is available at <a href="http://www.mcga.gov.uk/c4mca/mgn_363.pdf">www.mcga.gov.uk/c4mca/mgn_363.pdf</a>.</p> <p>It might be useful for the developer to refer to the joint SOAEFD, DoT/MSA and SNH collaborative project which sampled ballast water docking at Scottish Ports (Macdonald, E. and Davidson, R. 1997. <i>Ballast water project - final report, spring 1997</i>. Fisheries Research Services Report No. 3/97. Aberdeen: MLA).</p> <p>Further guidance can be found at <a href="http://www.thegreenblue.org.uk/youandyourboat/alienspecies.asp">www.thegreenblue.org.uk/youandyourboat/alienspecies.asp</a> with regard to leisure craft and <a href="http://www.mcga.gov.uk/c4mca/bw_newsletter_september_2005_final.doc">www.mcga.gov.uk/c4mca/bw_newsletter_september_2005_final.doc</a> with regard to vessels arriving in Scottish ports in north west European waters.</p>	<p>provided to the consulting body. Any mitigation proposals we will not regulate should be secured by of a condition.</p>
5	<p><b>Marine ecological interests</b></p>	
	<p>A baseline assessment of existing intertidal and subtidal habitats and species. This should include any UK Biodiversity Action Plan habitats and species e.g. maerl, sea pens, eel grass, horse mussels (<a href="http://www.ukbap.org.uk/UKPlans.aspx?ID=35">www.ukbap.org.uk/UKPlans.aspx?ID=35</a>). Developers will then be able to ascertain if they are required to supplement or quantify the available data with in-field surveys.</p> <p>We also recommend information on how the development will contribute to sustainable development. Opportunities to enhance marine habitats in line with Water Framework Directive and The Nature Conservation (Scotland) Act 2004 objectives and <a href="#">Scottish Planning Policy</a> guidance should be explored. Examples might include coastal realignment, the incorporation of naturalistic features in the design of shoreline works or planting with salt tolerant species. These could be used as examples of best practice and demonstration sites under SEPA's Habitat Enhancement Initiative (HEI).</p> <p>It is important that during the construction phase good working practice is adopted and</p>	<p>Advice should be sought from the MSDU on any ecological interests of relevance to us. Applicants should be directed to SNH for comments on designated sites, European protected species or noise and disturbance issues.</p> <p>Where we are required to provide comments on ecological interests relevant to us. We should verify these comments with the local SNH team prior to submitting them to the consulting body.</p>

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	<p>that habitat damage is kept to a minimum and within defined acceptable parameters and controlled through an environmental management plan.</p> <p>Advice on designated sites and European Protected Species should be sought from SNH. For marine and transitional Special Areas of Conservation (SAC) and Special Protected Areas (SPA), these are WFD Protected Areas. Therefore, their objectives are also RBMP objectives. In this case, SNH may contact us for input on the consultation.</p>	
<b>6</b>	<b>Coastal processes</b>	
	<p>This should include a baseline assessment to identify the coastal and sedimentary processes operating in the area. The baseline assessment should identify the following features and processes in the environment:</p> <ul style="list-style-type: none"> <li>• Sediments (e.g. composition, contaminants and particle size);</li> <li>• Hydrodynamics (waves and tidal flows);</li> <li>• Sedimentary environment (e.g. sediment re-suspension, sediment transport pathways, patterns and rates and sediment deposition);</li> <li>• Sedimentary structures (e.g. protected banks);</li> <li>• Typical suspended sediment concentrations.</li> </ul> <p>Developers will then be able to ascertain if they are required to supplement or quantify the available data with in-field surveys and what mitigation measures are required.</p>	<p>This information should be sent to MSDU to ascertain whether the proposed mitigation will minimise any impacts from construction and longer term impacts.</p> <p>Appropriate mitigation should be secured by way of a condition.</p>
<b>7</b>	<b>Cumulative impacts</b>	
	<p>Where an EIA is required it is a requirement that a cumulative impact assessment is included in the ES. EC guidance defines cumulative impacts as <i>"impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project"</i> (<a href="http://ec.europa.eu/environment/eia/eia-studies-and-reports/guidel.pdf">http://ec.europa.eu/environment/eia/eia-studies-and-reports/guidel.pdf</a>). As part of this assessment the ES should demonstrate that the proposed development will not result in a deterioration in hydromorphological status in line with Water Framework Directive objectives. A methodology using a concept of 'system capacity' to assess cumulative impacts in transitional and coastal waters has been developed. The RBMP Mapping Application available on SEPA's website (<a href="http://gis.sepa.org.uk/rbmp/">http://gis.sepa.org.uk/rbmp/</a>) shows the Water Framework Directive water body boundaries for transitional and coastal waters. Specific comments should be sought from MSDU to ascertain what level of details is required for each site.</p>	<p>This information should be shared with all relevant consultees as it may inform the principle of development.</p>

