

Application for Marine Fish Farm Planning Permission

Town and Country Planning (Scotland) Acts

1. Applicant Name and Address

Please enter the Applicant Details, including full name and title. Please also enter the house name or number and full address including full postcode.

If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf), all correspondence, including the decision letter, will be sent to him/her.

2. Agent Name and Address

Please enter the Agent Details, including full name and title. Please also enter the business/house name or number and full address including full postcode.

If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf), all correspondence, including the decision letter, will be sent to him/her.

3. Location of Proposed Development

Please ensure that you give a clear indication of the fish farm site/equipment site (a map showing its position will be required as part of the application). The proposed location should also be specified with a 6-figure Ordnance Survey grid reference for the centre of the site and with the latitude/longitude positions of the external corners or edges. All applications should provide these locations for the sea bed site mooring containment position along with the surface area site location.

You should submit location plans, admiralty charts and a site plan, showing at least one named feature (eg a bay, point, island, or settlement). The application site must be edged clearly with a red line on the location plans and site plan. All plans must be to a metric scale, include a scale bar and north point, and any figured dimensions given in metres.

4. Type of Application

There are four types of application that can be made:

- **New site** – development of a previously undeveloped site or a new use on the site i.e. shellfish to finfish or vice versa.
- **Change of use** – a development which involve a change in the species that will be farmed on site, i.e. Salmon to Cod.
- **Alterations/Extension to existing site** – development which involves a changes in the layout of the site; changes to cage sizes or changes to the equipment (e.g. feed barges, top nets) used on the site.
- **Variation or removal of condition** - This should be used to make an application for the removal or variation of a condition following the grant of planning permission

If there has been a previous planning permission on the site please provide full details of the most recent planning application including the reference number and date the application. Detail on any other application on the site would also be useful. Please supply this on a separate sheet of paper if necessary.

If the site has received consents previously from the Crown Estate, or by the Scottish Ministers full details of these consents should be supplied.

4a. Species

Please specify the type of development i.e. finfish or shellfish, and provide details of the species of finfish (e.g. Salmon) or shellfish (e.g. mussels) to be farmed on the site.

5. Description of Proposal

Please describe the proposal accurately and concisely. Provide full details of all the proposed works: equipment, moorings and uses proposed. Tick only the boxes that are proposed for this development (e.g. if you are changing from square to circular cages, you should indicate this fully in the description and tick only the circular cages box).

If work has already started on site, provide details along with a full explanation of the reason for works being undertaken prior to an application being made.

6. Development Area

Please enter the area in hectares and square metres of the surface area of the development. Also, provide the area in hectares and square metres of the mooring containment area.

Sites with a surface area of 2 hectares or above are considered as major developments. Such developments require to be accompanied by a pre-application consultation report together with a design statement.

The applicant is required to give the local authority at least 12 weeks notice prior to submitting an application for a major development.

Further details on pre- application consultations and design statements can be obtained from your local planning authority or from the following web links:

- pre application consultations - <http://www.scotland.gov.uk/Publications/2009/07/03153034/5>
- design statements - <http://www.scotland.gov.uk/Publications/2009/07/03153034/6>

If the application site is 2 hectares or above and you have not notified the planning authority of the proposal and carried out the pre-application consultations in accordance with requirements set down by legislation, you should contact the planning authority to discuss the requirements prior to progressing further with your application.

7. Equipment

7a. Primary Equipment

Please identify in detail the main pieces of equipment which will be taken onto the site for the proposal; these sections should be completed by all applicants. The location of equipment should be clearly identified on the plans which will form part of your application.

7b. Ancillary Equipment

You must also provide details of all the ancillary equipment that is needed on site to facilitate the main development. Please only include equipment which has not already been described in the section above.

8. Production Information

Please indicate the maximum stocked biomass for the site in tonnes. Also, provide details of the maximum biomass production level during the production cycle (tonnes) along with the proposed months over which the production cycle will occur.

9. Operation of Facility/Landing/Serviceing.

New sites: All new sites will require to provide these details, each section should be completed in full. If a new shored based facility is required, this should preferably be covered by a separate planning application, please contact the Planning Department to discuss this further. Although single application for both the off shore and onshore elements of the development can be accepted, different procedures are required to be followed, which is why it is recommended that separate applications are submitted.

Extension to existing sites: If it is an extension to an existing site you should indicate this, and indicate how or if this will affect the previous approved operational/landing or servicing details for the facility.

10. Supporting Information

Supporting information gives the applicant the opportunity to provide as much information as possible; this information can help assist the process, if the application is supported by an Environmental Statement(ES) you may wish to provide references within each section of part 10 of the form to the relevant part of the ES rather than completing each section . The section has been broken up into sections relating to rotational use of the site, management of the area (these can include informal or formal agreements/practices that are being used in the area of water which associated with the application site), containment and disease control, control methods for predatory wildlife, employment and cessation of operations information on all these area are likely to be helpful in considering finfish development. Additional information that is useful to our consultees relates to nutrient enhancement calculations, benthic impact, water column and assimilative capacity. Applicants are recommended to include this information if it is available to enable them to fully assess the proposal. Shellfish applications should complete where relevant. If additional space is required please add it as an attachment to your application.

