MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the TAYINLOAN VILLAGE HALL, TAYINLOAN, ARGYLL on WEDNESDAY, 15 MAY 2019

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville
Councillor Robin Currie
Councillor Lorna Douglas
Councillor Audrey Forrest
Councillor George Freeman
Councillor Graham Archibald Hardie
Councillor Donald MacMillan
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Sandy Taylor
Councillor Richard Trail

Attending: Iain Jackson, Governance and Risk Manager
Sandra Davies, Major Applications Team Leader – Planning
Peter Bain, Development Manager - Planning
Marc Brown, The Scottish Salmon Company – Applicant
Elaine Whyte, Clyde Fishermen's Association – Consultee
Calum Elliot, Clyde Fishermen's Association – Consultee
Ed Tyler - Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon and Jean Moffat.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. SCOTTISH SALMON COMPANY: RELOCATION AND ENLARGEMENT OF EXISTING MARINE FISH FARM (CURRENTLY COMPRISING; 12 NO. 80 METRE CIRCUMFERENCE CAGES AND FEED BARGE) BY RE-EQUIPMENT WITH 12 NO. 120 METRE CIRCUMFERENCE CAGES AND FEED BARGE: EAST TARBERT BAY, ISLE OF GIGHA (REF: 18/01561/MFF)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Governance and Risk Manager to identify all those present who wished to speak.

PLANNING

Sandra Davies gave the following presentation on behalf of the Head of Planning, Housing and Regulatory Services:

This application is for the relocation of an existing marine fish farm off the north east side of Gigha at East Tarbert Bay.

The new farm would be located approximately 280m to the east of the existing farm. This slide shows the proposed farm in red and the existing farm in blue. It should be

noted that the existing farm would be removed should permission be approved. The fish farm to the south is the existing Druimyeon Bay fish farm. This is also operated by the applicant and would remain.

The new farm would have 12, 120m circumference cages. The existing farm has 12, 80m circumference cages. This slide shows the position and layout of the existing farm compared to the proposed farm. A feed barge is also proposed at the southern end of the cage grouping. The new fish farm would be approximately 280m to the east of the existing fish farm. It is proposed to increase the maximum stocked biomass from 600 tonnes to 2,500 tonnes. In planning terms the relocation of this site has been viewed as a new fish farm and an EIA report accompanies the planning application. There has been a long standing fish farm at East Tarbert Bay with permission originally being authorised under the crown estate leasing process in 2001.

In terms of Local Development Plan designations, the site lies off land defined as countryside which in turn confers 'undeveloped coast status'. The site does not lie within any landscape or historic environment designations.

A series of slides showed the following –

- plans submitted showing the proposed arrangement of cages.
- a plan and an elevation of an individual pen.
- a plan showing the netting above the water along with the bird net support poles around the outside of the pen.
- elevations of the proposed feed barge which will have the appearance of a boat moored off the south end of the fish farm.
- a photograph from a viewpoint in Gigha showing the existing fish farm. The new farm would be located 300m to the east of this.
- a visualisation of the proposed fish farm.
- a photograph of the Druimyeon Fish Farm which is located to the south of the proposal.
- a photograph showing both the existing and the Druimyeon Fish Farm

The Scottish Government's National Marine Plan and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations. This is subject to it not exceeding the carrying capacity of the water body within which it is to be located and where it does not give rise to significant adverse effects on nature conservation, wild fish, historic environment or other commercial or recreational water users.

There are a number of LDP policies which are relevant to this proposal and these are detailed in the planning report. Supplementary guidance policy SG LDP AQUA 1 relates specifically to marine fish farming. This is a criteria based policy and the proposal has been assessed against each of the eight elements of this policy.
In terms of visual and landscape impact, the EIA Report has included a Seascape and Visual Impact Assessment with five selected viewpoints. Members have looked at some of these viewpoints on the site visit yesterday.

There would be limited inter-visibility with both local and coastal character areas and visual receptors due to screening from potential receptor locations by foreground topography and trees.

The EIA report concludes that that the proposed development would either be screened or viewed at a distance and that the change would not be perceived as being significant. Officers would agree with this view and SNH has not raised any concerns.

The second topic listed in policy AQUA 1 relates to isolated coast and wild land. There is no wild land in the vicinity of the proposal. There is some isolated coast on the islets around Gigha however it is considered that the proposal would not have a significant effect on these areas.

In terms of the historic environment, there are no historic assets which would be affected by the proposal.

Point 4 of this AQUA policy relates to priority habitats and species and designated sites for nature conservation. The proposal has raised a number of issues in relation to this point.

In terms of Priority Marine Features or PMFs, Burrowed Mud and Horse Mussel Beds have been identified in the vicinity of the site. The Burrowed Mud is not considered by SNH to be a high quality example of this PMF and any impacts on this would not be significant.

The Horse Mussel Beds are located to the north of the site. SNH has concluded that the risk of any significant impacts occurring on areas of horse mussel bed would be low. Some of the proposed moorings could overlap with horse mussel beds and a condition is therefore proposed which will require the applicant to use drop down video to avoid the moorings impacting on any of these areas.

There are also a couple of European protected sites which have required consideration in relation to this proposal. The site is located within the Sound of Gigha proposed Special Protection Area selected for its qualifying interest of wintering great northern diver, red-breasted merganser, eider and Slavonian grebe. As this is a European Site a Habitat's Regulations appropriate assessment has been undertaken and this can be found in Appendix C of the planning report. This has concluded that subject to mitigation the proposal will not have a significant impact on the qualifying interest of the proposed Special Protection Area.

The second European site which may be affected by the proposal is the Inner Hebrides and Minches Special Area of Conservation which has been selected for its qualifying interest in Harbour Porpoise. While the proposed site is not located within this designated area, the boundary lies only 1.5km to the north of the site. In these circumstances, there is still the potential for significant effects to occur. A further Habitat's Regulations appropriate assessment has been completed and this can be found in Appendix B of the report. The potential risks from fish farming have been identified as being:

- Potential entanglement in equipment;
- Risk of auditory injury; and
- Disturbance.

