

## Note of a Workshop on Aquaculture and the Planning System 8-9 February 2018

1. The workshop was held on afternoon 8 and morning 9 February at the Radisson Blu, Edinburgh. Attendees were from 5 aquaculture local authorities (Heads of Planning Scotland (HoPS) and aquaculture lead officials); 13 representatives from industry; SEPA; SNH; Fishery Management Scotland (FMS); Scottish Government Marine Scotland (MS) and Planning and Architecture Division (PAD). See detailed attendee list attached.
2. ██████████ welcomed everyone and set out aims of the workshop which were: to bring everyone involved in the planning and development of fish farms together; to identify the key challenges in consenting aquaculture developments and to look at actions to improve practice and share best practice. (Agenda attached.) ██████████ of Gael Force, and co-chair of the Aquaculture Industry Leadership Group (ILG), co-chaired the afternoon workshop with ██████████. ██████████ explained that the idea of the workshop originated at a meeting between industry and Scottish Government in Victoria Quay in November 2017 and the ILG meeting in December 2017. He said that industry welcomed the opportunity to get everyone round the table to discuss the challenges the companies face and to identify ways forward that would help enable the sustainable growth of fish farming.
3. To set out the context of aquaculture and the planning system in Scotland, there were a series of short presentations (followed by questions for each presentation).
4. ██████████, Marine Scotland (MS) set out Scottish Government's view of aquaculture in Scotland and the work being taken to improve the regulation of fish farming in Scotland. He reported that within the Independent Review of Scottish Aquaculture Consenting (ICR) there are a number of 'Quick Win' actions that are being taken forward, eg. Amendments to the Permitted Development Order for fish farming. MS are also considering alternative consenting regimes, which was another longer term recommendation in the ICR. In the short discussion following the presentation there were concerns expressed regarding the effectiveness and relevance of Marine Scotland Science (MSS) advice to applicants/developers and to councils on wild fish interactions. It was noted that the advice was not site specific and therefore seen as being of limited value to planners, with recent MSS advice re Scapa Flow provided as an example. It was accepted by MS that that the scientific advice must get better although getting down to site specific advice may be difficult given the lack of knowledge of interactions at that level.

**Action -1:** MS to consider issues raised re scientific advice.

5. ██████████ explained the background of Aquaculture 2030, the work of the ILG, the ICR and innovation sites. The 'Vision 2030' Strategy has a target to achieve the sustainable growth of the industry to 300,000 tonnes by 2030. It sets out a number of recommended actions which are being taken forward. He reported that the ILG, which has been meeting for almost a year, has the following comments on the regulatory framework of aquaculture:
  - Regulators have an important role in supporting the Vision 2030 growth target.
  - ILG recognises and appreciates the high level support but would wish to see this support more explicitly made positive in planning policy and action at national and local level.
  - ILG questioned the awareness of aquaculture growth aims by councillors and officials and see advantages in greater consistency of approach across all five Councils.
6. In discussion HoPS considered that councillors and officials in their respective areas have a good awareness of the importance of fish farming to the local economy.
7. ██████████ reported on the experience in delivery of planning service locally as Head of Planning in Shetland Islands Council and as Vice Chair of HoPS. He said that Shetland Islands Council has many years' experience in dealing with fish farm development through the Works Licence System granted under section 11 of the Zetland County Council Act 1974. He said that aquaculture is a recognised and valued part of the economy and social fabric of the area. He referred to work being done on 'Our Islands Our Future' and the Islands Bill and the fact that the current Planning Bill has provision for training of Councillors on planning matters being made a statutory requirement. He did not consider that an alternative licensing regime was appropriate for Shetland. In discussion it was noted from officials in other councils that wild fish interactions has been, and remains, the number one challenging issue facing the Planning Authorities.
8. ██████████ and ██████████ advised on the roles of SNH and SEPA. ██████████ described SNH's role as a statutory consultee to Planning Authorities (especially in relation to EIA, marine licences and on designated sites) and in providing help in the form of guidance on topics such as landscape. She said that one of the quick wins from ICR was to hold a Landscape and Visual Impact Assessment Workshop and this was held last year with guidance to be published very shortly. SNH is keen to engage early in discussions on development proposals (through strategic planning and at pre-app) to help guide developments to appropriate locations. SNH also wants to further progress the use of Environmental Management Plans (EMPs) and adaptive

