

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE**  
**16 February 2016**

Agenda Item	<b>7.3</b>
Report No	<b>PLN/010/16</b>

**15/03667/FUL: Grieg Seafoods Ltd**  
**Rubha Riadhain, Uig Bay, Skye**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description:** Proposed new salmon farm

**Recommendation:** GRANT planning permission

**Ward:** 11 – Eilean a’ Cheò

**Development Category:** Marine Fish Farming Local (with EIA)

**Pre-determination hearing:** none

**Reason referred to Committee:** More than 5 objections, one of which from a statutory consultee

**1.0 Proposed development**

- 1.1 This application for a site on the south side of Uig Bay has been submitted by Grieg Seafood Ltd acting on behalf Sgeir Mhor (Salmon) Ltd. The proposed salmon farm would consist of 8 circular cages, each 120m in circumference, in a 4 x 2 arrangement with a feed barge at the north-eastern end of the cage group. An automated feeding system on the barge would be linked to each cage by feed pipes (see diagrams 1 to 3). The proposed barge, a Gael Force Seamate 220T, is a rectangular reinforced concrete pontoon 14m long x 10.5 m wide and would stand between 4.5 and 5.5m above the waterline according to its loading (see diagrams 4 and 5). The barge would hold up to 220 tonnes of feed in 4 silos and has a plant room, office, canteen, communication systems, generator, and safety equipment. The surface area occupied by the fish farm would be 9314 sq.m. and the overall site/seabed area would be 32.7 hectares. The proposed maximum standing biomass of fish on the site is 1692 tonnes.
- 1.2 The shore base will be serviced on a day-to-day basis from Uig. The main feed deliveries, harvesting and stocking will take place by boat. All efforts will be made to reduce road transport and it will only be used in circumstances where fish welfare will be an issue or delay in harvesting would result in the fish maturing. Underwater lights (3 x 400w per cage) will be used on the farm for 2 out of every 24 months. These will be fixed 4m below the surface of the sea and they will be screened from above.

## 2.0 Site description

- 2.1 The position of the site coincides closely with one which was first approved by the Crown Estate for salmon farming in 1993 and then subsequently given permission to expand (again by the Crown Estate), most recently in 2007. The fish farm has not however been operational since 2004. The currently proposed site is about one third longer and three times wider than the site approved by the Crown Estate in 2007. This is mainly to allow for the larger moorings area required by the proposed array of 120m circumference circular cages. The fish farm would be about 500m south of the turning arc which is used by the Western Isles ferry when it approaches and leaves Uig pier.

## 3.0 Planning history

- 3.1 The original site here was approved by the Crown Estate for a shellfish farm in 1990. The current applicant Sgeir Mhor (Salmon) Ltd gained approval for it to be used for salmon farming in 1993. There were some concerns at that time about the scale of the proposal – mainly on landscape grounds – and the Crown Estate restricted the scale of development accordingly. However, the applicant came back with a proposal for temporary (3-years) expansion in 1999 – to help the local fish farming industry deal with ISA (infectious Salmon Anaemia) problems. When approved by the Crown Estate this effectively removed the earlier restriction. In 2007 the Crown Estate went on to approve a proposal by the applicant to make the temporary expansion permanent and the configuration approved then was 16 x 70m circumference cages (a total cage area of 6238 sq.m. on a site of 9.2 ha).
- 3.2 The current proposal is the first planning application to the local authority for the site. The total sea surface area which would be occupied by equipment is 47% larger than before and the overall site/seabed area would be 3.5 times larger than before.

## 4.0 Public participation

- 4.1 The application was advertised as EIA development on the 23<sup>rd</sup> of October in the West Highland Free Press and Edinburgh Gazette.

Representation deadline: 20<sup>th</sup> October 2015

Timeous representations: 19 (objections)

Late representations: 3 (follow-up comments by authors of earlier timeous objections)

- 4.2 Material considerations raised by members of the public are summarised as follows (this section includes, for illustrative purposes, some direct quotes from objectors. Their inclusion here does not imply they are endorsed by the Council):

- **Risks to wild salmonid fish stocks and angling** – local angling interests are concerned that the proposed salmon farm (along with others in the area) could generate elevated levels of sea lice in the vicinity, which could

then infest and potentially kill wild fish. They are also concerned that there could be an increased risk of escapes and fish disease. They say that despite industry assurances and an official code of good practice there is a track record of salmon farms in this area failing to adequately control sea lice populations. Development of the proposed fish farm in Uig Bay would, in conjunction with the recently-approved Ru Chorachan site and the existing Loch Greshornish site, mean a total of three farms within the Loch Snizort area. They would all be within 5 kms of the mouth of Loch Snizort Beag which is the route for fish migrating to and from the River Snizort, the main fishing river on Skye.

- The risks to local wild fish populations are therefore significant and each addition of a new fish farm in the area increases those risks. The proprietor of the Skeabost Hotel, which has beats on the River Snizort for its guests, regards the proposed increase in fish farming operations as “a threat to the commercial viability of the hotel and its staff, environmental tourism in the area, and the sustainability of one of Skye’s most beautiful and bountiful assets, the River Snizort.”
- **Risks to seals and cetaceans** – there are significant populations of seals in this area (eg there is a Special Area of Conservation for seals around the Ascrib Islands and several other haul-out areas in Loch Snizort). There are also relatively frequent sightings of harbour porpoises in Uig Bay and sightings of other larger cetaceans (eg minke whale) from time to time in the main part of Loch Snizort nearby. In this context, it is not just the effectiveness of the anti-predator control strategy from a fish farming perspective which is important. It is also the capability of the acoustic deterrence system to deter genuine seal attacks without injuring or displacing passing ‘innocent’ seals and cetaceans from their feeding grounds in the vicinity. The Hebridean Whale and Dolphin Trust in particular is concerned that the applicant has made little effort to assess the impact of its ADD’s (Acoustic Deterrence Devices) on non-target species which may be affected, specifically cetaceans, all of which are protected under EU and national law. ADD’s may reduce the requirement for lethal control but they cause seals and cetaceans pain and may deprive them of some feeding opportunities. In the Trust’s view, ADD noise emissions underwater should be considered as a form of pollution and their usage should be minimised wherever possible.
- **Localised pollution of seabed and damage to marine life; general concern re the sustainability of open-mesh fish farming** – open-mesh fish farm cages allow fish farm effluent (faecal matter and chemical treatments) to pollute the sea and are inherently unsustainable. In this instance a seabed habitat which is classed as a Priority Marine Feature and relatively scarce in Scotland – ‘Inshore Deep Mud with Burrowing Heart Urchins’- would be adversely impacted. In such circumstances the precautionary principle should apply. In more general terms, marine fish farms should become land- based and use closed containment facilities where controls on all aspects of fish and environmental health would improve sustainability and mean less impact on wildlife. “By rejecting the

open-cage design that will destroy the coastal environment, the Council would be choosing the long-term health of Skye's waters over short-term financial gain, in this case, for Norway." In this instance, the proposed fish farm site has relatively little tidal flow, so there would be significant accumulations of organic matter below and adjacent to this proposed farm during its lifetime. Nutrient enrichment would alter and impoverish a fragile ecosystem.

