

Table 2: Scotland’s National Marine Plan, 2015 Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<b>GENERAL POLICIES</b>		
<p><b>GEN 1 General planning principle:</b> 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.</p>	<p>This table demonstrates the consideration that has been given to the policies and objectives of Scotland’s National Marine Plan in bringing forward the proposed development. As fish farm developments the proposals are subject to applications for planning permission and the process of determination duplicates a number of issues which are discussed in the National Marine Plan.</p>	<p>HwLDP: Policies 28, 50</p>
<p><b>GEN 2 Economic benefit:</b> Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.</p>	<p>The proposed developments are 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 area will be made through production based payments to Community Funds.</p> <p>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.</p>	<p>EIAR: Ch 6, Ap 2 NPF4: Policies 25, 29 NMP: AQUA 14 HwLDP: Policies 28, 31, 36, 50</p>
<p><b>GEN 3 Social benefit:</b> Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan.</p>		
<p><b>GEN 4 Co-existence:</b> 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.</p>	<p>In bringing forward proposals for these fish farm sites the applicant has sought, where possible, to adapt its requirements to the needs of other interests. This has included, but is not limited to, reduction in pen numbers to reduce impact on views from key coastal viewpoints. Since pre-application and EIA Scoping the size of feed barge has also been reduced.</p>	<p>EIAR: Ch 5 NPF4: Policy 26c) NMP: GEN 15 HwLDP: Policies 28, 50</p>

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<p><b>GEN 5 Climate change:</b> Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change.</p>	<p>Policy relates to marine planners and decision makers. The Applicant has considered increased storminess and higher sea temperatures in its planning (further details at Chapter 7 Physical Environment).</p>	<p>EIAR: Ch 7 NPF4: Policy 10b) NMP: AQUA 11 HwLDP: Policy 28</p>
<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>The proposed developments will not impact on marine heritage assets. Consideration of the impact of the proposed development on terrestrial features of historical importance was included in the original ESs. Historic Environment Scotland responded to the planning applications stating that it was content there will not be significant impacts on the site or setting of any of their historic environment interests (further details at NPF4 Policy 7 above and in Chapter 9 Cultural Heritage).</p>	<p>EIAR: Ch 9 NPF4: Policy 7 HwLDP: Policies 28, 50, 57</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>Policy relates to marine planners and decision makers, landscape/seascape is considered in AQUACULTURE 5 (see below).</p>	<p>EIAR: Ch 10, Ap 8 NPF4: Policies 4c), 4d) NMP: AQUA 5 HwLDP: Policies 28, 36, 49, 50, 57, 61</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>It is considered that as floating structures, the proposed developments are resilient to coastal change and flooding and will not have an adverse impact on coastal processes.</p>	<p>EIAR: Ch 7 NPF4: Policy 10 HwLDP: Policies 28, 49</p>
<p><b>GEN 9 Natural heritage:</b> Development and use of the marine environment must:</p>	<p>In bringing forward the proposed developments 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 (see Chapter 8 Ecology). Mitigation measures have been proposed which</p>	<p>EIAR: Ch 8, Ap 4 NPF4: 3, 4 NMP: WF 1</p>

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<p>(a) Comply with legal requirements for protected areas and protected species.</p> <p>(b) Not result in significant impact on the national status of Priority Marine Features.</p> <p>(c) Protect and, where appropriate, enhance the health of the marine area.</p>	<p>will, where the Planning Authority consider necessary, be incorporated into planning conditions.</p> <p>An Appropriate Assessment will be carried out by the Planning Authority in determining the Planning Application. The Flodigarry Appeal Reporter carried out a Habitats Regulations Assessment (Appropriate Assessment) which stated that she was satisfied the proposal would not adversely affect the qualifying interest and conservation objectives or the integrity of the Inner Hebrides and the Minches SAC, Shiant Isles SPA or River Kerry SAC.</p> <p>The Applicant has proposed a river habitat enhancement project which, if partners agree, will improve riparian habitat for salmon, trout and other freshwater species.</p>	<p>HwLDP: Policies 28, 49, 50, 57-61</p>
<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>Pens and site related equipment are to be assembled within Highland reducing the opportunity for invasive non-native species to be transferred onto the site from further afield.</p> <p>Site operations will be undertaken in accordance with a biosecurity measures plan which will, in part, assist in reducing the transfer of INNS.</p>	<p>EIAR: Ch 8 NMP: R&amp;T 6</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>The Planning Applications are supported by a stand-alone Waste Minimisation and Management plan. Within the plan the Applicant sets out its policies in relation to marine litter, including zero tolerance of overboard waste and supporting shoreline litter collection.</p>	<p>EIAR: Ch 7 NPF4: Policy 32c) HwLDP: Policies 28, 50</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>The water quality impacts of the proposed developments are assessed by SEPA under the Controlled Activities Regulations (CAR).</p> <p>CAR licence applications, accompanied by benthic survey reports detailing video surveys and grab sampling, were submitted to SEPA and both sites have been granted CAR licences for peak biomasses of 2500T at Eilean Flodigarry and 2350T at Balmacqueen. These values are to be reduced to 2083T and 1958T respectively due to the reduction in pen area.</p>	<p>EIAR: Ch 7 NPF4: Policy 32 HwLDP: Policies 28, 50, 72</p>

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<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>In bringing forward the proposals the Applicant has sought to minimise the impact of noise from the site on human receptors on the shore (see Chapter 7). It is expected that any planning permission issued by Highland Council will set out conditions relating to noise from the site.</p> <p>The impact of underwater noise from site operations and boat movements has been considered by the Applicant (see Chapter 8).</p>	<p>EIAR: Ch 7, 8 NPF4: Policies 23e), 32c) HwLDP: Policies 50, 72</p>
<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 developments.</p>	<p>EIAR: Ch 7 NPF4: Policies 23d), 32c) HwLDP: Policies 28, 73</p>
<p><b>GEN 15 Planning alignment A:</b> 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.</p>	<p>The proposed developments 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 and 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.</p> <p>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.</p> <p>The Applicant considers that the proposed use of the Jetty at Staffin will be compatible with the Policy provisions of the HwLDP.</p>	<p>ES: Ch 6 NPF4: Policies 18, 20 NMP: GEN 4 HwLDP: Policies 28, 50</p>
<p><b>GEN 16 Planning alignment B:</b> Marine plans should align and comply where possible with other statutory plans and should consider ...</p>	<p>Policy relates to the actions of marine planners and decision makers.</p> <p>In bringing forward the planning applications, the Applicant has considered the policies contained within the NPF4, NMP, HwLDP and relevant supplementary planning guidance produced by Highland Council.</p>	<p>EIAR: Ch 2</p>

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<b>GEN 17 Fairness</b>	Policy relates to the actions of marine planners and decision makers.	
<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>The Applicant undertook informal consultation with several public bodies during its initial site selection process. This included meetings involving Scottish Natural Heritage (now NatureScot) and the Highland Council during 2015, and 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.</p> <p>In relation to the previous schemes 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.</p> <p>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 Fishermen's Organisation, Royal Yachting Association (Scotland), RSPB Scotland.</p> <p>For the Current Proposals we have met with the Planning Authority, NatureScot, Staffin Community Council and Kilmuir Community Council as well as other organisations. The Applicant has responded to requests for meetings and information from a number of local representatives.</p> <p>Appendix 3 of the EIAR relates.</p>	<p>EIAR: Ch 6, App 3 SNMP: AQUA 10</p>

