

Delivering Planning Reform for Aquaculture



February 2010
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DELIVERING PLANNING REFORM FOR AQUACULTURE

JOINT MINISTERIAL FOREWORD



The aquaculture industry makes a major contribution to the economy of Scotland providing vital employment in rural and remote areas of Scotland. It was estimated that, in 2008, the farm gate value of the output of the aquaculture industry was £367 Million. An opportunity has been identified by the industry for further growth over the next five years, increasing their market share and providing more much needed employment in the process. The Scottish Government needs to ensure that there are no unnecessary barriers to impede that growth.

We established the Aquaculture Planning Taskforce to prepare a document setting out ways in which the planning service could be improved for aquaculture, with both high level commitments from public bodies and others, including from the industry, and specific actions and targets. We are very pleased to endorse and publish the *Delivering Planning Reform for Aquaculture* document submitted to us by the Taskforce. We believe that the commitments and actions in this document will lead to an improved and streamlined planning service, giving confidence to industry to invest in Scotland. This supplements the important work being taken forward under the renewed Strategic Framework for Scottish Aquaculture, led by the Minister for Environment, to ensure a rounded package of measures for a sustainable and thriving aquaculture industry.

We have asked the Taskforce to remain in place to monitor and report to us on the delivery of the overall objective. This is an important element to ensure effective delivery. We would like to thank the Taskforce for its commitment and comprehensive approach in preparing this document.

A handwritten signature in black ink, appearing to read 'John Swinney'.

JOHN SWINNEY MSP
Cabinet Secretary for
Finance and Sustainable Growth

A handwritten signature in black ink, appearing to read 'R. Cunningham'.

ROSEANNA CUNNINGHAM MSP
Minister for Environment

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BACKGROUND AND CONTEXT

Aquaculture

In 1980 only 9% of seafood consumed by people around the world came from fish and shellfish farming. Now, aquaculture accounts for over 50% of the world's consumption and is recognised as a major global industry.

Exports of Scottish farmed salmon have increased by 500% in the last twenty years and the global retail value has exceeded £1 billion.¹ In the European Union (EU) alone it is estimated that fish consumption will grow by a minimum 0.5% per year for the next thirty years. Therefore, the need for an increase in production has emerged as an EU priority.

In addition, leading European producer organisations have forecast that the global market for Atlantic salmon will have an undersupply as the output from Chile has declined and further reductions are predicted. Production in Chile is not forecast to return to previous levels until 2015 and given the ever increasing consumer demand, a significant undersupply of Atlantic salmon is forecast.

Whilst continuing to emphasise quality, health, provenance and environmental sustainability, there is a scope for the sustainable growth of Scottish fin fish and shellfish industry to capitalise on the predicted increase in market demand.

There is also a need to minimise disease risks to the Scottish industry so that the market opportunities that are evident are not compromised. For example, the opportunity for sustainable growth in the next 5 years for Salmon may equate to an ex farm value of £152 million and a potential of 400 new jobs.

Overarching Commitment

All parties will work in partnership to deliver and implement the commitments in this document in order to realise the growth potential of aquaculture for Scotland and capture its economic opportunities, on a socially and environmentally sustainable basis.

Planning Reform

The Scottish Government sees a reformed planning system as essential to increasing sustainable economic growth in Scotland. Important changes have been made to planning in Scotland and a new system of marine planning is to be introduced in legislation currently before the Scottish Parliament. However legislation on its own will not deliver the improvements that are needed. Over a number of months the Scottish Government and its agencies have been working with the Convention of Scottish Local Authorities and the aquaculture industry to look at how they can jointly improve the current planning system for aquaculture. This document sets out what each party will do and how they will work together to refine the existing planning system. The document does not however deal with matters beyond the scope of the planning system.

¹ Authoritative and detailed trade statistics from Business & Trade Statistics Ltd, 2009

The main benefits from improving efficiency in the planning system, as it relates to aquaculture, will be:

- up to date development plans that provide the industry and communities with greater certainty;
- improved planning applications and Environmental Statements that will help to speed up response times from the public sector;
- a more streamlined statutory consultation process;
- greater understanding and co-operation across the public and private sector;
- partnerships between stakeholders to deliver better developments in the right places - and more efficiently; and
- improvements in the openness and transparency of the process.