- **Conflict with development plan policies, lack of strategic overview for fish farming in skye and lochalsh** – One respondent wrote: "I have been impressed and encouraged by the vision of the West Highland and Islands Local Plan, in conjunction with the Highland-wide Local Development Plan, and its high regard for the area's natural lands, marine environment, and wildlife. The plans recognize the livelihood needs of the people and address those needs responsibly and creatively, but at the same time, value how that livelihood depends on protecting the land and marine environment. I see the new proposal by Grieg Seafood Ltd. as contrary to these two plans and contrary to what I would choose for Skye, its land and seascapes, and wildlife. Environmental reasons to object to this proposal are paramount for me, since repairing the environment once it is damaged is usually impossible." Skye and Lochalsh Environmental Forum, for its part, suggests an alternative approach to the evaluation of fish farming applications majoring on more rigorous and independent EIA, use of the precautionary principle, and monitoring and review of permissions.
- **Cumulative impact of fish farm developments and conflict with the tourism economy** – Another respondent wrote: "Job creation is continually talked up by the salmon farming industry and the Scottish government but remarkably few jobs actually result from any new salmon farms. Increasingly, automation throughout the stages of production increases profits, cuts labour costs and provides more generous dividends to shareholders. Tourism, however, is sustainable and most communities on Skye rely to a large degree on revenues sustained from visitors. The truth is that an inherently unsustainable, largely foreign-owned industry has become its single, greatest threat. I've yet to meet a tourist who wants to see a salmon farm and I've yet to meet one who doesn't want to see wildlife and uninterrupted views of our stunning scenery."
- "The environmental impact of these large, ugly cages is ever more widely appreciated by the general public, and is now receiving increasing publicity nationally, in television and the press.... The Times leading article of 18th Nov 2015, "Fish farming is killing wild salmon" is the most recent example of this. This threatens the iconic image, nurtured over many years, of the Highlands and Islands, and the Isle of Skye in particular as a wild, beautiful, natural area. I and many other people on the Isle of Skye run successful businesses based on this iconic image, which attracts visitors from all over the world. Collectively these businesses provide more employment and economic benefit to the island than fish farming is ever

likely to do. All this is under threat if these large, ugly structures, now widely understood to be a source of severe marine pollution are allowed to proliferate around the island coastline.”

- **Poor quality of information in the EIA** – several recent EIA submissions by Grieg Seafoods for fish farm sites have been criticised by members of the public for what they see as poor seabed survey methods and presentation. One critic described the scientific methods used in the Uig Bay seabed survey as being “so rudimentary as to prevent the gathering of usable data”. He said that “observation stations along the transects used for the seabed video survey were very few. That, plus poor sampling technique, meant that the sparse data was inadequate”. He said the company’s identifications of living organisms were mostly approximate and the survey was merely a snapshot when seasonal changes needed to be taken into account. Another member of public, representing the Hebridean Whale and Dolphin Trust, said that the EIA’s assessment of potential impacts on cetaceans was the poorest that he had ever seen, and the applicant’s search for information on cetacean activity/sightings in the vicinity of Uig Bay had been inadequate. However, SEPA and SNH both regarded the information provided by the applicant as adequate for their purposes (see below).

4.3 Names and addresses are set out within Appendix C. All letters of representation can be viewed on the Planning and Development Service ePlanning portal at <http://wam.highland.gov.uk/wam/> using reference number 15/03667/FUL.

## 5.0 Consultations

5.1 **SEPA** has no objection to the proposed development. It said the site has not been in use for fish farming since 2004 and noted that the June 2014 benthic survey showed that numbers of species, species richness and diversity scores were not particularly high. It said the modelling submitted with the application indicates that the applicant’s proposed maximum biomass of 1692 tonnes can be held on the site. Modelling for usable amounts of sea lice treatments have also been submitted. SEPA is satisfied that the water column impacts would be acceptable. At the time of writing its response, SEPA said no application had yet been made to vary the existing CAR licence for this site, however the proposal appears capable of being licensed.

5.2 **SNH** does not regard the proposal as raising any issues of national importance and has no objection. In addition to the documents available on e-planning, it also received a copy of the benthic visual survey footage, associated geo-referencing tables, and a confidential annex relating to White-tailed eagles direct from the applicant.

5.3 **Impact on seabed habitat - SNH** regards the quality of the applicant’s seabed survey material as acceptable and likely to provide a representative sample. From this information it concluded that the proposed fish farm site coincides with an example of the Priority Marine Feature (PMF) habitat ‘Inshore Deep

Mud with Burrowing Heart Urchins'. This habitat, which is scarce in Scotland though probably under-recorded, extends across virtually the entire footprint of the site and SNH would expect the heart urchin *Brissopsis lyrifera* to be lost within the footprint of the fish farm when operational. SNH regards the potential loss of PMF habitat here as "significant in a regional context." However, it notes that a fish farm operated here previously and an existing CAR licence for that activity is still in place. It suggests that the Council should "weigh up the significance" of the potential loss of habitat in the context of its own policies. SNH for its part does not recommend relocation of the proposed fish farm or refusal of the application. SNH states that *Brissopsis lyrifera* has a high capacity for recovery and would therefore be expected to recolonise relatively quickly (as it has done here before) if the fish farm ceased operation.

- 5.4 **Seals, cetaceans, and predator control arrangements** - SNH states that all common seals within Loch Snizort should be regarded as part of the population of the Ascrib, Isay and Dunvegan SAC (Special Area of Conservation). It therefore supports the fish farm company's commitment to avoid lethal control methods if at all possible. Licences for shooting seals are issued by Marine Scotland and if such a course of action were ever required at this site as a last resort it would be subject to Habitat Regulation Appraisal. SNH advocates the use of well-tensioned cage nets, seal blinds, and regular removal of morts (dead fish) as the best method of avoiding conflicts with seals. A number of species of cetaceans (particularly minke whale, harbour porpoise and common dolphin) use Loch Snizort. SNH is not aware of any information to suggest that Uig Bay itself represents critical habitat for these species. However, noise from ADD's (Acoustic Deterrent Devices) on the fish farm would propagate into the wider marine environment and may affect these species. SNH welcomes the focus on well-tensioned and maintained nets as the first line of defence against seals and the applicant's commitment to avoid the use of ADD's which sound continuously. The applicant's definition of specific triggers which will be used prior to deploying ADD's, and its commitment to regular reviews which ensure ADD's are turned off once seal attacks have ceased, are also regarded as important measures.
- 5.5 **Eagles** - The proposed fish farm site lies within an established White-tailed eagle territory and whilst there are no known nest sites of this species nearby, there could be some displacement of hunting eagles during the establishment phase of the fish farm. SNH believes that once the fish farm is operational, the eagles would become accustomed to its presence. However, eagle usage of an area can change and SNH recommends that the fish farm company should keep this under review.
- 5.6 **Landscape** – SNH does not believe the fish farm will have a major impact on the key coastal views around Uig Bay. It notes that Uig is an active port and the activity associated with the fish farm would reinforce that image. The bay is a settled area and the ferry pier is a prominent industrial structure within it so SNH sees the addition of the fish farm as being consistent within the local seascape. The proposed location and layout fit reasonably well with the

landscape character and SNH's siting and design guidance. However, SNH recommends that the colour of surface netting is controlled to avoid drawing attention to the cages.

