

Proposed Marine Salmon Farm at Balmacqueen

Scotlands National Marine Plan Summary of Policies Considered

April 2020

Scotlands National Marine Plan 2015

Summary of policies considered

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

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

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

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

provided lighting recommendations), and Defence Infrastructure Organisation (no response received) during November 2016. During this time proposals were discussed with the local Community through the Staffin Community Trust.

Formal Pre-application advice was sought from The Highland Council, Scottish Natural Heritage, Marine Scotland Science, Marine Scotland Licencing, Fish Health Inspectorate (including Freshwater Fisheries Lab). Scottish Environment Protection Agency, Northern Lighthouse Board, Skye District Salmon Fishery Board and Defence Infrastructure Organisation in January 2019. In addition other representative organisations were informed of the pre-app process, invited to attend the Open Days held in Staffin (15/02/19) and Kilmuir (16/02/19) and to comment and/or provide information as appropriate. These organisations included, but are not limited to, Mallaig and Northwest Fishermens Organisation, Royal Yachting Association (Scotland), RSPB Scotland.

Full details of the pre-application process undertaken were submitted in support of the Planning application.

SEA FISHERIES

NMP POLICY

FISHERIES 3: 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 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. The content of the Strategy should be relevant to the particular circumstances and could include:

- An assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socioeconomic terms and in terms of environmental sustainability.
- A recognition that the disruption to existing fishing opportunities/activity should be minimised as far as possible.
- Reasonable measures to mitigate any constraints which the proposed development or use may place on existing or proposed fishing activity.
- 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.

CONSIDERATION AND COMMENT

Impact on Commercial Fishing was considered during the preparation of planning submissions

Fishermens Organisations were invited to comment on proposals during our pre-application consultation in early 2019. Based on agreement with the Scottish White Fish Producers Association, its Liaison Officer was contacted in January 2019, advised of the pre-application consultation. They were sent plans and a supporting information document covering this site and the proposed site at Balmacqueen. SWFPA was asked to share the information within its organisation/membership, and asked to provide its views in terms of the Town and Country Planning process and its role in other licencing/regulation processes in which it has remit, we also offered opportunity for meeting and suggested that track plots could be provided in confidence specifying data requirements. Finally, we made the organisation aware of the open days in Staffin and Kilmuir and invited attendance. The response received was that notifications had been circulated to MNWFA & SWFPA members and most don't have any comments (yet). They can always change their minds, but I don't expect a lot of feedback on these farms. I've also let them know about the meeting dates, so you might see a few of them there.

The open day held in Staffin was attended by local stattic gear fishermen but we are not aware of any mobile gear fishermen having attended on this occasion.

As part of the assessment of other marine activities taking place on the site OSH purchased AIS datasets covering the area, within this data incidence of trawling/dredging activity within the site area was very low with the focus of fishing activity seaward of the sites

Creel fishing is known to take place shoreward of and to the south end of the proposed site area. OSH has engaged with local creel fishermen thoughout the process of site selection.

It is not considered that the proposed development will have any significant adverse impact on the area of fishing grounds available to the commercial fishing activities. The proposed development may, however, offer additional employment opportunities for qualified skippers and crews and, in the future, proposed re-development of Staffin Jetty by Staffin Community

	Trust may provide additional poor weather shelter for fishing vessels improving fishing opportunities in the area.
FISHERIES 4: Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port or harbour developments should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. Where a port or harbour has reached a minimum level of infrastructure required to support a viable fishing fleet, there should be a presumption in favour of maintaining this infrastructure, provided there is an ongoing requirement for it to remain in place and that it continues to be fit for purpose.	

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

where other management options are precluded or have proven unsuccessful in deterrence.	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
proven unsuccessful in deterrence.	life. These measures are set out in the Environmental Statement accompanying the planning
	application and were considered in the Councils preparation of the planning report for the site.
ACHACHITUDE O. Composition and linearing with suiting	
AQUACULTURE 9: Consenting and licensing authorities	This Policy is directed at consenting and licencing authorities.
should be satisfied that appropriate emergency response	
plans are in place.	
AQUACULTURE 10: Operators should carry out preapplication discussion and consultation, and engage with	This policy duplicates policy GEN 18
local communities and others who may be affected, to	Organic Sea Harvest undertook informal consultation with several public bodies during its initial
identify and, where possible, address any concerns in	site selection process, this included meetings involving Scottish Natural Heritage and the
advance of submitting an application.	Highland Council during 2015, meetings with the Crown Estate prior to seeking Lease Option
	Agreements during August 2016. Email contact was made with Northern Lighthouse Board, and
	Defence Infrastructure Organisation during November 2016. During this time proposals were
	discussed with the local Community through the Staffin Community Trust.
	OSH undertook advertised local Pre-application during February 2019, this included public drop
	in sessions in Staffin and Kilmuir. At these open days there were poster presentations, video
	displays and opportunity to speak to company directors about the proposals.
	Formal Pre-application advice was sought from The Highland Council, Scottish Natural Heritage,
	Marine Scotland Science, Marine Scotland Licencing, Fish Health Inspectorate (including
	Freshwater Fisheries Lab). Scottish Environment Protection Agency, Northern Lighthouse Board, Skye District Salmon Fishery Board and Defence Infrastructure Organisation. In addition other
	representative organisations were informed of the pre-app process, invited to attend the Open
	Day and to comment and/or provide information as appropriate. These organisations included,
	but are not limited to, Mallaig and Northwest Fishermens Association and Royal Yachting
	Association (Scotland).
	Full details of the pre-application process undertaken were submitted in support of the
	Planning application and are duplicated in support of this Licence application.
AQUACULTURE 11: Aquaculture equipment, including but	Equipment has been specified and supplied in accordance with the Scottish Technical Standard.
not limited to installations, facilities, moorings, pens and	It is certified as fit for purpose by the supplier/manufacturer.

