Strategic Environmental Assessment of Supplementary Guidance Aquaculture (2017)

Appendix A: Plans, programmes and strategies (PPS) and other documents that are relevant to SG Aquaculture, including their environmental objectives

Environmental requirements of PPS	How it affects or is affected by SG Aquaculture
BIODIVERSITY, FAUNA and FLORA	
The Nature Conservation (Scotland) Act 2004 introduced the 'biodiversity duty' - a 'duty to further the conservation of biodiversity' - for all public bodies, and sets out more specific provisions within this (e.g. for SSSIs). It also required the preparation of a Scottish Biodiversity Strategy to which all public bodies should pay regard, as well as a Scottish Biodiversity List of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. The purpose of the list is to help public bodies carry out their Biodiversity Duty by identifying the species and habitats which are the highest priority for biodiversity conservation in Scotland.	As a public body, Orkney Islands Council has a duty, " <i>in</i> <i>exercising any functions, to further the conservation of</i> <i>biodiversity so far as it is consistent with the proper exercise of</i> <i>those functions.</i> " This duty must be reflected in SG Aquaculture and in development management decisions.
Scottish Planning Policy 2014, paragraphs 193 to 218, require the planning system to:	
 facilitate positive change while maintaining and enhancing distinctive landscape character; conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural 	

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 processes which provide important services to communities; promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way; 	The SG should set out the natural heritage factors which must be taken into account in planning for aquaculture. These
The Conservation of Wild Birds Directive (79/409/EEC) is the EU's oldest piece of nature legislation. Known as the Birds Directive it protects all wild birds (together with their nests and eggs) and their associated habitats.	 include: Internationally, nationally and locally designated sites; the requirement for aquaculture proposals to undergo a
The Conservation of Natural Habitats and of Wild Fauna and Flora Directive (92/43/EEC), more commonly known as the Habitats Directive was adopted in 1992 to protect natural habitats and certain species of wild plants and animals.	 Habitats Regulations Appraisal where the likelihood of significant effects on a Natura site cannot be ruled out; Species that are protected by legislation, including cetaceans and otters which are classed as European
Together these Directives established a commitment to designating a network of sites known as Natura 2000 sites. Special Protected Areas (SPA) are designated under the Birds Directive and Special Areas of Conservation (SAC) are designated under the Habitats Directive.	 Protected Species and species such as seals which are protected through the Marine (Scotland) Act 2010;' conservation of the wider biodiversity, and the protection of priority habitats and species outwith designated areas:
The Convention on Wetlands of International Importance 1971 (amended 1982 and 1987) emphasizes the special value of wetland, particularly as a key habitat for waterfowl. The Convention resulted in the designation of sites known as Ramsar Sites for management and conservation at an international level. All Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest.	areas; International and national natural heritage designations should be illustrated through an indicative Map, (including potential SPAs and SACs), distinguishing clearly between international and national sites.
Part 1 of the Wildlife and Countryside Act 1981 details a large number of offences in relation to the killing and taking of wild birds, other animals and plants. A number of Schedules are attached which categorise species. This means that the degree of protection afforded varies according to which Schedule a species is listed on. The Act applies to the terrestrial environment	The SG should also highlight the need for wider biodiversity interests to be taken into account in planning decisions.

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and inshore waters (0-12 nautical miles).	
The Marine (Scotland) Act 2010 establishes a new power for Marine Protected Areas (MPAs) in the seas around Scotland, to recognise features of national importance and to meet international commitments for developing a network of MPAs.	
The Act allows for three different types of MPAs to be set up:	
Nature Conservation MPAs	
Demonstration and Research MPAs	
Historic MPAs	
The 2010 Act also introduced improved protection for seals.	
Article 6 of the UN Convention on Biological Diversity (1992) (commonly known as the Rio Convention requires that all parties to the Convention develop national biodiversity strategies, plans or programmes, and that they seek to integrate the provisions of these across other policy sectors.	
Targets set internationally to preserve biodiversity by 2010 were missed. This led to the UN Convention on Biological Diversity setting new targets for 2020, the ' Aichi Targets' (2010). The new international targets call for a step change in efforts to halt the loss of biodiversity and to restore essential services that a healthy natural environment provides.	
Scotland's Biodiversity It's in Your Hands (2004) , the Scottish Biodiversity Strategy, aims to ' <i>conserve biodiversity for the health, enjoyment and wellbeing of the people of Scotland, now and in the future</i> ' and sets out a vision for 2030 as well as objectives and desired outcomes. The 2020 Challenge for Scotland's Biodiversity is a supplement to the Scottish	