- 5.7 **Skye District Salmon Fishery Board (SDSFB)** objects to the proposal. It is primarily concerned that the addition of another fish farm in the Loch Snizort area represents a (further) threat to wild salmon and sea trout from elevated levels of parasitic sea lice. The Loch Snizort catchment serves a total of seven salmonid-bearing rivers (most notably the River Snizort) and the Board is concerned that with sea lice showing increased tolerance to the treatments used by fish farmers, there has been "widespread failure to control sea lice numbers to the levels required by the industry code of practice."
- 5.8 The board notes that the recently approved fish farm site at Ru Chorachan (just south of the mouth of Uig Bay) and the proposed site in Uig Bay itself both lie in the migration path of wild salmon and sea trout from rivers in the Loch Snizort catchment. Also, two small rivers – the Rha and the Conon – flow directly into Uig Bay close to the proposed fish farm site and they contain levels of juvenile salmonids which are adjudged to be "perilously low." The Board is concerned that the presence of around 3000 tonnes or more of farmed salmon in the two fish farm sites, which are in quite close proximity to each other, could conceivably attract sea lice infestations simultaneously and this would increase the risk for already endangered catchments. The addition of more fish farms in the Loch Snizort catchment could thus negate or offset planned remedial work on the Skye rivers. The Board states there is anecdotal evidence of the previous fish farm in Uig Bay experiencing high levels of lice infestation before it ceased production in 2004. However, Marine Scotland has rebutted the suggestion that significant fish mortalities reported there in autumn 2004 resulted from sea lice infestation. It says there is no history of sea lice affecting the health of farmed fish in the M-24 farm management area.
- 5.9 The Board is also concerned that the two fish farms sitting in close proximity to each other would act as a magnet for seals from the Ascrib Islands, and this would increase the risk of net damage and fish escapes. Escapes could impact adversely on the genetic make-up of the local wild salmonid populations. Exposure to wind and waves from the northwest could also increase the risk of damage to equipment and escapes.
- 5.10 More than 10 years have elapsed since a fish farm was last operational at this site. **Marine Scotland Science (MSS)** has therefore evaluated the proposal as an application for a new site. It has no objection to the proposal, though it acknowledged that potentially it could increase the risks to wild salmonids. It therefore considers the ability to control sea lice as key. In this respect it notes that, amongst other measures, the applicant aims to conduct weekly sea lice counts and adhere to a more stringent criterion for treatment than the industry code of practice standard. MSS recommends that the applicant establishes management agreements with all other fish farm operators sharing the same

disease management area (12a) and that the fish farms there should hold a single year class of stock and synchronise their fallowing patterns. The applicant hopes to do this but at the time of writing no agreement had yet been reached.

- 5.11 MSS believes the impact on the water column from nutrient enrichment would be acceptable but asked for more details from the applicant on several matters, eg waste disposal, arrangements for dealing with sea lice, and the robustness of the fish farm equipment for dealing with local conditions. The applicant subsequently delivered information which MSS regarded as sufficient.
- 5.12 There were no objections from **Transport Scotland, Historic Environment Scotland, the Crown Estate, Scottish Water, or Uig Community Council**. The **Northern Lighthouse Board** set out its requirements for navigational lighting and marking of the site and these will be passed on to the applicant accordingly if the planning application is granted permission.

## **6.0 Development Plan Policy**

- 6.1 The following policies are relevant to the assessment.

### **The Highland-wide Local Development Plan 2012:**

Policy 28 – Sustainable Design  
Policy 36 – Development in the Wider Countryside  
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

## **7.0 Other material policy considerations**

### **Scotland's National Marine Plan (2015) and Scottish Planning Policy (SPP) (2014)**

- 7.1 The Scottish Government has a target to grow marine finfish production sustainably to 210,000 tonnes by 2020. Scottish Planning Policy (2014) sees the role of the planning system as being to guide development to coastal locations which best suit industry needs with due regard to the marine environment. Both the National Marine Plan and the SPP presume in favour of sustainable development.
- 7.2 In remote and fragile areas and island areas outwith defined small towns, SPP states that “the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic



activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.”

- 7.3 The National Marine Plan states that system carrying capacity (at the scale of a water body or loch system) should be a key consideration in identifying appropriate locations for future aquaculture development. It also states that operators and regulators should use a risk-based approach when considering the location of fish farms and their potential impacts on wild fish. In relation to seals and predator control, the plan states that seal conservation areas [eg *the Ascrib Islands*] should be taken into account in fish farm site selection and operation. This puts the onus on the operator to use non-lethal and less aggressive means of predator control whenever possible.

### **Highland Coastal Development Strategy (2010)**

- 7.4 The coastline adjacent to the proposed fish farm is classified as “Undeveloped” in the Coastal Development Strategy. This was on the basis that there are low-density settlements, a small port and road infrastructure nearby, though the character is still predominantly rural. Coastline thus classified may be regarded as of intermediate sensitivity. The Council’s strategy for the West Coast “supports the development of aquaculture which is compatible with other coastal interests, tailored to the potential and sensitivities of respective sites and at a scale which is within the visual and biological carrying capacity of the areas concerned”.

## **8.0 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. The Development Plan in this case comprises the Highland-wide Local Development Plan.

### **Determining Issues**

- 8.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

### **Planning Considerations**

- 8.3 In order to address the determining issues, the Committee must consider the following: (a) development plan and other material policy considerations, (b) principle of development, (c) economy, (d) landscape, visual amenity and noise, (e) built and cultural heritage, (f) wild fish populations, (g) biological carrying capacity, benthic and water column impacts, (h) habitats and species,

(i) commercial inshore fishing grounds, (j) existing and consented aquaculture sites, (k) harbours, anchorages, navigation, (l) access and transport infrastructure, (m) waste disposal.

