

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: 19/02539/MFF

Planning Hierarchy: Local Application

Applicant: The Scottish Salmon Company

Proposal: Relocation and enlargement of existing marine fish farm (currently comprising; 8 No. 100 metre circumference cages) by re-equipment with 14 No. 120 metre circumference cages and extension of mooring grid from 60 metres to 75 metres to accommodate the additional pens. Increase in biomass from 1198 tonnes to 2070 tonnes.

Site Address: Ardyne Fish Farm, Loch Striven, Argyll & Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Installation of 14 no. 120m circumference cages in a 75m mooring grid and;
- Installation of feed pipe

(ii) Other specified operations

- Removal of existing fish farm
 - Maximum biomass 2070 tonnes
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(B) RECOMMENDATION:

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

(C) HISTORY:

14/01234/SCRSCO - Extension to marine fish farm, Ardyne, Loch Striven, Argyll & Bute – Opinion Issued

15/00304/SCRSCO - Extension to marine fish farm, Ardyne, Loch Striven, Argyll & Bute – Opinion Issued

16/01320/MFF - Modification of fish farm from 8 x 100m circumference cages to 12 x 100m circumference cages including increase in extent of mooring area, Ardyne Fish Farm, Loch Striven, Argyll & Bute - Application Withdrawn.

16/03426/MFF - Increase in extent of mooring area, Ardyne Fish Farm, Loch Striven, Argyll & Bute - Application Approved

19/00335/SCRSCO - Screening and scoping request for replacement of existing Ardyne Marine Fish Farm - Removal of existing cages and replacing with 14 x 120m circumference cages (feed barge/feed pipe may be installed), Ardyne, Loch Striven, Argyll & Bute - Opinion Issued

(D) CONSULTATIONS:

Marine and Coastal Development Policy Officer (16th January 2020) - No objection – provides advice regarding: Benthic impacts; Water column impacts; Interaction with predators; Interaction with wild salmonids; Impacts upon species or habitats of conservation importance, including sensitive sites; Navigation, anchorage, commercial fisheries, other non-recreational maritime uses (MOD); Landscape & visual impacts; Noise; Socioeconomic, access and recreation; and Pre-application discussion.

Marine Scotland Science (MSS) (16th January 2019, 12th March 2020, 24th July 2020, and 19th January 2021) – in their most recent response, MSS acknowledge that the Applicant has supplied an updated version of the Environmental Management Plan (EMP) for the site in question. The Applicant had previously submitted an EMP with their initial planning application, which had initially met MSS minimum criteria for an EMP. The Applicant has now updated the EMP, which has modified their approach to several areas of the originally submitted EMP. Notable amendments include replacing plankton tows with sea lice dispersal modelling as a method to assess lice emissions from the site, the Applicant also put more emphasis on feeding data from the monitoring programs back into the management of the site. The newly submitted EMP still addresses MSS minimum criteria.

MSS request that reference is also made to the information provided in their previous responses in respect to other aspects of the planning application.

Scientific evidence from Norway and Ireland indicates a detrimental effect of sea lice on sea trout and salmon populations. Salmon aquaculture results in elevated numbers of sea lice in open water and hence is likely to have an adverse effect on populations of wild salmonids in some circumstances. The magnitude of any such impact in relation to overall mortality levels is not known. However, concerns that there may be a significant impact of aquaculture have been raised due to declines in catches of both salmon and sea trout on the Scottish west coast.

Information from the west coast of Scotland suggests lice from fish farming can cause a risk to local salmon and sea trout. This information can be used to give an idea of the relative risk to salmon and sea trout, which is governed, and can be mitigated by several factors, in particular the siting of the farm and its ability to effectively control sea lice. The greater the number of lice on the farm the greater the risk to wild salmon and sea trout.

While it is not possible to accurately predict the future lice levels on a farm the performance of existing farms within the area could act as a guide for future performance.

The Scottish Salmon Producers Organisation (SSPO) publishes Fish Health Management Reports providing average lice counts for an area, more recent reports include monthly lice counts for each farm.

This development has the potential to increase the risks to wild salmonids.

The Applicant is aware of the potential impacts on salmon and sea trout, and they currently manage the site as part of the local FMA (area M-45). They undertake to follow the practices recommended in the industry CoGP regarding containment and sea lice control, with the criteria for treatment set at 0.5 adult female per fish (1st February – 30th June) and 1 adult female per fish (1st July – 31st January) and a target of zero adult female lice in the spring. The Applicant has also outlined non-medicinal lice control methods that can be utilised on the site such as biological control as well as mechanical licers. The Applicant has also included a sea lice attestation which indicated their ability to control lice on the site.

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. MSS 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.

EMP - The Applicant has supplied an EMP outlining how potential interactions of sea lice arising from the proposal will be assessed with respect to wild salmonids. Marine Scotland expects that as a minimum any monitoring scheme will 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 area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose.

The supplied EMP includes the criteria mentioned above.

The Applicant has indicated that they intend counting sea lice stages on wild salmonids. The collection of wild salmonids is a regulated procedure, and the Applicant needs to obtain necessary permissions to conduct this activity with a specific achievable objective. Sea lice on wild fish are likely to be obtained from multiple sources, including other nearby farms. The Applicant appears to be aware that wild fish sampling will generate data that could only be used to inform on general environmental sea lice loads.

NatureScot (23rd January 2020, 18th March 2020, 7th May 2020 and 12th January 2021) – in their most recent correspondence NatureScot advise that this proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests of both the Endrick Water Special Area of Conservation (SAC) (Atlantic salmon interest) and the Ailsa Craig Special Protection Area (SPA), NatureScot object to this proposal unless it is made subject to conditions so that the proposal is carried out strictly in accordance with the mitigation detailed in their appraisal. NatureScot remain satisfied that the proposal will not have an adverse effect on the special qualities nor integrity of the Kyles of Bute National Scenic Area (NSA).

In addition, they advise that there should be no use of drift nets, vertical static nets, or gill nets to recapture escaped fish under any circumstances, as this will put a number of marine birds, including guillemots, shags, divers and others at risk.

NatureScot has a conditioned objection in relation to both the Endrick Water SAC (Atlantic Salmon Interest) and Ailsa Craig SPA. Argyll & 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).

In conclusion, the proposal could affect internationally important natural heritage interests and NatureScot therefore object to this proposal unless it is made subject to conditions. If the planning authority intends to grant planning permission against this advice, they must notify Scottish Ministers.

Scottish Environmental Protection Agency (10th January 2020 and 17th July 2020) - no objection to this planning application.

Argyll and District Salmon Fishery Board (6th January 2020) - In summary, Argyll District Salmon Fishery Board remind the planning authority that recommendations of the government joint working group that Environmental management Plans (EMP) must include a feedback and adaptive management process based on the results of monitoring of wild fish populations. The EMP proposed in this application does not provide any clear assessment process of sea lice burdens found on wild fish, nor does it provide a process for wild fish data to be taken into consideration or influence on-farm management practices.

Given that there is existing evidence that wild salmonids are already being affected by sea lice infestations that are known to affect their health and survival and in addition, the proposed EMP does not meet government guidelines, Argyll District Salmon Fishery Board objects to the proposed increase in biomass in the strongest terms.

An effective EMP needs to form a significant part of the planning condition in consideration of the planning authorities' duties under the Nature Conservation (Scotland) Act 2004 in relation to the furthering of nature conservation and biodiversity. Atlantic salmon are a nationally significant natural heritage resource. There is sound evidence that such development can cause irreversible damage to this resource. Therefore, the precautionary principle should be applied in accordance with the provisions of Para 204 of UN 'Rio' Convention, to which the UK is a signatory, to ensure all due consideration is given to wild salmonid fish populations.

Northern Lighthouse Board (19th December 2019): No objections.

West Highland Anchorages and Moorings Association (17th December 2019): No comment.

Royal Yachting Association Scotland (RYAS) (7th January 2020) – no objection. Advise that many recreational vessels heading for the Kyles of Bute cut between the Ardyne Buoy and Ardyne Point. Indeed, the Clyde Cruising Club (CCC) use the buoy as a port hand mark of the course when racing in that direction. RYAS suggest that the Applicant contact the CCC to discuss whether any action could usefully be taken by either party to minimise the risk of adverse interactions. Such actions might include amending the racing instructions, sharing information about racing events and fish farming operations, and setting an additional buoy at the southwest end of the cages to mark the channel for a safe passage.

Loch Lomond & the Trossachs National Park (LLTNP) (18th February 2020) – do not consider that there will be a landscape or visual impact affecting the National Park. LLTNP note that NatureScot (NS) has highlighted that the proposal could affect the Endrick Water Special Area of Conservation (SAC) designated for its Atlantic salmon feature and brook and river lamprey. Lamprey within the National Park will be unaffected but this proposal although at Loch Striven could have a significant effect on Atlantic salmon fish passage to the River Endrick SAC which is in LLTNP. In view of LLTNP's formal agreement on their role as a National Park and NS's role regarding advice on protected sites outwith the National Park, LLTNP defer to NS to advice on how the proposal can ensure protection of the Endrick Water SAC and its designated features.

Argyll & Bute Council Area Roads Officer (30th March 2020) – no objection subject to conditions. This development is accessed from C10 Glen Striven Road within the national speed limit by an existing internal road network. The increased production will create additional traffic movements on the road. Positive measures should be put in place to minimise impact onto the road network especially at peak times. A traffic management plan must be agreed by the Area Roads Manager for the construction phase and for normal operations including harvesting seasons.

Argyll & Bute Council Environmental Health Officer (EHO) (16th January 2020) – no objection subject to conditions relating to construction; operating hours during construction; and operating noise.

