

Agenda Item	6.12
Report No	PLS 077/17

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 12 December 2017

**Report Title:** 17/03214/FUL: Marine Harvest (Scotland) Ltd  
Site 310M South of Managers House, North Ballachulish, Onich

**Report By:** Area Planning Manager – South/Major Developments

### **Purpose/Executive Summary**

**Description:** Marine Fish Farm - Atlantic salmon - Alterations to reposition 3 pen groups, add 4 pens to create 16 x 24m pens

**Ward:** 21 – Fort William and Ardnamurchan

**Development category:** Marine Finfish Farming Local (with EIA)

**Reason referred to Committee:** Objection from statutory consultee and more than five public objections

All relevant matters have been taken into account when appraising this application. It is considered 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.

### **Recommendation**

Members are asked to agree the recommendation to **GRANT** as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposed development is for a marine fish farm. It seeks to replace 12 existing Atlantic Salmon 24m square cages with 16 x 24m square cages, repositioning the cages within an amended planning boundary. The proposal also seeks to retain two harvest transfer pens (24m square), two Wavemaster rafts, a pontoon, feedpipes to the shore and 5 single point moorings. The applicant notes the site has been in operation for over 30 years, therefore cages on the site are an established element of the landscape.
- 1.2 Pre-application advice (17/00387/PREAPP) outlined the key issues that needed to be addressed in any subsequent application. These included information on any changes to landscape and biodiversity.
- 1.3 The application was previously screened for EIA purposes (17/00815/SCRE). It was determined that an Environmental Statement was required in relation to likely impacts on landscape and sea lice concerns. Pre-screening for HRA purposes determined an Appropriate Assessment was not required in relation to Habitats Regulations requirements.
- 1.4 Variations: Responses to objection comments: received 6 September 2017.

## **2. SITE DESCRIPTION**

- 2.1 The fish farm is located on the northern shore of the narrow confines of Loch Leven, between North Ballachulish to the west and Callert House to the east. It lies close to Eilean Munde, opposite Ballachulish.

## **3. PLANNING HISTORY**

- 3.1 The existing site was granted permission by the Scottish Government under The Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011 in February 2011 (subsequently referred to as 'the 2011 Order'). The permission was for 24 x 20m squared cages. Unfortunately, sites granted planning permission under this Order do not appear to specify any planning boundary and the applicant is unable to provide one as granted. There was no consultation with the Council or the public for sites granted under the Order. Prior to this, the site operated under a Crown Estate lease; this was in a smaller footprint than that currently proposed, but generally in a similar location.
- 3.2 The current site has been in operation for over 30 years. A scoping opinion was issued by Highland Council in November 2011 (11/04257/SCOP) to amend the current cages to 10 x 100m circumference cages, 2 x 16m square cages and 3 boat moorings in an increased site area, but a subsequent application was not submitted.
- 3.3 The 11/04257/SCOP stated that there were 12 x 24m square cages actually used on the existing site, rather than the 24 x 20m squared cages, as granted by the 2011 Order. The supporting information for the pre-application advice (17/00387/PREAPP) noted that the 12 larger cages have been there for over nine years therefore this will be taken as the existing position, as per Scottish

Government guidance.

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised: EIA & Unknown neighbour

Date Advertised: 20 July 2017

Representation deadline: 20 Aug 2017

Timeous representations: 6

Late representations: 3

4.2 Material considerations raised are summarised as follows:

- Impacts on wild salmonids and wider biodiversity due to escaped farmed fish and sea lice, including pollution from sea lice chemicals
- Landscape and visual impacts within NSA
- Impacts on Priority Marine Features

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](http://www.wam.highland.gov.uk/wam).

#### **5. CONSULTATIONS**

5.1 Harbours Lochinver: no objection

5.2 (E) Principal Environmental Health Officer LO: no response

5.3 (E) Marine Scotland Science: no objection

5.4 (E) SEPA: no objection

5.5 (E) District Salmon Fishery Board Lochaber: object due to impacts of sea lice

5.6 (E) Scottish Natural Heritage South Highland: no objection

5.7 (E) Northern Lighthouse Board: no objection

5.8 (E) Lochaber Fisheries Trust: object due to impacts of sea lice

5.9 (E) Scottish Water: no objection

5.10 (E) Crown Estates Commission: no response

#### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

49 - Coastal Development

- 50 - Aquaculture
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 61 - Landscape

6.2 West Highland and Islands Local Plan (2012) (as continued in force)

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Westplan: proposed plan (2017)

### **7.2 Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

Special Landscape Area Citations (June 2011)

### **7.3 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

National Marine Plan (2015)

### **7.4 Other**

Highland Aquaculture Planning Guidance (2017)

Highland Coastal Development Strategy (2010)

## **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 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) significance of the level of change from the existing development;
- c) any other material considerations.

