

**Argyll and Bute Council
Development and Economic Growth**

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: 20/02358/MFF

Planning Hierarchy: Local Application

Applicant: Scottish Sea Farms Ltd

Proposal: Modification of fin fish farm (Atlantic Salmon) from 9 x 80m circumference cages to 14 x 100m circumference cages, including increasing biomass to 2350 tonnes and installation of replacement feed barge

Site Address: Dunstaffnage Fish Farm, North of Ganavan Hill, Dunbeg

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Installation of 14 no. 100m circumference cages in a 75m mooring grid;
Installation of 300 tonne feed barge

(ii) Other specified operations

Removal of existing fish farm and feed barge;
Maximum biomass 2350 tonnes

(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to conditions.

(C) HISTORY:

96/01440/MFF - Modification of fish farm. Prior Notification no objections.

97/00589/MFF - Modification of fish farm. Prior Notification no objections.

00/00490/MFF - Modification to Marine Fish Farm. Prior Notification no objections.

03/00864/MFF - Renewal and modification of development consent

03/01812/MFF - Renewal of development consent for salmon farming site. No objections

22/00348/PNMFF - Replace 9x 80 metre cages with 4x 120 metre cages, installation and repositioning of replacement feed barge and replace existing hamster style top nets with pole-supported style top nets. Prior approval required.

22/00348/PAMFF - Replace 9x 80 metre cages with 4x 120 metre cages, installation and repositioning of replacement feed barge and replace existing hamster style top nets with pole-supported style top nets. No decision to date.

(D) CONSULTATIONS:

Marine and Coastal Development Policy Officer (dated 26/2/21 and 7/3/22): No objections subject to conditions.

Marine Scotland Science (dated 3/3/21, 22/4/21 and 18/3/22): The submitted modelling report shows that a benthic pass was obtained for the proposed biomass and cage arrangement. We note that SEPA have already granted a variation to the applicant's existing permit based on the proposed cage arrangement and biomass.

The site does not sit within a Locational Guidelines categorised water body. The applicant has submitted a nutrient assessment which indicates that the proposed increase in biomass should not result in unacceptable impacts to the water column, either at the site or cumulatively within the wider water body.

The position of the site falls within disease management area 15b and as such will have an impact on or be impacted upon by sites within the Linnhe, Firth of Lorne, Sound of Mull and Loch Sunart disease management area. The modifications proposed will not alter the current disease management area for the site.

The current sea lice management strategy for the Linnhe Region and the Farm Management Statement for the SSF sites in the M-36 area are deemed to be satisfactory as far as reasonably can be foreseen.

The contingency plan for dealing with an escape event is satisfactory.

There are currently five other salmonid farms within 15km of the application site. As such, cumulative impact factors may come into play. This development has the potential to increase the risks to wild salmonids. The applicant appears to be aware of the potential impacts on salmon and sea trout and has indicated that they intend to manage the site as part of the local FMA (area M-36).

It should be noted that sea trout are present in these inshore waters all year round, and not just during the spring smolt migration period. We therefore suggest that strict control of sea lice should be practiced throughout the year. Additionally it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

The submitted EMP covers all of the criteria specified by Marine Scotland.

A satisfactory attestation has been provided which confirms that the equipment proposed for use at Dunstaffnage is suitable for the environmental conditions on site.

NatureScot (dated 12/3/21 and 15/3/22): The proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests of the Inner Hebrides and Minches Special Area of Conservation (SAC) and the Ailsa Craig Special Protection Area (SPA), we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detail in our appraisal below. NatureScot has a conditioned objection in relation to the Inner Hebrides and Minches SAC and acoustic deterrent devices (ADDs). NatureScot has a conditioned objection in relation to the Ailsa Craig SPA and the use of pole mounted top nets. Argyll and Bute Council is required to consider the effect of the proposal on the SAC and SPA before it can be consented (commonly known as a Habitats Regulations Appraisal).

It is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly of Eileanan agus Sgeiran Lios mor SAC.

While Priority Marine Feature (PMF) habitats and species are present, we do not consider that the impacts arising from the proposal will result in a significant impact on the national status of any PMF that is present.

Scottish Environmental Protection Agency (dated 24/3/21): We do not have concerns in relation to this planning application.

Argyll and District Salmon Fishery Board (dated 25/2/21): Object to the proposal for the following reasons:

- The current planning and regulatory system does not sufficiently protect wild fish. In light of this, we feel that until the full impacts of salmon aquaculture on wild salmon are understood, there is an adequate system to protect them, planning authorities should follow the precautionary principle.
- The development may further impact the conservation status of local salmon and sea trout populations through the impacts of sea lice and genetic introgression arising from any escapes.

Northern Lighthouse Board (dated 1/2/21 and 8/3/22): No objections.

West Highland Anchorages and Moorings Association (dated 2/2/21): No comment.

Royal Yachting Association (dated 5/3/21 and 16/3/22): No comments.

Fisheries Management Scotland (dated 26/2/21): Object to the proposal. 1. The current planning and regulatory system does not sufficiently protect wild fish. In light of this, we feel that until the full impacts of salmon aquaculture on wild salmon are understood, and there is an adequate system to protect them, planning authorities should follow the precautionary principle. 2. The development may further impact the conservation status of local salmon and sea trout

populations through the impacts of sea lice and genetic introgression arising from any escapes.

Area Roads Oban: No response to date.

Environmental Health (27/7/21): No objections.

Local Biodiversity Officer (dated 8/3/21): I have reviewed this proposal for the extension to the existing farms' supporting documentation in relation to biodiversity interest; notably wild salmonid interaction, the seabed habitats and species such as seals and birds. I have reviewed the associated plans including the Environment Impact Assessment, Environment Management Plan, Predator Exclusion Plan, Sea Lice Management, the Escapes Prevention & Recapture Strategy Loch Linnhe and the ROV Seabed survey; I note that the SEPA CAR Licence approved for 2350T. I am content that the supporting information is appropriate for this proposal and ask that both the wildlife reports and if there are any incidents of escapes are shared with Argyll and Bute Council Development Management, Environmental Health along with the Wild Fisheries interests; these are in addition to the government agencies.

Clyde Fishermen's Association: No response to date.

West Coast Regional Inshore Fishery Group: No response to date.

Argyll Fisheries Trust: No response to date.

Historic Environment Scotland (dated 1/3/21): We do not consider that the proposed modification of the existing fish farm would have any significant impacts on heritage assets within our remit.

NHS Highland (dated 6/6/22): In reviewing the report produced by WCA: Assessment of Potential Risk to Human Health following use of Azamethiphos, Deltamethrin and Hydrogen Peroxide in Fish Farms., we note that it only considers three chemicals and that any other chemicals used in the fish farming are outside the scope of the report and they would need to be considered separately. The report was commissioned by the industry and so is not independent, but the authors appear to have sought to include a wide body of evidence, including both evidence from available published literature and less accessible evidence. There are assumptions made in the report in connection with the impact of substances on human health. These include the use of animal models, assessing exposure to chemicals and modelling chemical dispersion.

NHS Highland is not able to comment on the detailed technical elements of the report, but the overall methods and processes appear reasonable as do the deductions. NHS Highland is not able to give a definitive opinion on the safety of wild swimming in the vicinity of the fish farm simply based on this report. However, based on the available evidence NHS Highland does not wish to object to the application.

(E) PUBLICITY:

ADVERT TYPE:
Environmental Assessment Regs Adv (28)
EXPIRY DATE: 13.03.2021

ADVERT TYPE:
Regulation 20 Advert Local Application
EXPIRY DATE: 04.03.2021

ADVERT TYPE:

ENVASA Addendum EA Advert
EXPIRY DATE: 29.01.2022

(F) REPRESENTATIONS:

Representations in relation to 20/02358/MFF

Objection

1. Andrew Holder 12 Achinreir Barcaldine Oban Argyll And Bute
2. Andrew Johnston Beech Cottage Muir Of Fairburn Ross-shire IV6 7XA
3. Anne Archer Sealladh Breagha Gallanach Road Oban PA34 4PD
4. Caroline Younger No Address Given
5. Compassion in World Farming c/o Elena Lara River Court, Mill Lane Godalming Gu7 1ez
6. Compassion in World Farming UK c/c Nick Palmer River Court Mill Lane Godalming GU7 1EZ
7. Dennis Archer No Address Given
8. Donna Phillips No Address Given
9. Ewan Kennedy Kinloch Degnish Road Kilmelford PA34 4XD
10. Friends Of The Sound Of Jura No Address Given
11. George Service Dalnatraigh Airs Bay Taynult Argyll And Bute
12. Gordon Slaven Cruachan Chalet Track From A816 To Braes Of Lorn Kilninver Argyll And Bute
13. Ian Dobb The Byre, Half Of 7 Balmaqueen PORTREE, Isle Of Skye
14. Jonathan Phillips No Address Given
15. Louise Rushton Village Farm Catton YO7 4BZ
16. Maggie Brotherston 12 Achinreir Barcaldine PA37 1SL
17. Mairi Stones Inverlochlan Benderloch Oban Argyll And Bute
18. Mary MacCallum Sullivan The Sheiling Glenburn Road Ardrishaig PA30 8EU
19. Nick Law No Address Given
20. Rhona Dougall Raschoille Glenshellach Road Oban Argyll And Bute
21. Roni Macdonald No Address Given
22. Sabrina Marengo 85A George Street Oban Argyll And Bute PA34 5NN
23. Scottish Creel Fishermen's Federation c/o Sally Campbell Blairbeg House Lamlash Isle Of Arran KA27 8JT
24. Stephen Robertson 3 Ganavan Sands Oban Argyll And Bute PA34 5TB
25. Sue Rule Rosehaugh Shore Road Blairmore Dunoon
26. Tom McIver
27. Vicky Gray Sonas Ardentallen Oban Argyll And Bute

Petition with 714 signatories.

