

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
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21 May 2013

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COLINTRAIVE VILLAGE HALL, COLINTRAIVE** on **TUESDAY, 28 MAY 2013** at **2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. THE SCOTTISH SALMON COMPANY: EXTENSION TO FISH FARM (ADDITIONAL 6 CAGES): STRONE FISH FARM, LOCH STRIVEN (REF: 12/02589/MFF)**
Report by Head of Planning and Regulatory Services (Pages 1 - 36)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Sandy Taylor (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Fred Hall	Councillor David Kinniburgh
Councillor Iain MacDonald	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Richard Trail	

Contact: Fiona McCallum

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Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/02589/MFF
Planning Hierarchy: Local Development
Applicant: The Scottish Salmon Co.
Proposal: Extension to fish farm (additional 6 cages)
Site Address: Strone Fish Farm, Loch Striven

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Extension to Marine Salmon Fish Farm from 8 No. to 14 No. 100m circumference cages;
- Relocation of existing feed barge;
- Installation of additional underwater lighting.

(ii) Other specified operations

- Servicing from existing shore base at Ardyne
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to:

- i) the conditions and reasons listed in the report;
 - ii) the holding of a pre-determination local hearing having regard to the number of third party representations received in the context of a small community and the varied nature of the material considerations in this case.
-

(C) CONSULTATIONS:

Scottish Environment Protection Agency (11.01.13) No objection on either benthic or nutrient enrichment grounds. A CAR licence application for the increase in biomass associated with this proposal has already been consented.

Scottish Natural Heritage (14.01.13) – No objection.

Marine Scotland Science (18.01.13) – No objection. The proposal should not give rise to unacceptable benthic or nutrient enrichment impacts. Efficacious treatment options for sea lice should be available subject to SEPA licensing. Information provided in respect of equipment specification, management procedures and contingencies is acceptable.

Historic Scotland (21.12.12) – No objection.

Health & Safety Executive (19.12.12) – No objection.

Argyll & District Salmon Fishery Board (03.01.13) – No objection.

Scottish Wildlife Trust – No response.

Northern Lighthouse Board (18.12.12) – No objection, navigational marking advice provided.

Clyde Fishermen's Association (10.01.13) – Object to the proposal. Loch Striven is an important nephrops, herring and sprat fishery and the development will cause displacement from established fishing ground. The fish farm industry is highly polluting and is unsustainable. Cumulative effects from chemical sea lice treatments must not be allowed to reach dangerous levels.

Clyde Inshore Fisheries Group – No response.

Clydeport Harbourmaster – No response.

Royal Yachting Association (07.01.12) – No objection.

Council's Marine & Coastal Manager (22.03.13) – No objection in terms of benthic, water column, predator, nature conservation or wild fish impacts. The development will have consequences for commercial fishing ground the significance of which will have to be considered in the light of the overall fishing ground available in the loch. There is unlikely to be significant impact on recreational commercial and MoD use of the loch provided that corner anchors are not buoyed as per normal NLB practice. The proposed increase in surface equipment is unlikely to give rise to any significant adverse implications for the landscape.

Council's Biodiversity Officer (14.01.13) – No objection given monitoring of the consequences of the existing site by the Argyll Fisheries Trust and by Scottish Environmental Protection Agency in terms of benthic and wild fish interests.

Council's Area Roads Engineer (17.12.12) – No objection provided that cage launching does not take place from the weight restricted U19 Couston Road. (Confirmation subsequently received from the applicants that cages will be assembled and launched from Ardyne or be brought in by sea. No use of the road from Colintraive proposed).

Council's Public Protection Service (15.12.12) – no objections in respect of lighting, noise or odour and no complaints regarding these issues in respect of the existing site in the past.

Colintraive & Glendaruel Community Council (21.01.13 & 14.01.13) – Object to the proposal on the grounds that the separation between existing and proposed sites

conflicts with Scottish Government guidance, the recreational and amenity value of the loch would be eroded, and the proposal would increase the impact of the development upon the local community whilst accruing no benefit to that community. It is requested that the application be determined by means of a hearing to afford community views to be expressed to the committee.

(D) HISTORY:

02/00920/MFF (06.02.03) – No objection to an application to Crown Estate for fish farm lease extension and modification to permit shellfish site to be used for salmon production.

06/00669/MFF (16.08.06) – No objection to an application to Crown Estate for fish farm lease extension and modification to permit additional cages.

The applicants have applied for a further salmon farm to the north of the site which is reported elsewhere on the agenda (12/02589/MFF).

(E) PUBLICITY:

The proposal has been advertised in the local press with the publicity period having expired on 11.01.13.

(F) REPRESENTATIONS:

(i) Representations received from:

Objections to the proposal have been received from 11 third parties along with 36 supporters. Names and addresses of those having submitted representations are listed in Appendix B to the report. The grounds of objection and support are summarised below.

Support for the proposal

Comments in relation to the principle of marine fish farming

- Aquaculture is an important contributor to the economy which works with regulating bodies and encourages customers to visit sites and the expansion of an industry so open to scrutiny is to be supported particularly in the light of recent events in the beef industry.
- Aquaculture supports suppliers and contributes to economic activity beyond that directly associated with the farms – e.g. the applicant's processing facility at Cairndow;
- We should capitalise upon the demand for Scottish farmed salmon which is regarded as a premium product which is well regarded internationally and for which there export demand.

Comments in relation to the applicant's credentials

- The company is committed to a well-managed operation as is evident from their existing sites;

- The company was awarded 'Best Marine Aquaculture Company' in 2011 in terms of practice, business performance, investment, staff management practices and local community involvement
- The applicant's track record demonstrates that they adopt very responsible farming practices and have developed a sustainable ethos throughout the company;
- The Scottish Salmon Co. has an excellent record of environmental responsibility and for supporting and developing local community initiatives through donations and sponsorship.

Officers' comment: The identity of the applicant is not a material planning consideration given that any consent would relate to the site rather than to a particular operator.

Comments in relation to employment and economic considerations

- The fish farming sector provides much needed business for a variety of service industries and suppliers and helps to support vulnerable rural services;
- The aquaculture industry is a successful sector in the Scottish economy and deserves support in its ability to secure long term sustainable businesses and jobs;
- Support should be given to local businesses which are willing to invest in Argyll & Bute in the current economic climate;
- Fish farms provide sustainable year-round employment, which is particularly important in retaining young people in the area. Rural employment is important and if we are to redress population decline in Argyll we need to be serious about taking every opportunity;
- There are Scottish Government targets for the expansion of the aquaculture industry and their stated expectations for the growth of this sector requires support;
- Fish farm businesses have a record of supporting local events and organisations which is of value to local communities;

Comments in relation to pollution and water quality

- SEPA and Marine Scotland exert a high degree of regulation and comfort should be derived from the fact that there are stringent regulatory standards.

