Agenda Item	**6.2**
Report No	**PLN/066/19**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: **10 September 2019**

Report Title: 18/05907/FUL: SMTA Ltd c/o MHS Ltd
Site 805M NE of Keepers House, Isle of Scalpay, Broadford

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Marine Fish farm - new site consisting of 12 x 120m circumference circular cages plus feed barge.

1.2 **Ward:** 10 - Eilean A' Cheò

Development category: Local development

Reason referred to Committee: Number of objections including from the District Salmon Fishery Board as statutory consultee

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. Recommendations

2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 This application seeks planning permission for a marine fish farm consisting of twelve 120m circumference circular cages arranged in two groups of six (2 x 3 grid pattern). The farm will be served by a 400 tonne feed barge of boat-like appearance to be moored at the northern end of the cage arrangement

3.2 This is a new fish farm in an area with existing shellfish farming. The application indicates an intention to operate the fin-fish farm alongside a shellfish cultivation project to investigate the potential advantages of integrated multi-tropic aquaculture. However, this application is only for the marine fin-fish farm.

A further application has been submitted for a new shore-base building and pontoon on the eastern Scalpay coast close to the site of the farm.

3.3 Pre Application Consultation: the proposal was made the subject of a request for pre-application advice back in May 2017. This application generally follows and responds positively to the advice provided at that time.

3.4 Supporting Information: The application is EIA development and so has been submitted with an environmental impact assessment report addressing the environmental issues raised through EIA scoping.

3.5 Variations: The scheme has not been varied although the applicant has submitted further information in response to consultation requests for clarification. They have also provided a response to various issues raised by third parties.

4. SITE DESCRIPTION

4.1 The proposal is positioned in a north-south orientation close to the eastern shore of the Isle of Scalpay which is a substantial, rugged and hilly island sitting just off the south-eastern coast of Skye at the southern end of the Inner Sound.

4.2 The site is adjacent to a small bay within the coastal form of the island and it is here that the applicants intend to build the new shore-base. Although it is understood the population of the island used to run into the hundreds, it is now down to just a handful and there are just a few dwellings scattered around the main Scalpay House. The closest to the farm is a holiday cottage run by the owners of the island which sits at the southern end of the small bay.

4.3 A combination of topography, vegetation and distance means that there are very limited views of the site from readily accessible public space, particularly the A.87 trunk road running up the Skye coast to the south and west of the application site.

5. PLANNING HISTORY

5.1	17/02162/SCRE Marine Fish Farm - Atlantic Salmon: New site consisting of 12 x 120 circumference cages plus feed barge	Proposal is EIA development	12.05.2017

5.2	17/02041/PREAPP Marine Fish Farm - Atlantic Salmon: New site consisting of 12 x 120m circle cages plus feedbarge	Advice provided	24.05.2017
5.3	17/02163/SCOP Marine Fish Farm - Atlantic Salmon: New site consisting of 12 x 120 circumference cages plus feed barge	Scoping response provided	12.06.2017
5.4	19/02615/PREAPP Proposed fish farm shore base with storage and welfare facilities	Advice provided	25.07.2019
5.5	19/03692/FUL New Shore Base including hardstanding, slipway, floating pontoon and drainage proposals	Pending	

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown neighbour and EIA development

Date Advertised: 14.01.2019 & 25.02.2019

Representation deadline: 17 February 2019

Timeous representations: 14 from 12 household

Late representations: 0

6.2 Material considerations raised are summarised as follows:

a) Issues raised in the parliamentary inquiries have not been resolved despite assurances of action from the government and determination of the current application should be delayed until new legislation is introduced
b) Marine Harvest have a poor animal welfare record according to the One Kind charity
c) the colony of seals at Ob Ardnish and the SSSI there needs to be taken into consideration
d) The planning authority should apply the precautionary principle in respect to this application
e) The visual and wildlife disruption from the farm could impact on tourism
f) Use of ADDs at the farm will exclude harbour porpoise from their habitat in contravention of the objectives of the Inner Hebrides and the Minches SAC
g) Otters have not been considered in the EIA report
h) Site could be a navigational hazard
i) Another fish farm could have a negative impact on the catches of other commercial fishing interests
j) SEPA have identified that Emamectin Benzoate is more harmful to wildlife than previously thought

k) Fragile area designation for Skye is out of date – its booming with low unemployment and young people now choose to stay
l) Open net production is outdated and recirculating aquaculture systems have been shown to work in other countries
m) Graphs showing sea lice numbers are not properly calibrated and could be misleading
n) Cleaner fish are destroyed at the end of a production cycle
o) Cumulative environmental impacts in respect of the other nearby farms must be taken into account
p) statistics relating to numbers of tourist accommodation businesses in Skye and Lochalsh is entirely inaccurate and underplays the size of the sector

6.3 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.

7. CONSULTATIONS

7.1 Skye District Salmon Fishery Board: Objection

- Precautionary principle should be applied and determination delayed until the government introduce the measures called for by the parliamentary committees
- Site is positioned in an arterial migration route for wild salmon and will add a cumulative detrimental impact in conjunction will existing farms in the area

7.2 Wester Ross Area Salmon Fishery Board: Objection

- This will be the fifth 2000+ tonne salmon farm on the east coast of Skye since 2016
- sea lice emissions from this proposed farm and the existing ones could adversely affect migrating salmon from several local rivers as well as those much further south
- In rod catches, correlation seen between raised sea lice emissions during 2nd year of production and subsequently reduced wild fish numbers
- SSPO figures for sea lice counts on local Mowi farms in June 2018 show that five farms were breaching the 0.5 adult female lice per fish code of good practice treatment threshold – this does not support the argument in the application that new sea lice control techniques have created a step change in effectiveness.
- Still no 'heat map' from Marine Scotland to assist in determining suitable and unsuitable locations for new fish farm development.
- The memorandum of understanding between the applicant and the local fishery boards only related to agreed monitoring protocols and does not imply support for further development
- Monitoring wild fish in a manner that will provide reliable data for the adaptive management of this farm will be difficult if not impossible

7.3 Marine Scotland Science (8 February 2019)

- Benthic impact acceptable

- water column impact does not appear to take account of nearest fish farm consent
- proposed farm must be positioned exactly as shown to avoid the risk of disease management areas overlapping
- can confirm that difficulties were experienced with the management of sea lice in this farm management area but that altered management techniques have shown success in the recent production cycle

(26 July 2019)

- note that SEPA's revised position on emamectin benzoate has reduced the allowance by 60% - sufficient to treat the maximum biomass once
- reminds the applicant that as of 3 July 2019 and in direct response to the REC committee report, Marine Scotland expects a condition requiring an adaptive environmental management plan to be imposed on all fish farm applications where a risk to wild fish exists. It has set minimum criteria for this condition which require;
    - levels of lice released from the farm to be reported
    - sea lice dispersion modelling
    - monitoring to assess the level of interaction with wild fish
    - commitment to discussion of results and adaptations with the planning authority and other bodies
    - a review mechanism

7.4 Scottish Natural Heritage: no objection

- proposal is likely to have a significant effect on the Inner Hebrides and the Minches SAC for harbour porpoise
- Highland Council required to carry out an appropriate assessment
- SNH advice is that, on the basis of the information submitted, the use of ADDs at the site will not adversely affect site integrity.
- a condition is required to ensure the Terecos unit is used as described and to allow appropriate control if an alternative is proposed.
- whilst some burrowed mud and tall seapen habitat may be affected by the proposal and are both priority marine features the proposal is not considered likely to have a significant impact at the national level.
- White-tailed eagles have bred nearby but as there are currently no nest or roost sites close to the proposal there are unlikely to be any disturbance impacts
- satisfied that the proposal is unlikely to adversely affect the special qualities of The Cuillin Hills NSA

7.5 SEPA: No objection

- A CAR licence has already been consented for this proposal

7.6 Historic Environment Scotland: no objection

- no significant impacts on historic interests

7.7 Northern Lighthouse Board: no objection

- standard navigational lighting recommended

7.8 Transport Scotland: no objection

7.9 Scottish Water: no objection

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
36 - Development in the Wider Countryside
49 - Coastal Development
50 - Aquaculture
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
61 - Landscape
72 - Pollution

8.2 West Highland and Islands Local Plan 2010 (as continued in force)

No specific policies apply

8.3 West Highland and Islands Local Development Plan (as submitted to Scottish Ministers) 2019

No specific policies apply

8.4 Highland Council Supplementary Planning Policy Guidance

Highland's Statutorily Protected Species (March 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

SPP (2014) 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*."

SPP (2014) paragraph 250 states;

"*The planning system should:*

• *play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;*

• *guide development to coastal locations that best suit industry needs with due regard to the marine environment;*

• *maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species*."

SPP (2014) paragraph 253 states;

"…..*The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.*"

National Marine Plan

10. PLANNING APPRAISAL

10.1 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

10.2 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

10.3 The key considerations in this case are:

a) compliance with the development plan and other planning policy
b) parliamentary reports, the precautionary principle and national policy
c) impact upon the Inner Hebrides and the Minches SAC
d) impact upon wild fish populations
e) visual and landscape impact
f) economic impact

Development plan/other planning policy

10.4 Policy 50 (Aquaculture) of 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 will have some impact on the SAC qualifying features, other priority marine features and also some impact

on local and migratory wild salmonids. However, none of these impacts is considered significant enough to justify a reason for refusal and the ecological effects can be mitigated through the required adaptive management techniques.

10.5 Policy 28 (Sustainable Design) of the HwLDP - identifies considerations that must be assessed including;

- impact on individual and community residential amenity
- impact, including pollution and discharges, on habitats, freshwater systems, species, marine systems, landscape and scenery and particularly within designated areas
- demonstrate sensitive siting and high quality design in keeping with local character and the historic and natural environment

The policy also states that;

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

This must be read in conjunction with SPP (2014) paragraph 204 (see above) which post-dates the HwLDP.

For the reasons given below the landscape, ecology and wild fish concerns are not considered to constitute reasons for refusal.

10.6 Policy 36 (Development in the Wider Countryside) of the HwLDP – reiterates the considerations identified by Policy 28 but adds that regard will also be had to the extent to which the proposal would help, if at all, to support communities in Fragile Areas (this location falls within this area as defined by Highlands & Islands Enterprise) in maintaining their population and services by helping to re-populate communities and strengthen services.

The submitted documents and third party comments suggest the application could have positive employment impacts although there are balancing arguments in respect of tourism employment and the degree to which the local economy remains fragile.

10.7 Policy 49 (Coastal Development) of the HwLDP – requires nearshore water development to comply with the other policies of the development plan in achieving sustainable, well planning coastal development.

10.8 Policy 57 (Natural, Built and Cultural Heritage) of the HwLDP – identifies natural, built and cultural features of:

• international importance - and states that 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 an appropriate assessment. Where the planning authority is unable to ascertain that a proposal

will not adversely affect the integrity of a site, the planning authority will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature.