The first two are not considered to be significant, however, concern has been expressed by SNH that cetaceans could be disturbed through the use of Acoustic

Deterrent Devices or ADDs for short. Harbour porpoise are known to be sensitive to the frequencies of sound that ADDs emit. In response to this the applicant has submitted an ADD Deployment Plan. This plan outlines an appropriate decision making process that will ensure that ADDs will not be activated continuously. With this plan in place SHN has advised that they are comfortable that this will avoid the risk of ADDs resulting in any significant disturbance to harbour porpoise.
A further nature conservation issue relates to potential impacts on a nationally important population of a protected species. The details of this species has been kept confidential in order to protect them. SNH initially objected to this application unless conditions were put in place to mitigate the potential impacts on the population. Following discussion between the applicant and SNH, a confidential addendum to the proposed Environmental Management Plan has been agreed and the objection has been withdrawn.

Wild fish interactions also fall within this section of the AQUA policy. This involves both containment and risk of escapes and sea lice management. In terms of the risk of escapes, the applicant has advised that there have been no reported escape incidents at the Gigha sites in the time that they have been managed by them. An Escapes Contingency Plan has been submitted in support of the application. This document details the measures to be taken to reduce the potential risk of escape events.

The spread of sea lice is probably the most contentious issue that we deal with when considering salmon fish farm applications. Wild fish interests consider that increased numbers of lice on farmed salmon may correlate with increased numbers of lice on wild salmon which are located within the same water body. It is also asserted that there is a correlation between the increase of farmed salmon and the decline of wild fish. However, this is not a definitive cause and effect link as there are other factors which may be contributing to the decline of wild fish including climate change, river modification and commercial fishing as well as naturally occurring sea lice.
A development such as this will therefore inevitably pose some additional risk to wild salmonids. It is therefore necessary for decision makers to conclude, on a risk basis, whether after the application of mitigation, the risk attributable to the operation of a particular farm, both in isolation and cumulatively with the operation of other farms within the influencing distance would be acceptable.

The East Tarbert site benefits from being:

- Only associated with one other farm in the area which is also in the applicant's control;
- These two farms will be operated synchronously with each other;
- This is not an area where a confined water body presents an enhanced risk;
- The site would be operated in accordance with an EMP which would provide reassurance that if the operator were not able to control lice levels, then measures would be imposed in accordance with the escalating response provided for in the EMP;

Taking account of the above, it is considered that with identified mitigation in place and an EMP in effect, the enhanced threat posed to wild fish interests would not be such as to warrant the refusal of the application.

Point 5 under the AQUA policy requires that consideration is given to the ecological status of water bodies and the biological carrying capacity. This site is located within

'uncategorised' waters under Marine Scotland's Locational Guidelines. This indicates better prospects for fish farms being acceptable in environmental terms given the open situation and depth of water with unconstrained water exchange. SEPA is responsible for controlling water column impacts through the CAR licencing process and an application for this development has been submitted and I understand it has been approved since the planning application has been submitted. Commercial and recreational maritime use is a further consideration under the AQUA policy. The location of this fish farm does not raise any significant issues in this regard.

Point 7 refers to effects on amenity in terms waste, noise, light and odour. Access to the site will be taken from the existing shore base at Highfield on the Isle of Gigha. As a feed barge is proposed for the re-located fish farm, there will no longer be a need for boat based canon feeding resulting in a reduction of boat based activity around the site. There are no dwellings in close proximity to the site with the closest one being some 1.2km away. It should also be noted that the relocated fish farm will be approximately 300m further away than the existing farm which is to be removed. In terms of waste, a Waste Management Plan has been submitted and this is considered to be acceptable.

Underwater lighting is proposed as per previous practice and navigation lights are required. The impacts on amenity are considered to be within acceptable limits. The final consideration under policy AQUA 1 is economic impact. No adverse impacts of significance have been identified in terms of commercial fishing or recreational boating.

The site currently supports 10FTE staff working between the two fish farm sites. If the current proposal goes ahead, one additional post would be created.
This application has attracted 19 objections including one from John Finnie MSP and 17 expressions of support.

The points of objection are summarised in the report and these include issues including disturbance to cetaceans, wild fish interactions particularly relating to sea lice, nature conservation designations, amenity issues and economic issues for local fishermen.

The expressions of support relate to the economic benefits fish farming brings to the local area. Gigha Community Council is also supportive of the application. The Community Council believe that the island has benefitted from employment that the fish farming industry brings. In addition, without fish farming it is considered that there would be no or limited provisions available on the island such as fuel.
The proposal is being recommended for approval subject to 13 conditions. I note that in the report you have in front of you condition 13 has merged into the reason for condition 12. This is just a typo and would be corrected should permission be approved.

Taking account of the above it is recommended that planning permission be approved subject to conditions.

APPLICANT

Marc Browne gave a presentation on behalf of The Scottish Salmon Company (SSC). He advised that he would address the economic benefits of the project, health and welfare of the fish and the environmental aspects.

He commented on the Company's commitment to their communities. He advised that there were currently 10 full time members of staff employed on Gigha, with over 230 employees across Argyll and Bute. He said that they were committed to modern apprenticeships, with 14 enrolled in 2018 bringing their total to 38 across the business. He advised that a new employee would be starting on Gigha on 10 June 2019 with him and his family relocating from Scarborough. He confirmed the wife of this gentleman was a teacher and that she had secured a teaching job at the primary school from 24 July 2019. Mr Browne advised that £12m was spent with over 125 suppliers in Argyll and Bute and that the SSC sourced over £112m worth of supplies over 650 Scottish suppliers, representing more than 75% of all procurement in 2018. He also advised of the Company being an active member of the community with the local team joining forces with the local community to support the Gigha Surgery and Gigha Trust to raise funds for a defibrillator on the island, raising over £2,500. Gigha Primary School had also won the SSC competition for end of term Winter Show – a full day workshop with a National Theatre in Schools Producer and a £500 donation towards the cost of the production.

Mr Browne confirmed that the SSC were committed to the health and welfare of their salmon and that they had a dedicated biology team including a veterinarian and biologists and independent third party veterinary support. They had comprehensive Veterinary Health Plans in place and site staff and harvest teams were trained in biology and welfare.

