

Post-Adoption SEA Statement – Cover Note

Responsible Authority:	Orkney Islands Council.
Title of the Plan:	Supplementary Guidance Aquaculture
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Post-adoption Statement: Key Facts

This Post-Adoption document has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005.

The Supplementary Guidance Aquaculture as adopted, along with the Final Environmental Report and Post-adoption Statement, is available on the Orkney Islands Council website at <http://www.orkney.gov.uk>. All three documents may also be inspected free of charge (or a copy obtained for a reasonable charge) from Monday to Friday between the hours of 09:00 and 17:00 at the Council Offices, School Place, Kirkwall KW15 1NY.

Post-adoption Statement: Key Facts	
Purpose of Supplementary Guidance Aquaculture	Supplementary Guidance Aquaculture provides additional policy guidance on the range of natural heritage considerations which must be considered during the determination of planning applications.
What prompted the SG?	The Planning etc. (Scotland) Act 2006. The Council is required by law to prepare and keep under review a Development Plan which sets out the Council's planning policies on the use and development of land in the County. This Supplementary Guidance document provides the detail for Section D of Orkney Local Development Plan Policy 12 <i>Coastal Development</i> .
Subject	Town and Country Planning and Land Use
Period covered	2017-2022
Frequency of updates	Following adoption, the Supplementary Guidance will be monitored; it will be reviewed every five years and updated if necessary.
Area covered by the Plan	The administrative area of the Orkney Islands
Summary of nature / content of the Plan	Supplementary Guidance Aquaculture comprises three sections: Section 1 Introduction, which includes the Spatial Strategy. Section 2, a set of ten Development Criteria which apply to new aquaculture development proposals. Section 3 Further information
Date adopted	10 August 2017
Contact name and job title	Eileen Summers Environment Officer

Post-adoption Statement Strategic Environmental Assessment process

Supplementary Guidance Aquaculture (the SG) has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005. This has included the following activities:

- Taking into account the views of the Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Environment Scotland) regarding the scope and level of detail that was appropriate for the Environmental Report
- Preparing an Environmental Report on the likely significant effects on the environment of the draft SG which included consideration of:
 - the baseline data relating to the current state of the environment;
 - links between the SG and other relevant strategies, policies, plans, programmes and environmental protection objectives;
 - existing environmental problems affecting the SG;
 - the SG's likely significant effects on the environment (positive and negative);
 - measures envisaged for the prevention, reduction and offsetting of any significant adverse effects;
 - an outline of the reasons for selecting the alternatives chosen;
 - monitoring measures to ensure that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken;
 - Consulting on the Environmental Report;
 - Taking into account the Environmental Report and the results of consultation in making final decisions regarding the SG; and
 - Committing to monitoring the significant environmental effects of the implementation of the SG. This will also identify any unforeseen adverse significant environmental effects and to enable taking appropriate remedial action.

Table 1: SEA progress to date

Milestone activity.	Date.
Scoping statutory consultation.	23 June – 28 July 2016
Draft Supplementary Guidance Aquaculture and Environmental Report consultation.	17 March – 29 April 2017
Supplementary Guidance Aquaculture adopted.	10 August 2017
Post adoption statement published.	10 August 2017

How environmental considerations have been integrated into Supplementary Guidance Aquaculture

This section of the Post Adoption Statement sets out how environmental considerations have been taken into account when preparing Supplementary Guidance Aquaculture and how they have broadly influenced its shape. It provides information on how the following have been addressed in the Plan:

- Environmental issues identified by the Environmental Report
- Assessment and Mitigation

- Significant positive effects
- Significant negative effects

Environmental Issues

Table 2 below outlines the environmental issues which were identified in the Environmental Report and how these have been addressed in the preparation of Supplementary Guidance Aquaculture.