Support

1. Anna Price South Shian Benderloch Argyll & Bute Scotland
2. Ben Wilson Bairneach Lochdon Isle Of Mull Argyll And Bute
3. Callander McDowell No Address Given

4. Calum Galbraith No Address Given
5. Cameron Smith Shiol, Lerags Oban Argyll PA34 4SF
6. Craig Cameron No Address Given
7. David Duffy 37 Morven Hill, Oban, Argyll, PA344NS
8. David MacMillan No Address Given
9. Diarmid MacMillan No Address Given
10. Douglas McClymont No Address Given
11. Ethel Johnston Barcaldine Hatchery Barcaldine Oban Argyll
12. Flit Self Drive No Address Given
13. G Black No Address Given
14. Iain Potter No Address Given
15. Innes Weir Barcaldine Argyll And Bute PA37 1SE
16. Jane Duffy No Address Given
17. John Cameron 5 Westbay Flats Corran Esplanade Oban Argyll And Bute
18. Julie Grabiec No Address Given
19. Kelsey Muir 5 Westbay Flats Corran Esplanade Oban Argyll And Bute
20. Laurance Larmour 53 McKelvie Road Oban Argyll PA34 4GB
21. Michael Keenan No Address Given
22. Nicole Mc Aleer No Address Given
23. Stephen Divers Benderloch PA37 1QS
24. Stephen Divers Fusion Marine Barcaldine Oban Argyll And Bute
25. Struan Smith Shiol, Lerags Oban Argyll PA34 4SF

Representation

Jamie Hepburn MSP

(i) Summary of issues raised

Representations

Jamie Hepburn MSP

Representation asking that the concerns of his constituent Alison Gray could be noted. Ms Gray is concerned that fish farming is an environmental and animal welfare issue and that it is shameful that foreign companies are using our coasts to make money with little or no regard to the bigger picture.

Objections

Amenity

I understand the new feed barge will be nearly four times as large as the existing one. There will likely be increased noise from the work of this vessel, constituting just the kind of industrial noises people want to get away from.

Comment: See assessment.

The application refers to 24 well-boat harvests twice weekly over a period of five months for each cycle during normal working hours; this is when people will be visiting the area, so will constitute a disturbance to the tranquillity of the area.

Comment: There is already an existing fish farm on this site and the supporting information indicates that the proposed enlargement will not give rise to any further significant noise issues.

There will be increased noise from the proposed feed barge which will be nearly four times as large as the existing one.

Comment: There is already an existing fish farm on this site and the supporting information indicates that the proposed enlargement will not give rise to any further significant noise issues.

Residents of the new houses in Dunbeg will have their amenities reduced.

Comment: There is already an existing fish farm on this site and the supporting information indicates that the proposed enlargement will not give rise to any significant amenity issues.

Pollution

2350 tonnes of salmon produce a lot of excrement in various forms. Polluting such a large area of the sea bed is not acceptable. Dissolved nutrients, carbon, nitrogen and ammonia will spread, contributing to the probable development of algal blooms. Climate change is already at work warming sea temperatures. Proximity to a public access beach is entirely inappropriate in this respect.

Comment: Discharges from the fish farm are regulated by SEPA.

The water in the vicinity of the fish smells.

Comment: No objection has been raised by EH in relation to odour nuisance arising from proposed operation.

The farm discharges faeces plus feed waste / organophosphates into the seas near Ganavan.

Comment: Discharges from the fish farm are regulated by SEPA.

The expanding biomass statistically increases the necessity for more incinerations on the barges, potential leading to increased air pollution. We have witnessed black discharge from these incinerations.

Comment: No objection has been raised by EH in relation to potential air pollution arising from the proposed operation.

The proposed development will result in increased aquaculture litter.

Comment: The applicant has submitted a Waste Management Plan which advises that as part of an agreed 'industry collective responsibility' Scottish Sea Farms will respond to a report of equipment and debris, regardless of whether it is from a Scottish Sea Farms farm.

Inadequate dispersal of waste, so an inadequate understanding of algal blooms around the area.

Comment: SEPA regulate pollution from fish farms.

Effects on Human Health

Medicines are used under licence: Emamectin benzoate (as Slice), deltamethrin, cypermethrin and azamethiphos (Salmosan). These dangerous chemicals have adverse effects on sea creatures and humans, and ought not really to be released into the sea at all, especially close to where people and their dogs swim in considerable numbers.

Comment: See assessment.

The pollution caused by the fish farm would have a negative impact on the health of wild swimmers due to pollution and medication in the water.

Comment: See assessment.

A very large percentage of the huge mass of food which is applied to such a farm will leave the site as dissolved nutrients. There are good reasons to believe that this can contribute to algal blooms. The conditions are most favourable for creating blooms when the sea is warmest and when the fish are at their largest and most polluting. The very times when people will be using the beach. The manifestations of such an event can include plagues of jelly fish as well as dangerous toxins.

Comment: See assessment.

Impacts on Wild Fish

Wild salmon and trout from the rivers draining into Loch Etive will pass right by this farm on their migration routes. Increase of 80% biomass in the farm means increased lice burden, means increased risk to wild fish.

Comment: This issue is covered in detail in the assessment.

There is a risk of an increased number of 'salmon escapees' if expansion happens, cross breeding with wild salmon and accelerating their demise.

Comment: The applicant has submitted an attestation from their suppliers confirming that the equipment is suitable for the environmental conditions of the site.

Marine Scotland's modelling of sea lice dispersion from salmon farms in Loch Linnhe shows that these parasites risk affecting wild salmon and sea trout in the Sound of Mull and Firth of Lorn as well. The risk to wild salmon and sea trout is such that Argyll and Bute Council should take a precautionary position. The cumulative impact of sea lice from all farms on the wild salmon migration route must be assessed to ensure that Argyll and Bute is discharging its biodiversity duty as a Scottish public body.

Comment: It is accepted that farmed fish could pose a threat to wild salmonids in terms of elevated sea lice levels. This represents one of a number of factors which could adversely affect wild salmonids. EMPs were introduced as a requirement for marine fish farm applications following the findings of the REC committee. The EMP ensures that appropriate environmental management practices are adhered to during the operation of the development. Marine Scotland has set minimum requirements for the content of these EMPs and advise the planning authority if they consider that a particular EMP meets these requirements. MS expects that as a minimum EMPs should be able to:

- *Report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers);*
- *Identify the likely area(s) of sea lice dispersal from the farm;*
- *Provide details of how and what monitoring data will be collected to assess potential interaction with wild fish;*
- *Provide details on this monitoring information will feed back to management practices;*
- *Include a regular review process so that the EMP remains fit for purpose.*

MSS has confirmed that the EMP submitted in support of this application meets these criteria.

Seascape and Visual Issues

Various clifftop walking routes between Ganavan and Dunbeg will be adversely affected visually, spoiling the natural beauty of the whole area.

The existing site is already a blight on the seascape which is visible from several recreational pathways along that coastline.

The larger farm with more cages will be much more noticeable from the various clifftop walks between Ganavan and Dunbeg.

Comment: Landscape and visual issues are covered in the assessment of this application.

Animal Welfare Issues

Concerns about animal welfare. The fish are kept in overcrowded, cruel, unsanitary conditions. They are sentient beings and are being thoroughly exploited for profit.

Comment: The welfare of fish is not regulated by the planning authority.

Salmon farming as currently practiced in much of Scotland is not environmentally sustainable.

Comment: The environmental consequences of the proposal have been considered in the EIAR and against the policies of the Local Development Plan.

Compassion in World Farming believes that until the current environmental and animal welfare problems of the salmon industry like sea lice infestations, pollution, damage to the wildlife, poor welfare of the farmed fish are not resolved, there must be a moratorium on any new or increase in sea cage fish farm.

Comment: There is currently no moratorium in place.

Many cleaner fish are caught from the wild with risk to natural populations; others are intensively farmed. Many of them die in sea cages and suffer aggression from salmon. They also experience diseases, stress, starvation and mortality rates can be very high. Therefore, the use of cleaner fish should be phased out by fish farms.

Comment: The welfare of cleaner fish are not regulated by the planning authority.

Thermolicing and hydrolicing, though currently legal, are inhumane and cruel.

Comment: These activities are not regulated by planning and are not material planning issues.

Wildlife Impacts

Birds may become entangled in the top nets.

Comment: This issue is considered in detail in the report.

The fish farms are using toxic chemicals which are killing nearby crustaceans.

Comment: SEPA are responsible for regulating discharges of chemicals and they have not objected to this application.

Seals are indiscriminately shot.

Comment: From 1st February 2021, the regulatory framework for seals changed removing the option for salmon farmers to shoot an individual seal causing damage under licence, as a last resort. The farmed fish will spread disease to wild fish.

Comment: The applicant has submitted an Environmental Management Plan to address this issue and MSS has confirmed that they consider this to be fit for purpose.

Environmental Impacts

Important rare seagrass beds found near Ganavan will be adversely affected.

Comment: Neither NatureScot nor the Council's Biodiversity Officer have objected to this application on these grounds.

Flame retardants are impregnated in generic smolt feed to prevent spontaneous combustion en route from Chile.

Comment: SEPA are responsible for regulating discharges of chemicals and they have not objected to this application.

Studies show our west coast Orcas cannot reproduce due to toxic overload. Why add further chemicals into the sea.

Comment: SEPA are responsible for regulating discharges of chemicals and they have not objected to this application.

Profits go overseas to Norwegian companies.

Comment: This is not a material planning consideration.

Impacts on Tourism

The site is in a popular tourist area and any possible benefit to the local community will be more than wiped out by the negative impact on tourism.

Comment: The application is for an enlarged fish farm on the site of a long standing fish farm at Dunstaffnage. In these circumstances, it is considered that impacts on tourism would be insignificant.

Fish farms have resulted in the industrialisation of our beautiful coastline. The harvesting schedule provided in the supporting documents for this site if the expansion is allowed to go ahead, will turn this area into industrial arena, at odds with locals' quiet enjoyment of the beautiful surroundings.

Comment: The supporting information indicates that the harvesting will be of a similar nature to the existing situations as the well boats have the capacity to carry extra fish rather than requiring additional journeys.

Economic Impacts

The expansion of the fish farm will have a negative on more sustainable employment such creel fishing, kayak guides and those involved with wildlife tourism.

