

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
22 October 2013

Agenda Item	6.2
Report No	PLN/092/13

13/01494/FUL: Wester Ross Fisheries Ltd
Loch Kanaird, Eastern Side Of Isle Martin

Report by Head of Planning and Building Standards

SUMMARY

Description : Marine Fish Farm (Atlantic Salmon) Alterations to existing site to create single group of 46 square steel pens each 15m x 15m and allow for the installation of an automated feed barge.

Recommendation - GRANT planning permission

Ward : 06 - Wester Ross, Strathpeffer and Lochalsh

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : More than 5 objections and objection from consultee which cannot be resolved by conditions.

1. PROPOSED DEVELOPMENT

- 1.1 The proposed development involves replacement of equipment at an existing salmon farm and addition of a feed barge. This would expand the physical installation (a 31% increase in the total cage area) but the moorings area required would be more compact (a 37% decrease). The two groups of existing square cages, one steel and the other wood, would be replaced by a single group of 46 square steel cages each 15m x 15m. The developer also wishes to install a 150-tonne capacity automated feed barge 10m x 14.5m by 5.5m high when empty to distribute feed to the fish cages. The applicant intends to install moorings between the fish farm installation and Isle Martin to allow the mooring of harvesting raft and similar equipment when they are not in use.
- 1.2 The applicant is of the view that the existing ageing cage configuration is no longer fit for purpose. The applicant believes that the proposed changes would facilitate improved operational management in future production cycles, make the cage infrastructure more secure, and render escapes less likely. The maximum stocked biomass would also be reduced slightly as result of the changes.

- 1.3 Informal pre-application discussion was undertaken between the applicant and the planning service in February 2011.
- 1.4 The existing site is currently serviced from a shorebase at Ardmair Bay. This operation will continue if the development is approved. Use of the shore base does not form part of the current application.
- 1.5 The proposals were screened under the EIA regulations in 2011. The Council determined then, on the basis of information provided by the applicant and consultees, that an Environmental Statement was not required in support of this application.
- 1.6 The current application is supported by - as requested - a Landscape and Visual Impact Assessment (LVIA), information on the proposed moorings, and plans and profiles of the proposed cages and feedbarge.
- 1.7 Variations: NONE

2. SITE DESCRIPTION

- 2.1 The Isle Martin Fish Farm is situated in Loch Kanaird, Ardmair Bay to the North of Ullapool. The existing site is visible from stretches of the A835 from the south and east of the site as the road descends into the settlement of Ardmair. The view from the south is dominated by the southern flank of Ben More Coigach to the north and Isle Martin to the west. The fish farm is visible in two groups extending across the bay on the east side of Isle Martin.
- 2.2 Ardmair Bay and Loch Kanaird is used for activities including sea kayaking, sailing and commercial fishing. There is a holiday park with rental lodges and camp site on the western side of Ardmair Bay, a small pier used by fishermen also provides access for boats to Isle Martin and the fish farm shore base is also present to the eastern side of the bay.
- 2.3 There is a small estuary of the River Kanaird to the north east of the bay approximately 1.5 km from the existing site. The new cage group and its moorings will extend further into Ardmair Bay than the existing permitted site although it is noted the current cages are depicted on plans supporting the application as installed outwith the current, approved lease area.

3. PLANNING HISTORY

- 3.1 There has been a fish farm in operation adjacent to Isle Martin in Loch Kanaird since 1978. The site was originally approved by the Crown Estate for 60 cages each 15m x 15m prior to the introduction of public consultation on Marine Fish Farms which commenced in October 1986.
- 3.2 During 2002, Wester Ross Salmon Ltd, the predecessor company of the current applicant, applied to the Crown Estate for the renewal of its lease, providing an Environmental Statement in support of the application. The 2002 application encompassed the two cage groups at Isle Martin and another site, forming part of the same Crown Estate lease, at the mouth of

the River Kanaird. This latter site known as the Rubha Meallain Bhuidhe site (or RMB for short) had not been used for many years and was not at the time developed.

- 3.3 The Council recommended to the Crown Estate then that the continued operation of the Isle Martin cages groups should be approved subject to conditions to reduce the visual impact of the fish farm. However, it recommended that the RMB site be refused development consent on the grounds of its proximity to the mouth of the River Kanaird and that it had not been in use. The Crown Estate accepted both recommendations at the time but the non-renewal of the RMB site was subsequently overturned on appeal.
- 3.4 The present development proposal is the first planning application received by The Highland Council for this site since marine fish farms came within the scope of local authority planning control in April 2007. The existing site does not currently have planning permission and continues to operate under the Crown Estate Development consent. The Scottish Government, through its 'Audit & Review' process has the responsibility for issuing planning permissions for sites such as this one with development consent pre-dating April 2007. In this case the site has not as yet entered the review and if planning permission is granted for the alterations this this will no longer be necessary.
- 3.5 The currently proposed development was subject to screening under the EIA regulations in July 2012 and the Council determined that an Environmental Statement would not be required in support of the planning application.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Advertised in the Ross-Shire Journal as no-known neighbour on 31st May 2013.

Representation deadline : 14th June 2013

Timeous representations : 39 representations from 38 addresses

Late representations : 9 Representations from 9 addresses

- 4.2 Material considerations raised against the proposal are summarised as:

- visual impact of the fish farm, including the proposed feed barge;
- impacts on commercial fishing interests;
- impacts on wild salmon and sea trout in nearby rivers as result of escapes and sea lice;
- impacts on economic development;
- impacts on tourism;
- impact of the seal control hierarchy on fish in the cages, non target species and seals;

- use of chemicals in the environment and the impact on non-target species;
- impacts on the sea bed resulting from the operation of the site;
- impacts on the newly developed oyster farm at the estuary of the River Kanaird

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Loch Broom Community Council:** No Comment.

5.2 **Scottish Natural Heritage (SNH):** Does not object. SNH advise that there are unlikely to be significant impacts on the Assynt-Coigach National Scenic Area. It went on to comment on the proposed feed barge noting that it represents the introduction of a new, large structure within the landscape, it also raised concerns that noise impacts from the feed barge were not assessed (although a noise report had been included as part of the supporting information for the site). SNH expressed concern with regard to the mode of use of Acoustic Deterrent Devices. SNH defer to the advice of Marine Scotland Science and Wester Ross Area Salmon Fishery Board in relation to the impacts of sea lice on Fresh Water Pearl Mussels within the River Kanaird, stating that these bodies have detailed knowledge of fisheries and lice-related issues in relation to this location.

5.3 **Marine Scotland Science (MSS):** Raised no objections to the proposed development, viewing it as an improvement to the current arrangement. It noted that the biomass will be reduced slightly and the stocking density will also be reduced. It went on to state that "the proposed modifications to the site are unlikely to pose an additional risk to wild salmonid populations in this area". MSS also provided clarification that all of its information requirements had been met by the applicant's supporting information. MSS provided a copy of its fish farm evidence summary in relation to the current state of knowledge in respect of the impact of salmon farming on wild salmonids.

5.4 MSS also referred back to its advice at EIA screening stage, where it had advised the Council that there was a history of sea lice affecting farmed salmon on the existing site according to the Fish Health Inspectorate.

5.5 The Council sought and received further information from MSS in relation to the level of existing risk to wild salmonids in the area. This included clarification of information held by the Fish Health Inspectorate in relation to operations on the existing site, advice in respect of what improvements if any might be expected as a result of the changes to cage configuration on the site, and feedback in respect of the aquaculture risk mapping project undertaken by RAFTS, referred to in a number of the third party submissions.

- 5.6 **SEPA:** No objection. Commented on aspects of the development including the benthic impacts of the historical operation and the calculated water column impacts of the proposed development. SEPA went on to advise that it had not as yet received an application for changes to the site under the controlled activities regulations (CAR) but that the proposals are likely to be consentable under CAR. It also advised that it would control maximum biomass and discharges of licenced medicines through CAR and that planning conditions relating to these aspects are unnecessary.
- 5.7 The Council sought and received further information from SEPA in relation to its response in the context of its role and responsibilities in relation to sea bed impacts, the results of previous monitoring for the site and other points raised in public submissions.
- 5.8 **Wester Ross Area Salmon Fishery Board (WRASFB):** Objects to the proposed development. In its submission it points out the value of wild fisheries to the local economy, that there has been a presumption against fish farm development on the east coast and that there are differences between the west and east coasts in terms of sea lice numbers on wild fish and declines in wild fisheries. The board went on to point out facts about the location of the site and its proximity to the River Kanaird, the Ullapool River, and the Little Gruinard River, which is a Special Area of Conservation for Atlantic Salmon.
- 5.9 The basis of the Board's objection is related to the continued adverse impacts which it believes the proposed development would have on local populations of wild salmonids. The Board provided information obtained from both SEPA and MSS, which it says shows the existing development in Loch Kanaird has a poor record in relation to sea lice management and sea bed impacts. This has been a serious concern for the Board for some time. The submission from the Board went on to highlight the findings of the RAFTS (Rivers and Fisheries Trusts Scotland) project which has mapped interactions with aquaculture. This indicates that Loch Kanaird falls into the highest possible category of risk.
- 5.10 The Board concluded its consultation response by suggesting conditions in relation to sea lice management and information transfer which it felt should be included in the event that planning permission was to be granted.
- 5.11 **Transport Scotland:** No comments
- 5.12 **Historic Scotland:** No comments
- 5.13 **Scottish Water:** No objection
- 6. DEVELOPMENT PLAN POLICY**
- Highland wide Local Development Plan 2012**
- 6.1 The following policies are relevant to the assessment of the application:

Policy 28	Sustainable Design
Policy 49	Coastal Development
Policy 50	Aquaculture
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats
Policy 61	Landscape
Policy 63	Water Environment

Wester Ross Local Plan (2006)

- 6.2 The Wester Ross Local Plan (2006) has largely been superseded by the adoption in April 2012 of the Highland Wide Local Development Plan. Retained policies in the Wester Ross Local Plan do not relate to the proposed development.

7. OTHER MATERIAL POLICY CONSIDERATIONS

Highland Council Supplementary Planning Policy Guidance

- 7.1 Coastal Plan for the Two Brooms Area (non-statutory guidance approved by Highland Council Sept. 2006)

Scottish Government Planning Policy and Guidance

- 7.2 Scottish Planning Policy – subject policies relating to Coastal Planning and Fish Farming.