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<p><b>GEN 19 Sound evidence:</b> Decision making in the marine environment will be based on sound scientific and socio-economic evidence.</p>	<p>The Environmental Statement and supporting documents were informed by sound scientific evidence provided through the pre-application and application process by statutory consultees and environmental and industry specialists.</p> <p>Socio-economic information was not considered in the initial determination as financial contributions to the community were classed as voluntary and not enforceable. However, the Applicant's two South Sites have been operational for over three years and therefore the socio-economic data on the employment, community wealth building and wider downstream benefits to support the northern sites applications are substantiated and justifiable. Further details in Chapter 6 of the EIAr.</p>	<p>EIAR: Ch 4-10, App 2-8</p>
<p><b>GEN 20 Adaptive management:</b> Adaptive management practices should take account of new data and information in decision making, informing future decisions and future iterations of policy.</p>	<p>The Applicant has planning conditions covering the operation of its South Sites, all of which are monitored, reported on, reviewed and adapted as necessary by mutual agreement with the regulators on an agreed timescale. Should the North applications be successful, similar adaptive management practices would be undertaken.</p>	<p>EIAR: Ch 6-8</p>
<p><b>GEN 21 Cumulative impacts:</b> Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation.</p>	<p>The EIA Report and responses to the initial planning applications from NatureScot, SEPA and others address cumulative impacts.</p>	<p>EIAR: Ch 6-10 NPF4: Policy 3d)</p>
<p><b>SEA FISHERIES POLICIES</b></p>		
<p><b>FISHERIES 1 &amp; 2</b></p>	<p>Policies relate to the actions of marine planners and decision makers.</p>	
<p><b>FISHERIES 3</b> Where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared by the proposer of development or use, involving full</p>	<p>Impact on Commercial Fishing was considered during the preparation of planning submissions.</p> <p>As part of the assessment of other marine activities taking place on the sites, the Applicant purchased AIS datasets covering the area. Within this data</p>	<p>EIAR: Ch 6</p>

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<p>engagement with local fishing interests (and other interests as appropriate) in the development of the Strategy. All efforts should be made to agree the Strategy with those interests. Those interests should also undertake to engage with the proposer and provide transparent and accurate information and data to help complete the Strategy. The Strategy should be drawn up as part of the discharge of conditions of permissions granted.</p> <p>The content of the Strategy should be relevant to the particular circumstances and could include:</p> <ul style="list-style-type: none"> <li>• An assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socio-economic terms and in terms of environmental sustainability.</li> <li>• A recognition that the disruption to existing fishing opportunities/activity should be minimised as far as possible.</li> <li>• Reasonable measures to mitigate any constraints which the proposed development or use may place on existing or proposed fishing activity.</li> <li>• Reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish or shellfish abundance) and any socioeconomic impacts. Where it does not prove possible to agree the Strategy with all interests, the reasons for any divergence of views between the parties should be fully explained in the Strategy and dissenting views should be given a platform within the Strategy to make their case.</li> </ul>	<p>incidence of trawling/dredging activity within the site area was very low, with the focus of fishing activity seaward of the sites.</p> <p>Creel fishing is known to take place shoreward of and to the south end of the proposed site area. The Applicant has engaged with local creel fishermen throughout the process of site selection.</p> <p>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, provide additional poor weather shelter for fishing vessels, improving fishing opportunities in the area.</p>	
<p><b>FISHERIES 4</b></p> <p>Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to</p>	<p>This policy is directed at the operators of ports and harbours.</p>	

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discuss any changes in infrastructure that may affect them. ...		
<b>FISHERIES 5</b>	Policy relates to the actions of Inshore Fisheries Groups.	
<b>AQUACULTURE POLICIES</b>		
<b>AQUACULTURE 1 &amp; 2</b>	Policies relate to the actions of marine planners and decision makers.	
<b>AQUACULTURE 3</b> 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 developments are in open water out with any area included in the Locational Guidelines, and as such are uncategorised.	EIAR: Ch 7 NPF4: Policy 32c) HwLDP: Policies 28, 50
<b>AQUACULTURE 4</b>	Policy is not relevant to finfish application.	
<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 <sup>75</sup> on the siting and design of aquaculture.	Consideration of the Landscape, Seascape and Visual Impact of the proposed development has been a major consideration in site selection. The Applicant has sought to minimise, as far as possible, the impact on views from residential properties and major viewpoints marked on Ordnance Survey base mapping. In selecting and designing its sites and equipment, the Applicant has followed SNH Guidance 75 on the siting and design of aquaculture.  Both initial planning applications and their appeals were refused on landscape/seascape grounds. The Applicant has amended the site designs to	EIAR: Ch 10, App 8 NPF4: Policies 4c), 4d), 32d) SNMP: GEN 7 HwLDP: Policies 28, 36, 49 50, 61

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	address these concerns (see entry under NPF4 Policies 4c) and 4d) in Table 1 and Chapter 10 for further information, full SLVIA at Appendix 8).	
<p><b>AQUACULTURE 6</b></p> <p>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.</p>	The proposed developments will be undertaken in such a way as to not bridge Disease Management Areas.	EIAR: Ch 8, Ap 4 NPF4: Policy 32c) HwLDP: Policy 50
<p><b>AQUACULTURE 7</b></p> <p>Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish.</p>	Impact on wild salmonids was considered in the original Planning submissions for these sites and were not cited as a reason for refusal. The Applicants South Sites were granted Planning Permission subject to condition that they operated in accordance with Environmental Management Plan agreed with the Planning Authority. Regulatory Control of the impacts of sea lice from Marine Fish Farms has now passed to SEPA under the Sea Lice Risk Framework. It the time of writing it remains unclear whether the Planning Authority will continue to require an EMP for the proposed developments or whether SEPA will require any form of monitoring programme.	EIAR: Ch 8 NPF4: Policy 32c) SNMP: WF 1 HwLDP: Policies 50, 58-60
<p><b>AQUACULTURE 8</b></p> <p>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.</p>	Distance from designated seal haul outs was an early consideration in site selection and the sites are more than 3km from the closest designated haul out at Eilean Trodday. It is recognised that seals haul out at the north end of Sgeir na h-Éireann, which has informed the proposed operational practices. The development will incorporate the use of pen 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 Chapter 8 Ecology.	EIAR: Ch 8 NPF4: Policy 32c) SNMP: GEN 9 HwLDP: Policies 50, 57-60
<p><b>AQUACULTURE 9</b></p>	This Policy is directed at consenting and licencing authorities.	NPF4: Policy 23

