

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COLINTRAIVE VILLAGE HALL, COLINTRAIVE
on TUESDAY, 28 MAY 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Rory Colville
Councillor Robin Currie
Councillor Donald MacMillan
Councillor Alex McNaughton
Councillor James McQueen

Attending: Iain Jackson, Governance and Risk Manager
Richard Kerr, Principal Planning Officer
Mark Steward, Marine and Coastal Manager
Dr Stewart McLelland, Chief Executive - Scottish Salmon Company
Rebecca Dean, Scottish Salmon Company
Mark Edmonds, Scottish Salmon Company
Michael Kaufmann, Colintrave and Glendaruel Community Council
Katrina Frankitti, Supporter
Stuart Simon, Supporter
Iain Forbes, Supporter
Sara MacLean, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blair, Devon, Freeman, Hall, Kinniburgh, MacDonald, MacDougall, MacIntyre and Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

**3. THE SCOTTISH SALMON COMPANY: EXTENSION TO FISH FARM
(ADDITIONAL 6 CAGES): STRONE FISH FARM, LOCH STRIVEN (REF:
12/02589/MFF)**

The Chair welcomed everyone present to the meeting and introductions were made. He asked those that wished to speak at the hearing to identify themselves and outlined the procedure that would be followed during the meeting.

PLANNING

Richard Kerr advised that the application was for an extension to the existing fish farm at Strone, Loch Striven. He advised that the current site consisted of 8 cages and a small feed barge. He showed the site in the context of the Local Plan advising that it was adjacent to a rural opportunity area and an area of panoramic quality. Mr Kerr advised that the site was currently operated in tandem with the applicant's existing site at Ardyne. He showed the location of

the mooring area displaying the existing cages in black and the proposed cages in red, explaining that currently there was a ten grid unit with 8 occupied cages in two groups separated by 2 unoccupied grid squares. He advised that the proposal was to occupy the unoccupied grid squares and add 4 more cages to the north end of the site. He advised that this would displace the feed barge by 120m north. Mr Kerr advised that the addition of these cages would double the biomass of the site and that SEPA were content with this having already issue a CAR licence. He showed a further slide showing the construction of the cages and advised of the underwater lighting that would be used. Mr Kerr told the Committee that the feed barge was currently an unsympathetic colour and a condition would be attached to any approval requesting that the feed barge be painted a more sympathetic colour to its surroundings. Mr Kerr showed the Committee a number of photographs showing the existing site from various angles and then photomontages of the proposal and how the additional cages would sit at the end of the existing site. Mr Kerr advised that in terms of statutory consultees there had been no objections with the exception of Colintrave and Glendaruel Community Council and the Clyde Fishermen's Association. He advised that in terms of representations there had been 36 of support and 11 of objection. Mr Kerr then advised of late representations that had been received; one objection stating that a number of supporters were employees of the Scottish Salmon Company and 2 letters of support - Loch Fyne Oysters, Cairndow and Innes Ross Ltd, Alloa. He advised that the proposal did not give rise to any adverse landscape, visual, nature conservation, wild fish, amenity or navigation concerns or prejudice sea fishing interests; and therefore was recommended for approval subject to the conditions and reasons as set out in the report of handling.

APPLICANTS

Mark Edmonds advised that the application was for an extension to their existing site and that the social benefits that had been outlined during the hearing in the morning applied to this application also. He told the Committee that due to the fact that this was a minor modification to the existing site there would be no requirement for an environmental impact assessment but they had been advised to consider some specific areas which he would later outline. He advised that the application had been assessed and approved by statutory consultees, that there had been no statutory objections and that the application had been recommended for approval by Planning Officers. Mr Edmonds outlined the specific areas SSC had been advised to consider as the sustainable carrying capacity of the loch, effective treatment strategies which SEPA had been satisfied with; independent equipment attestations and land and visual assessments. Mr Edmonds highlighted that the existing site had an excellent track record. He advised that staff were a mixture of both experience and youth; that the site was established and the infrastructure already in place in terms of a shore site; and was in an excellent location for farming. He made reference to the fact that there had been no seals shot on site and that there had been little requirement for sea lice treatment. He added that both the Strone and Ardyne sites had been classified as excellent in SEPA's Compliance Assessment Scheme. He urged the Committee to support the application.

CONSULTEES

Michael Kaufman of Colintrave and Glendaruel Community Council began by

saying that the Community Council's objection was to the cumulative effects from this application and from the application for a new site considered and approved at the hearing that morning. He made reference to the number of letters of support and objection submitted and advised the Committee that at a recent Community Council meeting the application had been discussed where almost 30 people had attended and had objected to the proposal. He advised that this was an important consideration for the Committee. Mr Kaufmann referred to the plans that had been provided for both the hearing meetings and advised that neither map had shown both the applications and their close proximity and questioned if it had been intentional not to show the cumulative effect of both on the one map. He said that the proposal would impinge on the view from the hills, damage the loch and damage the visual amenity. He concluded by quoting a line from the Planning Officers report which said the planning of the two sites was indivisible.

