

## Kyle Fisheries Development Policy

Kyle fisheries are consulted regarding a range of new developments which can potentially impact on the aquatic environment. Requests for consultation responses can be received directly from developers or indirectly via organisations such as SEPA, SHN, Marine Scotland and Highland Council. A non-exhaustive list of developments for which Kyle Fisheries would typically receive a consultation request would include:

- Hydroelectric development.
- Wind farms.
- Offshore renewables.
- Electrical transmission line upgrades.
- Aquaculture.
- Forestry harvesting and forestry creation.
- Roads, particularly in relation to new river crossings or alterations to existing river crossings.
- General in river works.

The Association of Salmon Fishery Boards and Rivers and Fisheries Trusts Scotland have produced guidance to assist in the formulation of a consultation response for a number of development categories. In addition, guidelines have been developed by organisations such as Forestry Commission Scotland which can usefully be applied to ensure that any risks associated with a development are minimised. The guidance will be utilised wherever it is considered appropriate. In the first instance Kyle Fisheries will not seek to object to proposed developments unless it is considered that the said proposal represents a significant risk to the status of the aquatic environment.

### **Hydroelectric Development**

Developments aimed at producing energy have the potential to impact upon the status of fish stocks in a number of ways including alterations to flows, the creation of obstacles to fish migration and loss of sediment transfer. A list of potential issues can be found at <http://www.asfb.org.uk/policy-areas/> SEPA have issued guidance to developers, however to date no guidance has been produced by ASFB/RAFTS in respect of responding to proposed schemes. As such Kyle Fisheries will respond to consultations based on assessments of the area of habitat likely to be impacted by any proposed scheme and the present distribution and status of fish stocks in that area. It is anticipated that the supporting information accompanying any application will provide sufficient information on fish distribution and status to facilitate a meaningful assessment. Inadequate data will result in a precautionary approach being adopted by Kyle Fisheries and may result in a holding objection until sufficient information is provided. In any event, recommendations relating to issues such as sediment management and potential timing of works will be included in every consultation response irrespective of whether a formal objection is lodged.

### **Wind Farms**

In the first instance guidance issued by ASFB will be followed, see <http://www.asfb.org.uk/wp-content/uploads/2012/04/Advice-on-Terrestrial-Windfarm-Planning-Process.pdf> However, it must be recognised that in some cases it will not be possible to fully mitigate for the potential negative

impacts of such developments and if this is considered to be the case then a formal objection to the proposal may be lodged.

### **Offshore Renewables**

In the first instance guidance produced by ASFB will be followed, see <http://www.asfb.org.uk/wp-content/uploads/2011/04/ASFB-RAFTS-Advice-on-Marine-Renewables.pdf> Due to the logistical difficulties associated with monitoring migratory fish in the marine environment it is recognised that assessment of usage of a given development area may not be possible. In such circumstances it should be assumed that both juvenile and adult salmon and sea trout utilise the proposed development area in question. Any monitoring or surveys that is undertaken should be compliant with the strategy developed by Marine Scotland in consultation with the fisheries sector which can be located at <http://www.gov.scot/Topics/marine/marineenergy/Research/NatStrat>

### **Electrical Transmission Line Upgrades**

Kyle Fisheries will seek to ensure that any works are undertaken away from watercourses whenever possible. If works are required to take place in proximity to watercourses then supporting information in relation to fish status and distribution would be expected to form part of the supporting information accompanying the application. In the absence of such information a precautionary approach will be adopted by Kyle Fisheries which may result in a holding objection until sufficient information is provided. Should river crossings require to be upgraded or constructed then guidance issued by the Scottish Government should be followed <http://www.gov.scot/Topics/marine/science/Publications/publicationslatest/rivercrossings> Timing of any works will also need to be agreed prior to commencement of any works and methodology in relation to factors such as silt management be fully available for scrutiny.

### **Aquaculture**

Kyle Fisheries endorses the joint policy document produced by RAFTS and ASFB <http://www.asfb.org.uk/wp-content/uploads/2011/04/ASFB-RAFTS-Aquaculture-Policy-Paper.pdf> As such a formal objection will be raised to any proposed aquaculture development unless it fully incorporates closed containment principles.

### **Forestry**

As a minimum requirement any new forestry activity must adhere to the latest available version of Forest and Water Guidelines <https://www.thenbs.com/PublicationIndex/Documents/Details?DocId=299211> In general Kyle Fisheries will support the planting of native broadleaf woodland including in riparian zones if undertaken sensitively. Commercial, non-native plantations will not be encouraged particularly if they are to be sited in areas known to support sensitive aquatic receptors.

### **Roads and River Crossings**

Any new or upgraded road crossings must conform to the published guidance <http://www.gov.scot/Topics/marine/science/Publications/publicationslatest/rivercrossings> Timing

of any works will also need to be agreed prior to commencement of any works and methodology in relation to factors such as silt management be fully available for scrutiny.

### **In River Works**

Controlled Activities Regulations (CAR) licence applications will be scrutinised in order to assess the potential impact of any proposed in river works. Outwith the CAR licence stipulations, agreement with the timing of any works will be required. Should works be required to be undertaken then the typical period they should be permitted is July –September although exceptions can be made to this if sufficient justification is provided. It should be noted by prospective developers that fisheries legislation in Scotland has numerous provisions in relation to fish passage and potential damage to the physical environment that can be enforced **in addition** to CAR.