Table 2: Environmental Issues identified by the Environmental Report

Environmental issues highlighted by the Environmental Report	Integrated into Plan?	How integrated or reason for not being taken into account
BIODIVERSITY, FLORA AND FAUNA.		
<p>Potential for direct and indirect impacts on species and habitats, including entanglement in nets and ropes and displacement from routinely used areas.</p>	<p>Yes.</p>	<p>These issues are addressed by DC 2: Natural Heritage Designations, Protected Species and the Wider Biodiversity and Geodiversity and DC 3: Predator Control and Interaction with Other</p> <p>Map DC2a indicates the locations of Orkney’s international nature conservation designated sites.</p> <p>Map DC2b indicates the locations of Orkney’s national nature conservation designated sites.</p> <p>Map DC2c indicates the locations of designated seal haul-out sites in Orkney.</p> <p>Further information and guidance is provided in Annex 2: Potentially significant natural heritage impact pathways arising from aquaculture operations in Orkney waters.</p>
<p>Risk of parasite and disease transfer to wild fish populations;</p> <p>Disruption of genetic integrity and local adaptations of wild stocks arising from interbreeding with escaped farmed fish;</p>	<p>Yes.</p>	<p>These issues are addressed by DC 4: Wild Salmonid Fish Populations.</p> <p>Further information and guidance is provided in Annex 2: Potentially significant natural heritage impact pathways arising from aquaculture operations in Orkney waters.</p> <p>Map DC4 highlights the locations at which Orkney’s principal sea trout spawning burns enter the sea.</p> <p>Paragraph 2.41 confirms that where deployment of gill nets could impact birds</p>

Environmental issues highlighted by the Environmental Report	Integrated into Plan?	How integrated or reason for not being taken into account
<p>Introduction of non-native farmed species.</p> <p>High numbers of diving birds are found in the seas around Orkney and due to the risk of entanglement there are considerable constraints around the use of gill nets to trap escaped fish.</p>		<p>from SPAs or pSPAs, any authorisation by Marine Scotland for the use of gill nets would require them, as the Competent Authority, and with advice from SNH, to carry out an appropriate assessment in view of the sites' conservation objectives for their qualifying interest(s). This requirement may render use of gill nets unfeasible in the context of emergency response to fish escape, as additional time would be required to consider any application for use.</p>
WATER.		
<p>Potential for adverse impacts on water quality</p>	<p>Yes.</p>	<p>This issue is addressed by DC 5: Water Quality and Benthic Impacts.</p> <p>Map DC5 highlights the Bay of Firth Shellfish Water protected Area, as well as the Carrying Capacity Category 3 areas at Kirk Hope and Pierowall Bay which are identified in the Marine Scotland Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters.</p>
GEOLOGY.		
<p>Potential for adverse effects on geomorphological features.</p>	<p>Yes.</p>	<p>This issue is addressed by DC 2: Natural Heritage Designations, Protected Species and the Wider Biodiversity and Geodiversity.</p> <p>Map DC2b indicates the locations of Orkney's national nature conservation</p>

Environmental issues highlighted by the Environmental Report	Integrated into Plan?	How integrated or reason for not being taken into account
		designated sites.
LANDSCAPE.		
Potential for adverse impacts on landscapes and coastal character.	Yes.	<p>This issue is addressed by DC 1: Landscape, Coast, Siting and Design.</p> <p>DC1 also provides links to a number of further documents which provide guidance on aquaculture siting and design, as well as the capacity of the Orkney landscape / seascape to accommodate further aquaculture development.</p> <p>Map DC1 indicates the boundaries of the Hoy and West Mainland National Scenic Area and the nationally important area of Wild Land in Hoy.</p>
CULTURAL HERITAGE.		
Potential for adverse impacts on cultural heritage resources, in particular on the setting of Scheduled Monuments and Listed Buildings.	Yes.	<p>This issue is addressed by DC 6: Historic Environment.</p> <p>Map DC6 Historic Environment highlights the following designated historic environment assets: the heart of Neolithic Orkney World Heritage Site; scheduled monuments; listed buildings; controlled sites under the Protection of Military Remains Act 1986; Gardens and Designed Landscapes and Conservation Areas.</p>
POPULATION.		
Excessive light and noise from aquaculture developments may affect public amenity.	Yes.	<p>DC9: Construction and Operational Impacts requires lighting to be designed to minimise light pollution, in line with Orkney Local Development Plan Policy 2: Design.</p> <p>Noise from fish farm operations is unlikely to affect public amenity, due to the</p>

Environmental issues highlighted by the Environmental Report	Integrated into Plan?	How integrated or reason for not being taken into account
		distance of cage installations from land.
MATERIAL ASSETS.		
Waste from aquaculture has been a significant problem in the past.	Yes.	DC9: Construction and Operational Impacts requires applicants to prepare a Site Waste Management Plan.
MISCELLANEOUS.		
Aquaculture is regulated by a number of public bodies, the roles of which may not always be clearly understood.	Yes.	Annex 1: The role of other statutory bodies explains the role of the following: Marine Scotland, Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), Historic Environment Scotland (HES), The Crown Estate (TCE), Food Standards Scotland and Environmental Health and Scottish Water.
Tensions are possible due to a desire by the aquaculture industry to expand, in line with Scottish Government targets, and the requirement to ensure that development is sustainable.	Yes.	Spatial Policy 1 lists a number of spatial sensitivities that have potential to be affected by aquaculture development. The areas affected by these sensitivities are highlighted in the Spatial Strategy map. Together, the ten Development Criteria provide guidance on the factors which aquaculture proposals need to address in order to enable sustainability in new development.
Pressure on available space, due to increasing levels of development within the marine environment.	Yes.	This issue is addressed by DC8: Other Marine Users which requires proposals for new aquaculture development and extensions to existing aquaculture development to have due regard to other marine users.