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Biodiversity Strategy and focuses on desired outcomes for 2020. It responds to the new international targets, and updates some elements of the 2004 document.	
The Orkney Local Biodiversity Action Plan (2002) along with further versions of the Plan published in 2008 and 2013, each targeting action for 10 habitats identifies actions which can be taken locally, and which make a contribution to the conservation of those species and habitats identified as being "at risk" or "threatened" in the UK as a whole.	
Assisting in the development and implementation of the LBAP is the Orkney Environmental Strategy (2013) which is a sub-strategy of the Orkney Community Plan.	
The UK National Ecosystem Assessment (2011) (UKNEA) provides the first objective analysis of the benefits of the environment for nature itself, society and economic prosperity. Examples include the provision of fish and other seafood from the marine environment.	The guidance set out in SG Aquaculture should be consistent with the Ecosystems Approach.
GEOLOGY	·
The Nature Conservancy Council's publication Orkney Localities of Geological and Geomorphological Importance (1978) provides information on the distribution and extent of important geological and geomorphological sites in Orkney.	The SG should:
	 identify geodiversity designations, distinguishing clearly between national sites and sites of more local importance;
A number of geological and geomorphological sites in Orkney are nationally designated whilst others are locally important.	 make reference to the Local Development Plan policy for the protection of nationally and locally important geological and geomorphological sites.

Environmental requirements of PPS	How it affects or is affected by SG Aquaculture
WATER	The SG should be compatible with the objectives of the Water
The Water Framework Directive 2000/60/ EC provides an overarching strategy for the aquatic environment, including a requirement for EU Member States to ensure that they achieve 'good ecological status' by 2015.	Framework and the WEWS Act. The SG should make reference to the CAR Regulations and
The Water Environment and Water Services (Scotland) Act 2003 (The WEWS Act) transposes the Water Framework Directive into the Scottish context. Aims to protect the water environment including by ensuring a reliable and high quality supply of water, reducing groundwater pollution significantly, and protecting marine and other waters.	SEPA's role in the aquaculture licensing and consenting process.
The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) sets out the process by which activities which have the potential to affect the water environment are regulated.	
The objectives of the following are to ensure a very high water quality standard:	Within Orkney coastal waters only one area, the Bay of Firth is designated as a Shellfish Growing Area (SGA).
The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013	The Bay of Firth SWPA is not currently stocked; however it should continue to be identified in SG Aquaculture.
 EC Directive 91/492/EEC on the health Conditions for the Production and the Placing on the Market of Live Bivalve Molluscs; 	