11. Discharges

Finfish aquaculture developments require to obtain a licence under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). These regulations are managed by SEPA. If a license has been approved please provide details of the date of the approval and the maximum biomass production approved. Further details can be found on SEPA's website at http://www.sepa.org.uk/water/water_regulation/regimes/aquaculture/marine_aquaculture.aspx

Shellfish developments are excluded from these requirements

12. Water Quality

If a report has been prepared on water quality at the site this information should be supplied as part of this application.

Shellfish developments should provide details of the status of the water in relation to microbiological qualities.

13. Environmental Assessments

Environmental Impact Assessment (EIA) is a study based on expert professional opinion which gives a detailed assessment of a particular development and its impact upon the social and physical environment of the surrounding area. All planning applications for finfish proposals (new and amended sites) will be assessed to establish if the proposal will require an Environmental Impact Assessment (EIA). Applicants are encouraged to consult planning staff as early as possible when considering their proposals so that informal views can be provided and advice on whether an EIA will be required. A 4-month period is allowed for local planning authorities to consider planning applications where an EIA is required. Shellfish farm applications currently do not require an EIA.

Screening Opinion- If you are unsure whether an EIA is required for a proposal, you can request a "screening opinion", which requires the planning authority to issue a formal determination. Screening opinions are required for new sites or extended sites which exceed 100 tonnes biomass, have a surface equipment area of 1,000 sq.m. or more, or are sited in sensitive areas.

Scoping Opinion- If you realise an EIA is required, but you want assurance of its required content, you can request a "scoping opinion". This requires the planning authority to issue a formal determination on what the EIA should contain.

You should refer to the local authority or Scottish Government websites on aquaculture for further guidance on EIA and the submission of requests for screening and scoping advice from the planning authority.

14. Pre-application Discussion

The local authority will be able to offer pre-application discussions before a formal application is submitted in order to assist applicants through the process. This can minimise delays later in processing the application. Pre-application discussions can also help you and the planning authority identify areas of concern about your proposed development. The advice and guidance given to you at the pre-application stage is given in good faith. However, it does not guarantee or supply a definitive undertaking as to whether your proposal is likely to be acceptable.

If you have received pre-application advice from the planning department please indicate the reference/date of any correspondence and the name of the officer. If you do not know these details then please state '*Unknown*'.

15. Planning Service Employee/Elected Member Interest

You must declare whether the applicant/applicant's spouse or partner is a member of the council's planning staff, an elected member of the Council, or a close relation to somebody in one of these categories. This is to ensure that the planning process is open and transparent.

For the purposes of this question, 'close relative' means closely related, by birth or otherwise (marriage/partners and families of etc).

16. Certificate of Ownership (this includes seabed)

You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. However, if you do not own the land (seabed) to which the application relates, you are legally required to give notice of the making of the planning application to the owner and to any agricultural tenant of the land (seabed). You must complete the appropriate Certificate of Ownership for your application to be validated by the planning authority. It should be noted that for nearly all marine aquaculture applications the "landowner" would be the Crown Estate and notice would therefore be served on them.

Sections;

a) In terms of Regulation 15 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008, an owner is defined as any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

b) In the Agricultural Holdings (Scotland) Act 1991, the expression "Agricultural Holding" means the aggregate of the agricultural land comprised in a lease, not being a lease under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord.

Checklist

- **Fee**

A fee is required to cover the cost of processing the application. The fee for all finfish and shellfish is to be calculated in the following way:

- £145 for each 0.1 hectare of the surface area of the water to be used in the placement or assembly of any equipment.
- £50 for each 0.1 hectare of the seabed subject to a maximum of £14,500 (site area is deemed to be the area of the seabed enclosed by the anchor/mooring points using imaginary straight lines).
- £319 for the making of a material change in the use of equipment placed or assembled in marine waters for the purpose of fish farming.

The fee calculations should be based on the seabed and surface area calculations provided in section 6 of this form.

The local planning authority is required by legislation to publish in the local press an advert for marine aquaculture planning applications. The cost of this advertisement must be met by the applicant and is currently fixed at £110.

Further adverts are required to be published for EIA applications. Advertisement giving notice of submission of an EIA must be made in the local press and the Edinburgh Gazette whilst a decision notice must also be published in the local paper once an EIA application is determined, with the cost of the former being met by the applicant.

The appropriate fee is required to be submitted at the same time as the application.

If you have any queries regarding the fee, please contact your local Planning Office for further advice.

