

Agenda Item	6.3
Report No	PLN/22/23

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 15.02.2023  
**Report Title:** 22/03020/S42: Wester Ross Fisheries Ltd  
Site At Loch Kanaird  
Isle Martin  
Ullapool

**Report By:** Area Planning Manager - North

### Purpose/Executive Summary

**Description:** Application under Section 42 to continue to operate Ardmair sea farm with removal of condition 1 of planning permission 13/01494/FUL.

**Ward:** 05 - Wester Ross, Strathpeffer And Lochalsh

**Development category:** Local (non EIA)

**Reason referred to Committee:** Objection from 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.

### Recommendation

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

## **1. PROPOSED DEVELOPMENT**

- 1.1 This application has been submitted under Section 42 the Town and Country Planning (Scotland) Act 1997 (As amended) and relates to condition 1 of planning permission 13/01494/FUL which was consented by the Highland Council on 6<sup>th</sup> November 2013 in respect of the Ardmair marine fish farm.
- 1.2 The Ardmair fish farm permission approved under 13/01494/FUL comprises:
- 46 square steel pens each 15m x 15m;
  - feed barge 10m x 14.5m by 5.5m high (when empty);
  - maximum stocked biomass of 972 tonnes;
  - buoys and marking equipment;
  - underwater/ surface lighting;
  - two 12m x 3m ancillary barge for temporary use and storage of equipment;
  - one 12.2m x 12.2m wooden pen for occasional use in movement and grading.
- 1.3 No changes to the operational procedures, site equipment or maximum standing biomass are proposed as part of this application.
- 1.4 The application seeks the removal of condition 1 which limits the fish farm operation to a period of no more than 10 years. Approval of this application therefore would enable the fish farm operation to continue in perpetuity. A copy of the planning permission is included in appendix 1.
- 1.5 Condition 1 was applied in recognition of concerns with regard to the potential impacts of this fish farm on wild salmonids. The condition allowed the operator the opportunity to demonstrate that the envisaged improvements to the operational management of the site, in part facilitated by the approved alterations to the development, were actually realised. The applicant was advised that continued operation of the site beyond the expiry date of this permission would be dependent upon either:-
- a) the applicants demonstrated ability to control sea lice numbers on the farmed salmon thereby reducing the risk to wild fish or;
  - b) advice provided to the Council by Marine Scotland Science that as a result of new research it is evident that sea lice emanating from fish farms do not present any significant risk to wild salmonids on the west coast of Scotland.
- 1.6 Pre-Application Consultation: Informal discussions were held with Planning Service in relation to the procedure related to this application.
- 1.5 The application is supported by information on interaction with wild salmonids, farm management and sea lice management procedures, sea lice management performance of preceding years' production cycles and proposed future monitoring.

- 1.6 No variations have been made to the application following the validation of the application.

## **SITE DESCRIPTION**

### **2.**

- 2.1 The Isle Martin Fish Farm is situated in Loch Kanaird, Ardmair Bay to the North of Ullapool. The existing site is visible from stretches of the A835 from the south and east of the site as the road descends into the settlement of Ardmair. The view from the south is dominated by the southern flank of Ben More Coigach to the north and Isle Martin to the west. The fish farm is visible as two cage groups extending across the bay on the east side of Isle Martin. There is a small estuary of the River Kanaird to the northeast of the bay approximately 1.5 km from the existing site.
- 2.2 Ardmair Bay and Loch Kanaird is used for activities including sea kayaking, sailing and commercial fishing. There is a holiday park with rental lodges and camp site on the western side of Ardmair Bay, a small pier used by fishermen also provides access for boats to Isle Martin and the fish farm shore base is also present to the eastern side of the bay.

### **3. PLANNING HISTORY**

- 3.1 There has been a fish farm in operation adjacent to Isle Martin in Loch Kanaird since 1978. The site was originally approved by the Crown Estate for 60 cages each 15m x 15m prior to the introduction of public consultation on Marine Fish Farms which commenced in October 1986.
- 3.2 During 2002, Wester Ross Salmon Ltd, the previous operator of the site, applied to the Crown Estate for the renewal of its lease which was subsequently approved. Marine Fish Farms came within scope of Local Planning Control in 2007. The Scottish Government had responsibility for issuing planning permissions for sites such as this one with development consent pre-dating April 2007, through its 'Audit and Review' process. In this case the site had not yet entered the audit and review prior to it entering the planning system in 2013 for the changes proposed under application 13/01494/FUL, detailed further below. Planning permission was subsequently granted by Highland Council and as a result of the requirement for audit and review was superseded.
- 3.3 The changes approved in 2013 constituted a consolidation and reconfiguration of the site. This included and overall reduction in cages as a result of combining cage groups and the replacement of older wooden cages with steel cages. The installation of a feed barge and additional moorings for support vessels. Total permitted biomass was also reduced as part of these changes.
- 3.4 The 2013 application was subject to screening under the EIA regulations in July 2012 and the Council determined that an Environmental Statement would not be required in support of the planning application.
- 3.5 The current application to operate the site other than in accordance with condition 1 of planning permission (the 10 year limit on operations) was not accompanied

by a formal EIA screening request but was subject to an EIA screening determination by Highland Council that concluded EIA was not required.

- |     |            |   |                    |
|-----|------------|---|--------------------|
| 3.6 | 29.06.2012 | 12/01884/SCREE - Alteration/extension to existing fish farm   | EIA not Required.  |
| 3.7 | 06.11.2013 | 13/01494/FUL - Marine Fish Farm - Atlantic Salmon - Alterations to existing site to create single group of 46 square steel pens each 15m x 15m and allow for the installation of an automated feed barge. | Permission Granted |

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

##### **4.1 Advertised: Unknown Neighbour**

Date Advertised: 05 September 2022

Representation deadline: 16 September 2022

Timeous representations: 0

Late representations: 2 (2)

##### **4.2 Material considerations raised are summarised as follows:**

- The proposal has potential to cause an adverse impact on wild salmonids in general.
- The proposal has potential to impact upon the Little Gruinard Special Area of Conservation designated for Atlantic Salmon and therefore there is a requirement to undertake an appropriate assessment under the Habitat Regulations.
- Environmental Management Plans are an inadequate control to mitigate impacts on wild salmonids.

##### **4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).**

#### **5. CONSULTATIONS**

##### **5.1 Loch Broom Community Council**

- No comment

##### **5.2 Environmental Health Officer**

- No objection raised

##### **5.3 Development Plans Team**

- No objection raised

##### **5.4 Marine Scotland Science**

- No changes to the existing operation mean that no further assessment of

benthic or water column impacts is necessary.

- No changes to quantities of consented chemotherapeutants is necessary
- No implications with regards to its status as an aquaculture production business or in relation to disease management.
- Location remains suitable.
- Measures to prevent, control and reduce sea lice on the site appear satisfactory.
- There is no history of sea lice affecting the health of aquaculture animals in recent production cycles on the site, to the knowledge of the Fish Health inspectorate.
- The applicant has evidenced how they were able to successfully manage sea lice during the one incidence of exceeding the CoGP suggested criteria level.
- There have been no reported escape incidents at the site in the period between planning permission being granted in 2013 and the current date.
- Provided data on salmon and sea trout catches since 1950. Numbers are shown to have some variation over years but generally show a gradual trend downward. A trend is no clearer or more distinct over the last 10-year period with salmon numbers possibly higher than average.
- There is evidence to suggest sea lice from fish farms on the west coast of Scotland can cause a risk to wild salmon and sea trout. This risk is primarily dictated by location of farms and control of sea lice on a farm. Recent information suggests the application is adequately controlling lice numbers on site.
- The EMP provided requires revision to address all criteria MSS deem necessary. This includes provision of fish count data and description of lice dispersal from the site.
- Following submission of a revised EMP MSS were satisfied.

#### 5.6 **Marine Scotland – Major Projects**

- No comment

#### 5.7 **Marine Scotland Licensing Operations Team**

- No specific comment provided but advised that that the applicant should be directed to contact them directly to ascertain if any marine licensing requirements applied.

#### 5.8 **SEPA**

- No objection.
- The application raises no new or additional considerations regarding the footprint of the site, biomass or discharges.

#### 5.9 **NatureScot**

- An appropriate assessment is required with respects to potential for impacts upon Little Gruinard Special Area of Conservation (SAC).
- A holding objection was raised until the following amendments were made to the proposed Environmental Management Plan: wild fish monitoring locations included within the SAC, procedure for provision of monitoring data to NatureScot, recognition of NatureScot as an interested party to the EMP.
- Confirmed that holding objection was lifted following amendments to EMP document.

#### 5.10 **Scottish Water**

- No comment and no objection raised

#### 5.11 **Transport Scotland**

- No objection raised

#### 5.12 **Wester Ross Area District Salmon Fisheries Board**

Material matters:

- Objects on the basis that the health of local wild salmonid populations is too fragile and the control of lice, escapees and disease in nearby salmon aquaculture too weak, to allow this important condition to be lifted.
- At the point the permission being granted in 2013 there was concern that lice emanating from the farm could impact the salmon river Kanaird and Runie.
- Advice from Wester Ross Fisheries Trust suggests poor lice control persisted in the area until 2018.
- Since 2018 lower levels of lice have been observed in wild salmonids and wild fish numbers are seen to increase.
- The Wester Ross Marine Protected Area did not exist prior to the original permission being granted. The farm is within this designated site and has the potential to impact the ecosystem.
- Siting of the farm is not suitable. It is extremely close to the mouth of a significant river for wild salmonids. In light of this the board would like to see the farm shut down at the end of the permission.
- Experience shows that the site is risky and even the best farming practice cannot provide adequate reassurance.

Non-material matters:

- The applicant Wester Ross Fisheries Ltd has been purchased by another larger company, Mowi. Mowi's performance at lice control is worse than that of Wester Ross Fisheries when looked at on average across other sites operated by the companies.
- If approval is granted, a further time limit should be placed on the approval to provide time for the it to be evidenced that farm management remains

satisfactory despite Mowi's ownership.