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### Appendix 3: Guide to issues that are likely to be assessed during aquaculture development consultations

The following table gives the likely minimum information requirements we would expect to be submitted in support of a planning application, either as part of an Environmental Statement or as supporting information for marine finfish applications. This information is required to enable us to advise the planning authority on whether the site is likely to be consentable in the proposed location under [CAR](#) in accordance with [LUPS GU15 Planning guidance in relation to SEPA-regulated sites and processes](#). Additional information may be required depending on the proposal and site location and we will advise on the specific information requirements for each application during the planning application process. We would welcome pre-application discussions to enable developers to ascertain the site specific information requirements.

These information requirements are in addition to the standard information required as part of the planning application form and EIA screening/scoping template supplied by the planning authority. Please refer to the [Working Arrangements](#) document on our website which has been developed between all the aquaculture statutory consultees and sets out areas of interest, as well as the information that each consultee requires.

Minimum information requirement	New Site	Modification
<b>Marine Cage fish farm sites</b>		
<b>Visual Survey</b> in accordance with <a href="#">SEPA's Fish Farm Manual, Annex F</a> .	Required for all	Required for significant expansion, where there is no previous data or where survey data is over 6 years old.  Generally not required for minor expansions or where existing surveys show no habitats or species of specific interest.
<b>Benthic Survey</b> demonstrating the existing condition of the seabed. To include the biological, chemical & physical parameters as specified within <a href="#">SEPA's Fish Farm Manual, Annex F</a> .	Standard baseline benthic survey required where biomass <1000t and not within or affecting conservation site. Extended baseline benthic survey required where biomass >1000t and sites within or affecting conservation site.	Required for increases in biomass or change in equipment likely to result in increase in level of near-field benthic effects from carbon deposition. Routine CAR compliance monitoring surveys may be acceptable dependant upon timing, quality of information and location of the site.

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<p><b>Modelling.</b> DEPOMOD modelling, in accordance with <a href="#">SEPA's Fish Farm Manual, Annex H and part VIII</a>, to show intensity and extent of any benthic deposition and of any potential impacts from sea lice therapeutants.</p> <p>The need for assessment of the cumulative impacts of additional nutrient loading from fish farms on a loch or voe wide basis, when taken into consideration with existing fish farms, will be considered further when tools to assess the cumulative impacts of nutrient loading are developed.</p> <p>Bath treatment modelling, in accordance with <a href="#">SEPA's Fish Farm Manual, Annex 6</a>, to predict the maximum usable treatments to stay within SEPA's Environmental Quality Standards.</p>	Required for all	Required where proposals include an increase in biomass or changes to Allowable Zone of Effects/benthic footprint.
<p><b>Nutrient outputs</b>, in accordance with <a href="#">SEPA's Fish Farm manual Annex E</a> to assess the impacts of the proposals in the context of the existing nutrients status of the area.</p>	Required for all	Required where increases in biomass within a waterbody are proposed.
<p><b>Production Plan</b> which includes stocking densities, fallow periods/production plan, evidence of planned integration or co-ordination of stocking with neighbouring sites</p>	Required for all	Required for all showing all changes to production plan from original proposals.
<p><b>Freshwater cage fish farm sites</b></p>		
<p><b>Production Plan</b> which includes stocking densities, fallow periods/production plan</p>	Required for all	Required for all showing all changes to production plan from original proposals.