- **Plans –**
 - **Location Plan with application site (mooring containment area) outlined in red:** at a scale of 1:10,000 or 1:25,000 showing a north point. For avoidance of doubt, the application site is the seabed area enclosed by the equipment mooring
 - **Admiralty Chart extract –** this should include details of the known water depth, reduced to chart datum at:
 - a) Each corner of the proposed equipment;
 - b) Each extremity of the area to be occupied by moorings;
 - c) The position of least depth within the area occupied by the moorings;
 - d) Location of each mooring; and
 - d) The mid-point of the site
Please quote positions in degrees, minutes and seconds in the following format: 60° 23' 51.828" N, -1° 4' 20.820" W (WGS84), along with the relevant ordnance Survey Grid reference, correct to at least six figures for example, NT 253 736.
 - **Site Plan/block plan with application site (mooring containment area) outlined in red:** at a scale of 1:500 showing a north point. The plan should show the boundaries of the site and accurately show the location of all the equipment proposed. Plans for alteration or extensions to existing sites should show both existing and proposed equipment, clearly indicating existing and proposed equipment. The site plan should also give a 6-figure Ordnance Survey grid reference for the centre of the site along with the latitude/longitude positions of the external corners or edges.
 - **Plans, and sections of all equipment (primary and ancillary).** Shall be submitted as part of the application these should be at a scale of no less than 1:100 and provided full and accurate details of all equipment (cages/cultivating equipment, moorings and all ancillary equipment).
- **Photographs and/or photomontages:** These can provide a useful aid to the planning process particularly in visually sensitive sites. However, they are not required in all instances. Where the local authority has specified a need for them (eg in a scoping opinion) its requirements in relation to viewpoint, perspective, content etc should be followed carefully. Seabed photos can also provide useful information, particularly in a sensitive location where underwater archaeology or biodiversity may be an issue.
- **Other:** If you have other information that may assist the planning process, please include details within the box and attach the information to your application.
- **Environmental Statement:** An Environmental Statement should be submitted with any application for development that requires an Environmental Impact Assessment. The Environmental Statement (ES) aims to provide information on the environmental impact of the proposed development. The ES should address the predicted positive and negative impacts on the environment during the construction and operation of the development. Useful information can be found in the "Environmental Impact Assessment Practical Guideline Toolkit For Marine Fish Farming" <http://www.sarf.org.uk/Project%20Final%20Reports/SARF024%20-%20Final%20Reports%20and%20Templates/EIA%20Guidelines%20FINAL+%20Templates.pdf>
- **Landscape and Visual Impact Assessment (LVIA):** LVIA is required for all applications requiring an EIA and may be required for other aquaculture development were landscape impact is a particular issue. The LVIA will provide an assessment of the changes that will occur to the seascape/landscape due to the proposed development. It can show the measures that have been taken to minimise the impact of the development on the seascape/landscape. Visual Impact Assessment should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessments. Other useful information can be found in the SNH publication *Marine Aquaculture and the Landscape: The siting and design of marine aquaculture developments in the landscape* www.snh.org.uk/publications/online/heritagemanagement/aquaculture/. Reference should be made to any landscape/seascape capacity study that may have been undertaken for the area of the proposed development.

If you are unclear if your development requires an Environmental Statement or a Landscape and Visual Impact Assessment, please discuss the matter with a planning officer prior to submitting your application.

- **Design Statement:** Required for all new applications within a National Scenic Area, World Heritage Site or within the site of a Scheduled Monument, this requirement does not apply to variation or modifications to fish farms. In addition, any application which covers a surface area of 2 hectares or above is considered a major development and therefore requires a design statement.

See section 6 above for more details on design statements.

Details on National Scenic Areas can be obtained from Scottish Natural Heritage website: <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-areas/>

Details on World Heritage Sites and Scheduled Monuments can be obtained from Planning Authorities or Historic Scotland

- **Pre-application consultation report:** If the surface area of the proposed development site is 2 hectares or more, it is considered to be a major development. All such applications require notification to the planning authority 12 weeks prior to their submission. During this period the applicant is required to undertake an agreed form of consultation with the community. Following on from this a report has to be prepared and submitted with the application. See section 6 for more details.

Declaration

Please ensure you sign and date your application.

Notes

Please note that your application cannot be registered if the application form is not completed/signed and accompanied by the correct fee.

The local authority and Scottish Government web pages on aquaculture provide useful information and links to relevant guidance and other controls covering aquaculture.

What happens next?

On receipt of your application, it will be checked to ensure the forms have been completed correctly, the planning fee has been paid and the required plans and information have been submitted. If however it is found that the application is not complete, it cannot be processed; we will write and inform you of what is required to complete the application. When the application is complete, you will receive an acknowledgement letter.

You should expect a decision within 2 months of the application being made complete (4 months for an application with an environmental statement). You can contact the Planning Department if you wish to know the progress of your application.

If the planning authority refuses permission for your proposals, you will either have a right to appeal the decision to the Scottish Ministers or request a review of the decision by the planning authority (local review body) within 3 month of the decision depending on how the application was determined. Full details of what process you need to follow, and how to proceed with an appeal or request a review will be provided on the decision notice.