

Coastal Planning  
Development Plans Team  
Highland Council

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13/07/2015

Dear Sir/Madam,

The Scottish Wildlife Trust welcomes the opportunity to comment on the 2015 consultation draft of the Highland Council's Aquaculture Supplementary Guidance.

It is the Scottish Wildlife Trust's firm view that the Scottish aquaculture industry must maintain the quality, health and biodiversity of the waters it occupies, avoiding significant, cumulative, long-term or irreversible damage to the environment. Of principal importance in considering the future of the sector is that it is guided by the principles of Sustainable Development and the Ecosystems Approach and be compatible with the achievement of Good Environmental and Ecological Status of our seas and freshwaters as required by the Marine Strategy and Water Framework Directives.

In line with the Scottish Wildlife Trust's 25 year vision for *a network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas*, aquaculture development must be sited appropriately, within a strategic framework of spatial planning that directs developers toward locations where significant impacts on biodiversity are avoided.

With this in mind we are pleased to see a proactive approach by Highland Council to solving potential future planning conflicts and identifying potential opportunities for the finfish and shellfish aquaculture industry within the Highland region.

Key points to be considered:

#### Compatibility with other management plans

One of our primary concerns is how compatible the proposed Supplementary Guidance is with other marine management plans either established or being developed in Scotland, namely:

- The National Marine Plan (NMP) and the development of the Locational Guidelines by Marine Scotland Science to identify areas of opportunity and constraint for finfish and shellfish sectors.
- Future Regional Marine Plans – e.g. aquaculture targets for the region, conflicts with other marine uses, etc., and

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- Pentland Firth and Orkney Waters marine spatial plan – potential marine use conflicts (e.g. an area identified for 'Potential Growth' is the site proposed for the Meygen Project in the Inner Sound of the Pentland Firth).

While we acknowledge that it is difficult for the Supplementary Guidance to anticipate as yet unpublished guidance and plans, it is essential that the Aquaculture Supplementary Guidance follows the guidance set out in the NMP and works in combination with other marine planning tools to ensure any potential conflicts can be avoided and the planning application process does not become overly convoluted.

### MSFD GES

Within the Supplementary Guidance, the Marine Strategy Framework Directive's guidelines for Good Environmental Status have been applied solely towards biodiversity (Descriptor 1) of the Highland marine environment, but there are other descriptors pertinent to the aquaculture industry that have not been addressed, for example:

- Descriptor 2. Non-indigenous species do not adversely alter the ecosystem
- Descriptor 3. The population of commercial fish species is healthy
- Descriptor 6. The sea floor integrity ensures functioning of the ecosystem
- Descriptor 8. Concentrations of contaminants give no effects
- Descriptor 10. Marine litter does not cause harm

Providing an overview of the 11 descriptors of GES and how they apply to the aquaculture industry and, thus, the Supplementary Guidance, would be a worthwhile addition and provide a broader understanding of the process behind identifying potential sites for future development.

### Spatial Strategy

Spatial Policy 2 should also capture Scottish Planning Policy's presumption against further development of finfish farms on the north and east coasts to safeguard migratory salmonids, which is quite clearly a significant constraint to the potential for growth of finfish farming in those areas covered by the policy.

Additionally, as the conflicts between finfish farming and biodiversity centre on the interaction between farmed and wild salmon, including the potential for exchange of parasites, it is important to reflect the sensitivity of salmon rivers beyond solely those that hold designations. Spatial Policy 2 should include salmonid rivers as areas of potential sensitivity.

Seal haul out sites designated under the Marine (Scotland) Act 2010 should also be included in the list.

### Figure 1 – schematic of plans, policies and legislation

NMP has now been published – update schematic to show this.

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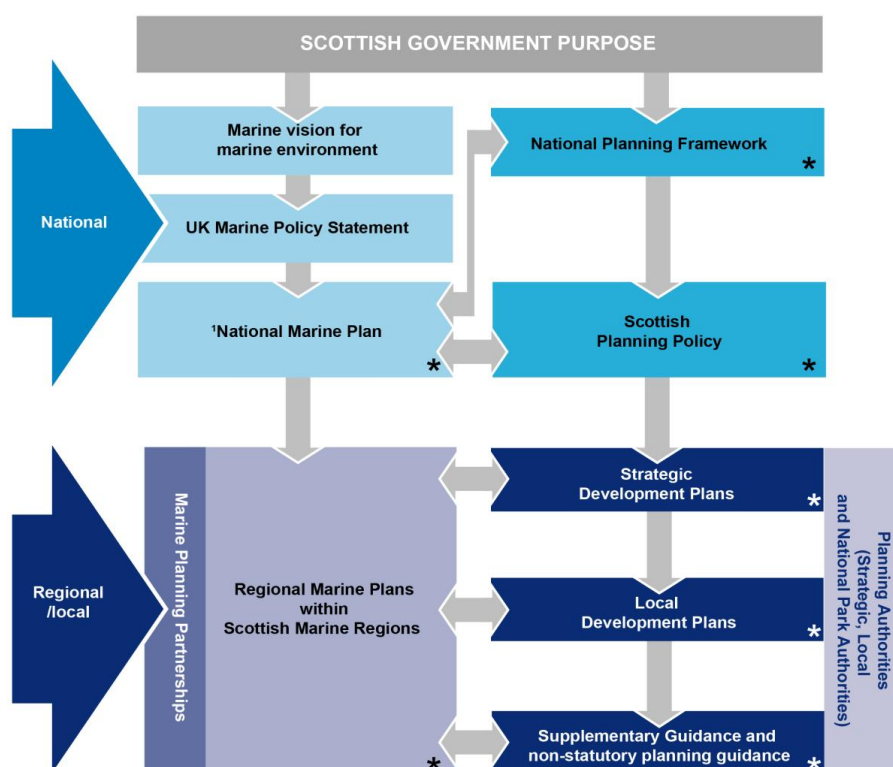
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This schematic shows single-direction relationships between plans, policies, and legislation that culminate in the Highland Aquaculture Strategy. However, in reality these plans, policies, and legislation form a network of interactions that complement each other and work in multiple directions. For example, the relationship between RMPs and SDPs, LDPs, and Supplementary Guidance should be a direct, multidirectional interaction that allows opportunities for public and stakeholder engagement (e.g. see Figure 2 in the Planning Circular: [The relationship between the statutory land use planning system and marine planning and licensing](#)). Figure 1 could be improved by adopting the example set out in the Scottish Government circular (below).