Comments in relation to wildlife interests

- It is proposed to adhere to national treatment strategies for sea lice control which will ensure that there will be minimal risk to wild fisheries.

Comments in relation to operational considerations

- The site can be serviced from the existing shore base at Ardyne, so has the advantage of not necessitating any additional on-shore infrastructure

in order to service it.

Comments in respect of visual effects

- Farms are designed nowadays to have a low visual impact so that from a distance away they are barely noticeable.

Comments in response to views expressed by objectors

- It would be a shame for job supporting development to be refused because of objections which are either ill-informed, unfounded or have no bearing on the decision.

Objections to the proposal

Objections in relation to the principle of marine salmon farming

- Fish farming is an unsustainable activity which contributes to CO₂ emissions and is harmful to the local environment.

Officers' comment: The farming of salmon in cages in the marine environment is considered by the government to be a legitimate activity subject to appropriate regulation and the avoidance of particularly sensitive receiving environments or those locations where the carrying capacity of receiving waters is at, or close to, capacity. Accordingly, whilst it is appropriate for Members as decision-makers to have regard to material considerations in respect of the acceptability or otherwise of particular locations, and particular scales of development, it would not be legitimate to seek to resist this proposal on the grounds that marine salmon farming ought to be deemed an unacceptable form of development, regardless of its scale and location.

Objections in relation to conflict with government advice

- Scottish Executive guidance issued in 1999 gave the Crown Estate indicative separation guidelines, which have not been revised. These indicated for example recommended separation to other finfish farms of 8km, to shellfish 3km and 0.8km to dwellings which are not being adhered to in this case;

Officers' comment: Government advice issued in 1999 suggested recommended separation distances. This was updated by SEERAD in 2003 and those distances were not re-stated. That document states:

"The indicative separation distances introduced by the Crown Estate some 13 years ago were necessarily arbitrary, without a sound scientific basis. Indeed, in order to minimise adverse interactions between neighbouring farms, a separation distance in the region of 14km would be required for areas with tidal velocities of one knot. In practice, many farms are now well within this distance. Therefore, the emphasis should lie with area-wide mitigation of disease interactions such as inter-site production management agreements and maintenance of disease firebreaks, rather than solely on a site specific basis".

Neither the Council's development plan nor government advice currently

recommends the use of specific separation distances.

Objections in respect of pollution and marine and nature conservation interests

- The proposal will generate inappropriate levels of effluent which will be harmful to the water environment and the wildlife it supports and will have unwelcome consequences for fishing, shellfish farming and tourism interests;
- The existing cages were originally split from the Ardyne site for fish health reason so how is it feasible to extend this site and establish a further site in close proximity?
- Adverse implications for local salmon rivers, particularly in the light of the mass escape of farmed fish from the site in 2009;
- Dunoon & District Angling Club consider that sea lice and pesticide and chemical use present an unacceptable risk to wild migratory fish stocks;
- A 'total containment' operation where waste can be processed and damage to the environment avoided would be a preferable option.

Officers' comment: Consultation has been undertaken with Scottish Natural Heritage, the Scottish Environment Protection Agency, Marine Science Scotland and the Argyll & District Salmon Fishery Board in order to seek advice in terms of water quality, benthic conditions and the conservation interest of habitats and species. None of these consultees have raised objection to the proposal on pollution control or fish health grounds. Pollution control in respect of the enlarged site is to be exercised by way of a Controlled Activities Regulation consent (CAR licence) which has already been issued by Scottish Environmental Protection Agency in respect of the additional biomass proposed. Due to the existence of this separate control regime, the pollution implications of the development (other than implications for wild fish, which is a matter outside SEPA's remit) are not material planning considerations. Whilst a mass escape of fish is acknowledged to have occurred in 2009 that was prior to the re-equipment of the site and current industry standard containment is proposed in respect of the additional cages.
<mailto:proposal@Appropriate>

Objections in relation to landscape, cumulative impact and visual and amenity considerations

- The cumulative impact of the enlargement of the existing site and the proposed additional site further up the coast will dominate the landscape of the western side of Loch Striven and will adversely affect visual amenity and the recreational value of the loch.
- The closest residents are already subject to visual impact and noise from service vessels operating up to 48hours at a time;

Officers' comment: The siting of marine fish farms is influenced by a range of factors of which landscape considerations are but one. The need to avoid exceeding the carrying capacity of water bodies and to avoid developments in

unsuitable locations due to nature conservation interests are amongst those factors which are very influential in the identification of potential sites. In this case it is not considered that the enlargement of the existing farm will erode landscape character or prejudice the Area of Panoramic Quality to a point where, in terms of cumulative impacts, the development ought to be refused. Separation from the closest residential properties is such that residential amenity will not be seriously prejudiced. Lighting at night will be restricted to navigational requirements only, other than for intermittent use of underwater maturation lighting which would not be detrimental to residential amenity. Servicing by well boat will take place, but as an exceptional rather than a day to day occurrence.

Objections in relation to tourism interests

- The site lies on the tourist promoted Argyll Secret Coast where it will conflict with tourism interests and deter return visits to the area;
- Tour vessels and yachts visit the loch for its unspoilt wildness and the presence of fish farms devalues the experience.

Officers' comment: Marine fish farms are established widely across scenic coastal areas in the west of Scotland. Whilst it is acknowledged that the site should be regarded as a sensitive one, given the scenic qualities of the wider area with its wild land and wildlife dimensions, there is no evidence to suggest that tourists will be dissuaded by visiting the area provided that siting and design is not such as to impinge to an unacceptable extent on the qualities for which the area is valued, and provided that cumulative impact is not such as to render aquaculture a defining influence in the appreciation of landscape character.

Objections in relation to employment and economic interests

- The development will not necessarily bring any employment benefits to the local community just disadvantages.

Officers' comment: The enlargement of the site will safeguard existing jobs associated with the operation of the Strone and Ardyne sites and will continue to generate some spin-offs for the wider economy. In the decision-making process employment issues are material considerations, but they should not be used in the weighing up of competing interests as a reason to offset or to disregard otherwise unacceptable environmental shortcomings.

Objections in relation to access considerations

- A Strone fish farm employee already routinely parks in one of the passing places on the public road which can cause some obstruction. Other maintenance visitors also park where no formal parking facilities are available.