He referred to the various sea lice control measures they had at their disposal – cleaner fish, sea lice counts, functional feeds, fresh water, hydro-licers, and co-ordinated treatments. He advised that understanding the biology and monitoring performance was key to improvements in the health and welfare with good husbandry practices focusing on fish health. He said there were daily fish inspections by site staff and biologists with regular monitoring and reporting. He advised that the staff were trained on the different life stages of sea lice. Referring to cleaner fish which, he said, were a natural and sustainable alternative in the control of sea lice, he advised that 90% of their cleaner fish were farmed lumpsuckers and 10% were wild caught ballan wrasse from sustainable sources. He indicated that the target was for 100% of their sites to be stocked with cleaner fish by 2019. He then referred to hydro-licers which used low pressure water to remove sea lice from the salmon. He advised that this reduced the lice burden without medicines which was better for the environment. He advised that the sea lice were filtered and destroyed and that they currently had two hydro-licers in operation. He advised that they had also recently invested in freshwater treatments primarily for AGD/gill health but these could also be used for sea lice. He advised that the fish were transferred into a wellboat containing fresh water and that the quality of the water was continually monitored to ensure fish welfare throughout. He stated that they had a dedicated team of nutritionists working with leading feed suppliers to source the best quality of feed with vitamins and minerals to support immune systems and disease resistance. He advised of a new generation of functional feeds focussing on skin healing and mucous production. He referred to a graph showing the evolution of sea lice

management practices over the last 3 years which showed an increase in spend and an increase in natural practices.

Turning to the environmental aspects, he advised that they had a dedicated Site Development and Compliance Team which focussed on environmental monitoring and Compliance Assessment. He referred to the development of bespoke Environmental Plans which have already been approved by Argyll and Bute Council. He also referred to research and investment in net cleaning machines, oxygenation, Acoustic Deterrent Devices (ADDs), nets, etc.

He referred to their analysis of consultee responses in respect of this proposal and pointed out that there had been no objection from the majority of regulators. He advised of discussions they had with SNH which led to the removal of their initial objection.

Referring to the 19 objections and 17 expressions of support, he commented that they believed their Environmental Management Plan would be robust in managing the concerns raised by the objectors. He referred to the management and mitigation put in place to address concerns and that any impacts would be regularly monitored

He referred to the report published by The Rural Economy and Connectivity Committee of The Scottish Parliament which highlighted issues relating to fish health and sea lice as being key concerns and he listed the number of tools at their disposal to address these concerns which formed part of the management of their entire site.

He confirmed that the site would be operated in accordance with the Environmental Management Plan and that the confidential addendum was very prescriptive.

CONSULTEES

Clyde Fishermen's Association

Elaine Whyte advised that she had regular contact with the Scottish Salmon Company and that she was in favour of fish farming. She said that on this occasion there appeared to be a problem with communication in respect of this proposal. She advised that from what she had heard and seen today it was her opinion that an increase of this size to the fish farm would be a problem not just for the members of the Fishermen's Association but also for creel boat operators. She advised that the impact for creel boats would be severe. She referred to being part of SEPA's Steering Group which has been set up to look at proposals for the future regulation of finfish aquaculture. She advised that the setting up of a new framework was currently underway and that it would be her preference if the Committee waited until the Steering Group's findings and recommendations were published. She referred to SEPA's interim position on the environmental standards that they will apply when assessing new applications to discharge or increase volumes of infeed sea lice medicine containing emamectin benzoate. She also talked about tidal implications and testing that had been carried out in Shetland. She advised that testing should have been carried out on Loch Fyne but this did not go ahead. She confirmed that the Association did want to see fish farming but would advise that the Committee should wait until SEPA had set out their new recommendations.

Calum Elliot advised that he had a fishing boat and that this was the first time he had seen a diagram detailing the expansion of the fish farm. He also believed there had been a breakdown in communication. He said that he could not speak for everyone but it was his opinion that the location of the fish farm would be very close to scallop grounds. He advised that friends of his, for 6 – 8 months of the year, worked as creel fishermen and that this location was the only sheltered water. He advised that he believed that the West Coast Inshore Fishery Group would also object to this expansion. He said that he would be willing to open up a dialogue in respect of different plans. He also recommended waiting until the recommendations of the SEPA Steering Group were known.

OBJECTORS

Ed Tyler read out the following presentation from himself and 3 other objectors.

Just over a week ago, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services reported that: "The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide." That is why this planning application is important, in its own small way, like many others.

Councillors will be aware that earlier this month what was described variously as 'thousands' or 'hundreds of tonnes' of fish died suddenly at a salmon farm in Loch Fyne. Whichever is right, it is a sharp warning that all is not well with the farmed salmon industry. The industry itself admits that fish deaths are a problem.

The cause of this loss was apparently a 'suspected algal bloom', itself the result of the recent 'warm water temperatures'. Councillors will be aware that there is a generally acknowledged problem with global warming, which needs to be tackled.

Perhaps these events should be welcomed as a timely, last minute warning this region. It is not too late to avoid making matters worse by permitting large scale expansion of fish farming around our coasts. We could set an example to the rest of Scotland.

During the deliberations of a recent Holyrood committee investigating the industry, John Finnie MSP called for a complete moratorium on the expansion of fish farms until the many problems affecting the industry were better understood and adequate regulations put in place to avoid them. These problems are widely acknowledged and there is an accepted precautionary principle supposedly operating in the industry: Practices should not be permitted until they are known to be safe. This principle wisely requires that we do not wait until damage is done before we start trying to prevent it getting worse.

John Finnie was something of a lone voice in the discussions, but he was right. To claim that a precautionary principle operates is simply untrue, but the Scottish government makes this claim.

It is well-known that the Scottish government is a strong supporter of rapid expansion of fish farming, for the benefits it brings to the economy. This is understandable, but the problem is that this policy was formulated some while ago and we are living in times when the context for such decisions is changing very fast

indeed. They might feel a little less comfortable with their policy were they to revisit it now, but these things take years to reverse.

It is known that Argyll & Bute council have a policy predisposing them to develop the fish farm industry. Why would they not? They are following a national government lead and they have a responsibility to nurture the economy of the region. The reason they should not is that they have a responsibility to conserve the health of the seas surrounding Argyll & Bute and that conflicts with the short term economic benefits.

'Fouling the nest' is a phrase which comes to mind. What future is there for Argyll & Bute economically or otherwise if it allows pollution of the seas, with damage to all manner of species? Fish farms will not continue to prosper and tourism will be gone. Will that be a prosperous community in any sense at all? We should always look to the long term.