- national importance - and states that the authority will allow developments that can be shown not to compromise the natural environment, amenity and heritage resources;

The critical issue here is the Inner Hebrides and the Minches SAC (harbour porpoise). An Appropriate Assessment has been carried out in regard of this SAC (see Appendices below) and has concluded, in line with SNH guidance, that the proposal will not have an adverse effect on the integrity of the designation, subject to requirements secured by the proposed conditions.

SNH have further concluded that any impacts on priority marine features will be insignificant in respect of their national populations.

10.9 Policy 58 (Protected Species) of the HwLDP – supports Policy 57 above with a presumption against proposals which are likely to have an adverse effect, individually and/or cumulatively, on European Protected Species.

10.10 Policy 59 (Other Important Species) of the HwLDP - requires the council to have regard to the presence of, and any adverse effect of development proposals, either individually and/or cumulatively on species including the multi-sea-winter component of the Atlantic salmon population (included in the UK Biodiversity Action Plan Priority Species List and as a Priority Marine Feature).

For the reasons below, the proposal is considered acceptable in this regard subject to the securing of adaptive management techniques by planning condition.

10.11 Policy 61 (Landscape) of the HwLDP – requires proposals to be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue.

This is an important concern given the location of the farm adjacent to The Cuillin Hills National Scenic Area. For the reasons given below, it is considered to be acceptable in visual terms.

10.12 Policy 72 (Pollution) of the HwLDP – states that proposals that may result in significant pollution "…*will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated*…"

The submitted environmental statement is considered to meet this requirement, particularly in the context of SEPA's CAR licence having already been issued.

Parliamentary reports, the precautionary principle and national policy

10.13 At the current time, no assessment of a fish farm application would be complete without some acknowledgement of the greatly increased public scrutiny of the industry which has accompanied and been reflected by the inquiries held by two Scottish parliamentary committees in 2018 and their subsequent reports.

10.14 The Fishery Boards and several of the third party comments received in respect of this application have referenced these reports and particularly the criticism of the industry that they contained. One theme repeated many times in the objections was a call by the committees for regulators, including planning authorities, to employ the precautionary principle on a more regular basis.

10.15 However, as identified at paragraph 9.1 above, Scottish Planning Policy published in 2014 has provided a definition of the precautionary principle to be used in Scottish planning decisions. As such it is considered compatible with Scotland's international obligations as the concept has been adopted by both the UN and the EU. It is noted that this post-dates the 2012 HwLDP Policy 28.

10.16 The SPP definition sets some important limitations to the application of the precautionary principle. It only relates to interests of national and international importance. There should be sound evidence indicating that significant irreversible damage could occur and if there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

10.17 In this case the interest of international importance is the Inner Hebrides and the Minches SAC – assessed below and in the appropriate assessment appendix. Many parties have suggested that the precautionary principle could be legitimately used more widely. Arguably, the status of both salmon and trout as Priority Marine Feature species provides them with 'national importance'. However, as can be drawn from SNH's consultation response, the precautionary principle would only apply in these circumstances when the predicted effect related to the status of the national population as a whole rather than just a small component of it.

10.18 To date, the parliamentary reports have not resulted in any fundamental change to national aquaculture planning policy. National policy continues to be balanced between a generally positive approach on the mainland west coast, Western Isles, Orkney and Shetland and a prohibition on any new aquaculture off the northern and eastern mainland coasts in the interests of protecting wild fish.

10.19 In this regard it is also important to fully appreciate the implications of paragraph 250 of SPP (also at 9.1 above). This is the part of national policy maintaining a presumption against further marine finfish farm developments on the north and east coasts of Scotland to safeguard migratory fish species. Two significant inferences can be drawn from this policy position;

i. the Scottish government accepts that the risk posed by finfish farming to migratory fish species (wild salmonids) is great enough to justify a planning moratorium around the majority of the Scottish mainland coastline – the north and east coast where particularly significant salmonid populations are

found. Planning moratoriums are unusual and this approach can be seen as an example of the precautionary principle being applied at the national level.

ii. In allowing finfish farming on the west mainland coast and the northern and western isles, the government is aware and accepts the risk to wild salmonid populations in these areas, but concludes that the overall environmental cost is justified and outweighed by the benefits derived from a successful aquaculture industry.

This is not to say that the policy can be read as a 'free for all' in the locality of this application. Environmental impacts must still be carefully assessed and a balanced planning judgement made, but it does suggest that simply identifying an unquantified negative impact on wild salmonids, at the local level, is not enough to justify a refusal of planning permission.

10.20 As part of the government's response to the parliamentary reports, working groups, including planning authority representation, have been set up to specifically examine the issue of wild fish interactions with aquaculture.

The only change in policy position has been from Marine Scotland who have endorsed the EMP approach to post-consent adaptive management – as made clear in their 26 July 2019 consultation response. It is conceivable that this may be reflected in revised future national guidance and policy. Until then the Planning Authority is obliged to consider applications within the framework of current and applicable regulations, guidance and policy

Impact upon the Inner Hebrides and the Minches SAC

10.21 SNH have identified that the proposal is likely to have a significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC. Consequently, the Council is required to carry out an appropriate assessment. The issue raised by this application is the potential noise disturbance to harbour porpoise from acoustic deterrence devices (ADD) installed on the farm to deter predation by seals.

10.22 In their initial response on this matter, to assist in the production of the appropriate assessment (19 February 2019), SNH were able to respond that they did not believe that the ADD in this case would result in an adverse impact on site integrity (AESI) and the use of the specified equipment would therefore be acceptable in respect of the SAC. In coming to this conclusion they identified three key factors quoted below;

i. The ADD deployment plan indicates that, if required, the developer will deploy two Terecos ADD units. Terecos have lower source levels than many other commercially available devices. Lepper et al. (2014) quote the Terecos DSMS-4 as having a source level of 178 dB re 1 µPa (RMS). Northridge et al (2010; 2013) considered the use of Terecos and found a possible reduction in acoustic behaviour out to 1 km, in one case, and no significant disturbance in another.

ii. In addition, the ADD deployment plan indicates that even when switched on the devices will not sound continuously. The developer's ADD policy states that maximum percentage of days in the production cycle that the devices are operational is required to be 40% or less.

iii. Conservation Objective 2b states that the distribution of harbour porpoise throughout the site is maintained by avoiding significant disturbance. Significant disturbance in this context is where changes to the distribution of harbour porpoise occur on a continuing or sustained basis. In this case the combination of Terecos devices and the ADD deployment plan proposed means there will no adverse effect on the integrity of the SAC.

10.23 However, SNH stressed that this advice was predicated on the submitted details. Subsequently, it became clear that the applicant wished to use different equipment but was also willing to integrate an ADD deployment plan on this site with that on its recently consented nearby site at Sconser Quarry (planning permission 17/02707/FUL). It is understood that discussions between the applicant and SNH concerning this alternative equipment are continuing. However, so long as any change from the Terecos system is made subject to further written agreement in writing, SNH have indicated that they consider is acceptable for the application to be determined in respect of the original submission with an appropriate assessment based upon their original advice.

10.24 The appropriate assessment can be found at the Appendix 2 below. The critical factors in the assessment are as at 10.22 above.

Impact upon wild fish populations

10.25 Wild salmonids i.e. wild salmon and trout, are protected species. Among other designations, Atlantic salmon is listed on Appendix III of the Bern Convention and Appendix II and V of the EC Habitats & Species Directive and are listed on Schedule 3 of the Conservation (Natural Habitats, &c.) 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 (PMF). Trout (Salmo trutta) are also a PMF and 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. Clearly therefore, any impacts on these species must be considered.

Significantly, the overall numbers of wild salmonids in Scottish coastal waters has declined dramatically over the last few decades. Whilst there is no definitive evidence to suggest this has been caused by fish farming, it has created a situation where planning authorities need to satisfy themselves that new fish farm consents will not add to the environmental pressures on an already struggling set of species and make a bad situation even worse.

The MSS consultation response stresses that there is now plenty of evidence from Norway and other producer states showing that sea lice emissions from fish farms can result in increased mortality among wild salmon and sea trout.

10.26 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 roughly 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.

10.27 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. If these levels are reached or exceeded, they are the suggested criteria for sea lice treatment. Further to this, there is also a target of zero adult female lice in spring to coincide with salmon migration. The applicant's submission also states that they now set their intervention triggers at much lower levels of lice per fish than CoGP.

10.28 Following the Environment, Climate Change and Land Reform Committee report on the environmental impacts of salmon farming (March 2018), it was proposed that site-specific data for all marine fin fish farms would be forthcoming in due course. Individual site data are now published by the SSPO as from May 2018, although these are provided with a time lag.

10.29 MSS also 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.

The issue here relates to the very large numbers of fish reared within the pens of a farm relative to the much smaller number of wild salmonids inhabiting and/or transiting the waters in its vicinity. The 500,000 to 750,000 fish in the farm will exceed local wild fish populations to a very large extent. Consequently, even when the numbers of sea lice per farmed fish is relatively low, the total number of adult and planktonic sea lice entering the local receiving environment may still be many times greater than the naturally occurring 'background' level associated with the wild fish. This increases the risk of infection for wild fish to a corresponding degree.

10.30 It is clear from the Fishery Boards' consultation response that they have a particular concern that the location of this farm will have a detrimental impact upon migrating salmon (through sea lice emissions) because of its proximity to what is understood to be this specie's migratory route through the Inner Sound from rivers emptying into Loch Carron, Loch Alsh and Loch Hourn. The more general concern about the impact of sea lice emissions generally on local populations of wild salmonids including (non-migratory) sea trout also exists.

10.31 This issue of proximity of farms to salmon migration routes was a specific concern of the parliamentary committees. They stressed that it makes sense to maintain clear separation between the two and we know that the migration is focussed around late spring. The difficulty, however, is that there is;

i. very little data on the actual routes taken by the fish
ii. very little data about the dispersion pattern of sea lice around fish farms

Consequently, the degree of connectivity between sea lice emissions from the farm and fish transiting the area of waters containing raised levels of sea lice from the farm remains difficult to ascertain and quantify.

10.32 The applicant has recognised the need to address this issue and has engaged with the Fishery Boards in drawing up an environmental management plan (EMP) to provide a basis for monitoring the wild salmonid population and adapting the production management of the farm in accordance with any negative impacts identified.

10.33 EMPs have been a requirement of several recent planning approvals in the Highland area and in Argyll and Bute including those decided on appeal by the DPEA. Marine Scotland, through their consultation responses, have now made this form of adaptive management a requirement for all fish farm applications.