Officers' comment: This site will continue to be serviced by boat from the shore base at Ardyne and by visiting vessels. There is no new shore base proposed along the coast of Loch Striven. An employee of the Strone site commuting via the Portavadie ferry apparently parks on the single track road to Coustonn in order to access the farm. The Council's Roads engineers have been asked for a view on this particular matter and have commented that

there are no waiting restrictions on passing places within the adopted road network. Parking in them does occur, albeit maybe not the same parking space on a daily basis. It could be construed as an obstruction on the carriageway but that would be unlikely. The enforcement of dealing with an obstruction in the road would be a police matter.

The U19 Couston Road has a weight restriction of 7.5t laden and maximum width of 7'6" – 2.28 metres. There should be no large vehicles along this road. The means of the servicing of the proposal was queried and it was advised that all operations would be initiated from Ardyne. It would not be possible to control where employees park. The current practice of parking in passing place was in advance of the planning application so is not a recent development and to date no objections had been received by Area Roads. There is no mention of the road being impassable due the parked vehicles. No comments can be made as to the parking of vehicles on passing places outwith the adopted roads.

It should be noted that the unclassified dead end road in question, which has with no turning or public parking facilities, is a very lightly trafficked section of public road.

Applicant's response to representations

Separation distances between fish farms and other operations

- Reference has been made to Scottish Government indicative separation distances established in 1999. The 2003 revision of this guidance indicates that emphasis should be given to area wide management and mitigation. The sites at Sgian Dubh, Strone and Ardyne are all to be operated by the same company under farm Management Statements consistent with the SSPO Code of Good Practice. Nutrient enrichment and benthic impact calculations demonstrate that the loch has the carrying capacity to accommodate the development proposed satisfactorily. Separation distance from the nearest shellfish farm is 2.5km. Experience elsewhere is such that negative impacts are not expected for either operation, as shellfish and finfish production appears capable of co-existence without detrimental effects on either industry.

Impact on visual and recreational amenity

- New development has been designed in accordance with published SNH guidance. It is not considered likely that large numbers of tourists will visit the section of road beyond Colintraive, which finishes at a dead end without parking or turning facilities. Research undertaken by the Scottish Aquaculture Research Forum in 2008 failed to identify any negative relationship between aquaculture and tourism. The area is already subject to development in the form of the existing Strone fish farm, shellfish and forestry operations and the refuelling depot at Port Lamont plus some habitation, so this limits the feeling of remoteness in the loch.

Interaction with community infrastructure

- Whilst concern has been raised over parking along the road to

Coustone the site has been operated by the applicants for 6 years without complaint and by another operator for 10 years before that. One staff vehicle is parked in a passing place during the day and occasional contractors will access the site from the road. This parking does not cause obstruction on the road although the applicants would be please to discuss any issues residents may have with use of the road and parking. Servicing of the site will be carried out by sea and every effort will be made to ensure that the existing staff vehicle is used for any additional journeys from the Colintrave direction.

Impacts on commercial fishing

- The overall area of the loch to be occupied by the moorings for the new site and the extended site together amounts to 5.9% of the total loch area, although it is acknowledged that not all of the remainder will be suitable for fishing. The surface equipment area will only occupy 0.19% of the total. Creel fishing could be carried out within the moorings area. The applicants will endeavour to keep moorings as short as practicable and to keep fishermen updated about mooring placements. The developments will safeguard 7 existing jobs (Strone and Ardyne) and create at least 3 new jobs (Sgian Dubh), and the company welcome applications form suitable local candidates.

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

(J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

(i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 6 – Impact on Habitats and Species

LP ENV 10 – Development Impact Areas of Panoramic Quality (APQ's)

LP ENV 12 – Water Quality and Environment

LP ENV 19 – Development Setting, Layout and Design

LP BAD 1 – Bad Neighbour Development

LP CST 2 – Coastal Development on the Undeveloped Coast

LP AQUA 1 – Shell Fish and Fin Fish Farming

Expresses general support for fish farming subject to there being no significant adverse effect on a range of specified considerations; those relevant in this instance being:

1. Communities, settlements and their settings;
2. Landscape character, scenic quality and visual amenity;
4. National Scenic Areas and Areas of Panoramic Quality;
5. Statutorily protected nature conservation sites, habitats or species, including priority species and important seabird colonies along with wild fish populations;
6. Navigational interests
7. Areas of Isolated Coast (coastal area of 'very sensitive countryside')
8. Sites of historic or archaeological interest and their settings
9. Recreational interests
11. Existing aquaculture sites
12. Water quality

In the case of marine fish farming this support is further conditional on the proposals being consistent with the other policies of the Development Plan and Scottish Executive Strategic Framework Guidelines.

Appendix A – Sustainable Siting and Design Principles

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Environmental Impact Assessment (Scotland) Regulations 2011

Scottish Planning Policy (2010)

Circular 1/2007 'Planning Controls for Marine Fish Farming'

'Marine Fish Farming and the Environment' (SEERAD 2003)

Scottish Executive – 'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters' (2003 and updated June 2009 and December 2012)

'A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture' (2009)

'Guidance on Landscape/Seascape Capacity for Aquaculture' (SNH 2008)

'Siting & Design of Marine Aquaculture Developments in the Landscape' (SNH 2011)

'Argyll & Firth Of Clyde Landscape Character Assessment' (SNH 1996)

'Firth of Clyde Marine Spatial Plan' (Scottish Sustainable Marine Environment Initiative) 2010

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes – Negative 'screening opinion' issued 28.12.11

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): Although the balance of representation is in support of the proposal, 11 objections have been received from local interests along with objection from the community council. The community

council has indicated that the decision to object was the unanimous view of all community councillors and members of the public present at the meeting, and a request has been made by them for the matter to be determined by way of a hearing. In view of the matters raised in the context of a small community, it is recommended that a discretionary pre-determination hearing be convened.

(P) Assessment and summary of determining issues and material considerations

The proposal seeks permission for the extension of a site in use for the production of farmed salmon. The development involves the addition of 6 No. additional cages to the installation which currently comprises 8 No. cages. An existing feed barge will be repositioned to allow for the enlargement of the cage group.

The application site is located off the west coast of Loch Striven approximately 0.8km north of Strone Point. The applicants operate a further site off Ardyne, by Toward, at the entrance to the loch where their shore base is located. They have an undetermined application for the establishment of a third fish farm on the west coast of Loch Striven, details of which appears elsewhere on the agenda (12/02585/MFF).

