



Developing Joint Pre-Application for Fish Farming



Context

Since August 2022, Shetland Islands Council have been leading on planning authority input, along with Highland Council, and HOPS into the Scottish Government's Aquaculture Consenting Task Group. This group is one of several groups that were formed following the Independent Review into Aquaculture, and subsequent recommendations report that was published in February 2022.

Shetland Islands Council provided considerable input into the review and have carried this forward into the consideration of new ways of working to help improve the efficiency, effectiveness, and transparency of Scotland's aquaculture regulatory regime. During the last few years, the Council has been involved in regular meetings and workshops with Scottish Government officials, the development industry, SEPA and Crown Estate Scotland to develop a streamlined consenting process, based on a joint working and collaborative approach to pre-application.



Our last Planning Performance Framework covered the work to date and included the action to: Continue to provide direct input into the Scottish Government's Aquaculture Review, principally through our involvement in the Aquaculture Consenting Task Group and developing new approaches to joint-pre application. As part of this we intend to work with industry, SEPA and others to pilot new approaches in our planning authority area.

This case study provides an update of the progress that has been made and the role we have played in progressing improvements to planning and aquaculture.

What Happened

Shetland Islands Council's involvement in the work of the Consenting Task Group (CTG) has contributed to developing new and improved ways of working with other regulators and industry. The group has worked alongside improvement specialists in the Scottish Government to develop and pilot a new process for pre-application activities within the existing aquaculture consenting process, with a view to exploring alignment and processes beyond pre-application in future work.

During 2024 the pilot for providing joint pre-application advice with SEPA for a new fish farm at Fish Holm in Shetland was progressed. The proposal is for a major application with EIA for what will be the largest fish farm in Scotland. The planning application for this development was subsequently submitted to the Council in February 2025 following completion of the pilot.

Areas of Collaboration

The Fish Holm redevelopment/expansion proposal has been progressed through the Scottish Aquaculture Council Consenting Task Group (CTG) pre-application pilot process.

Central to the pilot process was piloting a 4-stage approach to providing joint pre-application advice with SEPA. The pilot involved a four-stage process:

- Stage 1: Request for pre-application advice
- Stage 2: Provision of joint pre-application advice
- Stage 3: Community and Third Party Engagement
- Stage 4: Screening/ Scoping Opinion Request and Issue of a Joint Scoping Opinion Report and Advice

The key regulators and consultees involved in the pilot include:

- Scottish Environment Protection Agency (SEPA);
- The relevant local Planning Authority;
- NatureScot;



- The relevant District Salmon Fisheries Board (where applicable);
- Scottish Government Marine Directorate (SGMD) Fish Health Inspectorate;
- SGMD Licensing Operations Team;
- SGMD Science;
- Northern Lighthouse Board;
- Maritime and Coastguard Agency;
- Historic Environment Scotland.

Shetland Islands Council had extensive involvement throughout the process but in particular at stages 1,2 and 4. To help guide the process the council drafted a processing agreement with the applicant.

In summary, the process involved a greater amount of time and resource when compared to our standard pre-application approach. This included several joint meetings with regulators and a draft scoping opinion meeting, with the applicant and agencies.

The marine planning team were involved in the pilot, but the pre-application process was led by an identified officer in the team who is now processing the application.

As the proposal is for a major application it was subject to a statutory pre-application process, including Proposal of Application Notice, required meetings with communities and a PAC Report upon submission.

Overall Result

The council worked closely with the Scottish Government, the applicant, SEPA and other regulators and consultees as part of the pilot. In 2024 the council inputted into an independent evaluation of the pilot process that was commissioned by the Scottish Government.

The council are of the general view that the pilot process has been a success and has led to clearer and more effective pre-application advice and EIA scoping being undertaken. It has also improved the council's working relationships with the developer and SEPA.

The council entered the pilot in a good position in Shetland by already having a dedicated marine planning team and marine planning officers. This relates to NPIF Attribute 1 'Having the skills to maximize productivity'.

The council also feel that this work directly links to Improvement Activity in NPIF Attribute 3 and provides an excellent example of working collaboratively (Attribute 10) and improved customer care through pre-application advice (Attribute 9).



As with any improvement project, lessons are learnt through real-time testing and implementation. Therefore, further ways to improve and refine have been identified along with additional opportunities and areas to improve. The Shetland Islands Council Marine Planning Team will continue to work with all involved to help achieve this.

Lessons Learned

Successes

- Collaborative working, problem-solving and identifying improved ways of working.
- Greater understanding of each other's roles and input into the process. Including SEPA, applicants and agents.
- More detailed and effective pre-application advice from the council as planning authority, other regulators and consultees.
- Opportunity to highlight potential issues and 'showstoppers' early in the pre-application process.
- Greater level of certainty for applicants and developers.
- Clearer process to sharing and publishing information.
- Improved and refined discussion on EIA. Further work has been identified here.

Challenges

- Time and resource implications required to effectively contribute to the pilot.
- Capturing information and making sure these are reported back at the time.
- The pre-application service is currently free, but as this a much-enhanced level of service provision will need to consider charging in the future.
- Piloting approaches may not always proceed as envisaged and needed revisiting and explaining during the process.

Lessons Learned

- The decision has since been taken to refine the 4-stage process to 3 stages (stages 1 and 2 combined) to save time and effort.
- The pilot took longer to complete than originally envisaged. Time and resource are needed to make it work.
- The need to widen the pilot to other authorities so that they can also test and the council can learn how to improve.
- There may be need for future legislative change (e.g. fees, charging, EIA) to help improve some processes rather than just relying on new ways of working.

