

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY  
MICROSOFT TEAMS on TUESDAY, 28 NOVEMBER 2023**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Dougie Philand
Councillor Audrey Forrest	Councillor Peter Wallace
Councillor Amanda Hampsey	

**Attending:** Iain Jackson, Governance, Risk and Safety Manager  
Peter Bain, Development Manager - Planning  
Sandra Davies, Major Applications Team Leader – Planning  
Ben Hadfield, MOWI Scotland Ltd – Applicant  
Stephen MacIntyre, MOWI Scotland Ltd – Applicant  
Phillip Gillibrand, MOWI Scotland Ltd – Applicant  
Dougie Hunter, MOW Scotland Ltd – Applicant  
Elaine Whyte, Clyde Fishermen’s Association – Consultee  
Ian Brodie, East Kintyre Community Council – Consultee  
Lorraine Holdstock, Marine & Coastal Development Policy Officer – Consultee  
Stewart Graham, Gaelforce Group – Supporter  
Tavish Scott, Salmon Scotland – Supporter  
Warren Harvey, Carradale Fish Farm – Supporter  
Derek Keir, Camanachd Association – Supporter  
Harry Nickerson - Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Daniel Hampsey, Mark Irvine, Paul Kennedy, Liz McCabe and Luna Martin.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MOWI SCOTLAND LTD: FORMATION OF FISH FARM (ATLANTIC SALMON)  
INCORPORATING TWELVE 120M CIRCUMFERENCE CIRCULAR CAGES AND  
SITING OF FEED BARGE: NORTH KILBRANNAN FISH FARM, NORTH OF  
COUR BAY, KILBRANNAN SOUND, EAST KINTYRE (REF: 20/01345/MFF)**

The Chair welcomed everyone to the meeting which was being held on a hybrid basis. For the purposes of the sederunt Iain Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance. Mr Jackson also clarified that there were no others in attendance today that wished to speak.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

## **PLANNING**

On behalf of the Head of Development and Economic Growth, Sandra Davies, Major Applications Team Leader, made the following presentation with the aid of power point slides.

### **Slide 1: PPSL Front Sheet**

### **Slide 2: Title and Location Plan**

This application is for the formation of a new fish farm off the east coast of Kintyre. The site is located in the Kilbrannan Sound about 10km north of Carradale and to the north of Cour Bay.

### **Slide 3 Proposed Site Plan**

The fish farm would have 12 circular cages with each cage measuring 120m circumference in a 2x6 grid along with a feed barge.

### **Slide 4 Plans and Elevations**

The cages would be low in profile and finished in a dark, non- reflective material. This shows the plans and elevations of the proposed cage group.

### **Slide 5 Typical Pen Design**

This plan shows a typical pen design with pole mounted top nets.

### **Slide 6 Feed Barge**

Here are the drawings for the proposed feed barge which has the design of a marine vessel.

The site would be serviced from the existing shore base at Carradale Harbour which already serves Mowi's fish farms Carradale North and South.

### **Slide 7 (Environmental Impact Assessment Front Cover)**

An Environmental Impact Assessment has been carried out in relation to this application. The EIA process looks at the significant effects of a project on the environment. As with any other type of planning application, the legislation requires that the proposals be assessed against the policies of the development plan. If the proposal accords with these policies then the development should be approved unless material considerations indicate otherwise.

### **Slide 8 (NPF4 and LDP front covers)**

The Development Plan comprises National Planning Framework 4 (NPF4) adopted February 2023 and the Argyll and Bute Local Development Plan adopted 2015.

## **Slide 9: NPF 4 Policy 32**

NPF4 should be read as a whole and is based around six overarching spatial principles which the proposed development should comply. Part 2 of NPF 4 contains 33 policies and the report of handling for this application details those which would apply to the proposed development.

A number of NPF4 policies apply to this development, however, the prime policy for aquaculture is policy 32. This policy makes it clear that LDPs should guide new aquaculture development in line with National and Regional Marine Plans. They should minimise environmental impacts, including cumulative impacts that arise from other existing and planned aquaculture development in the area whilst also reflecting industry needs. Policy 32 requires the consideration of a set of criteria which are similar to those covered the LDP aquaculture policy AQUA 1. I have highlighted these criteria in bold on the slide.

## **Slide 10 – Policy AQUA 1**

This is policy AQUA 1 from the adopted LDP showing the eight criteria which require to be assessed in the determination of this application.

Since this application was presented to the PPSL committee in May, Argyll and Bute Council's proposed Local Development Plan 2 (pLDP2) has gained enhanced status as this has been returned to the Council following the Examination process.

Supplementary Report no. 3 has therefore assessed proposal against the relevant pLDP2 policies. Following this process it has been concluded that there would be no substantive change to the policy assessment of the proposal.

## **Landscape / Seascape and Visual Amenity**

Returning to the adopted LDP, AQUA 1 is a criteria based policy which relates specifically to marine and freshwater aquaculture. The application has been assessed against each of the eight criteria and found to comply with the plan. I will go through each of these criteria in turn.

## **Slide 11 ZTV Slide**

The first criteria to be considered under this policy relates to landscape / seascape and visual amenity. A landscape and visual appraisal has been included with the EIAR.

The proposed fish farm would be located off a small promontory named Rubha Riabhach which is located beyond a rocky shoreline. The site is theoretically visible to a wide extent from both the north and the south with the views to the west curtailed by the promontory. The current slide shows the Zone of Theoretical Visibility or ZTV with the view points locations marked. There are clear views from the Kilbrannan Sound and distant views from the Isle of Arran. The EIAR notes that the location of Rubha Riabhach is remote from residential properties and outwith sightlines of adjacent Crossaig and Cour. It is further noted that the coastline of Arran is sufficiently far away to diminish views.

The B842 runs north from Campbeltown to Cloanaig. This is a single track road which moves in and out from the coastline due to topography. In places there are elevated

views across the Kilbrannan Sound toward Arran and Ailsa Craig. The road is also designated as long distance cycle path (NCN 78) and core path. The closest dwellings to the proposed fish farm can be found at Cour and Crossaig at distances between 1km and 1.5km.

The SLVIA notes that the key seascape and landscape characteristics of the area are the remote and indented coastline, the narrowing of the Kilbrannan Sound and proximity to Arran, where the low hills of Kintyre contrast with the drama of the rugged Arran skyline. The gentle landscape of the area and clustered settlement pattern, with strong links to the Sound and rich historical influence, create a landscape with unique character and attraction. The section of coast within the locality of the proposed development contains relatively fewer landscape features than surrounding coastline, with existing industrial infrastructure of electricity works which impacts upon the positive character of the area.