management techniques to address issues of compliance with the Habitats Directive related to wild fish interactions and ADD use. [REDACTED] described SEPA's role in regulating fish farming and as consultee to Planning Authorities. In subsequent discussion [REDACTED] of Fishery Management Scotland (FMS) said that his organisation, which represents wild freshwater fisheries within Government and the Agencies should be involved when wild fish interactions, EMPs and adaptive management measures are being discussed. **Action -2:** [REDACTED] to invite the ILG to consider an invitation for FMS and HoPS to a future meeting of the ILG.

9. The next session was a discussion on the key challenges in consenting aquaculture developments. Industry and planners agreed that the main issue was the scientific advice provided by MSS regarding sea lice and interaction with wild salmonids. The advice provided from MSS did not enable planners to make an informed decision on any planning application and that more site specific recommendations were required. A number of attendees asked whether it would be more appropriate for MSS to take responsibility for wild fish interactions rather than local planners. In order to try to address the lack of certainty in science some Planning Authorities sought EMPs from developers. These set out on-going monitoring of sea lice on farmed and wild fish and therefore require cooperation between farmers and wild fish interests. EMPs were seen as a recent phenomenon, only applying to a few sites and considered to be limited as they do not take account of all existing sites and their impacts. The question of pilot areas for sea lice management was discussed and whether to look at regional management i.e. not a farm, but whole loch or a region.

10. A number of suggestions were put forward:

- Wild fish interactions are not seen to be a material planning consideration and could be removed from the planning process. (The equivalent examples of telecommunications and national seal licensing models were quoted)
- More site specific/ less generic MSS advice could be provided.
- An EMP wild fish interactions template could be prepared by MS (with the potential to obtain consultancy advice on format and Natura compliance).
- Pilot EMPs.
- Regional Pilot Monitoring Project (may need to review existing consents as well as new ones)
- EMPs could be prepared on a wider basis, not for individual sites.
- Industry could do wider surveys and monitoring outwith any development proposals.
- Industry could do more research on impacts.
- Progress the establishment of a technical group to oversee monitoring and data requirements.

- Consider alternative longer term approach to regulating wild fish interaction issues outwith planning.

**Action - 3:** MS to consider its scientific advice on wild fish interactions.

11. ██████████ introduced the thinking by industry so far on innovation projects. He said it was envisaged this could involve trialling new equipment or new techniques. It could be delivered through new sites trialling a number of innovation projects on a “deploy and monitor” basis in partnership with regulatory authorities. To facilitate this industry considered that this would need a step change from regulators current precautionary approach.
12. SNH and SEPA requested more specific detail on the innovation proposals, while recognising projects would still need to meet Habitats Regulations requirements. SNH noted that the ‘survey, deploy and monitor’ approach was developed to speed up the consenting of innovative wave and tidal technology where impacts were unclear, but baseline survey information is still required and environmentally sensitive sites must still be avoided. Further discussion was welcomed with industry to help identify potential low risk sites. The consensus from planning authorities was that innovation sites were not considered to be a problem in principle and would welcome clarity on what is proposed.

**Action - 4:** ██████████ to discuss with industry colleagues and come forward with innovation projects to next ILG meeting.

13. ██████████, Imani Development, explained the template he had produced for fish farm developers to use in order to set out clearly the socio-economic benefits of their developments at a local level. ██████████ said the ILG would like to see this accompany other planning documents and for the planning authorities to consider this at same time as considering environmental impact assessments. The template was welcomed by HoPS.

**Action - 5:** HoPS and other officials to provide any feedback on the template to ██████████. ██████████ is invited to further discuss the use of the template at the next meeting of Aquaculture planners, provisionally scheduled for Orkney in May.

