

Proposed Marine Salmon Farm at Eilean Flodigarry

Scotlands National Marine Plan

Summary of Policies Considered

February 2020

Scotlands National Marine Plan 2015

Summary of policies considered

The following table summarises the consideration that the applicant has given to the policies and aims of Scotlands National Marine Plan. The left hand column sets out the policy wording from the March 2015 version of the Marine Plan and the right column sets out how this policy has been considered during the applicants planning for the development, through pre-application consultations and the Planning Application Process and notes where the Planning Authority has considered the aspect/impact in the determination of the Planning Application.

GENERAL POLICIES	
NMP POLICY	CONSIDERATION AND COMMENT
GEN 1 General planning principle: There is a presumption in	This document demonstrates the consideration that has been given to the policies and objectives
favour of sustainable development and use of the marine	of Scotlands National Marine Plan in bringing forward the proposed development. As a fish farm
environment when consistent with the policies and objectives	development the proposals are subject to an application for planning permission and the process
of this Plan.	of determination duplicates a number of issues which are discussed in the National Marine Plan.
 GEN 2 Economic benefit: Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan. GEN 3 Social benefit: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan. 	The proposed development is part of an overall project which seeks to develop four sites to the east of Trotternish, centred around Staffin. The project proposals aim to produce organic farmed salmon in manner that reduces the overall environmental impact when compared to a "conventional farm" of similar size. The intention is that local social and economic benefit will be realised through increased employment opportunities for Staffin, Trotternish and the wider area of the Isle of Skye, direct income to the Staffin Area will be made through production based payments to Community Funds.
	The overall project seeks to assist Staffin Community Trust in redeveloping the area around Staffin Jetty to allow for harvested fish to be landed to the pier and to increase the security of the Jetty for other marine uses including fishing, marine tourism, and visiting vessels. These proposals will be brought forward in a future application by Staffin Community Trust.
GEN 4 Co-existence: Proposals which enable coexistence with	In bringing forward proposals for this farm site the applicant has sought, where possible, to adapt
other development sectors and activities within the Scottish	it is requirements to the needs of other interests. This has included, but is not limited to,
marine area are encouraged in planning and decision making	reduction in cage numbers following our Spring 2019 pre-application process to reduce impact

processes, when consistent with policies and objectives of this Plan.	on views from key coastal viewpoints. Since pre-application and EIA Scoping the size of feed barge has also been reduced.
GEN 6 Historic environment: Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance.	The proposed development will not impact on marine heritage assets as set out in the National Marine Plan. Consideration of the impact of the proposed development on terrestrial features of historical importance was included in documents submitted to the Planning Authority and Historic Environment Scotland provided consultation response to the Planning Authority.
GEN 7 Landscape/seascape: Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.	Consideration of the Landscape, Seascape and Visual Impact of the proposed development has been a major consideration in site selection. The developer has sought to minimise, as far as possible, the impact on views from residential properties and major viewpoints marked on Ordnance Survey base mapping. A Landscape and Visual Impact Assessment was a key element of documentation submitted in support of the planning application and is a material consideration in the planning determination.
GEN 8 Coastal process and flooding: Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding	It is considered that, as a floating structure, the proposed development is resilient to coastal change and flooding. It will not have an adverse impact on coastal processes.
 GEN 9 Natural heritage: Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area. 	In bringing forward the proposed development consideration has been given to the presence, in the wider area of protected species, and the location of the development within the Inner Hebrides and Minches SAC. Within the planning application, mitigation measures were proposed which will, where the planning authority consider necessary, been incorporated into planning conditions. An Appropriate Assessment was carried out by the Planning Authority in determining the Planning Application, this is included in the attached planning report.
GEN 10 Invasive non-native species: Opportunities to reduce the introduction of invasive non-native species to a minimum or proactively improve the practice of existing activity should be taken when decisions are being made.	Cages and site related equipment are to be assembled within Highland reducing the opportunity for INNS to be transferred onto the site from further afield.
GEN 11 Marine litter: Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision makers.	The Application for Planning Permission was supported by the inclusion of a stand alone Waste Minimisation and Management plan. This was requested by consultees at EIA Scoping. Within the plan the developer sets out its policies in relation to Marine Litter, including zero tolerance of overboard waste and shoreline litter collection.