### Development plan/other planning policy

8.4 Policy 50 (Aquaculture) within the Highland-wide Local Development Plan (HwLDP) states that the Council will support the sustainable development of finfish and shellfish farming subject to there being no significant adverse effect, directly, indirectly or cumulatively on the natural, built and cultural heritage and existing activity. As discussed in the report below, the proposal would not have an unacceptable impact on natural heritage therefore would comply with this policy

and Development Criteria 3 (DC3: Biodiversity) of the Aquaculture Planning Guidance.

- 8.5 Policy 28 (Sustainable Design) includes, among other things, the requirement to assess proposals on the extent to which they have an impact on:
- pollution and discharges, particularly within designated areas, species, marine systems and landscape.

As the proposal lies within or relatively close to the:

- Glen Etive and Glen Fyne Special Area of Conservation;
- Moidart and Ardgour Special Area of Conservation and the
- Ben Nevis and Glen Coe National Scenic Area;

careful consideration will be required of the likely impacts.

- 8.6 Policy 57 (Natural, Built and Cultural Heritage) requires all development proposals to be assessed taking into account features of:
- **local/regional importance:** there are a number of amenity and cultural heritages resources in the vicinity of the proposal;
  - **national importance:** protected species; we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resources;
  - **international importance:** the proposal lies relatively close to the Glen Etive and Glen Fyne Special Protection Area (SPA) and the Moidart and Ardgour SPA. For features of international importance, developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to appropriate assessment.

From a broad planning perspective, it would appear that any impacts on the above designations can be accommodated in terms of policies 28 and 57 in relation to the SPAs.

- 8.7 Policy 58 (Protected Species) states, among other things, that development that is likely to have an adverse effect, individually and/or cumulatively, on other protected animals and plants will only be permitted where the development is required for preserving public health or public safety. This therefore includes the freshwater stage of wild Atlantic Salmon, which is listed on Appendix III of the Bern Convention and Annex II and V of the EC Habitats & Species Directive. For the reasons outlined within the report, the proposal is acceptable with regard to this policy.
- 8.8 Policy 59 (Other Important Species): this policy requires the Council to have regard to the presence of, and any adverse effect of development proposals, either individually and/or cumulatively, on the Other Important Species ... if these are not already protected by other legislation or by nature conservation site designations. Thus, as the multi-sea-winter component of the Atlantic salmon population is

included in the UK Biodiversity Action Plan Priority Species List, and this species is also a Priority Marine Feature, therefore, for the reasons within the report, the proposal is acceptable with regard to this policy.

- 8.9 Policy 61(Landscape) states, among other things, that the Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. The proposal lies within the Ben Nevis and Glen Coe National Scenic area, as discussed below. Given the degree of change from the existing fish farm, the proposal is acceptable with regard to this policy.

### **Material Considerations**

- 8.10 The two main issues to consider are the likely impacts on the landscape and on biodiversity. These aspects are considered below, including the cumulative impacts of each.
- 8.11 **Landscape:** The site lies within the Ben Nevis and Glen Coe National Scenic Area (NSA), which is popular with tourists, as well as local communities. The increased equipment and re-location proposed would make the site more visible when viewed from both nearby roads and walking routes. Loch Leven is also popular for water sports therefore a seascape and landscape visual impact assessment assessed the changes proposed from key viewpoints.
- 8.12 Although additional cages are proposed and a modification to the existing pen groups, the scale of the proposal will occupy a similar footprint to the existing site. As the new cage group will align with an existing cage group, the degree of change is minimised. The visualizations provided in the LVIA show that the proposal will have an increase visual impact, particularly from viewpoint 1 as expected, as that viewpoint is immediately adjacent to the site. However, from all other viewpoints, the degree of change noticeable in comparison to the existing site will be quite limited.
- 8.13 As outlined in section 3.1, the site could have operated in a larger site area than currently proposed. The 2011 Order granted 9600m<sup>2</sup> of equipment; the existing site is actually only 6912m<sup>2</sup> and the proposal is for 9216m<sup>2</sup>, therefore the magnitude of change is still less than that assessed as being acceptable by the Scottish Government when granting the site under the 2011 Order.
- 8.14 SNH advise the proposal will not have an adverse effect on the integrity of the Ben Nevis and Glen Coe National Scenic Area (NSA) or the objectives of the designation.
- 8.15 The LVIA acknowledges the proximity of two Wild Land Areas but given the limited inter-visibility, there is unlikely to be any significant effect.
- 8.16 There is likely to be no discernible change of impact on amenity due to initial construction or feed deliveries; the operational practices will remain the same as the existing site.