Clyde Fisherman's Association (CFA) (7th & 31st January 2020) – As the largest fishing association in the Clyde Marine Area, representing just under 60 boats and around 200 fishermen at any one time, many of whom would be further impacted by the proposed enlargement, CFA have not been engaged by SSC and as such have had no relevant negotiation or compromise regarding what would be entailed for the development prior to this formal request. Therefore, CFA cannot support this proposal, for the following reasons: lack of cooperation with the local fishing industry; loss of fishing ground to indigenous wild fisherman; loss of shelter/safe grounds and economic loss; chemical pollution and sewage; and mortality and lice; In summary, CFA cannot support this site for the reasons outlined above. Until the current shortcomings in the regulation of the salmon farming industry are resolved, CFA are of the opinion that there must be an immediate moratorium on any new marine open cage fish farms and any expansion of existing fish farm sites, including any increases in farmed fish biomass at existing sites, as any expansion of the industry will be unsustainable and may result in irreversible damage caused to the environment. CFA would urge that a holistic view is taken in relation to aquaculture and other marine stakeholders/the environment.

Clyde Marine Planning Partnership (6th January 2020) – does not have a response to this application. The CMPP is currently developing the Regional Marine Plan for the Clyde Marine Region and as such does not yet have any statutory policy in place.

Historic Environment Scotland (HES) (19th December 2019) – no comment, however, advise that this should not be taken as HES support, and the application should be determined in accordance with national and local policy on development affecting the historic environment together with related policy guidance. Advice should also be sought from the West of Scotland Archaeology Service (WOSAS).

The West of Scotland Archaeology Service (WoSAS) (14th January 2020) – advise that a number of sites are recorded in the HER database from the vicinity of Ardyne Point, including several cairns and a possible dun. However, all of these features are located on the shoreline or further inland, and as a result, would not be affected by the relocation of the fish farm or the installation of additional cages. As a result, WoSAS would not consider this proposal to raise a substantive archaeological issue.

NHS Highland (29th July 2022): 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., NHS Highland 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.

South Cowal Community Council (SCCC) (9th January 2020) – have considered the proposal which will almost double the output from this fish farm. While SCCC are not objecting in principle, SCCC do think they need answers to the following questions, which assume that doubling the output also means double the pollution from the farm and double the HGV traffic to and from it: Will you ask for a sea bed survey to be carried out under the existing fish cages to both assess the environmental damage that is likely to have occurred and to estimate the environmental impact of a doubling of production?; and will you carry out a formal roads condition and suitability assessment to see if the road, which is poor in places, can accommodate twice the HGV traffic, i.e. tankers and feed lorries etc.?

Bute Community Council (BCC) (23rd January 2020) – notes with concern that no previous consultation has taken place with them even though the proposal is directly opposite Rothesay within a distance of around 2-4km. At present BCC objects to this proposal unless sufficient assurance can be provided to address the following concerns: There is no indication that the expanded development would provide any employment opportunities for Rothesay and Bute; the use of Acoustic Deterrent Devices (ADDs) and even the killing of rogue seals is proposed. The BCC has concerns that this could have potentially significant adverse impact on seal populations which are a significant tourist attraction on Bute; the proposed use of ADDs could potentially have an adverse impact on cetacean species including porpoises and dolphins and also basking sharks. This would be of concern as sightings in the Firth of Clyde appear to have been increasing in recent years and porpoises and dolphins are often seen in Rothesay Bay. These sightings are considered a tourist attraction; Interaction with and adverse impact on wild salmon particularly if there were to be an escape. This would be of general concern as wild salmon populations appear to be decreasing; the proposed site would be visible from much of Rothesay, Ardbeg, and Port Bannatyne. It is considered that the expanded development could have an adverse impact on the fine views across Rothesay Bay towards a Loch Striven.

Argyll & Bute Council's Local Biodiversity Officer – at time of writing no response has been received.

Colintraive and Glendaruel Community Council – at time of writing no response has been received.

Ministry of Defence – at time of writing no response has been received.

West Coast Regional Inshore Fishery Group - at time of writing no response has been received.

Ayrshire Rivers Trust - at time of writing no response has been received.

Note: Comments raised by consultees are addressed in Appendix A.

(E) PUBLICITY:

LREG20 - Regulation 20 Advert Local Application – Expired 24th January 2020

(F) REPRESENTATIONS:

Representations in relation to 19/02539/MFF

At time of writing 46 letters of representation have been received, comprising: 1 general letter, 16 letters of support and 29 letters of objection.

Objection

1. Dunoon and District Angling Club, 5 Kirk Gardens, Kirn, Dunoon, PA23 8HG
2. Lily Richards, Conan Beg, Tayvallich, Lochgilphead, Argyll & Bute
3. Mary MacCallum Sullivan, the Sheiling, Glenburn Road, Ardrishaig, Lochgilphead Argyll & Bute
4. Ms Jane Kelly, Shore Cottage, Port Lamont, Toward, Dunoon, Argyll & Bute
5. Theresa Nelson
6. Alistair Lennie, The Old Smiddy, Toward, Dunoon, Argyll & Bute
7. Lucy Hollingworth, Aonach Mor, Hamlet Hill, Cove, Helensburgh
8. Mrs Alison Johnston, 2 Ian Villa, Academy Road, Rothesay, Isle of Bute, Argyll & Bute
9. Anne Archer - Sealladh Breagha, Gallanach Road, Oban PA34 4PD
10. Alexander Davey, 32 Ballochgoy Road, Rothesay, Isle of Bute, Argyll & Bute
11. Dennis Archer, Sealladh, Briagha, Gallanach Road, Oban, Argyll & Bute
12. Mrs Alison Cross, Marionslea, Ministers Brae, Rothesay, Isle of Bute, Argyll & Bute
13. Mr Richard Cuthbertson, 3 York Terrace, Chapelhill Road, Rothesay, Isle of Bute, Argyll & Bute
14. Ms Kirstie McDonald, the Old Schoolhouse, Inverchaolain, Toward, Dunoon, Argyll & Bute
15. Christina Turtle, 24A High Street, Oban, Argyll & Bute PA34 4BG
16. Jenny Meade
17. Gill Stewart, Ardnackaig, Tayvallich, Lochgilphead, Argyll & Bute
18. Elizabeth Wren, Kiln Villa, Kilchattan Bay, Isle of Bute, PA20 9NW
19. Mrs Charlene Woods, Flat 2 3 Stuart Street, Rothesay, Isle of Bute, Argyll & Bute
20. Dr John Campbell, Blairbeg House, Lamlash, Isle of Arran, KA27 8JT
21. Mr Aidan Canavan, 45 Mount Stuart Road, Rothesay, Isle of Bute, Argyll & Bute
22. Dr Murray Doyle, 33 Shore Road, Port Bannatyne, Isle of Bute, Argyll & Bute
23. Mr Paul Keatley, Shore Cottage, Port Lamont, Toward, Dunoon, Argyll & Bute
24. Sue Rule, Rosehaugh, Blairmore, Dunoon, Argyll & Bute
25. Mrs Jane Saker Norwood, Kilchattan Bay, Isle of Bute, Argyll & Bute
26. Pete Creech, Crown House, Ford, Lochgilphead, Argyll & Bute
27. Mr Alexander Johnston, Ian Villa, Academy Road, Rothesay, Isle of Bute Argyll & Bute
28. Friends of the South of Jura Per John Aitchison
29. Dennis Archer, 2 the Meadows, Toward, PA23 7UP

Support

1. Mr Ewen Ferguson, Ardmaleish Boat Building Company, Rothesay, Isle of Bute, Argyll & Bute
2. Kevin Anderson, Flat 2 3 Montford Terrace, Rothesay, Isle of Bute, Argyll & Bute
3. Mr Finlay Oman, 2 Burnside Way, Largs, KA30 9DL
4. Stewart Shaw, Gowanlea A 4A Wellington Street, Dunoon, Argyll & Bute
5. Steven Shaw, 37 Kilbride Road, Dunoon, Argyll & Bute, PA23 7LL
6. Mr Stuart Drummond, 80 Sandhaven, Sandbank, Dunoon, Argyll & Bute
7. Mr Paul Marietti, 6 Tigh-Na-Cladach, Dunoon, Argyll & Bute, PA23 7QD
8. Michael Macdonald, 43 Cromwell Street, Dunoon, Argyll & Bute, PA23 7AX
9. Cameron Gibb, 3 Dunadd Place, Lochgilphead, Argyll & Bute PA31 8TS
10. Mr Gavin Kerr, Drimdarroch New Build, Strathlachlan, Cairndow, Argyll & Bute
11. Keith McTaggart, Ground Flat, Islay House, Garval Road, Tarbert, Argyll & Bute
12. Mr John Stirling, 7 Victoria Road, Dunoon, Argyll & Bute PA23 7EA
13. Mr George Macdonald, 8 King Street, Dunoon, Argyll & Bute PA23 7BH
14. Mr Malcolm MacKinnon, Unit 4, Trading Estate, Tarbert, PA29 6TX
15. David Forsyth, 14 the Glebe, Dunoon, Argyll & Bute PA23 8DL
16. Yolanda Shoemake, Gowanlea, A 4A Wellington Street, Dunoon, Argyll & Bute

Representation

1. Ms C McMaster, the Old Smiddy, Toward, Dunoon, Argyll & Bute

(i) Summary of material considerations raised

Objections

Landscape/seascape and visual amenity

- National Landscape Designation – adverse landscape & visual impact on Kyles of Bute National Scenic Area
- Local Landscape Designation – adverse landscape & visual impact on Areas of Panoramic Quality

Priority habitats/species and designated sites for nature conservation

- European designation – adverse impact on Atlantic salmon feature of the Endrick Water Special Areas of Conservation (SAC) – caused by increased sea lice burden (including cumulative impact of all proposed and existing farms in the Firth of Clyde).
- European Protected Species (EPS) - Adverse Impact on Wildlife/Ecology (non-avian) caused by the increase in biomass on dolphins, seals, otters, porpoises, and other marine life (sea lice and chemicals)
- Priority Marine Features – Atlantic Salmon - The proposal will contribute to the cumulative impact of parasitic sea lice in the Firth of Clyde, through which wild salmon smolts must migrate when they leave the Endrick Water Special Conservation Area. Sea lice from fish farms can kill wild salmon smolts and harm wild salmon populations.
- Acoustic Deterrent Devices (24 proposed) – potentially harmful to dolphins, whales, porpoises and seals and harmful to other aquatic life.