### **Development Plan Policy**

- 8.4 The key policy consideration is Policy 50 (Aquaculture) of the Highland-wide Local Development Plan. This policy states that the Council will support the sustainable development of finfish and shellfish farming subject to there being no significant adverse effect on the natural, built and cultural heritage and existing activity.
- 8.5 The proposed fish farm, in conjunction with the one recently approved for Ru Chorachan nearby would help to broaden the basis of the North Skye economy, provide direct employment for 7 people, and help to generate further income and employment for contractors. The important landscape and wildlife habitats which underpin tourist visits and quality of place in the Uig area would not be significantly compromised.
- 8.6 Although some interests have expressed concern about the risk of elevated levels of sea lice and localised damage to a BAP priority seabed habitat at the proposed site, there have been no objections from the relevant regulatory authorities in these respects (MSS, SNH and SEPA). A precedent for fish farm development has already been set at this site and additional safeguards on sea lice management could be built into a planning permission via a condition requiring an Environmental Management Programme. On this basis, and on balance, the current proposal would appear to be in keeping with the Highland Coastal Development Strategy and the main thrust of the National Marine Plan and Scottish Planning Policy.

### **Principle of Development**

- 8.7 As explained in section 3.0, the principle of development for a fish farm at this location was established in 1993, though the scale of operation was tightly controlled at the outset. As the fish farm became a more familiar feature of the bay, local opposition on landscape grounds diminished and the fish farm was allowed to expand. There was subsequently a period of inactivity in which the fish farm shut down, the equipment was removed, and the site reverted to its undeveloped state. The proposal now is to re-establish the fish farm with an expanded equipment configuration which is typical within the industry today - 8 circular cages each 120m in circumference. Both SNH's assessment of the proposal and our own suggest that in landscape terms Uig Bay is capable of accommodating this type and scale of physical development (though probably not much bigger). SEPA and MSS also consider the proposal to be sustainable in terms of its likely impacts on the seabed and water column. However, with two sites already approved for salmon farming in Loch Snizort (and one of these nearby) the key issues in this instance are whether the new fish farm can be operated with minimum harmful side effects on local wild fish populations and minimum displacement of the seals and cetaceans in this area which are part of its wildlife interest.

## **Economy**

- 8.8 Prospects for the salmon farming industry are currently good. The applicant has planning permission to operate a fish farm at Ru Chorachan nearby and the company proposes to operate the Uig Bay fish farm in conjunction with that. The company anticipates a need for 7 full-time employees for this joint task and it is committed to recruiting locally where possible. This prospect would represent a significant jobs boost in the context of the Uig area. The development would also generate work and income for contractors, both locally and elsewhere in Highland. On the basis of the Scottish Government's estimate of multiplier ratios for aquaculture, indirect employment generated by the combined fish farm operation would be the equivalent of a further 6 FTE jobs.

## **Landscape, visual amenity and noise**

- 8.9 The site falls within the Trotternish and Tianavaig Special Landscape Area (SLA). The citation for this designation mentions that Uig Bay is a semi-enclosed bay guarded by steep cliffs at its entrance, which provides a sheltered anchorage and an impressive landscape setting for the settlement of Uig. The citation lists various sensitivities to change in the SLA. Two of these are relevant to this application:

- "Development in or around existing settlement areas could disrupt the traditional pattern or be out of scale with existing buildings"
- "Introduction of marine-based installations in nearshore waters could fall within important coastal views or introduce built elements in areas remote from habitation."

The proposed development does not however give significant cause for concern on either of these counts and no objections to the proposal have been submitted on landscape grounds.

- 8.10 The proposed fish farm would generally have a low profile and the installation would be sufficiently far enough away from the main settlement of Uig not to challenge its townscape or the scale of its buildings. Uig Bay is a striking feature and views across it and from the bay out to seaward are important, but the position of the proposed fish farm would be such that the impact on these views should not be significant. Whilst the site is visible from most of the properties in Uig it is at a distance of 1.5 to 2 kms and it has a steep cliff backdrop which helps to absorb the visual impact of the installation. These cliffs are about 80m high. The fish farm's position below these cliffs on the south side of the bay would take it out of the line of sight from the nearest houses at Earlish (see visibility map at diagram 2). By providing a dark visual backcloth, the cliffs would also absorb much of the visual impact of the fish farm as seen across the bay from the north and northeast.
- 8.11 Of the positions where photomontages were requested and prepared, the one from which the fish farm would appear most prominently was viewpoint 1 - the layby beside the A87 road, above the southeast side of the bay, as the road

starts to descend into Uig (see Diagram 7). Yet even here, SNH notes that “the viewer’s attention is drawn to other features in the seascape such as Uig harbour (particularly when the ferry is in port) and the surrounding crofting landscape. The development is well aligned with the dominant line of the adjacent coast and is visually contained by Ru Chorachan.”

### **Built and Cultural Heritage**

- 8.12 Historic Scotland has been consulted on this application and neither it nor the Council’s own Archaeology Unit have indicated that the application will impact on any features of built or cultural heritage interest.

### **Wild fish populations**

- 8.13 As with other fish farm applications in recent years, Marine Scotland has not indicated any objections but acknowledges that the proposed development could potentially increase the risks to wild salmonids. As is also now customary, in the absence of guarantees that these risks will be effectively controlled, the local wild fish interests have registered objections and called for the precautionary principle to be applied. One of the objectives of the National Marine Plan is to maintain healthy salmon and diadromous fish stocks. Increasing attention is therefore being devoted to understanding and effectively managing the interactions between fish farming and these wild fish which are important both economically and in terms of biodiversity. The Council can play its part in this by incorporating suitable safeguards and monitoring arrangements into the planning permission for a fish farm where appropriate.
- 8.14 The defensiveness of the local sport fishing interests in this instance is understandable because the River Snizort is the most important sport fishing river on Skye, and two fish farm applications have been submitted in the Loch Snizort area in fairly quick succession. The spatial grouping of the two existing/approved fish farm sites in the area and the proposed one also understandably gives grounds for caution because the three sites are concentrated in the eastern half of the Snizort area, just a few kilometres from the point where Loch Snizort Beag (the main migratory salmonid route) meets the open sea.
- 8.15 Marine Scotland has sought detailed information from the applicant to ensure that suitably robust equipment and adequate sea lice management arrangements, predator control and escape contingency plans would be in place. The information subsequently provided by the applicant falls short, as yet, of a full management agreement between the different operators in the Snizort area (Marine Harvest and Grieg Seafoods). However, Marine Scotland considers the applicant’s equipment and farm management arrangements to be “satisfactory as far as can reasonably be foreseen.”
- 8.16 This in itself may not provide adequate reassurance for local sport fishing interests. To ensure that the applicant does not just promise a sustainable development but is seen to deliver it as well, it is recommended that planning

permission for this proposal should have a condition attached which requires the delivery of an agreed environmental management programme (EMP). This approach has already been used at several other fish farm sites in Highland.

### **Biological carrying capacity, benthic and water column impacts**

- 8.17 Some of the objectors are opposed to open-cage fish farming in principle and regard any environmental impact on the seabed or water column as unacceptable, however localised. SEPA and Marine Scotland Science however are the key regulatory bodies in this respect and they are prepared to sanction significant impacts from a fish farm over a limited area of seabed (the AZE or Allowable Zone of Effect). Both bodies have checked the calculations of likely benthic and water column impacts from the proposed fish farm and they find these acceptable.