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Consenting and licensing authorities should be satisfied that appropriate emergency response plans are in place.		
<p><b>AQUACULTURE 10</b></p> <p>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.</p>	<p>The Applicant carried out pre-application discussion and consultation with public bodies, discussed proposals with the Staffin Community Trust , Staffin and Kilmuir Community Councils and has had direct meetings with other parties. Concerns have been identified and where possible, the Applicant has amended it proposals to address them, see entry under National Marine Plan Policy GEN 18 above.</p>	<p>EIAR: Ch 6, App 3 SNMP: GEN 18</p>
<p><b>AQUACULTURE 11</b></p> <p>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.</p>	<p>Equipment has been specified and supplied in accordance with the Scottish Technical Standard. It is certified as fit for purpose by the supplier/manufacturer.</p> <p>The Applicant has considered the reduction of emissions in designing its operational procedures, and continues to report on the use of plastics and other materials via regulatory audits. (See also entry above under NPF4 Policy 10b) on climate change &amp; site design).</p>	<p>EIAR: Ch 4, 7 NPF4: Policies 10b), 32c) SNMP: GEN 5 HwLDP: Policy 28</p>
<p><b>AQUACULTURE 12</b></p> <p>Applications which promote the use of sustainable biological controls for sea lice (such as farmed wrasse) will be encouraged.</p>	<p>The Applicant has used cleaner fish on its existing South Sites but has now phased out their use. The use of Cleaner Fish does not form part of the current proposals.</p> <p>The Applicant understands that the intent of this policy is to reduce industry reliance on the use of medicine. The Applicant intends to undertake freshwater and mechanical treatments to control sea lice levels.</p>	<p>EIAR: Ch 7 NPF4: Policy 32c)</p>
<p><b>AQUACULTURE 13</b></p>	<p>At this stage the Applicant proposes to farm Atlantic salmon and there are no plans for diversification into other species.</p>	

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Proposals that contribute to the diversification of farmed species will be supported, subject to other objectives and policies being satisfied.		
<p><b>AQUACULTURE 14</b></p> <p>The Scottish Government, aquaculture companies and Local Authorities should work together to maximise benefit to communities from aquaculture development.</p>	<p>The proposed developments are part of an overall 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 area will be made through production based payments to Community Funds.</p> <p>The overall project seeks to assist Staffin Community Trust in redeveloping the area around Staffin Jetty and to increase the security of the Jetty for other marine uses including fishing, marine tourism, and visiting vessels.</p> <p>The entry under NPF4 Policy 25 above summarises the socio-economic benefits from operation of the Applicant's South Sites (see also Chapter 6 and Appendix 2).</p>	<p>EIAR: Ch 6, App 2 NPF4: Policy 25 SNMP: GEN 2 &amp; 3 HwLDP: Policies 28, 31, 36</p>
<b>WILD SALMON AND DIADROMOUS FISH</b>		
<p><b>WILD FISH 1</b></p> <p>The impact of development and use of the marine environment on diadromous fish species should be considered in marine planning and decision making processes. Where evidence of impacts on salmon and other diadromous species is inconclusive, mitigation should be adopted where possible and information on impacts on diadromous species from monitoring of developments should be used to inform subsequent marine decision making.</p>	<p>The Applicants South Sites were granted Planning Permission subject to condition that they operated in accordance with Environmental Management Plan agreed with the Planning Authority. Regulatory Control of the impacts of sea lice from Marine Fish Farms has now passed to SEPA under the Sea Lice Risk Framework. It the time of writing it remains unclear whether the Planning Authority will continue to require an EMP for the proposed developments or whether SEPA will require any form of monitoring programme.</p> <p>The Applicant is proposing a partnership project to enhance riparian habitat (see entry under NPF4 Policy 3 in Table 1).</p>	<p>EIAR: Ch 8 NPF4: Policy 32c) SNMP: AQUA 7 HwLDP: Policy 50</p>
<b>OIL AND GAS, CARBON CAPTURE AND STORAGE, OFFSHORE WIND AND MARINE RENEWABLE ENERGY</b>		

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<b>OIL &amp; GAS 1-6, CCS 1-2, RENEWABLES 1-10</b>	Policies are not relevant to aquaculture applications.	
<b>RECREATION AND TOURISM</b>		
<b>REC &amp; TOURISM 1</b> Opportunities to promote sustainable development of marine recreation and tourism should be supported.	The analysis of AIS datasets indicates limited use of the area for boat based marine tourism. Opportunities for tourism of this nature may be improved through the development of Staffin Jetty facilitated by the proposed developments.	EIAR: Ch 6 HwLDP: Policy 77
<b>REC &amp; TOURISM 2</b> The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on recreation and tourism: <ul style="list-style-type: none"> <li>• The extent to which the proposal is likely to adversely affect the qualities important to recreational users, including the extent to which proposals may interfere with the physical infrastructure that underpins a recreational activity.</li> <li>• 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.</li> <li>• Where significant impacts are likely, whether reasonable alternatives can be identified for the proposed activity or development.</li> <li>• Where significant impacts are likely and there are no reasonable alternatives, whether mitigation, through recognised and effective measures, can</li> </ul>	<p>The proposals will not interfere with the physical infrastructure or significantly impact on access associated with marine recreational activities, other than the relatively small footprint of the sites themselves. Indeed, the upgrade of the slipway and jetty at Staffin undertaken by the Staffin Community Trust with funding and support from the Applicant will improve marine access to this part of Skye.</p> <p>The SLVIA assessed the impacts from a number of viewpoints and found there will be locally significant impacts on views from the coastal footpath adjacent to the sites (referred to as part of the Skye Trail). This path is not part of the Core Paths Network and is not well used, access is difficult as parts of the possible route either run close to the edge of a crumbling cliff or require travel through a field with cattle.</p> <p>The Highland Council and both Scottish Government Reporters refused planning permission to the northern sites on landscape grounds (see entries under NPF4 Policy 4c) and d) in Table 1 above). The Balmacqueen Fish Farm Enquiry Reporter was keen to consider the path within the wider context of its inclusion as part of the Skye Trail.</p> <p>The DPEA Reporters noted that tourism numbers on Skye have grown against a backdrop of established fish farm development around the island, and concluded that the development would not make the area less attractive to the extent that there would be any significant adverse effect on tourism in the wider area.</p>	EIAR: Ch 6 HwLDP: Policies 77,78

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be achieved at no significant cost to the marine recreation or tourism sector interests.		
<b>REC &amp; TOURISM 3</b> Regional marine plans should identify areas that are of recreational and tourism value and identify where prospects for significant development exist ...	Policy aimed at marine planners and decision makers. It is noted that the Isle of Skye is an important destination for recreation and tourism including walking. The site locations have been chosen to avoid major, significant impacts on terrestrial viewpoints.	
<b>REC &amp; TOURISM 4 &amp; 5</b>	Policies are not relevant to aquaculture applications.	
<b>REC &amp; TOURISM 6</b> Codes of practice for invasive non-native species and Marine Wildlife Watching should be complied with.	Whilst this policy is directed at recreation and tourism operators, the Applicant will undertake staff training to ensure that boat movements are compatible with the provisions of Marine Wildlife Watching Codes of Practice to minimise risk of impacts on wildlife. INNS codes of practice will also be adhered to.	EIAR: Ch 8 SNMP: GEN 9, 10
<b>SHIPPING, PORTS, HARBOURS AND FERRIES</b>		
<b>TRANSPORT 1</b> Navigational safety in relevant areas used by shipping now and in the future will be protected, adhering to the rights of innocent passage and freedom of navigation contained in UN Convention on the Law of the Sea (UNCLOS). The following factors will be taken into account when reaching decisions regarding development and use: <ul style="list-style-type: none"> <li>The extent to which the locational decision interferes with existing or planned routes used by shipping, access to ports and harbours and navigational safety. This includes commercial anchorages and defined approaches to ports.</li> </ul>	Early communication with Northern Lighthouse Board ascertained that it did not have any significant concerns over navigational impacts subject to the site being appropriately marked. Analysis of AIS datasets shows that that low numbers of vessels involved in commercial shipping currently travel close to the proposed site area, with most travelling further offshore. The majority of this shipping is related to fish farming operations elsewhere and the Applicant does not consider that there will be any difficulty in making vessel operators aware of onsite activities. It is intended that large vessel operations and deliveries to the site will take place from ports outwith the immediate site area. The additional custom for the port will help to maintain employment opportunities in Highland. The proposed development is distant from any ferry routes.	EIAR: Ch 6 NPF4: Policy 32c) HwLDP: Policy 50