Comment: The application is for an enlarged fish farm on the site of a long standing fish farm at Dunstaffnage. In these circumstances, it is considered that impacts on the above activities would be insignificant.

Automated farm, no extra direct jobs.

Comment: See section C9 below. The application has submitted a supporting statement indicating that there both direct and indirect job associated with this expansion.

Before this or any further salmon farms are granted an independent study should be done on the damage to the environment that they are causing as self-regulating and monitoring clearly doesn't work.

Comment: The Scottish Government has not required a moratorium on fin fish applications, therefore, the planning authority is required to determine these applications with regard to the development plan and other relevant material considerations.

The majority of letters of support are from people which work in the industry, have relatives who work in the industry or are service supplies to the industry. I think these should be considered as vested interests.

Comment: This is not a material planning consideration.

Impacts on Commercial Fishing

Comment: See assessment.

Navigation

The location is in an area of high marine traffic, with sailing and motor vessels leaving and entering Dunstaffange Marina.

Comment: No adverse consultation responses have been received with regard to recreational marine traffic. Navigation light will be present on the enlarged fish farm as it on the existing fish farm.

Other

The seabed survey is out of date.

The chemicals used at the fish farm are toxic and will adversely affect shellfish life cycles so the potential for harm to the creel sustainable fishery is great.

Comment: This issue is regulated by SEPA.

The proposed Environmental Management Plan is unenforceable and not fit for the purpose of substantially reducing the risk to wild salmonids. The sensitivity of these developments have been highlighted by regulators and planners through the developing risk based spatial framework for managing interaction between sea lice from marine farm developments and wild salmonid fish in Scotland. We agree with Fisheries Management Scotland that this is the best available scientific evidence. It should be used when making planning decisions.

Comment: Marine Scotland Science has advised that the EMP includes all of the criteria required by them.

Support

Scottish Sea Farms are a good employer and they give a lot back to the community.

The proposal would bring much need jobs into the community.

The new generation of fish farm managers care passionately about

I have been privately researching the impacts of salmon farming on wild stocks since 2010 and do not share the conclusions reached by Marine Scotland Science, Fisheries Management Scotland and the Argyll District Salmon Fishery Board. Fisheries Management Scotland's (FMS) concern over mortality ignores the fact that since 1952, when records first began, the wild fish sector has overseen the deaths of just over 5.9 million wild salmon and sea trout for sport and now they wonder why there are so few fish left. Perhaps if FMS were so worried about the future of wild salmon and sea trout, they should for a ban on the killing of wild fish for sport rather than aiming their efforts at objections to salmon farm developments.

The wild fish sector suggest that farmed salmon are very distinct from wild. However, these fish are about ten generations on from the wild fish. They are still extremely close to being the wild fish. They often do look different with deep bodies, but this is because they are well fed, not because they have a gene for deeper bodies. Any differentiation between farmed and wild is based on the identification of markers on the genes not specific genetic differentiation. Most fish escaping from a salmon farm swim out to sea, some may enter a river, and even less may reach the breeding grounds and mate. However, the argument put forward by the wild fish sector that any crosses will be negative and weaken the gene pool of future generations, is flawed. This is because Darwinian evolution will ensure that any fish not suited to life in the river will not survive. Fish reproduction involves the production of thousands of eggs all of which have a different genetic makeup, some of which will not have all the attributes that guarantee survival in the wild. This is why just one or two fish from each breeding season survive into adulthood.

The proposal would bring much needed jobs into the community.

Note: Full details of all representations received can be viewed on the Council's public access system at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment: Yes

The EIAR addresses the following issues:

Benthic habitat;

Water column;

Interaction with predators;

Natural heritage (designated sites and species or habitats of conservation importance including wild salmonids);

Navigation, anchorage, commercial and other maritime uses;

Noise;

Cultural heritage;

Landscape and visual amenity;

Socio-economics, recreation and tourism.

In addition the following appendices are included:

Appendix 1 Non-technical summary

Appendix 2 SEPA CAR Licence

Appendix 3 Biomass and Medicine Modelling report

Appendix 4 Hydrographic reports

Appendix 5 Benthic monitoring report

Appendix 6 Visual seabed survey report

Appendix 7 Equilibrium Concentration Enhancement assessment

Appendix 8 Predator Exclusion Plan

Appendix 9 Landscape and visual appraisal

Appendix 10 Farm Management Statement

Appendix 11 Non-synchronous stocking and fallow risk assessment

Appendix 12 Sea lice efficacy statement

Appendix 13 Sea Lice Management Strategy

Appendix 14 Sea lice attestation

Appendix 15 Sea lice dispersal modelling summary report

Appendix 16 Environmental Management Plan

Appendix 17 Containment Plan

Appendix 18 Escapes Prevention and Recapture Strategy

Appendix 19 Equipment attestation

Appendix 20 Fish Husbandry Manual

Appendix 21 Waste Management Plan

Appendix 22 Emergency Plan for Storms

Additional EIA information submitted:

Assessment of Potential Risk to Human Health Following Use of Azamethiphos, Deltamethrin and Hydrogen Peroxide in Fish Farms: Report to Scottish Salmon Producers Organisation from WCA, December 2021

An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: An Appropriate assessment is required to be undertaken for:

- Ailsa Craig Special Protection Area (SPA).

This assessment is contained within the Appendix of this report.

- (ii) **A design or design/access statement:** *No*
- (iii) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

Dunstaffnage Fish Farm: Socio-economic benefits of Dunstaffnage expansion proposal and wider Linnhe development proposals.

SSF response to observations of consultees;

SSF response to representations;

SSF observations on wild salmon interactions representations.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** *No*

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

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

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

Argyll and Bute 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 5 – Supporting the Sustainable Growth of Our Economy
LDP 8 – Supporting the Strength of Our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising Our Resources and Reducing Consumption

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 - Landscape
SG LDP BAD 1 – Bad Neighbour Development
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 - Development Impact on Scheduled Ancient Monuments
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP CST 1 - Coastal Development
SG LDP AQUA 1 – Aquaculture Development
Annex A – Planning Process for Aquaculture Development
Annex B – Council Adopted Marine and Coastal Plans
Annex C – Responsibilities of Statutory Authorities in Relation to Aquaculture Development
Annex D – Marine Planning Area for 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.

Argyll and Bute proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2

which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

Policy 14 – Bad Neighbour Development

Policy 19 – Scheduled Monuments

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)

Marine Scotland Science – 'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters' (December 2020)

'Argyll and Bute Economic Strategy 2019 – 2023

Rural Growth Deal

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No. The proposal is EIA development.

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

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

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

(O) Requirement for a hearing (PAN41 or other): No

This is an application for the enlargement of a fish farm which has been operating in this location since 1987. The application has been subject to 27 objections, 1 petition, 1 representation and 28 expressions of support. Many of the objections relate to fish farming in general rather than being site specific. While it is now 7 years since the adoption of the

existing plan, the proposed LDP2 contains a very similar criteria based approach to aquaculture.

All of the objections have been addressed in full in the report and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

The application site is located in the Firth of Lorn off the coast between Dunbeg and Ganavan north of Oban. A fish farm has been operating in this location since 1987.

The current site at Dunstaffnage comprises 9 x 80 m circumference cages in a 50m mooring grid with an associated 80 tonne feed barge and this would be replaced by 14 x 100 m circumference cages in a 75 m mooring grid and a 300 tonne feed barge. The biomass would increase by 1050 tonnes to a new maximum biomass of 2350 tonnes.

There would be no change to the existing service arrangements namely that the site would be accessed from Oban, the feed would be delivered by sea and all the fish movements would be by well boat.

This proposal is EIA Development and the determination of this application is also subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. There is a requirement to examine the environmental information submitted and reach a reasoned conclusion on the significant environmental effects of the proposal. In this respect the following have been taken into account when reaching a recommendation:

The EIA report and appendices submitted on 23/12/20;
The Environmental Management Plan dated November 2020 (draft VO.9);
The consultation responses from Marine Scotland Science, NatureScot, SEPA, Argyll District Salmon Fishery Board, Historic Environment Scotland, Northern Lighthouse Board, West Highland Anchorages and Moorings Association, Fisheries Management Scotland, Royal Yachting Association, Argyll and Bute Environmental Health, Argyll and Bute Local Biodiversity Officer and Argyll and Bute Marine and Coastal Development Policy Officer;
Representations received.

The recommendation on this application has been guided by the conclusions of the EIAR and the proposal has been assessed against the policies of the adopted Local Development Plan with particular regard to the criteria based approach of the aquaculture supplementary guidance policy AQUA 1 as well as other material considerations and policies within the plan.

It is considered that the proposal complies with the LDP and it is recommended that planning permission be approved subject to conditions.

(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 proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

(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: 7th June 2022

Reviewing Officer: Peter Bain

Date: 7th June 2022

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 20/02358/MFF

1. The development shall be implemented in accordance with the details specified on the application form dated 7/12/20 and the approved drawing reference numbers

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 9	-	23/12/20
Site Plan Existing	2 of 9	-	27/1/21
Site Plan Proposed	3 of 9	-	23/12/20
Cage and Top Net Arrangement	4 of 9	-	23/12/20
Plan View and Site Elevation	5 of 9	-	23/12/20
Cage Elevation	6 of 9	-	23/12/20
Barge Elevations	7 of 9	-	23/12/20
Admiralty Chart Extract Proposed	8 of 9	-	23/12/20
Coordinates	9 of 9	-	23/12/20

unless the prior written approval of the planning authority is obtained for other materials/finishes/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. No Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.

Reason: In the interests of nature conservation. This planning application has been determined on the basis that ADDs will not be used and on this basis it has been determined that there would be no likely significant effects on the harbour porpoise qualifying interest within the Inner Hebrides and Minches Special Area of Conservation (SAC). The use of ADDs would be regarded as a material change to the proposal and an Appropriate Assessment would require to be undertaken.

3. There shall be no use of drift nets, vertical static nets or gill nets to recapture escaped fish.

Reason: In order to avoid putting marine birds, including guillemots, shags, divers and others at risk.