10.34 Ideally, an EMP should achieve the following;

a) a description of the methods, techniques and equipment (chemicals, fresh water treatments, cleaner fish, net design, good husbandry practice etc.) to be used to maintain sea lice infestation numbers at the lowest possible levels throughout each production run

b) a description of how lice levels will be monitored and reported

c) a methodology of how rising sea lice levels will be addressed in the form of a positive feedback loop of interventions and monitoring

d) a commitment to reduce biomass if these interventions prove unable to bring sea lice numbers down to an acceptable level within a short period of time

The above represents normal practice on a fish farm. However, the EMP requires a link to be made with wild fish health and numbers;

e) a programme of wild fish health and numbers monitoring specific to the site which identifies wild salmonid habitats and populations most likely to be impacted by sea lice emissions from the farm. This may include planktonic sea lice monitoring to inform the wild salmonid populations most at risk.

f) a commitment at the end of each production run to assess, alongside the planning authority and other statutory bodies, the wild fish monitoring results and, if any causal correlations are identified, agree and implement adjustments to the next production cycle (a feedback to (a) above) to address any harm to wild fish populations being caused by sea lice emissions from the farm.

10.35 In this specific case, the applicant is already under an obligation to produce an EMP in respect of its Sconser Quarry permission some 8.5km to the north-west of the application site. As a result, the applicants have decided to build this into an 'area' EMP to cover this and the other three farms it operates within the M-28 farm management area.

10.36 Although the authority has seen a draft of this document the applicants have indicated that they do not want to formally submit it until they have reached full agreement with the Fishery Boards. The Boards are likely to be involved in in the monitoring work and the applicant wishes to obtain their 'signature' on the final draft.

10.37 As far as can be ascertained at this stage, the EMP contains all the adaptive management requirements identified at 10.34 above. Most importantly, it contains a commitment to carrying out a salmon migration tracking project to attempt to create a quantitative assessment of where and when and in what numbers migratory salmon pass the farm within the waters of the Inner Sound. Coupled with the applicant's recent work on tracking the dispersion of planktonic sea lice leaving finfish farms, this information should provide a useful database on the degree to which there is connectivity between the farms in this area and migratory salmon. Combined with the other monitoring data to be gathered through the EMP, this will allow an assessment to be made of the level of risk to those salmon and so inform adaptive management decisions to alter production qualitatively and/or quantitatively if that risk becomes too high.

10.38 The final form of the EMP can be made the subject of an identical condition to that imposed by the Reporter in the case of the Sconser Quarry permission. Final details will have to be agreed by the planning authority before any development takes place. For these reasons officer support can now be given to the proposal in this regard.

Visual and landscape impact

10.39 The site is notably remote from any readily accessible public viewpoint particularly the A.87 trunk road and so the application raises few visual impact issues.

10.40 In terms of landscape impact, SNH had identified at the scoping stage that consideration should be given to views out to the farm from within the Cuillin Hills NSA. They note that this advice has been followed and a photo submitted from the summit of Beinn na Caillich as well as the other main sensitive receptors. SNH are satisfied that the proposal is unlikely to adversely affect the special qualities of the NSA and the case officer sees no reason to disagree with this assessment

Economic impact

10.41 It is likely that the creation of a further fish farm in the area could have a positive impact on local employment and economic activity both directly and indirectly. This is particularly important for an area falling within the HIE definition of a Fragile Area.

10.42 A number of third party comments suggest, however, that the farm could have a negative impact upon tourism and leisure activity related to this popular area.

10.43 Clearly, as with any economic benefit assessment, it is necessary to consider the 'net' effect. The obvious benefits of investment have to be weighed against the 'costs' which come with it, some of which are difficult to quantify. There is insufficient evidence on either side of this argument for the planning authority to come to any definitive answer and so little weight can be placed upon this consideration. It was interesting to note that some third parties suggested that Skye should no longer be classified as a fragile area as the recent tourist boom had lowered unemployment and, it was suggested, was encouraging young people to stay on the island rather than migrate. The case officer cannot comment on the veracity of this argument.

Other material considerations

10.44 In their consultation response SNH were also able to confirm that any impact on priority marine features (PMF) would not be significant or in any way affect the features on a national scale.

Equally, they were able to discount any impact on white tailed eagles as there are no nest or roost sites near enough to raise a concern.

Non-material considerations

10.45 The issue of containment fish farming as an alternative to the open net arrangement proposed by this application is not a material planning consideration. The application must be determined on its merits as submitted.

Matters to be secured by Section 75 Agreement

10.46 a) None

11. CONCLUSION

11.1 The two main material planning considerations raised by this proposal have been identified as the potential impact on the Inner Hebrides and the Minches SAC and the potential impact upon local and migratory populations of wild salmonids. The proposal is not considered likely to have any significant impact in landscape or visual terms.

11.2 In respect of the SAC issue, an appropriate assessment has been produced which concurs with SNH advice that the proposal is unlikely to result in an AESI so long as the submitted equipment specification and deployment plan is adhered to. This can be secured by condition.

11.3 In respect of wild salmonids, a condition is recommended requiring the approval of an environmental adaptive management plan, in accordance with current Marine Scotland advice, which will allow production to be adjusted in both qualitative and quantitative ways in response to wild fish and sea lice monitoring data. It is understood that the plan is likely to cover this farm and the three other farms operated by the same company in the vicinity.

11.4 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.

12. IMPLICATIONS

12.1 Resource: Not applicable.

12.2 Legal: Not applicable.

12.3 Community (Equality, Poverty and Rural): Not applicable.

12.4 Climate Change/Carbon Clever: Not applicable.

12.5 Risk: Not applicable.

12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision issued N

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

Conditions and Reasons

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. 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 Cuillin Hills 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, the final Acoustic Deterrent Device Plan shall be submitted and agreed in advance in writing with the planning authority. The development and operation of the site, shall be carried out in accordance with the approved plan unless changes to the operation of the site dictate that the plan requires amendment. In such an eventuality, a revised Acoustic Deterrent Device Plan will require to be submitted to, and approved in

writing by the planning authority. Notwithstanding such a requirement, a revised Acoustic Deterrent Device Plan 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 minimise the impact on the Inner Hebrides and the Minches Special Area of Conservation.

4. 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, standalone 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;

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.

5. 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.

6. 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 in full.

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 interests of amenity and navigational safety.

7. All plant, machinery and equipment shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. 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 falls within Classes 7 (Hotels & 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.

8. For the avoidance of doubt, unless amended by the terms of this permission, the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement.

Reason: In order to clarify the terms of permission.

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

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

Designation:	Acting Head of Development Management – Highland
Author:	Mark Harvey
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan
	Plan 2 - Site Plan
	Plan 3 - Cage Arrangement
	Plan 4 - Cage Elevations
	Plan 5 - Cage Plan
	Plan 6 - Cage Elevation
	Plan 7 - Net Elevations
	Plan 8 - Feed Barge Elevations
	Plan 9 - Feed Barge Plans

Appendix 2: Appropriate Assessment

Harbour Porpoise
Special Area of Conservation

Marine Fish farm - new site consisting of 12 x 120m circumference circular cages plus feed barge.

18/05907/FUL

Site 805M NE Of Keepers House, Isle Of Scalpay, Broadford

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The status of the Inner Hebrides and the Minches 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.

The above 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 those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have 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.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites (AESI). If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening in Likely Significant Effects

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required. The proposed fish farm has the potential to have a likely significant effect on the qualifying interests, both alone and in-

combination with other nearby fish farms due to impacts from sea lice on wild salmonids and/or genetic introgression from fish escapes from the farm(s). The Council is therefore required to undertake an Appropriate Assessment of the implications of the proposal for the Inner Hebrides and the Minches SAC, due to the potential for the proposed fish farm to have a likely significant effect on the qualifying interests, both alone and in-combination with other nearby fish farms as a result of impacts from underwater noise produced by its acoustic deterrent devices.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by SNH, the applicant and various published information, including those as referenced.

In its response to the Council (dated 19 February 2019) SNH has advised the proposal is likely to have a significant effect on the harbour porpoise in the Inner Hebrides and the Minches SAC. However, they state that;

- given the relatively low source levels of the equipment proposed,
- the relatively low proportion of time the ADD deployment plan allows the equipment to be operated (40% or less of the production cycle)
- 'significant disturbance' in this context is defined as where changes to the distribution of harbour porpoise occur on a continuing or sustained basis – conservation objective 2b

they are content that the submitted ADD deployment plan if adhered to will avoid any AESI.

However, they also note that a condition is required to ensure that any alteration to the type of equipment used has to be agreed in writing with the planning authority. Alternative equipment might not achieve the same parameters identified above.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

Interests of European Importance – the Inner Hebrides and the Minches SAC

The qualifying interest for which the site is porpoise. The SAC is the largest protected area in Europe for harbour porpoise and covers over 13,800 km2 and supports over 5000 individuals.

Table 1. Protected features and condition for the Inner Hebrides and the Minches SAC. Feature condition refers to the condition of the protected feature assessed at a site level. Broader conservation status is the overall condition of the feature throughout its range as outlined by the *.

Protected Features	Feature condition	Assessment date	Broader conservation status*
Harbour porpoise	Favourable	2018	UK: Favourable European region: Favourable

The conservation objectives for the SAC are:

Harbour porpoise species are in favourable condition at Inner Hebrides and the Minches SAC and therefore the Conservation Objectives seek to *maintain* this condition.

6 Feature sensitivity

The harbour porpoise is a wide ranging species and occurs across the continental shelf. They also occur in deeper waters but in very low densities, and perhaps only seasonally. Harbour porpoise on the continental shelf, particularly those in coastal waters, are exposed to a wide range of pressures that are both ubiquitous (e.g. pollution) and patchy (e.g. entanglement). Harbour porpoise are considered sensitive to:

- Removal of non-target and target species (i.e. entanglement of harbour porpoises in fishing gears and removal of their prey species).
- Contaminants (e.g. through effects on water quality and bioaccumulation of contaminants that in turn affects the survival and productivity rates of harbour porpoises).
- Underwater noise (e.g. from acoustic surveys).
- Death or injury by collision (predominantly in relation to collision with various types of fast moving vessels from commercial shipping to personal leisure craft and potentially from tidal turbines).

These four pressures were used as the basis for undertaking our assessment of risk in terms of achieving the Conservation Objectives for harbour porpoise. Further information on feature sensitivity can be found in the UK Dolphin and Porpoise

Conservation Strategy. Marine Scotland's Feature Activity Sensitivity Tool (FEAST)[3] is currently being updated to include mobile species. Our assessment of sensitivity is based on a feature's tolerance (response to change) and its ability to recover.

Annex 1. Inner Hebrides and the Minches SAC Conservation Objectives

The box below provides the high-level Conservation Objective statements for the Inner Hebrides and the Minches SAC. The full Conservation Objectives, which includes site-specific advice and information on the features that form part of this MPA, are provided in the tables that follow. A definition of the terms used is in the Glossary (Annex 4).