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 The determining issues are:

Do the proposals comply with the Development Plan?

If they do; are there material considerations that indicate proposals should not be supported?

If they do not; are there material considerations that indicate that the proposal should be supported?

Assessment

- 8.3 In order to address the determining issues, Committee must consider the following: Development Plan, Supplementary Planning Guidance, Scottish Government Planning Policy, Principle of Development at this site, Natural Built and Cultural Heritage, Noise and Light Pollution, Scotland River Basin Management Plan, Carrying capacity, cumulative benthic and water column impacts, habitats and species including wild fish populations, Impact on commercial fishing, impact of seal control hierarchy, chemical use, maintaining site position and the impact of development on neighbouring oyster farm

Development Plan

- 8.4 Policy 50 (Aquaculture) in the Highland-wide Development Plan supports the sustainable development of finfish farming subject to there being no significant adverse effect, directly, indirectly or cumulatively on the following: natural, built and cultural heritage, the classification and objectives of the Scotland River Basin Management Plan, wild fish populations, biological carrying capacity, cumulative benthic and water column impacts, and habitats and species including designated sites and protected species. Subject to conditions relating to time limiting the development as set out below the proposal would comply with the development plan.

Highland Council Supplementary Planning Guidance

- 8.5 The Coastal Plan for the Two Brooms Area (2006) provides non-statutory local planning guidance for fish farming and other coastal activities. The relevant area policies in this plan are those for coastal policy zone 'K', which states: "presumption in favour of aquaculture on the west side of Loch Kanaird but finfish production elsewhere in Loch Kanaird should be relocated if possible to safeguard and help rebuild the wild salmonid stocks of the nearby River Kanaird." This policy therefore supports the ongoing operation of the existing fish farm, and does not militate against any of the proposed alterations to the site.

Scottish Planning Policy

- 8.6 SPP, along with other policy documents issued by Scottish Government such as "A new start: a strategic framework for Scottish Aquaculture" and the draft "Scotland Marine Plan" all provide national policy support for the sustainable development of the aquaculture industry. In this instance, it is considered that subject to the inclusion of appropriate conditions the proposed development fits with national policy.

Principle of development at this site

- 8.7 The fish farm does not have planning permission but is operating under a Crown Estate lease and development consent issued in 2003. It is the Government's intention that all such fish farms authorised prior to 1st April 2007 be ultimately brought under local authority planning control. If there are no material changes proposed to the equipment on site this can be done through the Scottish

Government's Audit & Review process administered by Marine Scotland. In this case as material alterations are to take place to the site the developer has opted to apply for planning permission

- 8.8 Many of the submissions in relation to this application have expressed the view that this is a poor location for a fish farm and the Council should refuse the planning application. Whilst refusal of planning permission remains an option it would not prevent the company from continuing to operate at this location. The active, existing site could still be considered under the review process by Marine Scotland. The Scottish Government has set this process up in such a way that, in practice, there is little or no opportunity for public engagement and it is likely to give the existing approved (and ageing) fish farm configuration permanent planning permission.
- 8.9 If the Council were to refuse the current application it would deny the company the opportunity to improve the operation of its fish farm which would result from this permission. It does not therefore seem reasonable for the Council to refuse planning permission in this instance on the basis of the location of the site; the principal is already well established. Conditions are however necessary in order to ensure that environmental impacts of the development are minimised. Subject to the operation of the site in accordance with conditions the proposed alterations to the site are likely to result in acceptable impacts.

Natural, built and cultural heritage

- 8.10 The site is within the Assynt-Coigach National Scenic Area. As indicated above a fish farm has operated in Ardmair Bay for many years. Photomontages provided by the applicant show that the existing site is visible in the foreground of views from elevated positions within the NSA, for example the track along the southern flank of Ben More Coigach. The proposed development represents a single larger element within that view, where currently there are two elements; the existing cage groups. The proposed development, in its entirety, should not significantly increase the visual impact of the fish farm and the site will not adversely impact on the features of the Assynt Coigach NSA. Whilst the total enclosed cage area on site will increase as a result of the proposals, the end-to-end extent of surface equipment on the loch will decrease due to the gap between the cages being reduced.
- 8.11 SNH is in agreement with this view although it notes that the proposed feed barge will add a new visual element to the site. The feed barge proposed is a "SeaMate" barge of 150 tonne capacity with dimensions of 14m x 10.5m at deck level. When empty the deck is 2.7m above sea level. The forward end of the barge has an additional wheelhouse type control room which increases the height to 5.5 m. The overall height of the structure will be reduced in operation depending upon the quantity of feed held on board. The feed barge will be connected to the fish cages by pipes down which feed pellets can be blown. The introduction of an automated feed barge here has the potential to be intrusive, however its planned location between the cage group and the shore of Isle Martin is considered to be the most appropriate location within the site. The applicant proposes that the feed barge is

finished in a dark matt colouration in order to mitigate the visual impact of the installation. The scale of the feed barge proposed and the colour scheme offer sufficient mitigation in this respect.

Noise and light pollution.

- 8.12 There is also the potential for the feed barge to result in addition noise impacts on the site. These impacts would come from generators and feed blowing systems replacing the existing hand feeding regime. In mitigation the applicant proposes that generators be housed below the deck of the feed barge and be sound proofed in order to reduce the noise impacts of the site.
- 8.13 The moorings proposed for storage rafts on the site will allow ancillary equipment to be moored close to Isle Martin when not in use at the cages and this aspect of the development should have only limited visual impact.
- 8.14 There is the potential for the site to introduce a man made source of night time light into an area which would be otherwise dark, particularly when work is carried out on site during the winter evenings. Given that the site is most likely to be viewed at such times in the context of the shoreward developments at Ardmair Bay, it is not considered that this particular impact is significant in this case. The impact of the site as a light source can be mitigated by angling any work lights downwards and it would be appropriate to include conditions for this in order to reduce the visual impact of the site.
- 8.15 The site does not fall within any other areas identified as important for natural, built and cultural heritage in the Development Plan. It is, however within an area designated as proposed Marine Protected Area in recent consultations undertaken by Marine Scotland. SNH has advised that the proposed development will not impact upon any of the features for which the site is proposed.

Scotland river basin management plan

- 8.16 The site is situated within the coastal water body Annat Bay and Loch Kanaird, in the Scotland River Basin Management Plan (RBMP). The associated water body information sheet describes the current status of the water body as being "High". The proposed application represents a reduction in the maximum peak biomass on the site and a decrease in stocking density and may therefore be considered a reduction in the intensity of use. SEPA has not raised any objections in relation to its remit in this regard. The proposed development is therefore unlikely to have a significant impact on the status of the water body in which the site is contained.
- 8.17 The site is close to the mouth of the River Kanaird (Canaird). The lower section of this river is described in the RBMP as being a heavily modified water body with morphological alterations resulting from the presence of an impounding weir / dam although it is noted that this barrier to fish passage is due to be removed ahead of the 2015 plan. There is no mention of fish farming being a pressure in relation to this water body and as result it is considered that alterations to the fish farm are unlikely to have any effect on this water body

Carrying capacity and cumulative benthic and water column impacts

8.18

The site of the proposed development is located within an area which is uncategorised in the Locational Guidelines for Marine Fish Farms as depicted in the maps produced by Marine Scotland Science in June 2013. The proposed development will not alter this categorisation of Loch Kanaird. SEPA and MSS have both indicated that they are content with the information provided in relation to the water column and benthic impacts.

8.19

Several objectors highlight that in the past the existing fish farm had failed to meet the environmental quality standards set by SEPA. Fish farms by their nature have an impact on the sea bed through the settlement of fish feed and faeces from the cages. The proposed alterations to the site, resulting in a single larger unit are likely to result in a reduced quantity of waste from the site being deposited over a larger footprint area and at a lower density than at present.

8.20

The details of this deposition are a matter for wider assessment by SEPA in relation to an application for a CAR licence under the Water Environment (Controlled Activities) Regulations. SEPA has however indicated that the site is likely to be licensable. SEPA confirmed that some historical monitoring results have been unsatisfactory but it expects this to be resolved when a site-specific AZE (Allowable Zone of Effect) is in place. In this respect there is nothing further for the Council to consider.

Habitats and species

8.21

There are no known protected habitats and species within the immediate vicinity of the site. Fresh Water Pearl Mussels are known to be present in the River Kanaird, and these are dependent on populations of wild salmonids for reproduction. The status of the population in the River Kanaird is not known at present but SNH advises that it does not have any concerns in relation to the impact of the proposed development on pearl mussels.

8.22

The closest designated site to the proposed development is the Little Guinaird River Special Area of Conservation, designated for Atlantic Salmon and Pearl Mussels. Since the proposal is unlikely to result in significant effect on the SAC an Appropriate Assessment is not required in relation to this SAC.

8.23

Dolphins and porpoises are protected species which are on occasion seen close to the fish farm in Loch Kanaird and may be affected by the use of seal scarers on the site as part of the predator control hierarchy. This aspect is considered further below.

8.24

In relation to habitats and species wild salmon and sea trout are Biodiversity Action Plan (BAP) species and present a cause for concern in relation to the ongoing operation of this site.

8.25

The site is close (within 1.5 km) to the mouth of the Kanaird river and there are several other rivers within 30 km of the site all of which are recognised in varying degrees for their populations of wild salmon and sea trout. Concerns relate to the

possibility of farmed salmon of non-local origin escaping from cages and out-competing and breeding with wild fish. A further concern is that the presence of large numbers of salmon in fish cages can act as hosts for sea lice originating from wild fish. If not effectively managed, sea lice can undergo rapid population growth in the fish farm environment and further infect salmonids.