4. The proposal shall be undertaken strictly in accordance with the Linnhe Predator Exclusion Plan, version 3 or any subsequent updates of this document which shall be submitted to and approved in writing by the planning authority in consultation with NatureScot. In particular, the following criteria shall be adhered to:
 - (a) The proposed pole mounted nets shall have a ceiling mesh of 100 mm and a side panel mesh of 75 mm or below.
 - (b) A daily record of entanglement / entrapment shall be maintained using a standardised proforma which shall be submitted to the planning authority and copied to NatureScot at 6 monthly intervals or other specified period to be agreed in writing with the planning authority in consultation with NatureScot. The first proforma shall be submitted 6 months after the development is brought into use unless otherwise agreed

in writing with the planning authority in consultation with NatureScot.

(c) In the event of any significant entrapment or entanglement of gannets, and any other SPA interests identified as relevant to a particular fish farm (e.g involving three or more birds of any named species in any one day and / or a total of ten or more birds in the space of any seven day period and / or repeat incidents involving one or more birds on four or more consecutive days), the operators shall immediately notify both the planning authority and NatureScot;

(d) Adaptive management approaches should be agreed in writing with the planning authority in consultation with NatureScot in advance of these being implemented.

Reason: In order to ensure that there are no significant effect on the qualifying interests of the Ailsa Craig Special Protection Area. Gannet have an extensive range and would have the potential to become entangled in nets.

5. The site shall be operated, monitored and managed in accordance with the Environmental Management Plan (EMP) dated November 2020 (draft VO.9) and subsequent approved variation thereof. The EMP should be reviewed and updated if required following the adoption by Scottish Government of any new policy framework relevant to wild salmonid interactions. Any proposed amendments to the EMP shall be submitted to and approved in writing by the planning authority prior to the changes being implemented.

Reason: In the interests of nature conservation.

6. The site shall be operated in accordance with the Linnhe Sea Lice Management Strategy dated November 2020 or any subsequent updates of this document which shall be submitted to and approved in writing by the planning authority.

Reason: In the interests of nature conservation.

7. The site shall be operated in accordance with the Linnhe Containment Plan to minimise Risk of Escapes Rev: 3 dated 6/6/2019 and the Linnhe Escapes Prevention and Recapture Strategy dated 5/11/19 rev:6 with the exception of any proposed actions contained within these documents limited by other conditions on this planning permission. Any subsequent updates of these documents shall be submitted to and approved in writing by the planning authority.

Reason: In the interests of nature conservation.

8. 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.

9. 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.

10. 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 the details provided in the EIAR unless otherwise agreed in advance in writing by the planning authority.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

12. The development shall be carried out in accordance with the Linnhe Waste Management Plan Rev 3 or any subsequent variation to this document, the changes to which shall be submitted to and approved in writing by the planning authority prior to them being brought into use.

Reason: in order to ensure that waste is managed in an acceptable manner.

13. Prior to the first use of bath medications being administered on the farm hereby approved, a communications plan shall be submitted to and approved in writing by the Planning Authority. This shall detail the method by which other marine users shall be informed of general safety information that should be considered by water user when in the vicinity of the farm, including when bath medications are being actively use at the site. Thereafter the development shall be carried out in accordance with this plan unless otherwise agreed in writing with the Planning Authority.

Reason: In order to inform marine users of potential risks to human health in the vicinity of the fish farm.

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 prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB Tel: 0131 244 3498; 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.gov.scot/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@gov.scot; or calling 0300 244 5046.
6. The Northern Lighthouse Board has recommended the following:
The site should be marked with 2 lit yellow poles fitted with yellow "x" topmarks;
The lights should display a character of flash one yellow every five seconds (FI Y 5s) with a nominal range of 2 nautical miles and be installed above the "x" topmark.
The poles should be positioned at the Northwestern and Northeastern seaward corners of the cage group.
The buoy diameter should be approximately 1 metre at the waterline with the focal plane of the light 2 metres above that level, the "X" top mark should be greater than or equal to 50cm length by 7.5cm width.

The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.

A weekly check of the site's marking equipment shall be performed, and records kept of its physical and working status for audit purposes.

Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.

Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.

7. Planning authorities' are looking further to reduce fish farm infrastructure becoming separated from moorings and being deposited on our regional shorelines. Highland Council and Argyll and Bute Council are taking steps to encourage good practice in relation to farm related waste materials. Future planning consent is therefore likely to include individual identification embossing to be applied to all pen infrastructure.
8. In the event of an escape, the company should liaise with Argyll and Bute Council's Environmental Health service.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/02358/MFF

A. Introduction

The application site is located in the Firth of Lorn off the coast between Dunbeg and Ganavan north of Oban. A fish farm has been operating in this location since 1987.

The current site at Dunstaffnage comprises 9 x 80 m circumference cages in a 50m mooring grid with an associated 80 tonne feed barge and this would be replaced by 14 x 100 m circumference cages in a 75 m mooring grid and a 300 tonne feed barge. The biomass would increase by 1050 tonnes to a new maximum biomass of 2350 tonnes. SEPA has already approved a variation to the CAR licence to allow for this increase in biomass.

The total surface area of the expanded site would be 11,338 sqm with the wider area including moorings measuring 371,250 sqm. The proposed cages would have the same appearance as the existing cages except that they would be 20 metres larger in circumference. This equates to a 6.3m increase in diameter. They would be low in profile and constructed in black, non-reflective material. The cages would have a 7 x 2 configuration. The proposed cage group will appear two cages longer with the length of the cage group increasing from 300m to 525m. There would be no change to the existing service arrangements namely that the site would be accessed from Oban, the feed would be delivered by sea and all the fish movements would be by well boat.

B. Planning Policy

The proposal benefits from general support from the Scottish Government's National Marine Plan and from Scottish Planning Policy which together recognise the contribution of the aquaculture sector to the rural economy and which seek to support sustainable economic development. The National Marine Plan and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed 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 upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

LDP Supplementary guidance SG LDP AQUA 1 – Aquaculture Development provides a general framework against which fish farm applications should be considered, along with other relevant LDP policy and SG.

The following Local Development Plan provisions are applicable to this development:

Policy LDP STRAT 1 – Sustainable Development supports the presumption in favour of sustainable economic development established by Scottish Planning policy and lends weight to aquaculture developments unless there are environmental considerations which outweigh this presumption.

Policy LDP DM 1 – Development within the Development Management Zones – Land adjacent to the site is designated as 'countryside' zone.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment – seeks to control development in a manner which protects, conserves or where possible enhances the built, human and natural environment.

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy – requires regard to be had to economic benefit and the spatial needs and locational requirements of business sectors.

Policy LDP 9 – Development Setting, Layout and Design – requires that regard should be had to the setting of developments, the sensitivity of the receiving environment and the need to secure appropriate forms of scale, design and appearance.

Supplementary Guidance SG LDP AQUA 1 – Aquaculture Development stems from Policy LDP 5 which identifies aquaculture as a key economic sector in Argyll & Bute. It sets out criteria against which the locational and operational characteristics of a development require to be assessed. Proposals are to be supported if direct, indirect or cumulative significant effects are avoided, or adverse effects can be minimised or mitigated by operational measures.

The Council's proposed LDP2 now represents the settled view of the Council and policies which had not been objected to carry significant weight. However, the majority of the policies which would apply to this development have been objected to and currently carry little weight. Those which have not been objected to are listed in the "other material considerations" section of this report.

Beyond development plan considerations, in determining the application regard has to be had to the Council's' Economic Development Action Plan which identifies aquaculture as an important contributor to the local economy, and to national government economic and sectoral policy, the stated intention of which is to seek to expand the finfish sector substantially to meet internal and export demands and to help sustain direct and indirect employment in rural areas. In addition, one of the proposals contained within the recently signed Rural Growth Deal for Argyll and Bute relates to a vision for Argyll and Bute to be the leading region for innovation in marine aquaculture in Scotland, UK and globally, by underpinning sustainable, inclusive business growth through investment in world class marine science and technology. This includes a commitment to a Marine Industry Needs Assessment. This study will provide the evidence base for industry needs to inform future investment outcomes and the potential options available to deliver these outcomes. This will assist in identifying the key priorities for Rural Growth Deal investment and where this should be targeted to support sustainable growth of this sector. The Council agreed the Heads of Terms for the deal with the Scottish and UK Governments in February 2021 with the full deal is due to be signed during the 2022/23 financial year.

A further consideration prompted by continuing demands from wild fish interests for more stringent controls over marine fish farming, has been the Scottish Parliament's Rural Economy and Connectivity Committee Inquiry into Salmon Farming in Scotland, the adopted remit of which is:

'to consider the current state of salmon industry in Scotland, identify opportunities for its future development and explore how the various fish health and environmental challenges it currently faces can be addressed'.

The report on salmon farming in Scotland was published on 27th November 2018. This contains 65 recommendations for the Scottish Government to consider. Whilst the report is critical of the way in which the salmon industry is regulated, recommendation 3 concludes that there is insufficient evidence to support a moratorium on new salmon farm development and the expansion of existing sites.

C. Assessment Against Policy Criteria

Assessment of the proposal in this case will primarily be against the criteria set out in sector specific supplementary guidance SG LDP AQUA1. There is a requirement to consider the locational and operational characteristics of the development against each of the specified criteria with the presumption that proposals will be supported where:

- Direct, indirect or cumulative significant adverse effects on the criteria are avoided in relation to the locational characteristics of the development (this would be relevant in this case in terms of the impact of the development upon nature conservation designations, for example);
- 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 (this would be relevant in this case to the impact of the operation of the development upon wild fish interests);
- Proposals are consistent with other local and national policies and guidance

The eight development criteria set out in SG LDP AQUA 1 are reviewed in the sections below.

1) Landscape / Seascape and Visual Amenity

A basic landscape and visual appraisal has been included within the EIAR. This proposal represents an enlargement of an existing farm and the changes may have consequences for landscape and visual effects.

The proposal is located outwith the Lynn of Lorn National Scenic Area which is located to the north of the site. In addition, there are no areas of isolated coast or wild land in the vicinity of the site. The landscape character type around Dunstaffnage Fish Farm is classified and LTC 57 – Craggy Coast and Islands. The landscape and visual appraisal notes that the area around Dunstaffnage is characterised by being well settled and well frequented and having a distinct seascape context. Taking account of the long standing presence of a fish farm on this site, the report concludes that the landscape is considered to be of low sensitivity to change.