Table 2: Scotland's National Marine Plan, 2015 Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<ul style="list-style-type: none"> <li>Where interference is likely, whether reasonable alternatives can be identified.</li> <li>Where there are no reasonable alternatives, whether 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.</li> </ul>		
<b>TRANSPORT 2-7</b>	Policies not relevant to aquaculture applications.	
<b>SUBMARINE CABLES, DEFENCE, AGGREGATES</b>		
<b>CABLES 1-4, DEFENCE 2-3, AGGREGATES 1-2</b>	Policies not relevant to aquaculture applications.	
<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: <ul style="list-style-type: none"> <li>Naval areas including bases and ports: ...</li> <li>Firing Danger Areas: ...</li> <li>Within Exercise Areas, ...</li> <li>Communications: ...</li> </ul>	Organic Sea Harvest included the Defence Infrastructure Organisation in its pre-application consultations in February 2019. No response was received. In common with much of Scotland's coastline the proposed development area is located within a military exercise area (in this case the site is located within Area X5733, Flodigarry).	EIAR: Ch 6

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
Policies 1-27 Policies related to City, A96 corridor, East Inverness, Tornagrain, Whiteness, Nairn, smaller settlements in the A96 corridor, Nigg, Caithness - Policies not considered as not relevant to aquaculture or to Skye.		

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<b>Policy 28 Sustainable Design</b>		
<p>The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.</p> <p>Proposed developments will be assessed on the extent to which they:</p> <ul style="list-style-type: none"> <li>• are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);</li> <li>• are accessible by public transport, cycling and walking as well as car;</li> <li>• maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;</li> <li>• are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;</li> <li>• make use of brownfield sites, existing buildings and recycled materials;</li> <li>• demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);</li> <li>• impact on individual and community residential amenity;</li> <li>• impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;</li> <li>• impact on the following resources, including pollution and discharges, particularly within designated areas: <ul style="list-style-type: none"> <li>○ habitats</li> <li>○ freshwater systems</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Service provision:</b> The proposals do not include any land-based services.</li> <li>• <b>Accessibility:</b> The sites will be accessed by work boat from Staffin jetty or Portree. Staff are encouraged to live locally, car share and travel by public transport, cycling and walking where appropriate.</li> <li>• <b>Energy efficiency:</b> The sites have been designed to maximise efficiency.</li> <li>• <b>Physical constraints:</b> These are marine developments and are not affected by the physical constraints listed in the Guidance.</li> <li>• <b>Recycling:</b> The sites are located offshore and therefore are not making use of brownfield sites or existing buildings. Recycled materials are to be used wherever possible.</li> <li>• <b>Waste minimisation:</b> The Waste Minimisation and Management Plan demonstrates how the proposals have sought to minimise the generation of waste.</li> <li>• <b>Impact on residential amenity:</b> The sites have been selected to avoid impacting on existing residential properties.</li> <li>• <b>Impact on non-renewable resources:</b> The proposals are for marine development and will not impact on non-renewable resources.</li> <li>• <b>Impact on other resources:</b> Pollution and discharges are regulated by SEPA via a Controlled Activity Regulations (CAR) licence, both sites have been granted a CAR licence. Impacts on habitats, freshwater systems, species, marine systems, landscape, cultural heritage, scenery and air quality are covered in Chapters 7-10. NatureScot provide advice on</li> </ul>	<p>EIAR: Ch 6-10</p> <p>NPF4: Policies 1, 3, 4, 25, 26, 29</p> <p>SNMP: GEN 1-15, AQUA 3, 5, 11, 14</p> <p>HwLDP: Policies 29, 31, 50, 61</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<ul style="list-style-type: none"> <li>○ species</li> <li>○ marine systems</li> <li>○ landscape</li> <li>○ cultural heritage</li> <li>○ scenery</li> <li>○ air quality;</li> </ul> <ul style="list-style-type: none"> <li>● demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;</li> <li>● promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;</li> <li>● accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and</li> <li>● contribute to the economic and social development of the community.</li> </ul> <p>Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:</p> <ul style="list-style-type: none"> <li>● conserve and enhance the character of the Highland area;</li> <li>● use resources efficiently;</li> <li>● minimise the environmental impact of development;</li> <li>● enhance the viability of Highland communities.</li> </ul> <p>Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.</p>	<p>the likely impacts to designated areas, and they did not object to the original planning applications (subject to conditions).</p> <ul style="list-style-type: none"> <li>● <b>Sensitive siting:</b> The sites are located just out with a National Scenic Area (NSA) and locally important Special Landscape Area (SLA). The Council and DPEA Appeal Reporters rejected the applications on landscape grounds. The Reporters stated that the impacts on landscape character and visual amenity, although localised, demonstrated a lack of sensitive siting in that they would unacceptably erode the special qualities of the SLA (and, for the proposed Flodigarry site, the NSA). The updated SLVIA predicts that significant landscape impacts will be limited to the coastline immediately adjacent to the proposed sites, with no significant effects on the NSA or special features of the NSA. The Applicant accepts that there will be localised significant effects on the SLA in relation to views from the infrequently used coastal footpath close to the sites but contends that they can be outweighed by the considerable social and economic benefits of this proposal within a HIE defined Fragile Area. See entry under NPF4 Policy 4c) and 4d) in Table 1 above, HwLDP Policy 61 below and Chapter 10 for further information (full SLVIA at Appendix 8).</li> <li>● <b>Safety and security:</b> The installation and management of fish farms entail an enhanced human presence in these remote coastal waters. All staff are trained in boat handling and first aid, thereby enhancing the safety and security of coastal users in this part of Skye.</li> <li>● <b>Equal opportunities:</b> The Applicant has an equal opportunities policy.</li> </ul>	

