

Argyll and Bute Council

Development and Infrastructure 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/01814/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Salmon Company

Proposal: Variation to planning condition 2 relative to planning permission 17/00425/MFF (Modification of existing fin fish farm site to include; increase of grid size (cage spacing) from 60 metres to 70 metres, additional 4 no cages to north end of site and increase in extent of mooring area) Proposed deletion of biomass limit in favour of obligation to operate in accordance with an approved Environmental Management Plan

Site Address: Ardgaddan Barr Fish Farm Kilfinan Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Variation to planning condition 2 relative to planning permission 17/00425/MFF to permit increase in maximum biomass on the basis of the operation of the site in accordance with an Environmental Management Plan.

(ii) Other specified operations

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions and reasons listed in the report.

(C) HISTORY:

99/00350/MFF – proposed marine salmon fish farm. Approved 07.06.1999

02/01257/MFF - Mooring of empty fish farm cages for a temporary period. Approved 09.09.2004

04/02509/MFF – Installation of barge and feed management systems. Approved 29.04.2005

13/01275/SCRSCO – Extension to an existing fish farm.

13/01353/SCRSCO – Extension to existing fish farm.

16/02408/SCRSCO – Screening and scoping for extension to fin fish farm.

17/00425/MFF - Modification of existing fin fish farm site to include; increase of grid size (cage spacing) from 60 metres to 70 metres, additional 4 no cages to north end of site and increase in extent of mooring area. Approved 14.08.2017

(D) CONSULTATIONS:

Marine Scotland Science (dated 25/9/18, 1/11/18, 14/12/18, 18/12/18 and 1/2/19): MSS has reconsidered the application in the light of the recent update to SEPA's Interim Position Statement with regard to the use of emamectin benzoate. Given that the CAR licence for Ardgadden Bar already permits the biomass being proposed in this application, it is assumed that there will be no change to the permitted quantities of emamectin benzoate at this time.

The information that has been provided within the EMPs for the Adrcastle, Ardgaddan, Tarbert South and Quarry Point is satisfactory with regard to there being satisfactory measures in place for the control and reduction of parasites in site with regards to aquaculture animal health.

Argyll and District Salmon Fishery Board (dated 13/9/18): Condition 2 of planning permission 17/00425 should be retained in full. Atlantic salmon are a nationally significant natural heritage resource. There is sound evidence that such development can cause irreversible damage to this resource. The precautionary principle should be applied in accordance with the provisions of Para 204 of UN “Rio” Convention, to which the UK is a signatory, to ensure due consideration is given to wild salmonid fish.

Argyll Fisheries Trust: No response

Scottish Natural Heritage (dated 11/9/18): No designated sites with a wild salmonid related feature are likely to be impacted by this proposal and therefore we are content for Marine Scotland Science and the District Salmon Fisheries Board to take the lead on advising on the local significance of this proposal.

SEPA (dated 22.11.18): No comment on the proposed variation of condition 2.

Biodiversity Officer (dated 7/3/18): The objectives of the Convention of Biological Diversity, to be pursued in accordance with its relevant provisions both legal and practical, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding.

In terms of A&BC as the Planning authority, we consult with a number of agencies including SNH, SEPA and Marine Scotland- in this case these are public bodies who have a biodiversity duty too; they are responsible for licencing, consents and monitor/regulate aquaculture in this case the Fin Fish Industry. Irrespective of whether planning permission is granted or not, the appropriate licencing and consents need to be in place, something that is out of the planning authorities control.

Reference to Sea lice; which are naturally occurring parasites (in the form of small crustaceans-copepods) of salmonids includes sea trout and a normal wild salmon can harbour several sea lice. I note in my research that infections on wild salmonids were common and well documented before the establishment of salmonid farming as research shows that various species of wild salmonids have been assessed and found to be infected with larval, adult and gravid female sea lice.

(E) PUBLICITY:

Regulation 20 Advert Local Application. Expiry Date: 28.09.18

(F) REPRESENTATIONS:

Objection

Salmon and Trout Conservation Scotland, c/o Guy Linley-Adams Solicitor, Second Floor Offices, 12 Castle Street, Hereford HR1 2NL (dated 27/9/18 and 13/11/18)

(i) Summary of issues raised

S&TCS does not believe that the Council can grant the applications made and at the same time meet the statutory duties placed on the Council under the Nature Conservation (Scotland) Act 2004.

