



Guidance Notes for Applicants for Aquaculture Leases in Scotland

New Leases

Whether or not a Lease is granted is solely at the discretion of CES. The following information applies to the submission and consideration of applications for a Lease:

- An application to Crown Estate Scotland for an aquaculture Lease can be made at any time and no fee is required to make an application
- To apply, a completed Lease Application Form (which can be downloaded and completed electronically or in hardcopy form) with plans, a copy/copies of the necessary statutory consents [see Appendix A] and any other information required must be submitted to Crown Estate Scotland in Edinburgh (Quartermile Two, 2nd Floor, 2 Lister Square, Edinburgh, EH3 9GL), or via email to aqualeasing@crownestatescotland.com.
- Where the necessary statutory consents have yet to be secured, a Lease Option Agreement may be applied for but all other information pertaining to a Lease application must also be submitted for a Lease Option Agreement (see '**Guidance Notes for Applicants for Aquaculture Lease Options in Scotland**').
- Any application for a Lease will be only considered by Crown Estate Scotland upon receipt of a completed application form and the accompanying documents as set out in this guidance note.
- Applications will be processed without unreasonable delay but note that the risk of any delay will be minimised, by ensuring that submitted applications are complete and accompanied by all relevant information and that any request for further information or explanation is responded to promptly.
- Crown Estate Scotland reserves the right to decline any application for Leases at its sole discretion.
- Applications will be assessed against CES's criteria for granting a lease (see leasing Criteria below)
- Only a fully completed lease agreement from Crown Estate Scotland will constitute a decision. Only upon receiving a countersigned document is commencement of site development/equipment deployment permissible.

Renewing a Lease

- Finfish leases issued after January 2023 and those granted earlier but subject to the Minute of Variation to align them with terms in place for leases after January 2023 include an Option to Renew. Tenants wishing to exercise this Option can do so as set out in the relevant clause in the Lease (or MoV to the Lease).
- Tenants of shellfish and seaweed leases must submit a completed Renewal Application Form, accompanied by copies of the relevant necessary statutory consents.

- In the absence of an Option to Renew (in the case of finfish leases described above) Crown Estate Scotland reserves the right to decline any application for renewal of a Lease at its sole discretion
- Only a fully completed lease agreement from Crown Estate Scotland will constitute a decision. Only upon receiving a countersigned document is commencement of site development/equipment deployment permissible.

Modifying an existing Lease

- Tenants must submit a completed Modification Application Form, accompanied by copies of the relevant necessary statutory consents
- Crown Estate Scotland reserves the right to decline any application to modify an existing Lease at its sole discretion
- Where appropriate, applications to modify an existing Lease will be assessed against relevant CES criteria for granting a lease
- Only a fully completed lease agreement from Crown Estate Scotland will constitute a decision. Only upon receiving a countersigned document is commencement of site development/equipment deployment permissible.

Leasing Criteria

The criteria to be met for granting a Lease are as follows;

Primary consideration will be given to:

1. Does the applicant intend to occupy and operate the site themselves?
2. Has the applicant obtained the required statutory consents (see Appendix A)?
3. Does the applicant possess necessary provenance and have access to the resources required to fulfil the terms and conditions of the Lease?

Where appropriate, consideration will also be given to:

- a. Does the applicant's business / production plan demonstrate that they can and will comply with any farm management and / or area management agreement(s) that currently include the location of the site in question?
- b. Does the applicant's business / production plan demonstrate how acquiring the Lease might enable community and / or stakeholder and / or environmental management benefits, through either the activities associated with the site in its own right and / or through the inclusion of the site with other aquaculture sites operated by the applicant (a) locally (b) in other areas
- c. Does the applicant demonstrate current certification to any recognized environmental, quality or business management standards that will contribute demonstrably to the economic and / or environmental sustainability of the site's operation?

- d. Does the applicant's proposal demonstrate how acquiring the Lease will contribute significantly to the economic and / or environmental sustainability of the applicant's wider aquaculture business?

- e. In the event of an applicant being a current tenant of other aquaculture Leases from Crown Estate Scotland, a record of full compliance with the terms and conditions of those Leases.

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 Crown Estate Scotland may reject the application.

The applicant should note that neither the receipt nor any acknowledgement of an application or any enquiries by Crown Estate Scotland in the course of processing an application constitutes any warranty or undertaking that a Lease will be granted nor does the grant of any option or Lease imply any representation by or on behalf of Crown Estate Scotland that the area is suitable for aquaculture activity or that planning permission will be granted.

Crown Estate Scotland may ask applicants to submit further or supplementary information in the course of considering any application.

Removal / decommissioning of deployed equipment

It is a condition of any Lease granted by CES for aquaculture purposes that all deployed equipment, including moorings and any ancillary equipment, is removed from the Leased area(s) when the Lease is terminated, by either party.

CES will reserve the right to request a survey of the Leased area, at the tenant's expense, to confirm complete removal where this is considered necessary. In the event that certain ancillary equipment cannot be removed / decommissioned – for example a slipway or pier – the tenant will be required to retain liability under a separate agreement with Crown Estate Scotland's Coastal Management team.

Appendix A – Necessary Statutory Consents

Finfish Sites	Shellfish Sites	Seaweed Sites
Planning Permission	Planning Permission	Marine Licence
Marine Licence	Marine Licence	
Controlled Activities Regulations (CAR) Licence		

Planning permission is granted by the relevant Local Authority

A Marine Licence (or confirmation of exemption) is granted by Marine Scotland's Licensing Operations Team (MS-LOT)

A CAR Licence is granted by the Scottish Environmental Protection Agency (SEPA)