It is known that a number of new fish farms are in the development phases at this moment. Near Ardentinny, near Bute (I believe) and near Cumbrae (not in Argyll & Bute). That's just the ones we happen to know about in the southern part of the region. There is an apparent desire to expand quickly before tighter regulations are imposed. This is commercially understandable, but not sensible.

Protections in place in the planning process are not adequate. Too much weight is given to Scottish Natural Heritage, statutory consultees, who are too easily disposed to overlook certain dangers. They make objections and raise concerns, only to withdraw them after offers of precautions which they must know are neither reliable nor adequate. They too, of course, have a predisposition to support fish farm expansion unless there are compelling reasons not to. This too is the wrong way round. They would better protect the natural heritage if they opposed expansion unless there was clear evidence that it was safe. There is not. It is unhelpful and inconsistent of SNH to recommend the Sound of Gigha for designation as a Special Protection Area and then give tacit support to this application.

In addition, regarding the SNH submission, it seems deeply unsatisfactory that so contentious a matter should involve a significant confidential section. Can councillors reassure me that they are familiar with the contents of Annex A? It is hard to have confidence in planning procedures which are not open to the public. SNH represents the Scottish natural heritage, which belongs to the Scottish people and the councillors who decide this application also represent the Scottish people. Why should they be held in ignorance?

It is better to listen to the evidence of the RSPB. They are an independent organisation and they can openly say that expansion of fish farms is dangerous to the species they represent.

The government enquiry into fish farming did not recommend a moratorium. Even if they had, they would not have had the power to implement one without government support, which is unlikely to have been forthcoming, given the economic and political pressures. But Argyll & Bute councillors effectively have that power locally and should use it.

I ask councillors here today to set aside higher level political pressures and policies. To set aside short term economic considerations. To set aside party political allegiances and make a decision which makes sense for the future of our seas.

Dennis Archer (co-convenor, Argyll & Bute Green Branch, SGP)
Anne Archer
Ed Tyler
Carina Spink

MEMBERS' QUESTIONS

Councillor Redman referred to holding surgeries on the island of Gigha and that the main concerns which came up were employment opportunities for young people, depopulation and the declining school roll. He asked the Applicant if they could provide more detail on how they feel this application would benefit the Gigha economy and the wider Kintyre peninsula. Mr Browne advised that the expansion of the fish farm would be good for the sustainability of long term jobs. He confirmed that this proposal would lead to job creation with a new employee starting next month. He confirmed that this person was moving to the area from Scarborough with his family and that his wife would be taking up a teaching post in Gigha Primary School. He referred to employees who have joined the company as operators and have stayed for quite a number of years. He said these people moved into the area for these types of roles. He also referred to the company supporting local businesses.

Councillor Hardie referred to the Argyll and District Salmon Fishery Board objecting to this application and asked the Planning Officer how much weight was given to such an objection. Mrs Davies confirmed that as a statutory consultee this objection was given great weight. She referred to Marine Science Scotland who were also consulted and gave advice on aquaculture matters. She referred to conflicting comments and where there was tension between consultees Planners had to balance the views and come to a recommendation. She pointed out that Planners were of the view that the Applicant had put in place significant mitigation measures to address any concerns consultees may have.

Councillor Colville sought and received confirmation from the Applicant that they did not have plans at the moment to expand the fish farm at Druimyeon Bay.

Councillor Colville read out the following from the report of handling "A development such as this will therefore inevitably pose some enhanced risk to wild salmonids and it is therefore necessary for decision makers to conclude, on a risk basis, whether after the application of mitigation (lice treatments and the application of Environmental Management Plan obligations) the risk attributable to the operator of a particular farm, both in isolation and cumulatively with the operation of other farms within influencing distance, would be likely to be such as to warrant refusal of permission in terms of adverse impacts upon wild salmonids". He commented that it was a concern to him that if this application was granted today what was to stop the Applicant coming back in a year's time to double that fish farm. He asked the Applicant if he could give any guarantee that this was not on the horizon. Mr Browne confirmed that they take account of cumulative impacts. He referred to risk management and mitigating measures and also to the enhanced mitigation SNH have requested. He advised that in terms of the management of sites there was synchronisation in terms of treatments. He said that it would be incorrect for him to

say what the long term plans were and pointed out that the fish farm at Druimyeon was at its maximum consent.

Councillor Colville asked the Applicant if he could give an example of fish farms in close proximity to each other. Mr Browne advised that there were quite a few fish farms close together in Shetland. He said the proximity of a site was not the issue.

Councillor Colville referred to working close to the coast line a number of years ago where he had witnessed a sea filled with dolphins and porpoises coming down through the Sound of Gigha. He said that they had travelled down the coast and then 30 minutes later could be seen travelling back up the coast. He said that he still regularly saw dolphins but not the same numbers as before. Councillor Colville also referred to having concerns about the confidential report and confidential agreement with SNH. He said that he could not understand why this needed to be confidential. He then referred to page 27 of the report of handling and the points made about how ADDs will be used to deter seal attacks. He asked the Planning Officer why the confidential report was not available to the Committee. Mrs Davies explained that sometimes planning received responses from SNH which contained confidential annexes. She referred to a hydro scheme where there was an eagle's nest that required protection. She advised that SNH had confidentially made Planning aware of the eagle nest as they did not want the general public to know if its existence and risk it being meddled with. She advised that she would be happy to give the Members of the Committee a confidential briefing on this annexe.

Councillor Colville referred to the proposed length of time an Acoustic Deterrent Device (ADD) would be employed and asked the Applicant what evidence they had that these ADDs would not affect porpoises or dolphins. Mr Browne explained that he has worked in the marine environment for a number of years and that the use of ADDs was fundamental to deter seals. He referred to anecdotal information from sites where ADDs were switched on and where porpoises were still observed. He confirmed that their ADD plan had been approved by SNH. He referred to several modes available to them and that they used the patrol mode. He said that they predicted no disturbances. He referred to the company doing lots of work in the background to validate models. He referred to the Harbour Porpoise and pointed out that the location of the fish farm was on the fringes of the Special Area of Conservation. He said that ADDs do not have a significant effect on Harbour Porpoises and Dolphins. He advised that the ADD would only be switched on as and when required and switched off when not.

