

Agenda item	6.13
Report No	PLN/043/18

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 5 June 2018
Report Title: 18/01106/FUL: Grieg Seafood Shetland Ltd
Gob Na Hoe Fish Farm Site, Loch Dunvegan, Isle Of Skye
Report By: Area Planning Manager – North

1. Purpose/Executive Summary

Description: Marine Fish Farm - Atlantic Salmon - Relocate the Gob Na Hoe Fish farm site and replace 14 x 80m circle cages with 8 x 120m circle cages

Ward: 10 - Eilean A' Cheò

Development category: N08C - Marine Finfish Farming Local (with EIA)

Reason referred to Committee: Objections from statutory consultee and the number of objections from third parties

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.

2. 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 proposal is for relocation of the existing the Gob Na Hoe Fish farm site (08/00364/FUL see below) and to replace the 14 x 80m circle cages with 8 x 120m circle cages, with 'hamster wheel' style top-nets in 75m x 75m cage grid moorings. The cages would move immediately adjacent to the existing cages i.e. c. 117m east from centre point to centre point of the sites, in slightly deeper water. The feedbarge would remain in its current position but would be replaced by a barge of the same design and specification. The application is accompanied by an Environmental Statement.

2. SITE DESCRIPTION

- 2.1 The proposal lies within Loch Dunvegan, on the western shore, just north of Boreraig, opposite Galtrigill.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|-----------------------|
| 3.1 | 02/02/2010 | 08/00364/FUL Installation of marine fish farm (salmon and trout) - 14 circular cages each 80m circumference and 1 feed barge with plan area 30m x 10m | Permission granted |
| 3.2 | 22/12/2015 | 15/04011/SCRE Marine Fish Farm - Atlantic Salmon - Extension of existing site to allow for the removal of present cage group and replacement with 10 x 120m circumference cages in deeper water. | n/a |
| 3.3 | 29/03/2016 | 16/00077/SCOP Marine Fish Farm - Atlantic Salmon - EIA Scoping Application - Extension of existing site to allow for the removal of present cage group and replacement with 10 x 120m circumference cages in deeper water. | n/a |
| 3.4 | 07/02/2018 | 17/05347/FUL Marine Fish Farm - Atlantic Salmon - Relocate the Gob Na Hoe Fish farm site and replace 14 x 80m circle cages with 8 x 120m circle cages | Application withdrawn |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Environmental Impact Assessment Regulations 2017 and Unknown neighbour
Date Advertised: 30/03/2018 and 3/04/2018
Edinburgh Gazette - Environmental Statement 28 Days
West Highland Free Press - Environmental Statement 28Days and Unknown neighbour 14 days
Representation deadline : 06/05/2018

Timeous representations : 7

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- a) Noise and lighting impacts on nearby residences
- b) Increased benthic and water pollution
- c) Increased impacts on biodiversity and the ecosystem, including sea lice impacts
- d) Increased impact on health and wellbeing
- e) Adverse impact on other water species
- f) There should be a moratorium on further fish farming expansion
- g) There is an unknown risk and we should employ the precautionary principle
- h) The quality of the submission and not all the required information has been submitted.

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.

5. CONSULTATIONS

5.1 SEPA: no objection: CAR application being assessed

5.2 Marine Scotland Science (MSS): required further information; no objection

5.3 SNH: no objection; details provided on designated sites

5.4 Skye District Salmon Fishery Board: objection due to the increases in biomass proposed

5.5 Scottish water: no response

5.6 Transport Scotland: no objection

5.7 Historic Environment Scotland: no objection

5.8 Northern Lighthouse Board: no objection: navigation lighting advice provided

5.9 Crown Estate: 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

30 Physical Constraints

49 Coastal Development

50 Aquaculture

57 Natural, Built and Cultural Heritage

58 Protected Species

59 Other Important Species

60 Other Important Habitats
61 Landscape
63 Water Environment

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

No specific policies apply

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Special Landscape Area Citations (June 2011)

7.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)
National Marine Plan (2015)

7.3 **Other**

Highland Aquaculture Planning Guidance (2016)
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) any other material considerations,

as outlined below.

Development plan/other planning policy

Consideration a)

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 have an acceptable impact on the landscape and natural heritage. The proposal would therefore comply with this policy.

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:

- individual and community residential amenity;
- including pollution and discharges, particularly within designated areas, species, marine systems and landscape.

As the proposal lies either within or close to the:

North West Skye Special Landscape Area (SLA);

- Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC);
- Sea of the Hebrides Nature Conservation proposed Marine Protected Area (pMPA);
- Various Priority Marine Features,

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, as well as the North West Skye SLA;
- **national importance:** we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resources;
- **international importance:** the proposal lies within the Inner Hebrides and the Minches candidate SAC. 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 (see Appendix 2).

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

8.7 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, for the reasons outlined above, the proposal is also acceptable with regard to this policy.

8.8 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 North West Skye SLA. Given the location, nature and scale of the proposal, it is considered acceptable with regard to this policy, as discussed below.

Other material considerations

Consideration b)

- 8.9 National planning policy contains a specific section devoted to aquaculture (SPP paragraphs 249-253) entitled “Supporting Aquaculture”. Overall the policy position is positive stating that the planning system should play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that aquaculture is diverse, competitive and economically viable. However, it also contains a provision to “...maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species...”. This provision relates to the risk of damaging the high quality wild salmonid habitat along these coasts and is compatible with the application of the “precautionary principle” as addressed by paragraph 204 of SPP. Although the same level of concern applies to fin fish farms on the west coast, the overall quality of the wild salmonid habitat is not considered to raise a level of sensitivity justifying the general application of the precautionary principle as is the case on the north and east coasts. However, the precautionary principle remains relevant on the west coast where uncertain but sound evidence of serious harm to SAC rivers (for example) was a material consideration and it was not possible to remove that uncertainty through further research. SPP paragraph 204 states,

“Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered”.

In addition, the National Marine Plan (2015) notes the principle of sustainable development and consideration of other coastal and marine interests is one of the key themes of the National Marine Plan. It notes that aquaculture development consents “are determined in accordance with the Local Development Plans and now with this Plan”.

- 8.10 The Highland Council Aquaculture Planning Guidance (2016) outlines a spatial strategy and six development criteria that outline the key considerations for marine fish farm applications. Whilst this entire document is relevant, Development Criterion 1 (DC1: Landscape, Seascape, Siting and Design), 3 (DC3: Biodiversity) and 5 (DC5: Other marine users) are particularly important.

- 8.11 Highland Coastal Development Strategy (2010) The strategy identifies the coast adjacent to the proposal as ‘undeveloped’, with sections of ‘isolated’ coast on either site. The undeveloped coast should generally be considered for development only where:
- The proposal can be expected to yield social and economic benefits sufficient to outweigh any potentially detrimental impact on the coastal environment and;
 - There are no feasible alternative sites within existing settlements or on previously developed land [in planning terms this includes marine fish farm sites].