### **Slide 12 – VP map**

To aid the evaluation of visual effects, fourteen viewpoints were selected as part of the SLVIA. The various viewpoint locations are shown on this plan and those Members who attended the site visits would have seen some of these viewpoints. Members were issued with a paper copy of the viewpoints at the time of the last committee to allow for a more accurate interpretation. The view points contained within this power point presentation should not be relied upon as they do not give an accurate representation. These images are compressed and colouration may be different.

### **Slide 13 – VP 1 Grogport Old Manse Dun**

### **Slide 14 – VP 2 B842 south**

### **Slide 15 – VP 3 Cour House**

### **Slide 16 – VP 4 B842 Adjacent**

The trees in the foreground of this visualisation have since been felled as was seen at the site visit.

### **Slide 17 – VP 5 B842 north**

### **Slide 18 – VP 6 Claonaig Slipway**

### **Slide 19 – VP 7 Claonaig to Lochranza Ferry**

### **Slide 20 – VP 8 Kilbrannan Sound north**

### **Slide 21 – VP9 Kilbrannan Sound south**

### **Slide 22 – VP10 Pirnmill Former Free Church beachfront**

### **Slide 23 – VP 11 Thundergay Beach**

### **Slide 24 – VP12 Coirein Lochan**

### **Slide 25 – VP13 Catacol**

### **Slide 26 – VP14 Newton Point Viewpoint**

The SLVIA concludes that the most significant visual effects were views from the B842 /NCN Cycle Route 78 / Core Path Campbeltown to Claonaig. Here there were Moderate to Major levels of significance due to the high sensitivity of the viewpoints and the scale of the proposal within the view albeit a passing view on a recreational route.

Overall the SLVIA report concludes that

*“the area of proposed development is within an attractive landscape and seascape area, but with detracting factors which lower sensitivity and enable the development of proposals to be undertaken without major adverse effects being encountered. There are key areas of recreational resource, and hotspots of high sensitivity along the Kintyre coast, and within these areas there are higher levels of impact determined, but this is well contained to minimise overall levels of significance. The siting of the proposed fish farm is appropriate to context, maintaining integrity of the key characteristics of the area to sufficient levels. The highly sensitive coastline of north Arran is protected from unduly high levels of adverse effects, with sufficient distance across the Sound and sufficient interest and engagement within the wider landscape and seascape.*

*This SLVIA concludes that, with adherence to mitigation, the proposals conform to the Argyll and Bute Local Development Plan and to wider marine planning guidance, with a good proportion of acceptable levels of impacts within the Cour area.”*

Officers would concur with this view and consider that the seascape, landscape and visual impacts of the proposal would be acceptable in terms of NPF4 policies 4 and 32 and LDP policies AQUA 1, LDP 3, SG LDP ENV 12 and SG ENV 14. This would also accord with policies 04 and 28 of the emerging LDP.

### **Slide 27 – Policy AQUA 1**

### **Slide 28 – Policy AQUA 1**

The next criteria within the AQUA policy relates to **Isolated Coast and Wild Land**

This would not impact upon this development as there are no areas of isolated coast or wild land in the vicinity of the proposal.

### **Slide 29 – Viewpoint from Cour House VP 3**

#### **Historic or Archaeological Sites and their settings**

The third criteria relates to historic and archaeological sites. The impact of the development on the category A listed Cour House and its setting have been considered. Cour House is located approximately 1.6km from the development and only a proportion of the site will be visible from the house at an oblique view.

It was concluded in the EIAR that this would lead to small adverse effects and moderate levels of significance. Due to the location of the farm north of Cour Bay and the screening provided by the headland of Rubha Riabhach Officers would concur with this view and are of the opinion that the proposal would not have an unacceptable effect on the listed building or its setting. This view is further supported by the HES consultation response to this application which advises that due to the limited visibility in views from Cour House, significant impacts on the setting are unlikely.

It is therefore not considered that the introduction of the fish farm in this location would have an adverse impact on the setting of cultural heritage assets.

### **Slide 30 – Policy AQUA 1**

**In terms of Priority Habitats and Species (including wild migratory salmonids) and designated sites for nature conservation**

Wild fish interactions are a key consideration in the determination of marine fish farm applications. Fish farms have the potential to impact on wild salmonids in two ways, namely, the risk of escapes and interbreeding and the spread of disease including sea lice.

### **Slide 31 – Active and proposed marine fish farms in the vicinity of the development**

This slide shows the active and proposed fish farms in the vicinity of the site. The yellow dots are shellfish farms, the blue dots are active finfish farms and the red dots are proposed fish farms. As highlighted on the map, the Arran fish farm at Millstone point was refused and the appeal dismissed.

In August 2020 there was a mass escape from the neighbouring Carradale farm during Storm Ellen. Following investigation, it was determined that the escape was caused by mooring line failure at the southern end of the pen group. This was due to abrasion caused by feed barge mooring lines rubbing against pen grid mooring lines.

As part of the current application, the company were requested to submit further information to demonstrate how this risk would be mitigated in the future. The company has advised that they have new procedures in place. These are detailed in the planning report and include measures such as a review of mooring analysis procedures and the introduction of third party verification and increasing the frequency of inspections.

The consideration of the impacts of sea lice is one of the most challenging issues currently faced by the planning system. SEPA are due to take over this responsibility from planning in the near future, however, until this time the planning system will continue to consider this issue.

Sea lice are ectoparasites belonging to the crustacean family. They have a complex life history involving a free swimming stage searching for a host. During subsequent growth phases, they can move around the host and swim unanchored from it. Two species can infect salmon; a salmon specific species (*Lepeophtheirus salmonis*) and to a lesser extent a more generalist species (*Caligus elongates*). The intensity of infection at which sea lice become damaging depends upon the size of fish, the species of sea louse and the residence time of lice to the host.

Fish farms result in elevated numbers of sea lice in open water and therefore in some circumstances they are likely to have an adverse effect on some populations of wild salmonids. However the magnitude of any such impact in relation to overall mortality is not known. 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 a number of factors, in particular the siting of the farm and its ability to effectively control sea lice.

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

In addition to the operation of a Sea Lice Management and Efficacy Statement, the Applicant will be required to operate the development in accordance with an Environmental Management Plan (EMP). Prior to SEPA taking over the responsibility for regulating this area, this is currently the method by which sea lice are monitored and controlled in the interests of wild salmonids. The aim of the EMP is to ensure that

salmonid farming activity within the Management Area does not result in negative impacts to local salmon and sea trout populations and fisheries. The Kilbrannan Sound EMP which covers all of the MOWI fish farms in the FMA states that this will be achieved by:

- monitoring,
- co-operation; and
- adaptive management.