Councillor Colville referred to the use of double nets. He asked if these would do away with the need for ADDs. He asked why they were not used just now. Mr Browne advised that the supply chain in the short term was an issue and that he believed that they would become available in time. He advised that they were costly at the moment and needed to be tested out to see if they would be as effective as ADDs.

Councillor Colville sought and received confirmation from Planning that a recently approved onshore fish farm was not operational at the moment. Mrs Davies confirmed that this fish farm was taken into consideration in the assessment of this application.

Councillor Colville referred to impacts on the historic environment. He commented that if this had been a land based application then he would be in no doubt that

Historic Environment Scotland would have insisted on an archaeological survey. He referred to the site visit the day before and said that this did not tell them anything about what was on the sea bed. He sought comment on this. Mrs Davies confirmed that they took advice from Historic Environment Scotland in respect of any known wrecks and that in respect of this application there were no known wrecks in close proximity to the fish farm. She advised that this issue did not come up so much in this area.

Councillor Kinniburgh referred to the confidential report and asked Councillor Colville if he wanted to pursue this further. Councillor Colville referred to the Committee being the decision makers and that it was up to them whether or not to grant an application. He questioned how they could do this without this further information.

Councillor Freeman advised that he saw no reason to pause the meeting.

Councillor Forrest confirmed that she would like the meeting to be paused so that the Committee could have a private briefing.

Councillor McCuish asked why the public could not see the report.

Councillor Freeman pointed out that if the Committee were to get a briefing this would require moving the exclusion of the press and public which, he said, he had not seen done before at a public hearing.

Councillor Kinniburgh referred to the confidential aspect of the report and for Members to reach a decision it may be important for them to receive this information. He said that if Members wanted to pursue this and receive more information from Planning Officers on the confidential aspects the intention would be to exclude the press and public in order to receive this information.

Mr Jackson advised that the Planning Officers have advised that the confidential aspect of the report relates to a protected species. He asked if Members would be satisfied with the explanation why SNH do not want that information in the public domain if it was confirmed by Planning that there was nothing further in the report that would be required to be known in order to reach a decision.

Mrs Davies explained that this confidential report related to a protected species and that SNH would have objected to this application if suitable mitigation measures had not been put forward by the Applicant. She confirmed that the Applicant has put these measures in place that that SNH were happy with these.

Councillor Trail confirmed that he was happy to accept the assurance of the Planning Officer. He said that he did not think a confidential briefing would add anything to his understanding.

Councillor Currie said that the fact that the Committee were being asked to put a condition on this permission in respect of the confidential issue made him feel uncomfortable. He said the Committee were being asked to agree to a condition but they did not know what it applied to. Mrs Davies explained that the Environmental Management Plan was prepared in accordance with the conditions recommended in the confidential addendum.

Councillor Kinniburgh commented that there appeared to be mixed views from Members. He suggested continuing with the hearing in the meantime and if it became apparent that this was still and issue then it could be discussed again.

Councillor Trail referred to the tools available to the Applicant to control sea lice. He asked how these tools were used. He asked if the company made use of them all at the same time. Mr Browne referred to new SEPA regulations which have come into force and have reduced infeed medicines across the sector. In relation to how they are used, he said this was looked at on a case by case basis. He explained that the infeed medicine was given as a prophylactic treatment when the fish were first put in the sea. He said that at some point at the beginning of the cycle cleaner fish were stocked (a combination of wrasse and Lumpsucker). He advised that if things became an issue they also used bath medication and hydro-licers as and when required.

Councillor Trail sought and received confirmation from Mr Browne that the Company were on course to stock all their sites with cleaner fish by the end of this year. Mr Browne said that they have been entrenched with SEPA about the sector plan and that they were looking to reduce medicines across the board.

Councillor Currie referred to wild salmon. He asked if he was right to say that over 20 million salmon leave the River Dee but only 4 million return or survive. He asked if he was right to say that the reason for these deaths to wild salmon was not just down to sea lice and that they were also due to climate change and other factors. Mr Browne advised that east coast fisheries have noticed a decline over decades and the decrease in population has been down to a number of issues such as over fishing and habitat degradation. He said there was no simple cause and effect for any type of impact and that it had to be looked at holistically. He advised that they tried to manage issues and if there were risks they had mitigation in their plan.

Councillor Currie said he realised and appreciated the importance on inshore fishing in this area. He noted that there has been a fish farm at this location for a number of years and he referred to the expansion of this by 480m. He asked the Clyde Fishermen's Association why this proposal would be so detrimental to the fishermen. Ms Whyte said that in terms of the creel boats there were 12 men that fished in that area and that if this proposal went ahead then 12 men were going to be impacted quite severely. She referred to the increase in biomass from 600 to 2500 tonnes and said that this increase was massive. She advised that this would lead to an increase in medicines or an increase in lice risk if they could not treat them. She also referred to lorries carrying chemicals up and down the road and questioned how the roads infrastructure was going to cope. She advised that their fishermen were starting to report on fish mortalities due to the number of dead fish they were picking up. She said that this was nothing to do with the Scottish Salmon Company as far as they knew but there was an issue of fish mortality which was a concern. She referred to working with the SEPA group to regulate the industry better. She commented that she believed fish farms did support local employment but asked the Committee to wait until SEPA gave their recommendations. She asked the Committee to give it a few months before making a decision.

Councillor Colville sought and received confirmation from Mr Browne that they had been granted a CARS licence from SEPA. He said the mechanism to move forward with this site had been approved. He confirmed that SEPA have reduced the infeed

medicines they are regulated to use. He confirmed that they had other tools to manage this issue.

Councillor Freeman said that he did not recall any application or report before referring to a confidential report or annexe that the Committee have not had privy to. He asked Planning if this had happened before. Mrs Davies said she could not recall when this had happened before and that the only case she could think of was the one which concerned the eagles. Mr Bain confirmed that they had the confidential annex on file and this could be made available to Members on request.

Councillor Freeman sought and received confirmation from Planning that they could tell the Committee what the protected species was but only in private.

Councillor Freeman sought and received confirmation from Planning that cumulative impact was taken into consideration during the assessment of fish farm applications.