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<p>All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.</p> <p>In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.</p> <p>Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments.</p> <p>Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.</p>	<ul style="list-style-type: none"> <li> <b>Economic and social factors:</b> The proposals will contribute to the economic and social development of the community by providing 14 new jobs, supporting downstream industries and directly contributing towards community projects (£988,609 spent with 53 Skye businesses since 2019, £102,788 spent on community projects).                      The social and economic benefits arising from the original applications were not considered as material planning considerations by the Planning Authority and whilst both Reporters accepted there would be economic benefits from the proposals, they were unable to quantify what the net effect may be. The Applicant’s two South Sites have been operational for four years, and therefore the Company is able to justify and quantify its claims regarding the social and economic benefits of the proposals. Further information on socio-economic benefits is at outlined under Policy 36 and in Chapter 6 and Appendix 2.                 </li> </ul>	
<b>Policy 29 Design Quality and Place Making</b>		
<p>New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council’s Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals. ...</p>	<p>As far as possible, the location and orientation of the sites, layout of the cages and colour scheme and appearance of the top nets and feed barge have been designed to fit in with the surrounding landscape and views. Landscape impacts are considered under HwLDP Policy 61 and referenced in Policies 28, 36 and 57.</p>	<p>EIAR: Ch 10, App 8 NPF4: Policy 14 HwLDP: Policy 28</p>
<b>Policy 30 Physical Constraints</b>		

<b>Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading &amp; Policy Text</b>	<b>Summary of Advice / Feedback Received and Developer Comment</b>	<b>Cross Ref to EIAR &amp; other Policies</b>
Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance.	The proposed development is located within the marine environment and as such, is not within any areas of constraints as set out in Physical Constraints: Supplementary Guidance.	
<b>Policy 31 Developer Contributions</b>		
<p>For development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement as necessary. Other potential adverse impacts of any development proposal will normally be addressed by planning condition but may also require a contribution secured by agreement.</p> <p>The principles that guide the preparation of the Developer Contributions: Supplementary Guidance are:</p> <ul style="list-style-type: none"> <li>• Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the area local development plans or in terms of windfall development;</li> <li>• Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development;</li> <li>• Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment; <ul style="list-style-type: none"> <li>• Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.</li> </ul> </li> </ul>	<p>The proposals are for new offshore fish farms and as such are not creating a need for new or improved public services, facilities or infrastructure. The Applicant supports the initiative of Staffin Community Trust to upgrade Staffin Jetty.</p> <p>The developer is contributing to community development funds through the operation of its South Sites. Within the EIAR the Applicant has indicated that it would be willing to formalise this via a legal agreement if it facilitates a fairer examination of all the social, economic and environmental factors surrounding the planning applications for the North Sites.</p>	<p>EIAR: Ch 6, App 2 NPF4: Policies 25, 29 SNMP: GEN 2, AQUA 14 HwLDP: Policy 28</p>
<b>Policies 32-39 Sustainable Highland Communities:</b> Policies related to Affordable Housing, Houses in Multiple Occupation, Settlement Development Areas, Housing in the Countryside, Wider Countryside, Ageing Population, New Settlements and Gypsies / Travellers		
<b>Policy 36 Development in the Wider Countryside</b>		