Comment: It is considered that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions. The industry is also regulated by SEPA and Marine Scotland who provide expertise, licensing and controls for fin fish farms and who also have a biodiversity duty as public bodies.

If the Council is minded to grant the application, the S&TCS would refer the Council to the precedent EMP conditions provided by S&TCS to aquaculture zone planning authorities. The draft EMP submitted by the Scottish Salmon Company falls very far short of what is required.

Comment: In consultation with Marine Scotland Science, officers are of the view that the applicant's EMP is acceptable and provides suitable mitigation in terms of wild fish interactions.

Given the imminent report due from the Rural Economy and Connectivity Committee, the S&TCS would urge the Council to suspend any determination in these applications until the detail of the report is known.

Comment: This report was issued in November 2018 and it does not recommend a moratorium for fish farm applications.

The conclusions of MSS in their consultation response contrasts dramatically with the earlier statements made by MSS in the letter of 29th September 2018.

The earlier letters state that "Difficulties have been experienced with the management of sea lice at this site and other sites in this farm management area (FMA) (M42) in recent production cycles. Sea lice numbers were above the suggested for the criteria as detailed in the CoGP, above the MS reporting level (average three adult females per fish), and also above the intervention limit (average 8 adult females per fish) for several months on multiple sites in the FMA during the 2016/17 production cycle. Average numbers of adult female lice on the Ardgaddan site in particular were above the CoGP suggested criteria for treatment during the 2016/17 production cycle but did not go above the MS reporting level. In the current production cycle, sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

It is of serious concern that MSS should then provide the bare statements of 5th November that the attestation demonstrates the applicant has been successful in controlling lice within the last two production cycles, when this is clearly not the case.

Comment: MSS has comment on this objection and their response is noted below:

“Marine Scotland Science requested an additional attestation for the farm sites at Ardcastle, Ardgaddan and Tarbert South regarding the control of sea lice. It is the interpretation of the additional attestations as demonstrating success in controlling lice that has been questioned by Mr Linley-Adams. As previously noted in responses provided by MSS, in the 2016/2017 production cycle there were difficulties experienced managing sea lice within the farm management area (FMA) (42), where the farms are situated.

In response to the requested attestations, the applicant stated that the adopted criteria for treatment is triggered by numbers of adult female sea lice per fish below that recommended by the CoGP. When this threshold is reached treatment is discussed taking into account other factors such as proximity to harvest, or other health challenges.

The levels of sea lice experience at the farms did exceed the CoGP suggested criteria during the 2016/2017 production cycle. However, the applicant considered that the anti-sea lice treatments were successful.

The sites at Ardgaddan and Tarbert South did not exceed the MS reporting level. Where adult sea lice numbers per fish exceeded the MS reporting level, at the Ardcastle site, they did reduce following treatment.”

Please note that full details of all representations can be viewed on the Council's Public Access system 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:** yes
An Environmental Management Plan (EMP) (August 2018)
Supporting statement dated 4/10/18 in response to comments from the Argyll District Salmon Fishery Board and further details on the EMP and Monitoring Plan (MP) that will allow the Planning Authority to control the source of the perceived issues.
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(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required:** No
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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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(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 Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

LDP 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP Aqua 1 – Aquaculture Development

(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 3/2013.

Scotland's National Marine Plan (2015)

Scottish Planning Policy (2014)

Scottish Parliament Rural Economy and Connectivity Committee: Salmon Farming in Scotland (November 2018)

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

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

Scottish Executive – '*Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters*' (updated March 2018)

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes**

16/02408/SCRSCO – EIA screening and scoping for alterations to fish farm. No EIA required. Opinion issued 28/10/16

- (L) Has the application been the subject of statutory pre-application consultation (PAC): No**
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- (M) Has a sustainability check list been submitted: No**
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- (N) Does the Council have an interest in the site: No**
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- (O) Requirement for a hearing (PAN41 or other): Not required**
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- (P) Assessment and summary of determining issues and material considerations**

This is a Section 42 application which is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission remains live.