- 8.26 Marine Scotland Science (MSS) considered the applicant's comment that there would be no change in the current sea lice treatment regime on the site and advised that "the proposed modifications to the site are unlikely to pose an additional risk to wild salmonid populations in this area."
- 8.27 The Council sought clarification of this advice in light of many representations indicating that levels of sea lice were a problem on this site. MSS subsequently confirmed that there have been elevated levels of sea lice on fish within the existing fish farm during recent production cycles which the company had reacted to with sea lice treatments. Whilst the treatments had been successful in reducing the number of sea lice on the farmed fish there had been occasions where sea lice numbers remained above target levels. In MSS view the applicant's approach to treatment, management and sea lice control was within industry best practice. MSS also confirmed that the target levels of sea lice set in the Industry Code of Good practice are not maximum levels of lice which must not be exceeded, rather they are levels at which treatment should take place.
- 8.28 MSS also confirmed that the proposed new cage configuration had the potential to convey certain advantages in terms of the impact on wild fisheries. The proposed new groups of steel cages would be stronger than the existing steel and wooden cages. Because there would be physically fewer cages it would mean that bath treatments for sea lice could be carried out more quickly, reducing the possibility of treated cages becoming re-infected from untreated cages within the same site.
- 8.29 The revised cage configuration will mean that in order to comply with SEPA's requirements for licencing under the Water Environment (Controlled Activities) Regulations (CAR) the maximum stocked biomass will be reduced slightly and the stocking density of each cage will be reduced. In effect, there will be less fish on site and each will have more space.
- 8.30 MSS advised that its powers to control fish farming operations relate to the health of the fish "*in the cages*" and that it has no powers to seek additional controls in relation to the impact that a fish farm may have on wild fish. MSS provided considerable further information in its fish farm evidence summary, earlier versions of which had also been submitted as supporting information by objectors. The document highlights the risk to wild salmonids and the existing level of knowledge. MSS is consistent in its advice to the Council that even if sea lice numbers on a site are maintained below the target levels per fish set in the Code of Good Practice, this does not prevent large numbers of sea lice being released to the environment thereby increasing the risk to wild salmonids.
- 8.31 The sensitivity of particular areas of the coast to aquaculture has recently been assessed by Rivers and Fisheries Trusts Scotland (RAFTS) in its Mapping Interactions with Aquaculture Project (MIAP). Loch Kanaird appears in the

category of highest risk within the mapping. MSS comment in relation the MIAP project was that..."While the procedures used to produce the RAFTS map seem sound, the choice of criteria used and the weighting they are given are necessarily subjective. The map is owned and interpreted by RAFTS and formalises and expresses the views of the fisheries sector."

- 8.32 Given this advice from MSS and that this planning application seeks to facilitate improved management of the site, it would seem more appropriate for the high-risk status of Loch Kanaird as defined by RAFTS to be regarded as a background consideration.
- 8.33 The sole consideration for the Council in this case is the impact that the proposed development will have on wild salmonids. In this we are advised by the Wester Ross Area Salmon Fishery Board, and information on such impacts forms the basis of WRASFB response, endorsed by other bodies. The Board believes that adverse impacts on wild salmonid populations in and around Loch Kanaird have been demonstrated, eg large numbers of sea lice on a high percentage of fish obtained by sweep netting. Given these impacts and mindful of the advice from MSS with regard to risk to wild salmonids it seems highly likely that the risk to wild salmonids associated with operating this site will not be sustainable in the longer term unless sea lice numbers are maintained under control. It would be imprudent to grant permanent planning permission for the proposed fish farm development. However, impacts on wild fish, in the case of this existing site are not seen as presenting sufficient grounds for refusal of this application which is intended to improve the operation of the site.
- 8.34 Whilst Scottish Government planning guidance for marine fish farming presents the presumption that planning permissions should be permanent, the planning authority retains the ability to time-limit permissions through condition. The sensitivities of this site suggest that if planning permission is to be granted on this occasion it should be time-limited to ten years on a trial basis. It is expected that, within the permitted 10 years of operation, the applicant can demonstrate a reduction in the sea lice numbers in the cages back to the levels set in the industry code of practice thereby reducing the risk to wild salmonids. When the applicant demonstrates maintenance of sea lice numbers at such levels the planning authority should be in a position to remove this condition and either extend the permission or grant permanent planning permission.
- 8.35 In the event that the sea lice problem remains, the applicant would be expected, as a responsible operator, to propose/adopt alternate strategies for production. This may include relocation to an alternative site where sea lice challenge would be lower, or use of a closed containment system, rather than continue to use the approved site in the same way.
- 8.36 The suggestion has been made by WRASFB and others that if the Council were to grant planning permission it should be subject to conditions in relation to synchronisation of sea lice treatments with other sites in the same management area and synchronisation of stocking. Some of these suggestions appear to have their merits in terms of the protection of wild salmonids. It must be recognised, however that elements of the conditions proposed impose an action on another fish

farm operator which the applicant is not in control of. They are not therefore valid as planning conditions. It is, however, noted that the Loch Kanaird site falls within the same management area as sites at the Summer Isles and it is the intention that the production cycle at Loch Kanaird be altered in order to synchronise with the Scottish Sea Farms Sites.

- 8.37 WRASFB has suggested that the applicant be required to engage with the board to allow regular sea lice monitoring and a real time information exchange for the farm site. Whilst this seems a reasonable request it is incumbent upon the Board as a body with a statutory responsibility to make its own arrangements with the company in this regard. In addition, one would, hope that the Fish Health Inspectorates own fish health monitoring would provide such information. For the Council to condition for inspection by the fishery board would duplicate such monitoring to the extent that it would also fail the test of planning conditions.
- 8.38 The Board also suggested that all sea lice counts taken by the company should be publically available. The Council has previously stated the view that all fish farm sea lice data should be publically available. This should, however, apply to all sites across Scotland and be as a result of legislative provision. It would not be reasonable to single out one site from a single operator in this way.
- 8.39 Other suggested conditions relate to the lowering of the treatment threshold set out in the National Treatment Strategy and Industry Code. Again in this case these documents are controlled by the industry with guidance from MSS and are outwith the scope of planning conditions.

Impact on commercial fishing interests

- 8.40 Commercial creel fishing is known to take place within Loch Kanaird, with prawn (Nephrops) creels set in the deeper, muddier areas of the loch and crab and lobster creels set closer to the rocky headlands. There are also keep pots maintained within the small vessel moorings in Ardmair Bay. As a general principle prawn fishermen can, and frequently do, place creels within the mooring footprint of fish farms. In the case of the current proposals the relocation and expansion of the cage and mooring area of the site will not result in an extensive loss of fishing ground.

Impact of seal control hierarchy

- 8.41 It is important that fish farms operate in such a way as to reduce the impact of predators on their operation. In Scotland the main predators of concern are birds, which may attack cages from above but can be effectively excluded through the use of top nets across the cages, and seals. Seals may predate on farmed salmon this may result in loss of fish through injury, or escapes of fish through damage to the nets. The applicant has indicated that the company will undertake frequent inspection of the cage nets. The nets are raised from the water to dry periodically as part of the swim-through net-change strategy for the site and any damage caused by seals can be identified at this stage and repaired.

- 8.42 In addition the applicant has provided details of a seal management hierarchy for the site. This involves maintaining correct net tension, the use of Acoustic Deterrent Devices (ADD's) also known as seal scarers, , and as a last resort shooting persistent predators under licence from Marine Scotland. There are concerns with regard to the impact of seal scarers on non-target species such as dolphins and porpoises which may be seen in the area. It is possible that these animals may be scared away from their normal territory by ADD's. The applicant intends to operate ADD's continuously, as per the manufacturer's instructions, but SNH has pointed out that this is not best practice. In this particular case, given the sensitivities of the site to wild fisheries, it would appear prudent to allow the operator all possible mechanisms to reduce the risk of escapes from cages. It should not therefore be necessary to limit the use of ADD's by condition.
- 8.43 Some objectors suggest that in order to protect the welfare of the farmed salmon, the first step in the anti-predator hierarchy should be the use of full- enclosure anti-predator nets, ie additional nets surrounding the main cage nets. These are not proposed for use on this site. They would add to operational costs and there is a risk that they would trap and drown seals and other species such as diving birds. It is not considered necessary to condition for the use of full enclosure anti-predator nets in this case.

Chemical use

- 8.44 Several of the submissions, including those objecting on the basis of the impacts of sea lice, have highlighted concerns with regard to the use of sea lice treatments on site. Concerns relate to the impact of medicine residues on the sea bed and the toxicity of some of the medicines on non-target species such as lobster and prawn larvae. All medicine used on the site must be licensed and monitored by SEPA in relation to the CAR consent. In addition, all sea lice medicines permitted for use are licensed veterinary products. The use of medicines on site, or the impact on the wider environment is not a matter for the Council to consider in this case. It should be noted however that the reduction in the physical number of cages and reduction in biomass has the potential to reduce the quantity of medicines required.

Impact of development on neighbouring oyster farm

- 8.45 It has been suggested that the proposed development would impact adversely upon a newly established oyster farm situated close to Glutton on the delta of the River Kanaird. It is noted that the objection on this basis does not appear to have been made by or on behalf of the operator of the oyster farm and that the fish farm was operational at the time that the oyster farm was applied for. It appears highly unlikely that there will be any impact on the oyster farm resulting from the proposed development.

Maintaining site position

- 8.46 In responding to the Section 24 request for further information the applicant was asked to provide information setting out how it would ensure that the equipment on site remained in its intended location given that the existing site was "crept" away from its approved position. The applicant intends to take GPS positions of cage

corners on installation and following storm events and details will be retained for inspection. It is considered that these would form the basis of a condition relating to the positioning of the site, as detailed in condition 2 below.

Material Considerations

- 8.47 There are no additional material considerations in relation to this case

Other Considerations – not material

- 8.48 Many of the objections received relate to the general presence of a fish farm at this location, or to fish farms in general, and information submitted in support of such objections often refers to sites elsewhere. Objections to fish farms as a matter of general principle, alleged health risks associated with eating farmed salmon, and objections to the principle of development at this location, whilst perhaps relevant are not material to the determination of this particular application.
- 8.49 There was also suggestion that the application should be refused on the basis that the applicant has a poor environmental track record and extensive information was submitted purporting to support this view. Whilst knowledge of an applicant's track record in operating a site presents useful background information it is not considered that this in itself presents grounds for refusing planning permission. This is particularly the case where an application is made to specifically address some of the environmental impacts.