Material Considerations

- 8.12 The proposal is for relocation of the existing the Gob Na Hoe Fish farm site therefore the principle of development has already been established. Our assessment is thus based on consideration on the change in impact between the current proposal and the proposed modification and location. The proposal seeks to replace 14 x 80m circle cages with 8 x 120m circle cages, with ‘hamster wheel’ style top-nets in 75 x 75 cage grid moorings. The cages would move immediately adjacent to the existing cages i.e. c. 117m east from centre point to centre point of the sites, into slightly deeper water. The feedbarge would remain in its current position but would be replaced by a barge of the same design and specification. The proposal lies within Loch Dunvegan, on the western shore, just north of Borreraig, opposite Galtrigill. Note the scoping request (16/00077/SCOP) was for 10 x 120m circle cages and a relocation of the feedbarge, whereas only 8 cages have been applied for, with the feedbarge remaining in its current location.
- 8.13 The main elements of this proposal can be considered under two main elements:
1. Landscape and 2. Biodiversity.

1) Landscape Impact:

- 8.14 The proposal lies within the North West Skye Special Landscape Area (SLA) and the coast in this area is designated as ‘undeveloped’ in the Highland Coastal Development Strategy, therefore the landscape impacts of the proposal are a consideration. The larger cage sizes are partially offset by the reduction in number of cages, whilst the feedbarge will remain in the same location. The top nets will be ‘hamster wheel’ type. The LVIA shows some degree of change, but it is not noted as being significant:

View point	Comment
VP1: above Borreraig	As the cage group will be slightly further north, it will be more shielded from view.
VP2: Borreraig	Four of the cages will still be visible and very slightly more prominent.
VP3: From middle of loch	Cages barely visible; feedbarge just noticeable

VP4: Coral Beach	Minimal discernible change due to distance and minimal change from existing permitted cages
VP5: Corralach	Minimal discernible change due to distance and minimal change from existing permitted cages

- 8.15 Whilst providing a helpful snapshot, it is worth noting that the landscape visualisations provided are only one way of assessing the likely impacts; these must be considered alongside other consideration such as consultation responses and professional appraisal. As the current cages have been removed, a direct comparison cannot be made. All equipment will be dark, matt colours, other than that required for health and safety requirements; a condition to secure this is recommended. These mitigation measures will further reduce any visual impacts.
- 8.16 **Historic Environment** Scotland did not have any comments to make on the proposals. Whilst there are a number of historic environment assets in the wider vicinity, it is very unlikely the change of cage configuration will have any significant impacts, therefore does not need to be considered further.
- 8.17 **Noise:** This aspect has been a concern for one respondent with regard to the existing fish farm but subsequent mitigation has resolved it, following the involvement of Environmental Health officers in 2016. One neutral respondent noted that the noise (and visual) assessment documents had excluded the three closest properties to the fish farm. This was discussed with the applicant. The current proposal has been modified compared to the original scoping request to ensure the feedbarge now remains in the same location. This will help ensure that any noise impacts are minimised; it is recommended this is secured by condition.
- 8.18 **Lighting:** All lighting, other than that required for safety and navigation, could add to the visual impact. The proposal originally noted the inclusion of underwater lighting, used to alter fish maturation rates, but it was subsequently confirmed that there would be no underwater lighting. It is recommended these aspects are secured by condition.
- 8.19 **Cumulative landscape impacts:** The larger but fewer cages will result in an extra 2041meters squared of equipment, which, along with the existing sites at Leinish and Coralach, will add slightly to the visual impacts. However, these changes will not be significant, as most of the cages will be shielded by the landform therefore there are no cumulative landscape impact concerns.
- 8.20 **Landscape conclusion:** The degree of change compared to the existing fish farm is minimal. Also there are few receptors. Given the mitigation outlined above, the individual and cumulative landscape impacts are deemed acceptable. The proposal is therefore acceptable in terms of the landscape aspects of Policy 28 and of Policy 61.

2.) Biodiversity impact:

- 8.21 **Natura sites:** The proposal lies c. 1 km from the Ascrib, Isay and Dunvegan Special Area of Conservation, designated for harbour seal (*Phoca vitulina*). It current assessed condition is 'Unfavourable Declining'. The proposal also lies

within the Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC), designated for porpoise (*Phocoena phocoena*). The latter designation was made after the original fish farm was established therefore is an additional consideration to the proposal compared to previous determination. However, the ES notes that the cage nets to be used are suitably robust and have been used at other sites where no ADDs are required, so there would be no need to use Acoustic Deterrent Devices (ADDs) at this site either. For clarity, whilst the application form states ADDs may be used, the applicant has confirmed that ADDs will not be used on this site. The key issue therefore that could potentially affect the qualifying features has been removed, as outlined in the screening opinion undertaken to satisfy HRA requirements (see Appendix 2). Thus as no ADDs will be used and the magnitude of change to the proposal is not significant, with regard to this aspect, an Appropriate Assessment is not required.

8.22 **MPA:** The proposal lies c. 2.6km from the proposed Sea of the Hebrides Nature Conservation Marine Protected Area (pMPA). However, given the nature of the change proposed, it is unlikely that there would be any significant increased impact on the pMPA therefore this issue is not considered further.

8.23 The change in biomass from 2012 tonnes to 2215 tonnes, along with the cumulative impacts with the other two sites in the loch, have the potential to increase the risk to wild salmonids via sea lice impacts, as discussed below.

8.24 For clarity, some impacts on biodiversity relating to the fish in the cages are considered by SEPA and MSS in relation to the benthic impacts 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.

SEPA are responsible for issuing CAR licences, which relate to benthic and water quality impacts in relation to fish waste products and chemicals used to e.g. to control sea lice infestation of the farmed fish and in relation to the biomass of fish. They do not provide comment to the planning authority on any likely impacts on wild salmonids due to elevated lice burdens. Therefore, whilst SEPA control biomass for any fish farm, where there may be an associated impact on wild salmonids or e.g. freshwater pearl mussel, it becomes a material planning consideration. Thus whilst some of the objections are related to permitted biomass and not specifically the change of cage configuration, the proposal needs to be considered for any likely impacts on wild salmonids.

SNH provide advice on most aspects of biodiversity but do not comment on sea lice impacts on wild salmonids outwith any SACs designated for salmon or freshwater pearl mussel; this is left to MSS. Also note MSS, whilst a

statutory consultee, have made it clear that they provide advice only; they will not state objection or support for an application. 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, along with any impacts on designated sites and other protected species and any required mitigation, as discussed below.

- 8.25 **Water and benthic impacts:** SEPA provided comments on the benthic and water column impact as summarised here - but note that whilst Figure 3.1 in Appendix 3 of the Environmental Statement (ES) shows 10 cages, the modelling is based on the 8 x 120 m circle cages proposed. With regard to water quality, SEPA are satisfied that the nutrient inputs from the proposal will be unlikely to result in a downgrade to the status of the waterbody under the Water Framework Directive; MSS also raised no concerns on this issue. In relation to benthic impacts, they note that the proposed cage configuration is likely to result in minor changes to the sea bed impacts only; MSS also raised no concerns on this aspect. Overall, SEPA have no objections to the proposal. MSS also noted the proposal would not alter the current disease management area for this site.
- 8.26 **Sea lice:** The key sea louse species of concern is *Lepeophtheirus salmonis*. These are parasites found in the wild, which can infect farmed salmon. They feed on the fish mucus and flesh. Given the high numbers of fish in fin fish cages, the population of the lice can rapidly increase and affect both the farmed fish and infect/re-infect the wild population. In addition, numerous studies have shown that sea lice in the receiving environment tend to be higher during second years of production of a fish farm and therefore pose a greater risk to wild salmonids at that time. For clarity, marine fish farms tend to operate on two year production cycles, at the end of which all remaining fish are harvested out and the site is left fallow for several weeks or months prior to re-stocking. Once re-stocked, the lice levels are generally low for at least the first few months; then if there is a sea lice issue in the area, the numbers can build up as the farmed fish grow bigger. The extra biomass proposed for this application, in combination with the existing consent and nearby fin fish sites at Leinish and Coralach, can therefore act as additional hosts for sea lice.
- 8.27 **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 and Species Directive and are listed on Schedule 3 of the Conservation (Natural Habitats, andc.) Regulations 1994 (as amended) 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'. The Council also has a Biodiversity Duty under the Conservation of Nature (Scotland) Act 2004 to protect them. In addition, due to the decline of salmonids, the Conservation of Salmon (Scotland) Regulations 2016 aims to protect the killing of wild salmon in coastal waters and many rivers.