GEN 12 Water quality and resource: Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.	The Water Quality impact of the proposed development is assessed by SEPA under the Controlled Activities Regulations. A CAR licence application, accompanied by benthic survey reports detailing video surveys and grab sampling has been submitted to SEPA.
GEN 13 Noise: Development and use in the marine environment should avoid significant adverse effects of man- made noise and vibration, especially on species sensitive to such effects.	In bringing forward the proposals the developer has sought to minimise the impact of noise from the site on human receptors on the shore. The Planning report prepared by Highland Council set out conditions relating to mechanical noise from the site.
	The impact of underwater noise from boat movements and echosounders has been considered by the developer within its Environmental Statement submitted in support of the planning application. The potential use of ADDs is retained as a contingency subject to specific on site conditions having been met and as documented in the ADDs use plan to be submitted in compliance with planning conditions.
GEN 14 Air quality: Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits.	It is not considered that there will be any significant impact on air quality resulting from the proposed development.
GEN 15 Planning alignment A: Marine and terrestrial plans should align to support marine and land-based components required by development and seek to facilitate appropriate access to the shore and sea. GEN 16 Planning alignment B: Marine plans should align and comply where possible with other statutory plans and should	The proposed development will require day to day shore access and small boat moorings at Staffin Jetty, in the short term the existing structure is sufficient for access requirements. In the longer term it is the intention to land harvested fish to Staffin Jetty which will require an upgrade of landing facilities which will include facilities for other marine users. It is intended that proposals for pier improvements are brought forward by Staffin Community Trust and are not, at this stage part of the site development proposals.
consider objectives and policies of relevant non-statutory plans where appropriate to do so.	Even when improvements to Staffin Jetty are realised, it is the intention that large deliveries to the site such as feed and other supplies are delivered by sea from Kishorn Port.
	We do not consider that the proposed use of the Jetty at Staffin will be incompatible with the Policy provisions of the Highland Wide Local Development Plan.
GEN 18 Engagement: Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.	Organic Sea Harvest undertook informal consultation with several public bodies during its initial site selection process, this included meetings involving Scottish Natural Heritage and the Highland Council during 2015, meetings with the Crown Estate prior to seeking Lease Option Agreements during August 2016. Email contact was made with Northern Lighthouse Board (who

provided lighting recommendations), and Defence Infrastructure Organisation (no response received) during November 2016. During this time proposals were discussed with the local Community through the Staffin Community Trust.
Formal Pre-application advice was sought from The Highland Council, Scottish Natural Heritage, Marine Scotland Science, Marine Scotland Licencing, Fish Health Inspectorate (including Freshwater Fisheries Lab). Scottish Environment Protection Agency, Northern Lighthouse Board, Skye District Salmon Fishery Board and Defence Infrastructure Organisation in January 2019. In addition other representative organisations were informed of the pre-app process, invited to attend the Open Days held in Staffin (15/02/19) and Kilmuir (16/02/19) and to comment and/or provide information as appropriate. These organisations included, but are not limited to, Mallaig and Northwest Fishermens Organisation, Royal Yachting Association (Scotland), RSPB Scotland.
Full details of the pre-application process undertaken were submitted in support of the Planning application.