### **Slide 32 – SPA and SAC Slide**

There are also a number of sensitive areas which may be affected by the proposal. NatureScot has advised that the proposal may have an impact on the gannets and other sea birds from the Ailsa Craig SPA. As this is an internationally protected area an Appropriate Assessment was required to be undertaken and is attached as an appendix to the report. Gannets have a very large foraging range and the proposed development would fall within this range. There is concern that they could become entangled or entrapped in the pole mounted nets however the Appropriate Assessment has concluded that, subject to conditions, this impact could be mitigated.

In addition to the Ailsa Craig SPA, NatureScot also advised that the proposal was likely to have a significant effect on Endrick Water SAC and a further Appropriate Assessment was required. The site is some 70km from the SAC and will have no direct impact on the boundaries of the SAC. However, it could impact on the qualifying interest of the Atlantic salmon, including smolts, as they travel through the Firth of Clyde on their way to sea. Smolt migration is associated with high mortality and is thus considered a critical life stage in the Atlantic salmon life history. Currently only about 5% of smolts who make the journey return to freshwater as adults.

Smolts originating from the Lomond catchment (which includes the Endrick Water SAC) and the Clyde catchment (which includes the rivers Clyde, Gryffe, Black Cart Water and White Cart Water) migrate to their oceanic feeding grounds in the Norwegian Sea and West Greenland via the Inner and Outer Clyde.

Nature Scot further advise that whilst they do not know the exact migration route of Atlantic salmon post smolts emigrating from the Endrick Water SAC, there is potential for them to pass through lice dispersion plumes emanating from the proposal.

Following the adjournment of the Hearing, NatureScot updated their advice as the Firth of Clyde post-smolt tracking project also identified potential connectivity between the proposal and three other SACs. These are:

- The River Bladnoch SAC in Dumfries and Galloway;
- The River Derwent and Bassenthwaite Lake SAC in the Lake District in England; and
- The River Boyne and Blackwater SAC in the Republic of Ireland.

These sites have therefore been considered along with the Endrick Water SAC within the revised Appropriate Assessment included as an Appendix of SR4. This concludes that, subject to the proposal being carried out strictly in accordance with mitigation specified by NatureScot, then it will not adversely affect the integrity of the sites.

The mitigation which has been included as recommended conditions, requires:

1. The proposal to be undertaken in accordance with the EMP;
2. The site not being restocked until a review has been undertaken of relevant farming and wild fish monitoring data collected during the previous cycle. This review must be agreed in advance of the following cycle;
3. The site will not be stocked until the wild fish monitoring plan has been agreed, including a requirement to monitor the juvenile salmon population in coastal waters within a zone of 30km from Management Area;
4. The site will be fallow between 15<sup>th</sup> March and 1<sup>st</sup> June each alternate year, coinciding with the second year of production at the site;
5. The operator shall notify the Local Authority within 14 days of the site being stocked and fallowed.

### **Slide 33: Policy AQUA 1**

The fifth criteria that the proposal needs to be assessed against is **the ecological status of water bodies and biological carrying capacity.**

The site is located within 'uncategorised' waters under Marine Scotland's Locational Guidelines, which indicates better prospects of fish farm developments being acceptable in environmental terms given the open situation, and the depth of water with unconstrained water exchange. SEPA are responsible for controlling water column impacts via its CAR licensing process and have confirmed that compliance with the CAR permit should ensure that the production of fish at this farm will not breach SEPA's environmental standards for protection of the surrounding seabed and water column.

SEPA have advised that a CAR licence has been issued for this site, therefore, it is not considered that the proposal would conflict with policy SG LDP ENV 7 which resists development which would have a detrimental impact on the water environment.

### **Slide 34: Policy AQUA 1**

With regard to **Commercial and Recreational Activity**, the EIAR concludes that commercial fisheries populations are classified as a low sensitivity receptor in terms of economic value due to the existing low commercially viable marine populations identified. The number of fishing vessels is also low, therefore the overall significance on commercial fisheries is assessed as minor.

The Clyde Fishermen's Association were consulted on this application and have objected on a number of grounds including the loss of fishing grounds to indigenous fishermen. They contend that this particular area will take away safe fishing grounds for prawn fishing.

The Council's Marine and Coastal Policy Officer has noted that ScotMAP data (Oct 2020) shows that the marine area of the farm is of low-medium value for nephrops / crab creel and trawl fishing. She has further noted that the moorings area which would extend to 30.6 ha might interact with fishing activity and could be considered significant, however it was concluded that no significant environmental effects were considered likely in relation to risk to navigation and anchorages and other marine users.

Recreational shipping has also been assessed as a low sensitivity receptor. Similar to commercial shipping, due to the farm being located outwith the main route through the Sound, the magnitude of impact would also be low. Therefore the overall impact on recreational navigation is assessed as minor.



Taking account of the above, it is considered that there may be some impacts on commercial fishing, taking account of the conclusions of the EIAR and consultation responses, it is not considered that these would be of a significance that would provide a sustainable reason for the refusal of the application.

### Wild Swimming

The progress of this application has been delayed due to representations made regarding the potential health effects of fish farm bath medications while swimming. Initially SEPA advised that this particular issue was outwith their remit, however, more recently they have provided the planning authority with advice on this issue which I will come to later.

Salmon Scotland, a representative body to fish farming companies in Scotland, subsequently commissioned a report undertaken by WCA consultants on this issue as representations on wild swimming have been received in relation to a number of fish farm planning applications.

When assessing health risks, two key factors are considered: the levels where no health effects occur; and the levels to which people may be exposed. The WCA report uses a specific scenario for open water swimming, Derived No Effect Levels (DNEL) for the three bath medicines which could be used to treat salmon. 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 humans, 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 person. 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.

In relation to hydrogen peroxide Appendix 1 of the supporting WCA report states that:

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

*guidance of remaining outside pen grid marker buoys, risk of exposure is reduced even further.”*

NHS Highland was consulted on the wild swimming report and advised that the overall methods and processes appear to be reasonable as do the deductions.

They were not able to give a definitive opinion on the safety of wild swimming in the vicinity of fish farms but did not object to the application.

The recent advice from SEPA confirms that they have undertaken a review of the Applicant's supporting report and as detailed in Supplementary Report no.4, they are satisfied that discharges of the bath medicines from the proposed fish farm would not pose a risk to the health of wild swimmers in Cour Bay.