- 8.28 Sea lice data in relation to fish farms are published by the Scottish Salmon Producers Organisation (SSPO). These are not site-specific data but are based on Farm Management Areas (FMAs), which are located within named Reporting Regions. The current proposal lies within the Skye and Small Isles South reporting region. These areas adopt similar farming practices such as stocking the same year class of fish and synchronised fallowing of farms at the end of a production cycle. As discussed below, some site-specific sea lice data are also available.
- 8.29 With regard to sea lice management, MSS noted that difficulties have been experienced at this site and in the wider Farm Management Area (FMA) in recent production cycles (no actual sea lice numbers were provided). Elevated sea lice numbers have been recorded in excess of the suggested criteria for treatment as defined in the industry's Code of Good Practice (CoGP) and also consistently well above Marine Scotland reporting levels from the period between Nov 2016 to May 2017, with the end of the cycle in June 2017. Similar sea lice levels were observed on the applicant's other two sites in this FMA; Leinish and Coralach. MSS required much more information relating to sea lice issues in relation to the farmed fish, as per their request at the scoping stage. With regard to impacts on wild fisheries, MSS noted that cumulative risk factors of the proposed extension may come into play. This is an issue to be addressed given the recent high lice levels of all three fish farms in the loch, as discussed below. MSS notes the applicant's intention to bring the site into synchronicity with the existing local sites, along with the other standard practices for lice management.
- 8.30 Information from Salmon and Trout Conservation Scotland provides some site specific detail on the high lice levels, over the CoGP recommended levels, for the individual Gob na Hoe site over the last few production cycles. These show that on six occasions in a 35 week period in late 2016- early 2017, the lice levels were over the average 8 adult female lice per fish (action required) and consistently over the 3 adult female lice per fish (reporting required) for majority of this time. These levels are the trigger levels devised by the Fish Health Inspectorate (FHI), formulated to monitor the health of the farmed fish. Since those high lice levels at the Gob na Hoe site, all the cages were removed in May 2017 therefore subsequent details provided by the applicant on the improved methods of lice management demonstrated for the adjacent sites at Coraloach and Leinith, as discussed below, are not available for the Gob na Hoe site. The industry's Code of Good Practice (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. MSS note however that adherence to the suggested criteria for treatment of sea lice stipulated in the CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations. The cumulative impacts also need to be taken into consideration.
- 8.31 **Proposed sea lice mitigation:** Further information submitted by the applicant on 11 May 2018 in relation to sea lice monitoring and treatment strategy noted that since the elevated lice levels of previous production cycles, improved methods are now being deployed on [all] the Grieg fish farm sites. Whilst some site specific sea lice data between Oct 2017 – Apr 2018 were provided for each of the other two sites in the system, as these only show fish in the early stages of the production cycle, counts would be expected to be low anyway (see section 8.26). They note

that overall in Scotland from March 2017 to March 2018, Grieg have had a reduction of 83% in total lice counts and a reduction of 87% in adult females. Whilst this is noted, we do not know what the baseline is, nor the stocking stage of the smolts, but if such a reduction can be made across full production cycles, along with continuous improvement at all the Loch Dunvegan sites, this would be welcomed. Much of this improvement is put down to:

- stocking sites with larger smolts, so fish spend less time in the sea,
- use of freshwater treatments
- use of lumpsucker (*Cyclopterus lumpus*) cleaner fish

as well as the usual operational practices, this information supplied by the applicant of methods to manage sea lice impacts includes:

- Staff training and certification;
- single year class management area;
- Synchronised fallow/stocking with other operators within management areas;
- Planned and co-ordinated sea lice treatments with other operators within management areas;
- Freshwater treatments
- Rotation of sea lice chemicals to reduce the possibility of resistance
- Complying with the Industry Code of Good Practice
- Use of cleaner fish: Wrasse or Lumpsuckers
- Frequent net cleaning and mort removal
- Research and development of novel technologies, such as Hydrolicers and Thermalicers

8.32 Whilst an Environmental Management Plan (EMP) was submitted with the application, it is considered too generic and not site-specific to allow effective monitoring of potential sea lice impacts.

8.33 **EMPs and their limitations:** In the absence of any clear regulatory control from other agencies to manage the impacts of sea lice from fish farms on wild salmonids, it currently falls to the planning authority to help mitigate sea lice issues. This was acknowledged by the DPEA reporter (case ref: PPA-270-2146: Nov 2016) when she noted that “*some repetition between the relevant regulatory regimes is necessary*” in relation to a Highland fish farm case where sea lice impacts were a key issue. In order to try and help address this issue, Environmental Management Plans have been secured by planning condition relatively recently by the DPEA and subsequently by the planning authority. For example, the fish farm in the adjacent Loch Pooltiel has such a plan in place. These EMPs, whilst not a full solution, do provide a mechanism by which the planning authority can potentially help control severe impacts on biodiversity, including wild fish health, in accordance with the policies outlined in sections 6 and 7. The EMPs aim to provide greater detail on the method for monitoring and controlling the sea lice in the cages to act as a ‘proxy’ for the impacts the lice may have on the wild salmonids and wild fish monitoring. Wild fish monitoring is also required. If farm sea lice levels cannot be successfully controlled, the operator is likely to be in breach of the EMP condition and the EMP states a requirement to ‘stop the job’. It is acknowledged, that even if this were to happen, the environmentally harmful impact of sea lice on wild

salmonids would already likely have already occurred by that point. However, in relation to this application, it must be noted that there are no significant wild salmonid rivers in Loch Dunvegan, as discussed below – see 8.35-8.37.

