



Environment and Rural Affairs Department

Pentland House  
47 Robb's Loan  
Edinburgh EH14 1TY

To all on the attached list

Telephone: 0131-244 8249  
Fax: 0131-244 6512  
Laura.Cregan@scotland.gsi.gov.uk  
<http://www.scotland.gov.uk>

Your ref:  
Our ref: YOB/6/1

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Dear Sir/Madam

**REVIEW OF THE LOCATIONAL GUIDELINES FOR THE AUTHORISATION OF MARINE FISH FARMS IN SCOTTISH WATERS – 2<sup>nd</sup> CONSULTATION**

In March this year the Scottish Executive undertook a scoping consultation on the review of the Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters. Responses to this consultation have been considered, and a revised draft has been prepared, representing the outcome of these deliberations. An analysis of the consultation is attached to this letter (Annex A).

The purpose of this letter is to invite comment on the revised Locational Guidelines, prior to their publication later this year. Comments should be forwarded to: **Liz Moir, SEERAD, Room 409, Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY** (e-mail: [liz.moir@scotland.gsi.gov.uk](mailto:liz.moir@scotland.gsi.gov.uk) or fax to 0131 244 6512), by 25 October.

The consultation documents can be found on the Scottish Executive website: [www.scotland.gov.uk/about/ERAD/FFAME/00015513/page1841062677.aspx](http://www.scotland.gov.uk/about/ERAD/FFAME/00015513/page1841062677.aspx), and paper-based copies are available from Liz Moir at the above address. In addition, copies of the FRS scientific report "*Scottish Executive Locational Guidelines For Fish Farming: Predicted Levels Of Nutrient Enhancement And Benthic Impact*", which details the science underpinning the guidance, can be e-mailed, on request.

Whilst it is our intention to include maps showing the hydrographical areas used in the categorisation of water bodies in the Guidelines, for the purposes of this consultation, we have instead supplied maps showing proposed category 1 and 2 areas only.

The Department may wish to publish responses to this consultation process or make them available for public inspection in the library. Unless you specifically indicate that your response is confidential, we shall assume that you have no objection to its being treated in this way. Confidential responses will be included in any statistical summary of numbers of comments received or views expressed.

Yours faithfully,

LAURA CREGAN

**REVIEW OF THE LOCATIONAL GUIDELINES FOR THE AUTHORISATION OF MARINE FISH FARMS IN SCOTTISH WATERS**

**RESULTS OF SCOPING CONSULTATION AND EXECUTIVE'S RESPONSE**

ISSUE	CURRENT SITUATION	EXECUTIVE RESPONSE
<p><b>Rationale behind categorisation of areas:</b></p> <ul style="list-style-type: none"> <li>Lack of transparency in categorisation of water-bodies.</li> <li>Presumption against development on North &amp; East coasts should continue.</li> </ul>	<ul style="list-style-type: none"> <li>Information about the criteria used in the categorisation of areas is not publicly available. The criteria are a combination of natural heritage and nutrient/benthic impact parameters.</li> <li>The presumption was introduced in 1999, to take account of NASCO<sup>ii</sup> obligations to protect wild salmonids, and the Salmon Strategy Task Force's recommendations. The presumption applies to all types of aquaculture, not all of which may pose a threat to wild salmonids.</li> </ul>	<ul style="list-style-type: none"> <li>A description of the models and parameters used in the determination of categories<sup>iv</sup> are to be placed in the public domain via the FRS<sup>v</sup> website; the indices comprising each area's category are to be individually displayed; natural heritage sensitivities, being generally less immutable than nutrient loadings, will be detailed separately within the Guidelines, and will not affect the category status of an area; and the current indicative criteria for determining the need for EIA<sup>vi</sup> are to be removed, as they can conflict with the intended purpose of categories' constraints in some instances. The criteria for application of the EIA Regulations, as detailed in the Regulations and supporting guidance will continue to apply.</li> <li>Pending scientific advice on the implications of new species on wild salmonids and their habitats, the presumption will remain in place.</li> </ul>