Two viewpoints for consideration in this application. These are Ganavan slipway and Ben Lora viewpoint. The Ganavan viewpoint is 1.53 km from the development. It is a popular beach used by local people, residents and tourists. While the barge is currently visible at the existing fish farm, this new barge would be in a different position which would mean it would be out of site from this viewpoint. The sensitivity of receptors from this viewpoint would be high, however the magnitude of change would be low as the

development would not form a dominant feature in the view. The EIA report therefore concludes that there would be a negligible effect on this viewpoint.

The Ben Lora viewpoint is located at a picnic bench off the path and is 5.28km from the site. This elevated view out to Loch Linnhe would be experienced by both locals and tourists. The sensitivity of these receptors would be high. The EIA report concludes that the farm would be viewed against the backdrop of Dubh Sgeir and Eilean Loch Oskair skerries. The cage and barge visibility would be greater than the existing site. Although the fish farm would be clearly visible, the development would not form the dominant feature within the view and the magnitude of change would be low. The EIA report concludes that there would be a minor adverse effect from this viewpoint.

Further landscape receptors along this stretch of coastline includes passing boat traffic. This includes passenger ferries to Mull and Lismore but these would be at a distance of greater than 5km. Taking account of the distance and the fact that the development would be viewed from sea level, it is not considered that the fish farm would be prominent in the views from the ferries. There would also be intermittent views from part of the core path which runs from Ganavan Bay to Dunstaffnage. There may also be some views from some of the new houses at Dunbeg.

Taking account of the above, it is considered that the proposal would not have a significant effect on the Lynn of Lorn NSA or the local landscape. Visual effects would also not be significant especially given presence of the existing fish farm on the site.

Officers concur with this view and it is considered that the proposal would be acceptable in terms of visual amenity and landscape impact. This would accord with Policies AQUA 1, LDP 3, SG LDP ENV 12 and SG LDP ENV 14.

2) Isolated Coast and Wild Land

There are no areas of wild land or isolated coast which would be impacted by the proposal. It is considered that the proposal would accord with SG LDP AQUA 1.

3) Historic or Archaeological Sites and their settings

Historic Environment Scotland (HES) has advised that that they do not consider that the proposed modification of the existing fish farm would have any significant impacts on heritage assets within their remit and accordingly they do not object to the proposal.

Taking account of the above, it is not considered that the expansion of the fish farm in this location would not have an adverse impact on the setting cultural heritage assets and therefore the proposal would not conflict with policies SG LDP AQUA 1, SG LDP ENV 16(a) and SG LDP ENV 19. Policy 19 - Scheduled Monuments takes a similar approach to Policy SG LDP 16(a).

4) Priority Habitats and Species (including wild migratory salmonids) and designated sites for nature conservation

NatureScot has advised that the proposal is likely to have significant effect on the qualifying interests of the Ailsa Craig SPA. In these circumstances Argyll and Bute Council, as competent authority, is required to carry out an appropriate assessment in

view of the site's conservation objectives for its qualifying interests. This appropriate assessment is contained within the appendix of this report. The conclusion of this is that, subject to the specified mitigation which are included as proposed conditions, the proposal will not adversely affect the integrity of the site.

The applicant has submitted a Linnhe Predator Exclusion Plan (Rev 3) in support of this planning application. This plan covers all of the proposed developments in the Linnhe area and identifies fish eating birds and seals as the main predators in this area.

With regard to avian predation, the developer proposes the following to reduce the risks:

- Use top nets to prevent cage surface attack by avian/mammalian visitors.
- Use 20mm cage net mesh. Small mesh size deters beak attack from below surface.
- Ensure weighting system optimised to produce max. net wall tension

Pole mounted nets are proposed at this fish farm. The nets will have a 75mm mesh size on the side wall panels and a larger mesh of 100 mm on the top panel of the net.

To minimise potential risk of bird entanglement the following monitoring, reporting and adaptive mitigation measures will be implemented:

- The maintenance of daily records of wildlife entanglement/entrapment using a standardised proforma provided by NatureScot and submit six-monthly returns to Argyll and Bute Council, copied to NatureScot
- Immediate notification to both Argyll and Bute Council and NatureScot in the event of any significant entrapment or entanglement of gannets. Significant entrapment is defined as involving three or more birds of any named species on any one day and/or a total of ten or more birds in the space of any seven day period and/or repeat incidents involving one or more birds on four or more consecutive days; and
- Adaptive management approaches will be agreed between Argyll and Bute Council and Scottish Sea Farms in consultation with NatureScot, such measures may include:
 - (i) Review of entanglement records and if bird entanglements occur then consider appropriate alterations to the top net design including changes in mesh size, net colour and marking the top nets to make them more visible to birds; and
 - (ii) If bird entanglement continues despite alterations, top net design could be changed to the traditional 'hamster wheel' system.

In addition, the proposal also lies close to the Inner Hebrides and Minches SAC protected for its harbour porpoise (*Phocoena phocoena*) qualifying interest. The planning authority is therefore required to consider the effect of the proposal on the SAC (commonly known as a Habitats Regulation Appraisal). As the applicant is not planning to deploy ADDs at this site NatureScot has advised that it is unlikely that the proposal will have a significant effect on the harbour porpoise qualifying interest either directly or indirectly. In order to ensure that ADDs are not used on this site a planning condition is proposed to restrict this. An Appropriate Assessment is not therefore required for this SAC.

The proposal is also located close to the Eileanan agus sgeirean Lios Mor Special Area of Conservation (SAC) which is designated for harbour seal (*Phoca vitulina*). NatureScot has advised that it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly. In this respect NatureScot have advised that the EIAR Predator Exclusion Plan no longer includes seal management as a last resort and the ADDs will not be used at this site in addition to confirming that secondary anti-predator nets will also not be used on this site. NatureScot support the focus on well tensioned cage netting, net maintenance and regular removal of fish mortalities as key seal predation measures.

In terms of Priority Marine Features (PMFs), Burrowed Mud is present at the site and *Funiculina quadrangularis* (sea pen) is also present. In this respect Nature Scot has advised that the proposal is not capable of significantly impacting the national status of either of these PMFs.

Taking account of the above, it is considered that the proposal would accord with policies LDP 3, SG LDP AQUA 1, SG LDP ENV 1 and SG LDP ENV 2.

5) Wild Fish Interactions

a) Containment and risk of escapes

The EIAR notes that apart from a single fish which escaped from Dunstaffnage fish farm due to a physical handling error in 2013, there has not been an escape event at an SSF farm in the Loch Linnhe Farm Management Area within the past 9 years. A Containment Plan and Escape Prevention and Recapture Strategy has been submitted in support of this application. Site specific attestations have also been submitted from the applicant which confirm that the equipment will be suitable for the conditions they are to be placed in. The applicant has also confirmed that the equipment will meet the design requirements specified by 'The Technical Standard for Scottish Finfish Aquaculture'.

MSS has confirmed that these issues are acceptable following a request for further clarification on equipment attestations.

Taking account of the above, it is considered that the measures for containment and dealing with the risk of escape is acceptable.

b) Sea Lice Management

Wild salmon and sea trout are priority marine features, and having regard to the division of regulatory responsibilities acknowledged in the National Marine Plan, and as part of its biodiversity duty, the Council in its capacity as Planning Authority must assume responsibility for the consideration of the implications of aquaculture development for the conservation of these 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 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. Similarly, the Council has to satisfy itself that proposed containment is adequate in order to minimise the risk of escape events.

Marine Scotland's Fish Health Inspectorate have the responsibility for regulating the health of fish being produced on the farm, but this responsibility does not extend to the consideration of the effects of fish farming upon wild fish; although Marine Scotland does provide wild fish interaction advice to the Council to inform decision-making. SEPA are the regulatory body responsible for licensing biomass permitted to be held on farms and for the permitted use of chemicals, but the propagation of sea lice into the wider environment from within farms is not construed to be 'pollution', and therefore wild fish impacts are not considered as part of their licensing process.

The government is a participant in North Atlantic Salmon Conservation Organisation (NASCO) established by an inter-governmental Convention in 1984. The objective of NASCO is to conserve, restore, enhance and rationally manage Atlantic salmon through international co-operation, taking account of the best available scientific information. It seeks to avoid lice induced mortality which is attributable to the operation of marine farms. In 2016, in response to declining wild salmonid numbers, NASCO urged operators and regulators to adopt additional corrective measures to ensure that convention obligations can be met.

In response, in July 2017, having regard to the demand by NASCO for more stringent controls, and the government's obligations under the Aquaculture and Fisheries (Scotland) Act 2007, Marine Scotland's Fish Health Inspectorate (FHI) introduced a new Sea Lice Management Policy which now obliges salmon farmers to develop site specific escalation action plans to be implemented when sea lice levels rise above specified levels. This can include *inter alia* a requirement for measures such as medicinal treatment, topical bath treatment, mechanical removal, biological interventions, or reduction of the biomass held on the site. The FHI lice control standards have been prompted by Marine Scotland's responsibility for the health of farmed fish. They do not specifically take into account the conservation interests of wild fish, which are the separate responsibility of Planning Authorities. These new standards do, however, provide a regulatory 'backstop' which indirectly benefits wild fish, insofar as they prompt action when lice numbers on farmed fish are elevated beyond CoGP limits.

Marine Scotland Science (MSS) has advised that there is no history of sea lice affecting the health of the aquaculture animals at this site to the knowledge of the FHI. In terms of sea lice management, the site is located in Farm Management Area (FMA) M-36 which is farmed by three aquaculture production businesses. This covers a relatively large area encompassing the lower part of Loch Linnhe, Loch Creran and rainbow trout sites in Loch Etive. Since stocking in April 2020 numbers of adult female sea lice on site have remained well below the CoGP suggested criteria with the exception of week 1 in January 2021 which was above the MS reporting levels for one week. Following physical treatment, levels were back below MS reporting level and below the CoGP suggested criteria by week 3 of January 2021.

