



Association of  
Salmon Fishery Boards



## Comments on 'Outer Hebrides Local Development Plan - Draft Supplementary Guidance: Marine Fish Farming' November 2011

### Introduction

The Association of Salmon Fishery Boards is the representative body for Scotland's 41 District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), which have a statutory responsibility to protect and improve salmon and sea trout fisheries. The Association and Boards work to create the environment in which sustainable fisheries for salmon and sea trout can be enjoyed. Conservation of fish stocks, and the habitats on which they depend, is essential and many DSFBs operate riparian habitat enhancement schemes and have voluntarily adopted 'catch and release' practices, which in some cases are made mandatory by the introduction of Salmon Conservation Regulations. ASFB creates policies that seek where possible to protect wider biodiversity and our environment as well as enhancing the economic benefits for our rural economy that result from angling. An analysis completed in 2004 demonstrated that freshwater angling in Scotland results in the Scottish economy producing over £100 million worth of annual output, which supports around 2,800 jobs and generates nearly £50million in wages and self-employment into Scottish households, most of which are in rural areas.

Formed in 2005, Rivers and Fisheries Trusts of Scotland (RAFTS) is an independent freshwater conservation charity representing Scotland's national network of 24 rivers and fisheries Trusts and Foundations. Our members work across over 90% of Scotland's freshwaters to protect and develop our native fish stocks and populations by undertaking a range of activities including freshwater, river habitat restoration, fish and fisheries monitoring, research and education programmes. RAFTS is the membership organisation of the fisheries and rivers trusts operating in Scotland and is, itself, a charity and company limited by guarantee.

We welcome the opportunity to comment on the Draft Supplementary Guidance for Marine Fish Farming as part of the Outer Hebrides Local Development Plan. As organisations with a national remit we do not possess the necessary local knowledge to comment in detail on the area-specific aspects of this consultation. Therefore, in addition to our general comments below, we would like to specifically endorse the response made by our respective members, the Outer Hebrides Fisheries Trust (OHFT) and the Western Isles District Salmon Fisheries Board (WIDSFB).

Any over-arching development policy needs to take into account many factors, including potential impacts on wild fisheries. Whilst the Draft Supplementary Guidance is designed to deal with development of the aquaculture industry, we feel that it is vital that the CnES, as planning authority, also include details of current consented fin fish sites, both operational and dormant. Including this information would allow consultees to better understand the current status of aquaculture development within the area, and show how certain potential 'constraints' or 'sensitive' areas have affected development in the past. It would also help set the underlying context for the document.

### Specific comments

*Q1: Do you agree with the Comhairle's proposed approach? If not, tell us why along with any suggested alternative*

We agree with the Comhairle's proposed approach.

### **Spatial Strategy Policy 1: Areas for Potential Growth**

We recognise the principle that there is a need to identify areas for potential growth. We support the footnote on Page 5 which recognises that any such growth would require detailed modelling and investigation on a case by case basis. This point is perhaps better made in SPP22, which states:

*'Both sensitive and potential development areas should not be regarded as rigid demarcations. There may be areas within each where, depending on strong supporting information, development can or cannot be justified or considered acceptable.'*

The Rivers and Fisheries Trusts of Scotland (RAFTS) 'Aquaculture: Managing Interactions' project will support the proposed requirements across the West Coast where, using a risk based analysis of both the wild fishery and aquaculture sites, it will identify sensitive sites where aquaculture development might be expected to have an impact on wild salmonid populations. In addition, the project will identify sites where it may be appropriate to promote aquaculture development.

As stated above, we are not in a position to comment in detail on the specific geographical areas identified in the consultation document. However, we endorse the position of OHFT and WIDSFB that undeveloped areas adjacent to wild salmonid populations should be established as 'Sensitive' or 'Firebreak' areas. In addition, where relocation of sites from sensitive areas is not an option, existing biomass in 'Sensitive' areas should be capped due to the 'value or sensitivity' of the nearby fisheries.

It should be noted that the protection of areas for wild fishery interests is of great importance as recovery or restoration schemes at the population level remain largely untested. The causal mechanisms for salmon and sea trout population decline are not fully understood. But it should be clear that maintenance of a healthy population is much more viable than recovery of a depleted population.

