

Leases of Fish Farming Sites Guidance

Notes for Applicants

1. Introduction

- a. As owner of virtually all the seabed around the UK out to the 12nm limit, permission is required from The Crown Estate by those wishing to carry on fish farming operations that take place on Crown land.

On 7 March 2007 an order was approved by the Scottish Parliament that gave planning authorities statutory planning powers for aquaculture developments in marine waters around Scotland. Since 1 April 2007 all marine fish farms require planning permission. Application for planning permission is made to the relevant local authority under planning legislation.

An important point about the planning regime is that the planning permission will be attached to the area of foreshore/seabed in question and will not be company specific. Where the foreshore / seabed is Crown owned then the right to occupy the site will only be by means of a lease from The Crown Estate as landowner.

- b. In addition to a lease from The Crown Estate, and planning consent from the relevant Local Authority, all fish farming operations in marine waters around Scotland will also require consent under Section 34 of the Coastal Protection Act from the Scottish Executive, and authorisation under the Controlled Activities Regulations from the Scottish Environmental Protection Agency
- c. These notes provide guidance for those requiring a lease for an area of Crown foreshore/seabed for fish farming developments.

2. Timing of and Submission of Lease Applications

- a. An application for a fish farming lease can be made at any time, a valid planning consent is not a pre-requisite. If a valid planning consent is not in place, however, then a lease-option will be offered rather than a full lease.
- b. No fee is required to make an application to The Crown Estate.
- c. Enquiries with The Crown Estate as to site availability should be made first.

Applications for a lease-option or a full lease should be submitted to:

The Crown Estate
6 Bell's Brae
Edinburgh
EH4 3BJ
0131 260 6076

- d. Electronic applications are preferred.
- e. We will process applications without unreasonable delay but please note that it will greatly assist The Crown Estate in processing applications if when you submit your application it is complete and accompanied by all relevant information and that applicants respond promptly to any request for further information or explanation.

3. Determining Applications

We will determine lease and lease-option applications in accordance with the following criteria:

- a. Applications will be treated on a first-come-first-served basis.
- b. Applications for areas that conflict with existing agreements or applications will not proceed and the applicant will be informed.
- c. Provided there are no conflicts with existing agreements or applications we take the following into account when determining an application:
 - proposed site use, as set out in the application; and
 - the financial information provided in support of the application.

Only a written decision from The Crown Estate will constitute a decision.

4. Lease - Option Agreement

- a. Where a valid planning consent has not been granted a lease-option will be considered a lease-option agreement would remain in place until planning permission is granted but would lapse if the planning permission is not granted within the period specified in the option agreement.
- b. A lease-option will be important where an applicant does not want to commit to the expenditure of pursuing a planning application without some assurance that a lease will be granted if planning permission is obtained.

5. Model Documents

- a. The model documents which The Crown Estate uses for fish farming lease may be viewed on The Crown Estate website at: www.thecrownestate.co.uk/fish_farming

6. Forms of Application

- a. Applications should be submitted in English.
- b. If it transpires during process of an application that any information supplied by the applicant is false or misleading or that material information has been withheld The Crown Estate may reject the application.
- c. The applicant should note that neither the receipt nor any acknowledgement of an application or any enquiries by The Crown Estate in the course of processing an application constitutes any warranty or undertaking that a lease or a lease-option will be granted nor that the grant of any lease or a lease-option implies any representation by or on behalf of The Crown Estate that the area is suitable for fish farming or that planning permission will be granted.
- d. The Crown Estate may ask applicants to submit further or supplementary information in the course of considering any application.
- e. Please note that any ancillary equipment or installations associated with the fish farming operations, such as pontoons, jetties and workboat moorings, that will form part of the development and therefore be included in the lease, should also be indicated in the appropriate section of the application form, and indicated on any submitted plans, preferably with grid co-ordinates.