- Escapes - Potential Adverse Impact of escapes of genetically modified caged fish – adverse impact on wild salmonids/other wild fish – disease and interbreeding
- Adverse Impact on Wild Trout – Sea Lice
- Adverse Ornithological Impact – sea birds

Ecological status of water bodies and biological carrying capacity

- Pollution - Algal Blooms - proposed as responsible recently for huge numbers of fish deaths in Loch Fyne. Excess nutrients arising from fish farm feed waste and excrement encourage algal blooms.
- Pollution – of the Sea from medicinal and other chemicals, or from huge amounts of excrement. The effects of long-term use of chemicals in the open sea by several not too widely separated farms are certainly not known.

Commercial and recreational activities

- Commercial Fishing – Adverse Impact on viability of local fisherman – loss of fishing ground to indigenous wild fishermen; loss of safe and sheltered fishing areas; chemical pollution & sewage; mortality & lice; and cumulative risk of harm to commercially-fished species in the Firth of Clyde, and those whose livelihood depends on them.
- Tourism & recreation
- Tourism - Adverse impact caused by damage to the marine environment and landscape & visual impacts will affect other marine users (Waverley, Yachts, Kayakers, Sea Anglers to name but a few) and other general recreation/tourists, and in turn, the tourism economy of Bute
- Water-based recreational and tourism activities – Adverse impact on Dunoon & District Angling Club, migratory fish stocks lower than in the past. Increase in sea lice is a contributory factor made worse by increase in number and volume of cages.

Economic impact

- Economy – Adverse impact the proposal will have on the tourism economy and risk to Clyde Fishermen jobs cannot be justified by the few jobs (2) this proposal will create.

Operational impact (waste, noise, light and odour)

- Adverse Noise Impact – day and nighttime noise pollution impact on residents
- Adverse Light Impact – light pollution on local residents
- Adverse Cumulative Impact - increased commercial activity, noise & light pollution

Adverse Traffic Impact

- Adverse Traffic Impact – on the A815 caused by unrestricted fish farm vehicles, in particular road safety and road condition/damage

Potential Adverse Impact on Human Health caused by Pollution

- Potential Adverse Impact on Human Health - on those participating in water sports (diving, windsurfing, sailing and fishing) and children playing in the water from chemicals put into the water from the fish farm.

National & Local Planning Policy

- Contrary to Scottish Government's National Marine Plan, Scottish Planning Policy, Local Development Plan Policy and LDP2 Policies

Precautionary Principle

- Legal Challenge - To approve this proposal, contrary to the advice of the Council's statutory advisors NatureScot and the District Salmon Fishery Board, is not precautionary – it makes the Council vulnerable to legal challenge.
- Adverse Impact of Uncontrolled Expansion - target set by Scottish Government to increase Aquaculture by 100% over the 12 years to 2030, nothing was said about the rate of expansion. This could lead to a doubling of capacity much earlier than 2030. The Scottish Government is supposed to apply a precautionary principle. It is extremely irresponsible to allow expansion at such a rate without due monitoring. – unchecked detriment to health, wellbeing and environment.

Environmental Management Plan

- The mitigation measures it suggests in the EMP are too slow and unresponsive and would place an impossible burden on the Planning Authority. In the face of such clear risk of harm, the Council should apply the precautionary principle, in line with its biodiversity duty, and turn down the application to expand Ardyne fish farm.

Other

- Environmental Impact Assessment has not been undertaken.
- Adverse Impact on welfare of farmed fish – sea lice infestations, published disease and mortality rates
- Potential Adverse Impact of cages breaking their mooring – hazard to marine traffic, irretrievable cages and engineering damaging to environment
- Open cage fish farms technology – Open cage fish farming has been shown to be damaging and polluting across the world and has been or is in the process of being banned in some countries.
- Potential Adverse Impact of Over-fishing to feed farmed fish on marine animals and seabirds (starving and facing extinction)
- Sustainability – move away from harmful industry and preserve and conserve environment for future generations. The fish farm in its current state is not environmentally sustainable as it has to deliberately remove species from its environment in order to seek profits.

Support

Economic impact

Employment

- There is not enough employment in tourism or fishing to support the whole community.
- This expansion will help maintain full time employment in the local and wider community.
- It has been in existence for many years and is run and managed in a professional manner, the farm is an important employer in the area, and we should encourage all developments that seek employment.
- The Scottish Salmon Company is an important employer in this area

Economy

- Expansion of Ardyne Fish Farm can only be beneficial to the local economy and community. SSC are one of the major employers in the area, their business should be encouraged to continue to expand, create more employment and secure jobs.
- Approving this site will assist the SSC to increase production volumes to a level that will secure a sustainable level of business for them within the worldwide salmon market.
- The contribution that salmon farming makes to both the local and Scottish economy is significant, providing both direct and indirect employment and wealth generation throughout the supply chain.
- Benefits to the hauliers, shops, hotels, diving support companies and other small businesses should not be underestimated.

Environmental Impact

- The changes to the site location will benefit the stock in terms of depth and tidal flow.
- There won't be a negative impact on the environment or indeed the natural beauty of the area and the proposal should be supported.
- Being a large responsible company, they will implement and adhere to any restrictions placed upon them by Argyll & Bute Council or the Government.

Representation

- Impact on amenity (noise) caused by lorries travelling to and from the fish farm at unsociable hours (early morning and late evening). The fish farm expansion could result in an increase in traffic. This should be restricted to more sociable hours.
- Capacity of existing road (A815) which already accommodates a variety of vehicles, including local buses, timber Lorries, farming vehicles, gravel Lorries, NATO employees (cars and Lorries), Council Lorries and general local traffic.
- The A815 is not wide enough to accommodate large vehicles, should they meet one another using the maximum speed limit available (60mph). There are passing places which are often used as parking spaces.

- With all these large vehicles using the road, it will cause faster erosion
- There are no paths for the many walkers to use and the verges are not maintained well which makes the road narrower than it should be.
- The route is popular choice for many cyclists that pass by all year round.

Note: These issues above are covered in the detailed assessment of this proposal at Appendix A of this report.

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:** No. A negative screening opinion was issued on 13th June 2022.

(ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes - Appropriate Assessment was required to be undertaken for:

- Ailsa Craig Special Protection Area (SPA)
- The Endrick Water Special Area of Conservation (SAC)

These assessments are contained within the Appendix of this report.

(iii) **A design or design/access statement:** No

(iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.:**

- **Supporting Information for Planning Application**, Ardyne Marine Fish Farm, Firth of Clyde, November 2019.
- **Appendix A** – Figures
- **Appendix B** – Equipment - Attestations for: Sealfence (ADD); Cages, Pens, Moorings and Nets.
- **Appendix B** – Equipment - Specifications for: ADD Sealfence (x24); Group (fiberglass poles); Pen (fiberglass poles); bird nets; bird net poles; moorings; pen nets; and underwater lighting.
- **Appendix C** - Ardyne Example Production Plan
- **Appendix D** – EMP:
 - Annex 4 Monitoring Strategy - Sampling Methodology (sweep netting protocol, lice counting procedure and boat-based plankton trawls) and Wild Fisheries/Sea Lice Monitoring Strategy October 2019.
 - Annex 5 Escapes Plan – Escapes Contingency Plan, Ardyne, Sound of Rothesay (27th December 2018); Escapes Contingency Plan Sgian Dubh, Loch Striven (11th December 2018); and Escape Contingency Plan, Strone, Loch Striven (28th December 2018).