Scottish Natural Heritage has no objections to the proposal on nature conservation or landscape grounds. There have not been any objections from Marine Scotland or the Scottish Environmental Protection Agency in terms of the carrying capacity of the water body, nor have there been objections from wild fish interests. Remaining consultees are satisfied with the proposal with the exception of the Colintrave & Glendaruel Community Council and the Clyde Fishermen's Association who have objected.

There have been 36 individual expressions of support plus 11 objections.

Scottish Planning Policy indicates the national importance of aquaculture in the context of rural areas and that fish farming should be supported in appropriate locations, subject to environmental considerations being assessed. Carrying capacity, landscape, natural environment, historic environment and potential for conflict with other marine users, including fishing and recreational interests, and economic factors will be material considerations in assessing acceptability. However, Planning Authorities are cautioned not to duplicate controls exercised by SEPA and Marine Scotland in their assessment of proposals.

Notwithstanding the third party concerns and the position of the community council, the application has been recommended for approval on the grounds that the marginal increase in the scale of the fish farm as proposed will not compromise navigation, fishing or other marine users, nor give rise to any significant consequences for nature conservation interests, nor prejudice the landscape character or the value of the loch as a scenic recreational resource to a point which would warrant refusal of the application.

The recommendation to approve this proposal has had regard to the associated application for the establishment of a further fish farm at Sgian Dubh in Loch Striven and the cumulative consequences in the event of both applications being permitted.

In such circumstances and in the absence of the identification of environmental considerations sufficient to warrant otherwise, the advice to Planning Authorities in the government's Scottish Planning Policy is to presume in favour of development, a stance which is reflected in the Council's adopted local plan, which requires the

criteria based analysis which has been conducted in this case.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposal has been assessed in the light of the presumption established in favour of aquaculture in coastal waters established by Scottish Planning Policy, whilst also having regard to the criteria based analysis of environmental and other marine considerations as set out in the Council's local plan policy for aquaculture. It has been found to be compliant with the requirements of Policy LP AQUA 1 and other relevant development plan policies, and there are no other material considerations, including the views expressed by third parties, which would warrant the application being determined other than in accordance with the provisions of the approved development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Richard Kerr

Date: 26th March 2012

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 12/02589//MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless previously approved in writing by the Planning Authority:

- Application Form;
 - Admiralty Chart;
 - Site Plan;
 - Environmental Statement
- received by the Planning Authority on 13.12.12 .

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.

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: In the interest of visual amenity.

4. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

Reason: In the interest of visual amenity.

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 recessive colour in accordance with colour schemes to be agreed in advance of development commencing in writing by the Planning Authority (by way of BS numbers or manufacturer's specifications) unless otherwise agreed in advance in writing by the Planning Authority.

Reason: In the interest of visual amenity.

6. Following completion of the current production cycle, the feed barge currently installed on the site and to be repositioned in accordance with this permission shall be repainted in a dark recessive colour in accordance with a colour scheme to be agreed in advance in writing by the Planning Authority (by way of BS numbers or manufacturer's specification), with repainting being completed during the first two month following period following the date of this consent.

Reason: In order to improve the appearance of the barge in use at the site in the interests of visual amenity and to assist in its assimilation in its landscape setting.

NOTES TO APPLICANT

- This permission shall only last for a period of **three years** from the date of this decision notice unless the development is started within that period.
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02589/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

The applicant in this case is the Scottish Salmon Company who currently operate finfish farms at Strone (987 tonnes and the site of this application) and nearby at Ardyne (1,198 tonnes), as well as in other locations across Argyll. This application is part of their portfolio of new and extended sites in order to increase their production capacity. There are a small number of consented shellfish sites in the upper part of Loch Striven, the closest of which is well to the north of this site at Ardbeg.

The site is located off the west coast of Loch Striven, 0.8km north of Strone Point, parallel with the unclassified public road which runs close to the shore between Colintraive and Coustonn. The existing equipment is aligned north-south close inshore and parallel to the coastline. Loch Striven is a sea loch extending approximately 12km in length north from the Firth of Clyde. It is approximately 1.3km wide in the vicinity of the application site. The character of Loch Striven is derived from its steep sides, its limited loch-side access and sporadic onshore development along the coastal margin. The loch itself is influenced by the presence of the large scale navy refuelling facility at Port Lamont, by some limited existing aquaculture development and by moorings and anchorages for boats, including large scale commercial shipping.

Loch Striven is a 'Category 3' sea loch in terms of Marine Scotland's Locational Guidelines '*where there are better prospects of satisfying environmental requirements*'. The proposed site would increase the influence of fish farming activities on the west coast of the loch by virtue of its enlargement and its relationship with the further fish farm proposed by the applicants at Sgian Dubh which, if consented, would be inter-visible to the north of the site some 2km away. The site at Ardyne, although in the same general vicinity, is experienced primarily from the vicinity of Port Lamont on the east coast so does not share a close relationship with the proposed site.

The existing site comprises 8 No. 100m circumference cages, each 32m in diameter, held in two groups each of four cages separated by two empty cells within a ten cell mooring grid. There is a small 11m square feed barge sited off the north end of the cage group. The proposal is to add an additional 6 No. cages to the existing site by adding 2 No. cages to the vacant cells within the existing grid and by extending the grid to the north to accommodate an additional 4 No. cages. The existing 100 tonne feed barge would be displaced approximately 120m further north as a result of the required enlargement of the mooring grid.

The site currently has a mooring area of 29.0ha which would increase to 34.4 hectares as a result of the addition of the four extra cells to the mooring grid and the barge displacement. The resulting farm would comprise an overall a rectangular unfragmented site seven cages long and two cages wide plus the feed barge.

The cages comprise a polyethylene flotation ring from which nets a minimum of 10m deep are to be suspended. These are fitted with false bottoms (seal blinds) to deter predator attacks from below and are held in tension, again to resist predation. Top net polythene/nylon mesh to exclude piscivorous birds is to be suspended over the cages being supported by a horizontal 'hamster wheel' arrangement, to keep it clear of the surface and to avoid conflict with automated feed distribution within the cages

The intended maximum biomass (fish tonnage) for the overall site is proposed to be 1,986 tonnes compared with the original consented biomass of 987 tonnes. A SEPA CAR licence variation has already been obtained for the increase in biomass associated with this proposal. The stocking density would be 17.8kg per m³ max. The production cycle of the farm would be 22 months with 2 months left fallow to allow for maintenance and to assist in benthic (sea bed) recovery. The site lies within Marine Scotland's Management Area 19b (Kyles of Bute). Operation with the existing site at Ardyne (and if consented the proposed additional site for which permission is being sought at Sgian Dubh) would enable single year class stocking, synchronous stocking, fallowing and sea lice treatment. Such an approach reflects industry best practice and this site would be operated in compliance with the Scottish Salmon Producers Organisation's '*Code of Good Practice Guidelines for Scottish Finfish Aquaculture*'. This sets out more than 300 main specific compliance points which cover all aspects of finfish good practice including:

- Fish Health – good husbandry and harvesting operations;
- Protecting the environment – including sea lice management and containment standards;
- Welfare and husbandry – breeding and stocking density;
- Detailed annexes giving further technical guidance on good practice, including the National Lice Treatment Strategy, Integrated Sea Lice Management, Containment, and a Veterinary Health Plan.