It would be useful to include in this document details of the current levels of aquaculture production, and dormant sites. The database developed for the RAFTS 'Aquaculture: Managing Interactions' project will include all sites with active licences whether farmed or dormant. This information will be displayed in an electronic mapping format.

### **Spatial Strategy Policy 2: Areas of Potential Constraint**

**Q2: Do you agree with Areas of Potential Constraint identified in Policy 2? If not, tell us why and suggest alternative areas.**

We are supportive of a spatial strategy to marine fish farm development, allowing the identification of both 'no go' areas and areas for potential development for aquaculture. The identification of such 'no go' areas will provide 'fire breaks' between management areas, in the event of any major disease or parasite infestations. It will also allow us to monitor and better understand the interaction between wild salmonids and aquaculture.

As stated by the OHFT/WIDSFB, the areas identified are not necessarily the most 'valuable' or 'sensitive' in terms of wild fishery interests. These suggestions were based on identifying areas that are not already subject to aquaculture activity and protecting them in the best way possible.

We would seek more information on the inclusion of a 2km buffer for 'freshwater and coastal fisheries'. From a fish fishery perspective we would question the basis and validity for this figure. Indeed, Gillibrand & Willis (2007) produced a general sea lice dispersal model that showed that infective sea lice levels peaked 7 to 12km seawards of the source. Gargan et al, 2003 have shown a statistically significant relationship between lice infestation on wild sea trout and distance to the nearest salmon farm, with highest infestations and variation in infestation at sites less than 20km from farms. Initial analyses of results from a long term study of sea lice on post-smolt sea trout from the West Coast of Scotland have shown similar results. However, it is clear that site specific factors such as prevailing wind and currents, and local topography can have a large impact on the direction and distance of lice dispersal (Amundrud &

Murray 2009). On that basis, if a buffer strip is to be applied we would propose that it should be set at a distance of 10-20km.

Again, we have not provided any comments with regard to the specific geographical areas identified in the consultation document. We would emphasise our support for the OHFT/WIDSFB response.

### **Spatial Strategy policy 3: Sensitive Areas**

Q3: Do you agree with the approach used to identify the Sensitive Areas in Policy 3? If not, tell us why and suggest alternative areas

We are concerned with the omission of the North Harris SAC from this section, which lists Atlantic salmon as a qualifying feature and Pearl Mussel as a primary feature. Any significant impacts on salmon populations may also have a knock on effect on pearl mussels as they rely entirely on host fish, salmon and sea trout to complete their lifecycle.

We believe that the wording in this section should be altered to reflect the recommendations of Scottish Planning Policy SPP22 – that there should be a presumption against development in these areas:

*'Sensitive areas are areas that are unlikely to be appropriate for fish farm development or further fish farm development. There is a presumption against development within these areas because they are of specific environmental, scenic or ecological importance or because these areas lie within controlled areas or that fish farming development would conflict with other uses or potential uses which are considered more appropriate and beneficial'.*

Again we feel that the plan should include information on the current consented sites, this would allow for a better understanding of how potential 'sensitive areas' have been dealt with in the past.

### **Development policies**

#### **2: Water Quality and Benthic Impact**

This policy should make specific reference to cumulative/ in combination impacts associated with existing developments in the area.

#### **3: Other Marine Interests**

We welcome the specific reference to OHFT here and would emphasise the importance of pre-application discussion of proposals. Our understanding is that this is something that has rarely happened in the past and has led to a number of avoidable conflicts. Whilst we recognise that there is no legal requirement to do this, it is a requirement of the industry protocol issued through ISLAD<sup>1</sup> (part of the Ministerial Group on Aquaculture) and we understand that this protocol will be referenced in the code of good practice (the document commits the industry to ensuring comprehensive pre-application activity).

#### **6: Cumulative Impact**

We believe that any assessment of cumulative impact must include interaction with wild salmonids. The ability of a company or several companies to effectively manage the interaction between a number of sites and between these sites and wild salmonids is crucial. This aspect of cumulative impact appears to have been specifically omitted from this section.