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<b>Feed inputs</b> , including details of nitrogen and phosphorus content of diets to be fed to stock	Required for all	Required for all showing all changes to production plan from original proposals.
<b>Shellfish farm sites</b>		
<b>Status of waters.</b> Information on whether the proposed development is to be located within classified waters under Shellfish Harvesting Directive or Shellfish Growing Waters Directive.	Required for all	Required for all
<b>Presence of other users</b> , advice to be provided on suitability of waters, and identify where there may be issues (e.g. existing sewage disposal discharges, existing trade discharges) that would be an impediment to the site being designated as a protected area for shellfish.	Required to be provided for all	Required to be provided for all

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#### Appendix 4: Commonly used acronyms and terms in aquaculture developments

Acronym	Term	Meaning
AMA	Area Management Agreement	Agreement by all operators in a discrete sea area to treat their fish for sea lice at the same time. Also to use the same year class in their cages in order to allow a loch-wide fallow period at the end of each production cycle.
	Antifoulants	Used on fish farm cage nets to keep them clean from fouling organisms such as seaweeds and bivalve molluscs. These chemicals can affect the marine environment.
	(Auto)DEPOMOD	Particle tracking model that determines the carbon deposition of feed and faecal matter from fish cages to the sediments (seabed). Also used to predict amount of 'in-feed' sea lice treatments (Slice and Calicide) that may be used.
AZE	Allowable Zone of Effects	The impact zone around a fish farm; the edge of which must adhere to SEPA's sediment quality standards. Was fixed at 25m but is now modelled (DEPOMOD).
	Benthic	Seabed.
	Crustaceans	Shellfish such as lobsters and crabs.
DAIN	Dissolved Available Inorganic Nitrogen	The portion of released nitrogen that is available for biological uptake.
	Depuration	Purification of shellfish, under controlled conditions. The process generally involves holding the shellfish in tanks of flowing seawater for periods of forty-eight to seventy-two hours to ensure any impurities the shellfish may have ingested is removed prior to marketing.
ECE	Equilibrium Concentration Enhancement	The amount of additional nutrient load from a cage site which may then place the receiving water into a different Locational Guidelines category.
EQS	Environmental Quality Standards	Standards set by SEPA within which the operator has to work. For example, sea lice treatments can be toxic to marine invertebrates. Quantities of chemicals are regulated by SEPA to ensure levels in the marine environment are safe.
	Eutrophication	Can occur in water bodies that have received excessive inputs of nutrients. The symptoms include changes in the nutrient balance in the water, undesirable increases in the growth of algae, deterioration of water quality, deoxygenation and, in severe examples, death of fish and benthic animals.
	Fallow Period	The length of break at a site between successive production cycles. Generally done to interrupt the life cycle of sea lice. The normal time is 2 months.
	Feed back loops	Regulate the amount of feed that is fed automatically to each cage. Usually in place when large barge-based systems of feeding are employed.