The site is currently operated and would continue to be operated in accordance with the principles of the former Firth of Clyde Area Management Agreement.

The existing site is serviced by sea from the company's existing shore base at Ardyne, by Toward, 7km away, with stocking, feed deliveries, grading, harvesting and sea lice treatments all being undertaken by boat. This arrangement would continue in respect of the enlarged site. The site along with the farm at Ardyne would continue to support the existing 7 FTE staff members.

The feeding of the fish would continue to be computer controlled from silos within the feed barge, underwater camera monitored and augmented by limited hand feeding. Grading of fish would take place 2 or 3 times during the production cycle using contracted well boats, which would also be used for final harvesting. Underwater lighting would be used to control maturation and maximise growth in the winter months every second year with 3 No, 1,000w lights being used beneath each cage. These would be powered by the feed barge generator and would produce a surface glow only visible at close quarters or from elevated vantage points. Other lighting on the site, with the exception of navigational requirements, would be restricted to essential requirements so as to avoid unnecessary illumination on the site.

Acoustic Deterrent Devices (ADDs) would only be deployed in circumstances where the site becomes subject to persistent attempted predation. As a last resort in the event of these measures not preventing rogue seal activity, the shooting of seals may take place in accordance with licence obtained from the Scottish Government, although to date, no licensed shooting of seals at Strone or Ardyne has proved necessary.

B. Natural Environment - Fresh Water, Marine Environment and Biodiversity.

The provisions of policies STRAT DC 7, LP ENV 2 and LP ENV 6 would all seek to resist development which is considered likely to result in a significant adverse impact upon internationally, nationally or locally important habitats and/or species.

The site is not subject to any European or national marine or other conservation designations, and neither SNH nor SEPA have identified any habitats or species of particular conservation importance associated with or likely to be significantly affected by, the installation and operation of the site. The loch is frequented by seals and other marine mammals for which expansion of the site could have some additional consequences over and above that associated with the consented equipment, in terms of displacement or deterrence. Salmonid watercourses discharge into Loch Striven, so there are possible implications associated with the propagation of parasites from the farmed fish, as well as competition and genetic issues arising from any mass escapes.

Seabed (Benthic) Impacts:

The enlargement of the site will affect seabed conditions as a consequence of the deposition of organic matter in the form of faeces. Furthermore, although the industry has made advances in the reduction of waste food as a result of more sophisticated feeding regimes, waste food also contributes to seabed deposition. The quantity and the extent of deposition is influenced by the tonnage of fish held, hydrographic and bathymetric conditions. Seabed impacts are regulated separately by SEPA via the CAR licence process, which determines maximum biomass with regard to the carrying capacity of the particular site. The CAR licence in respect of the existing operations at the site has been subject to a variation granted by SEPA on 24.10.12 which permits the biomass at the site to be increased to 1,986 tonnes and which also consents the necessary associated chemical treatments.

As part of that consenting process SEPA has assessed the consequences of the enlarged site for the benthic habitat directly beneath the site, which at this location consists of brown mud sediment. SEPA are content with the benthic consequences of the enlargement of the site.

Water Quality Impacts:

Enrichment of water by nutrients released from salmon farms can cause an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms and the quality of water. SEPA has assessed the consequences of the enlarged site for water quality as part of its consented CAR licence variation. Predicted nutrient enrichment levels were modelled to be around 5% above background levels which is low. Neither Marine Scotland Science nor SEPA have raised objection to the enlargement of the site in respect of the predicted impact of the development upon water quality.

Interaction with Predators:

Salmon farm predators are generally piscivorous birds and seals with the latter tending to be the most frequently encountered predators on marine farms in Scotland. Tensioned netting on fish cages prevents and deters both seals and diving bird attacks, although regular maintenance of the nets is essential to maintain their integrity. The fish cages themselves are to be manufactured to current industry standards, with a net specification, tensioning arrangements, false bottoms and an

installation, inspection and maintenance regime to meet the SSPO Code of Good Practice requirements.

Whilst seals frequent the area, the nearest haul out is 40km away, and there has been no serious seal problem associated with the operation of the existing site. The applicants may require to deploy Acoustic Deterrent Devices to scare seals should circumstances change, which could have consequences for other wildlife, although the incidence of cetaceans and basking sharks in Loch Striven is relatively rare. No licenced shooting of seals has been carried out to date by the company in respect of its existing operations at either the application site or the nearby site at Ardyne. Given this experience it is not envisaged that there would be cause to resort to the shooting of seals under government issued licence. Boat traffic is already associated with the operation of site and any disturbance to wildlife from this is not expected to increase materially as a consequence of its enlargement.

Interaction with Wild Salmonids:

Farming of salmon in the marine environment gives rise to well-known consequences for wild fish as a result of disease transmission, sea lice propagation and escapes which can lead to competition and inter-breeding, with consequences for the genetic dilution of native wild stocks. The potential for escapes (as with predator control) can be reduced by having an equipment specification determined by site specific wave and climate analysis so as to ensure that it is fit for purpose. An associated inspection and maintenance regime is then required to ensure on-going containment integrity.

Although containment risks can be managed, they cannot however be eradicated and there remains a residual risk that an unforeseen event can propagate escaped farmed fish in large numbers into an uncontrolled marine environment. Escapes of farmed stock are generally low, but can occur through equipment failure, predation, operator error, severe weather or foul play. The applicants have indicated that since they have taken over the operation of the site there has been one mass escape event in 2009 as a result of a net being ruptured. There has been no subsequent event since equipment at the Strone site has been upgraded. By the installation of modern suitably specified equipment and adherence the SSPO Code of Good Practice Guidelines, the applicant seeks to minimise the residual risk as far as is practicable. Likewise, via good husbandry practices, regular inspection and the administration of medicines in accordance with veterinary health plans, outbreaks of disease which could have consequences for wild fish can be managed.