8.17 Cumulative landscape impacts: There is a shellfish site to the west of the proposed extended site, but as the shellfish site was granted under the 2011 Order, the boundaries of it were not determined. The previous CEC lease suggests it is c. 490m away, immediately east of Eilean Choinneich. However, given the nature and scale of the change proposed, there would be no significant cumulative impact on the NSA.

8.18 Landscape conclusion: All the equipment, other than that required for safety/navigational markers, will be of dark, matt colours, as per the existing site. The change to the visual impact of the development will therefore not be significant, so consequently is deemed acceptable in terms of the landscape elements of Policy 28 and with regard to Policy 61.

### 8.19 **Biodiversity:**

For clarity, some impacts on biodiversity relating to the fish in the cages are considered by SEPA and MSS (see sections 8.22-8.23). These are mainly in relation to benthic impacts linked to biomass, due to fish faeces and the chemicals used to try and control sea lice.

Marine Scotland also issue marine licences covering:

- navigation issues and deposits in the marine environment, including discharges from well boats;
- consents for an Aquaculture Production Authorisation;
- European Protected Species (EPS) licences (where an EPS may be disturbed by the activity/proposal) and
- licences to shoot seals.

SNH provide advice on most aspects of biodiversity but do not comment on sea lice impacts on wild salmonids; this is left to MSS. The relevant District Salmon Fishery Board, where there is one, provides advice on wild salmonids. Whilst all these agencies have a biodiversity duty, it is left to the planning authority to determine the likely impacts of sea lice on wild salmonids, as discussed below, along with any impacts on designated sites and other protected species, as discussed below.

8.20 The three key biodiversity considerations are:

1. likely impacts on the SPAs (i.e. Natura sites)
2. likely impacts on the seabed and water quality, including any European Protected Species or Priority Marine Features;
3. likely impacts on wild salmonids due to sea lice.

8.21 Natura sites: As there has been a fin fish farm in operation at this site since the mid-1980s, it is unlikely there would be any significant change to impacts on the qualifying feature (Golden Eagle: *Aquila chrysaetos*) of the Glen Etive and Glen Fyne Special Protection Area (SPA) or the Moidart and Ardgour SPA, which lie approximately 1.1km and 10.5km away respectively. It can be concluded therefore no screening for Habitats Regulation Appraisal (HRA) requirements is necessary. Given the relatively small scale of the change proposed, it is considered there will be no significant impact on the SPAs.

- 8.22 Biomass/benthic /water column impacts: The main impacts of biomass are assessed by SEPA in relation to benthic impacts and water quality. SEPA have already issued an amended CAR licence (see below) for the proposal therefore they have deemed it acceptable with regard to their remit in relation to benthic, water column and natural heritage interests. SNH have not mentioned any aspects of likely impacts on either European Protected Species or Priority Marine Features. Further information on potential biomass impacts in relation to material planning considerations are discussed below in relation to associated sea lice impacts on wild salmonids. [For clarity, the error in the data provided by the applicant in section 5.2.4 of the Environmental Statement regarding Equilibrium Concentration Enhancement (ECE) figures in relation to water column impacts has been explained by MSS and no potentially significant impacts have been identified in relation to ECE thresholds.]
- 8.23 Neither SEPA nor MSS have not objected on the grounds of their remits respectively; nor in relation to their respective biodiversity duty in relation to any impacts on wild salmon and trout or Freshwater Pearl Mussel. Note MSS has stated in the past that it will not support or object to marine fish farm planning applications; it will only provide advice.
- 8.24 Biomass and wild salmonids: The proposal also seeks to change the biomass from a maximum stocked biomass of 1450 tonnes to 1607 tonnes. Whilst biomass is controlled by SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended), there may also be implications regarding impacts on wild salmonids, therefore, it is also a material planning consideration. The cumulative impacts with the relatively nearby sites at Linnhe, just west of the Corran Narrows and the site at Gorsten, also require consideration. The Gorsten site recently also gained consent to alter its cage configuration (17/03279/FUL: decision issued October 2017), which also resulted in an increase in biomass from 2,174 tonnes to 2,500 tonnes. As SEPA have already issued the CAR licence for the increased biomass for the current proposal, this planning application has to determine if any likely impacts are significant only with regard to its Council policy remit.
- 8.25 Wild salmonids i.e. salmon and trout, are protected species. Among other designations, the Atlantic salmon is listed on Appendix III of the Bern Convention and Annex II and V of the EC Habitats & Species Directive whilst in freshwater. The multi-sea-winter component of the Atlantic salmon population is included in the UK Biodiversity Action Plan Priority Species List. This species is also a Priority Marine Feature. Trout (*Salmo trutta*) are on the UK Biodiversity Action Plan Priority Species List and received some protection within the fisheries acts relating to the protection of 'salmon'. In addition, the Council has a Biodiversity Duty under the Conservation of Nature (Scotland) Act 2004; therefore, any impacts on these species must be considered.
- 8.26 Salmonid Rivers: None of the rivers in the proximity of the development (see below) are designated as Special Areas of Conservation for their salmon populations; nor are there any designated Freshwater Pearl Mussel (FWPM) sites in the proximity of the site. The Lochaber DSFB and Trust note that the salmonid populations of the Rivers Coe, Leven, Laroach and Duror could be affected by the



proposal due to the increase in biomass.