### **Slide 35 – AQUA 1**

With regard to amenity issues arising from operational effects, with the imposition of planning conditions relating to noise, waste and lighting, it is considered that the proposal would comply with the development plan.

### **Slide 36 – AQUA 1**

**Economic Impact** is a further consideration which requires to be taken into account in the consideration of this planning application. The Applicant has advised that the site would require 10 permanently employed members of staff and potentially seasonal workers during the summer and in the second year of the production cycle. The development would also support 68 supply chain jobs within Argyll and across Scotland. An economic impact assessment which was submitted in support of the application assesses that the development will generate wider benefits including an operational annual Gross Value Added (GVA) Impact of £1.2M to the Scottish economy. The assessment concludes that for every pound of investment in the project over a 20-year period, approximately four pounds are returned to the Scottish economy. MOWI have also noted that they have plans to upgrade and improve the appearance of Carradale Harbour which would service the development. It is therefore considered that the proposal would have a positive economic impact.

In conclusion, the proposals have been assessed against all of the relevant policies of the development plan which comprises NPF4 and the Argyll and Bute LDP. The proposal would also comply with the emerging policies within LDP2. Subject to conditions, it is considered that the proposal would comply with these plans. It is therefore recommended that planning permission be approved subject to the revised conditions listed in Appendix 1 of SR4.

A short comfort break was taken at this point.

## **APPLICANT**

### Ben Hadfield

Mr Hadfield advised that he was the COO of Mowi and that he was joined by Stephen MacIntyre, Head of Environment; Philip Gillibrand, Oceanography Manager; Dougie Hunter, Technical Director; Warren Harvey, Manager of Carradale Fish Farm; and other members of the scientific team that had worked on this application.

Mr Hadfield advised that they were pleased to be part of the community in Carradale and to run their business from there. He said they ran a profitable business to very high standards. He said that Mowi itself was the largest producer of Atlantic Salmon, producing close 65,000 tonnes of salmon annually and employing around 1,500 people with an annual wage bill of over £55 million in Scotland. Referring to a number of slides, he advised that in Argyll they had a total of 11 seawater farming locations and one cleaner fish hatchery in Machrihanish. Two of these farms were located off Carradale where they currently operated out of the local harbour as a site base. He said that in 2022 Mowi spent over £13 million with local suppliers and service providers based in the Argyll and Bute area.

He referred to Scotland's salmon farmers being regulated by several different bodies and said this detailed and robust regulatory framework was internationally leading in some areas and it facilitated consideration of environmental interactions. They also had around 6 third party private standards which each farm was audited against.

He advised that Mowi was a driving force within the community and employed a lot of people. He said that they have long been a supporter of the Camanachd Association and also had a significant programme for career development and cash flow donations. They regularly organised farm visits, third party audits and beach cleaning activity. As partners of Colonsay Community Development Company, they supported work to find a solution to the local house shortage and they were committed to spending £1.2 million to support the development of 9 affordable homes.

He advised of Mowi operating in Carradale Harbour for 12 years and that they had recently purchased land and property in the area and cleared the area of toxic and fire damaged waste to clean the site. They have invested £8 million in the project and £2 million in new harbour infrastructure. They intended to incorporate the current shore base and lay-down areas into this new development. He said they would install a new pontoon to be used by their vessels as well as other harbour craft and visitor boats. The North Kilbrannan farm was key to the extent of this development, with increased production and jobs being crucial.

He advised of the benefits they would bring to the Carradale Harbour, with the creation of 10 new jobs and support for numerous others within the supply base. They were committed to significant investment, to re-energise the Carradale Harbour area and support commercial and tourism opportunities in the local community.

### Stephen MacIntyre

Mr MacIntyre pointed out that the development has been recommended for approval by the Planning officials and that they had already received their CAR licence from SEPA. He said the development would not have any undue impacts on the environment, landscape or wild fish impacts.

He referred to the issues raised by the application which included the potential for effects on the benthic environment, human health, interaction with predators, wild salmonids, marine species and habitats of conservation importance, commercial fishing and landscape and seascape. The planning report recommended that planning permission be approved subject to a hearing and conditions. He advised that there were no objections from SEPA, NatureScot and Marine Scotland.

He referred to the landscape and visual impacts and advised that best practice mitigation had been incorporated into the site selection process and design of the farm. A visual impact assessment was submitted as part of the EIA report. Comprehensive examination of the potential effects of the fish farm on the landscape and seascape took place. The proposals were found to conform to the Argyll and Bute Local Development Plan and to wider planning guidance. NatureScot concluded that the proposal would not raise landscape or visual issues of national interest.

He referred to the recent Carradale storm incident and a series of recommendations that have been implemented by Mowi including – strengthening mooring lines and anchors of high energy farms, enhanced frequency and intensity of sub surface moorings inspections, improvements in design of equipment, and independent certification of moorings design. The design of the moorings for the North Kilbrannan salmon farm have been independently certified as meeting the requirements of the Scottish Technical Standard.

He advised that a two year generic study comprising 5281 juvenile salmon sampled from 118 locations showed no evidence of generic introgression between wild salmon and the escaped farm raised salmon from Carradale. He advised that as discussed in the EIA report, a range of mitigation measures were proposed to manage sea lice levels on farm raised fish at the proposed North Kilbrannan salmon farm.

He said the risk to wild salmonids had been overstated in representations of their proposal. Their extensive sea lice dispersal modelling demonstrated that North Kilbrannan salmon farm was unlikely to be a significant additional hazard to wild salmonids and the site could be licenced under the new SLRF. When the new sea lice risk framework is introduced, North Kilbrannan would have limits set on its sea lice numbers (as will all fish farms in the Clyde area) to protect wild salmon.

He then referred to the representations made about the impacts on wild salmonids in the Endrick SAC and other SACs in England and Ireland and advised that appropriate conditions have been agreed that would ensure protection of these SACs and ensure the protection of wild salmon smolts.

These include -

- The fish farm is operated **strictly in accordance** with the agreed Environmental Management Plan.
- The site **will be fallow** between the 15th March and 1st June each alternate year, coinciding with the second year of production.
- MOWI **will notify** the Local Authority in writing within 14 days of the site being stocked and fallowed.
- The site **will not be stocked** until the EMP wild fish monitoring plan has been agreed.
- The site **shall not be restocked** until an EMP review has been undertaken of relevant farming and wild fish monitoring data collected during the previous cycle, and the review has been agreed by Argyll and Bute Council, in consultation with NatureScot.