<ul style="list-style-type: none"> <li>• Introduction of a 4<sup>th</sup> category development). (no)</li> </ul>	<ul style="list-style-type: none"> <li>• Current categories place the following constraints on development:             <ul style="list-style-type: none"> <li>• <b>Category 1</b> 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 a significant adverse effect on the environmental qualities of the area.</li> <li>• <b>Category 2</b> 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.</li> <li>• <b>Category 3</b> where there appear to be better prospects of satisfying environmental requirements, although the detailed circumstances will always need to be examined carefully.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• We can see no strategic case for the introduction of a further category: local moratoria can be implemented through framework plans<sup>vii</sup> and on a case-by-case basis. The constraints imposed by category 1 designation will be strengthened to remove any ambiguity in its interpretation.</li> </ul> <p>Proposals most likely to succeed are those which form part of a package designed to reduce the overall effect of aquaculture on the marine environment, e.g. by facilitating synchronous fallowing and lice treatments. In addition, the new categories will place the following constraints on developers:</p> <ul style="list-style-type: none"> <li>• <b>Category 1:</b> where the development of new or the expansion of existing marine fish farms will only be acceptable in exceptional circumstances*.</li> <li>• <b>Category 2:</b> Where new development or expansion of existing sites would not result in the area being re-categorised as a category 1.</li> <li>• <b>Category 3:</b> where there appear to be better prospects of satisfying nutrient loading and benthic impact requirements, although the detailed circumstances will always need to be examined carefully.</li> </ul> <p>* - where exceptional circumstances are: circumstances that are of more than local significance e.g.</p> <ul style="list-style-type: none"> <li>• National or regional disease control measures – for example, temporary sites to mitigate the effects of evacuation of other sites;</li> <li>• Emergency measures to mitigate the effects of natural disasters, or shipping incidents;</li> <li>• To permit experimental trials of new measures with the potential for widespread environmental benefits.</li> </ul>
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<ul style="list-style-type: none"> <li>• Consideration of other stakeholders in categorisation (ICZM<sup>i</sup>).</li> <li>• Consideration should be given to improvements in Feed Conversion Ratios.</li> <li>• Urgent need for evaluation of carrying capacity.</li> </ul>	<ul style="list-style-type: none"> <li>• Categories are based on levels of existing development and designated natural heritage sensitivity. Advice on other interests is provided in the Advice Note<sup>iii</sup>.</li> <li>• Current parameters used in categorisation are based on 1999 nitrogen input levels.</li> <li>• The model used in the categorisation of areas only considers the effect of nutrients in the marine environment: chemotherapeutant usage, for instance, is not taken into account.</li> </ul>	<ul style="list-style-type: none"> <li>• Other stakeholders' interests are primarily addressed via consultation during construction of local framework plans and on a case-by-case basis, and this process may well be further enhanced when an ICZM approach is applied to coastal planning in due course. Instead, the criteria used to categorise areas have been simplified to aid in the application of the information. Developers are encouraged to approach relevant organisations at an early stage in the consenting process to identify likely areas of conflict.</li> <li>• The modelling parameter representing the nitrogen input per tonne of fish production has been revised using up-to-date, industry-derived empirical data.</li> <li>• Further work on the assimilative capacity of Scottish waters is being undertaken through, for example, implementation of the Water Framework Directive.</li> </ul>
<p><b>Role of Local Framework Plans:</b></p> <ul style="list-style-type: none"> <li>• Further guidance and technical assistance should be given in framework plans' construction.</li> <li>• Urged transfer of planning powers to local authorities.</li> </ul>	<ul style="list-style-type: none"> <li>• Guidance is available in National Planning Policy Guideline (NPPGs) on "Coastal Planning", "Natural Heritage" and "Rural Development".</li> <li>• It is the Executive's intention to transfer planning powers to local authorities when a suitable legislative vehicle arises.</li> </ul>	<ul style="list-style-type: none"> <li>• Sufficient guidance already exists.</li> <li>• No change to current position.</li> </ul>

<p><b>Shellfish, New Species, Polyculture:</b></p> <ul style="list-style-type: none"> <li>• Guidelines should be more species-specific.</li> <li>• There should be a presumption in favour of shellfish development.</li> <li>• There is a need initially for multi-species sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Guidelines apply principally to salmon culture. Interest in new species development is increasing.</li> <li>• Shellfish culture, although considered relatively environmentally benign and not subject to EIA Regulation, is subject to the constraints imposed by the categorisation process.</li> <li>• Guidance is lacking in this area.</li> </ul>	<ul style="list-style-type: none"> <li>• “Species factors” have been introduced to allow for some measure of comparative analysis relative to salmon production, for use in the consideration of development proposals and in the categorisation of water-bodies.</li> <li>• Shellfish production is considered to have a relatively negligible nutrient loading and benthic impact, therefore categories, and their constraints, will not apply to shellfish developments. However, other locational factors will continue to be taken into account when determining development proposals.</li> <li>• The Species Interaction subgroup of the AHJWG advocates the sanction of multi-species sites for the first 3 – 6 years of new species development to assist in the diversification of the industry.</li> </ul>
<p><b>Land based sites:</b></p> <ul style="list-style-type: none"> <li>• Argument for encouraging transfer from marine sites.</li> </ul>		<ul style="list-style-type: none"> <li>• This issue did not elicit much comment.</li> </ul>
<p><b>Relocation of farms:</b></p> <ul style="list-style-type: none"> <li>• Support for introduction of a relocation policy.</li> </ul>		<ul style="list-style-type: none"> <li>• Thinking on this issue is still in its infancy, and will be dealt with as a separate initiative. Relocation guidance may feature in future revisions of the Guidelines.</li> </ul>
<p><b>Separation distances:</b></p> <ul style="list-style-type: none"> <li>• Should be species- and/or site specific.</li> </ul>	<ul style="list-style-type: none"> <li>• Current indicative separation distances are necessarily arbitrary. Only scientifically robust inter-farm</li> </ul>	<ul style="list-style-type: none"> <li>• As most areas have farms sited closer to each other than the indicative separation distances in the current Locational Guidelines, it is considered that a set farm-to-</li> </ul>