SEA FISHERIES	
NMP POLICY	CONSIDERATION AND COMMENT
FISHERIES 3: Where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and	Impact on Commercial Fishing was considered during the determination of the planning application.
Mitigation Strategy should be prepared by the proposer of development or use, involving full engagement with local	Fishermens Organisations were invited to comment on proposals during our pre-application
fishing interests (and other interests as appropriate) in the	consultation in early 2019. Based on agreement with the Scottish White Fish Producers
development of the Strategy. All efforts should be made to	Association, its Liaison Officer was contacted in January 2019, advised of the pre-application
agree the Strategy with those interests. Those interests	consultation. They were sent plans and a supporting information document covering this site and
should also undertake to engage with the proposer and	the proposed site at Balmacqueen. SWFPA was asked to share the information within its
provide transparent and accurate information and data to	organisation/membership, and asked to provide its views in terms of the Town and Country
help complete the Strategy. The Strategy should be drawn up	Planning process and its role in other licencing/regulation processes in which it has remit, we also
as part of the discharge of conditions of permissions granted.	offered opportunity for meeting and suggested that track plots could be provided in confidence
The content of the Strategy should be relevant to the	specifying data requirements. Finally we made the organisation aware of the open days in Staffin
particular circumstances and could include:	and Kilmuir and invited attendance. The response received was that notifications had been
• An assessment of the potential impact of the development	circulated to MNWFA & SWFPA members and most don't have any comments (yet). They can
or use on the affected fishery or fisheries, both in socio-	always change their minds, but I don't expect a lot of feedback on these farms. I've also let them
economic terms and in terms of environmental sustainability.	know about the meeting dates, so you might see a few of them there.
• A recognition that the disruption to existing fishing	
opportunities/activity should be minimised as far as possible.Reasonable measures to mitigate any constraints which the	The open day held in Staffin was attended by local stattic gear fishermen but we are not aware
proposed development or use may place on existing or	of any mobile gear fishermen having attended on this occasion.
proposed fishing activity.	
Reasonable measures to mitigate any potential impacts on	As part of the assessment of other marine activities taking place on the site OSH purchased AIS
sustainability of fish stocks (e.g. impacts on spawning grounds	datasets covering the area, within this data incidence of trawling/dredging activity within the site
or areas of fish or shellfish abundance) and any	area was very low with the focus of fishing activity seaward of the sites
socioeconomic impacts. Where it does not prove possible to	
agree the Strategy with all interests, the reasons for any	Creel fishing is known to take place shoreward of and to the south end of the proposed site area.
divergence of views between the parties should be fully	OSH has engaged with local creel fishermen thoughout the process of site selection.
explained in the Strategy and dissenting views should be	
given a platform within the Strategy to make their case.	It is not considered that the proposed development will have any significant adverse impact on
	the area of fishing grounds available to the commercial fishing activities. The proposed development may, however, offer additional employment opportunities for qualified skippers

	and crews and in the future proposed re-development of Staffin Jetty by Staffin Community Trust may provide additional poor weather shelter for fishing vessels improving fishing opportunities in the area.
FISHERIES 4: Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port or harbour developments should take account of the	This policy is directed at the operators of ports and harbours. Whilst OSH has not considered this policy in bringing forward proposals it is noted that the mid to long term intention of proposed development at Staffin Jetty is that there should be additional facilities for commercial fishing interests.

needs of the dependent fishing fleets with a view to avoiding	
commercial harm where possible. Where a port or harbour	
has reached a minimum level of infrastructure required to	
support a viable fishing fleet, there should be a presumption	
in favour of maintaining this infrastructure, provided there is	
an ongoing requirement for it to remain in place and that it	
continues to be fit for purpose.	