- Annex 6 Predator Control Plan - Predator Control Plan Ardyne, Sound of Rothesay (17th January 2019); Predator Control Plan Sgian Dubh, Loch Striven (12th December 2018); and, Predator Control Plan Strone, Loch Striven (28th December 2018).
 - Environmental Management Plan, Loch Striven Sites (Ardyne, Strone and Sgian Dubh) (October 2019)
- **Appendix E** – Sea Lice Management: Sea Lice Attestation, Ardyne, Sound of Rothesay (May 2019) and Efficacy Statement, Ardyne, Sound of Rothesay (May 2019).
 - **Appendix F** – Fish Mortality Plan, Ardyne, Sound of Rothesay (28th January 2018)
 - **Appendix G** – Farm Management Statement, COGP Management Area M45, Disease Management Area 19b, Ardyne, Sound of Rothesay (28th January 2019);
 - **Appendix H** – Benthic Survey Report (7th & 12th November 2018)
 - **Appendix I** – Benthic ROV Report (29th January and 20th June 2019)
 - **Appendix J** – Modelling Report (9th August 2019);
 - **Appendix K** – Hydrographic Report (9th August 2019);
 - **Appendix L** – Nutrient Calculations Report (5th August 2019);
 - **Appendix M** – Landscape & Visual Impact Assessment (LVIA) – Seascape, Landscape and Visual Appraisal (SLVA) (November 2019)
 - **Appendix N** – ADD Deployment and Usage Plan, Ardyne (April 2019)
 - **Appendix O** – Navigation Assessment (26th June 2019)
- **Revised Environmental Management Plan** (December 2020)
 - **Report on the Assessment of Potential Risk to Human Health following use of Azamethiphos, Deltamethrin and Hydrogen Peroxide in Fish Farms** (December 2021)
 - **SSC response to SNH** (10th February 2020)
 - **SSC response to SNH** (21st April 2020)
 - **SSC response to ADSFB** (10th February 2020)
 - **SSC response to MSS** (17th February 2020)

(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.**

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 3 - Management of European Sites
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 9 – Development Impact on Areas of Wild Land
SG LDP ENV 11 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)
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
 - Clyde Marine Plan (draft)
-

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes – Negative Screening Opinion Issued June 2019

(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 relocation and enlargement of an existing fish farm. The application has been subject to 29 objections, 1 representation and 16 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

Ardyne was granted planning permission by Scottish Government (FFR/ABC/025) on 13/06/11 for 8, circular 100m circumference cages for Atlantic salmon. Ardyne is currently licensed by SEPA for 1198 tonnes of maximum biomass and is currently comprised of 8 x

100m circumference (15.9m radius) cages. The cages are held within a 10 cell, 60m x 60m mooring grid and are arranged into two groups, both in a 2 x 2 formation. The existing feed system at the site is currently operated from a shore-based system.

The current application is proposing to increase the number of pens to 14 x 120m circumference (19.1 radius) plastic cages 365m to the south of the existing site. The proposed site would comprise a 16 cell, 75m x 75m mooring grid layout; both are to be arranged in two groups, one in (2 x 4) and one (2 x 3) configurations, with a 75m separation distance. The overall surface area of the fish farm would increase by 0.9639ha, from 0.6354ha to 1.6045ha; with a proposed total surface area of 6,707.3ha. The stocking density of the site will be 15.6kg/m³ and the maximum biomass will increase to 2,070T. An Environmental Impact Assessment was not required for this proposed development.

The following have been taken into account when reaching a recommendation:

The Supporting Information and appendices submitted November 2019;

- **The Revised Environmental Management Plan** (December 2020)
- **The consultation responses from:** Marine Scotland Science, NatureScot, SEPA, Argyll District Salmon Fishery Board, Historic Environment Scotland, NHS Highland, Loch Lomond & the Trossachs National Park, Northern Lighthouse Board, West Highland Anchorages and Moorings Association, Clyde Marine Planning Partnership, Clyde Fishermens Association, Royal Yachting Association, The West of Scotland Archaeology Service, Argyll & Bute Council Environmental Health, Argyll & Bute Marine and Coastal Development Policy Officer, Argyll & Bute Council Area Roads, Isle of Bute Community Council, and South Cowal Community Council.
- Representations received.

The recommendation on this application has been guided by the conclusions of the Supporting Information, advice of Statutory Consultees, and relevant material considerations raised by third parties. 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 satisfies the criteria set out in Policy SG AQUA 1. It is considered that there would be no significant seascape/ landscape or visual impacts raised by the proposal and that effects on habitats, species and nature conservation would be acceptable subject to mitigation. The proposals for sea lice management contained within the Environmental Management Plan provides measures to address elevated sea lice levels should they occur. The positive economic contribution of the fish farm also gives weight in favour of this development. The proposal also complies with other relevant policies of the Council's

Local Development Plan and there are no material considerations, including matters raised by consultees and third parties, which would indicate that the provisions of the development plan ought not to prevail.

(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: Arlene Knox

Date: 29/7/22

Reviewing Officer: Sandra Davies

Date: 4/8/22

Fergus Murray

Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/02539/MFF

Standard Condition

1. The development shall be implemented in accordance with the details specified on the application form dated 27th November 2019 and the approved drawing reference numbers:

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan – Figure 1	1 of 9	-	17/12/19
Location Plan – Figure 2	2 of 9	-	17/12/19
Net Plan – Title: 120m x 10m + 1.3m DEEP 24 VERTICALS, 12 SEGMENT BASE 2.1 mm SSP MBX NETTING	3 of 9	-	17/12/19
Cage Layout & Waterline Plan Title: Ardyne T4502D120/48 c/w Bird Net Poles	4 of 9	-	17/12/19
Cage Ring Elevation/Bird Net Poles Title: T450 2 Ring 120m Pen 48 U/R cw 5m Bird Net Poles	5 of 9	-	17/12/19
Mooring Plan Title: 14 x 120m cages, in 16 pen 2 x 8 pen 75m x 75m grid'	6 of 9	-	17/12/19
Net Plan Title: 120m TOP NET UTILISING RABBEN KONSULT 6m POLE SYSTEM	7 of 9	-	17/12/19
Admiralty Chart Extract Proposed – Figure 3	8 of 9	-	17/12/19
Site Plan/Grid Co-ordinates Title: Site Plan Proposed, Figure 4	9 of 9	-	17/12/19

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.

Removal of Redundant Equipment

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

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

Redundant Equipment/Equipment Failure

3. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: In the interest of visual amenity.

Lighting

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

Reason: In the interest of visual amenity.

Equipment Colour

5. The finished surfaces of all equipment above the water surface including surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark muted colour unless otherwise agreed in advance with the Planning Authority.

Reason: In the interest of visual amenity.

Environmental Management Plan

6. All prescriptions, as detailed within The Scottish Salmon Company's amended Environmental Management Plan, dated December 2020 must be implemented by the Applicant in the manner and timings specified and any 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.

Drift nets, vertical static nets or gill nets

7. 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.

Nuisance during Construction

8. Identification and assessment of all potential sources of nuisance, including noise vibration, dust, and any temporary lighting provided, which may cause disturbance

to nearby residents during the construction should be undertaken by the applicant. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site. For all potential sources of nuisance, the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

Reason: In order to avoid sources of nuisance in the interest of amenity.

Operating Hours during Construction

9. In order to minimise, as far as necessary, the level of noise and/or vibration to which nearby existing residents will be exposed during the construction process the hours of operation of the site should be restricted to 08.00 to 18:30 Monday to Friday and 08.00 to 13.00 on Saturdays. There should be no operation on Sundays or Bank Holidays.

Reason: In order to avoid sources of nuisance in the interest of amenity.

Operating Noise

10. The Noise Rating Level attributable to the operation of the approved scheme and its associated activities shall not exceed background noise levels by more than 3dB(A) at 3.5m from the façade of any residential property measured in accordance with BS4142:2014.

Reason: In order to protect the amenity of the area from noise disturbance.

Traffic Management Plan

11. No development shall commence until, a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads Authority. The Plan shall include positive measures to be put in place to minimise impact from the development on the road network especially at peak times. The Plan shall include the construction and operational phase of the proposal with detailed timing of all HGV traffic. Once approved the development shall be implemented in accordance with the duly approved Traffic Management Plan and no collection/deliveries shall take place outwith the agreed hours unless otherwise agreed in writing with the Planning Authority.

Reason: To address abnormal traffic associated with the development in the interests of road safety.

Acoustic Deterrent Devices

- 12 Notwithstanding the details contained within the Predator Control Plan, 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 cetaceans.

Communications and Monitoring Plan

13. Prior to the first use of bath medications being administered on the fish farm hereby approved, a Communications and Monitoring Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the Communications and Monitoring Plan unless otherwise agreed, or varied, in writing with the Planning Authority.

The Communications and Monitoring Plan shall include:

- a. A Communications Plan detailing the method by which other marine users shall be informed of general safety information that should be considered by water users when in the vicinity of the fish farm, including when bath medications are being actively used at the site. The Communications Plan shall be informed by the conclusions of the Supporting Information "Assessment of the Potential Risk to Human Health Following Use of Azamethiphos, Deltamethrin and Hydrogen Peroxide; WCA; Dec 2021";
- b. A Monitoring Plan to investigate the dispersal and dilution of Hydrogen Peroxide following its use in bath treatments on the site and the use of these findings to review and update the conclusions in the aforementioned Supporting Information, and the Communications Plan. The Monitoring Plan shall include provision for reporting the findings to the Planning Authority and securing its written approval for any resultant amendment that may be proposed to the Communications Plan.

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

Predator Control Plan

14. The site shall be operated in accordance with the Predator Control Plan, Ardyne, Sound of Rothesay rev A1 dated 17th Jan 2019 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.

Entanglement/Entrapment

15. The proposal shall be undertaken strictly in accordance with the following:
- (a) A daily record of entanglement / entrapment shall be maintained using a standardised proforma (which can be supplied by NatureScot) 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.
 - (b) 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;

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

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

Escapes Contingency Plan

16. The site shall be operated in accordance with the Escapes Contingency Plan, Ardyne, Sound of Rothesay except for 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. The development shall comply with the Technical Standards as referred to in the Escape Contingency Plan for Ardyne.

Reason: In the interests of nature conservation.

Wild Fisheries Sea Lice Monitoring Strategy

17. The Wild Fisheries Sea Lice Monitoring Strategy shall include monitoring of the juvenile freshwater population of Atlantic Salmon, in the Endrick Water Special Area of Conservation. The final monitoring plan shall be submitted to the Planning Authority and agreed in writing with all relevant parties, including NatureScot, prior to the site being stocked.

Reason: In the interests of nature conservation.

Waste Management Plan

18. Prior to the commencement of development a Waste Management Plan shall be submitted to and approved in writing by the planning authority. This shall include details of the arrangements for the storage, separation, and collection of waste from the site including proposals for uplift from areas where fish farm equipment has become detached from the site.