- 8.27 Sea lice: The key sea louse species of concern is *Lepeophtheirus salmonis*. They are parasites found in the wild, which can infect farmed salmon. Given the high numbers of fish in the cages, the population of the lice can rapidly increase and affect both the farmed fish and infect/re-infect the wild population. The extra volumes of fish proposed for this application and nearby fish farms could therefore act as additional hosts for sea lice. In addition, numerous studies have shown that sea lice in the environment tend to be higher during second years of production of a fish farm, therefore pose a greater risk to wild salmonids at this time.
- 8.28 The aquaculture industry operates a Code of Good Practice (CoGP) with regard to farm management practices. The CoGP states that average levels of 0.5 adult female lice per fish between February and June and 1.0 adult female lice per fish between July and January should be sought. The Scottish Government strongly encourages compliance that code, therefore there is an established national acceptance that operating within the code is industry best practice.
- 8.29 However, there is a tension between complying with the code and potential impacts on wild salmonids. To illustrate, operating within these guidelines could 'acceptably' (in CoGP terms) release around 1.08 million adult female sea lice into the receiving environment per annum for an average sized farm (i.e. 1.5 adult female lice per fish per annum x 60,000 fish per cage x 12 cages). Note that MSS state that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of sea lice from aquaculture installations so it is clear where there is a fish farm, there is a corresponding release of sea lice into the water body. The degree of the volume of lice depends on the effectiveness of the various treatments outlined in the application. This therefore presents a significant anomaly for the planning considerations of sea lice impacts. Assessment is therefore required on a case-by-case basis taking into consideration other factors such as the proximity of the proposed development to e.g. salmonid river mouths or SACs designated for salmon or FWPM (see 8.26 above).
- 8.30 Based on the figures in section 8.24, there could be approximately an 11% change to the sea lice burden on wild salmonids from the current proposal and potentially a further 15% cumulative impact from the increase at the Gorsten site. For clarity, in its response letters of 6 September 2017 to the Lochaber DSFB and Lochaber Fisheries Trust's objections, the applicant wrongly quoted a 9% biomass increase. The key issue of concern is whether the proposal would add an unacceptable increase of impact on wild salmonids compared to the existing site.
- 8.31 The Lochaber District Salmon Fishery Board, a statutory consultee, along with the Lochaber Fisheries Trust Ltd, objects to the application, in particular in relation to the increase in biomass. For the reasons outlined above, this is a material planning matter despite biomass not being controlled by the planning authority. In summary, both organisations are concerned that the proposal will have a significant impact on wild salmonids, particularly in the Rivers Coe, Leven and Laroach, as well as other small burns that enter the sea loch. The Trust advise these rivers are in poor health and do not have the resilience to cope with the increased risks posed by the expansion of the farm. The migratory routes for the wild salmonids would

take them past the site. Trout would remain in inshore waters for most of their marine phase. As viable lice can disperse up to 25-30 km, they clearly therefore have the potential to infect wild salmonids in the proximity of these rivers.

- 8.32 Marine Scotland Science (MSS) assesses benthic, water quality and aquaculture animal health i.e. impacts on the farmed fish. In addition, it provides some general information in relation to the potential increased risk to wild salmonids along with data on the salmonid catches in the wider Loch Leven system. MSS suggests that performance of existing farms within an area could act as a guide for future performance. Interestingly, in contrast to this advice, the applicant notes that historic data are no longer indicative of a site's ability to control lice. Whilst new approaches to sea lice management for farmed fish are constantly being trialled/used, the main, current, readily available proxy for assessing the impact of sea lice on *wild* salmonids is the likely numbers emanating from the farmed fish. This approach is supported by a number of relatively recent Reporters' decisions in Highland by placing requirements for wild fish monitoring and an Environmental Management Plan to help minimise sea lice impacts.
- 8.33 Since 2013, the Scottish Salmon Producers Organisation (SSPO) has published average sea lice data based on Farm Management Areas (FMA); individual site data are not available for most sites. The FMA that includes the Leven fish farm also includes the two Marine Harvest (MH) farms at Gorsten and Linnhe. Since January 2017, MH has committed to providing site specific data for all its sites; however these data are non-comparable as they assess a different sea louse parameter from the SSPO, so only SSPO data will be discussed. Thus, these SSPO data suggest, that apart from an increase of sea lice in October 2013 to 5 times over, the sea lice levels in this FMA have generally been between 0 – 1 times over their Code of Good Practice (CoGP) recommended levels. For comparison, annual average adult female sea lice levels from 2013-2016 across the other 12 active FMAs in Highland were from 0 to 6.55 and average monthly figures per FMA ranged from 0 to 41.7 lice per fish; (these calculations do not cover periods reported as sites being fallow i.e. when all fish were removed from the sites).
- 8.34 In this wider context, the current proposal is considered to be better performing with regard to sea lice management compared to many other Highland sites. As noted in sections 8.28 - 8.29, this does not prevent lice loads from affecting wild salmonids. However, given the recognition, and general compliance with, the CoGP standards, along with there being no designated rivers for wild salmonid populations in the vicinity of the proposal, it is deemed broadly acceptable. A condition in the form of an Environment Management Plan (EMP) would help ensure sea lice impacts are regulated.
- 8.35 The applicant states that "the success of the application will ensure that lice numbers continue to decline at the farm site"; for clarity, there is no evidence in the application to support this statement, as all current available methods of lice control could be applied to the existing site therefore it is unclear how adding four new pens and additional biomass would ensure lice would decline at the site.
- 8.36 Escapes: The impacts of increased likelihood of fish escapes would also be correspondingly around 11% and a further 15% cumulative impact from the increase at the Gorsten site. However, information from Lochaber Fisheries Trust