AQUACULTURE	
NMP POLICY	CONSIDERATION AND COMMENT
AQUACULTURE 3: In relation to nutrient enhancement and benthic impacts, as set out under Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters, fish farm development is likely to be acceptable in Category 3 areas, subject to other criteria being satisfied. A degree of precaution should be applied to consideration of further fish farming development in Category 2 areas and there will be a presumption against further fish farm development in Category 1 areas.	The proposed development is in open water outwith any area included in the Locational Guidelines and as such is uncategorised.
AQUACULTURE 5: Aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape and visual amenity of an area, following SNH	This Policy duplicates policy GEN 7. Consideration of the Landscape, Seascape and Visual Impact of the proposed development has
guidance75 on the siting and design of aquaculture.	been a major consideration in site selection. The developer has sought to minimise, as far as possible the impact on views from residential properties and major viewpoints marked on Ordnance Survey Base mapping. A Landscape and Visual Impact Assessment was submitted in support of the planning application and Landscape and Visual Amenity was a material consideration in the planning determination.
AQUACULTURE 6: New aquaculture sites should not bridge Disease Management Areas although boundaries may be revised by Marine Scotland to take account of any changes in fish farm location, subject to the continued management of risk.	The proposed development will be developed in such as way as to not bridge Disease Management Areas.
AQUACULTURE 7: Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish.	Impact on wild salmonids was considered in the Planning submission for this site. The planning report prepared by the Highland Council case officer recommended that Planning Permission was granted subject to condition that the site is operated in accordance with an Environmental Management Plan facilitating the adaptive management of the site to maintain on site fish health and to reduce and mitigate adverse impacts on wild salmonids.
AQUACULTURE 8: Guidance on harassment at designated seal haul out sites should be taken into account and seal conservation areas should also be taken into account in site selection and operation. Seal licences will only be granted	Distance from designated seal haul outs was an early consideration in site selection and the site is more than 7Km from the closest designated haul which is on the Isle of Rona. It is recognised, however that seals are known to haul out at the north end of Sgeir an Eireann, which has informed the proposed operational practices on the site. The development will incorporate the

where other management options are precluded or have proven unsuccessful in deterrence.	use of cage nets marketed as seal resistant. Measures will be taken to reduce risk of entanglement to marine mammals and other wildlife and to ensure vessel movements recognise the presence of marine life. These measures are set out in the Environmental Statement accompanying the planning application and were considered in the Councils preparation of the planning report for the site.
AQUACULTURE 9: Consenting and licensing authorities should be satisfied that appropriate emergency response plans are in place.	This Policy is directed at consenting and licencing authorities.
AQUACULTURE 10: Operators should carry out pre- application discussion and consultation, and engage with	This policy duplicates policy GEN 18
local communities and others who may be affected, to identify and, where possible, address any concerns in advance of submitting an application.	Organic Sea Harvest undertook informal consultation with several public bodies during its initial site selection process, this included meetings involving Scottish Natural Heritage and the Highland Council during 2015, meetings with the Crown Estate prior to seeking Lease Option Agreements during August 2016. Email contact was made with Northern Lighthouse Board, and Defence Infrastructure Organisation during November 2016. During this time proposals were discussed with the local Community through the Staffin Community Trust.
	OSH undertook advertised local Pre-application during February 2019, this included public drop in sessions in Staffin and Kilmuir. At these open days there were poster presentations, video displays and opportunity to speak to company directors about the proposals.
	Formal Pre-application advice was sought from The Highland Council, Scottish Natural Heritage, Marine Scotland Science, Marine Scotland Licencing, Fish Health Inspectorate (including Freshwater Fisheries Lab). Scottish Environment Protection Agency, Northern Lighthouse Board, Skye District Salmon Fishery Board and Defence Infrastructure Organisation. In addition other representative organisations were informed of the pre-app process, invited to attend the Open Day and to comment and/or provide information as appropriate. These organisations included, but are not limited to, Mallaig and Northwest Fishermens Association and Royal Yachting Association (Scotland).
	Full details of the pre-application process undertaken were submitted in support of the Planning application and are duplicated in support of this Licence application.