### **Habitats and species (including designated sites and protected species)**

- 8.18 There are no designated nature conservation sites which would be impacted directly by the proposed development. However, seals from the Ascrib, Isay and Dunvegan SAC could be attracted to the concentration of caged fish at the site. They might then find themselves repelled by the ADD's (acoustic deterrent devices) on the proposed fish farm, as might passing cetaceans such as harbour porpoise or dolphins. SNH and Marine Scotland both however seem content that the proposed predator control arrangements are appropriate, proportionate and not unduly intrusive for this site.
- 8.19 The main consideration in relation to general biodiversity is that the proposed fish farm site coincides with the presence of a type of marine habitat which is classed as a Priority Marine Feature (PMF). This classification stems from the objectives of the UK Biodiversity Action Plan but Uig Bay is not a formally delineated marine nature conservation site and it seems unlikely that it would become one. SNH expects the key species found in this particular PMF habitat, the heart urchin *Brissopsis lyrifera*, to be lost within the footprint of the fish farm when the farm becomes operational. It regards the loss of such PMF habitat as "significant in a regional context" because it is relatively rare in Scotland (though probably under-recorded). However, SNH acknowledges that there was formerly a fish farm at this site, and the habitat is likely to recover again after the currently proposed fish farm development has run its course.
- 8.20 The Council's responsibility under Policy 60 in the Highland-wide Development Plan is to have regard to the value of priority habitats listed in the UK and local Biodiversity Action Plans, and to avoid significant harm to their ecological function and integrity. In this instance SNH does not seem to regard the prospective loss of an area of the PMF habitat within the AZE of the fish farm as requiring action on the Council's part, since it has not suggested refusal, relocation of the fish farm, or any special mitigation measures.

### **Commercial inshore fishing grounds**

- 8.21 No issues have been raised by commercial fishing interests.

### **Existing and consented aquaculture sites**

- 8.22 The nearest approved fish farm site is 2 kms away, on the seaward side of Ru Chorachan. There should be no conflict of interest because Grieg Seafoods holds the planning permission for that site and intends to operate it and the Uig Bay (Sgeir Mhor Salmon) site jointly. The nearest other fish farm site is about 8 kms away at Loch Greshornish, operated by Marine Harvest. That company has lodged no objection to the current proposal.

### **Harbours, anchorages, navigation**

- 8.23 Uig Bay is a ferry port for services to the Western Isles and an important local anchorage. The proposed fish farm site is in a relatively quiet, outer part of the bay, more than a kilometre from the pier, and it is more than 500m from the route which the ferries use for their approach and departure. This degree of separation is consistent with the Crown Estate's guideline for the minimum distance between a fish farm and anchorages/approaches. There have been no objections to the proposed fish farm from navigational or commercial fishing interests and the Northern Lighthouse Board has required only standard navigational marking and lighting for the site. Neither SEPA nor Scottish Water have raised any issues about water quality at the proposed fish farm site. The application therefore seems compatible with the existing commercial interests in the bay.

### **Access and Transport Infrastructure**

- 8.24 For day-to-day needs, the proposed fish farm is to be serviced from the existing shorebase at Uig. The bulk delivery of feed, harvesting and stocking will be by sea from further afield – probably from Kishorn or Mallaig once every few weeks. The Skye/Western Isles ferry will have priority navigational rights in the bay on account of its size and function, and the day-to-day movement of small service boats should be within the capacity of the anchorage. The applicant has stated that all efforts will be made to reduce road transport and it would only be used in circumstances where fish welfare would be an issue or delay in harvesting would result in fish maturing. No issues have been raised by transport interests.

### **Waste Disposal**

- 8.25 Because the bulk servicing will be by sea, there should be very little requirement for local disposal of waste. Feed bags will be returned with the feed delivery boat and in normal practice it is unlikely that any feed would need to be stored on land nearby.

8.26 Animal by-products will be treated, stored in sealed containers and disposed of by licensed carrier. Waste oil from boat activities will be brought ashore in barrels and disposed of at the designated waste point by pier staff. General waste will be disposed of within the designated bin on the pier or within the commercial waste bins at the shore base. The fish farm cages will not be stored on land at any point. They would be constructed in Kishorn and towed to Uig Bay where they would remain in place until decommissioning. Decommissioning would be undertaken within eight weeks of production ceasing.

## **9.0 Conclusion**

9.1 In reaching a view on this planning application all relevant planning policies and guidance have been considered, along with the applicant's supporting information, consultee responses and public comments.

9.2 In light of the considerations above, the proposal may be regarded as being in accordance with the terms of the Highland-wide Local Development Plan. With appropriate environmental safeguards, the net benefits to the local economy of Uig and north Skye from the proposed fish farm operation should be significant. The fish farm would be larger than before, but it should still sit acceptably within the landscape of Uig Bay. There is a previous history of fish farm use at this location and no particular conflicts of interest were manifest when the site was last operational.

9.3 Of the statutory consultees, only the District Salmon Fishery Board has expressed an objection to reinstatement of a fish farm at this location. Marine Scotland Science, for its part, is content that the proposed farm management arrangements are adequate. However, there is a potential cumulative risk to local wild fish populations arising from this proposed development and other fish farms in the Loch Snizort area which needs to be addressed. Having regard to the representations made, the views of the consultees, and the mitigation measures offered by the applicant, the Council can help to provide meaningful safeguards for the local sport fishing interests by making planning permission conditional in this instance on the provision of an agreed Environmental Management Programme.

9.4 The likely adverse impact on a type of marine habitat which is classed as a Priority Marine Feature is likely to be localised - confined to the fish farm's Allowable Zone of Effect which is sanctioned by SEPA – and SNH believes the habitat is likely to recover once the fish farming operation ceases. The cetacean interest in Uig Bay (visits by harbour porpoise from time to time) may be slightly diminished through the occasional use, on an as-needs basis, of responsive acoustic devices to deter seal attacks at the fish farm. However, the need for ADD's can be minimised by the fish farmer keeping the cages well tensioned and this is easier to do with the larger-sized cages proposed for this site. In the main, cetaceans should not therefore be significantly threatened or displaced. SNH and Marine Scotland regard the proposed predator control arrangements as appropriate for this site.

## 10.0 Recommendation

It is recommended that the application is GRANTED subject to the following conditions:

1. All surface equipment, with the exception of navigational markers, shall be finished in a dark matt neutral colour unless alternative finishes are agreed in advance in writing with the Planning Authority. In particular, the top nets, and netting along walkways shall be matt grey. Pipes between the automated feed barge and the cages shall be neatly bundled to minimise clutter and routed below water where it is practical to do so.