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FCR	Food Conversion Ratio	The ratio of the amount of feed fed to the fish, to the biomass of fish produced. This is typically 1.2:1 i.e. 1.2 tonnes of feed 'produce' 1 tonne of fish.
	Locational Guidelines	Established by the Scottish Executive, Marine Scotland carry out modelling to analyse the relative sensitivity of sea loch systems to additional nutrient loading and benthic impact by fish farm development, taking into account of data on the location, size of existing marine fish farms and natural heritage issues. Lochs are assigned a category of 1, 2 or 3.
LOI	Loss of Ignition	A measure of carbon enrichment.
	Maximum Biomass	Maximum consented tonnage of fish any operator is allowed to hold in a site at any one time (authorised by SEPA).
	Molluscs	Bivalve shellfish such as mussels and oysters.
MPS	Monitoring Protocol Specification	An annex to the CAR licence for a fish farm that details the monitoring which the fish farm operator must undertake to demonstrate the degree of impact the fish farm has had on the seabed environment.
	Nutrient Enhancement	The process of fish farming releases nutrients such as nitrogen and phosphorus from fish feed into the marine environment. These nutrients can enhance the growth of marine plants and algae. Waste feed and faeces can collect on the seabed under fish cages and this increase in organic matter has an impact on the benthic environment, affecting the nature and chemistry of sediments, and can reduce the diversity of animals living there.
OSPAR	Oslo Paris Commission	EU agreement on discharges to the sea.
PSA	Particle Size Analysis	Analysis of the sizes of the particles in sediment samples. Gives indication of energy of the site.
	Polar Circles	Fish cages formed by suspending the net below a floating ring of plastic pipe. The ring can flex so the cage can withstand more exposed sea conditions.
	Production Biomass	The tonnage of fish produced over a growth cycle.
	Production Cycle	Time it takes for one generation of fish to be on-grown in the sea. For salmon and cod this is 22 months, for halibut it is 56 months.
	Redox potential	A measure of the oxygen content of sediment. The more highly positive the reading the higher the O <sub>2</sub> content (showing a well-oxidised, aerobic, sediment). Sediment quality is particularly important for benthic shellfish and bottom-feeding fish. Sediment quality will be largely determined by stocking density and the intensity of feeding. It can also be influenced by sediment characteristics such as grain size distribution (porosity) and the exchange rate of water over the sediment.
	Shellfish Growing Waters (79/923/EEC)	Area of sea that is designated as one which must have water of sufficient quality to enable shellfish growth to occur. These are EU directive designated sites that SEPA monitors.

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	Shellfish Harvesting Area (91/492/EEC)	<p>Under the Directive the Food Standards Agency must establish the location and fix the boundaries of production areas of shellfish harvesting.</p> <p>Classification of shellfish harvesting areas is dependent on the degree of bacterial contamination in mollusc flesh. Monitored by Marine Scotland.</p> <p>Category A Shellfish may go direct for human consumption</p> <p>Category B Shellfish must be appropriately treated to ensure they meet Category A standards before being marketed</p> <p>Category C Shellfish must be re-laid for at least two months in cleaner waters and then only marketed when they meet category A or B requirements</p>
	Smolt	Juvenile salmon in its sea phase.
	Stocking Density	The density of fish contained within the cages expressed as kg/m <sup>3</sup> . Normally around 15-17 but a maximum of 20 is the norm.
TOC	Total Organic Carbon	A measure of carbon enrichment.

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## Appendix 5: Commonly used acronyms and terms in marine development consultations