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

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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.

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. It is an offence to recklessly or intentionally disturb a European Protected Species, other than in the event of an activity subject to a European Protected Species Mitigation Licence. It is open to the operator to apply for such licensing from the Scottish Government in circumstances where operational activity would have impacts upon a European Protected Species which would otherwise be illegal. This could arise from, for example, de-equipment of the existing farm during a sensitive time of year for protected birds or by activity likely to disturb cetaceans.
7. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulatory section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Kilbrandon House, Manse Brae, Lochgilphead, Argyll, PA31 8QX. Tel: 01546 602876
8. The Northern Lighthouse Board has recommended the following:
 - The site should be marked with 2 lit yellow poles fitted with yellow 'X' topmarks.
 - Each light should display a character of flash one yellow every five seconds (FI Y 5s).
 - The poles should be positioned at the Northwestern and Southwestern seaward corners of the cage group.
 - Each light should be 1 metre above the site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
 - Poles should be ≥75mm diameter, the 'X' topmark should be ≥75cm length by 15cm width.
 - The feed pipes from shore should be marked using high visibility yellow mooring buoys of minimum diameter 30cm and spaced at 10m intervals between the cages and the low water mark.
 - 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.
9. 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 & 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.
 10. In the event of an escape, the company should liaise with Argyll and Bute Council's Environmental Health service.
 11. The Royal Yachting Association has advised that that many recreational vessels heading for the Kyles of Bute cut between the Ardyne Buoy and Ardyne Point. Indeed, the Clyde Cruising Club (CCC) use the buoy as a port hand mark of the course when racing in that direction. RYAS suggest that the Applicant contact the CCC to discuss whether any action could usefully be taken by either party to minimise the risk of adverse interactions. Such actions might include amending the racing instructions, sharing information about racing events and fish farming operations, and setting an additional buoy at the southwest end of the cages to mark the channel for a safe passage.
 12. NatureScot has advised that based upon current evidence, the adoption of smaller mesh ceiling nets of less than 200mm could reduce the theoretical risk to gannets. (see NatureScot's consultation response dated 12/1/21)

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/02539/MFF

A Introduction

The existing site is located in the Sound of Rothesay, to the south of Loch Striven. There have been marine aquaculture operations at the existing site location for over 34 years. The existing site was granted planning permission by Scottish Government (FFR/ABC/025) on the 13th June 2011 and comprises 8 x 100m circumference pens in a 60m mooring grid for Atlantic salmon. The existing feed system is a shore based system, located on the quayside.

The application site is located approximately 365m south of the existing site. The proposal involves the removal of all pens at the existing site and replacement of them with 14 x 120m circumference pens in a 75m mooring grid at the application site. The replacement pens would be linked to the shore-based feed system associated with the existing site

Ardyne is currently licensed by SEPA for 1198 tonnes of maximum biomass and is currently comprised of 8 x 100m circumference (15.9 radius) cages. The cages are held within a 10 cell, 60m x 60m mooring grid and are arranged into two groups, both in a 2 x 2 formation. The existing feed system at the site is currently operated from a shore-based system.

The current application is proposing to increase the number of pens to 14 x 120m circumference (19.1 radius) plastic cages 365m to the south of the existing site. The proposed site would comprise a 16 cell, 75m x 75m mooring grid layout; both are to be arranged in two groups, one in (2 x 4) and one (2 x3) configurations, with a 75m separation distance. The overall surface area of the fish farm would increase by 0.9639ha, from 0.6354ha to 1.6045ha; with a proposed total surface area of 6, 707.3ha. The net depth at the site is to be between 30-40m approximately. The stocking density of the site will be 15.6kg/m³ and the maximum biomass will increase to 2,070T.

An Environmental Impact Assessment was not required for this proposed development.

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 ‘very sensitive 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 & Bute relates to a vision for Argyll & 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 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 Landscape and Visual Impact Assessment, including Zone of Theoretical Visibility (ZTV) images and photomontages from key viewpoints has been included with the Supporting Information.

The site proposal is located outwith the Kyles of Bute National Scenic Area (NSA) and is situated adjacent to the Argyll & Bute Local Development Plan, Bute and South Cowal Area of Panoramic Quality, and the Cowal Countryside Zone.

It is likely that there may be some visual impacts to walkers along the West Island Way National Trail that runs close to the foreshore on the Isle of Bute to the west of the proposed Ardyne farm, predominantly along the A886. Further visual impacts are likely on the opposing shorelines of Rothesay, Port Bannatyne and Kames Bay.

It is accepted that the following factors combine to mitigate landscape impacts from the proposed expansion of the Ardyne farm: regular shape of the coastline; wider expanse of water in this part of lower Loch Striven/Sound of Rothesay; limited visibility of the Sound from the road; and the modified and industrial character of the coastline which backdrops the development. It is therefore unlikely that the proposal will adversely affect the integrity of the Kyles of Bute NSA (which lies approximately 3.9km north-west of the development) or result in significant adverse effects on landscape character.

Cumulative Landscape & Visual Impact

The Seascape, Landscape and Visual Appraisal (SLVA) submitted with the Application concludes no adverse cumulative effects will occur as a result of the replacement site.

NatureScot are satisfied that the proposal will not have an adverse effect on the special qualities nor integrity of the Kyles of Bute National Scenic Area (NSA).

Loch Lomond & the Trossachs National Park have considered the proposal and do not consider that there will be a landscape or visual impact affecting the National Park.

Taking account of the above, it is considered that the proposal would not have a significant effect on the Kyles of Bute NSA or the local landscape. Visual effects would also not be significant especially given presence of the existing fish farm on the site. This would accord with Policies AQUA 1, LDP 3, SG LDP ENV 11, 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) make no comment, however, advise that this should not be taken as their support, and the application should be determined in accordance with national and local policy on development affecting the historic environment together with related policy guidance. Advice should also be sought from the West of Scotland Archaeology Service (WOSAS).

The West of Scotland Archaeology Service (WoSAS) advise that a number of sites are recorded in the HER database from the vicinity of Ardyne Point, including several cairns and a possible dun. However, all of these features are located on the shoreline or further inland, and as a result, would not be affected by the relocation of the fish farm or the installation of additional cages. As a result, WoSAS would not consider this proposal to raise a substantive archaeological issue.

Taking account of the above, it is not considered that the relocation and expansion of the fish farm would have an adverse impact on the setting of 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

European Designations

Special Areas of Conservation (SACs)

Designated by Scottish Ministers under the EC Habitats Directive, these areas represent the range and variety of habitats and (non-bird) species within the EU, as listed in Annexes I & II of the Directive. NatureScot has advised that this proposal is likely to have a significant effect on The Endrick Water Special Area of Conservation (SAC), designated for its Atlantic salmon feature.

Special Protection Areas (SPAs)

Classified by Scottish Ministers under the EC Birds Directive, these are areas identified as the most important for rare and regularly occurring migratory birds in the EU. NatureScot has advised that this proposal may have a likely significant effect (LSE) on the qualifying features of the Ailsa Craig SPA (with the exception of Kittiwake where no LSE is predicted).

NatureScot has advised that the proposal is likely to have significant effect on the qualifying interests of these designations. 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. These Appropriate Assessments are contained within the appendix of this report. The conclusion of these is that, subject to the specified mitigation which are included as proposed conditions, the proposal will not adversely affect the integrity of these designations.

Interaction with Predators

Overall, it is considered that the proposed change in equipment and increase in biomass is unlikely to significantly increase the existing level of interaction with predators.

Predator Control Plan

The applicant has submitted Predator Control Plans for the Loch Striven and Sound of Rothesay Sites (Annex 6), including a Predator Control Plan for Ardyne, Sound of Rothesay (17th January 2019) in support of this planning application. These plans cover all of the existing developments in this area and the proposed Ardyne development and identifies fish eating birds and seals as the main potential predators in this area.

The Predator Control Plan for the Existing Site has been amended to take into account the Replacement Equipment. The PCP is included within the EMP (Appendix D) and details the sequential steps and triggers for specific control measures to be implemented:

- The PCP contains a wildlife assessment, based on sightings recorded in the site wildlife log and publicly available information. Any effects on seals during the operation of the Replacement will be associated with the management and mitigation measures detailed in the PCP. These measures include: appropriate husbandry practices which aim to reduce stock mortality that may inadvertently attract predators;
- Selection of the most appropriate new designs and tensions with installation of Seal Blind (false bottom nets);
- Tensioned top nets with supports to prevent surface attacks;
- Use of ADDs to deter seal attacks; and
- Maintenance of a Wildlife Log to help assess and monitor changes in wildlife occurrence and distribution in marine habitats surrounding the development over time.

The above measures are applicable to mitigate any impact on harbour seals should they be recorded.

Since this application was first submitted in 2019, the Applicant has advised that they do not intend to use Acoustic Deterrent Devices (ADDs) and on this basis a condition has been recommended to prevent their use. Should the company wish to use them in the future, a further planning application would be required to remove this condition.

Priority Marine Features

Given that the proposed expansion is for an existing site and that the cage group is being moved 365m to the south, it is considered unlikely that the proposed expansion of the Ardyne farm will significantly impact the surrounding features of interest: Priority Marine Habitats (Burrowed Mud) and Priority Marine Features (PMFs) (Seapens and burrowing megafauna in circalittoral fine mud), as agreed by NatureScot.