14. ██████████ set out industry concerns that the current definition of development in legislation means that when all fish farm equipment is taken out of the water the planning permission is extinguished. This could be interpreted that routine maintenance may not be covered by planning permission. Planning authorities take a pragmatic approach to this but industry was concerned that this could be open to challenge. ██████████ explained that amending the definition of development in Planning Bill was not considered by

SG to achieve industry aims as a change in the definition would have the effect that new farms would be out with the planning system, while existing farms would still be subject to planning conditions. The Planning Bill is now with the Scottish Parliament. While there are opportunities for amendments at stage 2, SG does not consider changes to the definition of development is an effective way of resolving the issue. It was envisaged that the new Aquaculture permitted development regulations being developed by MS would allow routine maintenance, and in addition MS have started to give consideration to options for an alternative consenting regime which could address the issue longer term. There were different views expressed, some welcomed the proposals while others questioned how it would achieve local scrutiny.

15. There was discussion about resourcing of local planning authorities. It was noted that a recent change in the maximum planning fee in Scotland should lead to increased resources being available to authorities. There was some concern about loss of key aquaculture planning staff. It was noted that councils are already working together on aquaculture and the question of further shared service across some local authorities is being considered. This would allow sharing expertise, while the decisions would remain in a local authority. Training for councillors is included within the Planning Bill, the detail of which will be set out in secondary legislation. Industry offered to support training and awareness with Marine Harvest, and other companies, offering site visits for councillors and officials.
16. There was discussion regarding the pre-application process with Highland reporting that their pre-application process is seen to be working well with support from SEPA and SNH. Industry said that planners and statutory bodies input to meaningful pre-application discussion are essential. SEPA said that they will attend any preapplication meeting by video conference. It was reported that in Shetland they carry out a 'quality audit'. MSS indicated that they would wish to be involved as early as possible in the process. There was a question whether screening and scoping should be done separately. In general the pre-application process was considered to be effective, with the SSPO Planning Protocol being widely used.
17. MS advised that they are concluding work on improvements to the EIA template and working arrangements document which will help improve coordination of advice to planning authorities and industry.

**Action 6:** MS to arrange workshop on EIA template and working arrangements once the current round of consultation had been completed.

18. There was discussion about the presumption against fish farming on the north and east coasts which is contained in SPP. [REDACTED] advised that the NPF review between 2018 -2020 will allow a fresh look at this issue.
19. There was a question about the use of the new E-Development portal for aquaculture. While recognising the potential development costs, it was agreed to keep Aquaculture in mind as the portal is being developed.
20. In conclusion there was agreement that while there were a number of actions being taken forward the key issue was that of sea lice and farmed fish/ wild fish interactions with better advice required and consideration being given to enhanced MS role in reaching a decision.

**Planning and Architecture Division**  
**26 February 2018**

## **Aquaculture and the Planning System**

**Radisson Blu, 80 High Street, the Royal Mile, Edinburgh EH1 1TH.**

**12:30 8 February to 12:30 9 Feb.**

### **Agenda:**

#### **8 February 2018 12:30 pm**

1. Welcome, introductions and Aims of workshop ( [REDACTED] )
2. Aquaculture and the Planning system
  - Scottish Government's view of Aquaculture in Scotland. (MS)
  - Aquaculture 2030, the work of ILG, the ICR ( [REDACTED] )
  - Experience in delivery of planning service locally (HOPS)
  - Roles of other regulators (SEPA and SNH)

#### Break

3. Discussion
  - What are the key challenges in consenting aquaculture developments?
  - What are innovation sites and how can they help growth? What are the consequences of the current regulatory frameworks for these sites?
  - How to present the full economic and social benefits of a given site?
  - What are the specific challenges around the definition of development; shared services across the local authorities and compulsory training for councillors on fish farm developments?
  - How can we all improve practice and share best practice?
  - How can the Pre-Application process be improved?

#### **9 February 9.00 am**

4. Brief recap of yesterday's discussion
5. What are the opportunities for expanding aquaculture?

#### Break

6. Agree way forward
  - Including mainstreaming/ publicising areas of good practice.
  - Close