Acronym	Term	Meaning
	Agitation dredging	A method of dredging which operates by injecting water into certain fine-grained sea bed materials, reducing their density to the point where they act as a fluid and flow over the bed through the action of gravity to lower levels.
	Bathing waters (2006/7/EC)	Areas of nearshore coastal water (or freshwater) that are designated by Scottish Government under the EU Bathing Waters Directive as bathing water management areas where large numbers of people bathe and which must be of sufficient water quality to protect the public health of bathers. SEPA monitors and reports on EU bathing water quality to Scottish Government.
	Capital dredging	Capital dredging for navigation purposes is the excavation of sediments to increase depths in an area usually but not always for the first time, to accommodate the draft of vessels. This also includes dredging to widen channels and create turning circles and berths. This category can also be used to represent aggregate extraction where material is removed for use by the construction industry.
CAR	Controlled Activities Regulations	The <a href="#">Water Environment and Water Services (Scotland) Act 2003</a> gave Scottish Ministers powers to introduce regulatory controls over activities in order to protect and improve Scotland's water environment. These regulatory controls are the <a href="#">Water Environment (Controlled Activities) (Scotland) Regulations 2011</a> .
CIRIA	Construction Industry Research and Information Association	Delivers business improvement services and research activities for our members and those engaged with the delivery and operation of the built environment.
DECC	Department for Energy and Climate Change	The Department of Energy and Climate Change is responsible for all aspects of UK energy policy, and for tackling global climate change on behalf of the UK.
DoT	Department of Transport	
ECU	Energy Consents Unit	The Scottish Government's ECU has entered into an agreement with the Scottish <a href="#">FEPA</a> and <a href="#">CPA</a> regulatory authorities enabling applicants to access a single point of application and initial inquiry for Section 36, FEPA and CPA applications.
EMEC	European Marine Energy Centre	This centre based in Orkney is at the forefront of the development of marine based renewable technologies and allows the testing of full scale grid connected prototype devices. The wave test site is located at Billia Croo, Stromness and the tidal test site is located at the Fall of Warness to the west of the Island of Eday.
EPS	European Protected Species	Species given additional legal protection under the Habitats Directive, through the Conservation (Natural Habitats, etc.) Regulations 1994 as amended. Includes all cetacean species and European otter.
	Gabion Baskets	Wire mesh baskets filled with rock.

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HEI	Habitat Enhancement Initiative	Developed to focus on SEPA's aims and duties regarding conservation, biodiversity and sustainable development.
HEO	Harbour Empowerment Order	Required to construct and operate a new port.
HRO	Harbour Revision Order	Required for major revision to port infrastructure.
	Hydrodynamic Modelling	Refers to the analysis or prediction of coastal processes using computational modelling.
JNCC	Joint Nature Conservation Committee	Has responsibility for the provision of nature conservation advice in the offshore area beyond 12nm offshore.
IMO	International Maritime Organisation	The United Nations specialized agency that develops and adopts global regulations on safety, security and the prevention and control of marine pollution from ships.
	Maintenance dredging	Maintenance dredging is the routine periodic removal of material in approach channels to port and harbour basins to maintain widths and depths in previously dredged areas to ensure the safe access for vessels. Maintenance dredgings are removed in order to keep a channel or berth open for navigation at the defined design profile.
MCGA	Maritime and Coastguard Agency	
MSDU	Marine Science Development Unit	The Marine Science Development Unit leads on the co-ordination of responses to marine development planning applications to SEPA's Planning function ( <a href="http://stir-ser-net01/cms/marine_science/index.asp?id=1616">http://stir-ser-net01/cms/marine_science/index.asp?id=1616</a> ).
MSA	Marine Safety Agency	
MSFD	Marine Strategy Framework Directive	The aim of this is to achieve good environmental status of the EU's marine waters by 2021 and to protect the resource base upon which marine-related economic and social activities depend.
NC(S)A 2004	Nature Conservation (Scotland) Act 2004	Places a duty on all public bodies to further conservation.
nm	nautical mile	It is the unit of length used to define the knot (speed of one nautical mile per hour) used by ships. A nautical mile is (1.85 km). A statute or 'normal' mile is (1.61 km).
OSPAR	EU agreement on discharges to the sea.	EU agreement on discharges to the sea.
	Revetment	A sloping surface of stone, concrete or other material, used to protect the shoreline against the sea.
RBMP	River Basin Management Plan	River basin management plans will set out how the water environment within each district will be managed over the next six years. The first plan will cover the period from 2009 to 2015 and subsequent plans will be published every six years.
SMP	Shoreline Management Plan	Provide a large-scale assessment of the risks associated with coastal processes and present a long term policy framework to reduce these risks to people and the developed, historic and natural environment in a

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		sustainable manner.
SOAEFD	Scottish Office, Agriculture, Environment and Fisheries Department	Now Scottish Government.
SNH	Scottish Natural Heritage	Has responsibility for the provision of nature conservation advice out to 12nm offshore.
	Soft Engineering Techniques	A term usually applied to coastal defence measures which dissipate wave energy rather than just reflecting it and that work in sympathy with natural coastal processes. Examples include managed realignment, beach nourishment and dune restoration. These provide a more environmentally acceptable and sustainable method of coastal protection better able to respond to external forcing factors such as storms and flooding.
UKCS	United Kingdom Continental Shelf	Comprises those areas of the sea bed and subsoil beyond the territorial sea over which the UK exercises sovereign rights of exploration and exploitation of natural resources. The exact limits of the UKCS are set out in orders made under section 1(7) of the Continental Shelf Act 1964.