Loch Lomond & the Trossachs National Park note that NatureScot has highlighted that the proposal could affect the Endrick Water Special Area of Conservation (SAC) designated for its Atlantic salmon feature and brook and river lamprey. Lamprey within the National Park will be unaffected but this development although at Loch Striven could have a significant effect on Atlantic salmon fish passage to the River Endrick SAC which is in Loch Lomond and the Trossachs National Park. The National Park defer to NatureScot to advise how the proposal can ensure protection of the Endrick Water SAC and its designated features.

SEPA have advised that they have no objection to this proposal. In respect to Shellfish Interests the fish farm is situated 2km south east of the Kyles of Bute Shellfish Water Protected Area (SWPA) and 3km south of the Loch Striven SWPA. In respect to Natural Heritage Interests they advise that there are no marine sites, designated under the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), or the Marine (Scotland) Act 2010, of concern within a 3km search radius of the proposed fish farm. Consequently, SEPA are satisfied with the proposal in regard to Shellfish and Natural Heritage Interests.

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

Escape Contingency Plan

The Escapes Contingency Plan (ECP) for the Existing Site has been amended to take into account the proposed replacement equipment. The ECP is contained within the Environmental Management Plan (Appendix D).

Site specific attestations have 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.

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 the site is located in farm management area (FMA) M-45. Sea lice numbers above the suggested criteria for treatment as detailed in the CoGP have been observed in M-45 in past production cycles. However, in the most recent production cycle numbers of adult female lice have been below CoGP suggested criteria for the majority of the cycle on site and in the FMA according to SSPO published data, and have not risen above the MSS reporting levels to the knowledge of the FHI.

The applicant has submitted a Revised Environmental Management Plan (December 2020). 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.

Interaction with Wild Salmonids

The Applicant has identified two principal salmonid rivers in the area; the River Ruel (which flows into Loch Riddon) and the River Echaig (which flows into Holy Loch). The proposed farm is approximately 15.7km and 23.4km respectively from both of these interests.

The Applicant proposes to increase the maximum biomass of fish by 872 tonnes. An increase in tonnage may present a greater risk to the health and survival of wild migratory salmonids, due to an increase in the number of hosts, which in-turn may increase infection levels on wild fish. Marine Scotland Science advice identified that the greater number of lice on a farm, the greater the risk to wild salmon and sea trout. While it is not possible to accurately predict the future lice levels on a farm, the performance of existing farms within the area could act as a guide for future performance.

The Applicant has detailed a number of satisfactory mitigation measures to limit potential effects on wild salmonids from the operation of the farm. Further supporting information has been provided within the Applicant's final planning application which includes: Final EMP; Farm Management Statement; Sea lice attestation; Escapes Contingency Plan; Final site specific sea lice action/management plan; Updated sea lice efficacy statement in terms of availability of chemical treatments; Operational details for other sea lice management measures including cleanerfish & mechanical removal; Evidence of effectiveness of more recent sea lice management measures (cleanerfish & mechanical removal), and Details on lice levels during the most recent production cycle at the Ardyne site have been provided as part of this application.

The Applicant should look to further develop and consider:

1. Interactions with wild migratory salmonids (sea lice and escapes), with possible affects to the migratory path of the salmonid population in the Sound of Rothesay;

2. How and what monitoring data will be collected to assess potential interactions with wild fish and, how this monitoring information will feed back to management practice;
3. A regular EMP review process to ensure that it remains fit for purpose.

A detailed Sea Lice Management Strategy and Seal Lice Attestation have also been submitted by the Applicant that demonstrated a range of different measures which can be changed or added to if lice levels are higher than expected and additional action is required. The Applicant confirmed that sea lice counts will be recorded on a weekly basis (dependent on weather and harvesting operations).

Argyll District Salmon Fishery Board (ADSFB) prior to submission of the Revised EMP advised that given that there is existing evidence that wild salmonids are already being affected by sea lice infestations that are known to affect their health and survival and in addition, the proposed EMP does not meet government guidelines, Argyll District Salmon Fishery Board objected to the proposed increase in biomass in the strongest terms. Argyll District Salmon Fishery Board were consulted on the revised Environmental Management Plan. However, at time of writing no response has been received. In support of this application, the planning authority has received expert advice from Marine Scotland Science on the acceptability of proposed EMP who have confirmed that they are satisfied with it. *Officers acknowledge the tension between these two consultees' responses, however, the planning application has been assessed using current guidance from the Scottish Government. EMPs were introduced in order to provide an interim measure to mitigate the risk relating to wild fish interactions. No moratorium has been introduced for marine fish farms and EMPs will continue until such time that SEPA take over the regulation of wild fish interactions. Marine Scotland Science has specified the minimum requirements of an EMP and the planning authority has been advised that the submitted EMP satisfies these requirements.*

Taking account of 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

All aquaculture developments rely on high water quality and a degree of tidal flushing. In inshore marine locations, it is important to select sites with good water exchange characteristics where tidal currents can disperse waste materials, maintain well-oxygenated water conditions. SPP states that when determining planning applications, authorities should take into account the effects of the proposal on the environment, including carrying capacity. For finfish development, impacts on the water column from nutrient enrichment and discharge of chemical treatments will be considered and proposals should be consistent with SG LDP ENV 7 - Water Quality and Environment. Developments that may have a significant detrimental impact on the water environment will not normally be permitted unless it can be demonstrated that the impacts can be fully mitigated so as to ensure non-deterioration of waterbody status as required by the EU Water Framework Directive.

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) provide SEPA with powers to ensure that activities which may pose a risk to the water environment are controlled. With regard to fish farming, SEPA sets limits on the amount of fish that can be held in the cages, the amount of food used and the amount of certain medicines that can be administered and discharged. The CAR licensing process takes account of the likely effects of discharges from the proposed development on both the water column and benthic environments.

Water Column Impacts

SEPA have advised that the fish farm is located in the Water Framework Directive water body Rothesay (water body 200030), which has been classified as "Good" status in the 2017

classification scheme year. There are no other active fin fish or shellfish farms within Rothesay water body.

SEPA are responsible for controlling water column impacts via the CAR licensing process and have provided advice in this regard. They note that the fish farm is situated in the receiving waters of Loch Striven, which is a Marine Scotland Science Location Guideline category 3 water body, with a nutrient enhancement index of 2 and a benthic impact index of 2. The Applicant has submitted an Equilibrium Concentration Enhancement (ECE) estimate of the input of dissolved inorganic nitrogen from the fish farm (including the proposed increase in biomass), as well as cumulative inputs from the other fish farms with active CAR licences in the water body. The ECE was calculated as 1.68µg/l, which when added to the UKTAG background level of 168µg/l, is well below the UKTAG threshold (50% above background) of 252µg/l. SEPA are therefore satisfied that nutrient inputs from the current biomass (including that proposed for this site) will be unlikely to result in a downgrade to the status of the water body under the Water Framework Directive.

The Applicant's ECE calculation does not take into account the existing sites (Strone and Sgian Dubh); it identifies that there will be a small increase in the level of nutrients released, but is below the SEPA Environmental Quality Standard (EQS) for Dissolved Available Inorganic Nitrogen threshold level, and therefore the predicted nutrient enhancement from this proposal is not likely to be significant.

The Sound of Rothesay is an uncategorised Area water body under Marine Scotland's Locational Guidelines for December 2019. Loch Striven is a Category 3 Area water body (December 2019); where a total maximum biomass of 4, 673T is permitted. As the site proposed is just out-with Loch Striven, and the proposed increase in biomass of 872T, impacts to the Category 3 Area water body are not likely to be significant.

Benthic Impacts

Aquaculture can impact on the seabed (benthic impact) by means of carbon deposition (from waste feed and faecal material) and from chemical toxicity. For finfish development, SEPA regulate these matters by way of a CAR licence which is determined by approved modelling methods which are precautionary and site specific in order to ensure levels permitted are strictly controlled and set environmental limits are not breached. In support of this application the Applicant has submitted full modelling reports (benthic, pollution, chemical & hydrographic).

SEPA advise that the fish farm is situated at the mouth of Loch Striven on the east side of Bute and that the Applicant has submitted two baseline surveys (benthic and visual), carried out in 2018 due to the relocation of this site:

- The baseline visual survey indicated a seabed of burrowed mud (a PMF) with component feature *Nephrops norvegicus* found frequently across all transects;
- The baseline benthic survey indicated some enrichment at the stations nearest the existing cages and a diverse faunal community at stations further south.

Furthermore, SEPA advise that they hold a number of compliance surveys for the existing fish farm, dating back to 2000. These benthic surveys have met SEPA's benthic faunal criteria since 2012. Modelling of the proposed location and cage configuration predicts a benthic footprint area of 216,250m² around the cage group.

The Council's Marine & Coastal Development Officer notes that the Applicant has submitted the full modelling reports (benthic, pollution, chemical & hydrographic) in support of the planning application, and advises that Benthic impacts from deposition of waste and chemical treatments will be considered by SEPA as part of the CAR licence determination. Furthermore, that the benthic survey has met SEPA's benthic faunal criteria.

In these circumstances it is not considered that the proposal would conflict with policy SG LDP ENV7 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 marine environment is increasingly used for commercial and recreational purposes and represents an important social and economic resource in Argyll and Bute. SPP requires that a range of other marine interests are taken into account in determining the appropriateness of new fish farming development in the marine area. These include recreation; tourism; navigation and commercial fisheries as well as MOD activities. This does not however mean that aquaculture should be excluded wherever another activity occurs. The Council will promote multiple use of space where activities are considered compatible or following appropriate mitigation of negative interactions. Developers should demonstrate that any potential impacts of proposals on other users of the marine environment have been identified and where conflicts of interest are likely, should provide details of likely impact and any proposed mitigation measures. Attention must be paid to public safety considerations as well as ensuring that access to the foreshore for recreational activities is not impeded.