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The River Basin Management Plan (RBMP) 2009-2015 for the Scotland river basin district (RBD) and supplementary area management plans outline water improvement plans for the period 2009–2015.	River Basin Management Planning sets water quality objectives requiring all water bodies to achieve good ecological status with no deterioration in current status.
The River Basin Management Plan 2015-2021 for the Scotland river basin district outline water improvement plans for the period 2015-2021.	The SG should support these objectives by preventing or minimising adverse impacts on the water environment.
The OSPAR Convention for the Protection of the Marine Environment of the North-east Atlantic (1992) is the current legal instrument guiding international cooperation on the protection of the marine environment of the North-East Atlantic. Its mission is <i>"to conserve marine ecosystems and safeguard human health in the North-East Atlantic by preventing and eliminating pollution; by protecting the marine environment from the adverse effects of human activities; and by contributing to the sustainable use of the seas."</i>	Threats to the marine environment which are of particular relevance to the LDP include nutrient enrichment (eutrophication), e.g. resulting from the discharge of foul water drainage to the sea; and litter. The LDP should identify and seek to minimise the cumulative effects of developments on the coastal and marine environment and its ecosystems.
Produced by Fisheries Research Services, the Scottish Environment Protection Agency and Scottish Natural Heritage, Scotland's Seas: Towards understanding their State (2008) includes contextual information and an initial data inventory which informed the development of the Scottish Marine Act.	
The Marine (Scotland) Act (2010) provides a framework which will help balance competing demands on Scotland's seas. It introduces a duty to protect and enhance the marine environment and includes measures to help boost economic investment and growth in areas such as marine renewables.	The SG should contribute towards meeting the requirements which are set out in the Marine (Scotland) Act.
 Key measures include: A new marine planning framework so that increasing use of the seas 	SPP 2014, paragraph 87 requires the planning system to support an integrated approach to coastal planning to ensure that development plans and regional marine plans are

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for energy, fishing, aquaculture, recreation and other purposes is well managed;	complementary.
 New Marine Planning Partnerships which will involve local agencies, communities and stakeholders to ensure a strong local voice; 	The SG should be compatible with the objectives of Scotland's National Marine Plan and should integrate with the Pentland
 A simpler licensing system to reduce the administrative burden and cut bureaucracy reducing business costs in key growth areas such as renewable energy; 	Firth and Orkney Waters Marine Spatial Plan.
 Improved marine natural and cultural heritage conservation to safeguard and protect Scotland's unique habitats, wildlife and marine archaeology and wrecks; and 	The LDP and SG Aquaculture should make positive provision for aquaculture developments. Marine Scotland's locational policies should be taken into account when identifying areas
 Full regulation of seal management giving improved protection for seals and a new comprehensive licence system. 	potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. The
The Marine Policy Statement was published jointly by all the UK Administrations in 2011. It sets a vision for the whole UK marine area and provides a framework for preparing marine plans, including economic, social and environmental considerations which need to be taken into account and	SG should provide explain the purpose of the Locational Guidelines and should indicate the boundaries of any category 1, 2 or 3 waters in the Orkney area
strategic policy objectives for key marine sectors. It also makes a presumption in favour of sustainable development in the marine planning	The SG should set out the issues that will be
area.	considered when assessing specific proposals, which could include:
Planning Scotland's Seas Scotland's National Marine Plan (2015) covers both Scottish inshore waters (to 12 nautical miles) and offshore waters (12 to	 impacts on, and benefits for, local communities;
200 nautical miles). The Government's aim is that the Scottish marine planning system should promote development and activities that support	 economic benefits of the sustainable development of the aquaculture industry;
sustainable economic growth. Planning Scotland's Seas, Marine Planning Circular 2013 explains the	 landscape, seascape and visual impact;
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relationship between the marine and terrestrial planning systems, including related regimes such as marine licensing and consenting for offshore energy	 biological carrying capacity;
generation, port and harbour development and aquaculture	 effects on coastal and marine species (including wild salmonids) and habitats;
The Pentland Firth and Orkney Waters Marine Spatial Plan was adopted in Spring 2016.	 impacts on the historic environment and the sea or loch bed;
Scottish Planning Policy 2014, paragraphs 249-253 requires the planning system to:	 interaction with other users of the marine environment (including commercial fisheries
 Play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable; 	 Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
 Guide development to coastal locations that best suit industry needs with due regard to the marine environment; 	 cumulative effects on all of the above factors.
 Maintain a presumption against further marine fish farm developments on the north and east coasts to safeguard migratory fish species 	
A Fresh Start, the renewed Strategic Framework for the Aquaculture Industry (Marine Scotland, 2009) sets out a vision and guiding principles for the aquaculture industry in Scotland and describes the economic, environmental, social and stewardship aspects of the overarching principle of sustainability to which it had regard in developing the document.	
Locational Guidelines: Marine Fish Farms in Scottish Waters Identifies Category 1, 2 and 3 areas, designated on the basis of Marine Scotland Science (MSS) predictive models to estimate environmental sensitivity of sea lochs.	