These changes will be taken forward while retaining the fundamental purpose of the existing planning system - to secure through democratic means development and change that is consistent with the long-term public and community interest. Development Plans, and marine plans as they develop, will also continue to support the delivery of single outcome agreements between the Scottish Government and local authorities, and will provide for sustainable decisions on aquaculture developments having taken into consideration Scotland's waters and shorelines, the health of wild salmonid stocks, biodiversity, and the quality, recreational and tourism values of coastal landscapes.

STATEMENT OF SHARED OBJECTIVES

This document sets out a shared intention to improve the existing Town and Country planning system as it relates to aquaculture. The foundations of the new system were laid in the Planning etc. (Scotland) Act 2006 and the shared objectives for a modernised aquaculture planning system are:

Development Planning

- An effective planning system and well-conceived development proposals which increase the sustainable economic growth of aquaculture for Scotland
- The aquaculture industry engages more fully in Development Plan preparation
- Statutory consultees co-operate with planning authorities in preparing Development Plans
- The new generation of Development Plans are robust and well-informed and give aquaculture developers and communities a greater degree of certainty.

Case Handling

- The aquaculture sectors ensure comprehensive pre-application activity and high quality applications.
- Statutory consultees focus on planning applications where most value can be added, providing proportionate responses and adopting a solution-orientated approach
- Effective procedures are put in place by planning authorities, statutory consultees and industry to ensure that applications are considered timeously to assist with the opportunity identified for sustainable economic growth

Co-operation, Collaboration and Alignment

- All stakeholders will, individually and collectively, identify and tackle any inefficiency that exists.
- All stakeholders collaborate in developing improved efficiency, clarifying roles and responsibilities, avoiding duplication, ensuring requirements for information and analysis are proportionate.
- The public sector works together more effectively.
- Statutory consultees proactively engage to maintain the quality of Scotland's environment on which the aquaculture industry depends

JOINT ACTIONS

Joint action by all stakeholders will result in an aquaculture planning system where: policies are proportionate, practical and informed by early and wide engagement; advice is clear and consistent; processes are effective and efficient; skills are developed, and performance monitored and improved.

The joint actions below will help put a sharper focus and increased pace behind change. These actions will be monitored and refined as we continue to look to secure ongoing improvements in the way the planning system deals with aquaculture.

The agreed actions are:

Proportionate and Practical Planning Policies

The Scottish Government will continue with the programme to rationalise the Scottish Planning Policy (SPP) series and will ensure planning policy is fit for purpose in terms of anticipated growth in the aquaculture sector.

The Scottish Government will work with Local Government to raise awareness of the contribution planning reform can make to sustainable growth in the aquaculture sector. Support will be given to authorities wishing to develop new and innovative policy approaches. Agencies, consultees and the industry will participate actively in new and innovative programmes of work.

Every five years, planning authorities will produce Development Plans that will provide a sound basis for supporting future aquaculture development. If necessary, detailed issues may be addressed through supplementary guidance or within the development management process. Each local authority will ensure that it has an appropriate up-to-date policy context for aquaculture, either adopted or in its Development Plan. The policy will be proportionate to the scale of development expected. During the preparation of Main Issues Reports local authorities will clearly address their preferred approach to aquaculture. Aquaculture framework plans or multi-sectoral coastal plans will also help to provide an effective policy basis for planning decisions where a wide range of competing interests exist.

Agencies will support planning authorities in the new approach to Development Plans by providing, where information exists, map-based advice on potential opportunities for aquaculture development. Once the Development Plan is adopted by the planning authority, agencies will support its implementation. The forthcoming changes in the Marine Bill will have implications for spatial planning, particularly at the regional level, and consideration will need to be given in due course as to how best to align regional plans and Local Development Plans.

Clear and Consistent Planning Advice

The Scottish Government will scale back the amount of planning advice and instead focus future advice on key principles, allowing local solutions to be developed. The Scottish Government will continue to play an active role in disseminating good practice to local authorities most directly affected. Planning authorities, agencies and the industry will be expected actively to participate, sharing experience, advice and good practice.

All statutory consultees will continue to reform approaches to planning casework focusing on:

- greater upstream engagement and pre-application discussions
- closer alignment between statutory consultees, including joint training and good practice events
- adjustment and alignment of style and format of responses
- commitment to constructive and helpful approaches in dealing with relevant stakeholders

Effective and Efficient Planning Processes

Industry groups will work with their members to improve the quality of applications, by developing an application completeness checklist. They will ensure all members use the screening/scoping templates, reducing the need for repeat consultations with agencies or other consultees over missing or incomplete information. This will enable faster decision making by planning authorities.