A map of the MPA, areas of relevance to the Conservation Objectives, including the the West Scotland Management Unit and the Atlantic Biogeographic region are provided in Figure 2. Figure 3 in Annex 4 shows the areas of predicted sandeel habitat and herring spawning grounds of relevance to Conservation Objective 2c.

Inner Hebrides and the Minches SAC
Qualifying species: Harbour porpoise (*Phocoena phocoena*)
1. To ensure that the Inner Hebrides and the Minches SAC continues to make an appropriate contribution to harbour porpoise remaining at favourable conservation status. 2. To ensure for harbour porpoise within the context of environmental changes, that the integrity of the Inner Hebrides and the Minches SAC is maintained through 2a, 2b and 2c: 2a. Harbour porpoise within the Inner Hebrides and the Minches are not at significant risk from injury or killing. 2b. The distribution of harbour porpoise throughout the site is maintained by avoiding significant disturbance. 2c. The condition of supporting habitats and the availability of prey for harbour porpoise are maintained.

2b. The distribution of harbour porpoise throughout the site is maintained by avoiding significant disturbance.

This objective seeks to ensure that harbour porpoise can continue to use and have access to all areas of the site by avoiding significant disturbance.

Harbour porpoise are widely distributed throughout the Inner Hebrides and the Minches SAC. They are found throughout the Minches and the Sea of the Hebrides, as well as in the sea lochs, bays and sounds. Harbour porpoise prefer water depths of less than 200m and the majority of the Inner Hebrides and the Minches SAC is shallower than this. There is a mosaic of substrate types within the site with sand, mud and coarse sediments dominating in different areas. The variety of sediments within the site and the prey species they support provide a productive foraging area throughout the SAC. Harbour porpoise are present throughout the year with May – August being important for breeding and calving. Adults with juveniles or calves have also been reported throughout the site. There may be other seasonal, inshore movements of large aggregations of animals that are thought to be due to changes in prey distribution.

Disturbance of harbour porpoise generally, but not exclusively, arises from activities that cause underwater noise. Responses to noise can be physiological and/or behavioural. Disturbance is a behavioural response to noise and may lead to harbour porpoises being displaced from the affected area. The type of disturbance, its duration and the area over which harbour porpoise are likely to be impacted are important considerations in any assessment of disturbance.

Interpretation of 'significant disturbance' will depend on the context, including the information that is provided through the plan or project, and is then subject to the appraisal to assess risk. It should be interpreted to mean disturbance that affects the

integrity of the site through alteration of the distribution of harbour porpoise within the SAC such that recovery cannot be expected or effects can be considered long term. The effects of plans or projects that last beyond the average generation time of harbour porpoise are more likely to constitute significant disturbance and to have an impact on site integrity. It is expected that significant disturbance will lead to more than a transient effect on the distribution of harbour porpoise. It may result in the following effects:

- Contributes to the long-term decline in the use of the site by harbour porpoise.
- Changes to the distribution of harbour porpoise on a continuing or sustained basis.
- Changes to harbour porpoise behaviour such that it reduces the ability of the species to survive, breed or rear their young.

For example, a localised, short term disturbance away from the coast may not be considered to cause levels of disturbance that would raise concern, whereas continual disturbance in a sea loch or sound may do.

The factors limiting recovery in terms of the distribution of harbour porpoise within the site include, the timing and duration of the activity (e.g. summer months when calving is thought to occur), and the ability of harbour porpoise to still access sufficient food whilst they are subject to disturbance. These factors are described in more detail in 'Factors limiting recovery' at the end of this document.

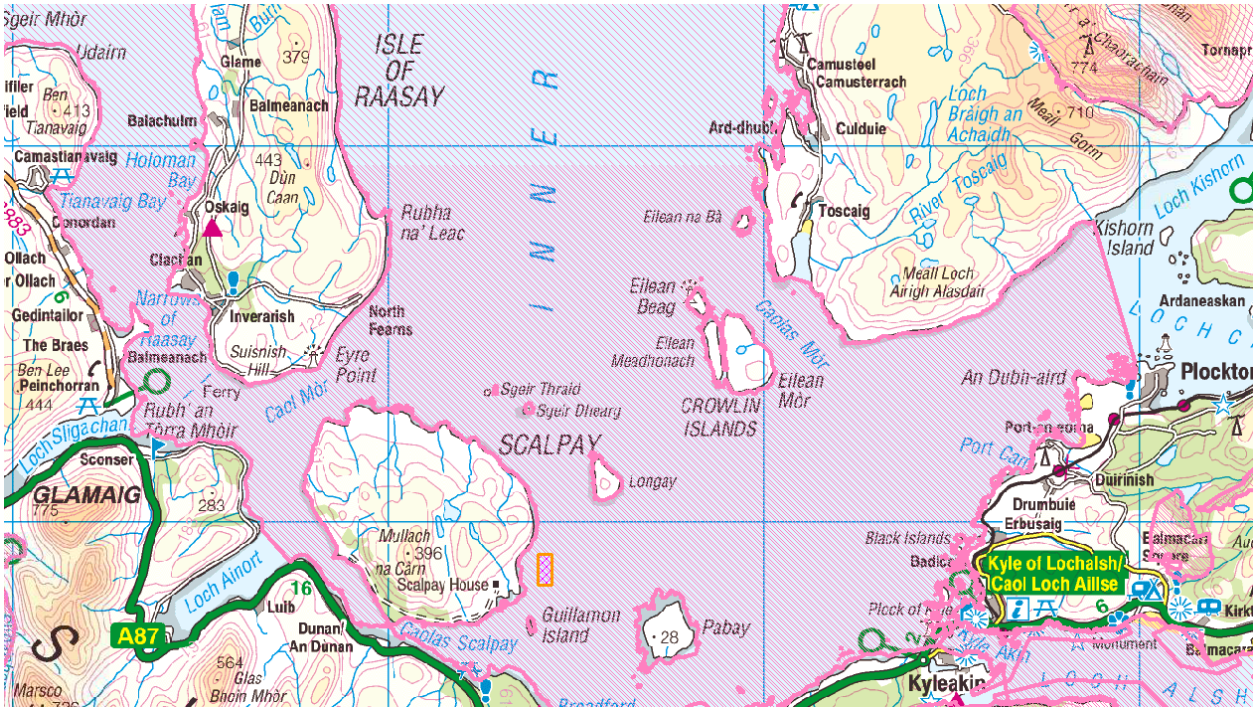
In relation to environmental change, this site was selected because it has above average densities of harbour porpoises, persistent over a number of years (SNH 2016). The modelled density data used for site designation indicates that there have been localised changes in the relative densities of harbour porpoise within the site boundary over time (1994 to 2011), but overall the site has had persistently above average densities of the species (Heinänen & Skov 2015, SNH 2016). The modelled density data also indicates that the distribution of relative high density areas within the site has been consistent between 1994 and 2011. Harbour porpoise have a high metabolism and therefore need to feed for a large majority of their time, and so are likely to be more abundant where sufficient prey sources are available. Under climate change sea temperatures are predicted to increase. Harbour porpoise is a widely distributed species and not physically constrained by water temperatures which means they are less likely to be directly affected. However, several of their prey species are sensitive to water temperature and may move to more suitable areas as sea temperatures increase. Harbour porpoise will likely follow the shifting distribution of their prey species, providing the abundance does not decline significantly. This could result in a change in the distribution of harbour porpoise in the site over time.

Disturbance of harbour porpoise is also covered by the provisions within European Protected Species legislation and is defined as it applies in Scottish waters in Marine Scotland's guidance on The protection of marine European Protected Species from injury and disturbance (Marine Scotland, 2014). These definitions are used for assessing applications for EPS licences. This process includes consideration of whether the plan/project will be detrimental to the maintenance of the species population at Favourable Conservation Status (FCS). When assessing applications for EPS licences within the West Scotland Management Unit consideration should be given to whether deliberate and reckless disturbance could affect the distribution of harbour porpoise and therefore site integrity, and subsequently contribution to FCS.

Annex 2. SNH's advice to support management for Inner Hebrides and the Minches SAC for activities which are considered capable of affecting harbour porpoise.

Where a cell is coloured grey this indicates that management is already in place and/or no additional management is considered to be required to achieve the Conservation Objectives. The potential for cumulative effects (e.g. related to noise, disturbance and collision) needs to be taken into account. An * has been used to highlight those activities to which the advice under *Boat use associated with both commercial and recreational activities* also applies.

Activities considered capable of affecting the protected features	Advice to support management Harbour Porpoise
Aquaculture*	**Reduce or limit pressures** Minimise the risk of disturbance[7] to harbour porpoise relating to the use of ADDs at finfish aquaculture sites. This should include adoption of existing best practice[8] e.g. development of ADD deployment plans as part of the licence process. These plans should include consideration of the potential for cumulative impacts of noise. In areas of higher cumulative risk (e.g. areas with larger numbers of fish farms within straits, sounds and embayments where ADD use may restrict access) a more restricted use of ADDs should be considered.



Boundary of the SAC relative to the proposal (orange box)

ADD Use

The critical issue in this assessment is the definition of ‘significant disturbance’. Significant disturbance would be regarded as very likely to result in an Adverse Impact on Site Integrity (AESI) and a failure achieve the conservation objectives of the SAC designation.

In this case the supporting information above and SNH’s consultation advice both stress that AESI in this case would be considered to have occurred if a continuous or sustained change to the distribution of harbour porpoise were seen to have occurred i.e. significant disturbance.