Assessment and mitigation

The following paragraphs summarise the findings of the Environmental Report:

Biodiversity

The effects of implementing Supplementary Guidance Aquaculture are likely to be broadly neutral, with potential for minor - moderate adverse effects, e.g. through wildlife entanglements and impacts on wild salmonids.

Annex 2 is an important addition to the SG as it identifies a range of pathways through which aquaculture interacts with habitats and species, as well as describing the potential for significant effects. The table uses the headings from the Scottish Aquaculture Research Forum (SARF) EIA scoping templates to identify issues for consideration, as well as the information that developers will be required to provide to support their application. Potential mitigation measures are outlined, along with sources of further useful information, e.g. the Feature Activity Sensitivity Tool (FEAST), the National Marine Plan interactive (NMPi) and SEPA's marine cage fish farming procedures manual, Annex F Seabed Monitoring and /Assessment.

The assimilation of this information into a single table should prove helpful to developers during the preparation of EIAs by enabling a clearer understanding of the vulnerabilities of the natural environment to the effects, as well as the types of mitigation that can be incorporated to avoid or minimise adverse effects.

Water

Although further development of the aquaculture industry in Orkney waters will lead to additional localised impacts on the water column and benthic environment (seabed), effects on the wider water and seabed environments are likely to be broadly neutral.

Geology and sediments

The effects of implementing Supplementary Guidance Aquaculture are likely to be broadly neutral.

Landscape

The effects of implementing Supplementary Guidance Aquaculture are likely to be broadly neutral, with potential for localised minor impacts.

Cultural heritage

The effects of implementing Supplementary Guidance Aquaculture are likely to be broadly neutral.

Population

The effects of implementing Supplementary Guidance Aquaculture are likely to be broadly neutral.

Material assets

Effects are likely to be broadly neutral.

Interrelationships

Orkney is a group of islands where human settlement has traditionally focused on the coast and coastal landscapes therefore include much evidence of Orkney's cultural heritage. The effects of aquaculture development on the settings of cultural heritage sites are therefore closely linked with effects on the wider landscape.

DC1: Landscape, Coast, Siting and Design includes reference to a number of publications which provide detailed guidance on how to accommodate aquaculture into coastal landscapes and seascapes. These include the Orkney Landscape Capacity for Aquaculture: Scapa Flow and Wide Firth (2011) and the North Caithness and Orkney Coastal Character Assessment (2016). In both documents the landscape summaries for each defined area of coastline highlight cultural heritage features which should be taken into consideration when assessing the effects of an aquaculture proposal.

There are also strong links between biodiversity and water receptors as water bodies are classified in terms of their chemical and ecological quality.

Mitigation measures

Schedule 3 paragraph 7 of the Environmental Assessment (Scotland) Act 2005 requires an explanation of “the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.”

The following changes / additions were made to the final Supplementary Guidance document, to address the findings of the SEA:

In DC5: Water Quality and Benthic Impacts the reference to the Shellfish Waters Directive was amended. The Directive was repealed in December 2013 and has been replaced by the [Water Environment \(Shellfish Water Protected Areas: Designation\) \(Scotland\) Order 2013](#) which came into force on 22 December 2013.

In DC9: Construction and Operational Impacts paragraph 2.94 requires the Site Waste Management Plan to detail how wastes including fish mortalities will be disposed of.

How opinions expressed during the consultation have been taken into account

Responses received during consultation on the Scoping Report and Environmental Report associated with Supplementary Guidance Aquaculture are set out in Tables 3 and 4 below, along with an explanation of how these have been taken into account.