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.	
AQUACULTURE 12: Applications which promote the use of	Organic Sea Harvest intends, in the medium to long term, to utilise farmed cleaner fish on site if
sustainable biological controls for sea lice (such as farmed	necessary. It is not anticipated that supply of farmed lumpsucker to the site will present any
wrasse) will be encouraged.	difficulties. It is recognised that there are, at present, bottlenecks in the supply of farmed wrasse
	so it may be necessary to utilise wild caught wrasse on the site.
	The use of cleaner fish was considered in determining the planning application for the site.
AQUACULTURE 13: Proposals that contribute to the	At this stage the project proposes to farm Salmon and there are no plans for diversification into
diversification of farmed species will be supported, subject	other species.
to other objectives and policies being satisfied.	
AQUACULTURE 14: The Scottish Government, aquaculture	This policy duplicates the provisions of policies GEN 2 and 3.
companies and Local Authorities should work together to	
maximise benefit to communities from aquaculture	The proposed development is part of an ambitious project which seeks to develop four sites in
development.	the vicinity of Staffin. The long term aim is that local Social and Economic Benefit will be realised
	through increased employment opportunities for Staffin, Trotternish and the wider area of the
	Isle of Skye, direct income to the Staffin Area will be made through production based payments
	to Community Funds.
	The overall project seeks to assist Staffin Community Trust in redeveloping the area around
	Staffin Jetty to allow for harvested fish to be landed to the pier and to increase the security of
	the Jetty for other marine uses including fishing, marine tourism, and visiting vessels.

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

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

REC & TOURISM 6: Codes of practice for invasive non-native species and Marine Wildlife Watching should be complied with.

Whilst this policy is directed at Recreation and Tourism Operators, Organic Sea Harvest intends to undertake staff training to ensure that boat movements are compatible with the provisions of Marine Wildlife Watching Codes of Practice to seek to mitigate the impacts of the development and on-site operations on wildlife.

SHIPPING, PORTS, HARBOURS AND FERRIES

NMP POLICY

TRANSPORT 1: 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:

- 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.
- Where interference is likely, whether reasonable alternatives can be identified.
- 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.

CONSIDERATION AND COMMENT

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 OSH does not consider that there will be any difficulty in making vessel operators aware of on site activities.

It is intended that large vessel operations and deliveries to the site will take place from Kishorn Port. The additional custom for the port will help to maintain employment opportunities in Highland.

The proposed development is distant from any ferry routes.

DEFENCE

NMP POLICY

DEFENCE 1: To maintain operational effectiveness in Scottish waters used by the armed services, development and use will be managed in these areas:

- 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.
- Firing Danger Areas: Development of new permanent infrastructure is unlikely to be compatible with the use of Firing Danger Areas by the MOD. Permitted activities may have temporal restrictions imposed. Proposals for development and use should be discussed with the MOD at an early stage in the process.
- •Within Exercise Areas, activities may be subject to temporal restrictions. Development and use that either individually or cumulatively obstructs or otherwise prevents the defence activities supported by an exercise area may not be permitted. Proposals for development and use should be discussed with the MOD at an early stage in the process.
- Communications: Navigations and surveillance including radar: Development and use which causes unacceptable interference with radar and other systems necessary for national defence may be prohibited if mitigation cannot be determined. Proposals for development and use should be discussed with the MOD at an early stage in the process.

CONSIDERATION AND COMMENT

Organic Sea Harvest included Defence Infrastructure Organisation in its pre-application consultations in February 2019. No response was received.

In common with much of Scotlands coastline the proposed development area is located within a military exercise area (in this case the site is located within Area X5733, Flodigarry).

Scotlands National Marine Plan – Policies not considered

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

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

Sea Fisheries (FISHERIES 1, 2 and 5)

Aquaculture (AQUACULTURE 1, 2 and 4)

Recreation and Tourism (REC AND TOURISM 4 and 5)

Oil and Gas (All Policies)

Carbon Capture and Storage (CCS) (All Policies)

Offshore Wind and Marine Renewable Energy (All Policies)

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

Submarine Cables (All Policies)

Defence (Policies 2-3)

Aggregates (All Polices)