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LANDSCAPE	
The Council of Europe, European Landscape Convention (2000) points out that landscapes across Europe make an important contribution to quality of life and cultural identity, but that they are being transformed as a result of a number of factors, including town planning, transport and infrastructure and the economy. Requires Member States to develop more comprehensive frameworks to protect and enhance landscapes.	Landscapes and the natural heritage are sensitive to inappropriate development and the SG should address potential effects, including the cumulative effect of incremental changes.
Scottish Planning Policy 2014, paragraphs 193- 218 provides policy guidance for the natural environment, including landscape. Paragraph 194 requires the planning system to facilitate positive change while maintaining and enhancing distinctive landscape character.	
Orkney Landscape Character Assessment, Land Use Consultants (1998) was commissioned by Scottish Natural Heritage (SNH). It:	The SG should set out the Council's policy on the landscape,
• provides a detailed assessment of the landscape character of Orkney ;	siting and design considerations that should be addressed in all aquaculture proposals.
 considers the likely pressures and opportunities for change in the landscape; 	
 assesses the sensitivity of the landscape to change ; and 	It should also make reference to these documents as sources
 includes guidelines indicating how landscape character may be conserved, enhanced or restructured as appropriate. 	of more detailed information and guidance on the capacity of landscapes and seascapes to accommodate new aquaculture development, as well as guidance on the effective siting and
In June 2014 SNH published a map of Wild Land Areas; these are the most extensive areas of high wildness in Scotland. They are identified as nationally important in Scottish Planning Policy 2014, but are not a statutory designation. They are, however, very sensitive to any form of intrusive human	design of development.

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The LDP should seek to protect and enhance all types of landscape character areas, and support development that is
sensitive to, and does not harm, the quality and distinctiveness of Orkney's landscapes.

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The Historic Environment Scotland Policy Statement (2016) takes account of recent policy and legislative changes, and succeeds the Scottish Historic Environment Policy (SHEP). These are:	The SG should set out the cultural heritage issues which should be taken into account in planning for aquaculture. These include:
 the Historic Environment Scotland Act 2014; 	Scheduled Ancient Monuments, other unscheduled sites
 the Historic Environment (Amendment) (Scotland) Act 2011 (the 2011 Act); 	 of archaeological significance and their setting; Listed Buildings and their setting; Conservation Areas
the Marine (Scotland) Act 2010;	 Historic Gardens and Designed Landscapes
 the adoption of a UK Marine Policy Statement; and, 	Designated War Graves;
 Scottish Ministers' policies for the designation and management of Historic Marine Protected Areas. 	 Unscheduled terrestrial and marine archaeology The Heart of Neolithic Orkney World Heritage Site
Managing Change in the Historic Environment is a series of guidance notes which explain how to apply the policies contained in the Historic Environment Scotland Policy Statement.	Many known and unknown wrecks and submerged archaeological features are distributed along Orkney's
Our Place in Time, the Historic Environment Strategy for Scotland (2014) outlines the challenges facing the historic environment and identifies a set of strategic priorities for meeting these challenges. It recognises the role	coastline. The SG should make reference to sources of information, such as the various Historic Environment Scotland mapping services.
of planning authorities in managing change. Under The Protection of Military Remains Act 1986 it is an offence to interfere with the wreckage of any crashed, sunken or stranded military aircraft or designated vessel without a licence. All crashed military aircraft receive automatic protection, but vessels must be individually designated, either as controlled sites or protected places.	Scheduled Monuments, Listed Buildings, the World Heritage Site Sensitive Areas, Conservation Areas, Historic Gardens and Designed Landscapes and controlled sites under the Protection of Military Remains Act should be included in an indicative map.
Scottish Planning Policy 2014, paragraphs 135 – 151, requires the planning system to promote the care and protection of the designated and non-designated historic environment.	The resting places of HMS Royal Oak, HMS Vanguard and HMS Hampshire are controlled sites in Orkney.
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POPULATION AND HUMAN HEALTH	
The Land Reform (Scotland) Act, Scottish Executive, (2003) set out a new right of responsible access in Scotland. Core paths are to be identified in each local authority area, promoting more widespread and functional walking, cycling and riding and thereby supporting improved levels of physical activity.	The SG should include policy to safeguard access to the foreshore for recreational activities.
The Orkney Core Paths Plan, OIC, (2007) forms the basic framework of key paths that allow people to enjoy and get around the countryside. This framework of routes links to, and supports, wider networks of other paths. Core Paths will be well maintained and clearly signposted.	
The Core Paths Plan is currently (2016) under review.	
MATERIAL ASSETS (WASTE)	
NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.	The Site Waste Management Plan voluntary code of practice aims to minimise waste at source on construction sites. Planning authorities should consider requiring the preparation of SWMPs as a condition of planning permission.
The Scottish Government's Zero Waste Plan (2010) envisions a society where "goods and materials are continually recycled to support the sustainable growth of the Scottish economy and waste is progressively designed out".	