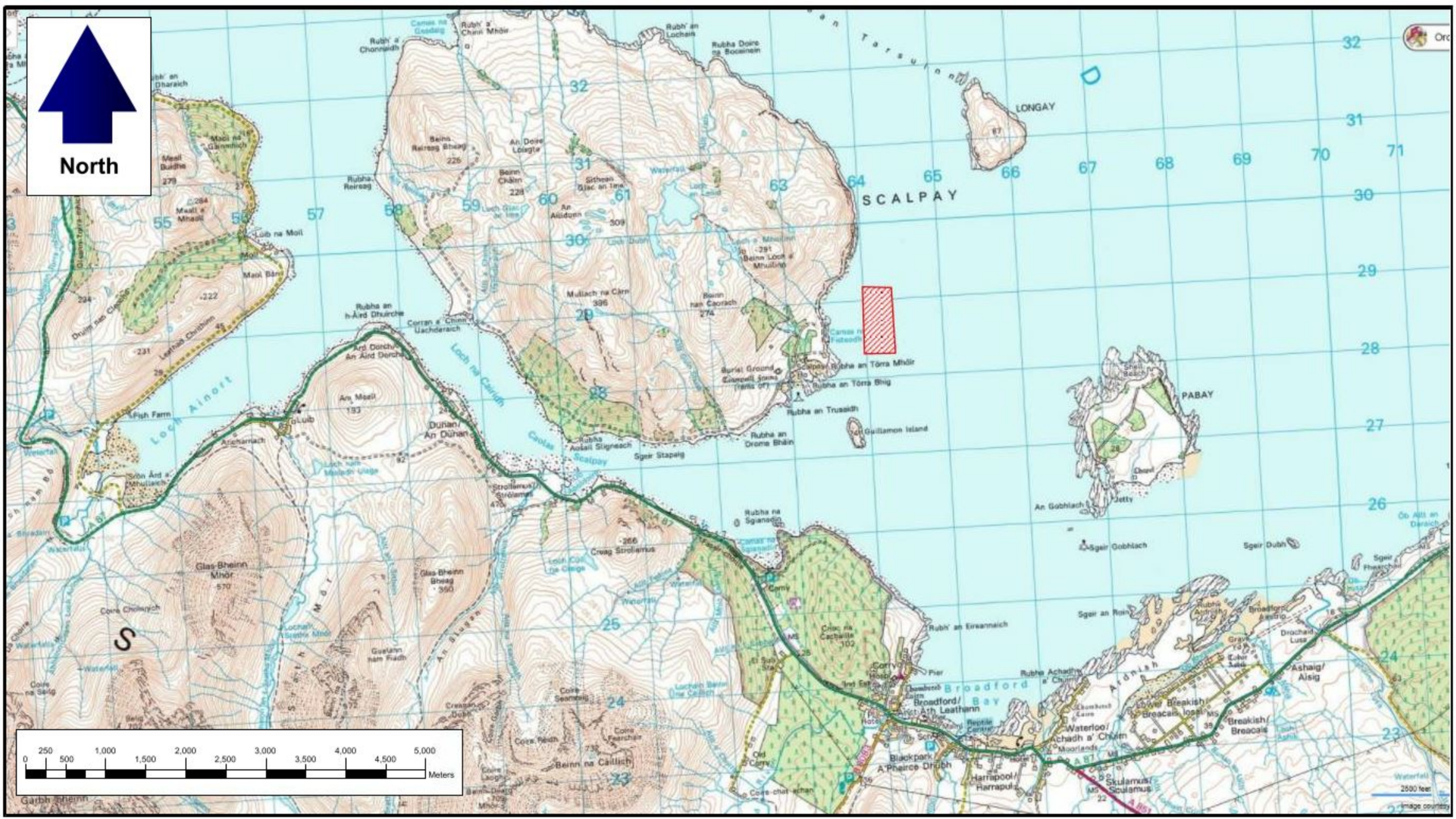
The Council agrees with SNH that the combination of the Terecos equipment and an ADD deployment plan which limits usage to 40% or less of the period of the production cycle is unlikely to result in significant disturbance or result in AESI in respect of the SAC.

Conclusion

The proposed development is unlikely to result in an adverse effect on site integrity so long as ADD usage is made the subject of a condition ensuring that any changes to the equipment or usage plan are agreed in writing by the planning authority (in consultation with SNH)

Decision

On the basis of this appraisal, it is concluded that the proposal will not have an adverse effect on the integrity of the Inner Hebrides and the Minches Special Area of Conservation (SAC).



PROPOSED:	**SCALPAY SALMON FARM, ISLE OF SCALPAY, ISLE OF SKYE**	Key: Site Location & Planning Boundary Area	**1:50,000**	**27/06/2018**	**CLH**	**KS**	**0001**	**Final**
LOCATION PLAN:	**ORDNANCE SURVEY MAP**	NE E164337.960 N829154.282 NW E163959.347 N829153.966						
Figure 3	General view of Scalpay Salmon Farm	SE E164339.357 N828321.198 SW E163960.643 N828320.870	Scale	Date	Drawn	Checked	Revision No.	Status

North

293 A' Mhuilinn

Beinn Nan Caorach

274

Allt Bride

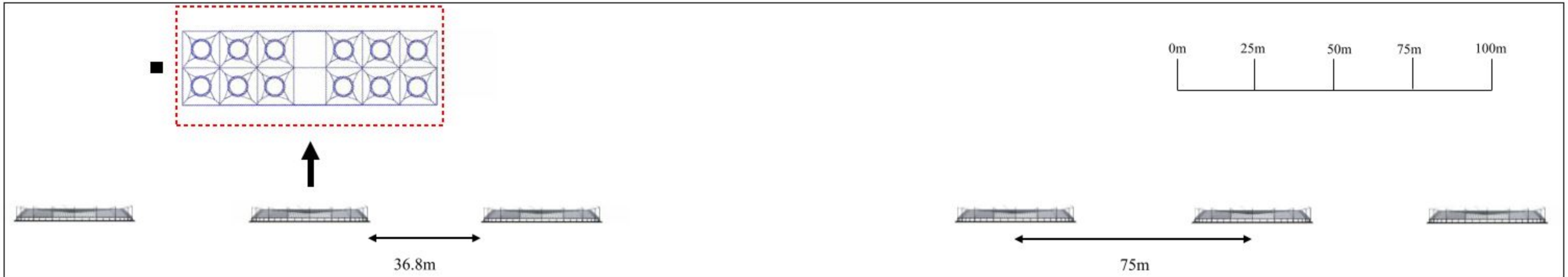
Keepers Cottage

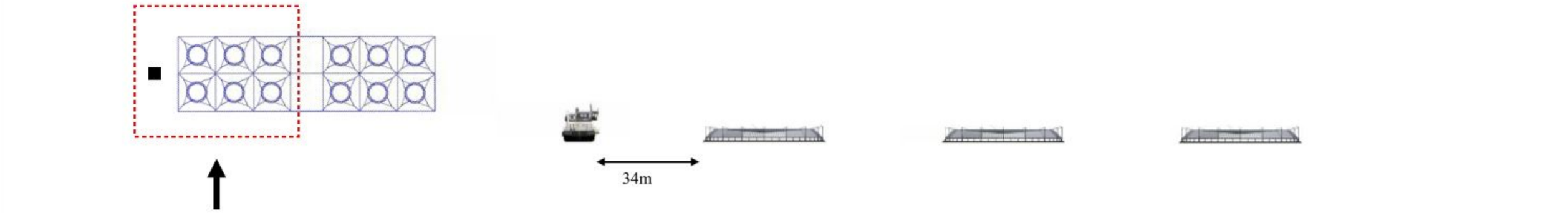
Scalpay House

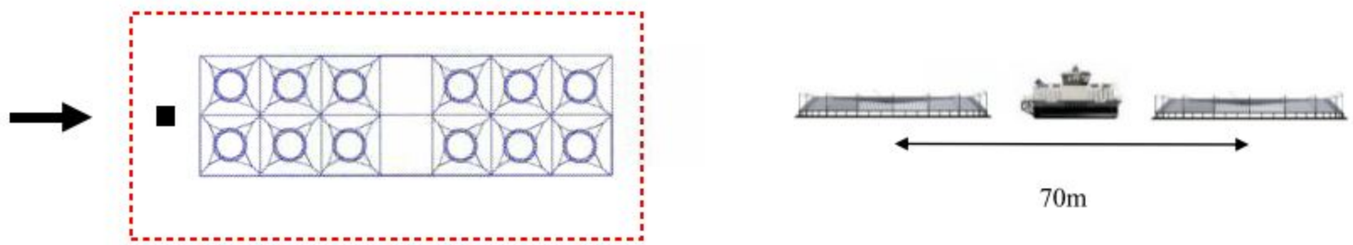
0 50 100 200 300 400 500 600 700 800 900 1,000 Meters

PROPOSED: SCALPAY SALMON FARM, ISLE OF SCALPAY, ISLE OF SKYE	Key:	**1:10,000**	**27/06/2018**	**CLH**	**KS**	**0001**	**Final**
ORDNANCE SURVEY MAP LOCATION MAP	Planning Boundary & Moorings Area						
Figure 5 General view and location of Scalpay Salmon Farm	Proposed pens within a pen matrix; Feed Barge	Scale	Date	Drawn	Checked	Revision No.	Status

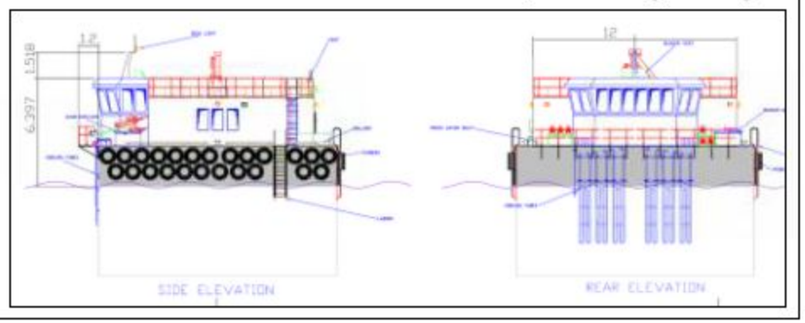
PROPOSED: SCALPAY SALMON FARM, ISLE OF SCALPAY, ISLE OF SKYE	Key: Farm Centre Point Coordinate N828726 E164118 57° 17.281'N 5° 54.962'W	**1:4,000**	**27/06/2018**	**CLH**	**KS**	**0001**	**Final**
PLAN VIEW - SITE CONFIGURATION	Planning Boundary & Moorings Area — Moorings						
Figure 7 Detailed illustration of cages, feed barge and moorings 12 circular plastic cages 120m circumference.	Proposed pens within a pen matrix Feed Barge (14 x 14m)	Scale	Date	Drawn	Checked	Revision No.	Status