Matters to be secured by Section 75 Agreement

- 8.50 None

9.0 CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. The fact that there have been numerous, valid objections to the proposed development is noted. In particular ongoing concerns regarding the risk that this development may present to wild salmonids has been considered in detail. It is not considered that at this time that these potential impacts present grounds for the refusal of planning permission. The proposals are intended to improve the operation of the site.
- 9.2 It is acknowledged that this is an existing operation, which has been located in Loch Kanaird for over 35 years and that the site is an integral part of the companies operation. The company is also a key local employer. This does not, however, absolve the applicant of responsibility for minimising its environmental impacts. The applicant has historically made much of the fact that it has numerous audits and accreditations. The fact that none of the schemes that the company is signed up to addresses the release of sea lice to the wider environment and risk that this presents to wild salmonids gives significant cause for concern. In particular it is alarming that sea lice levels on the site have not been effectively controlled in recent production cycles according to information provided by MSS yet in the view of MSS the company is working to industry best practice.

- 9.3 In determination it is acknowledged that national policy supports ongoing development of the aquaculture industry. Highland Council supplementary planning guidance supports the ongoing operation of a fish farm at the location proposed and historically the Council recommended that a sea bed lease be approved at this location. However the ongoing concerns highlighted above with regard to sea lice release into the wider environment and the risk that this presents to wild salmonids dictates that approving permanent planning permission for the proposed development would not be a reasonable approach. Such an approach not comply with policy as it would not address the sustainability of a fish farm at this location given the confirmed sea lice challenge and the risk presented to wild fish.
- 9.4 The onus needs to be placed on the developer to demonstrate that it can operate the site without elevated sea lice numbers, in order to prevent the release of sea lice to the wider environment. It is considered that approving planning permission for a limited period (10 years) would allow the site to demonstrate the operational improvements suggested in the application and therefore meet with policy provision.
- 9.5 A balance is also required in terms if the use of this condition, in that the company has previously indicated that the use of a time limit condition would result in a reduction in investor confidence and may harm its business going forward. It is accepted that this may well be the case if the permission was limited to less than 10 years. However given the stipulated 10 year timescale the developer should only experience difficulties if it cannot, in fact, achieve the improvements specified as a result of the proposed development.
- 9.6 Other conditions relating to the colour scheme of the feed barge, ensuring that the site remains in the approved location, lighting and maintenance of the site would also ensure that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision N issued

Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **GRANTED planning permission** subject to the following conditions, reasons and notes to applicant.

1. The planning permission hereby granted shall be limited to a period of ten years from the date of the decision notice.

Reason: In recognition of the on-going concerns with regard to the potential impacts of this fish farm on wild salmonids. This condition allows the operator the opportunity to demonstrate that the envisaged improvements to the operational

management of the site, in part facilitated by these alterations to the development, are actually realised. Further information in relation to this condition is included in the footnote below.

2. On first installation the position of the corners of the cage group, and corner anchors of the development and the location of the feed barge are to be recorded using Global Positioning System. These positions should be re measured and recorded regularly, at least once every six months, and immediately following storm events. A record of all positional information must be maintained and made available on request to the Planning Authority.

Reason: To prevent the equipment moving beyond the location approved by this planning permission.

3. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: To prevent the site becoming a navigational hazard or having an increased visual impact.

4. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding. It should be extinguished when not required for the purpose for which it has been installed. If lighting is required for security purposes, infra red lights and cameras should be used.

Reason: to minimise the visual impact of the installation

5. The finished surfaces of all equipment above the water surface including surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark muted colour unless otherwise agreed in advance with the Planning Authority.

Reason: Reason: to minimise the visual impact of the installation.

6. The development hereby permitted shall relate to the cage culture of Atlantic Salmon. Details of any other species to be on-grown on site shall be submitted to the Planning Authority for prior written approval.

Reason: To ensure that the site is used for the intended purpose

7. In the event that the fish cages or associated equipment approved by this permission cease to be in operational use for the growing of finfish for a period exceeding three years, they shall be wholly removed and the site restored to the satisfaction of the Planning Authority within 4 months of being notified, unless agreed otherwise in writing by the Planning Authority.

Reason: To ensure that the site is used for the intended purpose and is removed when no longer required.

8. At least three months prior to cessation of use of the site for fish farming, a scheme for the decommissioning and removal of all equipment shall be submitted to and agreed in writing with the Planning Authority. Upon cessation the approved scheme shall be implemented.

Reason: to ensure that decommissioning of the site takes place in an orderly manner and to ensure proper storage and disposal of redundant equipment in the interest of amenity and navigational safety.

REASON FOR DECISION

Subject to the above conditions the proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

Development must commence within 3 years of the date of issue of the decision notice.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those

requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Advice to applicant in relation to Condition 1 above.

The applicant can seek removal of this condition by an application under Section 42 of the planning acts at any stage prior to the expiry of the planning permission hereby granted. Such application will, however require to be supported by information demonstrating the effectiveness of the proposed, improved site management as set out in the letter from Wester Ross Fisheries Ltd to the Council dated 1st July 2013. Continued operation of the site beyond the expiry date of this permission will be dependant upon either 1) the applicants demonstrated ability to control sea lice numbers on the farmed salmon thereby reducing the risk to wild fish. 2) advice provided to the Council by Marine Scotland Science that as a result of new research it is evident that sea lice emanating from fish farms do not present any significant risk to wild salmonids on the west coast of Scotland.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: James Bromham (01463) 702510
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Fish Cage Plan
Plan 4 – Feed Barge Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Peter Lowndes		30.05.13	Against
Mr Michael Timmis	The Manor Shelsley Beauchamp Worcester WR6 6RE	31.05.13	Against
Sir Roger Jones		31.05.13	Against
Jenny Scobie	Rhidorroch Estate Argyle Street Ullapool IV26 2UB,	31.05.13 and 14.06.13	Against
George Vestey	Executive Vice Chairman Vestey Holdings Limited 29 Ullswater Crescent Coulsdon Surrey CR5 2HR	03.06.13	Against
Salmon & Trout Association Scotland (S&TAS)	C/o Guy Linley-Adams Solicitor Second Floor Offices 12 Castle Street Hereford HR1 2NL	04.06.13	Against
Don Staniford		04.07.13	Against
Mr Stephen R Harrison	16 Avenue Pierre 1er De Serbie Paris75016 France	05.06.13	Against
Maj M.R.S. Stanners	The Oaks Kingseat Place Falkirk FK1 5PF	06.06.13	Against
Mr & Mrs John & Judy Watson	478 Parris Wood Road Didsbury Manchester M20 5QQ	07.06.13	Against
Adrian Morgan	Viking Boats Of Ullapool Burnside 80 Strathkanaird Ullapool Wester Ross IV26 2TP,	08.06.13	Against
Mr Steve Smith	Villa Cree Creebridge Minnigaff Newton Stewart DG8 6NR	09.06.13	Against
Mrs Sheila Hollingsworth	Villa Cree Creebridge, Minnigaff Newton Stewart DG8 6NR,	09.06.13	Against
Mr Mike McEwen	81 St.Vincent Road Walton Stone ST15 0DU,	09.06.13	Against
Mrs Sue Macniven	Linthorpe Arden Road Twynholm Dumfries Galloway DG6 4PB,	09.06.13	Against
Mr Robert Rattray	Muirton of Drumlochry Blairgowrie PH10 6TD	10.06.13	Against
Andrew Bluefield	18A Braes Ullapool IV26 2SZ	11.06.13	Against

Mr Malcolm Younger	CKD Galbraith LLP Suite C1 Stirling Agricultural Centre Stirling FK9 4RN	11.06.13	Against
Association Of Salmon Fishery Boards	Capital Business Centre 24 Canning Street Edinburgh EH3 8EG	12.06.13	Against
F David Harvey	Glenvernoch Bargrennan Newton Stewart DG8 6RR	12.06.13	Against
Rupert Longsdon	Founder And Director The Oxford Ski Company And OS Private Travel	12.06.13	Against
Mr Mark Bowler	Locus Centre, The Squar eAberfeldy PH152DD,	12.06.13	Against
Jane Maclay	Proprietor. Gruinard River Gruinard Estate Laide Achnasheen Ross-shire IV22 2NQ	13.03.13	Against
Andrew Sayer	The Stedment Ratlinghope Nr. Shrewsbury Shropshire SY5 0SL	13.06.13	Against
Donald Rice	Dundonnell Estates Ltd The Mansion House Dundonnell By Garve Wester Ross IV23 2QW	13.06.13	Against
Dr Peter Fraser	Conival Achiltibuie Near Ullapool IV26 2YL	13.06.13	Against
Mr Alexander Thomas Creighton		13.06.13	Against
Mr Duncan Steedman	Half Of 5 Kilmore Township Road Kilmore Teangue Highland IV44 8RG	13.06.13	Against
Ms Carol Collins	Livingston West Lothian EH546HB,	13.06.13	Against
Angus Davidson Keanchulish Estate	Rural Consultancy 4 Viewfield Road Inverness IV2 3XN	14.06.13	Against
Arthur Sevestre	Biologist Skye Marine Concern Tannahill Calgary Ardvasar Isle Of Skye	14.06.13	Against
Dr Alan Wells	ASFB 24 Canning Street Edinburgh EH3 8EG	14.06.13	Against
Dr Sally Campbell	Blairbeg House Lamlash Isle Of Arran KA27 8JT	14.06.13	Against
M Roc Sandford	Isle of Gometra Isle of Mull PA73 6NA	14.06.13	Against
Miss Kim Scobie	31/1 Panmure Place Edinburgh EH3 9HP	14.06.13	Against
Mr Callum Sinclair	RAFTS 24 Canning Street Edinburgh EH3 8EG	14.06.13	Against