The most intractable issue influencing the interaction between farmed salmon and wild fish species is that of sea lice transmission. Farmed fish are routinely hosts to parasitic sea lice, the numbers of which require to be controlled in order to assure the health of farmed fish and to avoid lice propagation into surrounding waters. The site is within influencing distance of salmonid rivers discharging into Loch Striven the most important being the River Ruel (19km), the Ballimore Burn (11km) and the Glentarsan Burn (10km). Wild salmon are exposed to sea lice from fish farms close to salmon rivers during their migration periods, whilst sea trout tend to remain in coastal waters throughout the year, so are potentially at greater risk.

The applicant proposes to continue the control of sea lice at this site in accordance with current industry practice, via the use of in-feed treatments and bath treatments, whilst adopting good management practices such as single year stocking and synchronous stocking, fallowing and sea lice treatment with other sites. The SEPA CAR licence variation which has already been issued consents appropriate levels of chemotherapeutant to enable in feed and bath treatments to be administered to

industry standards. The site will be continued to be managed in conjunction with other sites in Management Area 19b, all of which are controlled by the applicants. It will also continue to operate in accordance with the principles of the former Firth of Clyde Area Management Agreement and the SSPO Code of Good Practice. The Argyll & District Salmon Fishery Board have not objected to the enlargement of this site and the attendant increase in biomass.

Impact upon Species and Habitats of Nature Conservation Importance:

The site is not subject to any marine or nature conservation designations and no species or habitats of conservation importance have been recorded in the vicinity of the existing site. Scottish Natural Heritage has noted that not raised any objections to the proposal on nature conservation grounds.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (5 and 12) and other relevant development plan policies insofar as it would not significantly prejudice water quality and associated biodiversity interests.

C. Landscape/Seascape Character and Visual and Amenity Considerations

The application site is located on the western side of Loch Striven between Colintrave and the point at which the unclassified public road terminates at Coustonn. In this locality there are only sporadic dwellings and none in the immediate vicinity of the site. The opposite side of the loch is influenced by the presence of the MoD refuelling jetty near Port Lamont and the associated storage infrastructure accommodated within the hillside.

The land immediately adjoining the site is identified as 'sensitive countryside' by the adopted local plan, which in turn confers 'undeveloped coast' status on the coastline. Most of the lower loch lies within 'sensitive countryside' with some limited 'rural opportunity areas' reflecting the sporadically populated coastal margin. The wider area both sides of the loch falls within a local plan defined 'Area of Panoramic Quality' (APQ), which accords it regional status as a scenic resource. The site lies around 2km from the Kyles of Bute National Scenic Area and the proposed development would not visible from within that designation. The status of the site relative to the APQ is such that landscape and visual implications of development have to be particularly carefully considered in view of what has to be regarded as a sensitive receiving environment in landscape terms.

The landscape character type surrounding the site is '*Steep Ridgeland and Mountains*' as identified in SNH's 'Argyll and the Firth of Clyde Landscape Character Assessment'. This is one defined by steep sided, craggy topped mountains, deeply cut by long narrow sea lochs. Settlement is very limited and is confined to sporadic locations which are mainly lochside or are loch orientated. The coastline adjacent to the application site is comprises a gravel beach, with low vegetation along the shoreline and an absence of roadside trees, which affords clear views from the lochside road over the existing equipment and the site of the proposed extension. Behind the site the land rises steeply up to an area of commercial forestry before reaching open moorland.

Fish farming is already present within, but has not become a defining characteristic of, this particular landscape character type. The applicants operate the farm which is subject of this application, and a further site at the mouth of the loch at Ardyne, which

is more related to locations on the opposite side of the loch. Shellfish farming is confined to the upper part of the loch. Despite the relative absence of built development, the lower part of the loch is influenced considerably by the presence of the MoD refuelling facility.

The applicants have submitted photomontages from four locations along the U19 single track public road between Strone Point and Coustonn to demonstrate the additional impact of the enlarged site. Two cages are to be accommodated within the confines of the existing farm, with an extension of the site northwards by four cages and the consequent displacement of the existing feed barge to a position further north. The effect of the development is therefore a lengthening of the site parallel to the road, from which the additional equipment will be readily evident given the open aspect and the relatively close quarter views available. It should be noted however that this road only serves a handful of properties and terminates at Coustonn without turning or public parking facilities, so the number of vehicles using this route will be very limited.

In terms of views from the opposite side of the loch, the public road runs close to the shore from which the existing equipment is visibly intermittently, as trees between the road and the shore allow. Beyond the refuelling jetty roadside properties are very sparse and the distance between the public road and the existing equipment is of the order of 1.1km. The nature of the equipment at the site is such that only the feed barge is readily apparent in most conditions from the opposite side of the loch, primarily due to its bulk and elevation above the water and also due the fact that it has been painted an eye catching blue colour. The applicants have been approached about the possibility of this being repainted a more recessive colour as part of the re-equipment of the site and have agreed to this, subject to the practicalities of it being undertaken when the current production cycle has finished and the site is being fallowed. A condition to that effect is recommended.

Mitigation for the visual impact of the additional development arises from the use of recessively coloured equipment, the low lying nature of the above water structures, the alignment of the site close inshore and parallel to the shoreline, the restriction of lighting after dark to that required for navigational purposes, and the opportunity to secure a less striking paint finish to the barge.

Landscape impacts would not be materially greater as a consequence of the extension of the site, given that the presence of the existing equipment which already exerts some localised influence upon landscape character. Visual impacts would increase particularly at close quarters from the nearby public road or from the loch itself, by virtue of the lengthening of the site northwards by some 120m. However any marginal increase in visual impact as a result of the lengthening of the site has to be seen in context of the existing visual influence of the equipment, which is already considerable given its proximity to receptors and the open visibility across the site. It is not considered that the additional impact of the enlarged site would be unacceptable in terms of its consequences for visual amenity, particularly having regard to the economic benefit associated with the ability to maximise the productive potential of this location.

In terms of the wider 'Area of Panoramic Quality' the farm by virtue of its enlargement would not become a dominant feature in terms of the appreciation of the area as a whole and would not seriously undermine landscape character or the recreational value of this scenic loch. Scottish Natural Heritage are content for the Council to reach its own conclusions in the matter, given the absence of any impacts upon national landscape designations.