He also referred to the representations received in respect of the assessment of risk to open water swimmers from bath medicines. Reference was made to an independent study commissioned to address concerns raised regarding the potential health risk to open water swimmers in the vicinity of fish farms. Taking account of the available

evidence it was concluded that discharges of the bath medicines, from the proposed North Kilbrannan fish farm would not pose a risk to the health of wild swimmers in Cour Bay which was approximately 1.3 km from the fish farm. SEPA's assessment of this study agreed with this conclusion and NHS Highland did not raise any objection to the application.

He then referred to commercial fisheries and the objection from the Clyde Fishermen's Association on a number of grounds including the loss of fishing grounds and advised that they were conscious of the need to avoid space competition with other users of the green environment and acknowledged the pressures facing commercial fishing. He said that best practice mitigation had been incorporated into the site selection process and the design of the farm to minimise space competition and conflict. The marine area of the farm was of low-medium value for nephrops/crab creel and trawl fishing. Data on fishing activity was indicative of low pressure use. Surveying of the location confirmed benthic substrate not supportive habitat for commercially available marine species with low densities of scallop and nephrops. The conclusion of the EIA report was that impact on commercial fishing activity was not considered to be of significance. He referred to the presence of a sub-surface, high voltage electricity cable located 400 m to the north of the site which was an existing constraint on commercial fishing in this area. He said they did not believe that this development would contribute to spatial squeezing but they were open, as they have done elsewhere, to have discussions with commercial fishermen in order to try to design mitigation into their moorings etc to try and minimise potential conflict.

In summary, Mr Hadfield advised that the significant economic benefits were clear with project investment of £8 million in capital investment and a further £2 million minimum for the Harbour redevelopment which they would do in conjunction with other marine users and the community through a period of consultation. 10 new jobs would be created as a result of this. He said that the average annual salary in Mowi being just over £37,000. With highly skilled jobs people tended to stay a long time with the company, with 15 years being the average period. He also referred to supporting other jobs in the supply chain.

He advised the EIA carried out which showed no significant environmental effects. He said they valued the opinion of the objectors and valued some oversight and criticism of what they did in producing high value salmon, but said that there was a tendency to over exaggerate the environmental effect beyond the evidence. He said that they believed the development was well considered, significant in its scope, and significant in its opportunity to redevelop the harbour area and further cement their good relationship with the community and they hoped that the application would be approved today.

## **CONSULTEES**

### Clyde Fishermen's Association

Elaine Whyte advised that they supported local economic development and supported sensible, balanced development particularly in aquaculture and cooperation in fishing where it could happy. They also appreciate that local jobs were very important. She said that she appreciated the suggestion of Mowi to work with them on anchors etc but advised that this should have happened before with the site. She said that they had received some information about what was going to happen but never had a discussion about where the location would be etc. She said their concern was about capacity. At the moment in the marine space there were a lot of things happening. There were Highly Protected Marine Areas which have been scrapped but were likely to bring different types

of management. There were PMFs coming up, there were already MPAs, and no take zones. There were a whole lot of areas in the Clyde where they could not fish already. She said she believed they would also have a cod box closure coming up. She said they had extensive protections which meant that there was not a lot of space, so wild fishing grounds were becoming rarer and rarer. She said it was really difficult to get safe, sheltered grounds and advised that this was an area of safe, sheltered grounds. She referred to talk about Scot Map data being used to talk about fishing and it being said that it was low-medium impacts. She said that Scot Map was not a very reliable way of predicting data fishing. She said they were working on ways to improve that data through REM consultations. She said it did not record under 12 metre fishing boats data. For most of the boats fishing in that area, their fishing patterns were not formally recorded on Scot Map so it was important to say it was not a low-medium area for local fishermen, it was a very important area for local fishermen. She referred to the film showing retired fishermen talking about the economic importance and highlighted that there were no current fishermen talking about how they would co-exist with this development. She advised that the fishermen out there right now had contacted her to say this ground was of intense importance to them. She said that it had been underplayed economically here. If you have 10 boats with 4 crew members that all lived locally that were fishing that area, if they could not exist, not only because of this development, but because of cumulative pressures potentially, this may be the last straw for them. She advised that of all the fishing in Scotland, the Clyde was a very contained area and a lot of local boats have been lost over the years for a number of reasons. She said that if this development contributed to losing more boats then we really could be in trouble. She pointed out that Tarbert had went from about 20 boats to about 5 and a lot of those boats would be fishing in those areas. She said there was a need to think about cumulative impact. She said that shelter for fishing was really important and there were not many areas like that and she thought that this was one of those key areas.

She also referred to Carradale Harbour and advised that it was the Clyde Fishermen's Association that built Carradale Harbour. She said a key point was facilities as it could be quite difficult for local boats to access piers and access local facilities. She said there was a need to think about local traffic and safety.

She advised that their members have also expressed concern about debris and mortalities. She said that some of their members had picked up dumped salmon as well. These have been recorded but they did not know where they had come from. She said these things were a concern.

She then referred to lice and wild fish and advised that a lot of things have happened over the years. She said that they did see the lice, particularly on fast moving fish.

She also referred to pesticides and the EQS reports etc and she believed Mr Nickerson would talk more about. She advised that Shetland had done a very interesting study with SEPA which talked about dispersal of those chemicals. She said that the Clyde did not have the same level of tidal dispersal so it was a capacity issue if there were a lot of fish farms in a small area that was not as tidal, it could have a severe impact. She said it was already having an impact on areas like Shetland. She said there was a need to be mindful of the carrying capacity given the number of sites there were already.

She advised that those issues were key for them. She said that local economy fishing was important too and that they, in particular, have had a very hard time. She advised that they were open to working with partners but could guarantee that this was a very

important socio-economic for fishing in Argyll and Bute in this area and particularly for small boats, which were not recorded by the data that was being used.

### East Kintyre Community Council

Ian Brodie advised that East Kintyre Community Council would like to lend its support to the Mowi application to establish an extension to their operations in Kilbrannan Sound. Although the application fell within Tarbert & Skipness Community Council area, it also impacted directly upon Carradale and East Kintyre. Carradale had a very good working relationship with the local Mowi team and were delighted that the company offered such good employment in the area. He said if this development went ahead it would bring extra employment and career opportunities to the area. He referred to the local hotel and shops that would benefit and said that everyone here wanted this development to go ahead. He advised that Carradale Harbour was utilised by Mowi as the shore base for their operations and they were keen to encourage that to continue. He advised that East Kintyre Community Council and the Carradale Fisherman's Association have been working in partnership with Mowi to help improve harbour facilities. Dredging and pontoons were developments in the pipeline and both would greatly enhance the harbour area for locals and tourists alike. He said that since they submitted their representation on the planning application Mowi had also purchased the yard formally known as Omans yard, to which they were going to turn it into a shore base as they have out grown their present yard.