INSERT – Proposed Barge Design

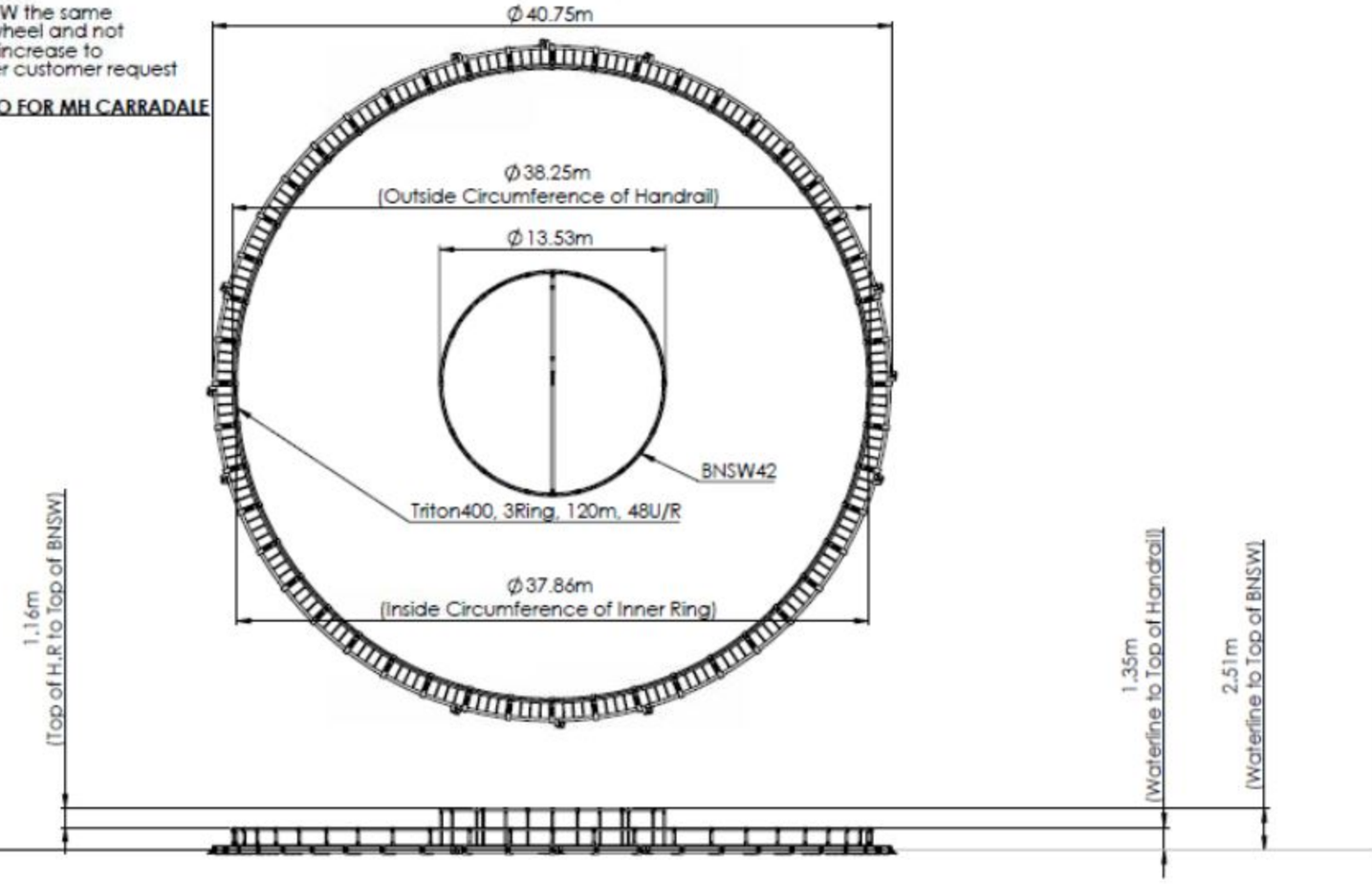


PROPOSED:	**SCALPAY SALMON FARM, ISLE OF SKYE, ISLE OF SCALPAY**	Key:	Typical Feed Barge (Plans of the proposed barge are provided separately in the planning application)	**1:1,250**	**28/06/2018**	**CLH**	**KS**	**0001**	**Final**
ELEVATIONS	**SITE CONFIGURATION**		Typical Pen Design with perimeter top net poles						
Figure 1	Surface Cross section view of 12 circular plastic pens of 120m circumference in a 75m x 70m matrix grid		Angle and range of view	Scale	Date	Drawn	Checked	Revision No.	Status

3rd Angle Projection		If In Doubt Ask ~ Do Not Scale		Dimensions are in mm	Date	Rev	Details of Revision
Job Number	**Customer**	**Date**	**Base Pipe Type**	**Uprights per Pen**			
	Marine Harvest Scotland - Carradale		400sdr21	48			

Note: Overall height of BNSW the same as a standard 30m wheel and not adjusted along with increase to circumference as per customer request

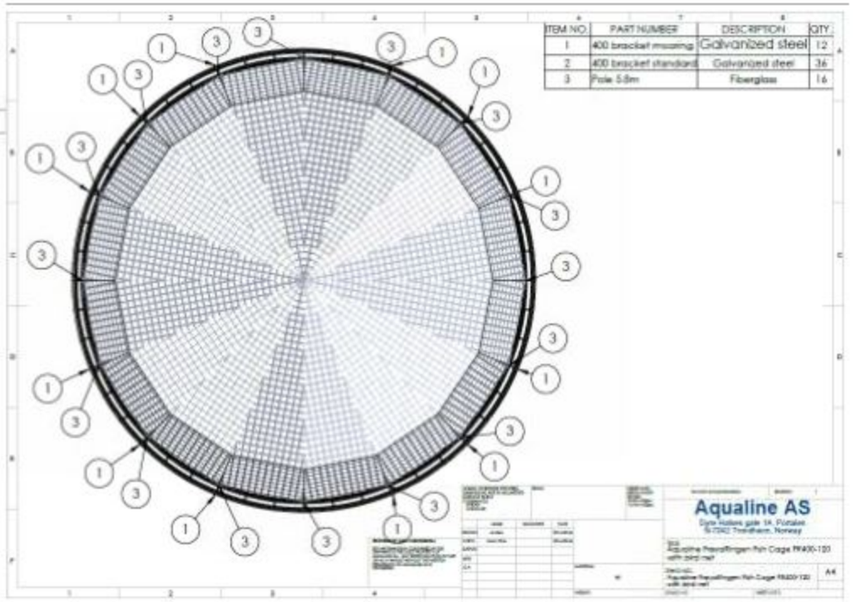
THIS IS A SPECIAL SCENAREO FOR MH CARRADALE



Fusion Marine Limited
Marine Resource Centre
Barcaldine
By Oban
Argyll PA37 1SE
www.fusionmarine.com

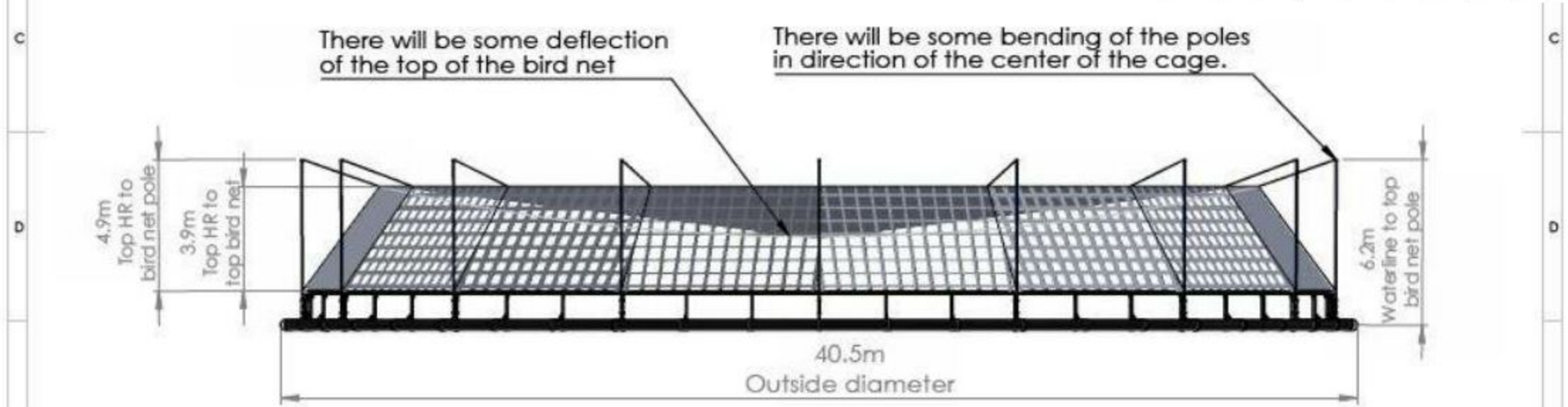
Title: T4003D120/48 c/w BNSW42CB			
Material: PE 100		Finish: Black	
Drawn:R.Edwards	Scale 1:250 @ A3	Drawing No.	Rev
Date: 25/08/2015	Reference Drgs	T4003D120/48BNSW42CB	
Checked			
Verified			

PROPOSED: SCALPAY SALMON FARM, ISLE OF SCALPAY, ISLE OF SKYE	Key:	Not to Scale	**28/06/2018**	**CLH**	**KS**	**0001**	**Final**
PLAN & ELEVATIONS - EXAMPLE OF A TYPICAL PEN DESIGN							
Figure 3 Manufacturers Diagram 2		Scale	Date	Drawn	Checked	Revision No.	Status



ITEM NO.	PART NUMBER	DESCRIPTION	QTY.
1	400 bracket mooring	Galvanized steel	12
2	400 bracket standard	Galvanized steel	36
3	Pole 5.8m	Fiberglass	16

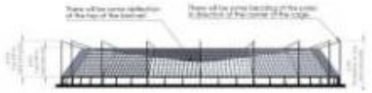
Aqualine AS
Dyre Halses gate 1A, Portalen
N-7042 Trondheim, Norway