*Reason: to minimise the visual impact of the installation and to help safeguard the integrity of the Trotternish and Tianavaig Special Landscape Area.*

2. 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; to ensure that lights left on in the daytime do not draw the eye towards the site and at night do not present unnecessary sources of light pollution.*

3. No fish shall be stocked or farmed on the site until an Environment Management Plan (EMP) has been submitted to, and approved in writing by the Planning Authority. The EMP shall be submitted at least one month prior to the intended first stocking date of the site, the date of which shall be notified to the Planning Authority. The EMP shall be prepared as a single, stand-alone document, which shall include the following:

(a) a Sea Lice Management Plan to include:

(i) details of site-specific operational practices which will be carried out following the stocking of the site in order to manage sea lice. This shall include a specific threshold at which it will be considered necessary to treat on-farm lice during sensitive periods for wild fish;

(ii) details of site-specific operational practices which will be carried out to manage the incidence of sea lice being shed to the wider environment through routine farming operations such as mort removal, harvesting, grading, sea lice bath treatments and well boat operations;

(iii) details of the specification and methodology for the monitoring, recording, and auditing of sea lice numbers on the farmed fish. This shall include:



- details of the qualifications and job title of the competent person(s) responsible for such monitoring activities;
- provision of site-specific summary trends from such monitoring to the Planning Authority on request. Details of the form in which such summary data will be provided;
- details of how and where raw data obtained from sea lice monitoring will be retained by whom and for how long, and in what form. This raw data shall be provided to the Planning Authority on request

(iv) details of the site-specific trigger levels for treatment with sea lice medicines;

(v) details of the site-specific criteria which need to be met for the treatment to be considered successful;

(vi) details of who will be notified in the event that treatment is not successful;

(vii) details of what action will be taken during a production cycle in the event that a specified number of sea lice treatments are not successful;

(viii) details of what action will be taken during the next and subsequent production cycles in the event that sea lice treatment is not successful

(b) an Escape Management Plan to include:

(i) details of how escapes will be managed during each production cycle;

(ii) details of the counting technology or counting method used for calculating stocking and harvest numbers;

(iii) details of how unexplained losses or escapes of farmed salmon will be notified to the Planning Authority;

(iv) details of an escape prevention plan. This shall include:

- net strength testing;
- details of net mesh size;
- net traceability;
- system robustness;
- predator management;
- record-keeping methodologies for reporting of risk events. Risk events may include but are not limited to holes, infrastructure issues, handling errors and follow-up of escape events

(v) details of worker training on escape prevention and counting technologies

(c) a statement of responsibility to “stop the job/activity” if a breach or potential breach of the mitigation/ procedures set out in the EMP or legislation occurs.

The development and operation of the site, shall be carried out in accordance with the approved EMP unless changes to the operation of the site dictate that the EMP requires amendment. In such an eventuality a revised EMP will require to be submitted to, and approved in writing by the Planning Authority beforehand. Notwithstanding, a revised EMP shall be submitted to, and approved in writing by, the Planning Authority every 5 years, as a minimum, following the start date, to ensure it remains up to date and in line with good practice.

*Reason: To ensure that good practice is followed to mitigate the potential impacts of sea lice loading in the marine environment in general and on wild salmonids in particular; this in accordance with the Planning Authority’s biodiversity duty and to ensure the development does not have an adverse impact on local wild salmonid populations in the River Snizort and other rivers draining into Uig Bay and Loch Snizort.*

4. 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 site operator 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 so as to remove the obstruction or danger to navigation.

*Reason: in the interests of amenity and navigational safety*

5. 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.*

Signature:

Designation: Head of Planning and Building Standards

Author: Colin Wishart, Principal Planner, Coastal Planning Team

Date: 3rd February 2016

Appendices: A: Maps – location and site layout;

B: Drawings, photographs, and photomontages;

C: List of Representations

## Appendix A: Maps

Diagram 1: Location of proposed fish farm in Uig Bay (cages + feed barge)

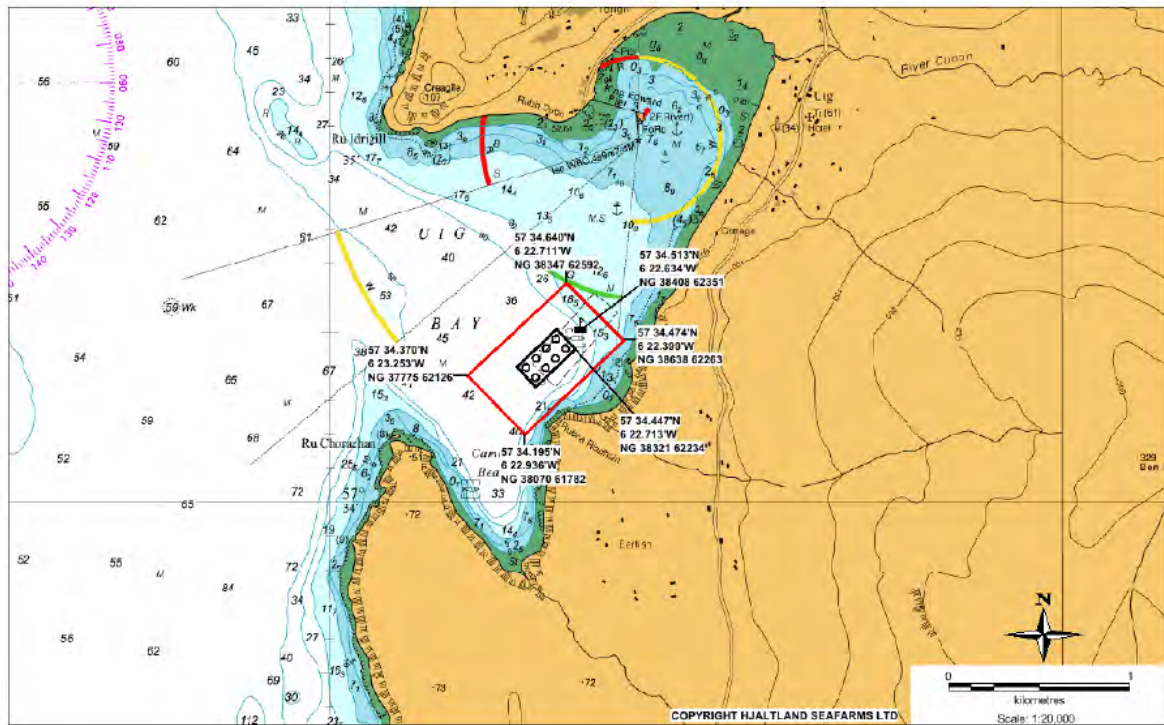
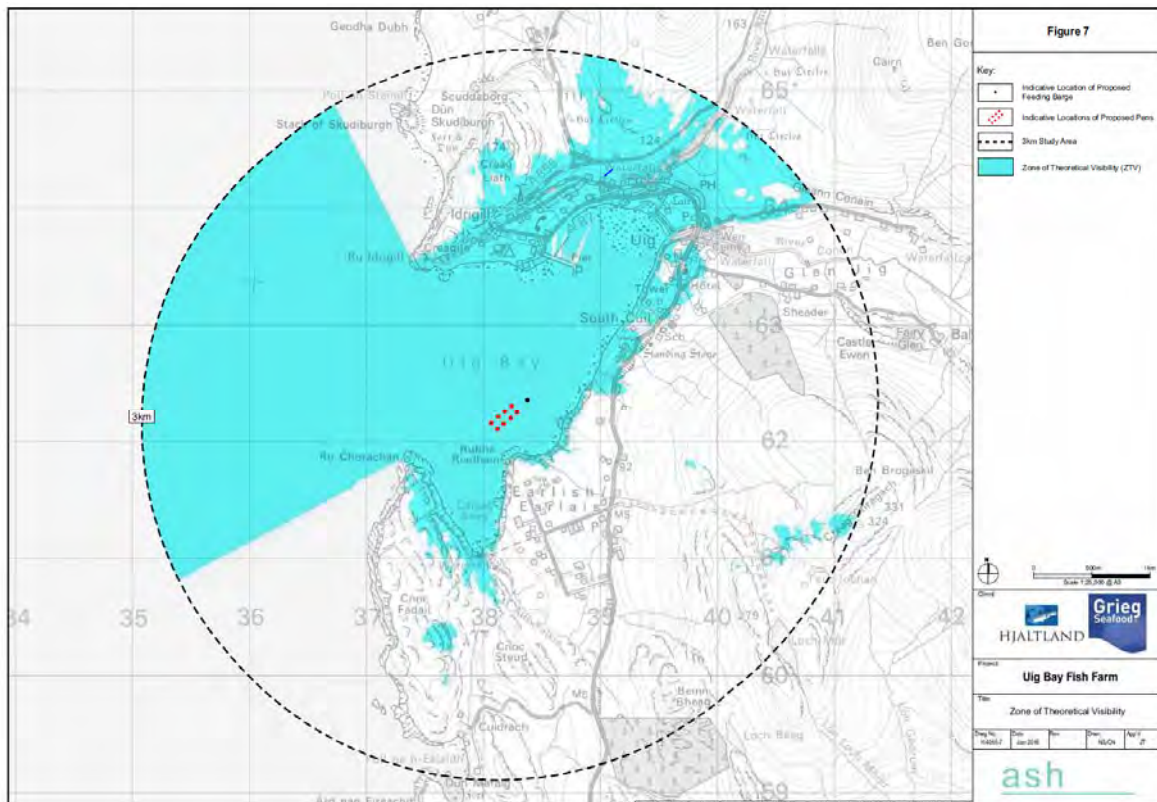