- The planning system should ensure the production is moved somewhere else less risky.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 National Planning Framework 4 (revised draft)**

Revised Draft NPF4 was laid in Scottish Parliament on 08 November 2022 for its consideration. Scottish Parliament approved the plan on 11 January 2023. The formal adoption and publication of the plan took place on 13th February 2023, the adopted Framework (with commencement of the necessary provisions of the Act) then became part of the adopted Development Plan. Relevant NPF4 policies:

- 1 – Tackling the climate and nature crises
- 3 - Biodiversity
- 4 – Natural Places
- 10 – Coastal Development
- 32 – Aquaculture

### **6.2 Highland Wide Local Development Plan (2012)**

- 28 - Sustainable Design
- 49 - Coastal Development
- 50 - Aquaculture
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 – Other important Species
- 60 – Other Importance Habitats
- 61 – Landscape
- 63 – Water Environment

### **6.3 West Highland and Islands Local Development Plan (2019)**

Policies: None

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

None

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 National Marine Plan (2015)**

- GEN 1 - General planning principle:
- GEN 2 - Economic benefit
- GEN 3 - Social benefit
- GEN 7 - Landscape/seascape
- GEN 9 - Natural heritage
- GEN 11 - Marine litter
- GEN 12 - Water quality and resource
- GEN 13 - Noise

GEN 21 - Cumulative impacts  
FISHERIES 1  
AQUACULTURE 3  
AQUACULTURE 5  
AQUACULTURE 7  
AQUACULTURE 9  
AQUACULTURE 12  
WILD FISH 1

## **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 principle of aquaculture development at the site is established at this time by the existing planning permission 13/01494/FUL. The proposal relates to the removal of condition 1 which places a ten-year time limit on the permission, which without removal, would mean the existing fish farm operation would have to cease by 6<sup>th</sup> November 2023.
- 8.4 This condition was applied in recognition of ongoing concerns regarding the potential for sea lice emanating from fish farms to impact upon wild salmonids. The ten-year duration was granted in order to provide a window of time, over which the operator could demonstrate the effectiveness of their improved management of the site, in part facilitated by the changes to the farm approved under the permission.
- 8.5 The decision notice advised the applicant that continued operation of the site beyond this ten-year period would be contingent upon a demonstrated ability to control sea lice numbers on the farmed salmon, thereby reducing risk to wild fish. Alternatively, the removal of the condition could be justified on the grounds that Marine Scotland Science advised the Council of new evidence that sea lice did not pose a significant risk to wild fish. Regarding the latter, Marine Scotland Science advice remains that sea lice from aquaculture poses a risk to wild fish. Therefore, this application is made on the basis that operational records from farm management indicate that sea lice have been adequately controlled.
- 8.6 The key considerations in this case are:
- a) The development plan and other planning policy
  - b) evidence of sea lice control & impacts on wild salmonids
  - c) impacts on designated sites



- d) efficacy of Environmental Management Plan
- e) Other material considerations
- f) non-materials matters

### **Development plan/other planning policy**

- 8.7 Several policy developments have occurred since the time of the original decision. The adoption of National Planning Framework 4 (NPF4) on 13<sup>th</sup> February 2023 results in a change to the development plan. The adoption of the National Marine Plan in 2015 also introduced new planning policy for the marine space, with no preceding plan in existence prior to this.
- 8.8 The principal policy of NPF4 against which aquaculture applications are required to be determined is policy 32 'Aquaculture'. Policy 32 maintains the presumption against new fin fish farms on the North and East coasts as a safeguarding measure for wild fish, which can be read as an application of the precautionary principle applied to the national population of wild salmonids. The policy supports aquaculture development on the west coast of Scotland only where the key impacts of aquaculture development are assessed as acceptable and in compliance with the regulatory framework, with mitigation applied as necessary. It is therefore necessary to establish what may be acceptable in terms of this proposal at this location.
- 8.9 NPF4 'Aquaculture' Policy 32 provides almost complete continuity with preceding national policy on aquaculture and the provisions of the Highland-wide Local Development Plan Policy 50 'Aquaculture', against which the original application was assessed. With respects to this proposal to remove the ten-year limit, the impact of primary relevance is regarding the development's interaction with wild fish populations. Other operational impacts are considered less pertinent to this decision on the basis that they were not provided within the reasoning for the condition. The farm has maintained all relevant consents with other regulatory bodies in the course of its operations and no comments have been received specifically addressing other common operational concerns such as visual, noise, lighting, access, water column or benthic impacts.
- 8.10 No specific threshold criteria for acceptability is presented within the NPF4 policy regarding adverse impacts on wild fish and indeed it remains a challenge to attribute impacts to specific farm sites generally. In this context Marine Scotland Science advice maintains that evidence of good farm management and sea lice control measures can provide a useful proxy for understanding the likelihood of a farm site having an unacceptable impact on wild fish impacts. Ongoing monitoring should be coupled with this to ensure feedback into an adaptive management approach.
- 8.11 The aquaculture specific pressures identified in NPF4 policy 32 are given additional emphasis and context through policies 1 'Tackling the climate and nature crises', 3 'Biodiversity' and 4 'Natural Places'. NPF4 policy 1 sets out that significant weight should be given to the dual nature and climate crises in all decision making. Policy 4 'Natural Places' sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the

natural environment, will not be supported. It also emphasises the need to properly assess proposals for their impact upon designated sites.

- 8.12 NPF4 Policy 3 'Biodiversity' requires development to contribute to the restoration and enhancement of biodiversity. However, Policy 32 'Aquaculture' specifically exempts aquaculture development from the more specific requirements of 32(b) and 32(c) within this policy on the basis that an approach for biodiversity enhancement in the marine space will be developed and come through in National Marine Plan 2, on which development work has just begun. 32(a) remains relevant which places a general requirement for development to contribute to biodiversity enhancement and restoration.
- 8.13 NPF4 policy 10 'Coastal Development' sets out that development on undeveloped coastline will be supported where it contributes to the blue economy and the livelihood of coastal communities. Aquaculture is a listed sector within the Scottish Government Blue Economy Vision and delivery plan (2022).
- 8.14 Policy considerations introduced by the National Marine Plan (NMP) in 2015 broadly mirror those already contained within the relevant Highland-wide Development Plan policies against which the original application was already assessed, and which are carried forward into the NPF4. Where there is direct duplication across policy this will not be repeated. Broadly however, the NMP again provides support to development in the marine space but emphasises key impacts are within acceptable limits. In some instances, the NMP policies do provide further specification or detail that is not otherwise covered elsewhere.
- 8.15 Regarding siting of proposals, the NMP Policy Aquaculture 3 identifies areas of varying degrees of suitability due to potential nutrient enhancement and benthic impacts primarily focussed on inner loch system. The farm's location out with these areas is an indication of suitability. Aquaculture 7 provides a broader approach; it sets out that a risk based approach to location should be taken when considering wild fish impacts. Regarding farm management practices Aquaculture 12 encourages use of biological controls of sea lice for example by using cleaner fish.
- 8.16 Lastly, regarding wild fish impacts, NMP policy 'Wild Fish 1' adds weight to the approach being taken with regards to this particular development. It states that: *"the impact of development and use of the marine environment on diadromous fish species should be considered in marine planning and decision making processes. Where evidence of impacts on salmon and other diadromous species is inconclusive, mitigation should be adopted where possible and information on impacts on diadromous species from monitoring of developments should be used to inform subsequent marine decision making"*.
- 8.17 These matters are assessed in full within a number of material considerations examined within this report

#### **Evidence of sea lice control & impacts on wild salmonids**

- 8.18 Sea lice control measures: The application provides detail on the range of measures implemented to improve fish welfare and control lice numbers on site.

This encompasses the equipment and feed used through to preventive measures around fallow periods and stocking with only a single year class. As per industry standards, sea lice are checked for regularly and reported on. Where an intervention is required the operator's procedure is heavily tilted towards biological interventions - i.e. the use of cleaner fish, in a tiered approach. This can be seen to be in accordance with the policy direction provided within the National Marine Plan. Where cleaner fish alone are not sufficient non-medicinal fresh-water or mechanical treatments are used. Only after these are shown to be ineffective would a medicinal intervention be used and then in extreme cases de-stocking/early harvest. Marine Scotland Science advice indicates that this represents a suitability robust approach.

- 8.19 Sea lice control performance: The applicant's aim is to always achieve zero lice on farmed stock. It should be noted that this is a much more stringent target than set out within the industry's code of good practice and the even higher thresholds set by Marine Scotland Science for increased monitoring. Whilst this does not provide definitive evidence around impact on wild fish, farm performance in this regard does serve as a useful proxy to indicate the likelihood and significance of an adverse effect on wild fish.
- 8.20 Data provided on sea lice management on the farm since 2015, shows that since the implementation of current farm management practices sea lice have been kept consistently at or close to zero on the site. Where lice levels have risen above zero, they have been managed back down quickly and effectively. There has been only one instance of lice levels breaching a code of good practice threshold which occurred in 2021 (0.5 adult female lice per fish during any 1st February to 30th June inclusive period) but again, this was effectively responded to with the breach lasting no longer than one week. This has been shown to be achieved with no use of medicinal treatments.
- 8.21 Salmon and Trout catches in the nearby River Kanaird are shown to be trending downward since the 1950s. As the nearest salmon river this is considered the most relevant. This trend is reflective of the decline seen amongst populations nationally, and it is recognised that it is likely driven by a range of pressures that may be acting upon wild fish populations, of which sea lice is one. The consultation response from the Wester Ross Area Salmon Fishery Board indicates that historically, monitoring undertaken by the Trust has indicated that sea lice impacts were occurring on wild fish in the River Kanaird, which can be reasonably linked to farm management at the nearby site. However, since 2018 sea lice impacts have been observed to have diminished, indicating a knock on effect from the improved farm management practices. In this same time period, the river grading was improved from grade 3 to grade 2.
- 8.22 The farm is clearly capable of adversely impacting wild fish populations resident or transiting through the area. However, the operator has provided evidence that they have effectively managed sea lice numbers at their site over a consistent duration and that this has translated into observations of diminished impacts on wild populations. Taken in the round, it is considered that this does demonstrate effective mitigation, reducing impacts acceptably.

## **Impacts on designated sites**

- 8.23 The development is located approximately 22km from the Little Gruinard River Special Area of Conservation (SAC) which has Atlantic Salmon as a designated feature of the site. NatureScot advice published with the guidance 'Assessing the Impacts of Aquaculture on the Natural Heritage – Interactions with Wild Salmonids' indicates sea lice emanating from a farm site may pose a risk up to 35km distance. As such their advice and that of a third party comment was that an appropriate assessment under the Habitat Regulations should be conducted.
- 8.24 An appropriate assessment has been conducted, see appendix 2, this concluded no adverse effect on site integrity. The condition assessment for Atlantic Salmon within the SAC is 'favourable recovering' and has been through the period since the previous permission was granted. As per wild fish impacts more generally, the evidence of effective farm management indicates successful mitigation of any residual risk posed to the site. To safeguard against any future operational impacts occurring ongoing monitoring is advised.
- 8.25 The development also falls within the Wester Ross Nature Conservation Marine Protected Area which itself was designated in 2016. The site is designated for a range of features some of which do have sensitivities to the pressures resulting from aquaculture development. Reference to feature maps provided by Marine Scotland indicate that the feature 'burrowed mud' is the most directly exposed to interaction with the site. The extent of this feature within this designated site as compared to the footprint of the farm, would suggest any impact would not be likely to result in any significant effect. NatureScot advice did not make reference to or raise concerns with regards to this site. Wester Ross District Salmon Fisheries Board did make reference to potential impacts upon the site as a whole with reference to the Atlantic Salmon, which do not form part of the designation. In consideration of the above and the fact of the designation was made around the existing farm site, impacts from the operation are likely within acceptable limits.