Ltd notes there have been no major escapes of farmed fish in Loch Leven for many years. In that time, the Equipment Attestation Standards have been introduced as a requirement by MSS. This leads to reasonably concluding therefore that the proposal is acceptable in relation to this issue.

8.37 Biodiversity conclusion: On balance, the degree of change from the existing site requested by the proposal is broadly acceptable, provided an EMP is added as a planning condition. This would ensure compliance with Policies 28, 58 and 59 with regard to the biodiversity aspects of these policies.

8.38 Overall, given the nature and the scale of the change proposed and the longevity of a fish farm at this site, it is unlikely it will have a significantly different impact to that assessed in the previous planning permission issued by the Scottish Government.

#### Non-material considerations

- 8.39
- Fish farming practices in Chile
  - Use of sea lice chemicals: this is controlled by SEPA
  - Historic decline in creel fishing and wild salmon netting
  - Preparation of biodiversity master plan for Loch Leven

#### Matters to be secured by Section 75 Agreement

8.40 Not applicable

## **9. CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered 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. IMPLICATIONS**

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## **11. RECOMMENDATION**

**Action required before decision issued** N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to the following:

### **Conditions, Reasons and Notes To Applicant**

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.

**Reason** : To minimise the visual impact of the installation and to help safeguard the special qualities of the Ben Nevis and Glen Coe National Scenic 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. Prior to the commencement of development and notwithstanding the information submitted with this application, an Environmental Management Plan (EMP), or similar document, will be submitted to and approved in writing by the Planning Authority and should include adequate details to address how compliance can be assessed. This should also detail triggers/thresholds and associated actions in order to secure that any risk to local wild fish populations is minimised. Upon commencement, the development and ongoing operation of the site must be carried out in accordance with the EMP as approved.

The EMP shall be prepared as a single, stand alone document, which shall include the following:

- (1). Sea Lice Management in relation to impact on wild fish, including cumulative effects:
  - a) A method statement for the regular monitoring of local wild fish populations based on available information and/or best practice approaches to sampling;
  - b) details of site specific operational practices that will be carried out following the stocking of the site in order to manage sea lice and minimise the risks to the local wild fish population;
  - c) details of site specific operational practices that will be carried out in

order 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;

- d) details of the specification and methodology of a programme for the monitoring, recording, and auditing of sea lice numbers on the farmed fish;
- e) details of the person or persons responsible for all monitoring activities;
- f) an undertaking to provide site specific summary trends from the above monitoring to the Planning Authority on a specified, regular basis;
- g) details of the form in which such summary data will be provided;
- h) details of how and where raw data obtained from such monitoring will be retained by whom and for how long, and in what form;
- i) an undertaking to provide such raw data to the Planning Authority on request and to meet with the planning authority at agreed intervals to discuss the data and monitoring results;
- j) details of the site specific trigger levels for treatment with sea lice medicines. This shall include a specific threshold at which it will be considered necessary to treat on-farm lice during sensitive periods for wild fish;
- k) details of the site specific criteria that need to be met in order for the treatment to be considered successful;
- l) details of who will be notified in the event that treatment is not successful;
- m) 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;
- n) details of what action will be taken during the next and subsequent production cycles in the event that sea lice treatment is not successful.