The agencies and/or consultees will ensure that the level of information they require of the aquaculture sector is clear, proportionate and in line with agreed protocols. This will include identifying the scope for a more joined-up approach between the agencies and joint guidance and advice for the aquaculture sector.

Where applicable, agencies will consider if improvements can be made to area office liaison and to developing single points of contact over policy, information and interaction with aquaculture expertise.

Developing Skills and Improving Performance

All parties will look at ways to improve skills and performance. In particular, agencies will assist planning authorities further to develop staff skills so that they ensure that proportionate reliance is placed on agency input. Agencies will also identify any areas where the industry is not providing appropriate information and will engage with the industry representatives to address information needs.

Planning authorities will aim to ensure that their planning service is given sufficient priority and resource to support the sustainable growth of the sector. In addition, authorities will consider the scope for new more efficient ways of delivering planning services for aquaculture. COSLA will work with the Scottish Government to ensure that planning services within local authorities are adequately resourced to meet the challenges set out in this document.

Local authorities will specify improvements to their service in respect of aquaculture in their annual improvement plans submitted to the Scottish Government. Planning authorities will also ensure aquaculture is part of discussion at local forums to consider the quality of their planning service.

DELIVERING SPECIFIC ACTIONS

Sub-groups have been set up under the Ministerial Group on Aquaculture to deliver the objectives of the Strategic Framework for Scottish Aquaculture. The Licensing sub-group will oversee the delivery and monitoring of the following specific actions.

- By January 2010, SNH, SEPA and MS will notify planning authorities of the central co-ordination contact for all aquaculture planning applications.
- From February 2010, the EIA templates for screening/scoping and environmental statements will be used by all statutory consultees and will be recognised as a process by the consultees and the local authorities that will ensure smooth and efficient communication amongst themselves on planning applications in line with agreed protocols. The Scottish Government will ensure its internal consultation arrangements and information requirements are proportionate and demonstrate efficient transfer of information.
- By March 2010, the SSPO will bring forward proposals for a pre-application protocol or code of conduct for all developments. Local authorities will be offered input into the preparation of the protocol. The industry will engage in pre-application consultation in a consistent manner and will have pre-application discussion with local authorities and where appropriate, statutory consultees for all new planning applications from March 2010.
- By March 2010, the SSPO will appoint a liaison resource (Development Liaison Officer) to work with local authorities and consultees to ensure that all parties are aware of the changing circumstances and technical innovations in the industry. This role will also ensure that the industry is informed about the operations of local authorities and consultees, and any changes affecting the industry from a planning perspective. The role will assist in streamlining the planning process and will avoid duplication of effort wherever possible.
- By March 2010, SEPA will develop planning guidance on aquaculture to support SEPA staff in assessing aquaculture planning consultations, stressing the new modernised planning approach of providing prompt solution-orientated proportionate advice and help inform developers on how we assess aquaculture proposals.
- By March 2010, the statutory consultees will work together to agree a protocol for their roles in order to deal effectively and efficiently with aquaculture applications. Planning authorities will input to that process and its subsequent review. The protocol will aim to remove duplication and provide greater clarity on where agencies should be consulted. Key outcomes will be clarification on information requirements, more proportionate consultation, and clarification on issues that are controlled by planning.
- By March 2010, the Scottish Government will set out the timescales for the 'Audit and Review' process for historical developments and industry groups will ensure that this information is communicated to all their members.