This section 42 application seeks the removal of condition no. 2 of planning permission 17/00425/MFF which limits the maximum biomass on the site to 1,696 tonnes and its replacement with a condition requiring the site to be operated in accordance with an Environmental Management Plan (EMP). Whilst an equipment change was approved through this application, a limit on the maximum biomass was considered appropriate at

the time. The reason this condition was imposed was because it was considered that an increase in biomass was inappropriate in the absence of operating experience to demonstrate that sea lice levels were capable of being managed to a level which would be unlikely to significantly prejudice the interests of wild salmonids.

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

An EMP has been submitted in support of the current section 42 application. The purpose of this EMP is to provide additional information to the planning authority and statutory consultees in relation to sea lice management and overall environmental compliance. In addition the applicant has demonstrated that through improved practices in husbandry and sea lice treatment, sea lice levels have been brought under control since the 2016/17 production cycle.

In these circumstances the proposed variation of condition 2 is considered to be acceptable as the proposed EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.

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

N/a

(T) **Need for notification to Scottish Ministers or Historic Scotland:** Not required.

Author of Report: Sandra Davies

Date: 5/3/19

Reviewing Officer: Peter Bain

Date: 6/3/19

Angus Gilmour

Head of Planning, Housing and Regulatory Services

VARIED CONDITION NO.2 RELATIVE TO PLANNING APPLICATION 18/01814/PP

2. The site shall be operated in accordance with the submitted Environmental Management Plan dated August 2018 or any amendments thereto as may be agreed in writing with the planning authority. This shall require adherence to the Sea Lice Management Plan or Escapes Prevention and Contingency Plan, and the response to sea lice shall follow the sequence set out in the associated integrated Sea Lice Action Plan. In the event that average ovigerous lice levels exceed Scottish Salmon Producers Organisation (SSPO) 'Code of Good Practice' trigger thresholds for more than one SSPO reporting period, this shall prompt the need for monitoring in accordance with the submitted Wild Fisheries / Sea Lice Monitoring Strategy. Those locations to be monitored and the methodology to be employed shall be agreed with the planning authority in consultation the District Salmon Fisheries Board and the results shall be conveyed to both parties. Monitoring shall continue until lice incidence on the farm has been reduced to below 'Code of Good Practice' levels. Trends from such monitoring shall be taken into account in management decisions arising from the Sea Lice Action Plan process. A record of average lice levels recorded on farmed fish, and potential lice pressure on wild fish when monitoring is required, along with intervention decisions arising from the operation of the Sea Lice Action Plan shall be maintained available for inspection by the Planning Authority. In addition, biannual meetings with the Argyll District Salmon Fisheries Board and Marine Scotland as referenced in para 7.8 of the EMP shall be required. The planning authority shall be advised of the dates of these meetings in advance and shall also attend.

Reason: In order to ensure the adoption of proportionate mitigation to wild fish in the interests of nature conservation and to provide a data and intervention record to help inform future decisions by the planning authority.

REMAINING CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.17/00425/MFF

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless the prior written approval of the Planning Authority is obtained for a non-material amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997:
 - Application Form dated 10.02.17;
 - Plan 1 of 11 – location plan;
 - Plan 2 of 11 – existing site plan;
 - Plan 3 of 11 – proposed site plan;
 - Plan 4 of 11 – Admiralty chart;
 - Plan 5 of 11 – site layout;
 - Plan 6 of 11 – mooring grid arrangement;
 - Plan 7 of 11 – cage arrangement;
 - Plan 8 of 11 – cage elevation;

- Plan 9 of 11 – net dimensions;
- Plan 10 of 11 – net construction;
- Plan 11 of 11 – site co-ordinates.

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

3. 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.

4. 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.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 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.
3. 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 specifying the date upon which the development was completed.
4. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal health requirements for

aquaculture animals and products thereof, and on the presentation and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel. 01224 295525 Email: ms.fishhealth@gov.scot

5. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing MS.MarineLicensing@Scotland.gsi.gov.uk; or calling 01224 295 579.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01814/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Introduction

This application relates to one of a suite of Atlantic salmon farms operated by the Scottish Salmon Company in Loch Fyne. The site is located inshore on the eastern side of lower Loch Fyne between the minor settlements of Balliemore and Kilfinan. The location is removed from habitation and the public road, being separated by a large intervening area of commercial forestry which extends down the coast. The site is one which would not be routinely experienced from frequented locations on land and is primarily experienced from the sea. The site has been operated for fish farming purposes for many years having been originally consented under Crown Estate leasing arrangements. The farm has been latterly subject to approval by means of the Scottish Government's Audit and Review process.