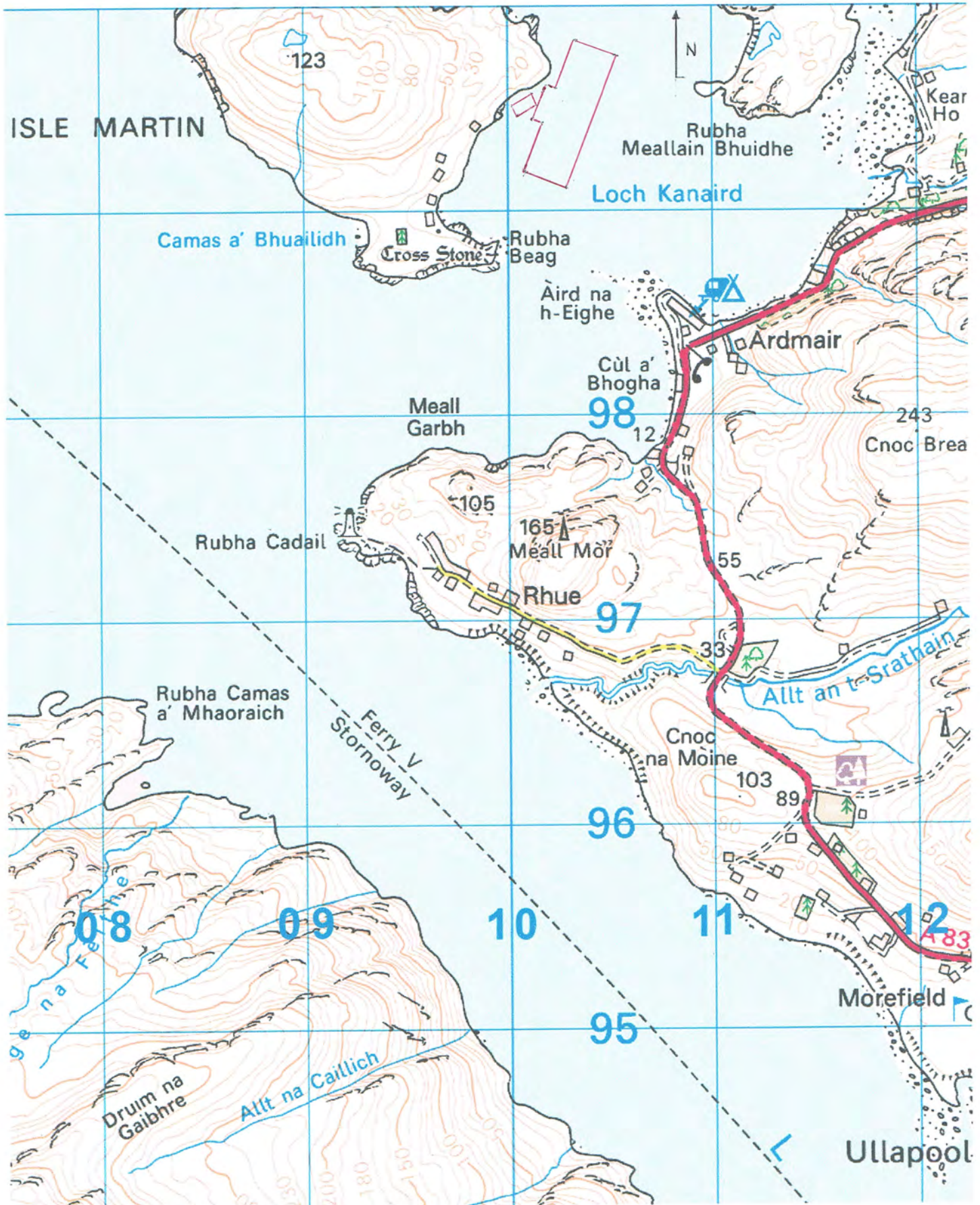
Mr Charles Harrison	31 1F1 Panmure Place Edinburgh EH3 9HP	14.06.13	Against
Wester Ross Fisheries Trust	Per Peter Jarosz Harbour Centre Gairloch Wester Ross IV21 2BQ	14.06.13	Against
Atlantic Salmon Trust	Per Tony Andrews Chief Executive	17.06.13	Against
John F Robins	Secretary Save Our Seals Fund (SOSF) C/O Animal Concern Post Office Box 5178 Dumbarton G82 5YJ	17.06.13	Against
Mr Mark Hedgecoe	Blairquosh House Strathblane Glasgow G63 9AJ	17.06.13	Against
Professor Kathleen Dacre	Langwell Estate Ullapool Ross-Shire IV26 2JP	17.06.13	Against
Robert W Younger	Solicitor Fish Legal Scotland 15 Eildon Street Edinburgh EH3 5JU	17.06.13	Against
Mr Crispian Cook	Clerk To Board North And West District Salmon Fishery Board	19.06.13	Against
Mr Guy Linley-Adams Salmon & Trout Association (Scotland)	Second Floor Offices 12 Castle Street Hereford HR1 2NL	26.06.13	Against
MAJOR JOHN WHITELAW	JAMESTOWN MANSE JAMESTOWN STRATHPEFFER IV14 9ER	29.06.13	Against
Mr Simon Jeffreys	Saorsa Cottage Elphin By Lairg IV27 4HH,	28.07.13	Against

2. Locational Plan

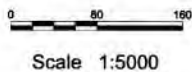
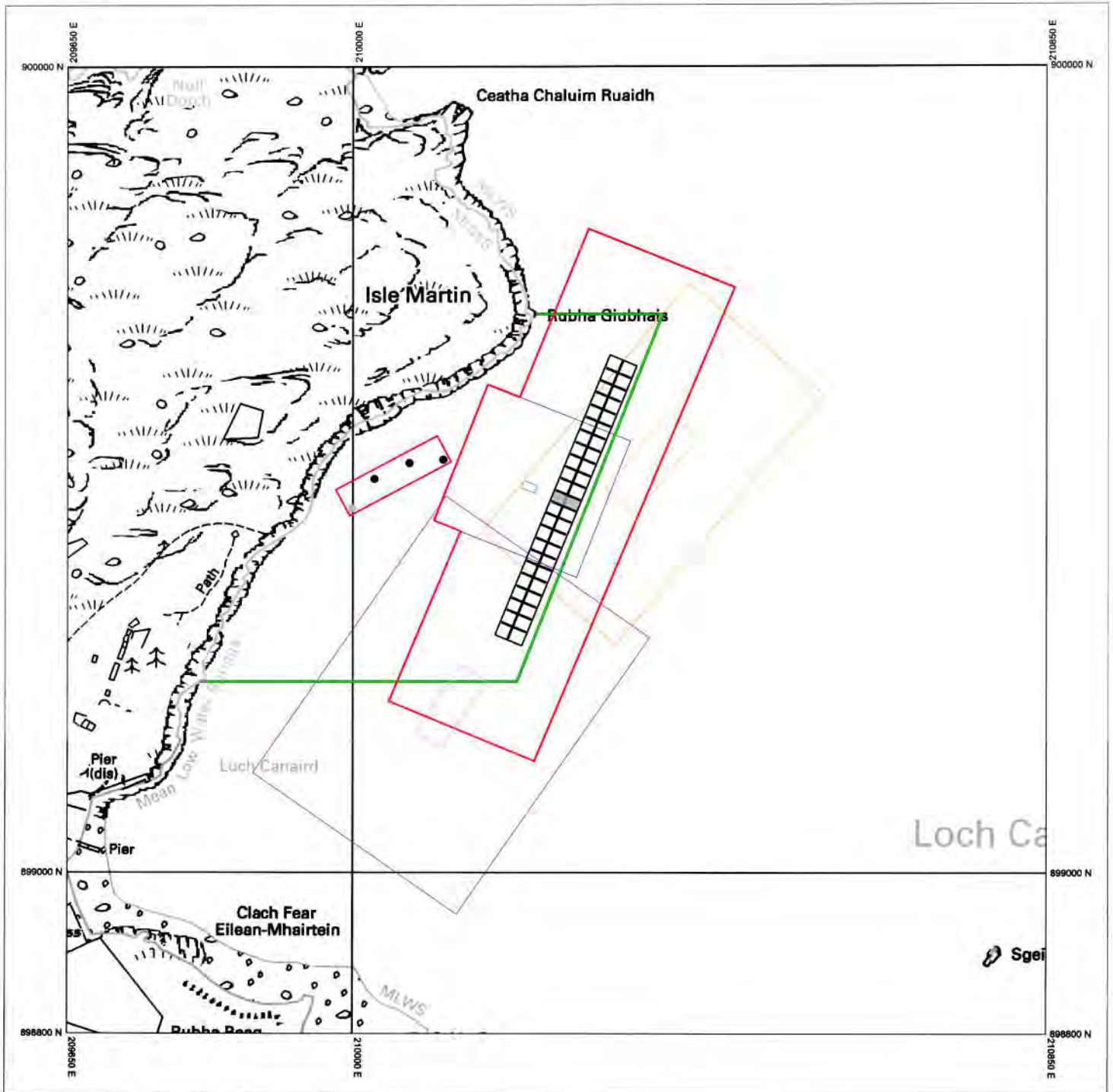
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Legend:

 Proposed site area



4. Wester Ross Fisheries Ltd. Proposed and Current Development in Loch Kanaird



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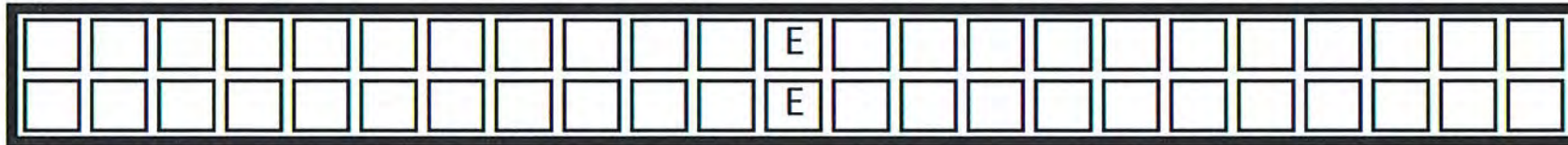
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KEY

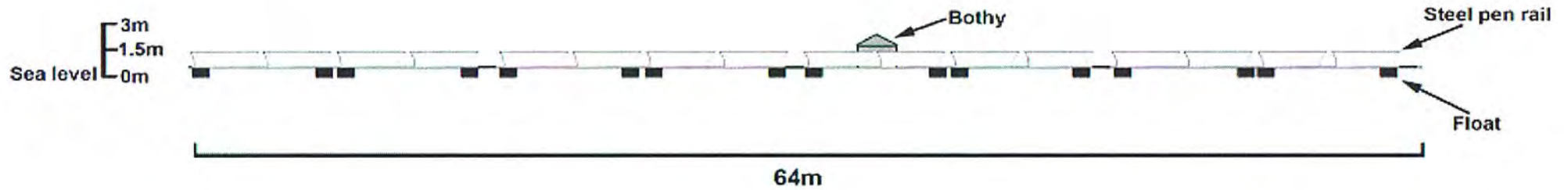
	Current wooden group and mooring area		Proposed feed barge and mooring area
	Current steel group and mooring area		Proposed individual mooring
	Proposed new group and site area		Current individual mooring
	Site area for individual moorings		Consent Boundary