Commercial fishing

There is potential for conflict between aquaculture developments and local fishing interests, including commercial inshore fishing and recreational fishing. New aquaculture developments, and other forms of marine development, have the potential to restrict access to existing fishing grounds. Although some developments may involve relatively small areas of seabed, the restriction of mobile gear fishing in particular, can be well beyond its location and the cumulative effect of many developments can be an issue. Restricting access to fishing grounds can have an economic impact on local fishermen, the scale of which will depend on factors including the size of the area affected; importance and productivity of the fishing grounds; intensity of fishing; and the number of vessels it supports

The Clyde Fishermans Association does not support this site. Until the current shortcomings in the regulation of the salmon farming industry are resolved, CFA are of the opinion that there must be an immediate moratorium on any new marine open cage fish farms and any expansion of existing fish farm sites, including any increases in farmed fish biomass at existing sites, as any expansion of the industry will be unsustainable and may result in irreversible damage caused to the environment. CFA would urge that a holistic view to be taken in relation to aquaculture and other marine stakeholders/the environment. Argyll District Salmon Fishery Board were consulted on the revised EMP, however at time of writing no response has been received. Marine Scotland are satisfied with the Revised EMP.

Navigation, Anchorage, Commercial Fisheries, other non-recreational maritime uses (MOD)

A satisfactory Baseline Marine Activity Assessment has been undertaken by the Applicant. The report indicates a low level of use for commercial vessels within the immediate vicinity of the development area. However, high numbers of recreational passenger craft pass through the moorings area. Therefore, large passenger craft and the RYA should make arrangements to alter the passage of vessels passing the new site.

ScotMAP date (December 2019) has identified the surrounding marine area of the farm as being of very high value for nephrops trawls and low to medium value for creel fishing. However, the overall moorings are (0.9639ha), which might interact with fishing activity, is not considered significant.

The Applicant has submitted equipment attestations; mooring and cage coordinates, including maps detailing pen group. In addition, the Applicant has provided full details of underwater and navigation lighting within the final application.

No significant environmental effects are considered likely in relation to risk to navigation and anchorages, and other marine users, subject to advice by the Northern Lighthouse Board (NLB).

Subsea Power Cables and Pipelines

Numerous domestic subsea power cables exist within inshore waters in this region, connecting areas of the mainland on the West coast and connecting the mainland to islands off the West coast. These cables could be damaged by aquaculture moorings or anchors and development which overlaps with active power cables will be resisted. There are two subsea power cables to the north of the site: Bute Ardyne South and Bute Ardyne North base on Marine Scotland's most recent Power Cables map. The proposal does not overlap with the power cables and will move the aquaculture site further away from them.

MOD activity

Although MOD activity is widespread in Argyll and Bute coastal waters restrictions on marine development are limited to MOD noise ranges in Loch Goil and Loch Fyne and HMNB Clyde at Faslane. These areas are identified on Map DC6c. Based on Map DC6c the site is not in an area where aquaculture development is restricted by MOD activity. The MOD have been consulted on this application and at time of writing this report had not provided any response.

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)

New aquaculture developments should be designed so as to minimise any negative impacts arising from their operation and will be assessed to ensure adequate waste management measures; no significant adverse environmental or amenity impacts arising from the servicing and operation of the site; and satisfactory measures for the restoration of the site, including removal of redundant equipment.

Noise and lighting

The potential impacts of noise from fish farming activities both on and off shore can be detrimental to neighbouring uses, while inappropriate lighting can cause neighbour nuisance and/or be visually intrusive in the landscape. With the exception of navigation lights, surface lighting should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site. Generators on fish farms close to the shore have potential to cause a noise nuisance, in particular where there are residential properties close to the site.

Noise and lighting impacts are assessed by comparing the background noise and lighting levels against proposed levels associated with the development. The significance of an impact is therefore site specific. In some coastal areas where the background noise levels are low, sound will be a greater issue and night time limits may be appropriate.

Lighting - The Applicant has advised that it may be necessary during periods of reduced daylight hours to use underwater lighting for the pens. The equipment will be the same that is used at the Existing Site. The lights will be downward facing and will not be directed off-site. The potential effect will be a slight underwater illumination seen as a green glow, with minimal visibility from the surface. Surface lighting will only be used in accordance with Northern Lighthouse Board recommendations as specified on the Marine Mooring and Navigation Licence. Navigation lighting requirements for the Replacement Site will be as agreed with the Northern Lighthouse Board.

Noise - Based on the information provided by the Applicant, it is considered unlikely that the proposed relocation and enlargement of this farm will result in increased levels of noise compared to the existing development.

The Environmental Health Officer has no objection to the proposal subject to conditions relating to nuisance during construction (including noise/vibration, dust and any temporary lighting); operating hours during construction; and operating noise. These are included in the recommended conditions.

Policy SERV 5b requires developers to make provision for the management of waste. It states that commercial development shall make effective provision for the storage, recycling composting where appropriate, separation and collection of waste from within the development site or when appropriate, from an appropriate roadside or other specified collection point or points (for onward reuse and recycling). A condition requiring the submission of a Waste Management Plan is therefore recommended.

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.

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 of key sustainable economic assets helping to retain and create jobs in rural areas.

The Applicant has not provided supporting information on the socio-economic benefits of the proposed development, as no specific request was made for this information at the scoping stage. This said, The Scottish Salmon Company (SSC) is one of the leading Scotland based producers of fresh Scottish Salmon, employing a team of over 600 staff across 60 sites on the West Coast and Hebrides. A total of 15 staff are currently employed across the three existing marine sites in Loch Striven/Sound of Rothesay.

There have been marine aquaculture operations at the Existing site location for over 34 years. The SSC operates two other sites in the surrounding area: Strone (approximately 3.5km to the north-east) and Sgian Dubh (approximately 5.5km to the north). In the wider area, SSC operates sites at Lamlash (approximately 40km to the south, on the east coast of the Isle of Arran) and in Loch Fyne.

While no additional jobs will be created on the Ardyne farm, the Applicant has confirmed that 10 FTE staff will be maintained across its three sites in the area (Ardyne, Strone and Sgian Dubh).

Taking account of the above it is considered that the proposal would accord with 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 human health. This issue arose after the submission of the planning application. A further report was commissioned by the Scottish Salmon Producers Organisation (now Salmon Scotland) and submitted by the applicant. This report relates to three fish farm planning applications which have been subject to similar objections. 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 was included as an Appendix the supporting fish farm medication 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.

Through the processing of the planning application for the Dunstaffnage Fish Farm (20/02358/MFF) which was determined by Members at the June PPSL committee, further

clarification on this issue was provided. In supplementary report no.1 it was explained that the WCA report concludes that the concentration of medicines Azamethiphos and Deltamethrin used in a pen bath treatment are lower than the DNEL and therefore there is no unacceptable risk to wild swimmers, at any distance from the farm, from the release of medicine residues from a farm pen following completion of a treatment. The DNELs for oral and dermal exposure have been calculated using a 2-hour swim scenario for a 71.8kg. While a swimmer of lower weight would have an increased risk from the same level of exposure to medicine residues, the DNELs are still based on a number of highly precautionary assumptions, including:

- There is no dilution of medicine concentration, or degradation of residues;
- Water concentration of medicines is constant and static (no movement and circulation of medicine residues);
- That a swimmer would remain in an area of the highest concentration for two hours;
- 100% absorption of residues by dermal and oral routes of exposure.

For hydrogen peroxide the concentration used in the treatment pen is higher than the DNEL so the risk to wild swimmers depends on the dilution and dispersion of medicine residues in relation to the proximity of a wild swimmer, and the time for which the swimmer might be exposed to medicine residues.

Appendix 1 of the WCA fish farm medication report identifies some calculated statistics of the dispersion and concentration of hydrogen peroxide for a range of environmental conditions typical of marine fish farms.

It should be noted that guidance for wild swimmers strongly advises that swimmers should always undertake a risk assessment of their proposed swim before entering the water which should consider any potential risks related to water quality, weather conditions, temperature and other marine users and activities. It is reasonable to expect that water users, including wild swimmers stay a safe distance from a salmon farm to avoid any risk of collision with workboats or entanglement in farm equipment (pens, ropes, moorings, nets). The same principle would apply to wild swimming in a working harbour or adjacent to sewage outfalls. Wild swimmers should therefore not be swimming within the planning/moorings boundary of the farm and to do so would be irresponsible. A farms boundary is typically 150-300m from the edge of the farm pens and therefore if swimmers stay out with the farm boundary then they should not be exposed concentrations of hydrogen peroxide above the DNEL.

A number of vessels will be active around the farm pens at the time of a bath medicine treatment and therefore will be very obvious to other water users that for their own safety they should maintain a safe distance from the fish farm pens.

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.

Given the above and taking account of the fact that NHS Highland has not objected to the application on public health grounds, the risk to wild swimmers is considered to be within acceptable limits. However, in order to ensure that the risks are even further mitigated, a condition is proposed that the applicant produces a communication strategy with other marine users advising when bath medicines will be actively used at the site as well as advising on other health and safety issues associated with fish farms. In these circumstances it is considered that it would be unreasonable and unsustainable to refuse the application on these grounds.

E. TRAFFIC

This development is accessed from C10 Glen Striven Road within the national speed limit by an existing internal road network. The increased production will create additional traffic movements on the road. Positive measures should be put in place to minimise impact onto the road network especially at peak times. A Traffic Management Plan must be agreed with the Area Roads Manager for the construction phase and for normal operations including harvesting seasons.