(2). Escape Management to minimise interaction with wild fish:

- a) details of how escapes will be managed during each production cycle;
- b) details of the counting technology or counting method used for calculating stocking and harvest numbers;
- c) details of how unexplained losses or escapes of farmed salmon will be notified to the Planning Authority;
- d) details of an escape prevention plan. This shall include:
  - net strength testing;
  - details of net mesh size;
  - net traceability;

- system robustness;
  - predator management; and
  - 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; and
- e) details of worker training including frequency of such training and the provision of induction training on escape prevention and counting technologies.
- (3). Procedure in event of a breach or potential breach:
- a) 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. This should include a notification procedure with associated provision for the halt of activities in consultation with the relevant regulatory and consultation authorities in the event that monitoring demonstrates a significant and consequent impact on wild fish populations as a result, direct or otherwise of such a breach.

(4). Requirement for update and review:

- a) 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. In addition, 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; in accordance with the Planning Authority's biodiversity duty.

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.

### **REASON FOR DECISION**

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

### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### **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

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

## **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

## **Protected Species – Halting of Work**

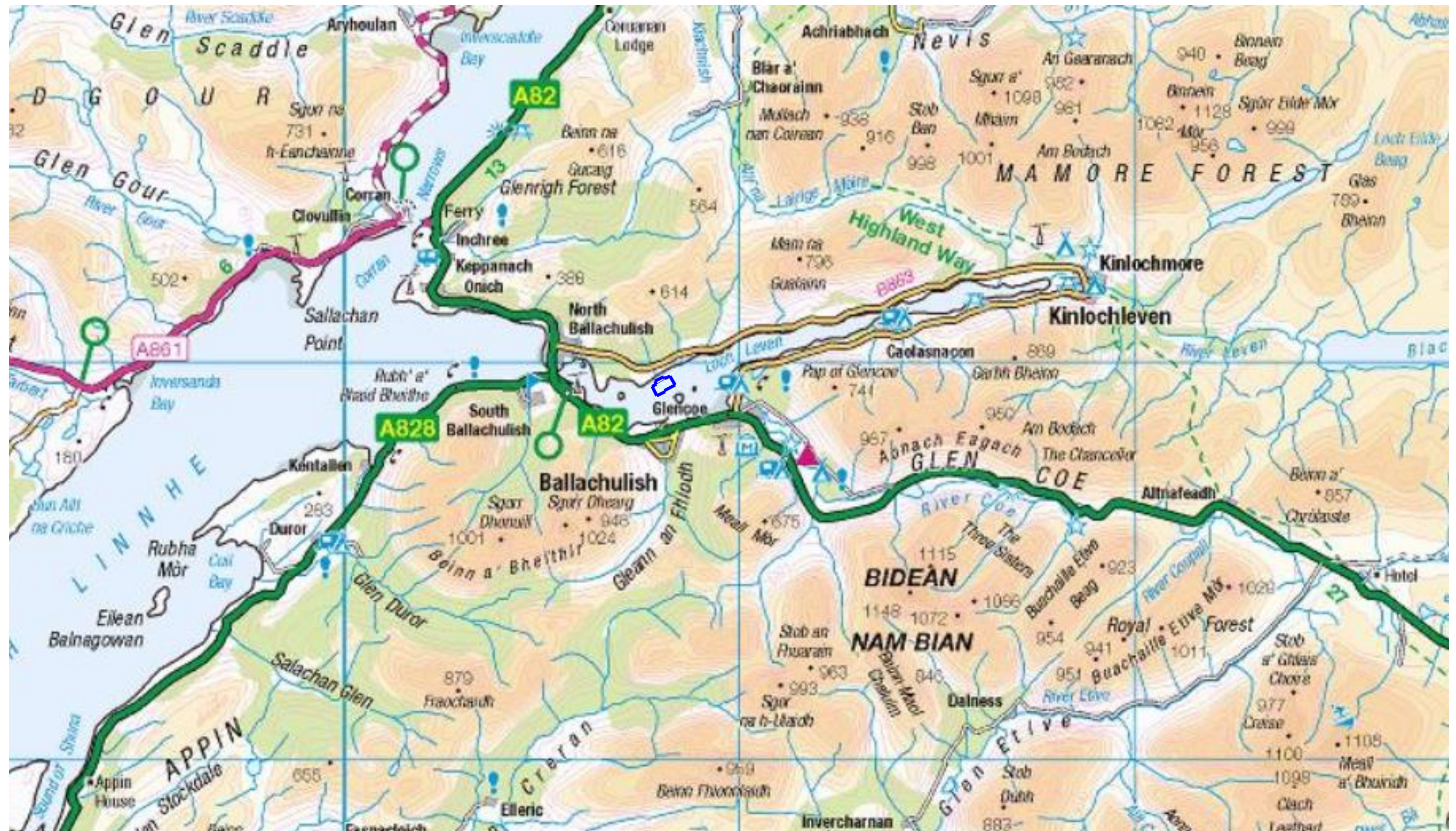
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)



### **Lighting and Licences**

The development should be lit in accordance with Northern Lighthouse Board requirements and obtain any marine licences as required. The containment contingency plan shall be updated to include the correct web links.