Councillor Freeman asked what the current sea lice levels were at the current fish farm sites on Gigha. The Planning Officer and Applicant advised that they did not have this information to hand.

Councillor McCuish referred to the Clyde Fishermen's Association advising that they believed this application was premature due to pending legislation from SEPA. He asked them to comment on the fact that SEPA had already granted a CARS licence for this fish farm. Ms Whyte advised that SEPA have given the fish farm its backing, allowing it to proceed to the next stage. She referred to the importance of all stakeholders being consulted as, she said, it was very important that everyone's voices were heard as part of this process. She referred to the creel fishermen and what they put back into the economy.

Councillor McCuish sought and received confirmation from Ms Whyte that she had attended a meeting of the steering group a couple of months ago and that they were likely to meet again in the next month or two. She expected they would report on their findings in a few months' time.

Councillor Douglas sought and received confirmation that no one from SNH was present at this hearing. She referred to a previous hearing concerning a Wind Farm where SNH had objected to the proposal because the proposed wind farm was on the edge of a National Scenic Area and would impact on the visual amenity of human life. She pointed out that SNH were now supporting this proposal which was just over 1 km from a Conservation Area, which, she said, would have multiply impacts on non-human life. She commented on the fact that the Committee were having to make a decision based on risk rather than science. She asked when the SEPA report would be ready and, if science was just around the corner, why they were not waiting for this. Mrs Davies replied that SNH looked at various criteria when assessing an application including European Protected Species. She advised that at the previous hearing their concern was with the visual impact of the wind farm. She said that for this proposal they looked at the visual and landscape impacts and had no concerns but they did have concerns in other areas.

Councillor Douglas questioned why SNH saw the visual impact on humans being of more importance that the environmental impact of other species. Mr Bain advised that the SNH position was based on the assessment of expected impacts on qualifying interests and whether these impacts were national or international and if

there was satisfactory mitigation. In this instance they were happy to support the proposal subject to mitigation because of its proximity to European Designated sites. He said it was about quantifying the impacts of a designation.

Councillor Douglas questioned, in the absence of science, why they were not waiting for the science and how scientific would it be. Mr Bain said that it has been suggested by third parties during the course of discussion that Members should exercise their Precautionary Principle and refuse planning permission because some impacts of the development were uncertain. He reminded Members that Scottish Planning Policy sets out that "Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscapes or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty the potential for research, surveys or assessments to remove or reduce uncertainty should be considered". Mr Bain said that the Rural Economy and Connectivity Committee have advised that whilst there was a lack of definitive scientific evidence of the various factors that were contributing to the decline of wild salmon stocks that a precautionary approach should be taken in order to minimise the potential risk to wild salmon stocks wherever possible. He advised that the Scottish Government have responded by giving an undertaking to develop strengthened arrangements based on best available science and have established a Technical Working Group which has been tasked with developing a practical framework for assessing the level of risk posed to wild fish interests and which aims to prepare proposals for public consultation in June 2019. He confirmed that, in the meantime, the Scottish Government have advised that Marine Scotland will expect an Environmental Monitoring Plan to be delivered as a condition of any consents for marine aquaculture planning applications. This Plan will stipulate that an effective monitoring regime should be put in place and will detail what its key components will be. The Plan will be used to inform adoptive management of the site. This approach will not only provide a strengthening of the protections in the planning process in the short and medium term but is also a mechanism to inform the longer term determination of a regulatory framework which is to be part of a staged approach to building a long term set of arrangements to fill the current regulatory gap.

Councillor Douglas asked the other interested parties the same question.

Ms Whyte referred to the testing which took place in Shetland. She advised that a National Marine Plan was something that should be looked at. She referred to the production of queenies at the Gigha Sound in the past. She referred to the Markham project. She advised that she was not against the development but felt that at this time fishing associations were saying it was important to have a moratorium.

Mr Browne said that they have been entrenched with SEPA and at the moment there has been no change in legislation and the current approach remains the same. He advised that simplifying of the CARS licence process was being looked at. He commented on the need for Environmental Plans and monitoring. He advised that there was nothing from a conservation point that SEPA or SNH were concerned about. He advised of the SSC undertaking robust environmental surveys based on science and based on fact from thousands of data on known impacts. He stressed

that they had to abide by standards and that they were a regulated business and that the impacts were known. He advised that in terms of the CARS licence process, SEPA would be rolling out a new licensing process from the end of this month. He advised that Marine Scotland, SNH, the Council and SEPA could come back to them if they were not acting in compliance with their Plan. He said that he believed there would be very little impact on 12 individual creel fishermen as a result of the extension.

Mr Tyler advised that he believed the Committee should observe a precautionary principle and wait until the report was published.

Councillor Colville sought and received confirmation from Mr Bain that the Habitats Regulations Appropriate Assessment set out at Appendix C of the report of handling was prepared by a professional planner of the Council who was informed by input from SNH on the environmental impact. Councillor Colville commenting on there being a lot of technical information about birds and asked how this was arrived at. Mrs Davies advised that this was through assistance from SNH. She said that they looked at the potential effects on protected areas and following advice from SNH and the Applicant, Planning came to a conclusion on that.

Councillor Colville commented that it was his understanding that shortly with new regulations these types of applications would no longer come to the Council but instead go to Marine Scotland as at the moment the Council were only concerned with the protection and wild salmon and wild stock. He asked it that was correct. Mr Bain advised that they were still waiting to find out what the Scottish Government's decision on aquaculture would be.

Councillor Kinniburgh sought and received confirmation from Ms Whyte that when she talked about the IFG objecting to the proposal, she was referring to the West Coast Inshore Fishery Group. Councillor Kinniburgh pointed out that in the report of handling it stated that there had been no response from this Group. Ms Whyte advised that she had spoken to them yesterday and that this was because they had been unable to access the data. Mrs Davies confirmed that they had received no consultation response from the Inshore Fishery Group. She advised that all the information has been in the public domain throughout the consultation process.

Councillor Kinniburgh sought and received confirmation from Mrs Davies that there was a typo in the wording of condition 7 and that this would be amended.

SUMMING UP

Planning

Peter Bain advised that during the course of the morning Members have heard arguments seeking both to support and oppose not only the proposed development, but also debating the sustainability of aquaculture as an industry.