- 8.34 As well as sea lice, escapes of farmed fish can impact on wild salmonids through inter-breeding. To minimise impacts, site specific equipment attestations or similar are now required by MSS, but this was not provided – see 8.40 below. However, the ES states compliance with the Technical Standard for Scottish Finfish Aquaculture with regard to moorings.
- 8.35 In response to the previously approved application (08/00364/FUL), SNH noted that none of the key Skye salmon rivers flow into Loch Dunvegan and therefore concerns about sea lice and escapes relate mainly to transitory visits by salmonids. This is supported by information from an assessment of the salmonid populations around Skye undertaken in 2006 (Watt, 2006) which did not show any significant catchments in the Loch. In addition, a technical report by the Rivers and Fisheries Trusts of Scotland showed that most of Loch Dunvegan was classified as the lowest category of sensitivity (1) to aquaculture impacts on wild salmonids (RAFTS, 2013). Nearer the mouth of the loch, closer to the proposal, the category changed to Low-medium (2) on a scale of 1-5, where 5 was the highest sensitivity score and therefore likely to be the least appropriate site for further fin fish development. MSS also note that there are no notable salmonid fisheries in Loch Dunvegan but sea trout have been reported from the rivers Honeval and Osdale at the head of the loch, and salmon from the Osdale. Thus, the degree of change from what is currently permitted is not considered significantly different given the capacity of the loch system.
- 8.36 **Cumulative sea lice impacts.** The in-combination and cumulative impacts of the proposal in relation to biomass impacts on wild salmonids come largely from the existing consented biomass and the two nearby fin fish farms, Leinish and Coralach, which are also operated by the applicant, as discussed above.
- 8.37 The above highlights some sea lice concerns, including cumulative impacts. However, there are no significant salmon catchments in the Loch system, as outlined above, and the degree of change from the existing fish farm site is not significant. The use of an EMP, along with the mitigation proposed, can allow the development to go ahead as it would allow a measure of monitoring and control on any significant impacts on wild salmonids in the wider area. It is acknowledged that the appropriate monitoring and interpretation of the data from wild salmonid surveys would be difficult. However, in the absence of any other agency taking responsibility for this issue, the EMP currently remains the only viable option and is compatible with the precautionary principle approach of SPP paragraph 204. It is for the developer to demonstrate what can be done to address these issues. A condition is therefore recommended to ensure an updated and more robust EMP is in place in order to minimise impacts on wild salmonids from both sea lice and escaped farmed fish.

- 8.38 With regard to comment that there should be a moratorium on further fish farming expansion, there is currently no advice from Scottish Government on this aspect therefore the application must be determined in light of current policy, guidance and legislation.
- 8.39 In response to the comment that there is an unknown risk and we should employ the precautionary principle. Whilst appreciating the concerns raised, based on advice and consultation responses, it can be concluded that subject to appropriate conditions, suitable mitigation can be applied for this relatively minor change of equipment and associated biomass. This is particularly the case given the principle of development has already been established for this fish farm, as discussed above; this also helps address cumulative issues.
- 8.40 With regard to the comments over the quality of the submission and that not all the required information has been submitted, it is acknowledged there were a number of inconsistencies in the information supplied. Where these arose, clarification was sought and these have been addressed above. The additional information required by MSS on sea lice management and equipment suitability was requested several times and where this still remains outstanding, it is recommended a condition is placed to address one aspect i.e. equipment suitability; the EMP condition discussed above will address the other aspect.
- 8.41 Overall, the proposal is deemed acceptable in terms of policies 28, 50 and 57 subject to conditions.

iv) Other Considerations

- 8.42 The shore base, servicing jetty and operational requirements will not change.
- 8.43 The number of jobs will not change.

Non-material considerations

- 8.44
- Company ownership
 - Objections to other fish farms around Skye
 - SEPAs monitoring regime
 - Land-based closed containment fish farming

Matters to be secured by Section 75 Agreement

- 8.45 a) None

9. CONCLUSION

- 9.1 The degree of change would not result in any significant change to the landscape.
- 9.2 The commitment to not use ADDs greatly reduces potential impacts on the SACs. Some sea lice concerns, including cumulative impacts, remain. However, there are no significant salmon catchments in the Loch system, as outlined above, and the degree of change from the existing fish farm site is not significant. An EMP can

help ensure further appropriate monitoring and control to a site where the principle of development has already been established for this proposal i.e. a slight relocation and amendment.

- 9.3 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 and Reasons

- Prior to the commencement of the development, all outstanding information as identified by Marine Scotland's response of 24 May 2018 regarding sea lice management and equipment suitability shall be provided in writing to the planning authority.

Reason: to ensure the effective operation and management of the site are fit for purpose and minimise impacts on biodiversity.
- For clarity, the feedbarge or any subsequent like-for-like replacement will remain in its existing location as approved by 08/00364/FUL.

Reason: to minimise impacts on nearby residents and amenity.

3. All plant, machinery and equipment associated with this development shall be so installed, maintained and operated such that the following standard is met: -

The operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty at any noise-sensitive premises. Terms and measurements to be in accordance with BS 4142: 2014 Methods for Rating Industrial and Commercial Sound.

For the purposes of this condition, “noise-sensitive premises” includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels and Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

4. For clarity, Acoustic Deterrent Devices shall not be used on this site.

Reason: To minimise impacts on the Ascrib, Isay and Dunvegan Special Area of Conservation and the Inner Hebrides and the Minches candidate Special Area of Conservation

5. For clarity, the use of anti-predator netting is not permitted.

Reason: To minimize impacts on biodiversity.

6. All surface equipment, with the exception of navigational markers and safety equipment, shall be finished in a dark, matt neutral colour. Pipes between the automated feed barge and the cages shall be neatly bundled to minimise clutter.

Reason: To minimise the visual impact of the installation and to help safeguard the integrity of the North West Skye Special Landscape Area.

7. 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.

8. For clarity, underwater lighting shall not be used.

Reason: to minimise visual and noise impacts on nearby properties.

9. 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 within 28 days.

Reason: In the interests of amenity and navigational safety.

10. 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 equipment and methods available, triggers/thresholds and associated actions in order to secure that any risks to local wild fish populations are 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

- 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, along with an assessment of the availability and suitability of the site for cleaner fish;
- 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.
- o) details of where records of sea lice counts will be made publically available to view in as close to real time as is practicable.

(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 and Freshwater Pearl Mussels in particular; in accordance with the Planning Authority's biodiversity duty.

11. 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

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.

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 and 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

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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 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

Lighting and Licences: The development should be lit in accordance with Northern Lighthouse Board requirements and obtain any marine licences as required.

Signature:	Dafydd Jones
Designation:	Area Planning Manager – North
Author:	Dr Shona Turnbull
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan Plan 2 - Figure 1B Location/Site layout plan Plan 3 - Figure 2A Current and proposed cage locations Plan 4 - Figure 4 Site layout plan

- Plan 5 - Figure 5A Grid and barge location
- Plan 6 - Figure 6A Mooring plan
- Plan 7 - Figure 8 Section plan - nets

References:

RAFTS (2013) Technical report on locational guidance and zones of sensitivity. *Managing Interactions Aquaculture Project 2012/13*

Watt, J. (2006) An Assessment of the Salmon and Trout Populations of the Isle of Skye. *Era Report 57*. Report to Skye District Salmon Fisheries Board.