Policy relationship between marine and terrestrial planning



## Maps

The maps contained within the Supplementary Guidance provide a lot useful information and we are encourage to see the incorporation of data from the NMPi in Maps 2-7. We suggest that the final 'Potential Growth' and 'Potential Sensitivity' layers for finfish and shellfish aquaculture in Map 1 are also made available on NMPi.

### Map 1

In general we found this map to be poorly designed and confusing.

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The Highland Local Authority boundaries (terrestrial and marine) should be clearly defined early within the document, preferably as a map. Presently, Map 1 of the document does not clearly identify these boundaries and the areas of 'Potential Growth' and 'Potential Sensitivity' actually extend into the adjacent Orkney, Moray, Western Isles, and Argyle and Bute jurisdictions. Although we appreciate the value of considering large-scale ecological units, the Highland Supplementary Guidance should focus on areas under Highland jurisdiction to avoid potential conflict with supplementary guidance from adjacent Local Authorities. For example, the Highland Aquaculture Supplementary Guidance has identified a stretch of Orkney coastline as an area for 'Potential Growth', a view which may not be shared by Orkney Islands Council.

The map would be of more value if finfish and shellfish 'Potential Growth' and 'Potential Sensitivity' were displayed separately, possibly as two separate maps. For example, areas for 'Potential Growth' for finfish and shellfish aquaculture are not the same (e.g. the potential for finfish development far from shore is greater than for shellfish).

At present the Map highlights areas of 'Potential Sensitivity', but there is little explanation as to which constraints (identified in Spatial Policy 2, p.16) have led to these areas being identified as sensitive. This map would benefit from additional information, either in the text or on the map, to explain why certain areas have been identified as 'Potentially Sensitive'.

Likewise, it would be useful to know how the areas of 'Potential Growth' have been calculated. At present it seems that any area out to 12 nm that has not been identified as 'Potentially Sensitive' is an area for growth. Have physical environmental constraints (e.g. current speed, exposure, or remoteness) or human activities (e.g. ferry routes, or military activity) been considered when assessing the suitability of these areas for aquaculture development?

There appears to be a presentational issue with regard to areas of sensitivity and SPAs that should be rectified. This is best seen on the north coast where Cape Wrath and other SPAs appear to be included as sensitive areas but are displayed underneath the 'Potential Growth' layer. Another example is where Handa Island SPA is partly in an area of potential growth and potential sensitivity.

### *Map 4*

The proposed Skye to Mull MPA has been highlighted but the proposed MPAs 'Shiant East Bank' and 'Eye Peninsula to Butt of Lewis' have not been included.

The key should be amended to "MPA (Marine Protected Areas)"

### *Map 7*

This map identifies areas that are presumed against further finfish development, yet this area has previously been identified as an area of 'Potential Growth' in Map 1 (also see comments above on Spatial Strategy). There is some confusion over the data being presented in Maps 1 and 7, again highlighting the need to separate out the data for potential finfish and shellfish growth.

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### Conflicts between marine users

Table 4 – some of the conflicts identified in this table apply to both finfish and shellfish aquaculture but have been identified as 'negligible' for shellfish. For example, shellfish aquaculture also conflicts with 'Marine renewable energy developments' and 'Marine cable routes and pipelines' for the same reasons as finfish aquaculture. This table should be updated.

### Additional points

- 1) A key conflict between the development of finfish aquaculture and biodiversity is with regard to migratory salmonids. Therefore, a map of important salmonid routes and rivers/estuaries would be a useful addition to the document. These data could be included in Map 7 alongside the 'areas of presumption against finfish development' for migratory fish reasons.
- 2) Terminology: 'opportunity' rather than 'growth' is the preferred choice of wording in the NMP.

Yours faithfully,

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