SSPO reports show adult female sea lice to be above the CoGP suggested criteria for half of the 2018/2019 production cycle however during this period numbers of adult females were maintained at or below 1 adult female and did not rise above MS reporting levels at this or any other site in the FMA in 2018 or 2019.

The applicant has provided the current sea lice management strategy for the Linnhe region and the Farm Management Statement for the SSF sites in the M-36 area.

Salmon farms in the FMA will have a synchronous fallow period for a minimum of 4 weeks, including those operated by the applicant and Mowi. A risk assessment has been provided as per the CoGP 3.101 for the non-synchronous production of the Loch Etive trout farms in FMA M-36 which identifies the risks to the sites in Loch Linnhe and the greater 15b DMA with regard to pathogens and parasites. It is noted that the FMA has been operating with non-synchronous production for over 10 years and there is no apparent evidence that the Loch Etive sites are increasing risks to SSF sites. Sea lice burden in Loch Etive is minimal due to the high amount of freshwater entering the loch however sea lice interventions have been required in recent production cycles. The applicant states that they offer a Thermolicer to help with treatments as required. Marine Scotland Science has advised that is deemed to be satisfactory as far as can reasonably be foreseen.

Sea lice counts will be recorded weekly, with a minimum of 10 fish randomly sampled from each pen. SSF will work within the CoGP suggested criteria and go further in operating to a lower voluntary intervention level of 0.5 adult female *L.salmonis* all year round. Following preventative measures through use of lice shields, selective stocking for resistance, synchronous fallow, single year class and good husbandry; a critical decision flow chart has been supplied showing steps that will be taken should adult female sea lice numbers of *L.salmonis* increase. The first step is to ensure efficiency of cleaner fish by reviewing net cleanliness and if numbers of lice still continue to increase there will be a review of cleaner fish husbandry including hide management, feeding and stocking ratios. Should adult female lice numbers continue to increase mechanical or medicinal intervention will be considered in consultation with the vet and using bioassay results where available. Ultimately, where interventions continue to be unsuccessful early or partial harvest will be considered to reduce the biomass on site.

Sea lice management and control is focused on the use of cleaner fish which the applicant is authorised to stock on this site. Cleaner fish were first stocked on site in 2013 and wild wrasse are currently stocked on site. Confirmation that suitable numbers of cleaner fish can continue to be sourced to ensure stocking remains at a ratio that will provide efficacious biological control with the additional biomass proposed was requested at the screening and scoping stage. The applicant has stated in the EIA that a dedicated contractor has supplied cleaner fish to SSF for the past 3 years and agreements are in place to ensure adequate numbers of cleaner fish are in place going forward.

Biological control is supplemented by medicinal in feed and bath treatments and also physical control with use of a thermolicer. Bath treatments of sea lice chemotherapeutants will occur in full enclosure tarpaulins or wellboats and can be conducted in 2 days deltamethrin or 5 days with azamethiphos. However, the sea lice treatment strategy will target individual pens when intervention is deemed necessary therefore the requirement for whole farm treatment is less likely.

Permitted quantities of emamectin benzoate would allow 1.4 times the maximum biomass to be treated with the in feed treatment Slice. Slice has previously been used on site when tonnage is low in the early months of the production cycle or later in the cycle for *Caligus* sp. Other preventative measures will be put in place including use of lice skirts.

On top of the sea lice strategy, the applicant has submitted an Environmental Management Plan (EMP). An EMP ensures that appropriate environmental management practices are adhered to during the construction and operation of the development. Marine Scotland has set minimum requirements for the content of these EMPs and advise the planning authority if they consider that a particular EMP meets these requirements. MS expects that as a minimum EMPs should be able to:

- Report on the level of lice released into the environment (i.e.both farmed fish numbers and adult female lice numbers);
- Identify the likely area(s) of sea lice dispersal from the farm;
- Provide details of how and what monitoring data will be collected to assess potential interaction with wild fish;
- Provide details on this monitoring information will feed back to management practices;
- Include a regular review process so that the EMP remains fit for purpose.

MSS has confirmed that the EMP submitted in support of this application meets these criteria.

Argyll District Salmon Fishery Board (ADSFB) has advised that a satisfactory agreement has been reached in relation to agreeing an Environmental Management Plan. However, the ADSFB emphasise that their willingness to engage in the development of an EMP prior to planning consent being granted does not imply support for the application. Whilst they recognised that Local Authorities have introduced EMPs as conditions of consent in an attempt to try and manage interactions between wild and farmed fish, they also consider that this process is imperfect and cannot be properly enforced through the planning system.

The concerns of the ADSFB are acknowledged, however, current guidance from the Scottish Government is that EMPs should be used in order to manage and monitor the sea lice threat from farmed salmon to wild salmon. In support of this application, the planning authority received expert advice from Marine Scotland Science on the acceptability of proposed EMPs.

Taking account on the above, it is considered that the proposal would accord with policies LDP3, SG LDP AQUA 1 and SG LDP ENV 1.

6) Ecological Status of Water Bodies and Biological Carrying Capacity

The site is located within 'uncategorised' waters under Marine Scotland's Locational Guidelines, which indicates better prospects of fish farm developments being acceptable in environmental terms given the open situation, and the depth of water with unconstrained water exchange. SEPA are responsible for controlling water column impacts via its CAR licensing process and have confirmed that they issued a relevant licence variation (CAR/L1009031/C1/VN06) on 17th March 2020. In these circumstances it is not

considered that the proposal would conflict with policy SG LDP ENV 7 which resists development which would have a detrimental impact on the water environment. The proposal would also accord with policy SG LDP AQUA 1.

7) Commercial and Recreational Activity

The EIAR identifies that Potential impacts on commercial fisheries from salmon farms include:

- Loss of access to fishing grounds due to presence of the farm and associated economic effects.
- Changes to the abundance of Nephrops as a result of degradation and modification of benthic community assemblages.

Both the above-mentioned direct impacts have the potential to result in the following indirect effects:

- Adverse impacts on the income and livelihoods of individual fishermen.
- Displacement of fisherman to other fishing grounds resulting in increased pressure on resources or conflict with other sea users.

Based on the latest landings data for Oban, the information provided by the members of the West Coast Regional Inshore Fisheries Group and the benthic habitat prevalent in the assessment area, Nephrops is anticipated to be the key target species in terms of commercial fisheries in the assessment area and was therefore selected as the point of focus of the assessment. Nephrops are also known as Norway lobster, langoustine, Dublin Bay prawns or scampi. Nephrops are the most valuable shellfish stock. The Scottish fleet fish for Nephrops by creeling and by trawling and both these methods are used in Loch Linnhe.

Nephrops are a mud burrowing marine decapod crustacean. Nephrops distribution is limited by the extent of suitable muddy sediment in which they can construct burrows.

The burrowed mud PMF is widely distributed across the west of Scotland and therefore the report concludes that the proposals are unlikely to have a significant effect on the national status. Benthic surveys conducted at the SSF farms forming part of the programme of development within Loch Linnhe to inform the development proposals found that Nephrops habitat was available. The survey conducted at Dunstaffnage identified that there was little variation in seabed characteristics throughout the survey site with water depths ranging from 35 – 45m. Sediments across the area were dominated by soft muds with numerous Nephrop burrows throughout the soft muds. The findings of the survey align with a previous survey conducted in 2013 by SNH of the wider Firth of Lorn area including between the islands of Lismore and Kerrera. Biological analysis revealed that Burrowed Mud was widely distributed across the northern region of the Firth of Lorn, with observations of Nephrops in soft muds.

In terms of loss of access to fishing grounds the applicant's report advises that the assessment area is outwith high value trawl fishing areas and a low number (3) of fishing vessels using mobile gear were estimated to use the assessment area for Nephrops trawling. However, the restrictions on trawling imposed in 2016 as a result of the

designation of the Loch Sunart to Sound of Jura Marine Protected Area may have resulted in a change in the intensity of trawling in the remaining unrestricted areas by fishermen in the area. The proposal falls out-with the restricted trawling areas and therefore may be utilised by fishermen in the area for trawling.

Loss of access to fishing grounds due to presence of the farm and associated economic effects.

The number of creel fishing vessels estimated to be directly affected by the programme of developments in Loch Linnhe is expected to be between 6 and 10, which equates to (5 – 8%) of the fleet registered in the Oban port district overall and 3 trawling vessels are estimated to be affected (2% of the registered Oban fleet).

To facilitate the safety of sea users, fishermen are excluded from the entire moorings area of a farm to avoid interaction with farm infrastructure and vessels associated with site operations. The report estimates the loss of value and subsequent income for fishermen operating within the assessment area as a result of the proposals. The total combined area to be lost to the proposed programme of developments takes up approximately 0.78 sqkm at a total anticipated annual value of £877 and £156 for creeling and trawling respectively. As a cautious estimate, the report assumes that this value may have doubled since the data were gathered and to account for the low survey response rate and potential under-reporting the total estimated landing values, assumed to be lost, were doubled (£1754 and £312).

It is anticipated that the activities of a low number of fishing vessels comparable to the port district fleet would only be partially impacted if the proposed sites were to be developed suggesting that the developments are unlikely to have a high adverse impact on the Nephrops fishery in the district as a whole. Due to the predicted comparably low fishing effort in the grid cells where development is proposed as well as within the wider assessment area in proportion to the fishing grounds of similar or higher value available within the region, any change to the Nephrops fishery and potential economic effects as a result of the proposals is likely to be localised and of a low magnitude. However, it is possible that any proportional loss of landings may result in a greater impact on income for individual fishermen affected by the proposals.

Changes to the abundance of Nephrops as a result of degradation and modification of benthic community assemblages.

The Burrowed Mud habitat present throughout the assessment area has the potential to host Nephrops, with the presence of Nephrops being confirmed in multiple locations. However, the distribution of Burrowed Mud habitat may not indicate or correlate with the spatial distribution of suitable or important Nephrops habitat in terms of fishery interests. The assessment area has not been highlighted as suitable Nephrops habitat in terms of importance for fisheries stock management, is outwith high value trawl fishing areas and has not been identified as intensely fished through creeling. Although Nephrops habitat is present within the assessment area, the assessment area is small in comparison to the wider habitat availability in the region which is considered more suitable in terms of fishery interests.