<ul style="list-style-type: none"> <li>• Inter-farm distances should take account of the ISA CoP<sup>viii</sup> and other disease control measures.</li> <li>• Further guidance required on separation distances between sites and wild salmonid habitats.</li> </ul>	<p>separation distance is 2 tidal excursions<sup>ix</sup>, which is site-specific by nature.</p> <ul style="list-style-type: none"> <li>• Many farms are sited within the published indicative separation distances.</li> <li>• Currently, guidance is available from FRS and SNH.</li> </ul>	<p>farm separation distance is not appropriate. Instead, priority should be given to applications that undertake to operate according to best practice.</p> <ul style="list-style-type: none"> <li>• Emphasis will be placed on disease and parasite control measures, both individually and on an area-wide basis. Firebreak areas will normally be kept free from aquaculture</li> <li>• Authorities, mindful of their obligations under relevant legislation will consider applications on a case-by-case basis. All development proposals are subject to publication and consultation under the Interim Scheme<sup>x</sup>.</li> </ul>
<p><b>Future updating of Guidelines:</b></p> <ul style="list-style-type: none"> <li>• Should be a ‘living document’, updated continuously.</li> <li>• Should be updated every 3 years or so, in a similar vein to NPPGs.</li> </ul>	<ul style="list-style-type: none"> <li>• The Guidelines were first published in 1999. Categories are dependent upon consented levels of production.</li> <li>• This review is the first since the Guidelines’ introduction in 1999.</li> </ul>	<ul style="list-style-type: none"> <li>• Re-categorisation of water-bodies will require more frequent updates than the Guidance and Advice Note, and therefore will be undertaken on a quarterly basis by FRS Marine Laboratory, with the results published on their website.</li> <li>• The Locational Guidelines will contain maps showing the boundaries of categorised areas, but not the relevant category.</li> </ul>
<p><b>Miscellaneous issues:</b></p> <ul style="list-style-type: none"> <li>• Guidance on freshwater sites required.</li> </ul>	<ul style="list-style-type: none"> <li>• Currently, guidance is available via planning NPPGs.</li> </ul>	<ul style="list-style-type: none"> <li>• We do not perceive there to be pressure or need for specific planning guidance on freshwater fish farming. However, we keep planning guidance and procedures under review and should we become aware of a need for such guidance, we will take appropriate work forward at that time.<sup>xii</sup></li> </ul>

<ul style="list-style-type: none"> <li>• Membership of AMAs<sup>xi</sup> should be mandatory.</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in both TWG- and industry- AMAs is voluntary.</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory AMA membership is considered to be overly restrictive: could encourage “ghettoisation” as production cycles differ between species, and would favour larger operators who are financially most able to comply.</li> </ul>
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<sup>i</sup> Integrated Coastal Zone Management.

<sup>ii</sup> North Atlantic Salmon Conservation Organisation.

<sup>iii</sup> Advice Note: Marine Fish Farming and the Environment.

<sup>iv</sup> “Categories”: benthic impact and nutrient loading based area designations, where category 1 typically has a high level of production relative to the water body’s flushing potential and / or the % impact on the seabed, category 2 has a significant level of production, and category 3 has little or no production. NB: shellfish production is not considered in the categorisation of areas, and not all sensitive areas around Scotland’s coast have been identified as they do not currently contain aquaculture production.

<sup>v</sup> SEERAD Fisheries Research Services marine laboratory.

<sup>vi</sup> Environmental Impact Assessment.

<sup>vii</sup> Local Framework Plans are non-statutory plans prepared by local authorities to guide the planning function, taking into account both strategic and local factors.

<sup>viii</sup> Joint Government / Industry Code of Practice to minimise the risk of Infectious Salmon Anaemia.

<sup>ix</sup> The application of this would mean separation distances in excess of 14km for farms in areas with speeds of 1 knot, for instance.

<sup>x</sup> Interim Scheme for the Authorisation of Marine Fish farms in Scottish Waters.

<sup>xi</sup> Area Management Agreements: agreements between wild fish interests and the aquaculture industry, about such matters as synchronous sea lice treatments and fallowing, facilitated by the Tripartite Working Group (comprising government, wild fish interests and the aquaculture industry).

<sup>xii</sup> SEDD: Planning, 24 July 02.