Table 3: Responses to the Scoping Report

Consultation Body.	Scoping Report Ref.	Consultation Body Comment.	Response and Action.
Historic Environment Scotland.	General comment.	I note that OIC intends to scope the historic environment into the assessment and I am content to agree with this.	Noted.
	SEA Objectives.	The use of an SEA objective for the historic environment is welcomed. However, I would advise that the objective be amended to remove “through responsible design and siting of development” as this relates to the mitigation of identified effects. The SEA objective and its associated questions should aim to identify the potential effect, with mitigatory steps coming from a consideration of the form of these effects. Design and siting may not always be the appropriate form of mitigation.	Noted. The SEA objective has been amended: <i>Safeguard cultural heritage features and their settings.</i>
	Table 5: Assessment of Environmental Effects of the Plan.	I am content to agree with the assessment approach laid out in this section. In assessing the relevant parts of the guidance within the provided matrix I would point you to my previous comments on the SEA Objective. The provided commentary section should clearly set out the reasoning behind any given findings.	Noted – please see above.
	Appendix A: Plans, programmes and strategies (PPS) and other documents that	In noting the reference to the Protection of Wrecks Act 1973 I can confirm that on 1 November 2013, section 1 of the 1973 Act was repealed in Scotland. Historic shipwreck sites previously designated under this legislation have now been designated as Historic MPAs under the Marine (Scotland) Act 2010.	Reference to the Protection of Wrecks Act has been removed A number of historic shipwrecks in Orkney are

Consultation Body.	Scoping Report Ref.	Consultation Body Comment.	Response and Action.
	are relevant to SG Aquaculture, including their environmental objectives.	<p>While dealing more specifically with guidance for wave and tidal energy project development, Historic Environment Guidance for Wave and Tidal Energy contains background information that may be of use to you in considering your assessment. The guidance can be accessed at https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=00ec7e2d-6d0d-4444-8aa2-a60b009ea34f</p> <p>The Protection of Military Remains Act 1986 should also be included here. This act makes it 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 site or protected places.</p>	<p>protected through scheduling; however as yet there are no Historic MPAs in Orkney waters.</p> <p>Reference to The Protection of Military Remains Act 1986 has been included.</p>
	Appendix B: Environmental baseline.	I welcome the information contained within this section relating to the historic environment. The baseline suggested is appropriate and I welcome the early consideration given at this stage to the potential for effects on these assets.	Noted.
Scottish Natural Heritage (SNH)	General comment.	We are content with the proposed scope of the assessment and with the suggested approach.	Noted.
	SEA Objectives.	We note that the landscape objective currently only mentions landscape character. We recommend that	The landscape objective has been amended to include

Consultation Body.	Scoping Report Ref.	Consultation Body Comment.	Response and Action.
		impacts on seascape could also be considered as part of this objective.	seascape.
	Appendix A: Plans, programmes and strategies (PPS) and other documents that are relevant to SG Aquaculture	Within Appendix A: Plans, programmes and strategies (PPS) and other documents that are relevant to SG Aquaculture, we note the list of landscape related documents. Another potential useful source of information is the Coastal Character Assessment for Orkney Islands and Northern Caithness which is due to be published soon.	Reference has been included to the Orkney and North Caithness Coastal Character Assessment.
	Consultation period.	We note that a period of at least six weeks is proposed for consultation on the Environmental Report and we are content with this proposed period.	Noted.
Scottish Environment protection Agency (SEPA)	General comment.	Taking into consideration the fact that the previous version of the guidance and the local development plan have both been subject to SEA it is not absolutely clear to us at this stage that the new guidance will have any new significant effects against the topics in which we have an interest. However, we appreciate that you have a better understanding of the emerging guidance than we do and so we accept your views on scoping.	Noted.
	Consultation period.	We can also confirm that we are satisfied with the proposal for a six week consultation period for the Environmental Report.	Noted.

Table 4: Summary of Responses to Consultation on the Interim Environmental Report and Action Taken

Consultee	Section of Environmental Report	Summary of comments	How the comment was taken into account in the Final Environmental Report.
Historic Environment Scotland.	General comment.	We welcome that our comments of 27 July 2016 at the scoping stage have been taken into account through the assessment process.	Noted.
	Appendix C.	The assessment is concise and proportionate and we note that environmental effects of the guidance on the historic environment resource are considered to be broadly neutral.	Noted.
	Mitigative measures.	While we are generally content to agree with the findings presented, it should be noted that individual developments may require mitigation for localised impacts on historic environment assets and their settings. The development management stage will be important in delivering this mitigation. In this regard it may have been beneficial for the assessment to suggest acceptable forms of mitigation in order to help guide decision making.	Noted. We consider it more appropriate for mitigation at this level to be addressed through the development management process.
	Monitoring.	In terms of the proposed monitoring the indicator that is aimed at ensuring individual development mitigation is appropriate as well as helping in identifying unexpected effects can be appropriately dealt with is welcomed.	Noted.
Scottish Natural Heritage (SNH).	Appendix C.	Under the biodiversity and landscape issues both neutral and negative effects are noted. Although we consider that following the supplementary guidance should minimise impacts on biodiversity and landscape interests as far as is feasible, there will inevitably	Noted. The neutral scoring has been removed.