The Area Roads Engineer has no objection to this proposal subject to conditions to ensure that positive measures are put in place to minimise impact on the road network, especially at peak times and a Traffic Management Plan. Relevant conditions are recommended to secure the requirements of the Area Roads Engineer.

F. CONCLUSION

The removal of existing equipment and replacement with new equipment at a long-established site, is of a relatively small scale. Argyll & Bute Council provided a Screening Opinion that the application did not require an Environmental Impact Assessment and that it would be sufficiently supported by the provision of specific supporting information. SSC has provided this supporting information as well as further information to assist in the determination process, as requested by the Statutory Consultees. All technical assessments conclude that no significant impacts will result from this proposed development.

The design and assessment process adopted by SSC has represented a good practice approach to the responsible development of marine aquaculture. All potential areas of interaction between the Replacement and the environment have been addressed, resulting in a well-designed development incorporating appropriate mitigation measures, at a suitable site.

The Replacement complies with, and is supported by, the aims and objectives of both national policy and the Development Plan, and would make a valuable contribution towards the ambitious growth targets set for the aquaculture industry.

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 as it 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.

The proposed fish farm would be situated approximately 70km north of Ailsa Craig Special Protected Area (SPA), which is classified for breeding Gannet, breeding lesser black-backed gull and a seabird assemblage including nationally important populations of Guillemot, Kittiwake and Herring gull.

It is considered by NatureScot that the development proposed by means of planning application ref: 19/02539/MFF may have a likely significant effect (LSE) on the qualifying features of the Ailsa Craig SPA (with the exception of Kittiwake where no LSE is predicted). The reasons for this are that the proposal is located within the mean maximum foraging range of the qualifying interests of the Ailsa Craig SPA. Furthermore, for gannets, kittiwakes, lesser black-backed gulls

and guillemots, the proposal is within their mean foraging distance (plus one standard deviation) from the Ailsa Craig SPA. This proposal could therefore affect the qualifying interests of the Ailsa Craig 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 current application is proposing to increase the number of pens to 14 x 120m circumference (19.1 radius) plastic cages 365m to the south of the existing site. The proposed site would comprise a 16 cell, 75m x 75m mooring grid layout; both are to be arranged in two groups, one in (2 x 4) and one (2 x 3) configurations, with a 75m separation distance. The overall surface area of the fish farm would increase by 0.9639ha, from 0.6354ha to 1.6045ha; with a proposed total surface area of 6, 707.3ha. The net depth at the site is to be between 30-40m approximately. The stocking density of the site will be 15.6kg/m³ and the maximum biomass will increase to 2,070T. Pole mounted top nets are proposed.

Assessment

In August 2019 an unknown, but substantial, number of Gannets and Gulls were entrapped and/or entangled in pole-mounted top nets at a fish farm in Kintyre. The Planning Authority must therefore assess the potential risk to the qualifying interests of the SPA from the use of pole-mounted top nets at the proposed fish farm.

NatureScot's understanding of how gannets interact with pole-mounted top nets is limited and it based on information for a couple of sites. However, there appears to be significant risk of entrapment and / or entanglement to gannets associated with ceiling mesh sizes of between 200mm or more and an unknown, but potentially significant, theoretical risk to gannets for ceiling mesh sizes of between 100mm and 200mm. NatureScot therefore advise a conclusion of Likely Significant Effect (LSE) with respect to the proposed use of 300mm ceiling nets in a pole-mounted system at this site. On theoretical grounds NatureScot advise that the risk to gannets can be reduced by using the smallest ceiling net mesh size possible, ideally of less than 100mm and would strongly advocate the adoption of smaller mesh size ceiling nets at this site in light of the previous incident in the Firth of Clyde area. However, given currently limited evidence with respect to effects of mesh size on how gannets interact with pole-mounted top net systems, NatureScot cannot with certainty conclude that this would eliminate the risk.

NatureScot's assessment concludes that the use of top nets at this fish farm alone would not adversely affect the integrity of the SPA. Gannet populations are generally increasing and NatureScot's understand in the two incidents they were aware of is that the majority of birds were released alive. There could still be some longer term population impacts but immediate mortality from single incidents is deemed insufficient to result in an adverse impact on site integrity. However, it is NatureScot's view that there is a potential risk to gannet populations either as a consequence of repeated incidents at vulnerable sites (i.e cumulatively) and / or in combination with other fish farms that may also use these nets.

NatureScot therefore advise that any permission for use of pole-mounted top nets should be conditional on monitoring, notification to Argyll and Bute Council and NatureScot in the event of serious incidents, and provision of adaptive management to be implemented (e.g. replacement of nets) if required to avoid repeated incidents occurring which could increase the risk of resulting in an adverse effect on site integrity. It is highlighted that, on current evidence, the risk to the applicant of adaptive management being required would be substantially reduced by adoption

of smaller mesh ceiling nets and that the proposed use of 300mm nets poses a potentially higher risk of gannet incursion into the cages.

Mitigation

NatureScot has advised that taking account of the assessment above, provided the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not affect the integrity of the site.

1. The operators will maintain daily records of wildlife entanglement or entrapment using a standardised pro forma which can be supplied by NatureScot and submit regular (typically six monthly) returns to Argyll and Bute Council, copied to NatureScot;
2. The operators will immediately notify Argyll and Bute Council and NatureScot in the event of any significant entrapment or entanglement of any bird species, but particularly gannets, herring gulls or lesser black-backed gulls as the Ailsa Craig qualifying interests likely to be affected by the proposal (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). NatureScot will advise on the thresholds that will constitute an adverse impact on site integrity (how many repeated incidences at one particular fish farm or how many incidences at other fish farms in-combination) because it is important that action is taken before the threshold for an adverse impact on site integrity is reached; and
3. Adaptive management approaches will be agreed between Argyll and Bute Council and the Applicant in consultation with NatureScot to ensure compliance with the Habitats Regulations; and
4. There should be no use of drift nets, vertical static nets, or gill nets to recapture escaped fish under any circumstances, as is suggested in the Applicant's escape plan, because this will put 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.

HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT'

HABITAT DIRECTIVE 92-43-EEC

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

The Endrick Water Special Area of Conservation (SAC)

Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Endrick Water was classified as a Special Area of Conservation for three species of freshwater fish in 2005. The primary qualifiers for this site are brook lamprey (*Lampetra planeri*) and river Lamprey (*Lampetra fluviatilis*). Atlantic salmon (*Salmo salar*) are a secondary qualifier for this site. Neither brook nor river lamprey will be impacted by the proposal.

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 and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species, including range of genetic types for salmon, 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 (SNH) that the proposal is likely to have a significant effect on the Atlantic Salmon qualifying interest of the site development proposed by means of above planning application (ref: 19/02539/MFF) could affect the qualifying interests of Endrick Water SAC. The proposed site lies approximately 40km to the south-west of the boundary of the SAC as the crow flies. However, wild salmonids and Atlantic salmon smolts emigrate through the Firth of Clyde.

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 current application is proposing to increase the number of pens to 14 x 120m circumference (19.1 radius) plastic cages 365m to the south of the existing site. The proposed site would comprise a 16 cell, 75m x 75m mooring grid layout; both are to be arranged in two groups, one in (2 x 4) and one (2 x 3) configurations, with a 75m separation distance. The overall surface area of the fish farm would increase by 0.9639ha, from 0.6354ha to 1.6045ha; with a proposed total surface area of 6, 707.3ha. The net depth at the site is to be between 30-40m approximately. The stocking density of the site will be 15.6kg/m³ and the maximum biomass will increase to 2,070T.

Assessment of Impacts

It is not considered that there would be any impact on the brook or river lamprey interest of the SAC.

NatureScot has advised that this proposal is likely to have a significant effect on The Endrick Water Special Area of Conservation (SAC), designated for its Atlantic salmon feature. Consequently, Argyll & Bute Planning Authority is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s). To help the Planning Authority to do this, they advise that in their view, on the basis of the additional information provided, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affected the integrity of the site:

- All prescriptions, as detailed within The Scottish Salmon Company's amended Environmental Management Plan, dated December 2020 must be implemented by the applicant in the manner and timings specified.
- The Wild Fisheries Seal Lice Monitoring Strategy should include monitoring of the juvenile freshwater population and the final monitoring plan must be agreed with all relevant parties, including NatureScot, prior to the site being stocked.
- Adherence to the Technical Standards as referred to in the Escape Contingency Plan for Ardyne.

NatureScot would expect this as a minimum measure, however, whilst Technical Standards may well be followed, issues can still arise which lead to the escape of fish. A recent equipment failure at a fish farm site on the east coast of the Kintyre peninsula led to the escape of 48, 834 farmed salmon. Subsequent reports suggest that potentially significant numbers farmed fish returned to fresh water environments, including the Endrick Water SAC. Significant work is now ongoing to assess the extent of any genetic introgression that took place as a result of this incident. To mitigate this risk to the SAC NatureScot would expect confirmation that the proposed fish farms will comply with the current Scottish Technical Standard, in order to ensure that any equipment used is robust and will reduce the risk of escapes occurring and any subsequent interbreeding with salmon in the SAC.

Locating fish farms in higher wave energy marine environments that are more likely to be adversely affected by the changing environmental conditions requires that all new consented fish farm infrastructure must be fit for purpose and reflect future climate scenarios. NatureScot advise that Argyll & Bute Council seeks further assurance from the Applicant with regards to this aspect.

The above mitigation measures should be enforceable by means of appropriate planning conditions.

The appraisal NatureScot carried out considered the impact of the proposal on the Endrick Water SAC.

Conclusion

The potential impacts of the development in relation to the conservation objectives cited in the SAC 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.