Authorisation guidance:

Pen layout changes at marine finfish farms

22 March 2021, Version 2

1. Authorisation of pen layout changes

1.1 All pen layout changes require prior-authorisation from SEPA. To obtain authorisation, operators must apply to SEPA to vary their existing SEPA permit.

1.2 All such applications will be subject to a screening, environmental risk assessment (see Section 2). This assessment will determine whether or not further, more complex risk assessment is required.

1.3 Proposals not requiring further, more complex assessment will be authorised by an admin variation. For layout changes requiring more complex risk assessment, operators must apply for a technical variation.

1.4 In all cases, operators should discuss their proposals with SEPA before making an application to ensure they understand the information SEPA requires them to provide before it can process their applications.

2. Screening environmental risk assessment

For a pen layout change to be authorised by admin variation, the answer to all the following screening risk assessment questions must be “no”.

Screening assessment questions	No	Yes
1. Is an increase to the farm’s permitted biomass limit being sought?		
2. Is an increase to a permitted medicine discharge limit being sought?		
3. Will the proposed infrastructure change result in an increase in pen stocking density?		
4. Do either of the following apply? The farm failed a pen-edge standard in the: a) last production cycle. b) last but one production cycle and the permitted biomass limit or stocking density was not reduced in the last production cycle from that permitted in the last but one production cycle.		
5. Will the location of the centre of the new pen group layout be more than a distance of 180 metres from the centre of the last modelled layout?		
6. Will the length and width of the new pen group layout be more than 180 metres greater than the length and width of the last modelled layout?		
7. Will the orientation (bearing) of the proposed pen layout be more than ± 30 degrees of that of the last modelled layout?		
8. Is the difference in the average depth of water around the proposed new layout compared with the average depth of water around the last modelled layout greater than 10 metres? For the purposes of this assessment, “the average depth of water” means the average depth calculated across a box drawn around the farm layout at a distance of 180 metres seaward from the outer edges of the pens on each side of the layout.		
9. If there is a sensitive, protected seabed feature within 500 metres of the last modelled layout, will any pen in the proposed new pen layout be closer than any pen in the last modelled layout to that sensitive seabed feature?		

Notes:

a) The purpose of question 8 is to assess whether a proposed layout change could result in a farm moving to a place where the assimilative capacity of the surrounding coastal waters to accommodate the farm’s discharges is significantly different from the assimilative capacity of the coastal waters immediately surrounding the existing layout. For example, this may be the case if there is a rapid change of seabed depth in the vicinity of the farm.

b) To assist with question 9, guidance on identifying sensitive, seabed features is provided in Appendix 1

3. Compliance and environmental monitoring

3.1 All pen layout changes have implications for environmental monitoring, including for the identification of monitoring locations. Operators must revise their monitoring plans to reflect any changes to pen layouts and then submit their revised plans to SEPA for inclusion in the varied permits[1].

3.2 There may be situations where operators identify monitoring locations for the new layout that coincide with areas of the seabed that were in the mixing zone of the previous layout. Where this is the case, operators should decide whether future compliance assessments could be affected by residual impacts from the mixing zone of the previous layout. If they believe compliance assessment could be so affected, they will need to:

a) differentiate the residual impacts from the effects of the operation of the farm in its new layout; and
b) demonstrate that, in the absence of those residual impacts, the farm would meet the required environmental standards.

3.3 Operators are advised to consider this when preparing revised monitoring plans. For example, operators may wish to consider collecting baseline information about residual impacts, particularly those impacts close to, and beneath, the previous pen layout where seabed recovery is likely to take the longest.

[1] Operators are responsible for demonstrating that their farms are meeting environmental standards. To do this, operators must monitor the environmental footprint of their farms on the seabed in accordance with an environmental monitoring plan. Operators prepare the plans, which then form part of their SEPA permits.

Appendix 1: Identifying sensitive, protected seabed features

To identify sensitive, protected seabed features, operators must use:

1) information on NMPi on the locations of the sensitive seabed features listed in Table 1 and also available at the link below; and
2) such additional information they may have, including from seabed surveys that they have undertaken in the vicinity of their farms

https://marinescotland.maps.arcgis.com/apps/View/index.html?appid=1f2041205c39472683c30e4c61f48c2c

Table 1: List of seabed features most sensitive to finfish culture	
Sensitive seabed feature	**Links to the individual NMPi layer for each feature**
Maerl beds	http://marine.gov.scot/node/12709
Flame shell beds	http://marine.gov.scot/node/12699
Horse mussel beds	http://marine.gov.scot/information/horse-mussel-beds
Blue mussel beds	http://marine.gov.scot/node/12713
Northern sea fan and sponge communities	http://marine.gov.scot/node/12659
Seagrass beds	http://marine.gov.scot/node/12655
Fan mussels aggregations	http://marine.gov.scot/node/12702
Serpulid aggregations	http://marine.gov.scot/node/14691
Other reef features in the following SACs: • Firth of Lorn • Loch Creran • Loch Laxford	https://marinescotland.atkinsgeospatial.com/nmpi/default.aspx?layers=1885

• Loch nam Madadh • Lochs Duich, Long and Alsh Reefs • Sunart • Sound of Barra	

Notes:

1) Where the link below is to a Marine Scotland information page, the NMPi information on the feature can be found by clicking the 'Access this map on NMPi' link in the bottom right corner of the landing page
2) The distance-measuring tool in NMPi should be used to measure the approximate distances from farms to sensitive seabed features.
3) Native oyster beds are also sensitive to the deposition of organic solids from finfish farms. To avoid the risk of potential illegal harvesting, the precise locations of native oyster beds are not shown on NMPi. Only 1 active finfish farm is known to be close to a native oyster bed.

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