Signature: Nicola Drummond  
Designation: Area Planning Manager – South/Major Developments  
Author: Shona Turnbull  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Planning Boundary  
Plan 3 - Plan showing existing and proposed cages




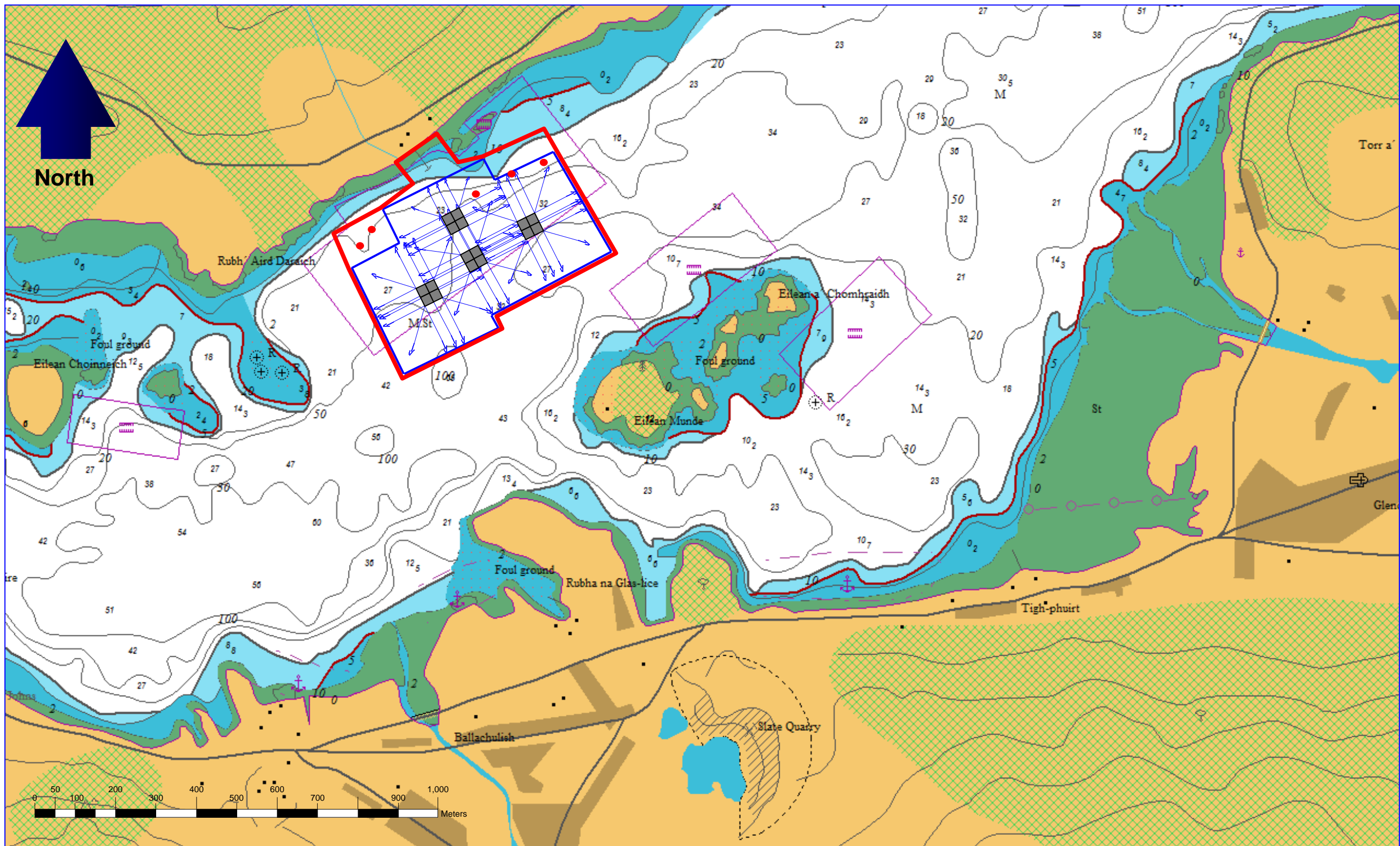
LEVEN FISH FARM: LOCH LEVEN	Key:  Proposed Pen Moorings Area	1:100,000	24/01/2017	CLH	CLH	0001	Final
OS EXTRACT OF SITE LOCATION		Scale	Date	Drawn	Checked	Revision No.	Status

Figure 2. General view of the proposed Leven fish farm. 16 steel square pens: each 24m by 24m