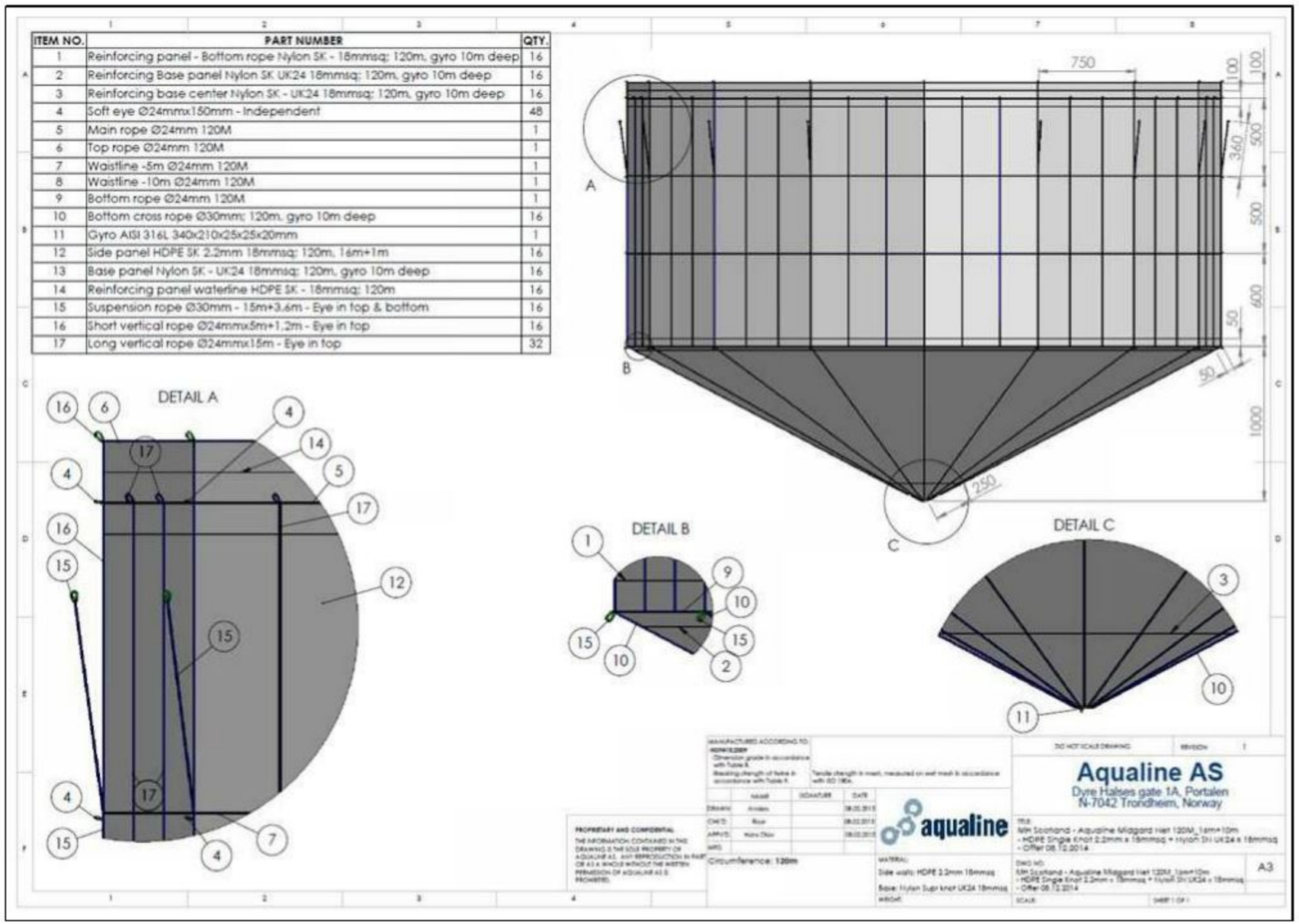
Aqualine AS
Dyre Halses gate 1A, Portalen
N-7042 Trondheim, Norway

Aqualine FrøyaRingen Fish Cage FR400-120 with bird net

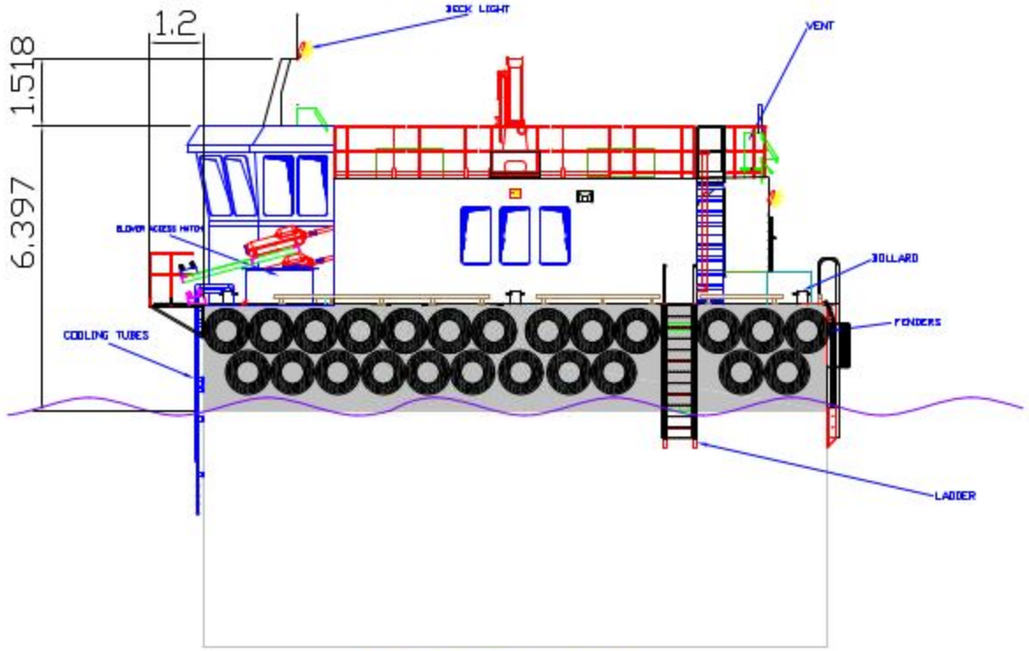
DWG NO. Aqualine FrøyaRingen Fish Cage FR400-120 with bird net — A4

PROPOSED: SCALPAY SALMON FARM, ISLE OF SCALPA	Key:  Cage and top net support + net	none	**28/06/2018**	**CLH**	**KS**	**0001**	**Final**
PLAN & ELEVATIONS - EXAMPLE OF A TYPICAL PEN DESIGN OP NET SUPPORT OPTION 2							
Figure 4 Top-Net Support Structure		Scale	Date	Drawn	Checked	Revision No.	Status

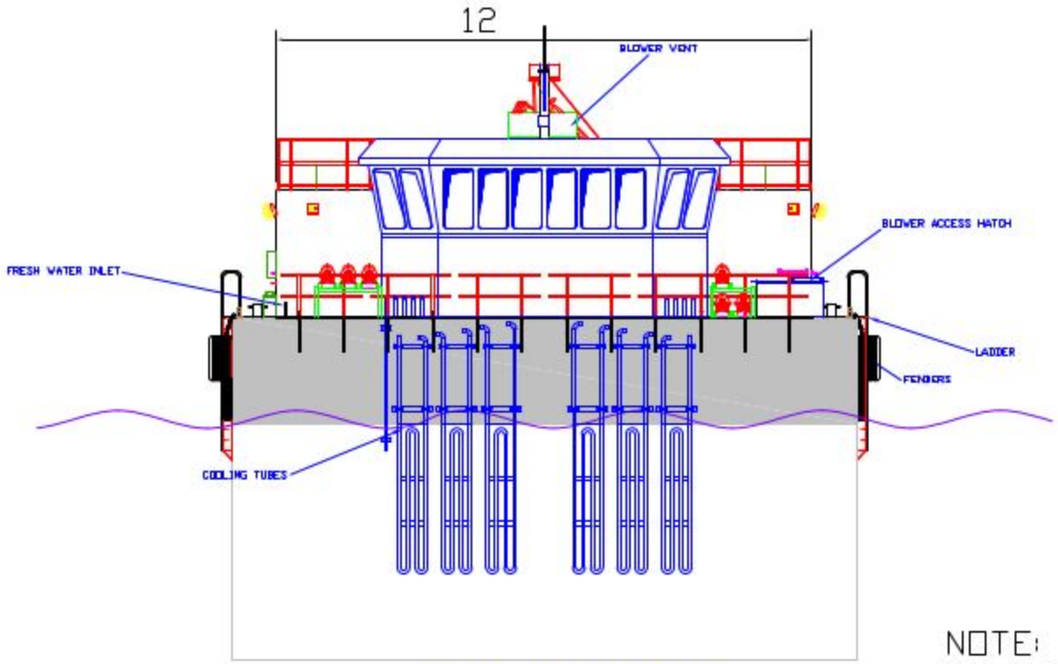
ITEM NO.	PART NUMBER	QTY.
1	Reinforcing panel - Bottom rope Nylon SK - 18mmsq; 120m, gyro 10m deep	16
2	Reinforcing Base panel Nylon SK UK24 18mmsq; 120m, gyro 10m deep	16
3	Reinforcing base center Nylon SK - UK24 18mmsq; 120m, gyro 10m deep	16
4	Soft eye Ø24mmx150mm - Independent	48
5	Main rope Ø24mm 120M	1
6	Top rope Ø24mm 120M	1
7	Waistline -5m Ø24mm 120M	1
8	Waistline -10m Ø24mm 120M	1
9	Bottom rope Ø24mm 120M	1
10	Bottom cross rope Ø30mm; 120m, gyro 10m deep	16
11	Gyro AISI 316L 340x210x25x25x20mm	1
12	Side panel HDPE SK 2.2mm 18mmsq; 120m, 16m+1m	16
13	Base panel Nylon SK - UK24 18mmsq; 120m, gyro 10m deep	16
14	Reinforcing panel waterline HDPE SK - 18mmsq; 120m	16
15	Suspension rope Ø30mm - 15m+3.6m - Eye in top & bottom	16
16	Short vertical rope Ø24mmx5m+1.2m - Eye in top	16
17	Long vertical rope Ø24mmx15m - Eye in top	32



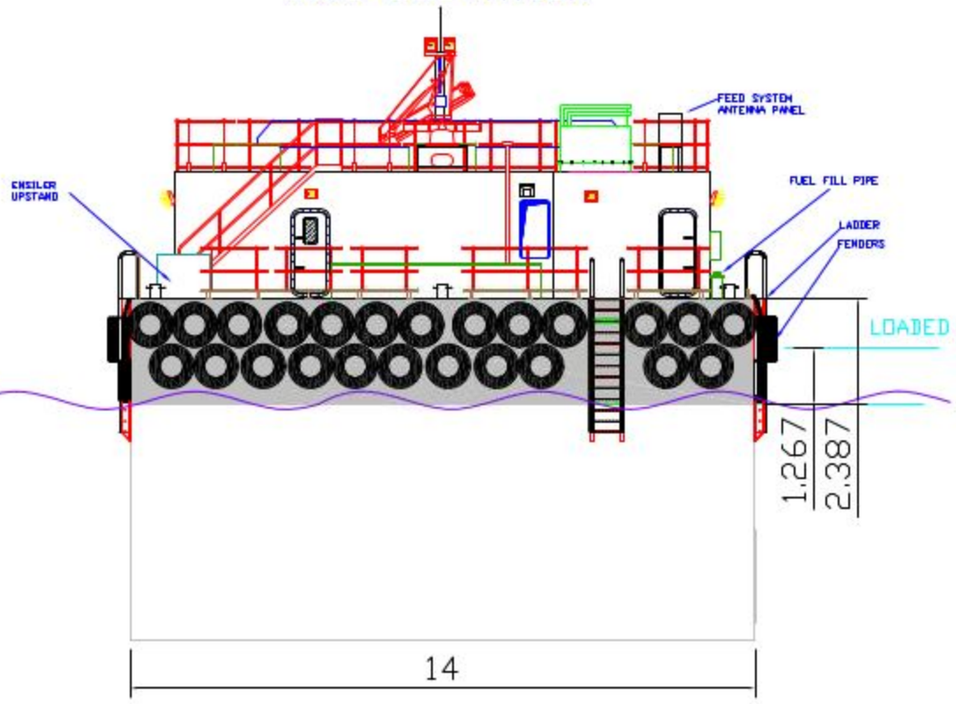
PROPOSED: SCALPAY SALMON FARM, ISLE OF SCALPAY, ISLE OF SKYE	Key:	**Not to Scale**	**28/06/2018**	**CLH**	**KS**	**0001**	**Final**
PLAN & ELEVATIONS - EXAMPLE OF A TYPICAL NET DESIGN							
Figure 6 Manufacturers Diagram – Typical Net Design		Scale	Date	Drawn	Checked	Revision No.	Status