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<p>Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:</p> <ul style="list-style-type: none"> <li>• are acceptable in terms of siting and design;</li> <li>• are sympathetic to existing patterns of development in the area;</li> <li>• are compatible with landscape character and capacity;</li> <li>• avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics;</li> <li>• avoid, where possible, the loss of locally important croft land; and</li> <li>• would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.</li> </ul> <p>Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands &amp; Islands Enterprise) in maintaining their population and services by helping to re-populate communities and strengthen services.</p> <p>Within Fragile Areas, proposals that will lead to the change of use or loss of a lifeline rural facility such as a village shop, whether or not that facility is outwith the settlement development area, will be required to provide information as why the facility/use is no longer feasible including evidence that</p>	<ul style="list-style-type: none"> <li>• <b>Siting and design:</b> The sites are located just out-with a NSA and LSA and as far as possible, the site location and orientation, pen layout and colour scheme and appearance of the top nets and feed barge have been designed to fit in with the surrounding landscape and views.</li> <li>• <b>Existing patterns of development:</b> The Highland Coastal Development Strategy (The Highland Council, 2010) classified this stretch of coastline as “undeveloped” (see entry under Policy 49 below).</li> <li>• <b>Landscape character and capacity:</b> The Council and both DPEA Reporters stated that the impacts on landscape character and visual amenity, although localised, demonstrated a lack of sensitive siting in that they would unacceptably erode the special qualities of the SLA (and, for the proposed Flodigarry site, the NSA). The Applicant has proposed further mitigation to address these concerns (outlined below under Policy 61), as well as provided evidence of the social and economic benefits of its proposals (below and in Policies 28 and 31).</li> <li>• <b>Incremental development:</b> The Council highlighted that the overall effect of the developments individually and cumulatively with the already consented fish farms to the south could adversely affect on the people, community, local businesses and local economy. If both North applications are granted, only three of the four sites would be operational at any one time. The Applicant contends that in this instance, the social and economic benefits associated with these proposals outweigh concerns related to incremental development.</li> <li>• <b>Croft land:</b> The proposals will have no impact on croft land.</li> </ul>	<p>EIAR: Ch 6, 10, App 2, 8 NPF4: Policies 4, 10, 14, 26, 29 SNMP: GEN 3, 7, 21 HwLDP: Policies 28, 29, 49, 50, 61</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<p>it has been marketed for that purpose at a reasonable price/rent for a minimum period of 3 months.</p> <p>Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance.</p> <p>All proposals should still accord with the other general policies of the plan.</p> <p>Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.</p>	<ul style="list-style-type: none"> <li>• <b>Drainage &amp; services:</b> The proposals do not include terrestrial works and as such, will have no impacts on drainage or other public services.</li> </ul> <p><b>Fragile Areas:</b> The sites lie within a ‘Fragile Area’ (Highland and Island Enterprise Fragile Areas in Highland 2015 Classification). If the applications are successful, the proposals will help to re-populate communities and strengthen services in North-East Skye. The Eilean Flodigarry Fish Farm Appeal Reporter stated that within a Fragile Area she considers that the value of jobs out with the tourism sector of particular importance as they would add to the diversity of the local economy and no doubt be of benefit to the community. The Balmacqueen Reporter also accepted that salmon farming has an important role to play in providing employment in rural areas and diversification to the economy of Skye.</p> <p>The downstream benefits of the Applicant’s two South Sites are considered above under Policy 28 (further details in Chapter 6 and Appendix 2).</p>	
<p><b>Policies 40-56 Delivering a Competitive, Sustainable, Adaptable Highland Economy:</b> Policies related to Retail, Business &amp; Industrial Land, Previously Used Land, Tourism, Tourist Accommodation, Communications Infrastructure, Siting &amp; Design of Communications Infrastructure, Crofting &amp; Agriculture, Crofting Townships, Coastal Development, Aquaculture, Trees &amp; Development, Principle of Development in Woodland, Minerals &amp; Soils, Accessibility &amp; Transport</p>		
<p><b>Policy 49 Coastal Development</b></p>		
<p>Development proposals for the coast or for installations in nearshore waters should, in both their location and their design, show consideration to the range of existing interests ensuring best use of resources taking account of existing and planned marine activities and development. Proposals should not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area.</p>	<p>The Highland Coastal Development Strategy (The Highland Council, 2010) states “Aquaculture is an important coastal industry for the Highlands, particularly in the larger, more sheltered west coast sea lochs and around Skye, where many small communities benefit from the employment and revenue it provides.” It classified this coastline as “undeveloped” and recommended that these areas should only be considered for development where the proposal can be expected to yield social and economic benefits sufficient to</p>	<p>EIAR: Ch 8-10, App 8 NPF4: Policies 10, 26 SNMP: GEN 7, AQUA 5</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<p>The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic views over open water: unless a coastal position is necessary, or if the effect would be a conflict with the existing settlement pattern. Where development on the coast is justified, opportunities for the development or reuse of previously used land and buildings should be considered in the first instance. The site should not be at risk from coastal erosion or flooding or cause an unacceptable impact as a result of natural coastal processes which it triggers or accentuates. In relation to medium or high flood risk areas: water-based uses and sub-sea cables may be acceptable; and essential infrastructure, which cannot be located elsewhere, may be acceptable, both subject to mitigation, as appropriate. EuroSION data should be consulted when determining whether natural coastal processes have potential to be an issue. Other important factors will be potential landscape impact, and effect on the setting of coastal communities. Consideration will be given to the potential for any proposal to result in coalescence. Proposals will be assessed against the requirements of the Highland Coastal Development Strategy: Supplementary Guidance.</p>	<p>outweigh any potential detrimental impact on the coastal environment.</p> <p>The Council and both DPEA Planning Appeal Reporters refused planning permission due to adverse localised visual impacts from the proposals, specifically focusing on the views out to sea from this part of the coastal fringe. Landscape impacts, the Reporters conclusions and further mitigation proposed by the Applicant to address these concerns are outlined under Policy 61 below.</p> <p>The Flodigarry Reporter stated that had she been minded to uphold the Appeal, she would have sought further information on two species (see text under Policy 58 below and NPF4 above), and both Reporters stated that remaining concerns in relation to noise and impacts on wild fish could be dealt with via appropriately worded planning conditions.</p> <p>The Applicant will work with relevant partners to agree appropriate conditions to ensure the proposed mitigation measures are delivered, see Chapter 12.</p>	<p>HwLDP: Policies 28, 36, 50, 61</p>
<b>Policy 50 Aquaculture</b>		
<p>The Council supports the sustainable development of fin-fish and shellfish farming subject to there being no significant adverse effect, directly, indirectly or cumulatively on:</p> <ul style="list-style-type: none"> <li>the natural, built and cultural heritage, taking into consideration:</li> </ul>	<p>Chapters 7-10 identify and assess the individual and cumulative impacts on the natural, built and cultural heritage, as well as existing activity in the area:</p> <ul style="list-style-type: none"> <li>landscape character, scenic and visual amenity: Chapter 10 (full SLVIA at Appendix 8);</li> </ul>	<p>EIAR: Ch 4-12 NPF4: Policies 4, 7, 10, 14, 23, 26, 29, 32 NMP: GEN 1-4, 6, 7, 9, 11-13, 15,</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<ul style="list-style-type: none"> <li>○ landscape character, scenic and visual amenity with reference to SNH commissioned report: landscape/seascape carrying capacity for aquaculture;</li> <li>○ the classification and objectives set out in the river basin management plan for the Scotland river basin district and supplementary area management plans;</li> <li>○ wild fish populations;</li> <li>○ biological carrying capacity;</li> <li>○ and cumulative benthic and water column impacts - for fin fish proposals support is conditional on proposals being consistent with Marine Scotland’s Locational Guidelines for the authorisation of Marine Fish Farms in Scottish Waters;</li> <li>○ habitats and species, including designated sites and protected species;</li> <li>● existing activity, taking into consideration: <ul style="list-style-type: none"> <li>○ commercial inshore fishing grounds;</li> <li>○ existing and consented aquaculture sites;</li> <li>○ established harbours and natural anchorages and navigation (including recreational);</li> <li>○ the location of existing/proposed pipelines/outfalls and discharge points for treated waste water and storm water.</li> </ul> </li> </ul> <p>All proposals will be subject to detailed assessment in these terms. Where proposals are located on a suitable site they will also need to show:</p> <ul style="list-style-type: none"> <li>● appropriate operational and site restoration arrangements (including management of noise and lighting impacts, public</li> </ul>	<ul style="list-style-type: none"> <li>● the classification and objectives set out in the river basin management plan (Chapter 7 Physical Environment);</li> <li>● wild fish populations (Chapter 8 Ecology);</li> <li>● biological carrying capacity and cumulative benthic and water column impacts (Chapter 7 Physical Environment);</li> <li>● habitats and species, including designated sites and protected species (Chapter 8 Ecology);</li> <li>● existing activity (Chapter 6 Human Population).</li> </ul> <p>These chapters show appropriate operational arrangements including management of noise and lighting impacts, public health and safety, and the effective control of pollution, fish farm escapes, predator interaction and disease; site restoration arrangements are covered in Chapter 11.</p> <p>Both sites have secured a CAR licence from SEPA, which means that impacts in relation to biological carrying capacity, the seabed and water column are considered to be within acceptable limits.</p> <p>The design of the farm pens, lines and associated facilities is set out in Chapter 4. The Applicant has considered SNH’s guidance “Marine aquaculture and the Landscape: The Siting and Design of Marine Aquaculture Developments in the Landscape” in its proposals.</p> <p>The Applicant is supporting Staffin Community Trust in its plans to upgrade the jetty and harbour facilities, which will enhance provision for other marine users including small fishing vessels and recreational activities such as sailing, kayaking etc.</p> <p>As stated above, the initial Planning Applications and Appeals were refused on localised landscape grounds. There were two issues where the Eilean Flodigarry Reporter stated that had she been minded to uphold the appeals she would have sought further</p>	<p>AQUA 3, 5-8, WILD FISH 1, TRANSPORT 1</p> <p>HwLDP: Policies 28, 36, 49, 57-61, 63, 72</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<p>health and safety, and the effective control of pollution, fish farm escapes, predator interaction and disease);</p> <ul style="list-style-type: none"> <li>• good design of cages, lines and associated facilities (please refer to Marine aquaculture and the Landscape: The Siting and Design of Marine Aquaculture Developments in the Landscape SNH);</li> <li>• that opportunities for shared use of jetties, piers and ancillary facilities are promoted where possible.</li> </ul>	<p>representations, which have been addressed in Chapter 8. No other reasons were given for refusal, which leads the Applicant to conclude that all other aspects of the proposals are acceptable in planning terms. The original Environmental Statements have been updated to comply with the 2017 EIA Regulations, and the original SLVIA updated to reflect the reduced number of pens and amended design for the current sites (Appendix 8). This is considered further under Policy 61 below.</p>	
<b>Policy 56 Travel</b>		
<p>Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:</p> <ul style="list-style-type: none"> <li>• be well served by the most sustainable modes of travel available in the locality from the outset, providing opportunity for modal shift from private car to more sustainable transport modes wherever possible, having regard to key travel desire lines;</li> <li>• in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;</li> <li>• be designed for the safety and convenience of all potential users;</li> <li>• incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads; and</li> </ul>	<p>The pens and equipment will be assembled in Kishorn and transported by sea to the sites. Once operational, the sites will be supplied by well boat from the fish hatchery at Gairloch, and salmon will be harvested by well boat and landed at a local port for example Kishorn, Ullapool or Lochinver which are well serviced by approved road links. Staff will access the sites on a daily basis by work boat from Staffin or Portree.</p> <p>Staffin Community Trust, with OSH support, is currently updating the Staffin jetty to improve marine access. The Trust plans to bring forward a proposal to erect a processing facility at Staffin. If this is forthcoming, associated road network impacts will be considered under this application.</p>	<p>EIAR: Ch 6 NMP: TRANSPORT 1 HwLDP: Policies 71, 72</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<ul style="list-style-type: none"> <li>incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.</li> </ul>		
<p><b>Policies 57-66 Safeguarding our Environment:</b> Policies related to the Natural, Built &amp; Cultural Heritage, Species &amp; Habitats, Landscape, Geodiversity, the Water Environment, Flooding, Waste Water Treatment &amp; Surface Water Drainage</p>		
<p><b>Policy 57 Natural, Built and Cultural Heritage</b></p>		
<p>All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:</p> <ol style="list-style-type: none"> <li>For features of <b>local/regional importance</b> we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.</li> <li>For features of <b>national importance</b> we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.</li> <li>For features of <b>international importance</b> developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not</li> </ol>	<p>SNH (now NatureScot), Historic Scotland and the Highland Council’s Archaeology Team provided EIA scoping advice including information on relevant features of local, national and international importance in 2017, which informed the Eilean Flodigarry and Balmacqueen Fish Farm Environmental Statements in 2019 and 2020.</p> <p>The Applicant has taken great care to ensure that its proposals will not have unacceptable impacts on the natural, built and cultural heritage.</p> <ul style="list-style-type: none"> <li><b>Internationally important sites:</b> The proposed developments are located within the Inner Hebrides and the Minches Special Area of Conservation (SAC), close to the River Kerry SAC, and within the foraging range of birds breeding at the Shiant Isles Special Protection Area (SPA) and Gannet SPAs further afield. Information on the how the Applicant has considered these internationally important sites and the species they protect is provided under the NPF4 Policy 4b) entry in Table 1 above, with further details and assessment of potential impacts (where appropriate) in Chapter 8 Ecology.</li> <li><b>Nationally important sites:</b> The proposed Eilean Flodigarry fish farm is located just out with the Trotternish National Scenic</li> </ul>	<p>EIAR: Ch 8 NPF4: Policies 3, 4, 7, 26e), 32 SNMP: GEN 6-9 HwLDP: Policies 28, 49, 50</p>

Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading & Policy Text	Summary of Advice / Feedback Received and Developer Comment	Cross Ref to EIAR & other Policies
<p>directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.</p> <p>Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.</p> <p>The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:</p> <ul style="list-style-type: none"> <li>• to provide mapping of wild areas;</li> <li>• to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;</li> <li>• to give advice on what an unacceptable impact is; and</li> <li>• to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.</li> </ul> <p>In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:</p>	<p>Area (NSA), and impacts on views from the NSA were considered in the original SLVIA. The Council and Planning Appeal Reporter refused planning permission due to adverse localised impacts from the proposals, including on seaward views from within the NSA. The feedback has led the Applicant to reduce the number of pens and redesign the proposed site to address these concerns. This is outlined under the NPF4 Policy 4c) entry in Table 1 above, with the landscape assessment at Chapter 10 and full SLVIA in Appendix 8.</p> <ul style="list-style-type: none"> <li>• <b>Locally/Regionally important sites:</b> The proposed sites lie just out with the Trotternish and Tianavaig Special Landscape Area (SLA). The initial proposals were refused planning permission from both the Council and the DPEA Reporters due to adverse localised visual impacts. The Applicant has proposed further mitigation to address these landscape concerns, detailed under HwLDP Policy 61 (Landscape) below, and under the NPF4 Policy 4d) entry in Table 1 above (assessment in Chapter 10, full SLVIA in Appendix 8).</li> <li>• <b>Wild Land:</b> The coast between Flodigarry and Balmacqueen is described as being of ‘moderate’ wildness in NatureScot’s maps of relative wildness. The proposed sites are not within or close to any areas identified as wild land in the NatureScot Wild Land Areas map.</li> <li>• <b>Built and Cultural Heritage:</b> There are no known features of marine cultural heritage of note within the proposed site areas at Eilean Flodigarry and Balmacqueen, and Historic Environment Scotland were content for it to be scoped out of the environmental assessment. Four coastal sites were identified as potential cultural heritage receptors at the initial scoping exercise. Whilst the proposals will have no physical</li> </ul>	

<b>Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading &amp; Policy Text</b>	<b>Summary of Advice / Feedback Received and Developer Comment</b>	<b>Cross Ref to EIAR &amp; other Policies</b>
<ul style="list-style-type: none"> <li>• Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;</li> <li>• It sets a proactive, consistent approach to the protection of the historic environment.</li> </ul>	<p>impacts on these sites, the effects on their setting was assessed and found to be non-significant. Please refer to the entry under NPF4 Policy 7a) and h) in Table 1 above for further information, with further details and an updated assessment at Chapter 9 Cultural Heritage.</p>	
<b>Policy 58 Protected Species</b>		
<p>Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.</p> <p>...</p>	<p>Protected species including harbour porpoise, other cetacean species and breeding seabirds were identified in the Environmental Statements (2019). Potential impacts were considered, and the proposal was not judged to have a detrimental impact on them, although the Applicant recognises that planning conditions may be required to protect gannets and wild fish. Further information is given under NPF4 Policy 4f) in Table 1 above, and in Chapter 8 Ecology.</p>	<p>EIAR: Ch 8 NPF4: Policies 3, 4, 26e), 32e) NMP: GEN 9, AQUA 7, 8 HwLDP: Policies 28, 50</p>
<b>Policy 59 Other Important Species</b>		
<p>The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:</p> <p>...</p>	<p>Staff on the Applicant’s South Sites keep a Wildlife Log of wildlife sightings, and regularly see birds, cetaceans and seals on or near the pens. Further information is at Chapter 8 Ecology.</p>	<p>EIAR: Ch 8 NPF4: Policies 3, 4, 26e), 32e) NMP: GEN 9, AQUA 7, 8 HwLDP: Policies 28, 50</p>
<b>Policy 60 Other Important Habitats and Article 10 Features</b>		
<p>The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora.</p>	<p>The effects of the proposed development on other important habitats and Article 10 features are outlined in Chapter 8 Ecology. The Applicant has proposed a habitat restoration partnership project on the Kilmartin to improve spawning habitat for salmon &amp;</p>	<p>EIAR: Ch 8 NPF4: Policies 3, 4, 26e), 32e)</p>