## **Efficacy of Environmental Management Plan**

- 8.26 At the time of granting the original application it was common practice to assign a time limited condition to permissions for aquaculture development. In the intervening time the approach has shifted towards providing a permanent permission but with an adaptive management approach detailed within an Environmental Management Plan (EMP), secured by condition. This approach is endorsed by Marine Scotland as it allows for the gathering of relevant data that can inform farm management practices over the duration of the development.
- 8.27 The applicant prepared a draft EMP to accompany their application. This has since been amended to account for the advice of Marine Scotland Science and NatureScot. Notably with regards to NatureScot advice this has included involving NatureScot as an 'interested party' to the EMP process and

updating their wild fish monitoring strategy to include monitoring locations within the aforementioned SAC.

- 8.28 One third party comment and the response from Wester Ross District Salmon Fishery Board outlined some concern over the effectiveness of the EMP model of adaptive management and responsiveness to impacts. EMPs represent an imperfect solution to the complex problem of understanding and managing wild fish interactions. This has been recognised by Scottish Government who have identified SEPA as the future lead body responsible for managing this risk and tasked them with developing a new framework for doing so. However, whilst work is underway on developing this approach the use of an EMP secured by condition on a planning permission is a method of mitigation that is accepted by statutory advisors and endorsed within policy. In this specific case the track record of the operator suggests an effective and responsive management approach is already established, therefore the additional aspects around wild fish monitoring may aid further improvements in understanding.

#### **Other material considerations**

- 8.29 NPF4 brought forward a requirement for all developments contribute to biodiversity enhancement. As previously acknowledged biodiversity enhancement in the marine space represents a particular challenge. The Chief Planner's letter dated 8<sup>th</sup> February 2023 addresses transitional arrangements around the adoption of NPF4. The letter specifically addresses the challenges policy 3 introduces, the letter states: *"There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case."* In consideration of this and the fact that the application is for the removal of a condition with no new equipment or changes to existing equipment it is considered only limited weight can be placed on this. However, it is acknowledged that the applicant has made reference to several riparian restoration schemes in the local area which they are involved with. Although outcomes are not yet evident this is in the spirit of the new policy direction.

#### **Non-material considerations**

- 8.30 The applicant, Wester Ross Fisheries Ltd was recently acquired by another operator, MOWI ASA. This acquisition is made reference to within Wester Ross District Salmon Fishery Boards response, with a substantial portion of their comment focussed on sea lice performance of MOWI operated farms elsewhere. The applicant has indicated that they will continue to operate as a wholly owned subsidiary and that all farm management practices will remain the same. The performance of other farm sites is not deemed material to this application. The application seeks no changes to farm equipment or practices.

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

## **9. CONCLUSION**

- 9.1 The key issue in relation to the determination of this application is regarding the farms demonstrated ability to mitigate the risk of sea lice emanating from farmed salmon and impacting upon wild fish.
- 9.2 The record of farm's operation over the seven years preceding the date of their application provides a strong indication that they are able to do so effectively. This conclusion is supported by the statutory advice of Marine Scotland Science and, where relevant to impacts upon designated sites, NatureScot. This is also acknowledged to an extent by the Local District Salmon Fishery Board.
- 9.3 It is evident that the siting of the farm does pose a risk to wild fish populations. However, wild fish populations in the river with the most evident connectivity appears to be showing very limited signs of any negative impact from the existing operation. Nevertheless, due to the nature of running an ongoing operation there would always remain a residual risk of impact and therefore ongoing monitoring and an adaptive management approach should be secured via an adaptive Environmental Management Plan. It is considered that the removal of the temporary condition on this site is considered acceptable subject to appropriate conditions.
- 9.4 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.

## **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**

Notification to Scottish Ministers      N

Conclusion of Section 75 N  
Obligation

Revocation of previous permission N

**Subject to the above actions,** it is recommended to

**GRANT** the application subject to the following conditions and reasons

1

The development and ongoing operation of the site must be carried out in accordance with the Environmental Management Plan (EMP), as approved by the Highland Council.

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

(1). Sea Lice Management in relation to impact on wild fish, including cumulative effects:

- a) A method statement for the regular monitoring of local wild fish populations and their migratory routes based on available information and/or best practice approaches to sampling. Including management and monitoring measures associated with SACs.
- 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. This reporting should also be accompanied by a sea-lice dispersion report based upon modelling and empirical survey results
- 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.

(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. fish populations as a result, direct or otherwise of such a breach.

**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.

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

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

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

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

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

**Reason:** To minimise the visual impact of the installation

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

**Reason:** To minimise the visual impact of the installation

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

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

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

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

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

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

## **REASON FOR DECISION**

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

## **INFORMATIVES**

### **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.

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

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

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

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

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

### **Marine Licensing**

You are advised to contact Marine Scotland Licensing Operations Team to ensure that any marine licensing requirements associated with the ongoing operation of the site are properly accounted for.

Signature: Dafydd Jones  
Designation: Area Planning Manager - North  
Author: Jethro Watson  
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Plan 1 – Location Plan

Plan 2 – Site Layout Plan

Plan 3 – Section Plan

Plan 4 – Elevation Plan Barge

Appendix 2 – copy of original decision notice

To:  
Wester Ross Fisheries Ltd  
Mr Hugh Richards  
Ardmair  
Ullapool  
Highlands  
IV26 2TN

**Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act**

**DECISION NOTICE**

**Marine Fish Farm - Atlantic Salmon - Alterations to existing site to create single group of 46 square steel pens each 15m x 15m and allow for the installation of an automated feed barge. Site at Loch Kanaird, Isle Martin, Ullapool**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

<b>Type of Plan</b>	<b>Plan Number</b>	<b>Version No.</b>	<b>Date Plan Received</b>
Location Plan	02		19.04.2013
Site Layout Plan	04		19.04.2013
Proposed Section Plan	05		19.04.2013
Elevation Plan – Feed Barge Design	09A		19.04.2013
Supporting Information	Letter referred to in Condition 1		02.07.2013

This permission is granted subject to the following conditions: -

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

**Reason:** In recognition of the on-going concerns with regard to the potential impacts of this fish farm on wild salmonids. This condition allows the operator the opportunity to demonstrate that the envisaged improvements to the operational management of the site, in part facilitated by these alterations to the development, are actually realised. Further information in relation to this condition is included in the footnote below.

- (2.) On first installation the position of the corners of the cage group, and corner anchors of the development and the location of the feed barge are to be recorded using Global Positioning System. These positions should be re measured and recorded regularly, at least once every six

months, and immediately following storm events. A record of all positional information must be maintained and made available on request to the Planning Authority.

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

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

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

- (4.) To prevent the site becoming a navigational hazard or having an increased visual impact.

**Reason:** To minimise the visual impact of the installation

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

**Reason:** To minimise the visual impact of the installation.

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

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

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

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

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

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

- (9.) All plant, machinery and equipment associated with this development shall be so installed, maintained and operated such that either of the following standards are met:- any associated operating noise must not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes:- OR

the operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty. Terms and measurements to be in accordance with BS 4142: 1997 Rating industrial noise affecting mixed residential and industrial areas.

(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 & 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:** To protect noise sensitive property against loss of amenity from noise.

## **REASON FOR DECISION**

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

## **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.

## **IMPORTANT INFORMATIVES**

### **Initiation and Completion Notices**

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

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

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

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Advice to applicant in relation to Condition 1 above.**

The applicant can seek removal of this condition by an application under Section 42 of the planning acts at any stage prior to the expiry of the planning permission hereby granted. Such application will, however require to be supported by information demonstrating the effectiveness of the proposed, improved site management as set out in the letter from Wester Ross Fisheries Ltd to the Council dated 1st July 2013.

Continued operation of the site beyond the expiry date of this permission will be dependant upon either:-

1. the applicants demonstrated ability to control sea lice numbers on the farmed salmon thereby reducing the risk to wild fish.
2. advice provided to the Council by Marine Scotland Science that as a result of new research it is evident that sea lice emanating from fish farms do not present any significant risk to wild salmonids on the west coast of Scotland.

### **Advice to applicant from Marine Scotland Science**

The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows:

Fish Health Inspectorate,  
Marine Scotland Marine Laboratory,  
PO Box 101,  
375 Victoria Road,  
Aberdeen  
AB11 9DB  
Tel: 01224 295525  
Email: [ms.fishhealth@scotland.gsi.gov.uk](mailto:ms.fishhealth@scotland.gsi.gov.uk)

### **Variations**

During the processing of the application the following variations were made to the proposal:

1. None.

### **Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [BuildingStandards@highland.gov.uk](mailto:BuildingStandards@highland.gov.uk) or on 01349 886606.



## NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision to refuse planning permission for or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals

4 The Courtyard

Callendar Business Park

Callendar Road

Falkirk

FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at

<https://eplanning.scotland.gov.uk/WAM/>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**Appendix B – Habitats Regulations Appraisal**

*The status of European protected sites such as SACs and SPAs, under the EC Directive 92/43/EEC, the ‘Habitats Directive’, means that the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), also known as the ‘Habitats Regulations’, apply.*

*Under the Habitat Regulations, The Highland Council, as a competent authority in the planning system, must consider whether any planning proposal, prior notification for permitted development rights or plan (e.g. Local Development Plan) will have a ‘likely significant effect’ on a European site. If so, they must carry out an ‘appropriate assessment’. The council must also seek advice from NatureScot and have regard to their representations during the HRA process.*

*The Highland Council must not authorise a plan or grant a planning application unless it can show beyond reasonable scientific doubt – using appropriate assessment – that the plan or planning proposal will not adversely affect the integrity of a European site.*

**This proforma can be used as template to conduct a Habitats Regulations Appraisal and Appropriate Assessment.**

**Date: 06/02/2023**

**Author: Coastal Planning Officer.**

**A. EUROPEAN SITE DETAILS**

**Name of European Site(s) potentially affected:**

Inner Hebrides and the Minches Special Area of Conservation (SAC)  
Little Gruinard River SAC  
Inverpoly SAC  
Sule Skerry and Sule Stack Special Protection Area (SPA)  
North Rona and Sula Sgeir Special Protection Area  
Ailsa Craig Special Protection Area  
Forth Islands Special Protection Area

**Qualifying interest(s) at the site:**

*This information can be obtained from NatureScot (SNH) site link website - <https://sitelink.nature.scot/map>*

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### Little Gruinard River SAC

Qualifying species: Atlantic Salmon

### Inverpoly SAC

Qualifying Features:

- Acid peat-stained lakes and ponds
- Acidic scree
- Alpine and subalpine heaths
- Blanket bog
- Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels
- Depressions on peat substrates
- Dry heaths
- Freshwater pearl mussel (*Margaritifera margaritifera*)
- Montane acid grasslands
- Otter (*Lutra lutra*)
- Plants in crevices on acid rocks
- Very wet mires often identified by an unstable 'quaking' surface
- Western acidic oak woodland
- Wet heathland with cross-leaved heath

### Inner Hebrides and the Minches SAC

Qualifying species: Harbour porpoise

### Sule Skerry and Sule Stack, St Kilda, North Rona and Sula Sgeir, Ailsa Craig and the Forth Islands SPAs

Qualifying species: Gannet

### **Conservation objectives at the site:**

*This information can be obtained from NatureScot (SNH) site link website - <https://sitelink.nature.scot/map>*

### Little Gruinard River SAC

- To ensure that the qualifying feature of Little Gruinard River SAC is in favourable condition and makes an appropriate contribution to achieving favourable conservation status
- To ensure that the integrity of Little Gruinard River SAC is maintained by

meeting objectives 2a, 2b and 2c for Atlantic salmon

- 2a: Maintain the population of Atlantic salmon, including range of genetic types, as a viable component of the site
- 2b: Maintain the distribution of Atlantic salmon throughout the site
- 2c: Maintain the habitats supporting Atlantic salmon within the site and availability of food

### Inverpoly SAC

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained, and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of the species' host species
- Structure, function and supporting processes of habitats supporting the species' host species

### Inner Hebrides and the Minches SAC

- To ensure that the Inner Hebrides and the Minches SAC continues to make an appropriate contribution to harbour porpoise remaining at favourable conservation status.
- 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.