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## Appendix 6: Sources of further guidance

There are a wide range of policy and guidance on marine developments and aquaculture available:

- [Scottish Planning Policy](#) paragraphs 98 to 109 sets out their marine, coastal and aquaculture policy.
- Circular 1 2007 [Planning Controls for Marine Fish Farming](#).
- [SEPA's Fish Farm Manual](#) is a useful source of information on the CAR licensing process (the manual is currently being updated and links have been supplied for revised documents only).
- Scottish Government Energy Consents Unit [www.scotland.gov.uk/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Marine-Development-Guid](http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Marine-Development-Guid)
- FEPA Legislation [www.marlab.ac.uk/Delivery/standalone.aspx?contentid=2184](http://www.marlab.ac.uk/Delivery/standalone.aspx?contentid=2184) [www.mfa.gov.uk/environment/works/process.htm](http://www.mfa.gov.uk/environment/works/process.htm)
- Joint Nature Conservation Committee (JNCC) [www.jncc.gov.uk](http://www.jncc.gov.uk)
- Marine Fisheries Agency (MFA) [www.mfa.gov.uk/environment/works/exemptions.htm](http://www.mfa.gov.uk/environment/works/exemptions.htm)
- Marine Scotland [www.scotland.gov.uk/About/Directorates/Wealthier-and-Fairer/marine-scotland](http://www.scotland.gov.uk/About/Directorates/Wealthier-and-Fairer/marine-scotland)
- Marine (Scotland) Act 2010 [http://www.oqps.gov.uk/legislation/acts/acts2010/pdf/asp\\_20100005\\_en.pdf](http://www.oqps.gov.uk/legislation/acts/acts2010/pdf/asp_20100005_en.pdf)
- Marine Strategy Framework Directive [www.scotland.gov.uk/Topics/Environment/16440/msfd](http://www.scotland.gov.uk/Topics/Environment/16440/msfd)
- Pollution Prevention Guidelines (PPGs) ([http://www.sepa.org.uk/customer\\_information/construction.aspx](http://www.sepa.org.uk/customer_information/construction.aspx))
- SeaSearch [www.seasearch.co.uk/](http://www.seasearch.co.uk/)
- SEPA River Basin Management Planning [www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx)

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- SNH (Sitelink) [www.snh.org.uk/snhi/](http://www.snh.org.uk/snhi/)
- The Crown Estate [www.thecrownestate.co.uk/our\\_portfolio/scotland.htm](http://www.thecrownestate.co.uk/our_portfolio/scotland.htm)
- The Green Blue ([www.thegreenblue.org.uk/index.asp](http://www.thegreenblue.org.uk/index.asp)). The Green Blue has practical advice and information to help you think and act in an environmentally conscious way
- United Kingdom Biodiversity Action Plan (UKBAP) [www.ukbap.org.uk/NewPriorityList.aspx](http://www.ukbap.org.uk/NewPriorityList.aspx)
- British Geological Survey [www.bgs.ac.uk](http://www.bgs.ac.uk)
- Department for Energy and Climate Change. Information with regard to decommissioning can be obtained from [www.decc.gov.uk/en/content/cms/what\\_we\\_do/uk\\_supply/energy\\_mix/renewable/policy/offshore/orei/orei.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/energy_mix/renewable/policy/offshore/orei/orei.aspx).
- Foreshore and Seabed Development Consents, Scottish Coastal Forum, August 2001.