On 14th August 2017 planning permission (17/00425) was granted for the modification of the existing fin fish farm site which included an increase of grid size (cage spacing) from 60 metres to 70 metres and the addition of 4 cages to the north end of the site with an increase in the extent of the mooring area. Condition 2 of this planning permission contained a condition limiting the maximum biomass of the site to 1,696 tonnes because at this time it was considered that there was not sufficient assurance that there would be satisfactory measure in place to address the additional biomass proposed. Marine Scotland recommended that the company should demonstrate that the management of sea lice in the farm area is no longer problematic prior to any increased biomass being considered.

B. Wild Fish Interactions

The assessment of fish farm planning applications are primarily assessed against the criteria contained within supplementary guidance policy SG LDP AQUA 1.

As this is a section 42 application which is solely related to the removal of a planning condition which limits biomass and its replacement with a condition which requires the use of an Environmental Management Plan, the only relevant criteria in this instance relates to wild fish interactions. The increased biomass has already been consented by SEPA and the reason the condition was imposed relates to the potential impacts on wild salmonids. In this regard, there is a presumption that proposal will be supported where "The applicant can demonstrate that the level of risk of potential impacts on criteria relating to the operation of the site can be effectively minimised or mitigated by appropriate operational measures."

The main determining issue in this case is whether the proposed EMP provides acceptable mitigation in relation to wild fish interactions and whether the applicant has demonstrated that the management of sea lice in the farm area is no longer problematic.

The Proposed EMP

The applicant has advised that the proposed EMP would be a live document which would be maintained and reviewed alongside the company's Veterinary Health Plan and associated documents relating to sea lice and containment.

The objectives of the EMP are noted as being:

- To illustrate the improved Sea Lice Management Strategy;
- To provide an overview of the current and ongoing Sea Lice Management Strategy;
- To provide an overview of the Veterinary Health Plan;
- To provide a framework for compliance auditing and monitoring to allow the statutory stakeholders to be assured that the necessary levels of sea lice management are being met.

It is further stated in the EMP document that these objectives will be achieved through:

- Ensuring specific compliance requirements with Code of Good Practice;
- Ensuring specific compliance requirements with threshold for treatment consideration;
- Ensuring compliance with the Sea Lice Action Plan;
- Ensuring regular sea lice monitoring;
- Ensuring sea lice treatments are undertaken;
- Ensuring data reporting and monitoring.

In terms of the Sea Lice Management Plan, the company advises that it follows a quality assured Integrated Sea Lice Management Plan (ISLM). This plan aims to actively reduce the use of medicinal products whilst introducing the use of biological control and systems which physically remove sea lice.

All of the sites within this suite of applications are located within Code of Good Practice Management Area 42 (MA42). The company operate this site in synchrony with its existing site in Loch Fyne, stocking and fallowing the site synchronously and administering treatments in a coordinated and strategic way.

The EMP further advises that the company operate to a threshold for treatment below that of the National Treatment Strategy (NTS) Code of Good Practice (CoGP). The NTS recommends a threshold of 0.5 female lice per fish from February to June and one female louse per fish from July to January. The Scottish Salmon Company's threshold is 0.25 female lice when the water temperature is above 10 degrees centigrade and 0.5 adult female lice when the temperature is below 10 degrees centigrade. In addition, it is advised that the company adheres to the revised MSS guidelines for lice reporting, namely, a reporting limit where there is an average of three adult female sea lice per fish on any fish farming site.

The EMP also makes a commitment to biannual meetings with the ADSFB and Marine Scotland with the planning authority also in attendance. This will allow for the sharing of data on sea lice and will facilitate further consideration on the effectiveness of the EMP.

The Management of Sea Lice

As previously noted the site is located within Farm Management Area (FMA) 42. In their consultation response Marine Scotland Science (MSS) has confirmed that sea lice levels were above the criteria for treatment as detailed in the CoGP, above the MSS reporting level (3 adult female lice per fish) and also above the intervention limit (8 adult female lice per fish) on multiple sites within this FMA during the 2016/17 production cycle. On the Ardgaddan site in particular the numbers of lice were above the CoGP limit but did not go above the MSS reporting level. It should be noted that the applicant operates all of the other sites with the Loch Fyne FMA (FMA 42).