Special Protection Areas with breeding Gannet interests:

To avoid deterioration of the habitats of the qualifying species (Gannet) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species

No significant disturbance of the species

## **B. PROPOSAL DETAILS**

**Planning Application Reference:**

22/03020/S42

**Proposal Name:**

Application under Section 42 application to continue to operate Ardmair sea Farm with removal of condition 1 of planning permission 13/01494/FUL

**Location:**

Site At Loch Kanaird

Isle Martin

Ullapool

**Description of proposal:**

Proposal is to continue to operate Ardmair fish farm beyond the ten year limit currently placed on the site via the planning permission. Ardmair fish farm can include up to 46 square cages that are 15m x 15m although to date the maximum allowable number of cages have not been installed. The site does not operate ADDs. The site operates with a biomass limit of 809 tonnes.

**Is the proposal directly connected with or necessary to site management for conservation?**

No

- If **YES** for all elements of the proposal, for all qualifying interests, then consent can be issued. Rationale should be detailed below and no further appraisal is required.
- If **NO** for all qualifying interests, then continue the appraisal.
- If the proposal has elements which are not connected to site management for conservation these elements should be appraised.

### **C. NatureScot Advice**

*While the responsibility to carry out the HRA Screening and Appropriate Assessment rests with the Council, NatureScot (previously SNH) provides an advisory role to help determine whether an Appropriate Assessment is needed and what needs to be included in the assessment. As part of the the HRA the council must consult with NatureScot and take consideration of their advice. This requirement is outlined in regulation 48 (3) of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (The 'Habitats Regulations').*

*This advice is usually provided as part of NatureScot's formal consultation response for a planning application and will be detailed within the section of the relevant to designated European site.*

#### **Outline relevant advice from NatureScot received 15/11/2022:**

*"In our view, this proposal is likely to have a significant effect on the Atlantic salmon qualifying interest of the Little Gruinard River SAC. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. To help you do this we advise that, in our view, on the basis of the information provided to date, if the proposal is undertaken strictly in accordance with a revised Environmental Management Plan (EMP) which includes our suggested mitigation and modifications outlined in Annex 1 of this letter, then the proposal will not adversely affect the integrity of the site.*

*The current EMP, as submitted, covers some of the key aspects of management options to reduce impacts and we also note that they state that sea lice numbers have been maintained at extremely low levels since 2015 with no evidence of any issues, which is to be welcomed.*

*However, the EMP does not address any possible effects on the Atlantic salmon feature of the Little Gruinard River SAC. At the moment the plan does not make any specific reference to this. At the last Condition Assessment, juvenile fish*

*densities were considered to be in favourable condition within the site and comparable with those found in other areas of northwest Scotland. It can therefore be concluded that the current fish farm at Ardmair has not compromised the site conservation objectives to date. That being said, despite the lack of evidence that Atlantic salmon from the Little Gruinard are being impacted by sea lice originating from marine aquaculture developments in Wester Ross, the recommendation of the assessment was to ensure efforts to reduce the risk of any potential impacts were implemented in future, as per the guidance.*

*Overall, we consider that current and proposed measures to control and manage sea lice within the proposal, means that the risks from the development are low. However there are uncertainties and residual risks (e.g. maintaining low lice numbers on farmed fish in the future). In order to prevent the residual risks posing an adverse effect on site integrity 'beyond all reasonable scientific doubt' it is necessary to implement an EMP that ensures the SAC is monitored and any potential short-term impacts detected and addressed to protect the long term conservation objectives of the SAC.*

*To do this we are recommending that monitoring is carried out by the applicant to cover the Little Gruinard River SAC. The applicant may wish to contact Wester Ross Area Salmon Fishery Board to check if any existing monitoring is already taking place and that, where possible, efforts should be coordinated so as to avoid duplication and minimise any potential disturbance to the species. We also recommend a mechanism to ensure any future risk can be mitigated through an EMP review process and a commitment to act on the advice of the Highland Council should any elevated risk be identified in the future."*

## **D. SCREENING**

*'Screening' is the initial evaluation of a project's potential effects on one or more European sites to determine whether an Appropriate Assessment is required. If an appropriate assessment is required, the output of screening should indicate which European sites are affected and which aspects of the project are likely to have significant effects.*

### **IS THE PROPOSAL (EITHER ALONE OR IN COMBINATION WITH OTHER PROPOSALS) LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE SITE?**

The proposal would allow for the continued operation of a fin fish farm.

Little Gruinard River SAC: The farm site is approximately 22km distance from the SAC site. Fin fish aquaculture may generate pressures on wild Atlantic salmon populations, a key way in which this may occur is via sea lice emanating from a farm site resulting increased marine mortality rates and ultimately contributing to a

decline in population. NatureScot advice indicates that a 35km buffer should be used to consider likelihood of impact. Where the distance is below this indicative buffer a likely significant effect cannot be immediately ruled out and **an appropriate assessment must be undertaken**.

Inverpoly SAC: The farm site is approximately 8km in a direct line across land but more than 36km distance when following the coast. The majority of features would have no sensitivity to common pressures associated with fin fish aquaculture. The freshwater pearl mussel feature is dependent upon wild Atlantic salmon for part of its life cycle and therefore does have sensitivity to the fin fish aquaculture pressures. With regards to this site however the distance and limited connectivity is sufficient to conclude **no likely significant effect** and screen it out from requiring appropriate assessment. NatureScot provided no comment on the site, whilst not explicitly so, this generally indicates a position of no LSE.

Inner Hebrides and the Minches SAC: The proposal falls within the aforementioned site, designated for harbour porpoise (*Phocoena phocoena*). Highland Council have considered the statutory nature conservation advice provided by Nature Scot and conclude **no likely significant effect** regarding the potential impact of this proposal on Harbour Porpoise. This conclusion is based on the specifications of the existing development which confirm that it is not likely to generate a pressure to which the qualifying species of relevance are sensitive to.

Special Protection Areas with breeding Gannet interests: Highland Council have considered the statutory nature conservation advice provided by Nature Scot and conclude **no likely significant effect** regarding the potential impact of this proposal on gannet features of these sites either alone or in combination with other development. This conclusion is based upon the design specifications of the existing development, which although a design choice rather than mitigation, are understood to reduce the risk posed to diving Gannets.

## E. Appropriate Assessment

*The appropriate assessment consists of two parts: a scientific, reasoned appraisal and a conclusion. Consider the proposed project, its impact on the qualifying interests assessed against their conservation objectives.*

*For each qualifying interest effected evaluate potential impacts of proposal detailing which aspects of the proposal are involved, the duration and size of the impact, and the overall effect on sites conservation objectives. Sufficient detail should be included to conclude the proposal will not adversely affect site integrity. This conclusion should be reached beyond scientific doubt.*



*Advice contained within Planning Circular 6/1995 stipulates that the assessment can be based on information submitted from other agencies e.g. NatureScot and the applicant.*

*The council 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 (please see seek further guidance if this is the case).*

**Undertake an Appropriate Assessment of the implications for the site in view of its conservation objectives:**

Little Gruinard River SAC:

The farm site is approximately 22km distance from the SAC site. Feature condition assessments available for the site<sup>1</sup> show that the qualifying species – Atlantic Salmon – is assessed as ‘favourable - recovering’. This is in contrast to the conservation status as the UK level which is ‘Unfavourable – Inadequate’.

The continued operation of this fin fish aquaculture development (as per the application) may generate pressures on the qualifying feature (Atlantic Salmon) via either escaped farmed Salmon or from the spread or dispersal of sea lice from the farm site, both of which may impact the achievement of the conservation objective for the site associated with species population.

NatureScot advice acknowledges that the feature condition has remained ‘favourable’ throughout the duration of the operation. However, it should be noted that site condition monitoring was last undertaken in 2011 and therefore it’s not possible to draw any inferences regarding any relationship between feature condition and farm management practices as implemented since the 2013 permission. However, given that a farm has operated at this site since 1986, at times with a higher permitted biomass and with – anecdotally – poorer farm management practices, this would suggest a low degree of connectivity and/ or impact from the farm on the SAC salmon population.

Farm operations present a risk of escape incidents. Should such an incident occur then this could impact upon wild populations, potentially including SAC populations. Whilst a residual risk is inherent with all ‘in water’ fish farm operations the key mitigation measures are adequate equipment and management practices. In that regard, there will be no changes to equipment deployed at the farm site and farm management practices will be maintained also. At the point of the original permission attestations for the deployed equipment were required and deemed acceptable. In support of the application the operator has provided evidence of their approach to containment and management of escape events which was deemed acceptable by Marine Scotland – the Highland Council's statutory advisor on matters of containment. Historically, one escape incidence is on record for this farm site (10 fish in 2006), with none occurring under the existing permission and