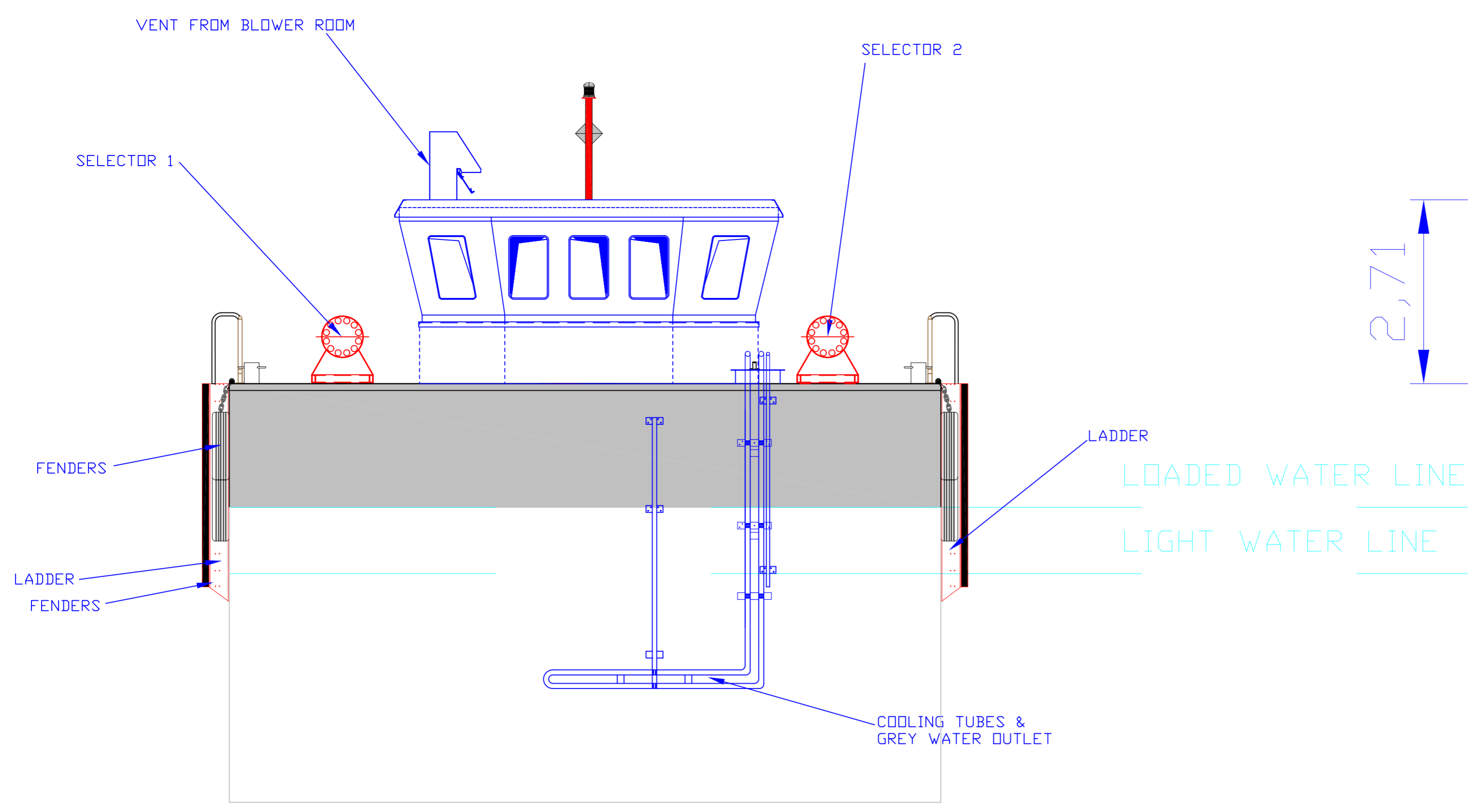
5 PROPOSED ARDMAIR STEEL PEN GROUPS - SCALE 1cm = 17 m