In the current production cycle, however, MSS has advised that sea lice levels have been very low to date with only one incidence of average adult female lice numbers above the CoGP suggested criteria.

The EMP includes details of changes and improvements that have been made to decision making and husbandry and treatments due to improved health monitoring since the 2016/17 production cycle. It is also noted by MSS that changes to husbandry practices that may impact on the ability to manage sea lice on site have also taken place to improve the overall health of stocks and keep sea lice levels to an absolute minimum prior to the final stages of the production cycle when sea lice levels are often higher.

The applicant has submitted an attestation which demonstrates that they have been successful at controlling lice within the last two production cycles at the Ardgaddan site.

Whilst the development has the potential to increase the risks to wild salmonids, the applicant appears to be aware of these impact and has indicated that the site will be managed as part of the overall management of the FMA. The EMP would require the company to follow a sea lice action plan when lice numbers increase to trigger levels.

C. Objection from Statutory Consultee

The Argyll District Salmon Fishery Board (ADFSB) has objected to this planning application as the Board considers that the proposal would pose a significant risk to wild salmon and sea trout through sea lice infections and escaped farm fish. There is concern that the applicant has not provided or agreed the scope or detail within an EMP with the ADFSB and that the applicant needs to demonstrate how they will monitor the response of the environment and wild salmonid fish. The Board further considers that it has not been demonstrated how the applicant will manage sea lice at the site to safeguard wild fish.

Wild salmon are priority marine feature and are protected in fresh water by the Wildlife and Countryside Act. As part of it biodiversity duty, the Council in its capacity as planning authority must assume responsibility for the consideration of the implications of aquaculture development for the welfare of this species. In considering aquaculture applications, the Council therefore has to satisfy itself that there is both an effective and a consentable sea lice strategy identified and that there are controls in place to ensure that the necessary steps are taken in the event that sea lice levels prove not to be

capable of being controlled in a satisfactory manner using the measures identified at the application stage. Similar the Council has to satisfy itself that the proposed containment is adequate in order to minimise the risk of escape event.

In their response to the ADSFB's comments the applicant has stated that their EMP describes in detail how they can effectively manage sea lice on the farm and how off site monitoring can be triggered and managed. MSS, another statutory consultee, has advised the Council in their consultation response that they consider the EMP to be satisfactory with regard to there being appropriate measures in place for the control and reduction of parasites with regards to aquaculture animal health.

The biomass of a fish farm is an issue for SEPA in terms of the CAR licence. This is a separate legislative process and it is SEPA who are responsible for the amount of biomass permitted on any particular fish farm. In the previous application the level of biomass was restricted purely in the interests of wild fish interactions. It is considered that this is a rather crude measure when compared to that of a robust EMP.

The applicant has also raised concerns about restricting biomass to control sea lice levels. In this regard it is noted that biomass does not relate to specific number of fish. In addition, it cannot be related to sea lice levels as it is possible that a poorly managed farm with less fish could generate more sea lice than a well run farm with more fish.

It is considered that the use of an EMP will provide a live document which will monitor and collect data and allow actions to be taken when triggers are reached. Should increased sea lice levels not be brought under control there would be an ultimate backstop which would result in the removal of the fish.

D. Conclusion

The applicant's EMP along with the evidence to demonstrate that sea lice control has improved since the 2016/17 production cycle gives comfort that it would be appropriate to vary condition 2 which currently limits biomass. The alternative condition proposed which requires the fish farm to be operated in accordance with an EMP provides a credible means of controlling the sea lice issue. Should sea lice numbers get out of control, the EMP would ultimately require the company to consider a cull. It is therefore considered that the requirement to operate in accordance with an EMP presents suitable mitigation in relation to the fish farm's potential impact on wild fish.

Taking account of the above, it is considered that the proposal would accord with the LDP and in particular supplementary guidance policy SG LDP AQUA 1 which is supportive of proposal where the applicant can demonstrate that the level of risk of potential impacts on any Development Criteria, relating to the operation of the site, can be effectively minimised or mitigated by appropriate operational measures.

It is, therefore, recommended that planning permission be approved and condition 2 varied as detailed in this report.