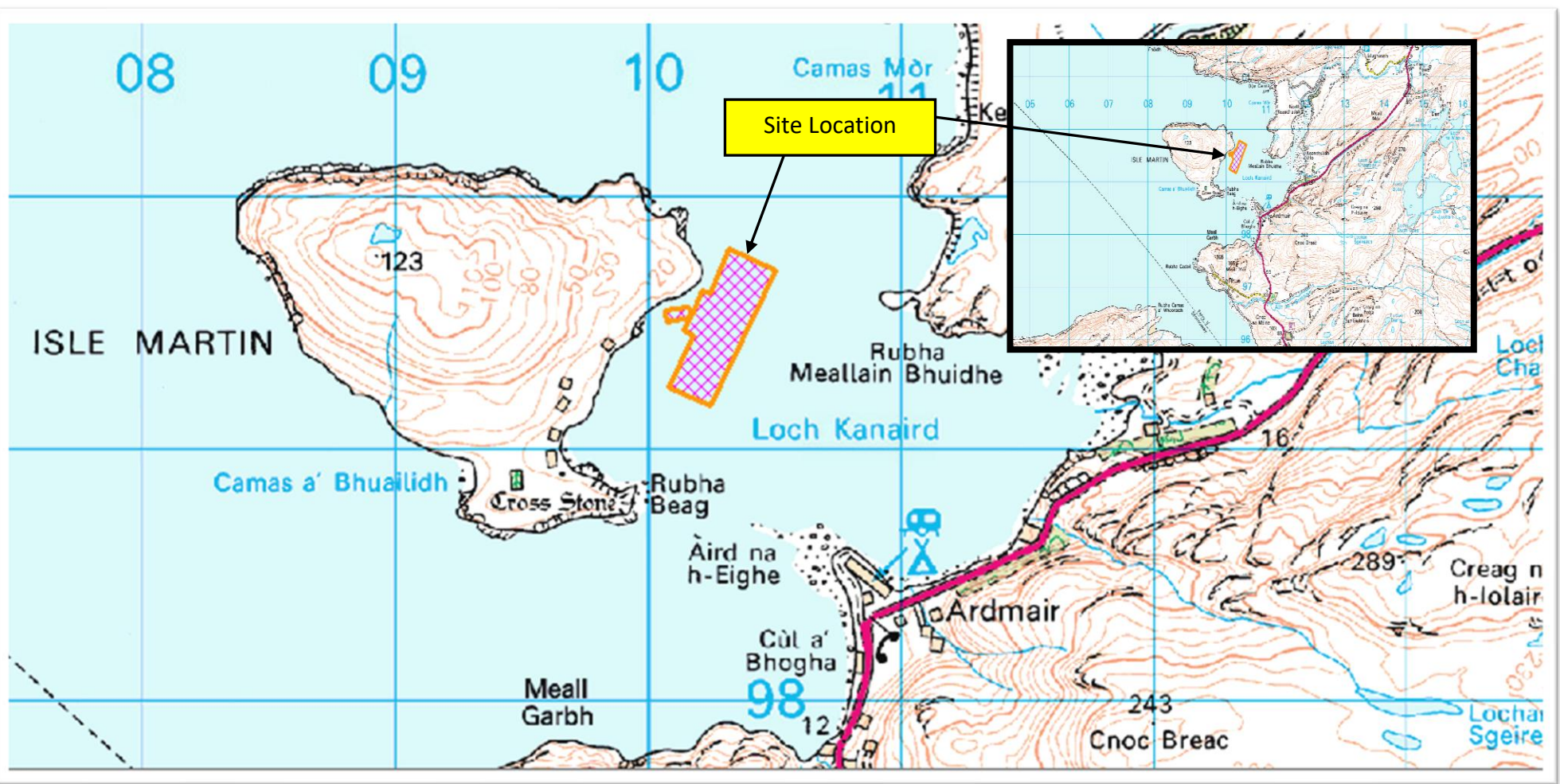
<sup>1</sup> <https://sitelink.nature.scot/site/8291>

management practices. In consideration of the past performance and the in-built mitigation it is considered the continued operation will not result in adverse effect on site integrity as result of escapes incidents. This conclusion is reached in relation to effects generated from the development alone or taken in-combination with other farm operations.

Sea lice emanating from the farm site also have the potential to have an adverse impact on SAC populations of wild Atlantic Salmon. At approximately 22km distance, the SAC is within the suggested 35km buffer zone used by NatureScot to indicate potential for connectivity. However, this is towards the upper end of the potential connectivity distance and with that comes a greater likelihood of reduced connectivity and therefore impact, as indicated by the site condition monitoring. The other key factor is sea lice management on the farm site itself. Supporting information provided alongside the application demonstrates a strong performance in that regard, with lice counts kept at or close to zero over the previous 7 years. In the River Kanaird, closer to the development, pressures generated from sea lice on wild fish have been observed reducing over this period. In consideration of the mitigation in place in the form of farm management practices, the positive past performance in sea lice control and with regards to the distance to the SAC site and current feature condition assessment, it's to concluded that the continued operation would not result in adverse effect on site integrity as result of sea lice. This conclusion is reached with regards to the effects of the project alone or in-combination with other farm fish farm operations, recognising that several others do occur within this same buffer zone for the SAC. This position aligns with the advice of NatureScot.

The advice received from NatureScot acknowledges a residual risk. This is that the conclusion that Ardmail fish farm would have no adverse effect on SAC Atlantic Salmon populations (and therefore site integrity) as a result of sea lice, is based on the presumption that sea lice numbers continue to remain as low as they have been. In recognition that this could change in future for a range of reasons it's advised that further mitigation in the form of additional SAC monitoring be undertaken as part of the suggested Environmental Management Plan. This same approach has been applied in other instances of fish farm operations that are potentially connected to SAC's with either Atlantic Salmon or Freshwater Pearl Mussel's as features and has proven a functional approach. This further mitigates any residual risk by ensuring ongoing operational impacts are understood and adaptive management practices can be applied.

# Location Plan



22/03020/S42

Application under Section 42 to continue to operate Ardmair sea Farm with removal of condition 1 of planning permission 13/01494/FUL.

March 2023

Scale 1:25000  
with inset map at  
scale 1:50000

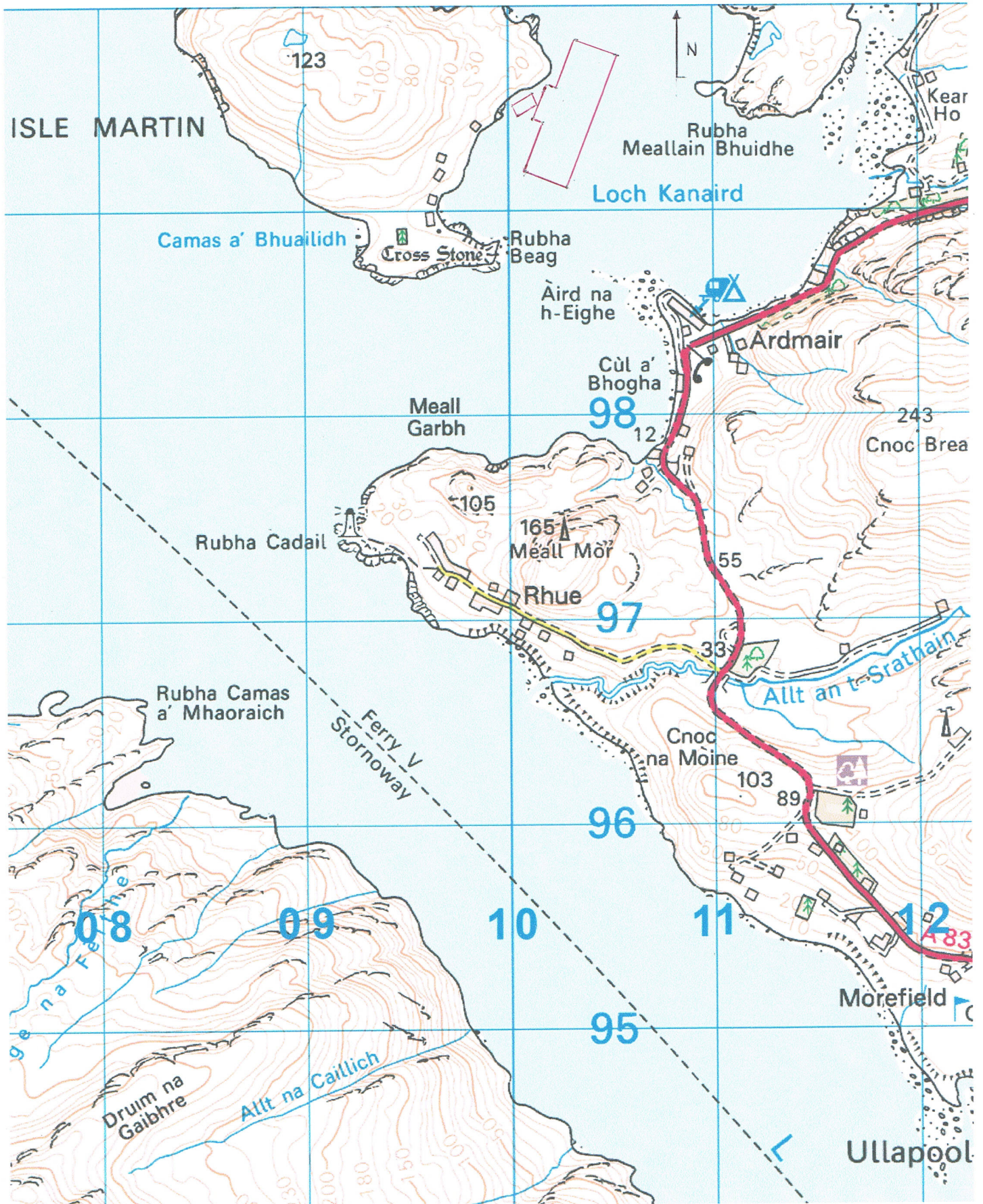


# 2. Locational Plan

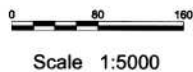
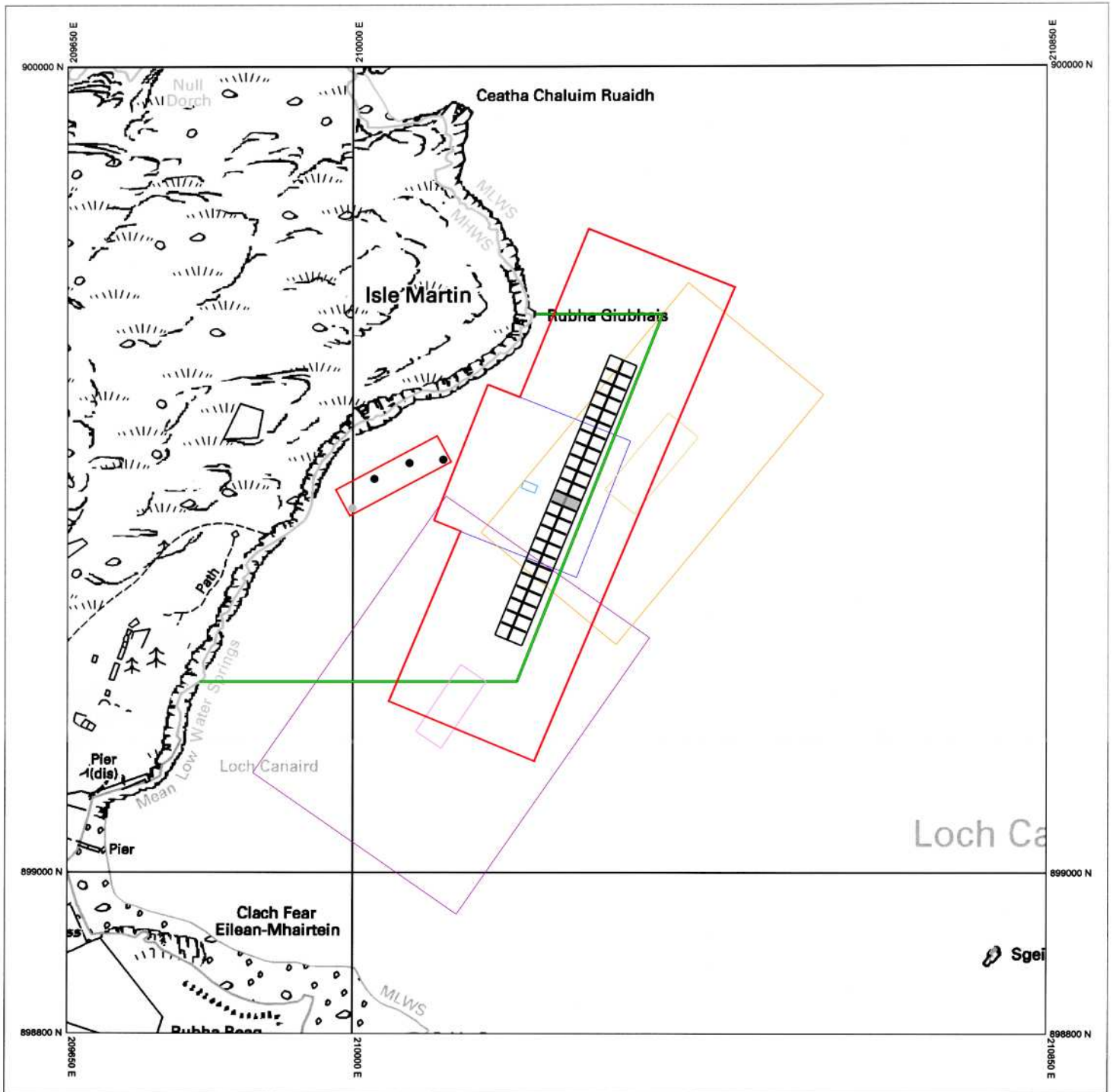
Scale: 1:25000

