

**Cowrie Associates**  
**Oyster Farm at Keoldale, Kyle of Durness**

**Scotlands National Marine Plan**  
**Summary of Policies Considered**

**February 2023**

Document Prepared by Jim Bromham, Lochside Associates



## 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 is considered during the operation of the site. Where applicable the table sets out where the Planning Authority has considered the aspect/impact in the determination of the Planning Application.

<b>GENERAL POLICIES</b>	
<b>NMP POLICY</b>	<b>CONSIDERATION AND COMMENT</b>
<b>GEN 1</b> General planning principle: There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.	This document demonstrates the consideration that has been given to the policies and objectives of Scotlands National Marine Plan operating at this site. Many of the policy areas have been considered by the Local Authority in determining planning applications for the site. The development is considered to be compliant with Scotland’s National Marine Plan.
<b>GEN 2</b> 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.	The site employs a local resident as day to day operator of the site, rents storage facilities at Keoldale and product from the site is available for sale through local food outlets. Presence of the site provides additional opportunities for local business to assist, from time to time in on site works and by supplying goods and services to the site.
<b>GEN 3</b> Social benefit: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan.	
<b>GEN 4</b> Co-existence: Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision making processes, when consistent with policies and objectives of this Plan.	The site has been developed as an oyster farm since 2015 and the developer is not aware of any significant areas of conflict with other stakeholders in the area.

GENERAL POLICIES	
NMP POLICY	CONSIDERATION AND COMMENT
<p><b>GEN 6 Historic environment:</b> Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance.</p>	<p>No known impact.</p>
<p><b>GEN 7 Landscape/seascape:</b> Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.</p>	<p>The site lies within the North West Sutherland National Scenic Area. The overall site is modest in scale and due to the tidal nature of the site the oyster trestles are only fully visible for short periods on spring tides. The landscape impacts of the development were considered by the planning authority in determining planning permissions for the site.</p>
<p><b>GEN 8 Coastal process and flooding:</b> 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</p>	<p>The site is within the Kyle of Durness SAC designated in part for the presence of sand dune complex at the mouth of the Kyle of Durness, the location of the site is adjacent to an area of bedrock cliff and does not directly impact on dune structures.</p>
<p><b>GEN 9 Natural heritage:</b> Development and use of the marine environment must:</p> <ul style="list-style-type: none"> <li>(a) Comply with legal requirements for protected areas and protected species.</li> <li>(b) Not result in significant impact on the national status of Priority Marine Features.</li> <li>(c) Protect and, where appropriate, enhance the health of the marine area.</li> </ul>	<p>European Otter, <i>Lutra lutra</i> a European protected species is also a feature of the SAC. Otter are known to be present within the immediate vicinity of the development and are frequently seen close to the site and on and amongst the oyster trestles. The developer has commission two Otter surveys, which were recently reviewed and operates the site in accordance with mitigation measures encompassed within planning permission for the workraft.</p>

GENERAL POLICIES	
NMP POLICY	CONSIDERATION AND COMMENT
<p><b>GEN 10 Invasive non-native species:</b> 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.</p>	<p>The site holds small quantities of Native oyster <i>Ostrea edulis</i> but predominantly farms Pacific oyster <i>Crassostrea gigas</i>. It is acknowledged that C.gigas is listed as a moderate impact Invasive Non-Native species by the UK Technical Advisory Group on the water framework directive <a href="https://www.wfduk.org/sites/default/files/2019/06/uktag_classification_of_alien_species_working_paper_v8.pdf">UKTAG classification of alien species working paper v8.pdf (wfduk.org)</a>.</p> <p>Native oysters are also considered to be outwith their present native range at this location. As mitigation to reduce the risk of unintended introductions all seed oysters brought onto the site are hatchery derived and are contained within the oyster bags whilst on site. Measures are also in place to ensure that live oysters are not released from the site during grading operations these measures are part of the planning conditions for this site.</p>
<p><b>GEN 11 Marine litter:</b> 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.</p>	<p>Planning conditions restrict the onshore storage of equipment adjacent to the site. All equipment brought on site is removed and disposed off at the end of its life in accordance with waste management plan submitted in compliance with planning conditions for the development of the site</p>
<p><b>GEN 12 Water quality and resource:</b> 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.</p>	<p>Oysters filter feed and do not require any additional feed input in the farming environment. It is recognised that in some circumstances the presence of oysters may lead to improved water quality.</p>
<p><b>GEN 13 Noise:</b> 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.</p>	<p>Short periods of low level noise of approximately 5 hours duration, 4 days per week during harvesting a grading operations, single boat movement or quad bike movement along the foreshore on each day that the site in use. Site is distant from any noise sensitive properties and is not considered to present a noise nuisance.</p>

GENERAL POLICIES	
NMP POLICY	CONSIDERATION AND COMMENT
<p><b>GEN 14 Air quality:</b> 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.</p>	<p>It is not considered that there will be any significant impact on air quality resulting from the proposed development.</p>
<p><b>GEN 18 Engagement:</b> Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.</p>	<p>N/A to this licence application. Existing site which has been developed for over 8 years. There have been three separate public consultations on planning applications and public consultation on original the original marine licence.</p> <p>Operator has ongoing communication with the landowner (Scottish Ministers), The local crofting community (Keoldale Sheep Stock Club) and the operator of the Cape Wrath Ferry.</p>

<b>AQUACULTURE</b>	
<b>NMP POLICY</b>	<b>CONSIDERATION AND COMMENT</b>
<b>AQUACULTURE 4:</b> There is a presumption that further sustainable expansion of shellfish farms should be located in designated shellfish waters if these have sufficient capacity to support such development.	Development of the site predates this policy presumption, the site is not within a designated shellfish water (shellfish water protected area). Harvesting from the site is subject to shellfish harvesting classification administered by Food Standards Scotland. The site has Grade B Classification harvesting classification from July to October and is Grade A for the remainder of the year and a sanitary survey has been undertaken for the site.
<b>AQUACULTURE 5:</b> Aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape and visual amenity of an area, following SNH guidance on the siting and design of aquaculture.	Please refer to response to GEN 7.
<b>AQUACULTURE 8:</b> 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 where other management options are precluded or have proven unsuccessful in deterrence.	The site is distant from any designated seal haul out sites.
<b>AQUACULTURE 10:</b> Operators should carry out pre-application discussion and consultation, and engage with local communities and others who may be affected, to identify and, where possible, address any concerns in advance of submitting an application.	Please refer to response to policy GEN 18.

<b>GENERAL POLICIES</b>	
<b>NMP POLICY</b>	<b>CONSIDERATION AND COMMENT</b>
<b>AQUACULTURE 11:</b> 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.	Site is developed with industry standard trestles and bags.

<b>DEFENCE</b>	
<b>NMP POLICY</b>	<b>CONSIDERATION AND COMMENT</b>
<p><b>DEFENCE 1:</b> To maintain operational effectiveness in Scottish waters used by the armed services, development and use will be managed in these areas:</p> <ul style="list-style-type: none"> <li>• Naval areas including bases and ports: Safety of navigation and access to naval bases and ports will be maintained. The 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<p>The site is adjacent to Cape Wrath Training Area but does not interfere with range operations.</p>



### **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 15-17 and 19 – 21)

Sea Fisheries (FISHERIES 1 - 5)

Aquaculture (AQUACULTURE 6-7, 12-14)

Recreation and Tourism (All Policies)

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 (All Policies)

Submarine Cables (All Policies)

Defence (Policies 2-3)

Aggregates (All Policies)