<b>Table 3: Highland wide Local Development Plan 2012 (HwLDP) Heading &amp; Policy Text</b>	<b>Summary of Advice / Feedback Received and Developer Comment</b>	<b>Cross Ref to EIAR &amp; other Policies</b>
<p>(Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.</p> <p>The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively: ...</p>	<p>trout. The project would aim to strengthen the Kilmartin nature network by improving the in-stream and riparian habitat for salmonids &amp; other priority freshwater species.</p>	<p>NMP: GEN 9, AQUA 7, 8 HwLDP: Policies 28, 50</p>
<b>Policy 61 Landscape</b>		
<p>New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.</p> <p>Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: "Sustainable Design". The key principles underlying this guidance are set out in Policy 28: Sustainable Design.</p>	<p>The sites are located just out-with the Trotternish National Scenic Area (NSA) and locally important Trotternish and Tianavaig Special Landscape Area (SLA). They were chosen to minimise any negative impacts on houses, gardens, recognised views and amenity sites.</p> <p>The Council and both SG Appeal Reporters rejected the original planning applications on landscape grounds. The Reporters stated that the impacts on landscape character and visual amenity, although localised, demonstrated a lack of sensitive siting in that they would unacceptably erode the special qualities of the SLA (and, for the proposed Flodigarry site, the NSA), which meant that the applications did not comply with Policies 28, 36, 50, 57 and 61 of the HwLDP.</p> <p>The Applicant accepts that the proposals will impact on the views out to sea from the coastal footpath close to the sites but contends that the path's poor condition and infrequent usage, combined with the sites location out-with the NSA and the further mitigation measures proposed, mean that the landscape impacts are confined to the locally important SLA and as such, can be outweighed by the considerable social and economic benefits of this proposal within a</p>	<p>EIAR: Ch 10, App 8 NPF4: Policies 4, 26e), 32 NMP: GEN 7, AQUA 5 HwLDP: Policies 28, 36, 49, 50, 57</p>

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	<p>HIE defined Fragile Area (see entry above under HwLDP Policies 28 (Sustainable Design) and 36 (Wider Countryside)).</p> <p>The Flodigarry Appeal Reporter further concluded that the proposal would unacceptably erode the landscape character, scenic setting and visual amenity of the community at Flodigarry Township, and that it would be insensitively and unacceptably sited in relation to its proximity to the setting of the Flodigarry Township and the adjacent offshore islands. The Applicant has amended the design and further reduced the number of pens to address concerns in relation to the visual impacts of the proposal on views from Flodigarry Township and the NSA. Revised visualisations have been provided for all relevant viewpoints (which were selected on a 'worst case scenario', most of the views from the township and the road are obscured by vegetation, landform and low visibility). The resulting effects were assessed in the updated SLVIA, which concluded that whilst there would be localised significant landscape effects, they would be confined to the coastline immediately adjacent to the proposed sites. Effects on the A855 corridor, the Flodigarry township and the NSA were assessed as non-significant (see Chapter 10 &amp; Appendix 8 for details).</p>	
<b>Policy 63 Water Environment</b>		
<p>The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints. (see Figure 8).</p>	<p>The Applicant is proposing a partnership-led habitat improvement project on the Kilmartin River which would help deliver the objectives of the Water Framework Directive in this area (see entries under HwLDP Policy 28 and 60 above, as well as NPF4 Policy 3a) in Table 1).</p>	<p>EIAR: Ch 8 NPF4: Policy 26e) NMP: GEN 12 HwLDP: Policy 50</p>

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<p><b>Policies 67-71 Sustainable Development and Climate Change:</b> Policies related to Renewable Energy Developments and Waste Management Facilities - Policies not considered as not relevant to aquaculture developments.</p>		
<p><b>Policy 72 Pollution</b></p>		
<p>Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.</p> <p>Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.</p> <p>Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council’s Guidance Note “Construction Environmental Management Process for Large Scale Projects” or a similar approach.</p>	<ul style="list-style-type: none"> <li>• <b>Noise:</b> The Applicant submitted a Noise Assessment with the 2019 planning applications for Eilean Flodigarry and Balmacqueen fish farms. The Highland Council Environmental Health Officer had no objections to the application subject to the inclusion of noise conditions to any consent. See entry under NPF4 Policy 23e) (Table 1 above) and National Marine Plan Policy GEN 13 (Table 2)).</li> <li>• <b>Air:</b> see entry under HwLDP Policy 73 below.</li> <li>• <b>Water:</b> The Water Quality impact of the proposed development is assessed by SEPA under the Controlled Activities Regulations (CAR). Both sites have been granted CAR licences. (see National Marine Plan Policy GEN 12).</li> <li>• <b>Light:</b> The SLVIA predicts that the proposals introduce the potential for night-time operations to occasionally have a high effect on the coastline immediately adjacent to the sites. However, the numbers who would be on the cliffs and coastal path or at sea during the periods of darkness are considered to be very low.</li> </ul>	<p>EIAR: Ch 7, 8 NPF4: Policies 23e), 23d), 26e) SNMP: GEN 12-14 HwLDP: Policies 50, 73</p>
<p><b>Policy 73 Air Quality</b></p>		
<p>Development proposals which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions, such as an Air Quality Assessment, ...</p>	<p>It is not considered that there will be any significant impact on air quality resulting from the proposed development.</p>	<p>EIAR: Ch 7 NPF4: Policy 23d) NMP: GEN 14 HwLDP: Policy 72</p>
<p><b>Policies 74-78 Healthier Highland:</b> Policies covering Green Networks, Open Space, Playing Fields &amp; Sports Pitches and Access to the Outdoors</p>		

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<b>Policy 77 Public Access</b>		
<p>Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:</p> <ul style="list-style-type: none"> <li>retain the existing path or water access point while maintaining or enhancing its amenity value; or</li> <li>ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.</li> </ul>	<p>The SLVIA assessed the effects on the four Core Paths within the Study Area as slight to negligible to none.</p> <p>The proposals will not interfere with the physical infrastructure or significantly impact on access associated with marine recreational activities.</p> <p>Indeed, the upgrade of the Staffin slipway and jetty undertaken by the Staffin Community Trust with funding and support from the Applicant will improve marine access to this part of Skye.</p>	<p>EIAR: Ch 6 NMP: REC &amp; TOURISM 1, 2 HwLDP: Policy 78</p>
<b>Policy 78 Long Distance Routes</b>		
<p>The Council, with its partners, will safeguard and seek to enhance long distance routes (as indicated on Figure 11), and their settings. Consideration will be given to developing/improving further strategic multi user routes both inland and along the coast with due regard to the impact on the Natural Heritage features along these routes.</p>	<p>The Balmacqueen Fish Farm Enquiry Reporter was keen to consider the visual impacts on the section of path between Balmacqueen and Flodigarry within the wider context of its inclusion as part of the Skye Trail. This section of the trail is not part of the Core Paths Network and is not well used, access is difficult as parts of the possible route either run close to the edge of a crumbling cliff or require travel through a field with cattle.</p>	<p>EIAR: Ch 6 NMP: REC &amp; TOURISM 2 HwLDP: Policy 77</p>

**Acronyms used in the above tables:**

- AQUA Aquaculture (NMP Policy reference)
- DPEA Department of Planning and Environment Appeals (Scottish Government)
- EIA Environmental Impact Assessment
- EIAR EIA Report
- ES Environmental Statement (now EIA Report under the 2017 EIA Regulations)
- HwLDP Highland-wide Local Development Plan
- NMP Scotland's National Marine Plan
- NPF4 National Planning Framework 4

PMF Priority Marine Feature  
R&T Recreation and Tourism (NMP Policy reference)  
SNH Scottish Natural Heritage (now NatureScot)  
WF Wild Fish (NMP Policy reference)