AQUACULTURE 11: Aquaculture equipment, including but not limited to installations, facilities, moorings, pens and nets must be fit for purpose for the site conditions, subject to future climate change. Any statutory technical standard must be adhered to. Equipment and activities should be optimised in order to reduce greenhouse gas emissions.	Equipment has been specified and supplied in accordance with the Scottish Technical Standard. It is certified as fit for purpose by the supplier/manufacturer.
AQUACULTURE 12: Applications which promote the use of sustainable biological controls for sea lice (such as farmed wrasse) will be encouraged.	Organic Sea Harvest intends, in the medium to long term, to utilise farmed cleaner fish on site if necessary. It is not anticipated that supply of farmed lumpsucker to the site will present any difficulties. It is recognised that there are, at present, bottlenecks in the supply of farmed wrasse so it may be necessary to utilise wild caught wrasse on the site. The use of cleaner fish was considered in determining the planning application for the site.
AQUACULTURE 13: Proposals that contribute to the diversification of farmed species will be supported, subject to other objectives and policies being satisfied.	At this stage the project proposes to farm Salmon and there are no plans for diversification into other species.
AQUACULTURE 14: The Scottish Government, aquaculture companies and Local Authorities should work together to	This policy duplicates the provisions of policies GEN 2 and 3.
maximise benefit to communities from aquaculture development.	The proposed development is part of an ambitious project which seeks to develop four sites in the vicinity of Staffin. The long term aim is that local Social and Economic Benefit will be realised through increased employment opportunities for Staffin, Trotternish and the wider area of the Isle of Skye, direct income to the Staffin Area will be made through production based payments to Community Funds.
	The overall project seeks to assist Staffin Community Trust in redeveloping the area around Staffin Jetty to allow for harvested fish to be landed to the pier and to increase the security of the Jetty for other marine uses including fishing, marine tourism, and visiting vessels.

WILD SALMON AND DIADROMOUS FISH	
NMP POLICY	CONSIDERATION AND COMMENT
WILD FISH 1: The impact of development and use of the	Impact on wild salmonids was considered in the Environmental Statement accompanying the
marine environment on diadromous fish species should be	Planning Application for this site. Planning Permission was recommended for approval subject
considered in marine planning and decision making	to the condition that the site is operated in accordance with an Environmental Management Plan
processes. Where evidence of impacts on salmon and other	facilitating the adaptive management of the site to maintain on site fish health and to reduce and
diadromous species is inconclusive, mitigation should be	mitigate adverse impacts on wild salmonids in the surrounding environment and nearby rivers.
adopted where possible and information on impacts on	
diadromous species from monitoring of developments should	
be used to inform subsequent marine decision making.	

RECREATION AND TOURISM	
NMP POLICY	CONSIDERATION AND COMMENT
REC & TOURISM 1: Opportunities to promote sustainable	Our analysis of AIS datasets indicates limited use of the area for boat based marine tourism.
development of marine recreation and tourism should be	Opportunities for tourism of this nature may be improved through the development of Staffin
supported.	Jetty facilitated by the proposed development.
REC & TOURISM 2: The following key factors should be taken	The Environmental Statement Submitted to Highland Council in support of the Planning
into account when deciding on uses of the marine	Application included analysis of the impact of the proposed development on various recreation
environment and the potential impact on recreation and	and tourism activities. These included sailing, Cruise boats, sub-aqua, sea kayaking, sea angling,
tourism:	travel by car and coach and coastal walking. This information was considered in the
• The extent to which the proposal is likely to adversely affect	determination of the Planning Application.
the qualities important to recreational users, including the	
extent to which proposals may interfere with the physical	
infrastructure that underpins a recreational activity.	
• The extent to which any proposal interferes with access to	
and along the shore, to the water, use of the resource for	
recreation or tourism purposes and existing navigational	
routes or navigational safety.	
• Where significant impacts are likely, whether reasonable	
alternatives can be identified for the proposed activity or	
development.	
• Where significant impacts are likely and there are no	
reasonable alternatives, whether mitigation, through	
recognised and effective measures, can be achieved at no	
significant cost to the marine recreation or tourism sector	
interests.	
REC & TOURISM 3: Regional marine plans should identify	It is noted that the Isle of Skye is an important destination for recreation and tourism. The site
areas that are of recreational and tourism value and identify	location has been chosen to avoid major, significant impacts on terrestrial viewpoints.
where prospects for significant development exist, including	
opportunities to link to the National Long Distance Walking	
and Cycle Routes, and more localised and/or bespoke	
recreational opportunities and visitor attractions.	

REC & TOURISM 6: Codes of practice for invasive non-native	Whilst this policy is directed at Recreation and Tourism Operators, Organic Sea Harvest intends
species and Marine Wildlife Watching should be complied	to undertake staff training to ensure that boat movements are compatible with the provisions of
with.	Marine Wildlife Watching Codes of Practice to seek to mitigate the impacts of the development
	and on-site operations on wildlife.