### **SUPPORTERS**

#### Stewart Graham

Mr Graham gave the following presentation:

Good morning my name Stewart Graham, the owner and founder of Gael Force Group.

Gael Force Group is an established Scottish supplier and manufacturer of robust and reliable equipment, technology, and services for the farming of healthy, nutritious Scottish Salmon. We currently employ around 170 people across the rural Highlands and Islands including **26 people** in Argyll and Bute. Our annual sales are in excess of £30M per year and we export 25% of our production. We wish to express support for this planning application in the strongest possible terms.

We are a key supplier to this sector and to Mowi Scotland. We would expect the supply chain across the Argyll and Bute area, as well as wider Scotland, to benefit from this development and for the jobs of those that the Scottish supply chain employs also to be widely supported through this development in the long term. Additionally at a national level it is clear we desperately need economic development in order to generate the revenue our governments require to fund our health, education and social policies which we all seek to sustain.

Speaking on behalf of Gael Force Group we have been involved in this business for 40 years supplying the inshore and mobile fishing sector as well as the aquaculture sector. Over that period, we have witnessed a remarkable turnaround in the economy and prosperity of the remote rural areas of the Highlands and Islands, and this has been consistent with the growth of the production of food and drink, the most significant product of which has been Scottish Salmon. We have seen first-hand over these 40 years how aquaculture has supported and sustained diverse and high paying jobs, sustaining and growing remote rural and island communities.

Visiting and servicing fish farms in the area, we have met many of the new generation of farmers who care so passionately about the marine environment they operate in and for the health and welfare of their livestock. The sector continues to be one of the most heavily regulated in Scotland and we can see that this application, like all other fish farm applications, has gone through a rigorous process to ensure that environmental commitments are being met. The findings of the Environmental Impact Assessment are supported by statutory agencies SEPA, Marine Scotland and NatureScot, with SEPA having approved an environmental licence for the site.

We do not believe nor accept any assertion that there is an unsustainable negative environmental impact from salmon farming. Salmon farming has a significantly lower environmental impact than almost all other significant sources of animal protein production. Standing in stark contrast to the radical claims by possibly well-meaning but often ill-informed environmentalists is the **fact** that Mowi has been awarded “the most sustainable protein producer in the world” for 5 consecutive years by Collier FAIRR Protein Producer Index a globally recognised, most scientifically and professionally respected independent assessor of the environmental impacts of protein producers. There is no disputing this as a fact and I would urge all stakeholders to refer to the **facts** of the matter as referenced by this recognition of Mowi’s sustainability credentials.

The sector has sustained indigenous local rural communities throughout the last 50 years, providing excellent and high paid jobs. Concurrently the growth of the sector has seen huge growth of our tourism sector, contrary to scare stories from objectors about negative impacts on tourism. There are none and the two sectors have demonstrated they can grow hand in hand. Note the footprint of this site is 0.25km<sup>2</sup>...this is a tiny area.

The constant growth of opportunities within aquaculture holds vast potential to positively impact many young people and their young families in the area who are working in local supply chain businesses; servicing and supporting fish farming. We should not underestimate the massive effect that aquaculture has on the small businesses and livelihoods in the area. We have seen an increasing number of young people looking to the sector and its supply chain for rewarding opportunities at all levels, not just as a job, but a highly skilled and well-paid career.

In terms of our own business, over the past three years (2020 to 2022) our total Payroll was just under £18M. We expect that to grow again this year and next. Our total VAT payments over the same period has been £4M. This along with many other companies in the supply chain and the producers themselves is what supports our vital public services. Naturally, as our business grows alongside Aquaculture and as demand for sustainable food protein continues to grow as expected and independently reported by the United Nations, we can expect our contributions to the local economy to increase too.

Farmed Scottish Salmon has proven to be a resilient and sustainable sector with a strong demand throughout Covid 19, providing a significant contribution to Scotland’s food security. The growth opportunity presented by the aquaculture sector can play a huge part in Scotland rebuilding a greener and fairer economy. Aquaculture is pivotal to the Scottish Governments “Blue Economy” strategy. We all face challenges of a changing environment and aquaculture has shown that it can and will adapt farming techniques and use of science and technology to resolve challenges, but the low environmental impact credentials of salmon as a major healthy protein source compared to other meats is indisputable.



We should be extremely careful not to let this opportunity for investment in the area pass us by, particularly during what are tough times for many and a very challenging outlook for our economy.

We at Gael Force wholeheartedly support this application and urge the councillors and planners to support the planning application too.

### Salmon Scotland

With the aid of slides Tavish Scott advised that they recognised the importance of the Council area to the farmed salmon sector. The value of the economy, the number of jobs and the importance not only of Mowi as a production company operating in the Council area, but also the supply chain businesses who supported farmed salmon production.

Mr Scott said that Salmon Scotland's role as a trade body for the entire sector, was to support the activities of the businesses and that they were fully supportive of the MOWI application in Kilbrannan Sound.

He pointed out that salmon was Scotland's number 1 food export and therefore was central to the Scottish Government's policy objectives. He said this happened because of people and that across Argyll and Bute 540 people were directly employed in the sector and a further 2000 worked across 370 supply chain businesses. He said that the average salary in the farmed salmon sector was £36,000 per annum and that they were very proud of the wages, careers and futures provided to so many people in areas where employment opportunities were restricted.

He referred to figures which demonstrated the economic significant to the Argyll and Bute Council area - £69 million spent with local suppliers and export value from the area of £122 million. He advised that was how important the area was to Scotland and the wider economy.

He also referred to some of the major employers in the area that brought highly paid careers to Argyll and Bute. He said that Inverlussa, based in Mull, was a particularly good example.

Finally, he advised that he wanted to recognise, as a former member of a planning committee in Shetland, the importance of the role of elected members both in terms of the challenges members face, the need to make balanced decisions on a rational examination of the evidence, facts and science presented, and that he and his sector respected the decisions they were asked to make and the difficulties and pressures they faced.

### Warren Harvey

Mr Harvey, Manager of Mowi fish farm at Carradale, advised that he has lived and worked in Argyll for the last 35 years and he had a team of 10 all of whom all lived in Kintyre, with 7 of them being from Carradale. He said that Carradale fish farm had developed a supportive relationship with the local community over the last 13 years. He referred to a community fund in place and that they looked to help others where they could. He said they were based at Carradale Harbour and that they tried to use local suppliers in Argyll.