In terms of impacts arising from operational noise, the very low ambient background noise levels in the area and the propensity of noise to travel across open water are such that activity associated from the operation of the farm is likely to be audible in the surrounding area, but not of such magnitude to cause a serious noise nuisance to residential properties, none of which immediately adjoin the site. Noise can arise from the feed barge generator, the pneumatic feed distribution system, boat movements and personnel related activities at the site. More intense periods of activity and consequent noise will arise during well-boat servicing of the site, for the purposes of stocking, grading, harvesting and so on, although these visits are occasional rather than a day to day attribute of the operation of the site.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (1, 2, 4, 7 and 8) and other relevant development plan policies insofar as it would not significantly prejudice landscape character, visual amenity, the setting of historic assets, or the landscape setting of communities or their residential amenity.

D. Navigation and Other Marine Users

Marine fish farms may present an obstacle to commercial or recreational boat traffic and conflict with fishing. This may be through disruption of navigation routes, by depriving access to the area for recreational or commercial purposes or by increasing traffic at sea and in the vicinity of the farm.

Loch Striven is subject to a variety of marine traffic, including larger scale vessels. This comprises recreational and commercial shipping along with an MoD presence. The latter involves berthing of naval vessels at the Port Lamont installation, and there have also been instances of large commercial ships being laid up within the loch. The loch is an important area for nephops trawling along with creeling around the inshore shelf. Some recreational use is made of Loch Striven given its proximity to the Clyde and the accessible grandeur of its scenery. However, given the influence of the naval installation, the existing site at Strone and the mussel farms in the upper part of the loch, despite the extent of those areas with limited accessibility and the relative absence of habitation, the loch itself is not devoid of the influence of development.

The distances between existing and proposed aquaculture sites and their locations close inshore are such that they would not constitute a constraint on navigation in deeper water. The presence of an enlarged mooring area would displace trawling, although creel boats would be expected to be able to fish closer to the surface equipment. The Clyde Fishermen's Association have objected to the proposal although in the absence of information being made available on the value of particular areas within Loch Striven for fishing, it is difficult to be certain of the implications of the development of this site for fishing interests. However, cumulatively with consented finfish and shellfish sites, the area of the seabed in the loch restricted by the presence of aquaculture is less than 10%, which is unlikely to be so prejudicial to fishing interests as to threaten existing livelihoods.

It is not considered that there are navigational issues or conflicts with other established marine users that would warrant refusal of the application. Licencing of the extended site for the purposes of navigation would require to be obtained from Marine Scotland and navigational marking would be required to satisfy the Northern Lighthouse Board.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (6 and 9) and other relevant development plan policies insofar as it would not significantly prejudice safe navigation and other marine users.

E. Cumulative Impact

Aquaculture development in the loch currently comprises the application site, the finfish site at Ardyne at the mouth of the loch and shellfish farms well to the north in the upper part of the loch. At the same time as this application is being considered, a further application is also under consideration for the establishment of an additional finfish site to the north at Sgian Dubh (12/02585/PP). That application, which appears elsewhere on the agenda, is also recommended for approval.

The recommendation to approve the extension to this site has had regard to the prospect that a further site could be permitted further up the coast as proposed. It is not considered by consultees that the extension of this site plus the establishment of a further site would exceed the carrying capacity of the water body in terms of water column or benthic impacts. Similarly, it is not considered that that the extended site along with the additional proposed site would give rise to significantly adverse consequences for the landscape locally, nor that it would undermine the integrity of the designated Area of Panoramic Quality, nor impinge unacceptably upon the character of Loch Scridan as a whole. However, the enlargement of this site and presence of an additional site on a similar scale would severely limit the potential for additional aquaculture development in Loch Striven in terms of cumulative impact upon the carrying capacity of the landscape.

APPENDIX B TO APPLICATION 12/02589/MFF – LIST OF REPRESENTATIONS

Supporters

Mr Marnix Perquy	1 Burnside Cottages Arrochar G83 7AA	11/02/2013	S
Mr James Smyth	10 Kingsway Tarbert PA29 6UP	11/02/2013	S
Mr Steven Anderson Landsburgh	107 Alexander Street Dunoon PA23 7PY	31/01/2013	S
Mr Alistair Bremner	11 Kilmorlich Cairndow Argyll	12/02/2013	S
Mr John Lee Stirling	129 Bullwood Road Dunoon PA23 7QN	23/02/2013	S
Mr Iain MacArthur	14 Hillfoot Terrace Tarbert PA29 6TQ	07/02/2013	S
Mr Maris Lalins	15 McArthur Street Dunoon	12/02/2013	S
Mrs Fiona Mackenzie	2 Balure Ford by Lochgilphead	12/02/2013	S
Mr Kevin Nairn	28 Strachur Argyll & Bute	13/02/2013	S
Mrs Mairi Macmillan	37 Crossbost Lochs Isle of Lewis HS2 9NP	18/02/2013	S
Mr Ross Currie	4 Park Avenue Dunoon	13/02/2013	S
Mr Stuart Simon	4 Tigh Na Cladach Bullwood Road Dunoon PA23 7QD	22/01/2013	S
Ms A M Maciver	46 New Valley Isle Of Lewis	12/02/2013	S
Mr Andrew Aitken	56 Forest View Strachur Argyll And Bute	12/02/2013	S
Mrs. Christine M Elvidge	59A Mary Street Dunoon PA23 7EG	13/02/2013	S
Miss Lauren Wilson	6 Ballantyne Street Innerleithen EH44 6LN	13/02/2013	S

Mr Hugh Moir	61 Murroch Crescent Beechwood Alexandria	12/02/2013	S
Mrs Margaret Cox	9 Donich View Lochgoilhead PA24 8AP	12/02/2013	S
Ardmaleish Boatbuilding Co Limited	Ardmaleish Port Bannatyne Isle Of Bute PA20 0QY	04/01/2013	S
Mr. Alasdair Murray	Balgieholm 3 Wellington Street Dunoon PA23 7LB	31/01/2013	S
Mr William Hill	Cruachan Strathlachlan Strachur PA278BZ	11/02/2013	S
Mrs Dale Hill	Cruachan Strathlachlan Strachur PA278BZ	11/02/2013	S
Mr Gavin Kerr	Drimdarroch Strathlachlan Cairndow PA27 8DB	08/02/2013	S
Mr Duane Coetzer	Inchlonaig Isle Of Arran KA27 8LS	18/02/2013	S
Mrs Shona Anderson Geddes	Inverneill Farm Inverneill Lochgilphead PA30 8ES	12/02/2013	S
Fusion Marine	Marine Resource Centre Barcaldine By Oban Argyll PA37 1SH	14/01/2013	S
Mr Graham Stinson	No Address Given	31/01/2013	S
Ron Simon	No Address Given	19/01/2013	S
Otter Ferry Seafish Ltd	Otter Ferry Tighnabruich PA21 2DH	04/01/2013	S
Dr James Treasurer BSc MPhil PhD	Research Manager Ardtoe Marine Laboratory Ardnamurchan PH36 4LD	01/02/2013	S
Mr Tony Dunn	Swn Y Mor Braighe Road Stornoway HS2 0BQ	22/02/2013	S