SHIPPING, PORTS, HARBOURS AND FERRIES		
NMP POLICY	CONSIDERATION AND COMMENT	
TRANSPORT 1: Navigational safety in relevant areas used by	Early communication with Northern Lighthouse Board ascertained that it did not have any	
shipping now and in the future will be protected, adhering to	significant concerns over navigational impacts subject to the site being appropriately marked.	
the rights of innocent passage and freedom of navigation		
contained in UN Convention on the Law of the Sea (UNCLOS).	Analysis of AIS datasets shows that that low numbers of vessels involved in commercial shipping	
The following factors will be taken into account when	currently travel close to the proposed site area, with most travelling further offshore. The	
reaching decisions regarding development and use:	majority of this shipping is related to fish farming operations elsewhere and OSH does not	
• The extent to which the locational decision interferes with	consider that there will be any difficulty in making vessel operators aware of on site activities.	
existing or planned routes used by shipping, access to ports		
and harbours and navigational safety. This includes	It is intended that large vessel operations and deliveries to the site will take place from Kishorn	
commercial anchorages and defined approaches to ports.	Port. The additional custom for the port will help to maintain employment opportunities in	
Where interference is likely, whether reasonable	Highland.	
alternatives can be identified.		
Where there are no reasonable alternatives, whether	The proposed development is distant from any ferry routes.	
mitigation through measures adopted in accordance with		
the principles and procedures established by the		
International Maritime Organization can be achieved at no		
significant cost to the shipping or ports sector.		

DEFENCE	
NMP POLICY	CONSIDERATION AND COMMENT
DEFENCE 1: To maintain operational effectiveness in Scottish	Organic Sea Harvest included Defence Infrastructure Organisation in its pre-application
waters used by the armed services, development and use will	consultations in February 2019. No response was received.
be managed in these areas:	
• Naval areas including bases and ports: Safety of navigation	In common with much of Scotlands coastline the proposed development area is located within a
and access to naval bases and ports will be maintained. The	military exercise area (in this case the site is located within Area X5733, Flodigarry).
extent to which a development or use interferes with access	
or safety of navigation, and whether reasonable alternatives	
can be identified, will be taken into account by consenting	
bodies. Proposals for development and use should be	
discussed with the MOD at an early stage in the process.	
• Firing Danger Areas: Development of new permanent	
infrastructure is unlikely to be compatible with the use of	
Firing Danger Areas by the MOD. Permitted activities may	
have temporal restrictions imposed. Proposals for	
development and use should be discussed with the MOD at	
an early stage in the process.	
•Within Exercise Areas, activities may be subject to temporal	
restrictions. Development and use that either individually or	
cumulatively obstructs or otherwise prevents the defence	
activities supported by an exercise area may not be	
permitted. Proposals for development and use should be	
discussed with the MOD at an early stage in the process.	
• Communications: Navigations and surveillance including	
radar: Development and use which causes unacceptable	
interference with radar and other systems necessary for	
national defence may be prohibited if mitigation cannot be	
determined. Proposals for development and use should be	
discussed with the MOD at an early stage in the process.	

Scotlands National Marine Plan – Policies not considered

The following policies have not been considered in bringing forward this development proposal. These policies either have no bearing on the actions of the developer and relate to the actions of regulators or third parties, or relate to marine use where there is no interaction with the proposed development.

General Policies (GEN 5, 17 and 19 – 21)

Sea Fisheries (FISHERIES 1, 2 and 5)

Aquaculture (AQUACULTURE 1, 2 and 4)

Recreation and Tourism (REC AND TOURISM 4 and 5)

Oil and Gas (All Policies)

Carbon Capture and Storage (CCS) (All Policies)

Offshore Wind and Marine Renewable Energy (All Policies)

Shipping, Ports, Harbours and Ferries (TRANSPORT 2-7)

Submarine Cables (All Policies)

Defence (Policies 2-3)

Aggregates (All Polices)