Consultee	Section of Environmental Report	Summary of comments	How the comment was taken into account in the Final Environmental Report.
		still be negative environmental effects. For biodiversity and landscape, our advice is therefore that negative pre-mitigation scores would be appropriate. We do not consider that mitigation is possible to completely avoid or further reduce negative environmental effects, so the post-mitigation (residual effects) score should also be negative.	
Scottish Environment Protection Agency (SEPA).	General comment.	It is explained in the ER page 12 that there is scope for the supplementary guidance to provide additional guidance to address a number of issues. With regards to these issues, water and material assets, we support the problems identified and the mitigating solutions proposed and realise that the supplementary guidance addresses the problems via a set of solutions in respective development criteria. We are therefore generally content with the findings presented in the ER.	Noted.

Monitoring Programme

The purpose of monitoring is to ensure that any proposed mitigation is effective and that unexpected effects can be detected at an early stage, so that appropriate remedial action can be put in place. Over time it is expected that environmental benefits will become apparent through the trends highlighted by the monitoring programme. Monitoring will be used to provide essential information upon which to base future development policies.

In the Proposed Plan Environmental Report a set of monitoring indicators was identified which related closely to the SEA objectives for the Orkney Local Development Plan. These have since been updated, to take account of responses received during the consultation process and also to ensure that they can feasibly be monitored.

The full set of indicators is set out in Table 7 of the OLDP Post-adoption Statement and a sub-set of indicators which are relevant to Supplementary Guidance Aquaculture is reproduced in **Table 5** below.

Table 7: Proposed SEA Monitoring Programme

SEA receptor	SEA Objective	Indicator	Data source	Monitored by
Biodiversity	Protect biodiversity, enabling and encouraging habitat enhancement or restoration where appropriate, and contribute towards achievement of Orkney LBAP actions and targets.	Number of instances of fatal entanglement of wild birds or mammals	Predator defence strategy reported entanglement data.	OIC Environment Officer.
		Number of new aquaculture developments which incorporate synchronous fallowing and single year classes within defined Management Areas.	Planning applications.	OIC Environment Officer.
Water	Promote the protection and improvement of the water environment, including burns, lochs, estuaries, wetlands, coastal waters and groundwater.	Annual water monitoring data.	Scotland's Environment Web http://www.environment.scotland.gov.uk/	OIC Environment Officer.
Landscape	Facilitate positive change while maintaining distinctive landscape and seascape character.	Number of aquaculture proposals approved that do not fully accord with OLDP Policy 9 Natural Heritage & Landscape.	Planning decisions.	OIC Environment Officer.
Cultural heritage	Safeguard cultural heritage features and their settings.	Number of proposals approved where effective mitigation has not been achieved.	Planning decisions.	OIC Environment Officer.
Population	Retain and, where appropriate, improve quality and quantity of publicly accessible open space.	Number of complaints received from members of the public which involve aquaculture-related impacts on countryside access.	Development & Marine Planning team.	OIC Access Officer.

Reasons for choosing Supplementary Guidance Aquaculture 2017

Supplementary Guidance Aquaculture replaces the previous Supplementary Guidance Aquaculture document which was published in 2012.

The Supplementary Guidance accompanies Part D; Aquaculture of Policy 12 Coastal Development of the Orkney Local Development Plan 2017 which, in turn, reflects the current planning position of the Scottish Government as set out in Scottish Planning Policy 2014 and National Planning Framework 3.

Through its spatial strategy and suite of ten development criteria the Supplementary Guidance provides information and guidance on the range of factors which must be addressed by new aquaculture proposals.

The SEA process has informed preparation of the Supplementary Guidance by identifying gaps in the previously available planning advice and also suggesting a number of policy areas where additional guidance and information would be useful, both to enable development-related environmental impacts to be avoided or minimised, and to encourage a high level of sustainability in new aquaculture proposals or extensions to existing developments.

The Supplementary Guidance was assessed against a subset of the SEA objectives which were established for assessment of the Local Development Plan and it was found to demonstrate a high level of compatibility. Throughout the SEA process the Consultation Authorities have confirmed their agreement with these objectives and the overall assessment approach adopted.

Supplementary Guidance Aquaculture was approved by Orkney Islands Council on 4 July 2017 and formally adopted on 10 August 2017.