- Before April 2010, the local authorities with significant existing aquaculture development will hold a meeting to share experience and agree an annual programme of joint work. Annual meetings will be funded by the Planning Development Programme. This work will address policy models, development management approaches, procedures, consistency of planning conditions, the Audit and Review process, interpretation of regulations (including consensus between planning authorities on fee levels), and joint approaches to a single application form and other published information. The first meeting will be held in partnership with the Scottish Government. Outcomes will be clearly communicated to the industry.
- By April 2010, planning authorities will review their planning applications and, in consultation with industry and others, consider the scope for implementing a model planning application form.
- By April 2010, the Scottish Government will review and then clarify the impacts of the planning 'hierarchy' on applications for planning permission in the aquaculture sector.
- By April 2010, the Scottish Government will review the main EIA screening/scoping template to see what further scope there is to slim it down without losing the core elements.
- By April 2010, the Scottish Government will conclude research into EIA thresholds, Permitted Development Rights and classes of use for aquaculture. Following this, the Scottish Government will consider any changes. Any proposal for change will be the subject of public consultation.
- By April 2010, SNH will increase staffing to assist with consultations, internal guidance and staff training. In terms of internal guidance and staff training, SNH will initially focus on developing approaches to predator control, jointly with industry and deliver aquaculture training and casework guidance to SNH staff.
- Commencing in April 2010, the SSPO will provide a rolling programme of guidance and work in support of its members to ensure the adoption of best practice in aquaculture development procedures in terms of pre-application discussion, pre-application consultation and the provision of required information in formal applications.
- From April 2010, in order that performance is monitored across Scotland, the Scottish Government will ensure that the future performance information sought from local authorities on planning matters will include information on aquaculture developments. It will also ensure that all responses from Marine Scotland meet statutory timetables.
- By May 2010, all agencies, planning authorities and the Scottish Government will ensure that their webpages on aquaculture planning are updated and by that time consideration will also be given as to how co-ordination of information can be achieved.
- By June 2010, public agencies will review their internal quality control and quality assurance arrangements to meet the commitments in this document.

- By June 2010, the Scottish Government, planning authorities, and consultees will consider the role of processing agreements for aquaculture planning applications.
- By June 2010, the Scottish Government will provide guidance on a checklist of the minimum information that is required to support a planning application for a new farm or a change to an existing farm. This will ensure that all essential information for the planning authority and the statutory agencies is requested from the applicant at the start of the application process. To ensure adequacy and quality of information, applicants will be expected to provide all data and information likely to be required by all statutory bodies at the start of the process.
- By July 2010, the SSPO and other industry groups, the Scottish Government and its agencies and COSLA/relevant local authorities will develop and deliver a training module or training workshop to ensure all regulators are fully aware of how their work integrates and that industry is aware of the information required by regulators and of the assessment processes used by them.
- By November 2010, the Scottish Government will review the structure and levels of planning application fees.
- By December 2010, any changes to EIA thresholds and PDRs will be implemented.
- By December 2010, SEPA, in consultation with the industry, will have determined the potential for DEPOMOD to predict impact from farms over 2500 tonnes biomass and depending on the outcome of this work, SEPA will have identified alternative approaches where DEPOMOD is considered to be unreliable. SEPA will also investigate, with MS and others, processes for speeding up and simplifying the rationalisation of small sites into larger sites where appropriate, the revised modelling tools will be likely to be useful in connection with this work.
- By April 2011, SNH will revise its published guidance 'Marine Aquaculture and the Landscape: the siting and design of marine aquaculture developments in the landscape' with specific consultation with local authorities and the industry. That guidance will clarify the implications of NSAs for aquaculture development proposals and the need for design statements and guidance on their content. The guidance will give advice on feed barges, ancillary gear, and colour schemes for shellfish farm surface buoys which will be clearly communicated to the aquaculture industry. In turn, industry will communicate preferred colours of equipment to manufacturers to ensure that the colours of equipment can be sourced.
- By April 2011, SNH will produce indicative nature conservation sensitivity maps for aquaculture. These will support the preparation of Local Development Plans by identifying, where information exists, areas in which wildlife may be sensitive to aquaculture developments. At the same time, Marine Scotland will communicate to planning authorities and industry which areas that should be kept clear of fin fish development to ensure appropriate delineation between management areas.
- By April 2011, alongside their wider landscape work, SNH will co-ordinate 2 landscape capacity studies, focused on areas agreed with industry and the relevant local authorities.

REVIEW

The publication of this statement does not signify the end of a programme of work. The actions and commitments will be kept under review by the Cabinet Secretary for Finance and Sustainable Growth, the Minister for Environment, COSLA and Chairs/Chief Executives of the Agencies. The Aquaculture Planning Task Force will continue to play a role in monitoring delivery of the high level commitments, reporting to Ministers where there is need to amend this document. In particular the programme of work will be reviewed to take account of the impact of the introduction of a new marine planning system for Scotland, when legislation currently before the Scottish Parliament comes into effect in 2010.

Progress on delivering the specific actions will be reported through the Licensing sub-group on a six monthly basis to the Ministerial Group on Aquaculture.



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ISBN: 978-0-7559-7823-6

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Edinburgh
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Produced for the Scottish Government by RR Donnelley
B63695 02/10

Published by the Scottish Government, February 2010

www.scotland.gov.uk