Legend:

 Proposed site area



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



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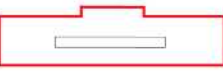



The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Serial number: 001022568

Plot Centre Coordinates: 210250, 899400

### KEY

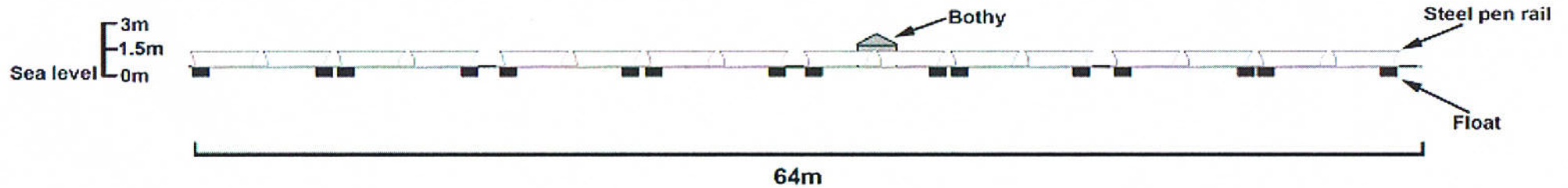
	Current wooden group and mooring area		Proposed feed barge and mooring area
	Current steel group and mooring area		Proposed individual mooring
	Proposed new group and site area		Current individual mooring
	Site area for individual moorings		Consent Boundary

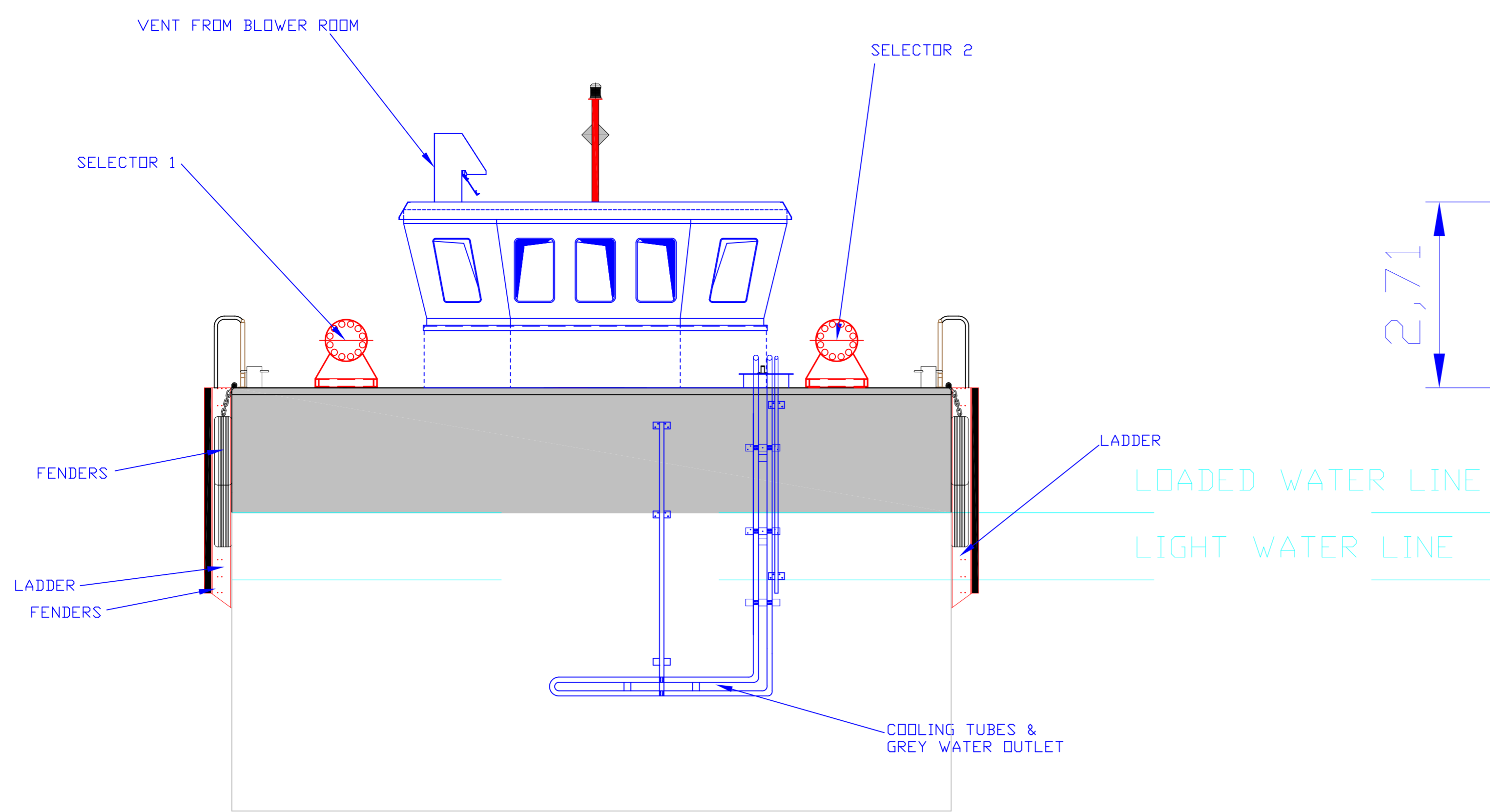
5 PROPOSED ARDMAIR STEEL PEN GROUPS - SCALE 1cm = 17 m