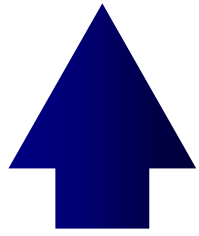
**LEVEN FISH FARM: LOCH LEVEN**

**ADMIRALTY CHART EXTRACT OF SITE LOCATION**

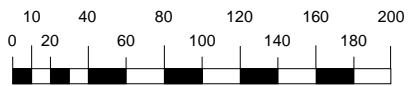
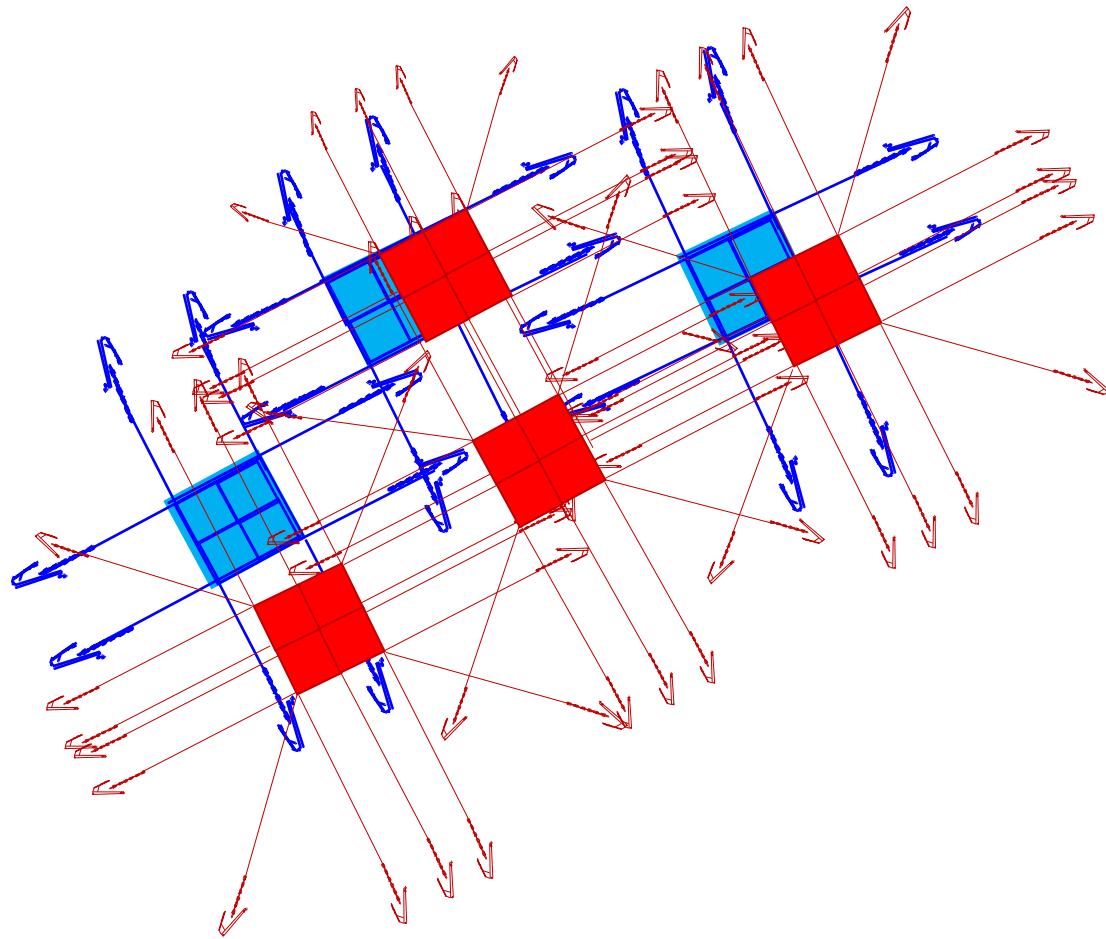
Figure 5 General view of Leven fish farm.  
16 steel square pens: each 24m by 24m



Key:	Proposed Pens	Proposed Planning Area
	Proposed Pen Mooring Area	Single Point Moorings

<b>1:10,000</b>	<b>24/01/2017</b>	<b>CLH</b>	<b>CLH</b>	<b>0001</b>	<b>Final</b>
Scale	Date	Drawn	Checked	Revision No.	Status



North



<b>LEVEN FISH FARM: LOCH LEVEN</b>			Key:  Proposed Pens and Moorings  Existing Pens and Moorings		
<b>SITE PLAN: PROPOSED vs EXISTING EQUIPMENT</b>					
Figure 7. Proposed pens overlaying the existing layout.					
<b>1:4,000</b>	<b>24/01/2017</b>	<b>CLH</b>	<b>CLH</b>	<b>0001</b>	<b>Final</b>
Scale	Date	Drawn	Checked	Revision No.	Status