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The Zero Waste Plan sets a target of 70% reuse and recycling of all waste generated in Scotland by 2025.	
A Marine Litter Strategy for Scotland (2014) aims to reduce the levels of litter entering the sea.	
OTHER / CROSS SECTORAL POLICIES	
Under the Community Empowerment (Scotland) Act 2015, each community planning partnership must prepare and publish a Local Outcomes Improvement Plan (LOIP). Orkney Community Plan incorporates Orkney's LOIP for 2015-18 and highlights the following strategic priorities for action:	The SG should be compatible with values and the priority themes of the Community Plan and Local Outcomes Improvement Plan.
Positive aging	
A vibrant economic environment	
Healthy and sustainable communities	
The Council Plan OIC Corporate Strategic Plan (2015-2018)	The SG should be compatible with the structure and themes of the Corporate Strategic Plan and contribute towards achievement of its targets.
The Council's corporate strategic plan is a three-year rolling plan setting out the Council's strategy and objectives for providing services to the public.	
The community plan provides an overarching framework with a long term vision, and its themes and aims have been incorporated into the Council's own vision.	
The Corporate Plan provides a link between the decisions which are made in the council chamber, the everyday work of the Council, and the community	

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vision of a strong, sustainable and socially inclusive future for Orkney.	
Planning Circular 1 2007: Planning Controls for Marine Fish Farming was issued to explain and give guidance to planning officers, developers, communities and regulators on the provisions contained in the Acts, Regulations and Order which pertain specifically to marine fish farming and which came into force on the relevant dates around April 2007.	Planning Circular 1 will help inform the SG.
 Delivering Planning Reform for Aquaculture 2 (2010) sets out a shared intention to improve the existing Town and Country planning system as it relates to aquaculture. In terms of Development Planning the shared objectives for a modernised aquaculture planning system are: 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; and The new generation of Development Plans are robust and well-informed and give aquaculture developers and communities a greater degree of certainty. 	Preparation of Supplementary Guidance <i>Aquaculture</i> should be undertaken in conjunction with consultation with all relevant stakeholder groups.
The Aquaculture Working Arrangements set out the responsibilities of organisations with a formal role in aquaculture development, including how they will consult each other and how information will be shared.	The SG should explain the roles of other authorities in terms of licensing and consenting aquaculture. It should not duplicate the roles of other authorities.
A Fresh Start: The Renewed Strategic Framework for Scottish Aquaculture (2009) sets out its vision for the aquaculture industry in	The SG should include reference to The Renewed Framework

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Scotland and describes the economic, environmental, social and stewardship aspects of the overarching principle of sustainability to which it had regard in developing the document.	for Scottish Aquaculture.
A Code of Good Practice for Scottish Finfish Aquaculture was produced in response to the recommendations of the <i>Strategic Framework for Scottish</i> <i>Aquaculture</i> (2003). Since its implementation in 2006, the CoGP has been widely adopted as an industry production standard in Scotland.	The SG should include reference to the Code of Good Practice.