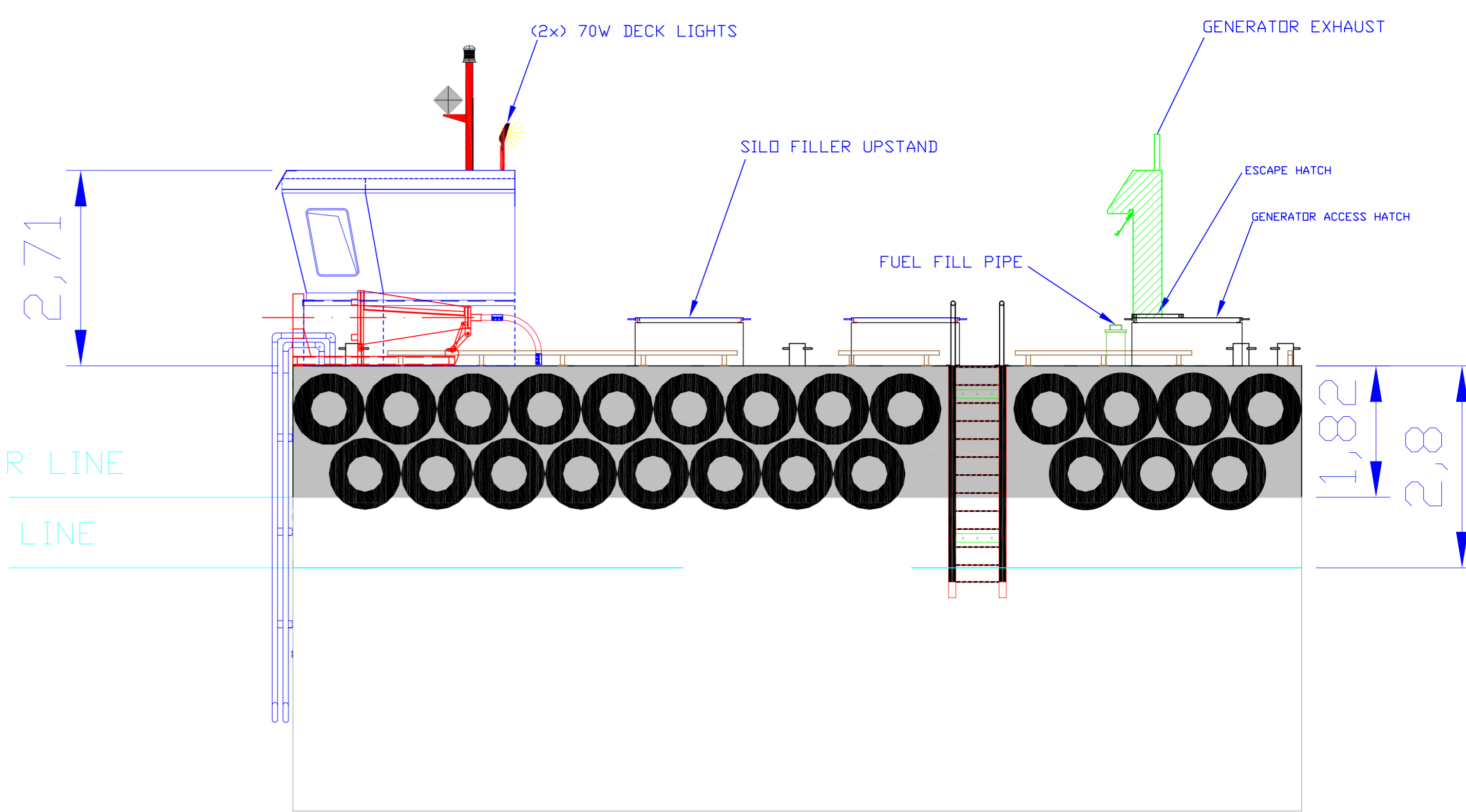
Key: E - empty

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

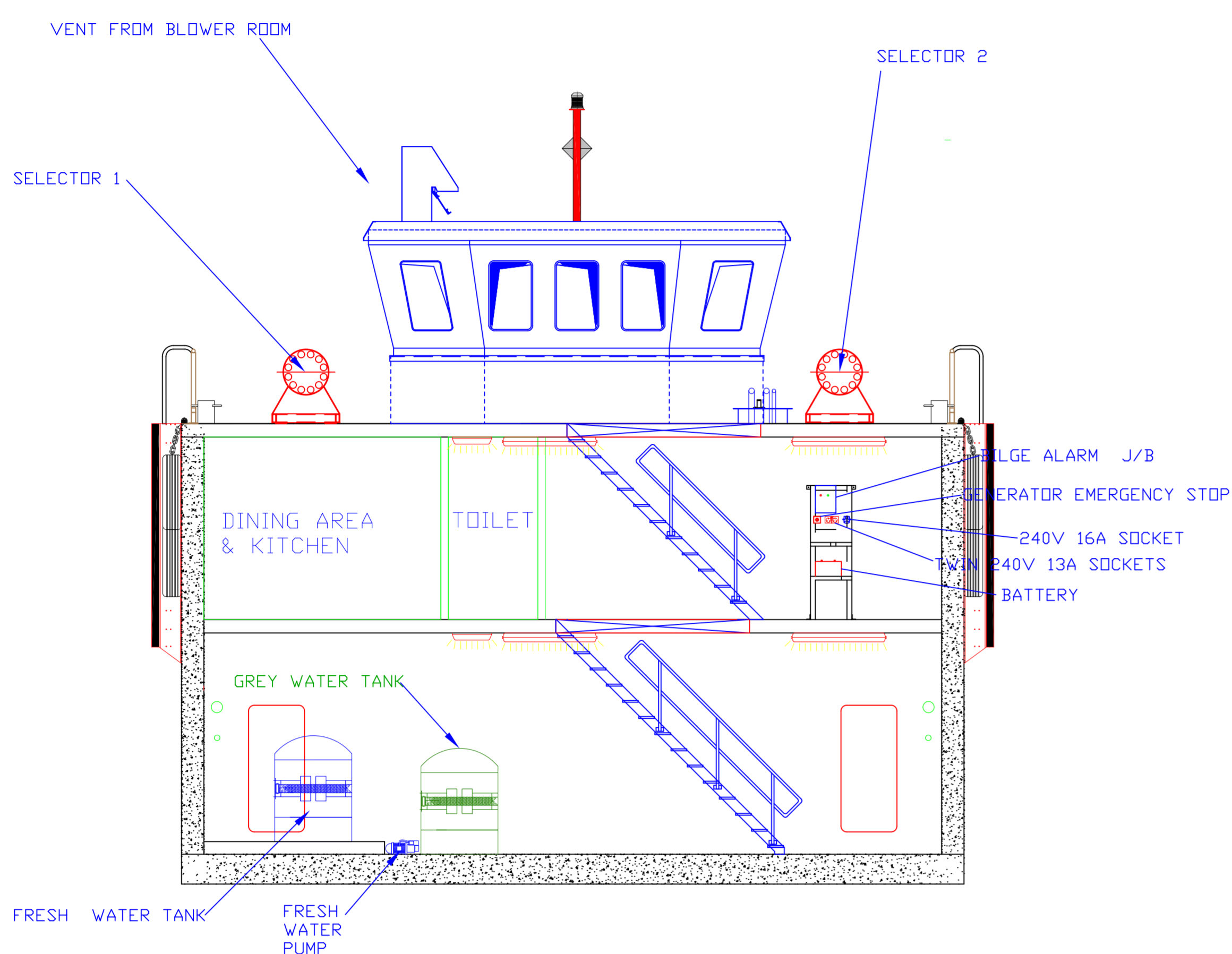




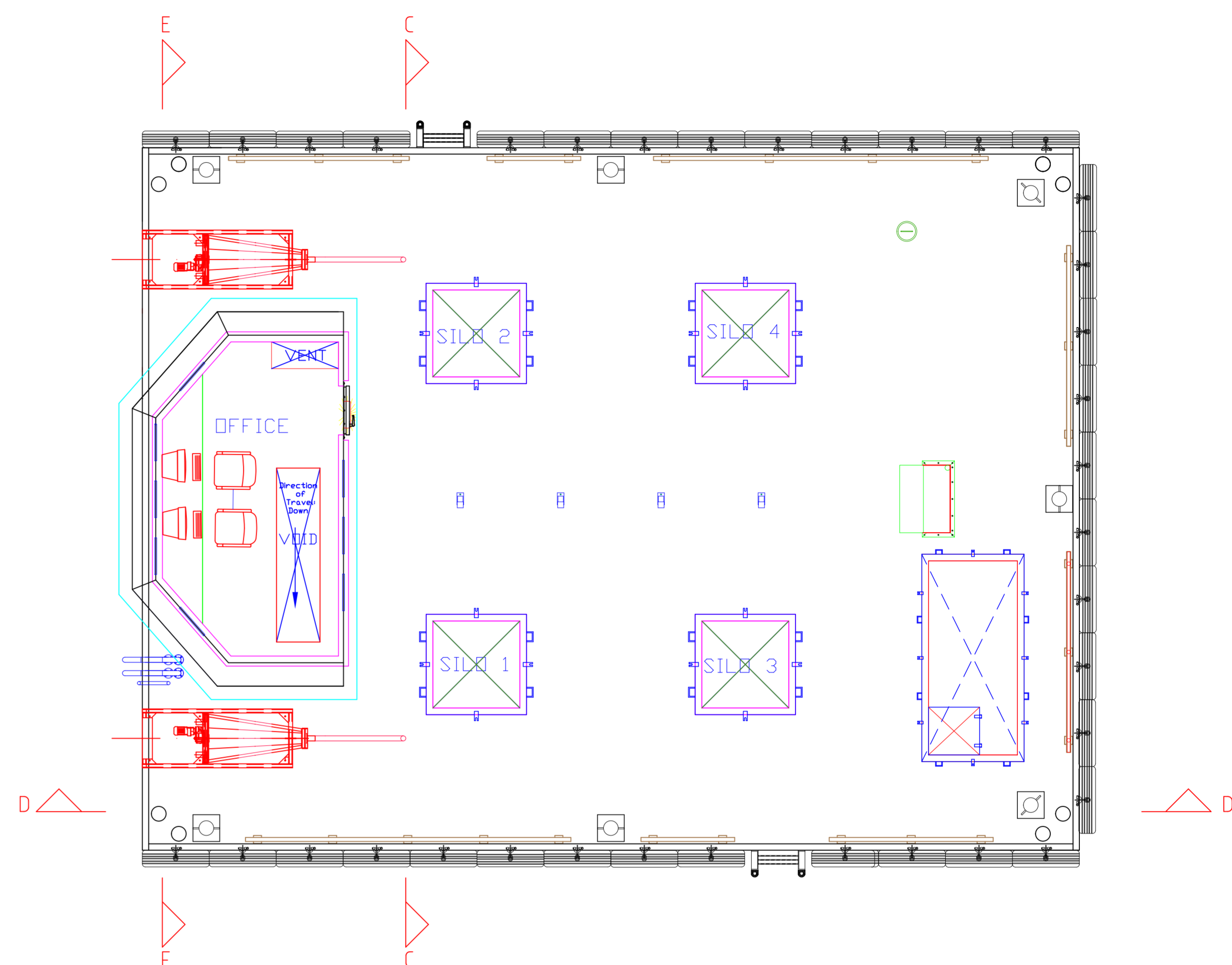
END ELEVATION



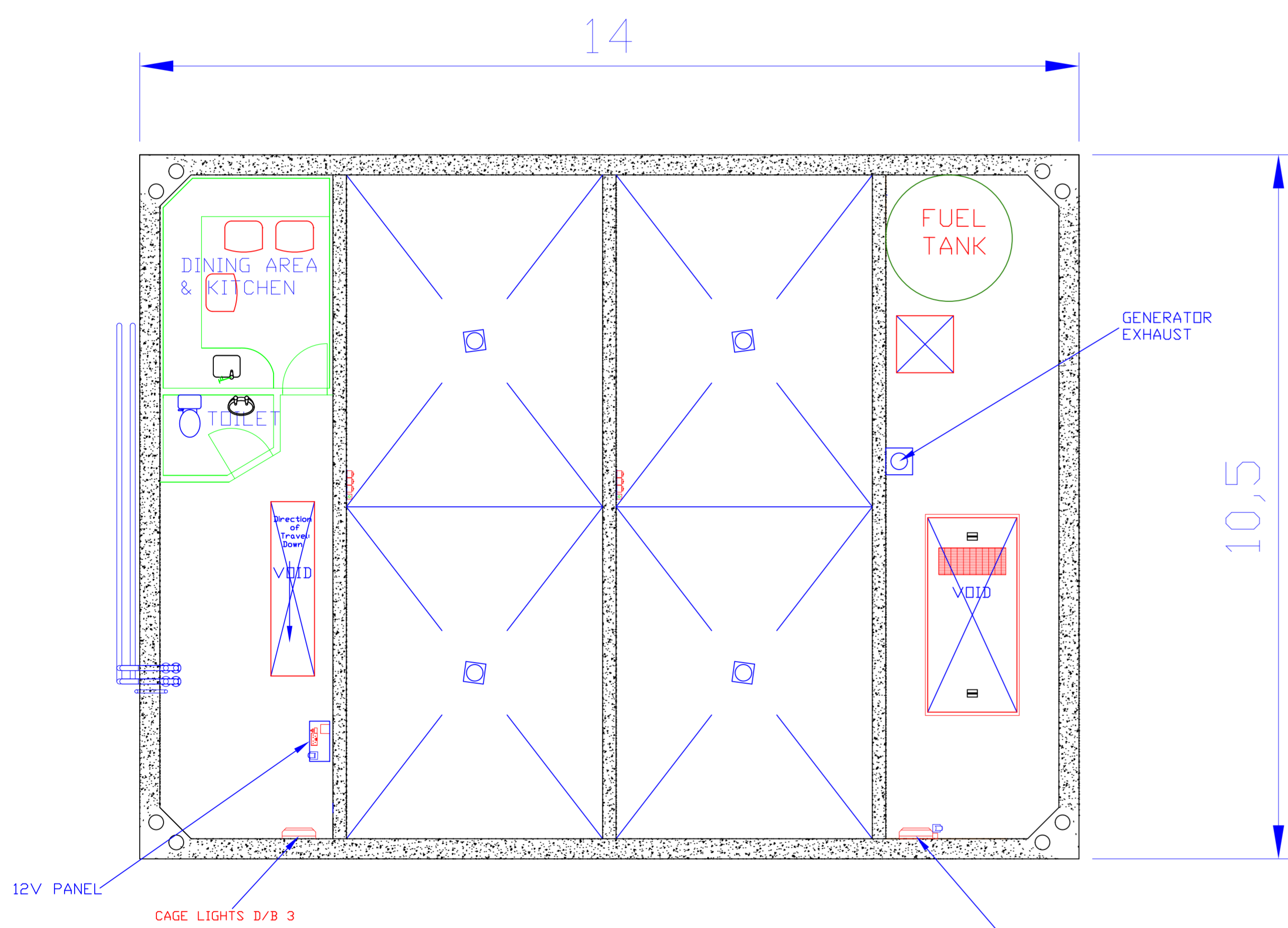
SIDE ELEVATION



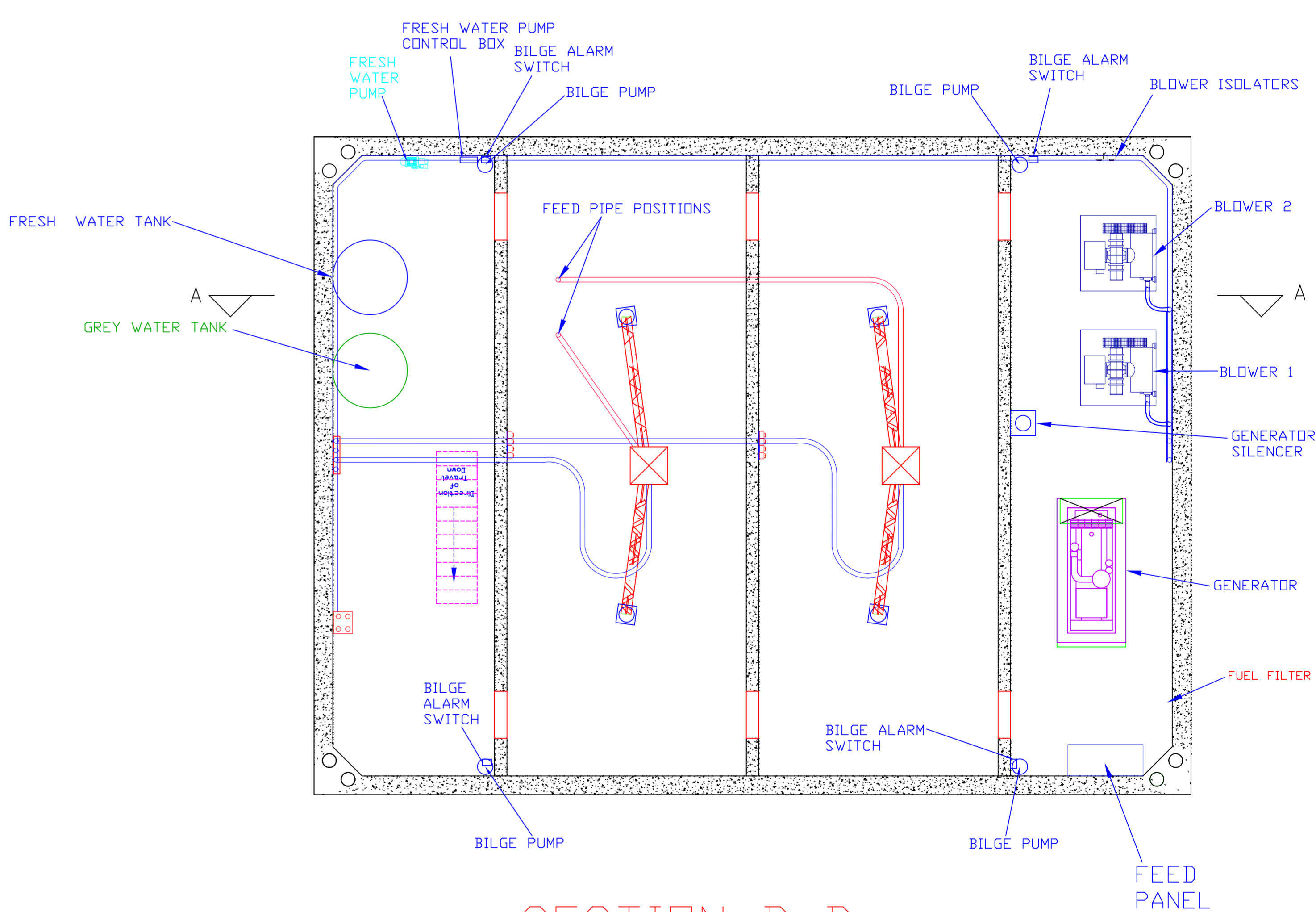
SECTION E-E  