Appendix 2: Appropriate Assessment- screening for HRA requirements

Marine Fish Farm - Atlantic Salmon - Relocate the Gob Na Hoe Fish farm site and replace 14 x 80m circle cages with 8 x 120m circle cages
18/01106/FUL

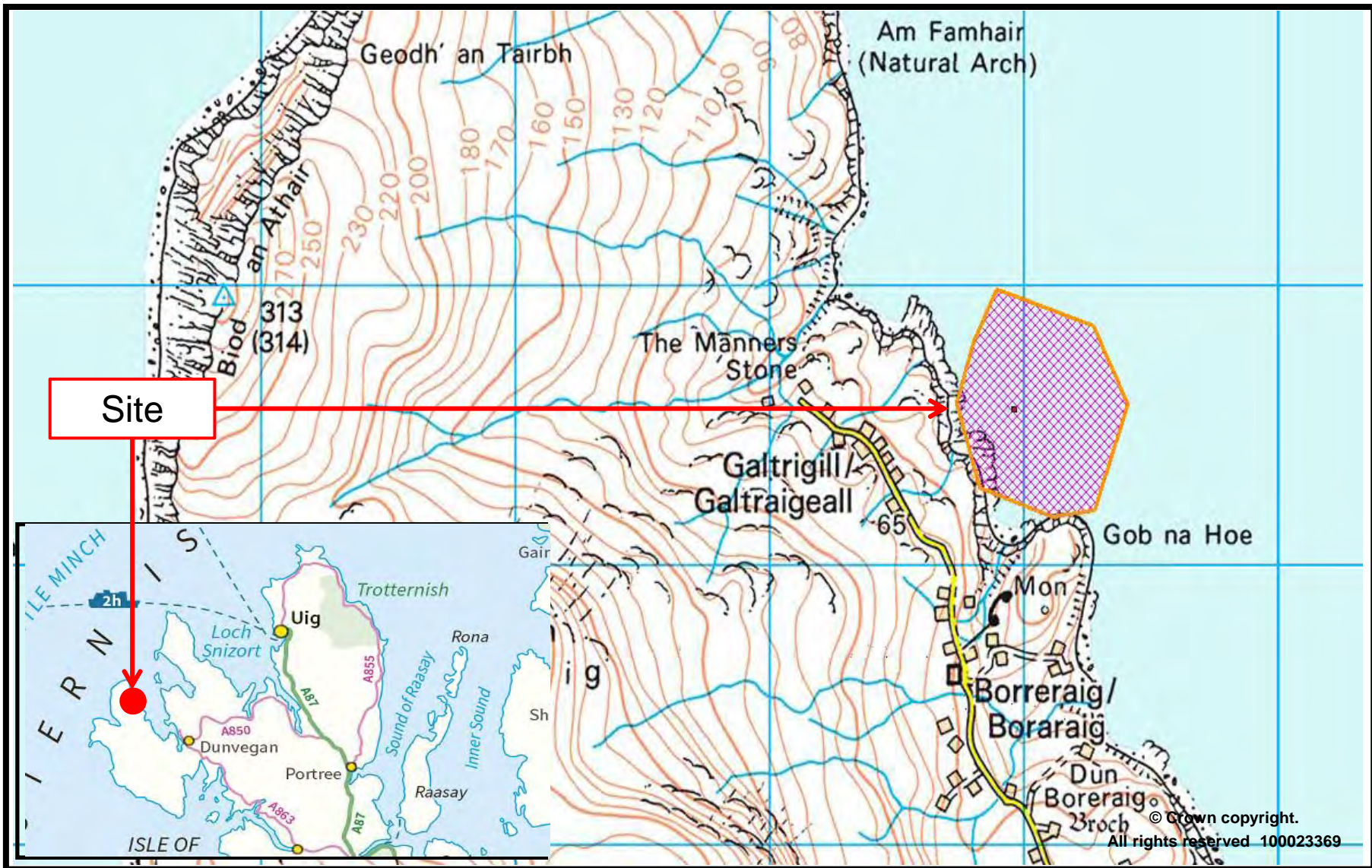
CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The proposal lies c. 1km from the Ascrib, Isay and Dunvegan Special Area of Conservation, designated for harbour seal (*Phoca vitulina*). The proposal also lies within the Inner Hebrides and the Minches candidate Special Area of Conservation. The status of the Inner Hebrides and the Minches candidate Special Area of Conservation under the EC Directive 92/43/EEC, the 'Habitats Directive' means that the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), apply, to this site as well as the Ascrib, Isay and Dunvegan SAC. Scottish Planning Policy 2014 (para 210) requires candidate SACs to have the same level of protection as designated ones.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the area has been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site. This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

In this instance, as the developer has committed to not using Acoustic Deterrent Devices, there is unlikely to be any significant effect on the qualifying features compared to the existing site therefore an Appropriate Assessment is not required.



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

Location Plan
18/01106/FUL

Marine Fish Farm - Atlantic Salmon - Relocate the Gob Na Hoe Fish farm site and replace 14 x 80m circle cages with 8 x 120m circle cages

June 2018

Scale:

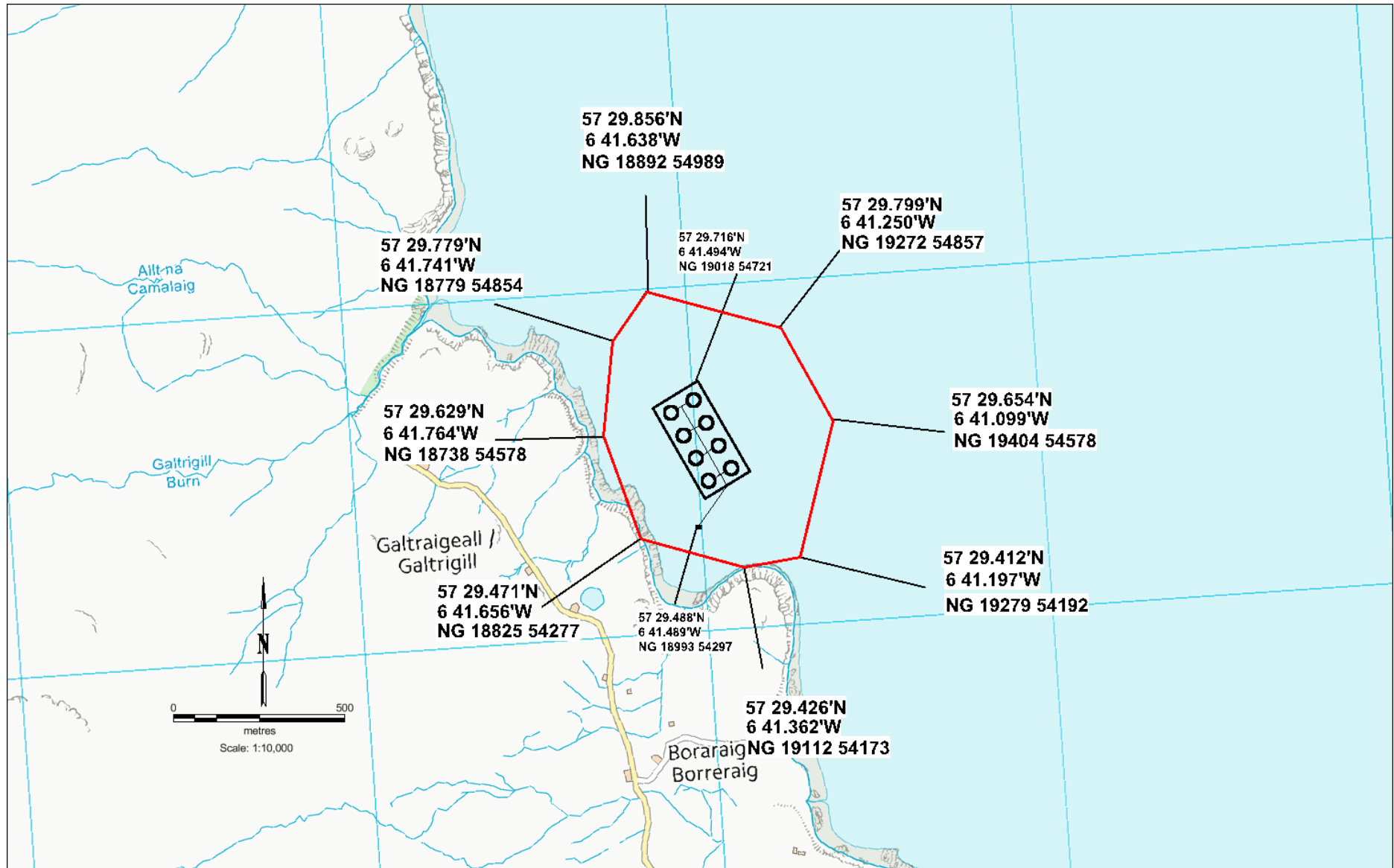


Figure 1b: OS map proposed mooring area Gob na Hoe

Fig 2a

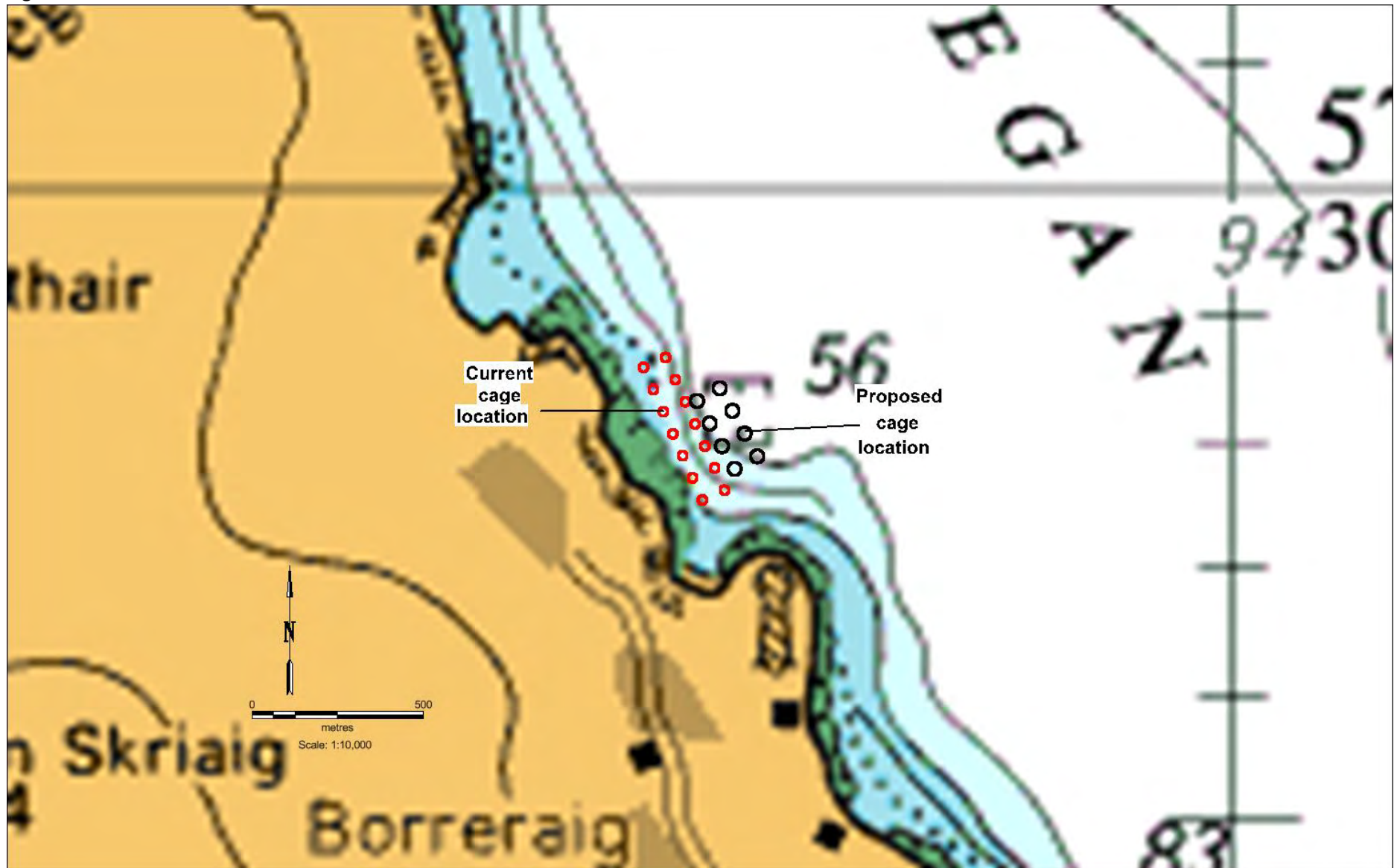


Figure 2a: Current and proposed cage locations

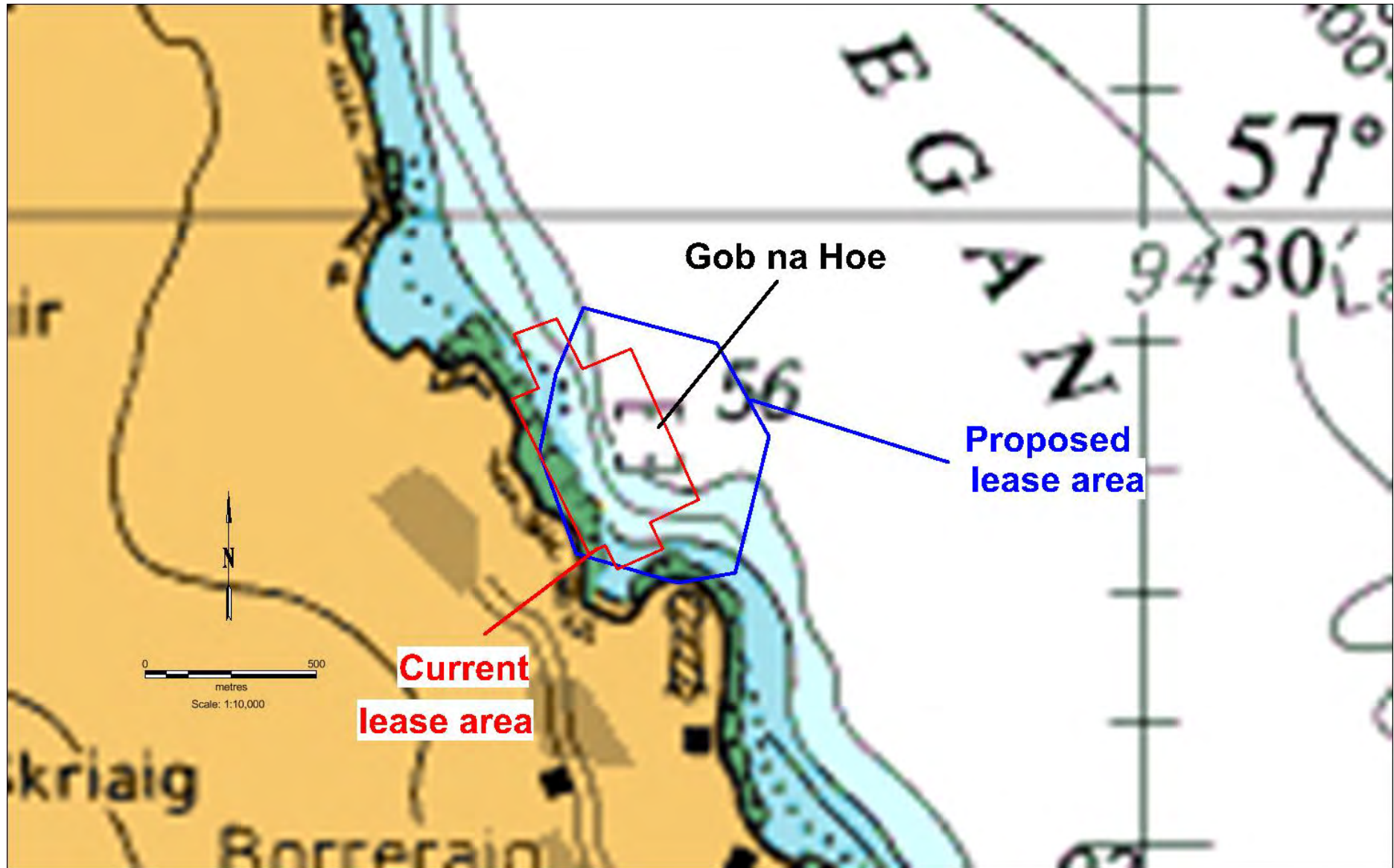


Figure 4: Current and proposed moorings area

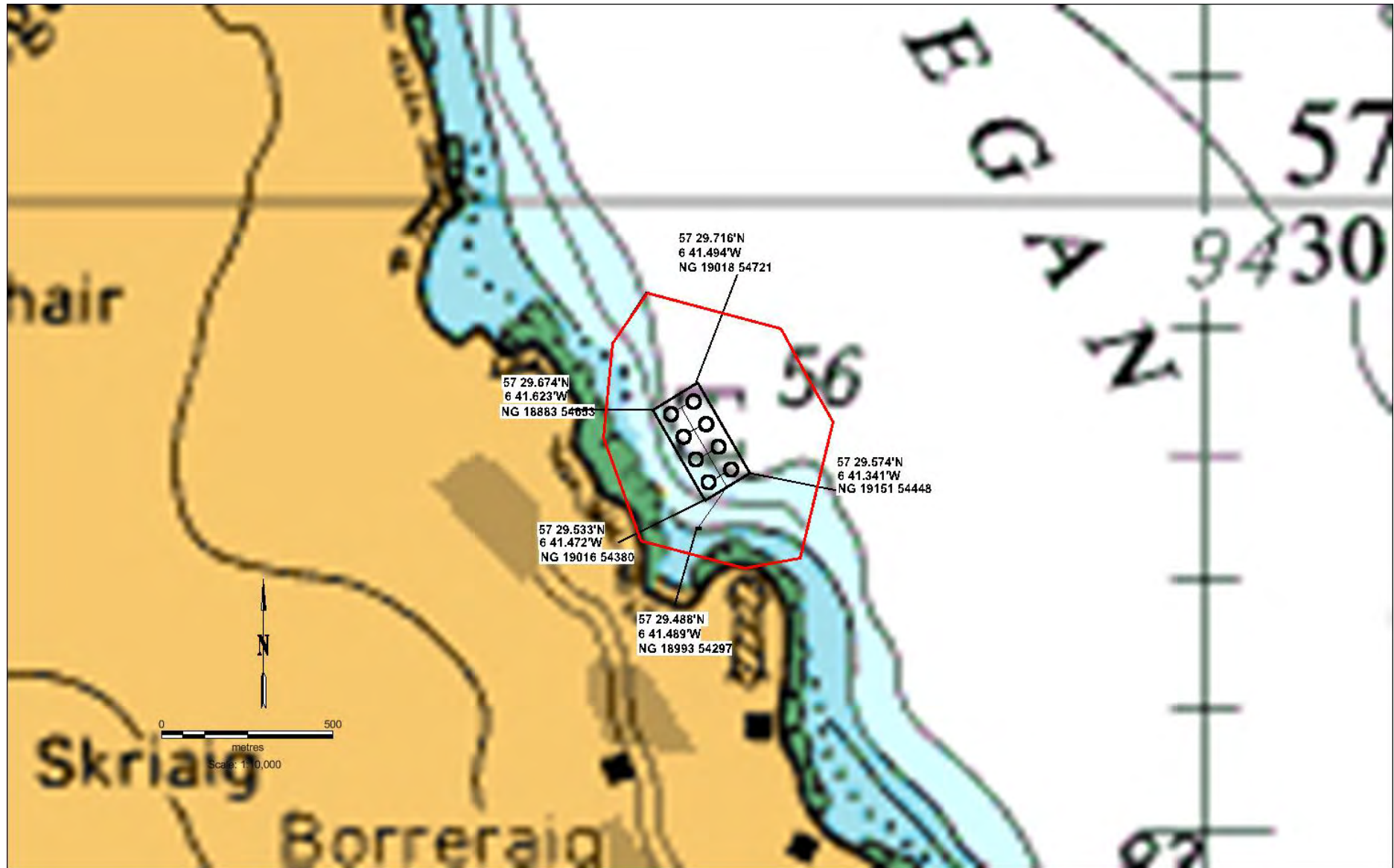


Figure 5a: Grid and barge location

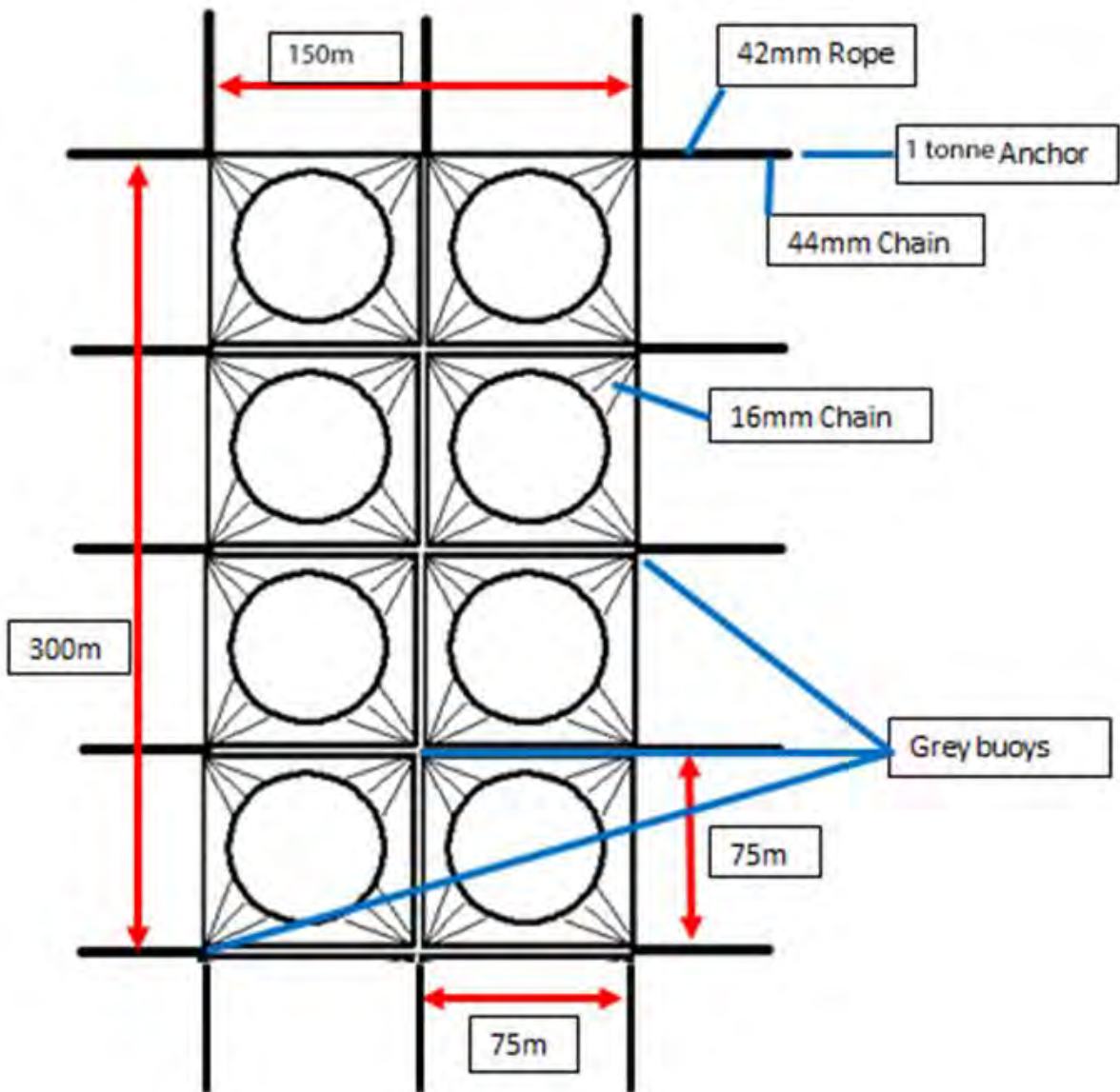