SUPPORTERS

Katrina Frankitti advised that she worked for Innes Ross Ltd which was a small rural business. She advised that she travelled around schools and communities promoting the 'Fish for Health' project and that she worked closely with the Scottish Salmon Company. They would invite her to accompany them to events and vice versa. She advised that the Scottish Salmon Company do care about communities and that she could not do what she does without the support of the industry. She asked that the Committee seriously consider the proposal and approve the application.

Stuart Simon advised that he had worked in fish farming for 6 years and that he currently resided just around the corner from Ardyne. He advised that he had travelled the world looking for employment. He advised that the proposal would secure employment in the area. He advised that aquaculture was a growing industry and that it was important to support it. He advised that many businesses in the area would benefit from it.

Iain Forbes advised that he was very supportive of the Scottish Salmon Company and was impressed by the way they operated. He advised that he had 30 years of experience in the industry and was experienced in working within small communities. He referred to objections made that the industry had brought nothing to Colintrave and highlighted that the same thing had been said on the Isle of Mull in previous years during the introduction of fish farming. He advised the Committee that fish farming had brought a lot of benefits to Mull, including jobs and new families.

OBJECTORS

Sara MacLean advised that she lived and worked in Colintrave and that it was an active community and focus group. She advised that it was likely that when the time came to sell her house that it would be sold as a holiday house due to the siting of the fish farms. She advised that community resilience would suffer as a result of this. Ms MacLean also advised that she felt that the hearing for this application had not been afforded the attention to detail it would have had it been dealt with separately.

QUESTIONS

Councillor Currie asked Sara MacLean to explain why she felt her house would be bought as a holiday home should she try and sell it in the future. She responded by advising that when the first four cages were built a house had been for sale in the area which no one bought. She advised that she was being subjective and that most homes sold in the area were sold as second homes. Mr Kaufmann added that more and more homes in the area were being sold as holiday homes and that only two businesses were left in the community; there was nothing to attract new families to the area. He advised that Ms MacLean's house was 60ft above the water and the fish farms were right in her view. Councillor Currie then asked if the extension of the fish farm could not be viewed as an opportunity for local employment. Ms MacLean advised that they could not guarantee that locals would apply for the jobs and if they did, whether they would fit the criteria.

Councillor Colville asked Richard Kerr why the maps for the two hearings had been prepared on different scales and did not show both sites on the one map. Mr Kerr explained that he had asked a technician to prepare the maps on a suitable scale, each map had been prepared on its own merits and treated separately for each individual application. Councillor Colville asked for clarification over the CARS Licence and if it had been approved. Ms Dean confirmed that the licence had been approved for the extension but not for the new site considered earlier. Councillor Colville asked if a separate application would be required should the company wish the feed barge to be replaced completely and Mr Kerr confirmed that it would require a separate permission. Councillor Colville asked if the conditions imposed at the time of the original application for the existing site would still apply to the extension. Mr Kerr advised that it had been a Crown Estate consent and no conditions had been imposed by them at that time. Councillor Colville asked if condition 6 that had been attached to the consent for the application heard earlier in the day would be attached to this application also should it be granted. Mr Kerr advised that it could be imposed if Members felt it necessary but would require some rewording. Ms Dean confirmed that their intention was to operate all sites in synchronisation and that all production cycles would be the same. Councillor Colville asked if the applicants had plans to engage with the community and Dr McLelland confirmed that they did as they were part of the community. Ms Frankitti advised that she had worked with the Scottish Salmon Company for three years and in that time they had always invited her to events and vice versa; therefore she would expect them to engage with the community. Mr Kauffman commented that until the application had been submitted they had not seen the company engage with the community.

Councillor McNaughton advised that he was concerned about the cumulative impact on the loch and asked the applicants why they were applying for an extension and pushing the loch to its capacity. Ms Dean advised that SEPA and Marine Science Scotland had assessed the impact on the loch and were happy. She advised that the company needed to grow and that the loch was a great area and the existing site had a great track record, which was why they were applying for the extension. Councillor McNaughton reiterated that he was concerned about the cumulative and visual impact on the loch and that the loch must be nearing its capacity.

Councillor Taylor asked the applicants how much more capacity there was in the

loch based on the assessments that had been carried out. Ms Dean advised that the carrying capacity had been assessed by Marine Science Scotland and the proposed biomass increases calculated for both applications and this had shown that there was still potential for an increase in capacity. She advised that it had been categorised as within Category 3 which allowed for further capacity and explained that Category 1 was the categorisation where they would not allow any further development. Mr Kerr added that the carrying capacity of the water body was assessed by Marine Science Scotland and not by planning but in landscape terms it had been concluded that there was potential for two sites but not more than two; which was what had been detailed in the report.