The new site would create 10 new jobs and would also be serviced from Carradale. He was hopeful that one of the two apprenticeships they were presently advertising for, would be based in Carradale offering the opportunity for a school leaver to join his team.

Working on fish farms was very rewarding and could lead to a variety of career progression and opportunities.

The purchase of the land resolved a long running eyesore in the harbour. The land has been used for many years as an unauthorised dumping site for waste. The new pontoon would make a big difference and improve access to the sea. It will also be made available to the community, including small boat users who were already in the harbour. He referred to a new well boat which could produce fresh water from sea water to treat the fish. For the last 2 cycles they have had their best performance with the use of cleaner fish to control sea lice. Properly managed they did a fantastic job.

He said he was confident that the Kilbrannan site would be a good site and would be managed well with no adverse impact on the environment and without conflict with neighbours and other marine users. He hoped that the Committee would support the application. He advised that the harbour was central to Carradale but was in decline with no significant investment for many years. This was a great opportunity to reinvigorate it.

### Derek Keir

Mr Keir advised that he was the Chief Executive of the Camanachd Association, the governing body for the sport of shinty. They have partnered with Mowi for around 37 years. He said that over the last 6 years Mowi have been responsible and innovative and continued to challenge them to improve. They also advocated for the communities they operated in. He thanked Mowi for their support and the Council's support.

He referred to Argyll and Bute's economic success being based on a growing population. He said that the success of shinty and for the future success of protecting the sport of shinty in Argyll and Bute and the Highlands, it was important for them to work with local authorities to try and do what they could to support a growing population.

He advised that much of their challenges came from a decline in school population so anything in the areas that they were operating shinty on the periphery of those areas, where was an opportunity to increase the population through job creation, was something, he said, they supported. On behalf of the Camanachd Board and its members, he advised that they fully supported the creation of the fish farm proposed today.

He advised that the Council's Economic Strategy also talked about ensuring job opportunities for all. He advised that their vision was to be a vibrant part of our national culture and recognised as Scotland's community sport. Mowi have contributed to that vision since 1987. He advised that there were more than 3300 participants to shinty on a weekly basis. He referred to the opportunities that would exist with this development – long term employment opportunities, more families in the local community, supporting the local economy, increased school rolls, and increased engagement in shinty.

Over the last 37 years Mowi have contributed to organising over 15,000 games. On an annual basis there are over 418 fixtures and this would not be possible without the support of organisations like Mowi feeding into the local community and caring for the rural communities that want opportunities on their doorsteps. Since 2018 Mowi have also contributed youth grants which created opportunities and access to equipment. He referred to 2 local clubs that had just been awarded Youth Club of the Year - Inveraray and Community Club of the Year – Dunadd/Kilmory. He advised that one of their objectives was to reach out and grow the sport in the periphery of these areas so job creation in this part of the world was something they were really supportive of.

Referring to the strategy of Argyll and Bute – growing population and thriving economy, and how that could lead to greater participation and greater health and wellbeing for communities, he advised that Mowi contributed to their communities and contributed to their strategy. They contributed to their strategic plan for shinty and they supported their inclusive aspirations - quality and inclusion action plan in their sponsorship of the women's and girl's games and would continue with that sponsorship for the next 3 years. Mowi were also extending that to include the Disability Festival.

He said again that increasing the school roll was important as it led to increased engagement in shinty and through Mowi's work shinty continued to survive and thrive in their communities.

## **OBJECTORS**

### Harry Nickerson

With the aid of slides, Mr Nickerson gave the following presentation:

Good morning. I run Cour farm which owns the coastline and fishing rights.

Every resident at Cour and nearly every household between Claonaig 5 miles north and Grogport 3 miles south have objected.

The Tarbert and Skipness Community Council have objected.

The Clyde Fishermen's Association have objected.

The Scottish Creel Fishermen's Federation have objected.

Fisheries Management Scotland have objected.

Argyll District Salmon Fisheries and most of the other fishing authorities within 100 miles have objected.

Local Development Plan Policy DC 6 requires the developer to identify and mitigate the effects on other fisheries. We have not seen an assessment that complies in respect of ourselves and all the people I have just mentioned.

The effect of this fish farm is likely to impact on fishermen's jobs by reducing their fishing area and harming shellfish, but the handling report just dismisses this. We confirm the Clyde Fishermen's Association comment that small fishing boats regularly operate right at the proposed site.

We stand by all the objections that we have submitted in writing but there is no time to explain them all so I will only mention a few and cover a couple in detail.

The fish farm is unlikely to withstand the storms at Cour. A previous shell fish farm to the north was wrecked and destroyed. MOWI's survey platform for this application capsized and it took 16 days to right it. Storm Ellen broke up Carradale fish farm releasing 50,000 fish.

After that a MOWI official admitted to the media that this would happen again. He seems to be right because there was an incident in Iceland this year involving a mass escape and sea lice which is causing a lot of publicity. Their mitigation is to build a farm that can withstand storms of 70 miles per hour once every 50 years but we get winds stronger than that every year.

The council is legally bound to abide by the North Atlantic Salmon Conservation Organisation treaty which requires the reduction of escapes to zero. The council is also bound by the Scottish National Marine Plan GEN5 which requires them to beware of the increasing likelihood of climate change storms and plan accordingly.

The siting of fish farm here seems unlawful on both these counts.

This fish farm will be visible from most places along this unspoilt coast. It will ruin our ability to operate residential and tourist accommodation. The unspoilt and stunning bay is at the heart of our hamlet and business and is key to the maintenance of our jobs and community at Cour. Fish farm lights noise and activity will completely change the character of the area. In a remote location like this it will create a disproportionate impact.

We do not understand how this can comply with LDP AQUA 1 which requires planners to identify cumulative significant adverse effects. We currently employ 8 local people and provide indirect employment for several more. LDP DC7 requires negative economic impacts to be identified but we don't think this has happened in relation to our business.

This fish farm will damage over 200 acres of seabed and ruin our local environment.

MOWI's environmental survey missed over  $\frac{3}{4}$  of the local flora and fauna including a colony of 60 seals recorded in the National Biodiversity Network Database of Cour Bay.

It will be sited on top of a prime lobster fishing site.

The Crown Estate sold us the salmon and sea trout fishing rights which take legal precedent over other rights and these will be rendered unusable – another infringement of DC6. We already experience dead fish and rubbish washing up along our shore from the Carradale fish farm and many locals have mentioned this in their objections.

The Council have received hundreds of objections which mention the use of the bay for swimming and recreation and many have specifically stated that these activities take place outside the bay at the proposed site of the fish farm. The swimming and recreation is a vital part of our business model which will be ruined by a fish farm. LDP DC6 para 6.7.10 states Aquaculture development will be resisted where development is considered to have a significant adverse impact on recreational activity. We have not seen any consideration of our recreational activities in the handling report; only those of visiting yachtsmen.