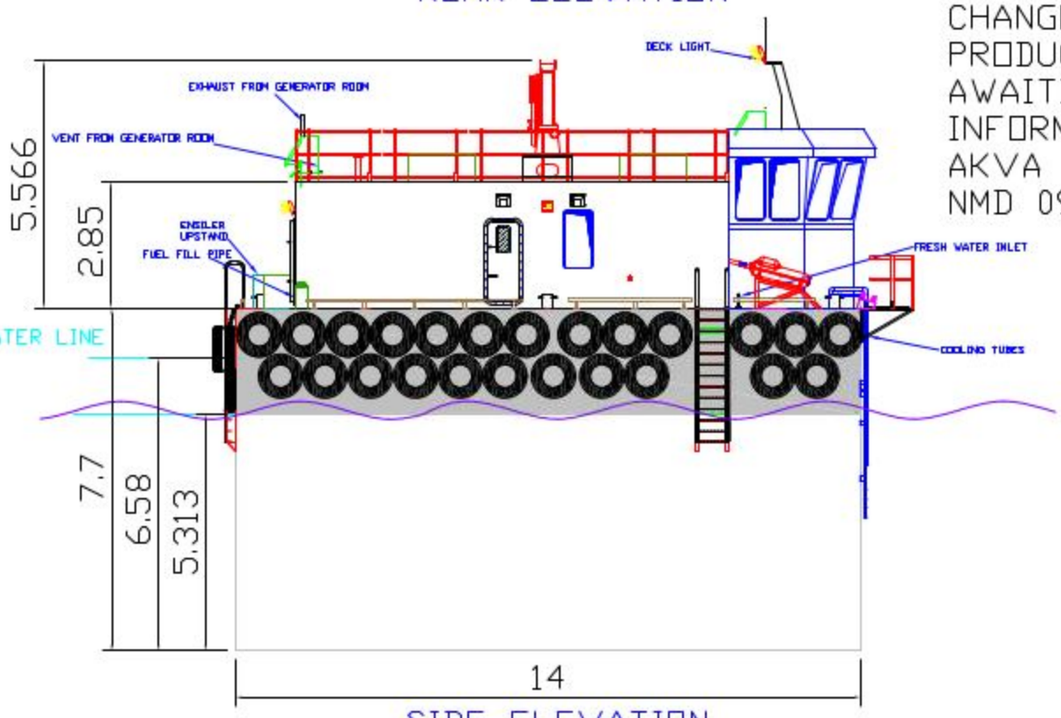
SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION

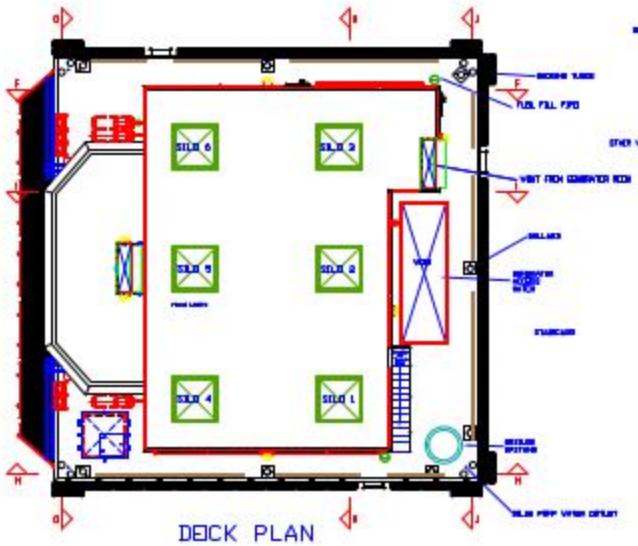
NOTE:
SELECTORS TO CHANGE TO AKVA PRODUCTS AWAITING FURTHER INFORMATION FROM AKVA
NMD 09-JAN-13

REV	DATE	DESCRIPTION
E	09/01/14	DIMENSIONS ADDED
D	19/12/13	REVISIONS TO CLIENTS REQUIREMENTS
C	09/12/13	REVISIONS TO CLIENTS REQUIREMENTS
B	27/11/13	REVISED TO CLIENTS SPECIFICATION
A	12/11/13	ISSUED FOR DISCUSSION

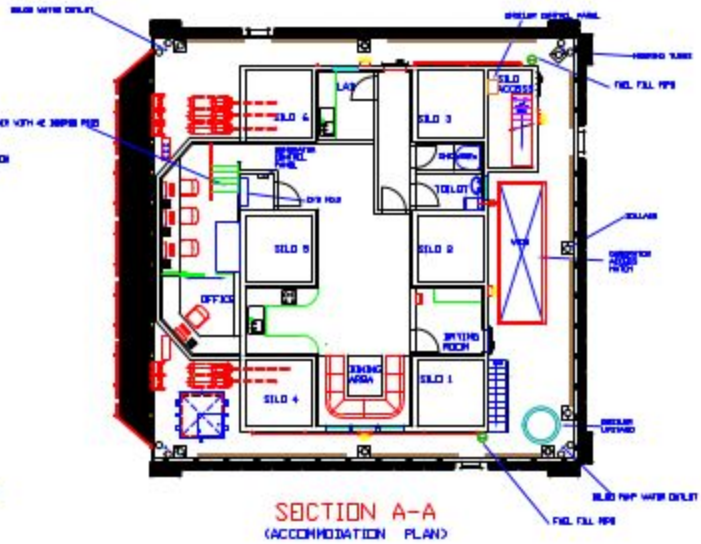
Title	SEAMATE 400T, 14M x 14M, 6 Silo 6 Blower				
Designed by GAELFORCE	Checked by	Drawn by JSD		Date 12 11 2013	Scale NTS

Gael Force Aqua
Gael Force Group
36 Anderson Street
Inverness
IV3 8DH
Tel +44 (0)1463 726668 English
Fax +44 (0)1463 715848 English
e gfa@gaelforcegroup.net
w www.gaelforcegroup.com

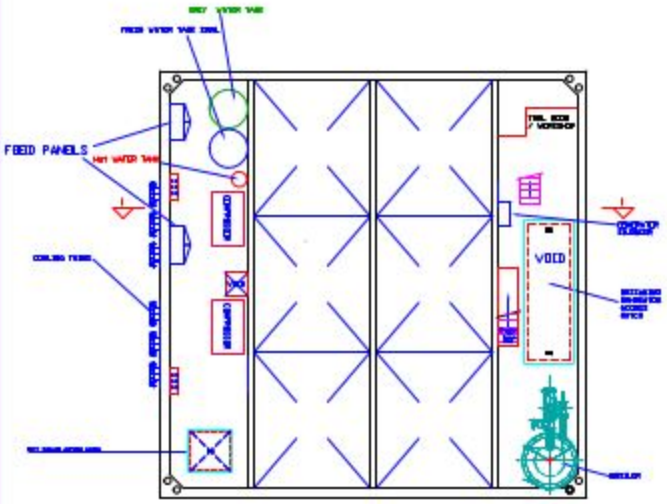
Description	GENERAL ARRANGEMENT		
Drawing No.	GFA_SM_400_70_GA_00007	Sheet No 00007	REV D



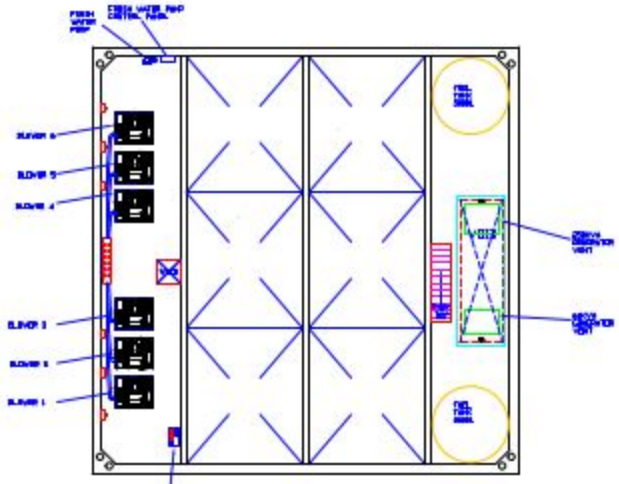
DECK PLAN



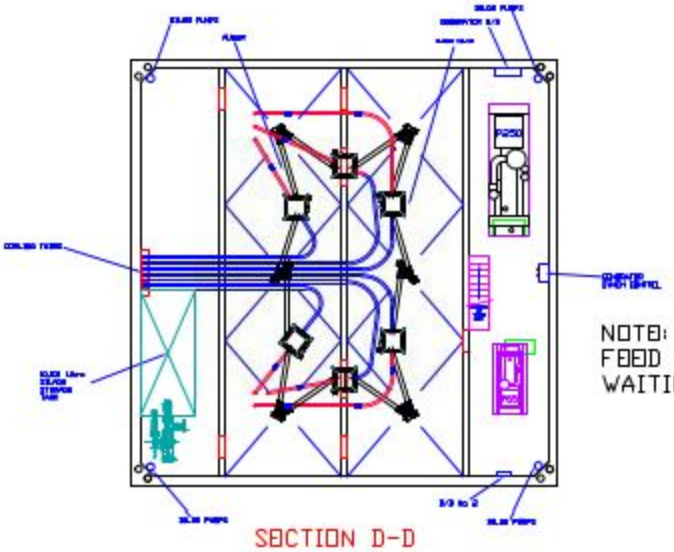
SECTION A-A
(ACCOMMODATION PLAN)



SECTION B-B
(UPPER MEZZANINE DECK)



SECTION C-C
(LOWER MEZZANINE DECK)



SECTION D-D
(LOWER DECK)

NOTE:
FEED SYSTEM LAYOUT SUBJECT TO CHANGE
WAITING ON EQUIPMENT SPEC FROM AKVA

REV	DATE	DESCRIPTION
J	10/01/14	FURTHER REVISIONS TO CLIENTS REQUIREMENTS
C	09/12/13	FURTHER REVISIONS TO CLIENTS REQUIREMENTS
J	27/11/13	REVISED TO CLIENTS REQUIREMENTS
A	12/11/13	ISSUED FOR DISCUSSION

TITLE	SEAWATER 400T, 14M x 14M, 6 SID 6 BLOWER				
Designed by GaelFORCE	Checked by	Drawn by JSD		Date 12.11.13	Scale NTS

Gael Force

Description: GENERAL ARRANGEMENT

Drawing No.	Sheet No.	REV
GFA_SM_400_70_GA_00006	00006	D