Figure 6a: Indicative moorings for eight 120m circumference cages in a 75m grid

Hvalpsund Net A/S

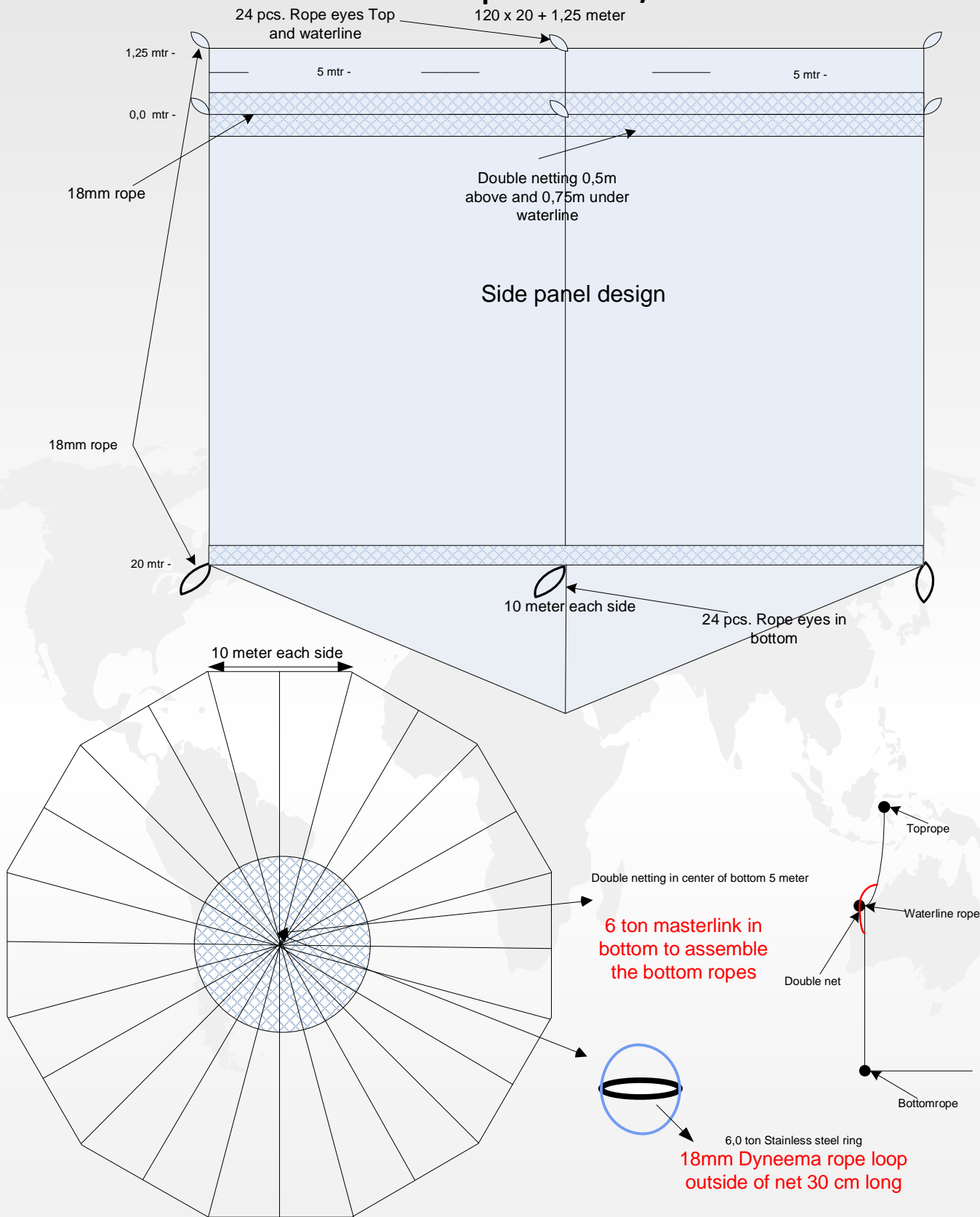


Figure 8: Nets

Size:	120 x 20 mtr. (12 panels of 10 meter) + 1,25 meter jump net
Netting:	25mmsq knotless super mono 20 . 3,5mm . 150 kg breakload
Double netting:	1,5 meter total -0.5 above waterline . 0.75 Below + 0,5 above and 0,5 below bottom rope
All ropes:	18mm Danline/ polysteel
Vertical ropes:	24 pcs.. . 5 meters between each
Bottom ropes:	24 ropes in cake formation.
Bottom:	30 degree cone + 6 ton S/S Ring In bottom
Rope eyes:	Toprope, waterline rope with reinforced plastic hose. Bottom rope
Attention:	18mm Dyneema rope loop outside of net 30 cm long lifting ropes to be marked with green color
Sewing:	By hand with 2mm braided nylon

Client: Greig Seafood
 Date: 16-02-2018
 Order no.: 91243
 Amount: 4 pcs.

Signature, client