Diagram 2: Zone of theoretical visibility of proposed fish farm



## Appendix B: Drawings, photographs, and photomontages

Diagram 3: Perspective drawing of proposed fish farm

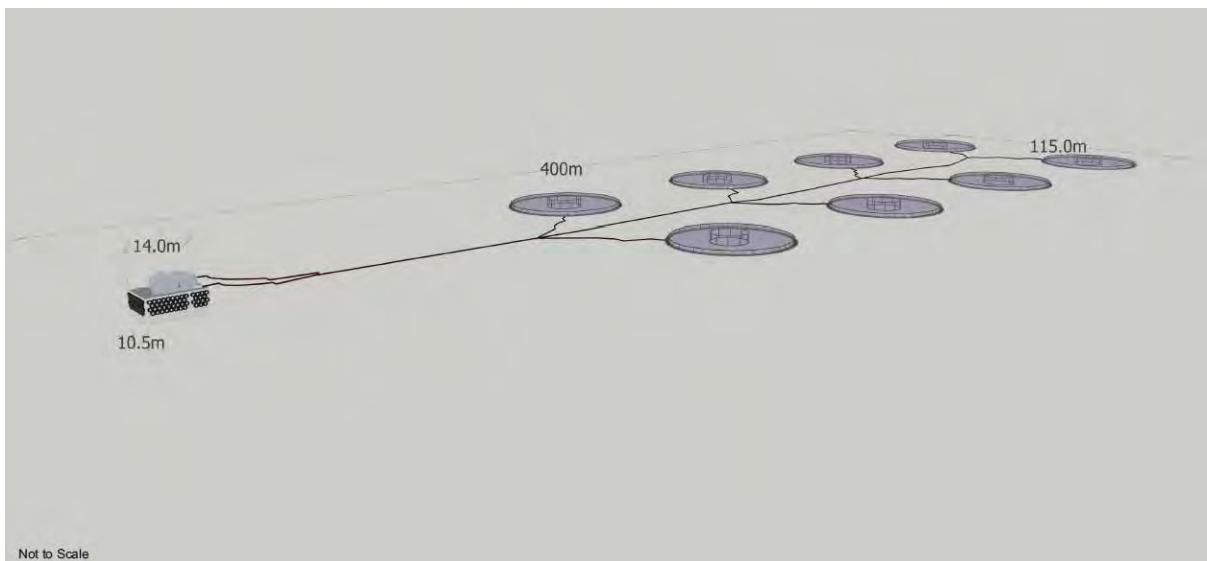


Diagram 4: Example of the proposed feed barge (Gael Force Sea Mate 220T)