Mr Kenneth Renton	The Haven Crarae Argyll And Bute PA32 8YA	12/02/2013	S
Dr Feyza Sanver	The Scottish Salmon Company Ardkinglas Estate Cairndow, Argyll PA26 8BH	11/02/2013	S
Ms Denise Ashwood	Tweedvale Mills East Walkerburn Edinburgh EH43 6AB	13/02/2013	S
Mrs Fiona Johnstone	Victoriabank Pier Road Tarbert PA29 6UF	13/02/2013	S
Mr Iain Johnstone	Victoriabank Pier Road Tarbert PA296UF	13/02/2013	S

Objectors

Mr Archibald Graham Clark	2 Ferry Bank Colintraive PA22 3AR	11/01/2013	O
Mrs Danielle De Bisschop	2 Ferry Bank Colintraive PA22 3AR	05/01/2013	O
Mr Calum Maclean	Couston Colintraive PA22 3AX	06/01/2013	O
Sara MacLean	Couston Colintraive PA22 3AX	14/01/2013	O
John Sutton	Gortan Colintraive PA22 3AR	16/01/2013	O
Mrs Eileen Sutton	Gortan Colintraive PA22 3AR	09/01/2013	O
Mr John Sutton	Gortan Old Road Colintraive PA22 3AR	15/01/2013	O
Dunoon And District Angling Club per Prof J J Sharp	Garfield Wyndham Road Innellan Dunoon PA23 7SH	03/01/2013	O
Mrs JL Mackenzie	The Beeches Colintraive Argyll PA22 3AS	10/01/2013	O

Mr RL Perry

Tigh Na Bheag
Colintrive
PA22 3AE

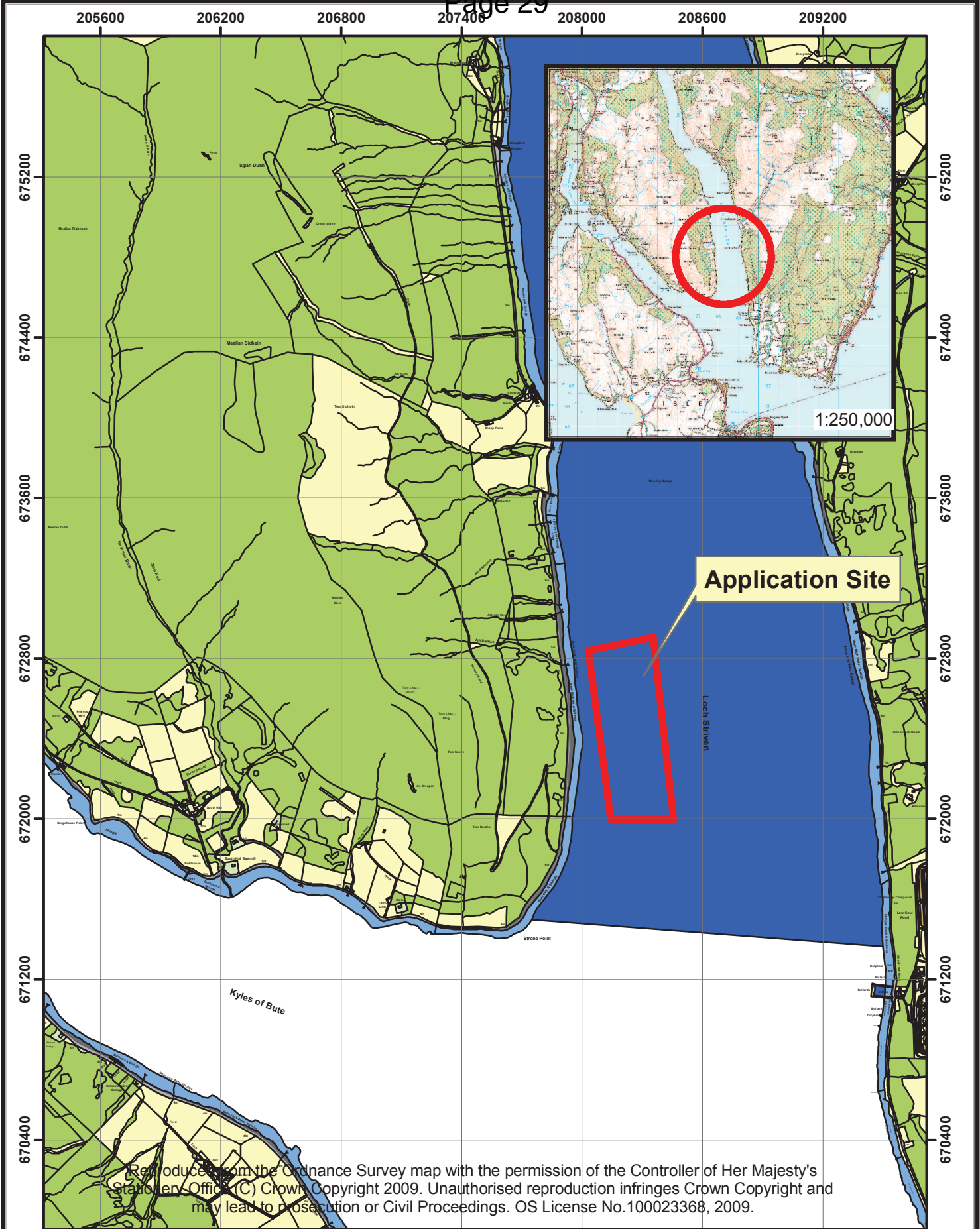
22/01/2013 O

Mrs NM Perry

Tigh Na Bheag
Colintrive
PA22 3AR

22/01/2013 O

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**Location Plan relative to
Application Ref: 12/02589/MFF**

Date: 26.03.13

Scale: 1:25,000



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

- | | |
|--|--------------------------|
| (1) Statutory Pre Determination Hearing | <input type="checkbox"/> |
| (2) Pan 41 Hearing | <input type="checkbox"/> |
| (3) Council Interest Application | <input type="checkbox"/> |
| (4) Discretionary Hearing | X |

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

Ref: ABH1/2009

9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.
10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.
13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.
14. A summary of the proceedings will be recorded by the Committee Services Officer.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.
- (4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

Ref: ABH1/2009

The Director of Development Services' representative – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy or justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Planning’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

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- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.