Notwithstanding the ongoing national debates on the current state and future of salmon farming in Scotland, he said that fin fish farming remained a legitimate activity which was promoted by the Scottish Government in recognition of the economic and social value that the industry brought to Scotland through the provision of jobs in rural areas, investment and spend within communities and stimulation of economic activity in the wider support chain. Discussion was had

about the appropriate application of the Precautionary Principle today and reaffirmed the Scottish Government's position that it was not appropriate to impose a moratorium on aquaculture development at this time.

In reaching a decision today he reminded Members of the requirements placed upon decision makers by Section 25 of the Town and Country Planning (Scotland) Act to determine all planning applications in accordance with the provisions of the adopted development plan unless material considerations indicate otherwise. He advised that in the case of aquaculture development the principal local development policy consideration was SG LDP AQUA 1 which set out the various criteria which required to be taken into account in the determination of this application.

He confirmed that in this instance it was the recommendation of Officers that the proposed development was consistent with the provisions of SG LDP AQUA 1 in that it did not give rise to significant landscape, seascape or visual impacts and that its effects upon habitats, species and nature conservation would be acceptable subject to mitigation.

He pointed out that the proposals for sea lice management contained within the Environmental Monitoring Plan provided measures to address elevated sea lice levels should they occur.

He advised that the proposal also complied with other relevant policies of the Local Development Plan and there were no material considerations, including those matters raised by consultees and third parties, to indicate that the effects directly attributed to the proposal upon the receiving environmental would be of such significance that they would merit planning permission being withheld.

Accordingly, he advised that it was commended that the application currently before Members be granted planning permission subject to the conditions and reasons set out within the report of handling and subject to the amendment of condition 7 to address a typographical error.

Applicant

Marc Browne advised that there had been no objections from statutory consultees apart from the Argyll and District Salmon Fishery Board. He said that the development had a robust environmental plan to ensure standards were met. He confirmed that they looked forward to working with the local community and the people that came today to support them going forward.

Consultees

Clyde Fishermen's Association

Elaine Whyte confirmed that they were in support of salmon farming when working with the fishermen. She advised that there should be testing here like there was in Shetland. She commented on there being a lot of self-regulation here. She advised that the creel fishermen may not be members of the IFG or have access to emails. She acknowledged that the information about this proposal may have been in the public domain but she questioned how many fishermen would have been aware of it. She referred to the impacts on wild fish in other areas. She acknowledged that

development was great for this area as it would support jobs but said it was about co-existence and working with partners.

Objector

Ed Tyler referred to Councillor Douglas' questions about the SNH's decision making process and said he agreed that it was a big problem when looking at a special protection area and having it fall short by 1.5 km. He advised of talking about a highly mobile species – the bottle nosed dolphin – which travelled up and down the west coast of Scotland. He commented that the dolphin would not recognise the line where the Special Protection Area was. He questioned why the proposal did not have a significant impact. He referred to horse mussel beds and pointed out that these were very close by and very important habitats. He referred to the acoustic devices that deter seals and advised that there was a lot of evidence about the accumulation of these. He referred to comment about dolphins and porpoises using different frequencies and said that he would like more testing done on this and would like to see if they did have an impact on dolphins and porpoises as they saw their environment through sound. He asked how it was known that these devices did not cause them stress. He said that they could get severely stressed by sound. He then pointed out that the issue of escaped salmon had not been mentioned today. He referred to farmed salmon interbreeding with wild salmon and suggested that because farmed salmon lived in cages they were genetically different from wild salmon and did not have the ability to migrate to spawning grounds. He said that may have been one of the reasons the Salmon Fishery Board were objecting. He said that escapees were a problem within the salmon industry. He advised that he appreciated the measures being taken to control sea lice. He referred to the cost issue and the sharing of hydro-licers and asked if they had enough. He commented on the SSC's aspiration to have cleaner fish in place across all their farms and asked if they would be in sufficient numbers to make an impact.

The Chair established that everyone had received a fair hearing.

DEBATE

Councillor Redman thanked everyone for their contributions. He referred to holding numerous surgeries on Gigha and at Tayinloan and that one item came up time and time again – the quality of jobs for the younger generation. He advised that there was a need to support the rural economy and he said that a development like this would help that. He referred to aquaculture being a booming industry in Argyll and that he did not have an issue with supporting this application in line with the Planning Officer's recommendation. He said that there had been large waves of support on the island of Gigha including support from Gigha Community Council and business owners on Gigha.

Councillor Taylor advised that it had been interesting to hear of new developments. He said that he would put aside visual impact as it was not an issue in this instance. He referred to the focus being on the environmental impact and that for him the depth of understanding lay beyond the Committee. He commented on SEPA having granted the CARS licence and that SNH would work to ensure the Environmental Plan was adhered to. He advised that given the approval by other regulators he was content to see this development go ahead and taking account of the economic benefits he was happy to support this application.

Councillor Freeman referred to a lot of comments made about the confidential annexe but said that he would put that aside as it would make no difference to him whether it referred to a red nosed mullet or a pink tailed harrier. He commented on those representations made by the local community of Gigha being in support of the proposal along with support from the Community Council. He referred to viewing the site yesterday, which raised no concerns for him. He pointed out that there were already developments on the site and that he was quite happy to see the enhancement of these sites go ahead. He confirmed that he had no concerns with the Officer's recommendation.

Councillor Currie said that he found it difficult to understand what was said about some partners having little consultation or knowledge of this application. He commented that this application had been validated a long time ago and he had noted from the comments received that people had submitted their comments in July and August last year. He said that it was nearly a year ago since this application first sat on the table and that it was high time it was decided on. He referred to page 16 of the report of handling and asked who in their right mind could argue against the reasons for approval. He suggested that it would be extremely difficult to find a competent motion to refuse this application. He referred to the material considerations and economic aspects of this proposal and said that because of what he had seen in other areas and on Gigha, where developments like this had made a positive contribution to the local area he would have no hesitation in supporting approval of this application.

Councillor Hardie confirmed that he had listened to all the arguments and after visiting the site he was convinced there would be minimal environmental impact. He advised that it would be good for the economy and he was happy to support the application.

Councillor Colville said that he was very pleased that his concerns about dolphins and porpoises would be adequately addressed and that he had no hesitation in supporting the application.