Diagram 5: Proposed feed barge design

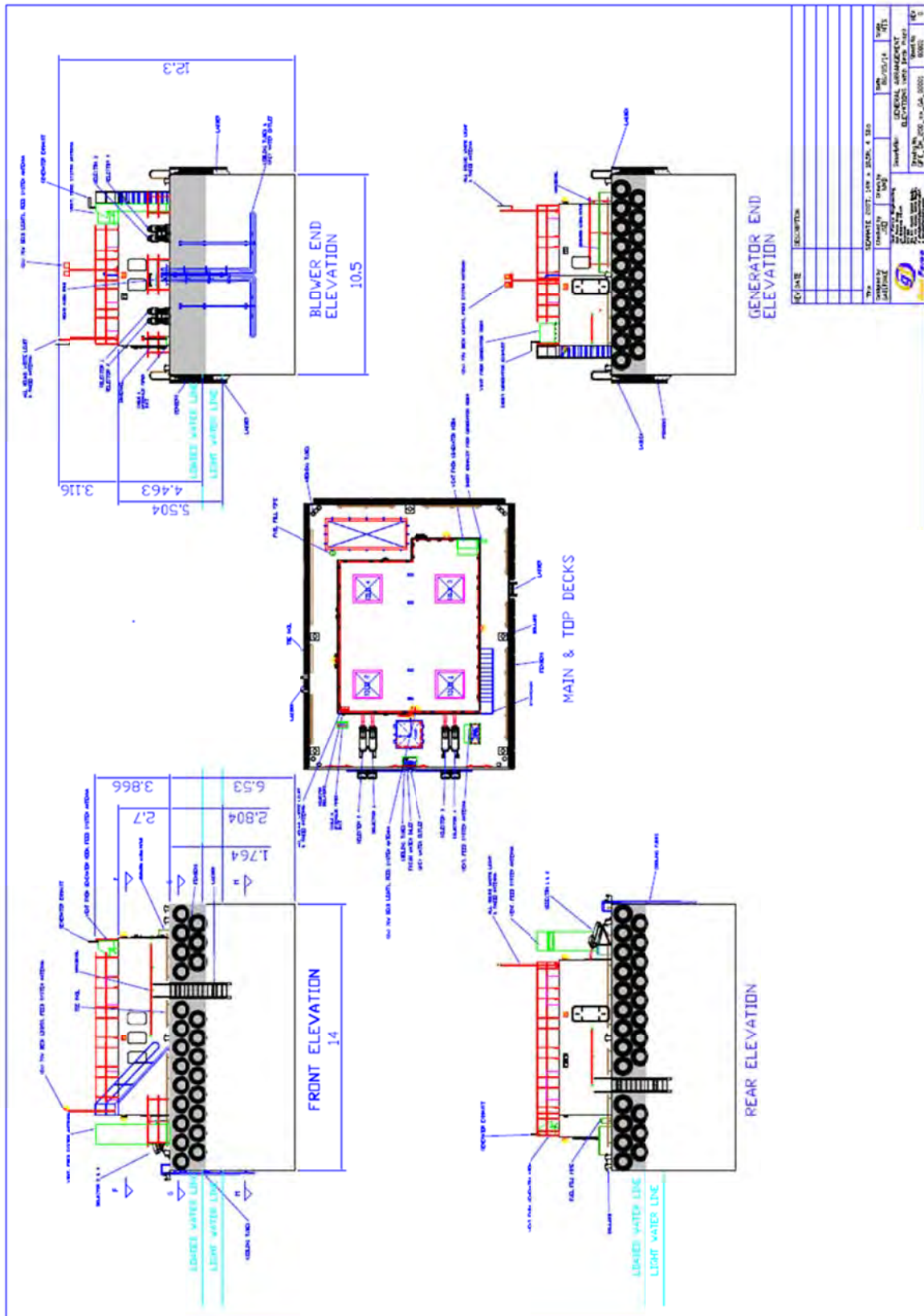


Diagram 6: Location of proposed fish farm relative to the Ru Chorachan fish farm site which was approved in December 2014 (for Grieg Seafoods Ltd)

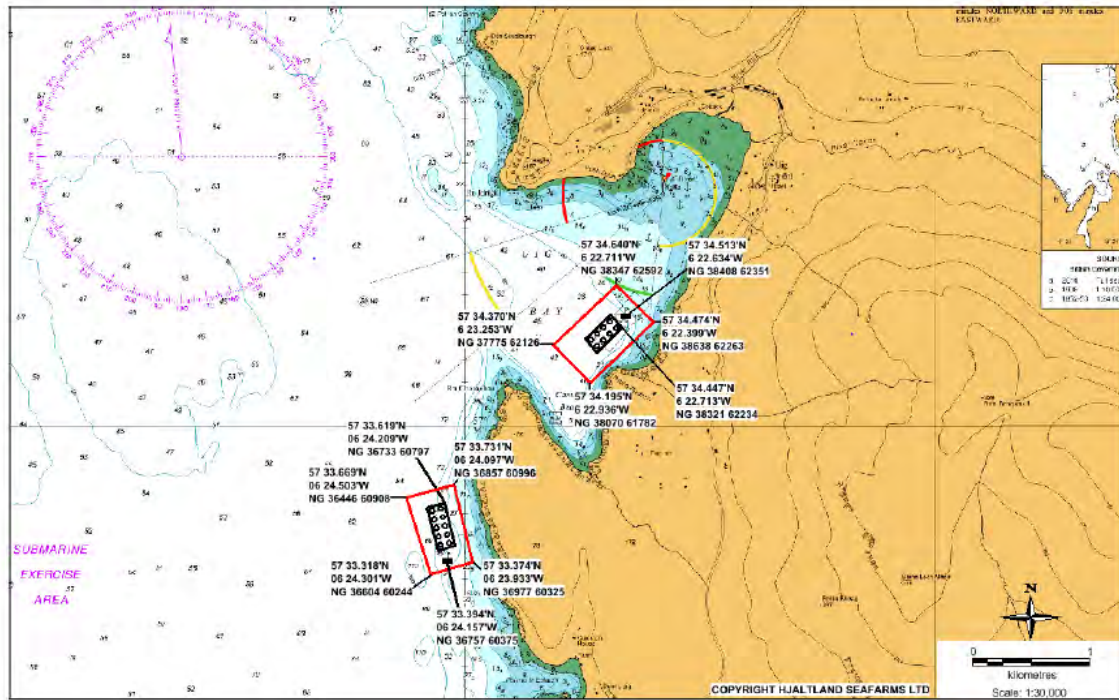


Diagram 7: Photomontage from viewpoint 1 (layby beside A87), looking SW along the southern edge of Uig Bay

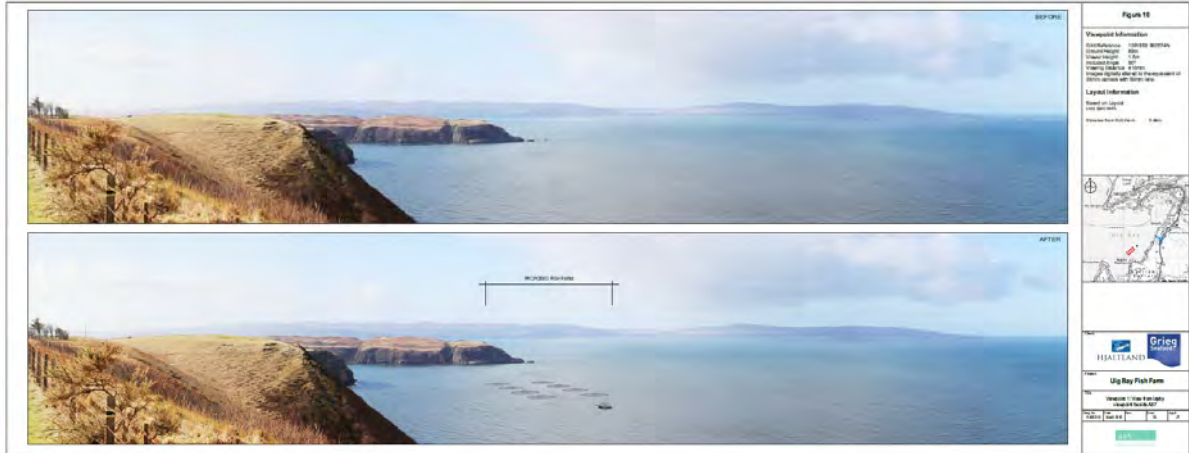


Diagram 8: Photomontage from viewpoint 2 (parking area close to junction of A855 and Quiraing Hill Road) at Uig, looking SSW across the bay.



Diagram 9: Photomontage from viewpoint 3 (bend in minor public road at Uig), looking south across the bay



Diagram 10: Photomontage from viewpoint 5 (Ru Chorachan), looking NE into the bay and towards Uig