It is also imperative that cumulative water body biomass and benthic performance in a water body where there are several farms is taken into account by the CnES at the planning stage. This measure is an indication of whether the sites as they exist are performing appropriately or causing widespread environmental detriment.

---

<sup>1</sup> [http://www.scottishsalmon.co.uk/userFiles/826/Planning\\_Protocol\\_1-4-11.pdf](http://www.scottishsalmon.co.uk/userFiles/826/Planning_Protocol_1-4-11.pdf)

#### Appendix A:

Carrying Capacity - We would argue that the carrying capacity of a sea loch or area of coastline is dependent on a much greater range of indices other than nutrient enhancement and benthic impact. We believe that some further clarity is required to accompany the maps associated with this section. Whilst it is stated that the assessment is *on the grounds of carrying capacity assessment alone* it is somewhat incongruous that, for example, Loch Roag (which sits at the mouth of the Loch Langavat SAC for Atlantic salmon) should be in the top category for having the potential for additional carrying capacity. Clearly, any application for a new site, or for additional biomass in an existing site would require an appropriate assessment prior to any further permitted development. This particular issue perhaps reflects a wider need for integration between the various sections of the document.

#### 3: Natural Heritage

Please see our comment above regarding the omission of the North Harris SAC.

Please see also our comment above regarding appropriate assessment. We understand that the WIDFSB and OHFT are unaware of any Appropriate Assessments that have been carried out for either of the SACs for Atlantic salmon in the recent past, relating to Atlantic salmon. The Habitats Directive lists Salmon as a *"species of community interest whose conservation requires the designation of Special Areas of Conservation"* (SAC). In an SAC, member states have to take measures to maintain or restore the listed species and such measures may need to be implemented outside the SAC. Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 deals with the assessment of implications for a European site. It states:

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
- (a) **is likely to** have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of the site,
- shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

In addition, Scottish Planning Policy SPP22: Planning for Fish Farming states that:

*'Special Protection Areas ( SPAs) and Special Areas of Conservation ( SACs) are designated under the EC Birds and Habitats Directives respectively and together form a network of protected sites across the EU known as "Natura 2000". Particular procedures must be applied when planning authorities consider any proposals that might affect such sites. Any proposed development which is likely to have a significant effect on the interests for which a Natura site is designated must be subject to an appropriate assessment. If this assessment cannot demonstrate that the proposal will not adversely affect the integrity of the site it should only proceed in very exceptional circumstances. It should also be recognised that significant effects on Natura sites may arise from development proposals located outside protected sites and any such proposals must be treated in the same way'.*

This statement clearly put the onus on the developer to clearly demonstrate that 'the proposal will not adversely affect the integrity of the site'. Marine fish farming has the potential to significantly affect wild salmonids and therefore we strongly believe that an Appropriate Assessment is required for any aquaculture development in the areas surrounding the Langavat and North Harris SACs.

#### 5: Potential conflicts with other users/resources

We are concerned that the plan appears to focus solely on the economic value of game fishing as an industry. This industry is only viable when healthy populations of wild fish are present, and therefore the importance and maintenance of wild salmonid populations is key if sustainable industries such as game angling are to thrive locally. The Outer Hebrides contain some of the most iconic salmon and sea trout fisheries in Scotland, but also some unique and robust fish populations. Unlike other areas on the West

Coast of Scotland the Outer Hebrides contains a number of sea trout populations that appear to be improving. Such populations need to be protected from anthropogenic risks, in order that they can continue to support a sustainable local industry.

As detailed above RAFTS is running a project that will produce locational guidelines and zones of sensitivity to wild fish in relation to fish farming. This projects aims to produce a database to be used by Trusts and Boards (and potentially other stakeholders) when responding to aquaculture planning applications. This will allow Boards to respond with an evidenced based risk assessment on each application, with risk weighting relating to a number of factors considered. This project is funded by Scottish Government and will produce an important tool to be used by Fishery Boards, and possibly other agencies when responding to Aquaculture planning applications in the future.

**For further information please contact:**

Alan Wells | Policy & Planning Director  
Tel: 0131 272 2797 | Email: alan@asfb.org.uk

Callum Sinclair | Director  
Tel: 0131 272 2797 | Email: callum@rafts.org.uk