The benthic impacts of the proposals are required to be assessed by Scottish Environment Protection Agency (SEPA), through the process of determining the CAR

licences. The effects have been predicted not to exceed the appropriate benthic Environmental Quality Standards and SEPA have issued a CAR Licence variation in respect of chemical treatments and discharges from the site for the proposed biomass.

A direct loss of suitable Nephrops habitat in the local area may indirectly impact Nephrops creeling by reducing the available resource or requiring increased effort by fisheries to maintain landings. However, this is not anticipated due to the minimal area to be impacted by the proposals (0.2%) in proportion to the wider availability of Nephrops habitat in assessment area and the region as well as the low fishing effort in the grid cells where development is proposed as well as within the wider assessment area. The magnitude of the potential impact is therefore anticipated to be low.

Due to the anticipated low magnitude of the effects of the direct impacts of loss of access to fishing grounds and changes to the distribution and abundance of Nephrops, no significant indirect effects are anticipated with regard to the displacement of fishing effort on the local inshore fleet as a result of the Dunstaffnage proposal in isolation or the cumulative effect of the wider Loch Linnhe programme of developments. However, the potential exists for the income and livelihoods of individual fishermen to be adversely affected should the areas to be developed comprise a substantial portion of individuals' fishing grounds.

Mitigation

The applicant has advised that the following standard mitigation measures to minimise impacts to benthic habitat will be implemented, which will in turn minimise impacts on the abundance of Nephrops:

- Minimisation of feed waste will be achieved by use of visual monitoring of feeding by camera, thereby allowing feeding to be terminated when the fish are satiated; and feed pellet size appropriate to the size of fish will be selected. High digestibility feed will also be used to minimise faecal production.
- Benthic impacts at the cage edge and the surrounding area will be regularly monitored in accordance with the conditions of the CAR Licence. Suitable transects and sampling stations for compliance monitoring will be agreed with SEPA, informed by model outputs. Routine monitoring will involve the collection of seabed samples which are analysed for indicators of organic enrichment, benthic community disturbance and in-feed chemical residues. As a result of the survey regime, a site can be assessed for its compliance with the relevant environmental standards, and consented biomass and/or medicines can be adjusted accordingly through a licence variation process.
- Chemical residues on seabed sediments will be minimised through adherence to the Sea Lice Management Strategy (Appendix 13) which seeks to prevent, monitor, and control sea lice so that intervention measures are not required on the farm. Should lice levels rise to levels which require intervention then the strategy prioritises non-medicinal measures (focused deployment of cleaner fish and physical delousing measures) to limit the use of medicinal treatments where possible. Where medicinal treatment is required the SEPA CAR Licence limits will be adhered to.

- Any medicinal treatments administered will be solely in accordance with the limits specified in the SEPA CAR licence, as deemed appropriate for the location.

Taking account of the above, it is considered that the impacts on commercial and recreational vessels will not be significant and that the proposal is in accordance with the development plan on this issue.

8) Amenity issues arising from operational effects (waste, noise, light and odour)

The applicant has advised that the farm will continue to use underwater anti-maturation lighting. Navigation lighting will be installed as per the requirements of the Northern Lighthouse Board. It is noted in the EIAR that the number and kind of navigation lights will be the same as for the existing farm. Main sources of noise at the existing site are from vessel activity and the operation of machinery on the feed barge. Vessel activity associated with the existing operations (and the proposal) include work boat movements for staff transfer and occasional larger vessels (deliveries to- and collections from the feed barge; and well-boats for stocking, harvest, or treatment). Noise sources on vessels include boat engines, hydraulic power-packs, and associated machinery. On board pumps on well-boats and other equipment used in non-medicinal treatment of fish also produce noise. Effects of noise from vessel activity are however transient and variable nature and therefore not anticipated to result in nuisance noise. The primary fixed source of noise is the operation of machinery on the feed barge. This will include cranes, generators and associated hydraulic systems, all of which sound like diesel engines. Noise on the feed barge will also occur due to feeding operations, with feed blowers on the barge introducing a background noise of a fan, comparable to a large air conditioning unit. The feed passing down pipes will manifest as an audible rattle (the degree of audibility varying with feeding depth). Feed selectors that serve to connect the feed outflow from the barge to the appropriate delivery pipe may introduce an occasional metallic thump (impulse) to the sound from the site. As the existing feed barge is to be used, there will be no change to operational noise levels from existing levels. SSF is committed to ensuring that every effort is made to keep operations as unobtrusive as possible by the use of noise insulation on relevant equipment and by restricting and adjusting hours of construction and operational activity as far as is practicable to limit the potential for nuisance. Construction activities will be temporary (for a period of up to six weeks) and will be limited to daylight hours. All noise on site normally ceases during the period between 18h00 and 06h00. Generally, noise is intermittent and confined to the working hours of the site and is unlikely to be a nuisance to sensitive receptors along the coast taking into consideration background noise.

With regard to noise, the EIAR notes that the expansion of the existing site is not expected to be significant as the proposal does not involve any additional noise sources.

The applicant has advised that the new feed barge, although having a larger feed storage capacity and an increased length compared with the existing barge, will have the same primary potential noise sources (cranes, generators and associated hydraulic systems, feed blowers and the sound of feed passing down pipes) as on the existing barge. These systems will not be significantly different to those on the existing barge. The equipment will be based on newer technology and noise sources will be housed in internal or enclosed compartments which will act as acoustic enclosures. In addition, the feed barge will be sited out of view from the central

part of Ganavan beach and the terrain will act as an additional acoustic barrier between potential noise sources and recreational users on the beach.

In relation to noise associated with harvesting activities, the applicant has advised that harvesting operations take place within the last five months of the 24-month production cycle and typically involve a single well boat making trips to a farm twice to three times weekly within this period, mostly during normal working hours (8am-5pm). There may be weeks within this period where no harvesting takes place. The harvesting operations at the proposed expanded site will be in line with those that currently take place at the existing site using the same well boats, therefore there will be no increase in noise levels during harvesting. The increased proposed biomass at Dunstaffnage is also unlikely to make a difference to the number of well boat harvesting trips, as existing harvest volumes are well below the maximum capacity of the well boat. The presence of the well boat and harvesting operations at the existing farm at over a kilometre away have not resulted in nuisance or affected recreational use of the beach, as such, nuisance as a result of the proposed expansion is not anticipated. SSF will ensure that every effort is made to keep operations as unobtrusive as possible.

As no likely significant effects are expected, no further assessment was considered necessary.

A Waste Management Plan is contained as an appendix to the EIAR. This details the different types of waste encountered on the fish farm along with the proposed waste collection and disposal methods. The plan also covers aquaculture related equipment which washes up on shorelines in the vicinity of SSF farms. The plan advises that as part of an agreed 'industry collective responsibility', SSF will respond to reports of equipment and debris, regardless of whether it is from an SSF farm. Removal of material will be undertaken as soon as it is practically possible, but ultimately will depend on weather and availability of a suitable vessel.

Taking account of the above, it is considered that proposal would accord with policies LDP 8, LDP 10, SG LDP BAD 1, SG LDP SERV 5(b) and SG AQUA 1. In addition, the proposal would accord with policy 14 of the proposed LDP2 which maintains a similar policy approach to the existing bad neighbour policy.

9) Economic Impact

It is necessary to have regard to net economic impacts, taking account of any negative effects imposed upon existing businesses as well as economic benefits accrued by the applicants and any indirect benefits to the manufacturing/service sector. No adverse impact of significance has been identified in terms of commercial fishing or recreational boating, and there is no suggestion that expansion of the site would prejudice operator viability within any of these sectors. If it is considered that that the proposal would prejudice wild fish interests, then there could well be some adverse implications for the tourism and economic value of the fisheries in the area, although the attribution of such effects to the scale of the project at hand and the quantification of those effects would be difficult. However, the EIAR concludes that with mitigation there would be no significant adverse effects on wild salmonids. It should also be noted that the number of wild fish available to anglers is dependent on a many other pressures affecting wild salmon and trout.

The expansion of the aquaculture sector is being actively encouraged by government policy in view of the contribution it makes to the national and export economy and in view of the employment it sustains. It is supported by development plan policy unless there are locally significant adverse effects which cannot be avoided, reduced or mitigated to an extent which

renders development acceptable. The Council's Economic Development Strategy identifies the food and drink sector as being one of the areas key sustainable economic assets helping to retain and create jobs in rural areas.

In this respect the applicant has provided further supporting information on the socio-economic benefits of the proposed development. SSF have advised that they have been producing salmon in Argyll and Bute since 1974. They have two freshwater hatcheries in the region, one at Barcaldine and the other one on Mull. These supply 40 salmon farms across Scotland including 13 in the Oban and Mull area. There is also a processing facility at South Shian which prepares and packs the salmon from the Scottish mainland farms for onward supply to customers in over 24 countries.

The report also highlights that there is an £8.5 million annual spend with Argyll and Bute suppliers / businesses with 107 supplier / businesses being used in Argyll and Bute. Salmon farming makes a significant contribution to the local economy of Argyll and Bute, in particular to more remote and fragile areas and provides year round jobs which are important to coastal communities. These jobs include direct jobs in fish farming companies and indirect downstream jobs supported in transport, processing and support services. In 2020, the salmon farming industry in Argyll and Bute was estimated to support 540 direct employees and 330 supplier, contributing over £22 million gross pay and £138 million in Gross Value Added. Their report further highlights that the economic activity generated by Scottish Sea Farms supports a number of international, national and Council objectives and priorities.

In relation to the Dunstaffnage proposal, it is conformed that there will be one additional staff position on the farm with the additional volume of farmed fish requiring two further processing positions at South Shian from 2023. Should all of current Linnhe proposals be approved, a new four person net washing team would be recruited.

Taking account of the above it is considered that the proposal would accord policies LDP 5 and SG LDP AQUA 1.