Councillor Trail thanked Mr Tyler for coming today and being the sole representative putting the case forward against this application. He advised that he shared his enthusiasm for the natural world and the care of animal species but he did not share going rogue on policies and expert advice. He commented that the Committee were lay people and that they relied on others to give them advice. He advised that the Committee had to abide by planning policy and planning law and so he would vote for approval of this application.

Councillor Douglas thanked everyone for their presentations. She said that she had a real problem with this proposal. She advised that she was not against the development of economies and fish farms and that she realised their value to rural areas. She advised that her concerns were about the environmental issues. She said that she would find it very difficult to go against planning to refuse when SEPA and SNH have no objection. She asked if a condition could be added so that when the new scientific evidence/recommendations were available at the end of June these could be incorporated into this fish farm.

Councillor Forrest advised that she also had concerns about the environmental issues and that she would be keeping an eye on that. She said the Committee had to rely on the current advice and that currently she would struggle to find a motion to

refuse. She advised that with some reservations and balancing the risk of economic development, she would support this application today.

Councillor MacMillan advised that he had nothing else to add. He confirmed that he agreed with his colleagues and would support this application.

Councillor Kinniburgh confirmed that he had sat and listened to all the presentations today and that they had all been very interesting. He said that he agreed with the majority of his colleagues that there were no reasons to go against the recommendation. He advised that the conditions were there to protect against the issues discussed today. He referred to concerns about horse mussels and pointed out that condition 10 was there to protect any damage to horse mussels. He advised that all these conditions were there for a reason and that he believed that some of the issues raised today would be addressed by these conditions.

Councillor Redman moved support of the application and this was seconded by Councillor Taylor.

Councillor Douglas asked if she could put an amendment forward requesting that a condition be added to take account of the findings of the report when it came out.

Mr Bain explained that her amendment would not be competent as a planning condition had to be precise and certain and that you could not add a condition about something that may happen in the future.

DECISION

The Committee agreed to grant planning permission subject to the following conditions and reasons:

1. The development shall be implemented in accordance with the details specified on the application form dated 5/7/18 and the approved drawings:

   General Location of Proposed Development;
   Location Plan showing surface equipment of existing sites and proposed site location;
   Location Plan showing existing East Tarbert Bay location and proposed East Tarbert Bay location;
   Location Plan showing proposed development location only;
   KNN-01-0299 Rev 1;
   T4003D120/48/BNSP;
   MGL2x6TSSC ETB (1);
   KNN-02-0370 rev 4;
   Grid Layout Plan
   GFE_SM_SSC_350_GA_00001 rev A 1of 3;
   GFE_SM_SSC_350_GA_00001 rev A 2of 3;
   GFE_SM_SSC_350_GA_00001 rev A 3of 3;
   Admiralty chart extract showing proposed development;
   Schematic diagram showing proposed development.

   unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. The stocking of the site shall not exceed a maximum biomass of 2,500 tonnes.

   Reason: In order to restrict production to that assessed for the purposes of this application in the interests of managing wild fish interactions.

3. Notwithstanding the details provided with the Escapes Contingency Plan contained within Annex 6 of the EIA Report, gillnets shall not be used for recovering escaped fish during the period from mid-August to mid-May in any year (which is the over-wintering period which encompasses all pSPA qualifying species).

   Reason: In the interests of the conservation of the qualifying species of the pSPA.

4. No anti-predator nets shall be used at the development hereby approved.

   Reason: In the interests of the conservation of the qualifying species of the pSPA.

5. The new fish farm shall not be brought into use until the existing fish farm has been permanently de-equipped and the Crown Estate lease surrendered. The decommissioning of the existing fish farm and the installation of the fish farm hereby approved shall only take place between the beginning of June and the end of August in any year.

   Reason: In the interests of the conservation of the qualifying species of the pSPA.

6. The code of conduct laid out in Table 32 of the EIA Report for boat movements shall be strictly adhered to during the construction and operational phases of the development.

   Reason: In the interests of the conservation of the qualifying species of the pSPA.

7. Sea lice management shall be operated fully in accordance with the Environmental Management Plan and the confidential Addendum dated November 2018, July 2018 contained within Annex 11a of the EIA Report.

   Reason: In the interest of the protection of wild salmonids.

8. The development shall be carried out and operated in accordance with the mitigation measures identified in the EIA Report. Section 7 of the EIA Report provides a summary of all mitigation measures proposed.

   Reason: In order to ensure that the development can be installed and brought into use without causing significant environmental effects.

9. Any deployment and use of Acoustic Deterrent Devices (ADD's) at this site shall be in accordance with the ADD deployment plan dated August 2018 included in the supporting information accompanying the application submission, or such alternative as may be agreed in advance in writing by the Planning Authority in consultation with Scottish Natural Heritage. In the event of ADD deployment, the operator shall maintain a log which details:

   - a. the model and specification of any ADD deployed at the site;
   - b. the dates and durations of ADD operation;
   - c. the prompt for use (manual or auto sensor)
   - d. details of any predation events;
   - e. other anti-predation measures deployed at the time of ADD use;
   - f. details of person(s) responsible for maintaining the log.

   The log shall be maintained available for inspection on request by the Planning Authority.

   Reason: In order to avoid disturbance of harbour porpoise and to maintain the favourable conservation status of this species within the Hebrides and Minches candidate Special Area of Conservation and to avoid disturbance of other marine mammals in the interests of nature conservation.

10. The moorings required for the fish farm hereby approved shall be attached using drop down video to allow them to be micro-sited to avoid any areas of horse mussel.

    Reason: In order to protect this Priority Marine Feature.

11. 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.

12. 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.

13. The finished surfaces of all equipment above the water surface, excluding the feed barge, but inclusive of the 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 manufacture's specifications) unless otherwise agreed in advance in

writing by the Planning Authority. The feed barge shall be finished externally in a colour scheme which has been agreed in advance in writing by the Planning Authority and shall be maintained as such thereafter unless any variation thereof is subsequently agreed in writing.

Reason: In the interest of visual amenity.

Having moved an Amendment, which failed to find a seconder, Councillor Douglas asked for her dissent from the foregoing decision to be recorded.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 7 November 2018 and supplementary report number 1 dated 15 May 2019, submitted)