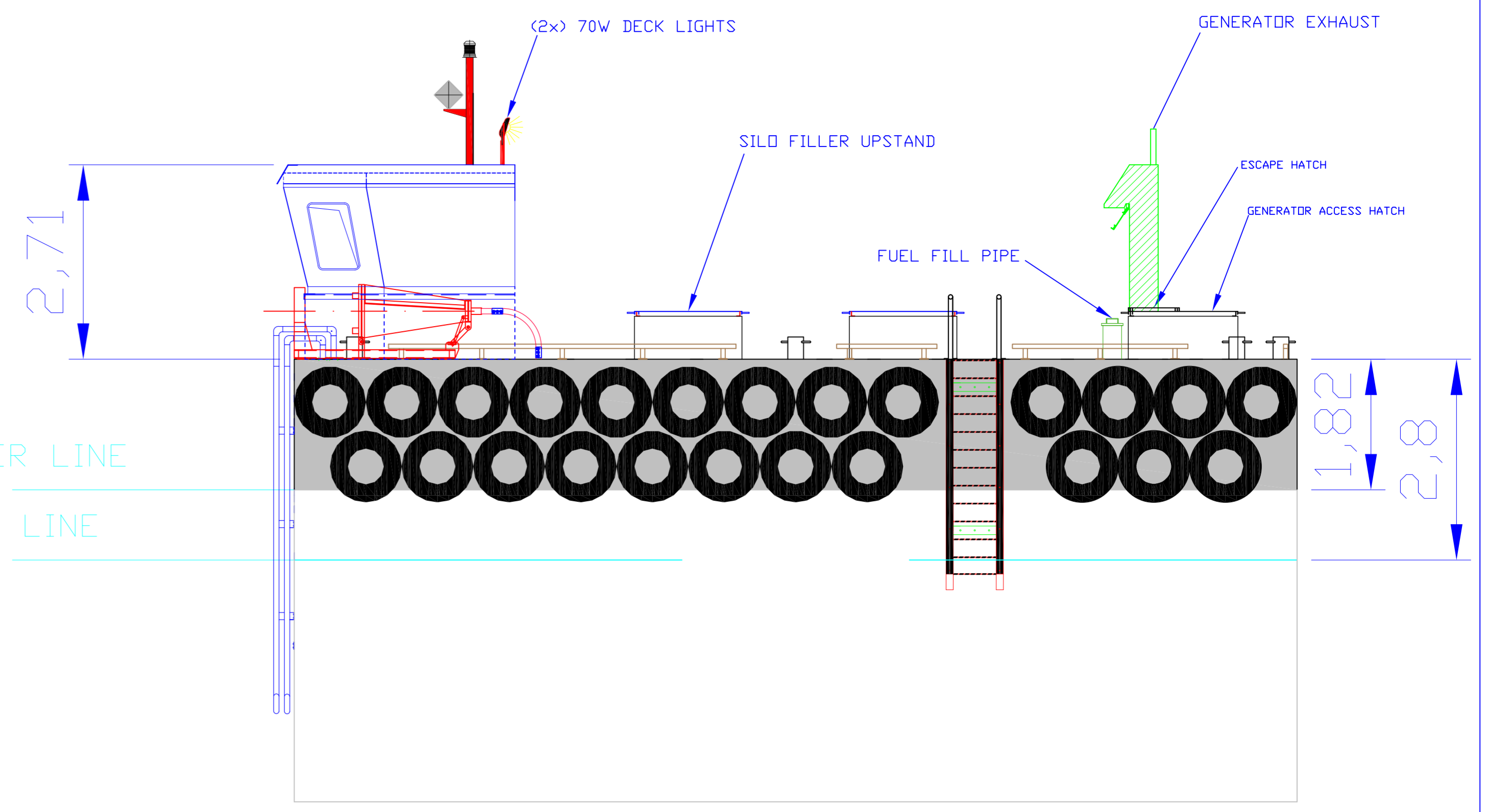
Key: E - empty

SECTIONAL PLAN SHOWING 4 PENS - SCALE 1 cm = 3 m

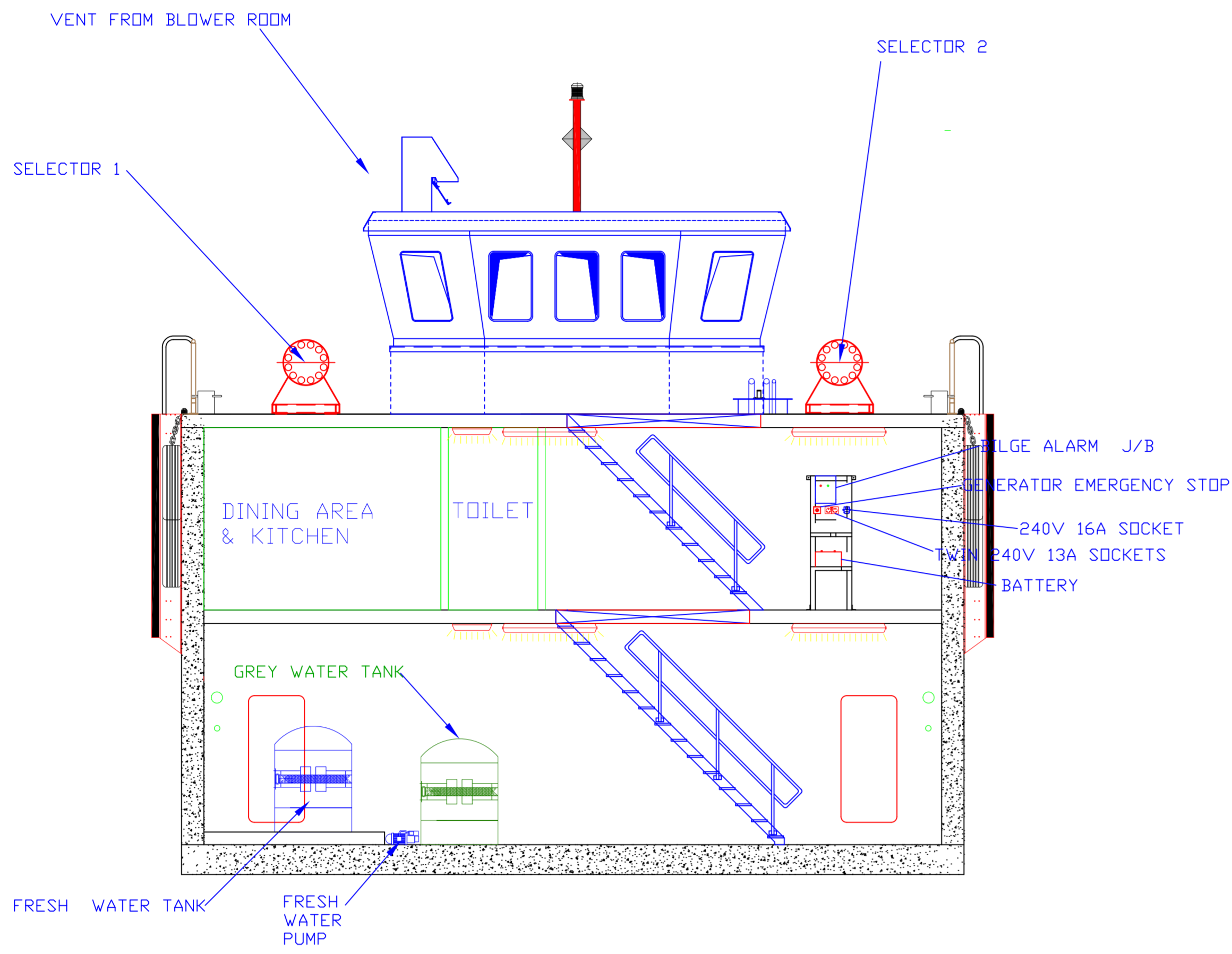




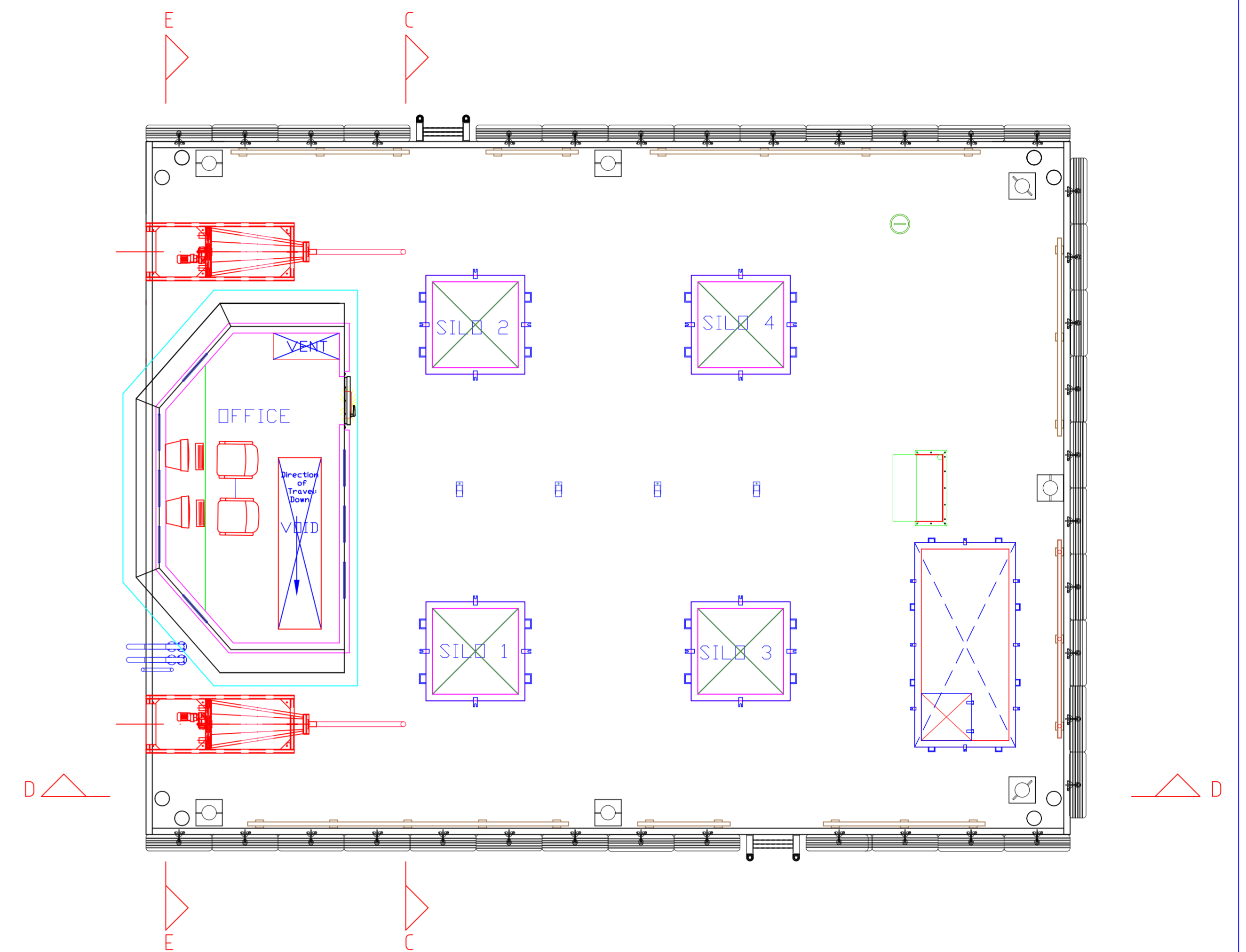
END ELEVATION



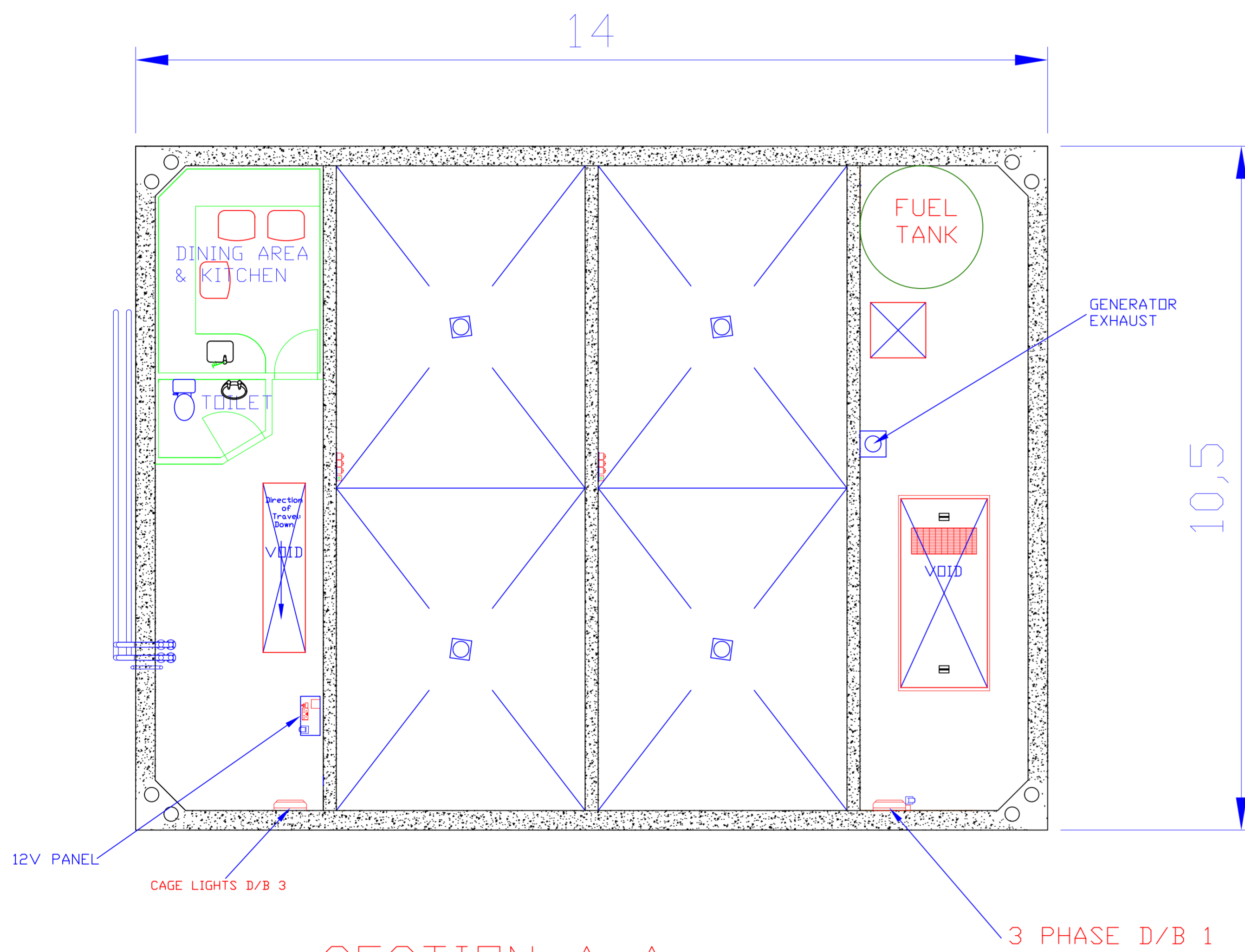
SIDE ELEVATION



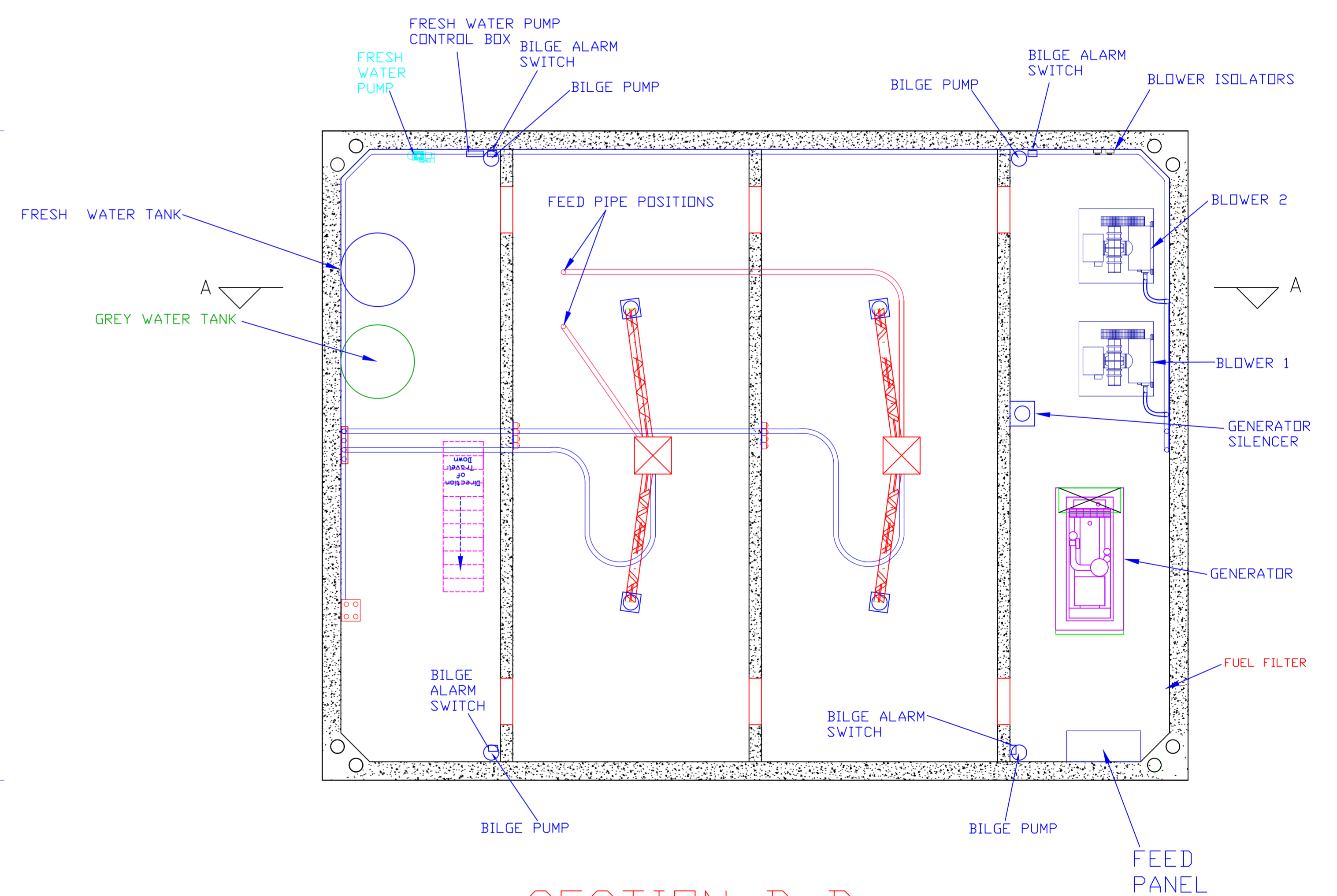
SECTION E-E
(WHEELHOUSE END)



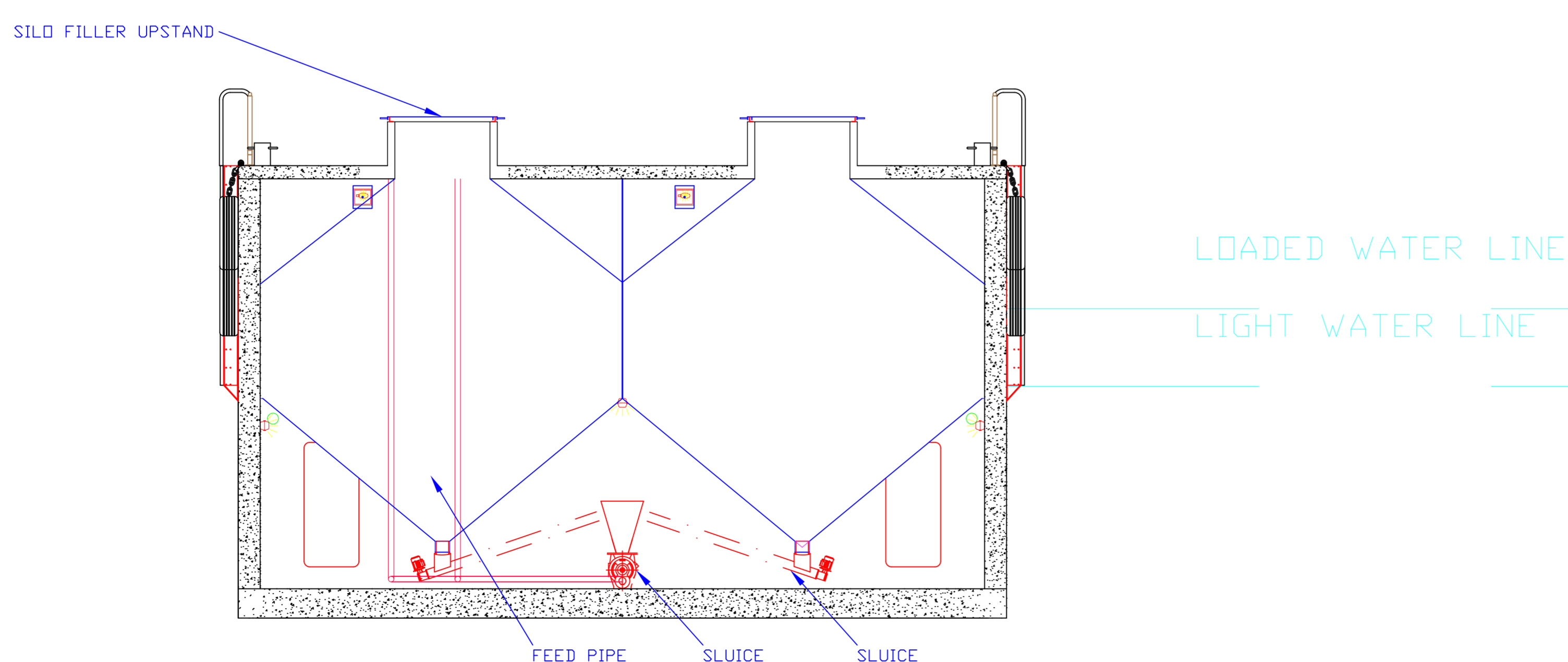
MAIN DECK PLAN



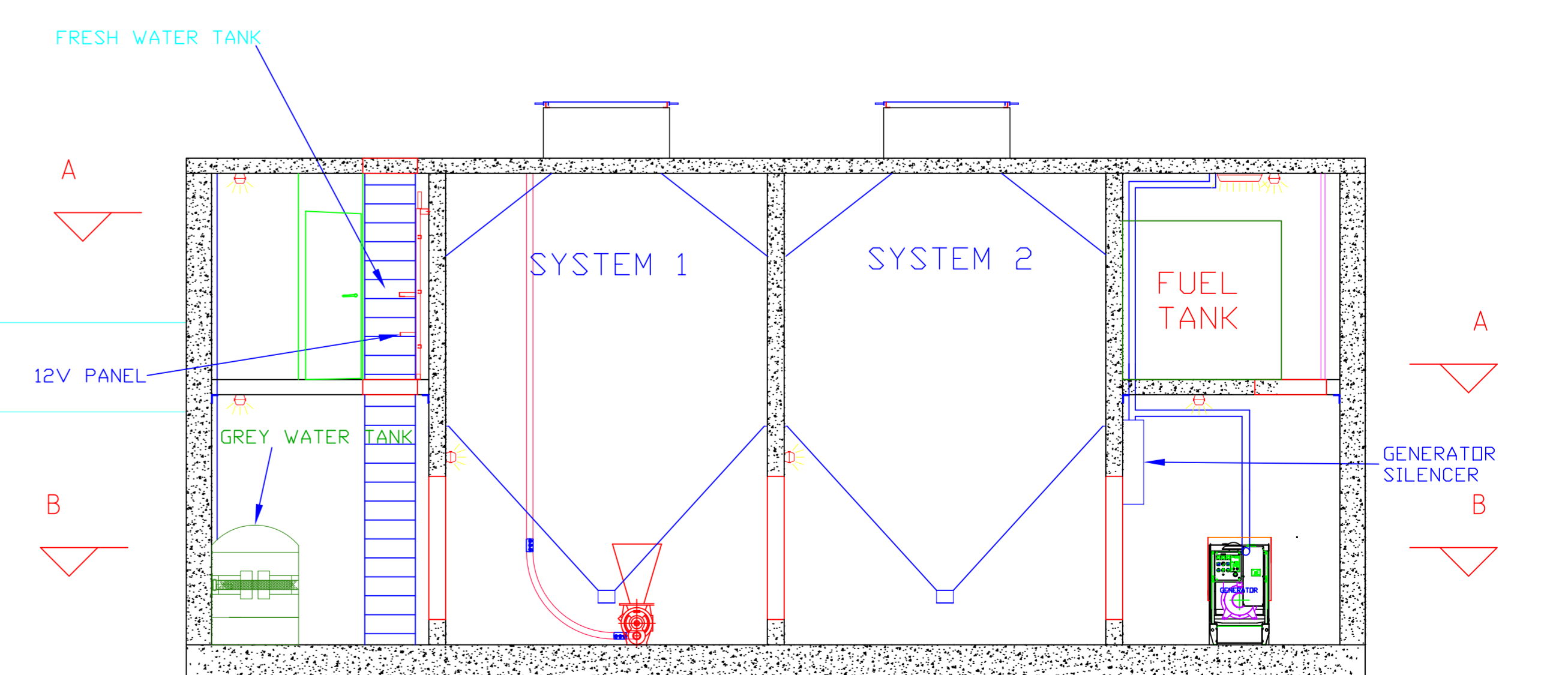
SECTION A-A
(MEZZANINE DECKS)



SECTION B-B
(LOWER DECK)



SECTION C-C
(MID SILO)



SECTION D-D

REV	DATE	DESCRIPTION
C	10/11/11	Wheel House design revised. TR
B	10/11/11	Toilet Layout revised & other misc. changes made. JD /TR
A	04/11/11	General Layout as per design meeting (JD, JB, DA, TG, TR)

Title SEAMATE 150T, 14M x 10,5M, 4 Silo					
Designed by GAEL FORCE	Checked by ###	Drawn by TR	Filename IMS	Date 03/11/11	Scale NTS
			Description 150t CAPACITY SEAMATE		
Drawing No. GFA_SM_150_WH_GA_00001		Sheet No. 00001	REV C		