D. Effects of Fish Farm Medication on Human Health

A number of representations associated with this planning application have raised concerns about adverse effects of fish farm medications on wild swimmers. This issue arose after the submission of the planning application and did not form part of the EIAR. A further report was commissioned by the Scottish Salmon Producers Organisation (now Salmon Scotland) and submitted by the applicant. This report produced by WCA was advertised as supplementary information to the EIA. The objective of the report was to assess the potential health risk to open water swimmers in the vicinity of fish farms in Scotland in relation to medicinal treatments applied for the control of sea lice on salmon. The report has considered three substances, namely azamethiphos, deltamethrin and hydrogen peroxide.

Medicinal sea lice treatments using known amounts of the substances are carried out in one of two ways:

- Bath treatments in-situ. By enclosing the pen in question fully with a large tarpaulin. The net is lifted to gently crowd the fish together in the smallest safe volume. The tarpaulin is passed underneath the net and pulled up around the pen above the water level. When

the fish are totally enclosed in the tarpaulin, treatment can begin. Once the treatment is completed the tarpaulin is removed and the treatment water released into the sea.

- Fish may be treated in tanks on board specialist wellboats. Following treatment, the dislodged lice are collected and disposed of, then the treatment water is released into the sea.

With regard to azamethiphos and deltamethrin the report concludes that the concentrations used to treat fish are safe for open water swimmers, even before dilution and dispersion occurs in open waters. However, for hydrogen peroxide there is a risk associated with the concentrations of hydrogen peroxide used in the fish treatment paths, therefore, characterisation of dilution and dispersion are likely to be required to be taken into account to demonstrate that discharges of hydrogen peroxide are safe for open water swimmers.

A Hydrogen Peroxide dispersion model report produced by Salmon Scotland has been included as an Appendix to this report. In order to place the results in the main report into context, the dispersion of hydrogen peroxide from a pen following a tarpaulin treatment was assessed using a modified version of "BathAuto" model. This model has been used by SEPA for regulatory purposes (to calculate short-term dispersion of bath treatments from marine pen fish farms) for around 25 years. The spatial and temporal scale of impact relative to the No Effects Level (NEL = 59.84 mg l⁻¹) was computed. The model allows for a generic risk assessment approach for a range of initial treatment quantities and environmental conditions (mean current speeds) typical of marine fish farms.

For both pen sizes considered, peak concentration within the patch is predicted to be below the NEL in around 30-60 minutes for most scenarios, with a maximum time of 100 minutes. The distance travelled by the patch centre during this time ranged from 164-378 m. Peak and average concentrations within the patch were correspondingly well below the NEL at the 2 hr point. The 2 hr average of peak patch concentration was over the NEL (1.2-2.4 x for 120 m pens, and higher (1.5-3.2 x) for 160 m pens due to greater treatment mass and volume). The 2 hr average of mean patch concentration was below or very close to the NEL for 120 pens in all but the slowest current scenario (where it was 1.4 x NEL over 2 hrs). For 160 m pens, 2 hr average of mean values was only below the NEL at the fastest current speed (worst case 1.9 x at slowest current speed).

It is clear from the results that while pen concentrations of H₂O₂ are much higher than the reported NELs, dispersion in an open-water environment is expected to reduce concentration below the NELs quickly, in as little as 30 minutes and generally within a distance of 2-300 m from the treated pen centre point. Moreover, in many cases (and particularly the smaller pen scenarios, which are more realistic for the types of environment which swimmers will use), the 2 hr average of the mean patch concentration is below the reported NEL.

Even in the worst-case scenario (an unrealistic combination of very large pen and very slow current speed), the average of the peak concentration over 2 hrs is 3.2 x NEL. To experience such concentrations, a swimmer would have to be at the pen edge at the moment the tarpaulin was dropped, and swim following the central peak of the patch (most likely parallel to the coastline) for a 2 hr period. Very few (if any) swimmers in Scottish coastal waters will swim for 2 hrs, with a more common swim duration being 30-45 minutes. Allowing for the time taken to swim to a farm (typically over 100 m from the shore), and the need to time the swim perfectly with medicine release and movement, exposure at this level would appear to be exceedingly

unlikely. If swimmers follow guidance of remaining outside pen grid marker buoys, risk of exposure is reduced even further.

It should also be borne in mind that most swimmers in Scottish coastal waters for the durations modelled here, will be wearing a wetsuit, offering added protection.

Given the small risk identified above, officers consider that it would be prudent to attach a condition to the proposal which seeks to inform key users of the water when medication is being administered to the fish. The fish farm company has advised that the last time bath medication was used at the existing Dunstaffnage farm was in 2011 when Detamethrin was used. Within their Linnhe fish farms as a whole, the average number of medicinal bath treatments administered per production cycle (a 24-month period) across their seven Linnhe farms is 1-2 treatments, with none at all at some farms based on treatment data over the last three cycles (6 years). When medications are to be administered the company are required to notify SEPA in advance. It is therefore considered that a condition could be easily complied with and monitored. This would allow individuals to make their own informed choice about where to enter the water. It should be noted that the supporting information demonstrates that the risk from hydrogen peroxide would only be present for a short time before falling to NEL and that there are many other health and safety reasons why it would not be sensible to swim in close proximity to a fish farm such as deep water, entanglement with moorings and conflict with boat traffic.

NHS Highland were consulted on this report and have advised that while they are not able to comment on the detailed technical elements of the report, the overall methods and processes appear reasonable as do the deductions. NHS Highland advised that they were not able to give a definitive opinion on the safety of wild swimming in the vicinity of fish farms simple based on the report, however, based on the available evidence NHS Highland does not wish to object to the application.

HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT'

HABITAT DIRECTIVE 92-43-EEC

THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

Ailsa Craig Special Protection Area (SPA)

Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Ailsa Craig Special Protection Area (SPA) was classified 25th April 1990 and extended 25th September 2009. It covers the Ailsa Craig Island and approximately 2km into the marine environment, including the seabed, water column and surface. It has a qualifying interest by regularly supporting populations of migratory species namely; northern gannet (*Morus bassanus*) and lesser black-backed gull (*Larus fuscus*). It also has a qualifying interest at regularly supports in excess of 20,000 individual seabirds including common guillemot (*Uria aalge*), black-legged kittiwake (*Rissa tridactyla*) and herring gull (*Larus argentatus*).

The purpose of the designation is to avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained:

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

Consequences of the designation

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an 'appropriate assessment' to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of 'reasonable scientific doubt', then permission ought not to be granted.

An 'appropriate assessment' is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

It is considered by NatureScot that the development proposed by means of planning application (ref: 20/02358/MFF) could affect the qualifying interests which are breeding seabird assemblage, gannet (breeding), common guillemot (breeding), herring gull (breeding), kittiwake (breeding) and lesser black-backed gulls (breeding) as the proposal is within the mean foraging range from the Ailsa Craig SPA.

The proposed site lies approximately 135km to the north of the boundary of the SPA. However, this is within the mean maximum foraging range for birds identified as the qualifying interest of the SPA. As a consequence, Argyll Bute Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

Characteristics of the development

The proposal is for the equipment and operation of a marine fish farm with farmed fish to be contained in 14 no. 100 m circumference pens in a 75m mooring grid. The top nets will be pole mounted. The site will be served by a 300 tonne feed barge positioned off the centre of the cage group, between the site and the shore.

The nets which are proposed to contain the farmed fish have the potential to cause injury and mortality to the qualifying bird species of the SPA by way of entanglement. The development may have the potential to cause damage or displacement to foraging areas used by the qualifying species.

Assessment

The assessment considers the impact of the proposals on the birds identified as the qualifying interest and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by NatureScot.

NatureScot has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, could in their view affect the qualifying interests of the SPA. They object to the proposal due to the potential impact on the SPA unless it was subject to conditions requiring operation strictly in accordance with the proposed mitigation measures.

The site is some 135km from the SPA and will have no direct impact on the boundaries of the SPA. However, it could impact on the qualifying interest of the birds which would forage within the area.

The applicant has produced a Linnhe Predator Exclusion Plan (LPEP) which covers all of the company's fish farms in the Linnhe area. This sets out the management actions that would be undertaken to reduce the risk of predators targeting the site, including diving birds. The LPEP advises that a number of piscivorous bird species have been recorded around Loch Linnhe, including some species considered to be of conservation interest such as gannets (which are found throughout Scottish inshore waters, with higher densities in the summer months) and opportunistic foraging large gull species, including the lesser black-backed gulls. Other bird species which may be attracted to fish farms within Loch Linnhe include shags, cormorants and herons.

The LPEP states that pole mounted top nets are proposed at a number of the farms within Loch Linnhe which will have 75mm mesh size on the side wall panels and a larger mesh of 100mm on the top panel of the net to reduce the net weight and add strength to the structure.

The LPEP reflects the advice given by NatureScot, namely that subject to the following mitigation, the proposal will not adversely affect the integrity of the site:

- A ceiling mesh of 100mm is used and a side panel mesh size of 75mm or below is used;
- Operators to maintain daily records of wildlife entanglement / entrapment using a standardised proforma to submit regular (usually six-monthly) returns to the planning authority, copied to NatureScot;
- Immediate notification by operators to both the planning authority and NatureScot in the event of any significant entrapment or entanglement of gannets, and any other SPA interests identified as relevant to a particular fish farm (e.g. involving three or more birds of any named species on any one day and / or a total of ten or more birds in the space of any seven day period and /or or repeat incidents involving one or more birds on four or more consecutive days);
- Adaptive management approaches should be agreed between the planning authority and the applicant in consultation with NatureScot.

The NatureScot comments also highlight the comments made in the EAIR which identify potential adaptive management measures:

If entanglement records show significant entrapment or entanglement occurring then consider appropriate alterations to the top net design including changes in mesh size, net colour and marking the top nets to make them more visible to birds; and

If bird entanglement continues despite alterations, top net design could be changed to the traditional hamster-wheel system.

NatureScot has also stated that there should be no use of drift nets, vertical static nets, or gill nets to recapture escaped fish as this will be a number of marine birds, including guillemots, shags, divers and others at risk.

Conclusion

The potential impacts of the development in relation to the conservation objectives cited in the SPA designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the operation of the development as proposed, in combination with the operation of other farms nearby will not, with identified mitigation in place, have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.