Councillor Colville asked if a condition could be placed on any consent which would result in some sort of community benefit or planning gain. Mr Kerr advised that planning gain could only be placed on any consent by a legal agreement and not by a condition; and in accordance with government advice should only be used in exceptional circumstances. Ms Dean advised that the company had held community initiatives in the area although not in Colintrave directly and that they would be happy to be approached by the community to assist in any upcoming events. She advised that the company had been approached earlier that day by the local bowling club.

Councillor Currie referred to jobs that had been offered to the community during a hearing for a previous application that had been considered in Dervaig, Isle of Mull and asked why the same commitment had not been offered for this application. Dr McLelland advised that the same principles applied everywhere and where the company could assist, they would. Councillor Currie asked for confirmation on if the feed barge required to be replaced it would require a new application and if the existing one was used it would have a condition placed on any consent to repaint the barge in a more sympathetic colour. Mr Kerr advised that the application provided for relocation of the existing barge but that a new application would be required should they wish to replace the feed barge with a different model.

SUM UP

Richard Kerr advised that the application was for an extension to the existing fish farm to include the addition of 6 cages to the current operation and the re-siting of the existing feed barge. He advised that consideration of the cumulative impact associated with the recent grant of a second site had been taken into account and that there were no concerns. He advised that it was not considered that the extension of the existing site would give rise to any unacceptable impacts to landscape, visual amenity nature interests, wild fish interests, commercial fishing, navigation or any other material considerations that related to aquaculture. He reiterated that there had been no objection by Consultees other than the Community Council and the Clyde Fishermen's Association. He advised that the consequence of the granting of the second site north of Strone was greater than the extension of the existing site, and the extension would not have a significant impact in terms of cumulative impact. He advised that the proposal was recommended for approval subject to the conditions as outlined in the report of handling.

Rebecca Dean urged the Committee to approve the application advising that the extension had been applied for due to the excellent track record of the existing

site.

Michael Kaufmann referred to the planning officer's comments regarding planning gain and how it should only be used in exceptional circumstances. He commented that planning gain seemed to be acceptable for most windfarm applications. He thanked the Scottish Salmon Company for the donation of two salmon to the bowling club. With regard to the company offering employment in the area he advised that the age profile was higher in Colintrave and that it had a low population therefore it would be unlikely that they would benefit from employment opportunities.

Katrina Frankitti advised that she had worked with the Scottish Salmon Company in many communities and that the community of Colintrave should take the opportunity to engage with them adding that she would love to work with them on the Fish for Health Project.

Stuart Simon advised he had nothing further to add.

Iain Forbes referred again to the introduction of fish farming on the Isle of Mull advising that if it had not been for the acceptance of fish farming in the area it would have been likely that it would have become an ageing community.

Sara MacLean advised that she had nothing further to add.

The Chair asked all parties who had spoken during the hearing if they considered that they had received a fair hearing to which they all confirmed that they had.

DEBATE

Councillor Currie advised that the application was compliant with Policy and had no grounds for refusal. He advised that should the application be taken to an appeal stage then it would likely be approved and therefore he supported the application.

Councillor Colville advised that he agreed with Councillor Currie but that he had concerns over the effects the application was having on the community. He added that he would like to assume that the company would have meaningful dialogue with the community in the future should the application be granted.

Councillor McNaughton advised that he was sympathetic to Sara MacLean due to the fact she was the only objector present at the meeting. He advised that he had been born in the community and could understand her concerns. Councillor McNaughton advised that he had been disappointed with the company's lack of interaction with the community. He added that he felt the loch did not have the capacity for the extension to the fish farm and that the company should be taking on board the concerns within the community.

Councillor MacMillan advised that he had seen many fish farms have a visual impact but this was the best site he had ever seen. He advised that he did not think 6 additional cages would have a big impact and would therefore be supporting the application.

Councillor McQueen advised that he thought 6 additional cages were too much and that the company should be content with what they have.

Councillor Taylor advised that he had concerns over the cumulative impact but according to the assessments it seemed that there would be no room for further development and therefore moved the recommendation by the Planning Officer to grant the application.

Councillor Colville requested that a condition be added to ensure that the farm would be operated in synchronous production and management with neighbouring salmon farms as had been added to the grant of the new site at the hearing earlier in the day.

Decision

The Committee agreed to grant planning permission subject to -

1. The conditions as detailed in the report of handling.
2. The addition of a further condition to ensure the farm is operated in synchronous production and management with neighbouring salmon farms to be agreed by the Head of Planning in consultation with the Chair of the Committee.

(Reference: Report by Head of Planning and Regulatory Services dated 26 March 2013, submitted)