(WHEELHOUSE END)



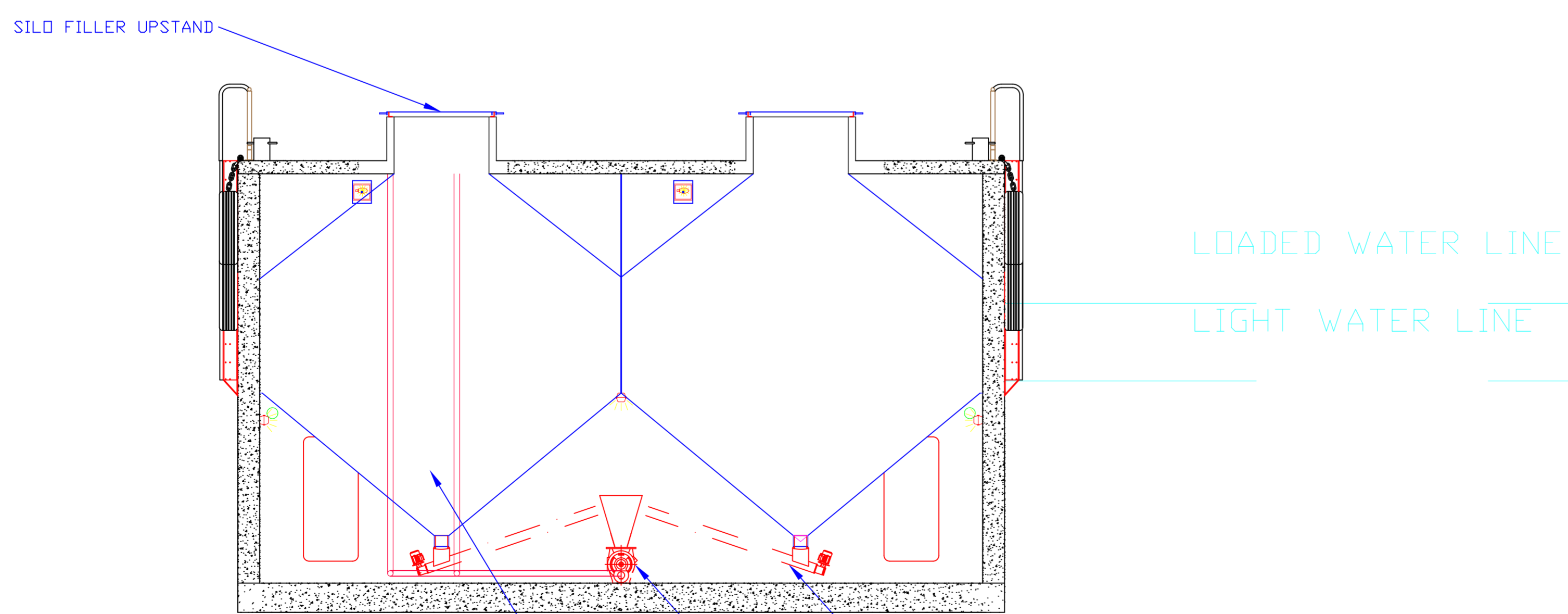
MAIN DECK PLAN



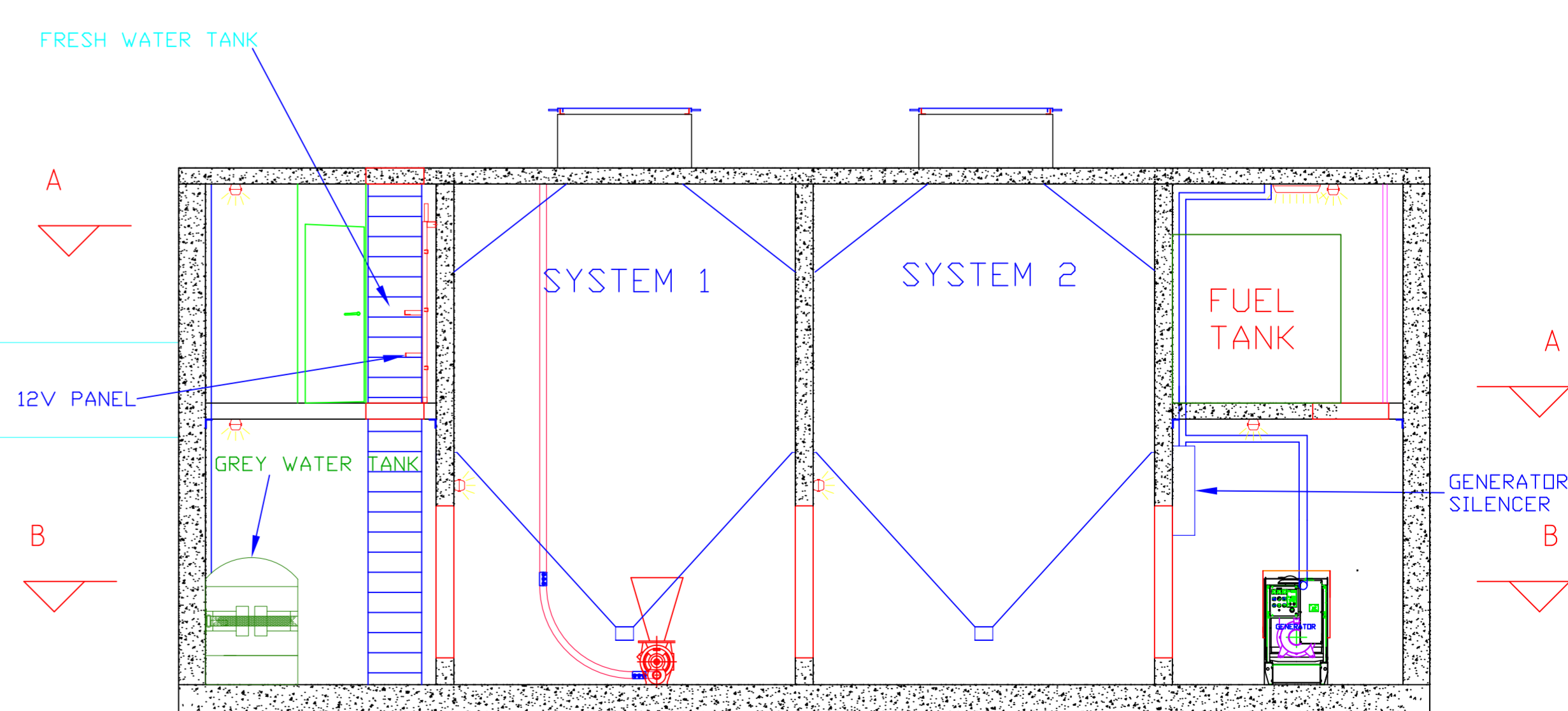
SECTION A-A  
(MEZZANINE DECKS)



SECTION B-B  
(LOWER DECK)



SECTION C-C  
(MID SILO)



SECTION D-D

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

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