There will be at least two main types of pollution from this fish farm. The visible effluent that will discolour the water and the unseen chemicals. The slide on the left was produced by SEPA and shows the accumulated concentrations of Azamethiphos from multiple farms which will impact the east coast of Kintyre. The slide on the right is from a model which shows how the eddying of the rising and falling tide draws pollution into Cour Bay where it concentrates.

During daily operation, fish farms create a greasy plume consisting of fish faeces, fish feed, anti-fouling paint and other chemicals that stretches for miles.

Figures from Carradale Fish Farm suggest that North Kilbrannan which would hold 2500 tonnes of fish might produce annual pollution in the order of the following. This are not precise measurements but they give you an idea:

543 tonnes of organic carbon from waste food and faeces. That is equivalent to dumping the raw sewage from a town of 27,150 inhabitants which is larger than the combined populations of Helensburgh, Oban and Campbeltown.

Fish faeces may harbour bacteria, viruses or other contamination, which may be cold blooded varieties, but the risk of jumping species still exists, like Covid did.

Any farmer will know that SEPA is tightening up the rules on slurry tanks and slurry spreading. Allowing slurry anywhere near a water course is illegal and yet here we are discussing dumping 90 trailer loads of untreated sewage in an area where people swim.

68 kg of animal grade antibiotics  
23 tonnes of phosphorus from food and faeces  
17 tonnes of nitrogen in the form of ammonia and urea  
0.7 tonnes of copper from nets  
0.5 tonnes of zinc from feed and nets

All of these materials can be harmful to humans apart from zinc and the fish farm will be surrounded by them all year round, so we have asked SEPA whether they considered the impact of these before they issued the CAR Licence.

They answered on Thursday that they have not considered them because they do not see the need to. That omission casts doubt on the lawfulness of the CAR Licence.

The Local Development Plan says that you must not consent a planning application if there are any adverse effects on the amenity of neighbouring residents and in this case there are many adverse effects.

You have a legal duty to protect and assert public rights of way on water.

The proposed mitigation measure of alerting the public and imposing an exclusion zone during treatments seems to have been dropped, but if it was considered necessary, it would be unlawful.

It is also an offence against the Health and Safety at Work Act to permit pesticides to drift across a public right of way and the sea is a public right of way.

There seems to be a worrying tendency to accept as certified truth anything in an official report even when it is obviously wrong. For example the handling report accepts that the fish farm is not really in view of Cour House because that is what the applicant's visual impact report said. Those of you who were on the site visit will have seen for yourselves that this statement and therefore the record is completely wrong because the fish farm will be very visible.

Hydrogen Peroxide is a form of bleach. Deltamethrin is a chemical used to kill sea lice. It is so toxic it kills lobsters up to 10 kilometres away. Azamethiphos is another sea lice pesticide which is an organophosphate like sheep dip.

As farmers we understand the dangers of this and many of us will know shepherds who have been affected by dippers flu.

The data sheets for Azamethiphos clearly state that it must not be released into the environment. They also state if it is so dangerous that you must wear full protective

clothing, remove unnecessary workers from the area and take regular blood tests to check that workers are not being harmed.

In spite of these warnings SEPA issues Controlled Activity Regulations or CAR licences to pour this pesticide straight into the sea.

If we did something similar on our farm we would be prosecuted.

Again I would like to confirm a point made by the Clyde Fishermen's Association when they say this area is not dispersive. In a recent communication MOWI suggested that the tide runs at 1 knot. I don't know where they got that from, but the Admiralty Tables show that the maximum tide in the middle of Kilbrannan Sound is only half a knot and usually below 0.3 of a knot. SEPA also assert that the area is dispersive, but there are two other official documents which say that it isn't.

You are being advised to accept the Industry report on the safety of swimmers, which SEPA has endorsed at the end of last week, but this does not stand up to scrutiny.

It is Not independent – Not peer reviewed – Not government produced

It contains flaws which are obvious to non-scientists, such as it assumes that everyone weighs 72kg or 11 stone 5 pounds. Clearly many women and children are lighter than this and for these people, the risk of harm from chemicals increases.

Three highly qualified toxicologists including a member of UK HAZMAT panel state:

- That the report itself admits that Hydrogen Peroxide emissions will be emitted at 27 times above safe levels
- Other assumptions in the report are flawed leading to unsafe conclusions eg you don't have to swim for two hours to swallow two mouthfuls of contaminated seawater.
- Wetsuits will not protect you from swallowing water and 1/3 of a wine glass would put you above levels of harm
- New evidence exists about accumulative harm from organophosphates which was never considered by WCA or SEPA.

Also organophosphates are accumulative so if you use them at home in weedkillers and then swim in contaminated water, you are accumulating harm. The Industry denied these criticisms, but failed to disprove them.

The Canadian Government have produced what is probably the only official study on Hydrogen Peroxide in seawater and found that it does NOT degrade as quickly as standard data suggests and it can last for days rather than hours. SEPA seem to have only considered the Industry report and not taken any account of the multiple sources of opposing evidence.

All the evidence states that there is some risk, including the Industry's own research and yet SEPA is stating that there is no risk. SEPA have not produced any evidence to explain their conclusion. Therefore the Precautionary Principle must apply. Environmental Standards Scotland are considering an investigation.

For the last three years, SEPA could not guarantee the safety of swimmers at all let alone beyond reasonable doubt. So we asked all other relevant agencies whether they could guarantee the safety of swimmers. The answer from all of them was no.

The Veterinary Medicines Directorate are the UK agency who assess chemicals before they can be sold or used in the UK. When asked, they stated that the licensing process never considered the risk that unprotected swimmers might be in the area of use. More recently they have identified a risk of using some of these chemicals near pregnant women.

Pregnancy is a protected characteristic which requires an Equality Impact Assessment, but we do not believe that either SEPA or the Council have considered this issue. Marine Scotland have never conducted any work on this subject.

The Health and Safety Executive have never studied this subject, but they do issue guidance stating that allowing pesticide spray to drift across a public right of way is an offence which is what is being proposed here. An offence against the health and safety at work act occurs if a risk of harm to people is created and it is not necessary for the harm itself to have occurred.

When NHS Highland declared that they were not qualified to provide expert assistance, we submitted a Freedom of Information Request to the Chief Medical Officer to release everything that they hold on this subject. The response revealed that there is no department anywhere in the medical services that holds any data on the risk of swimming in aquaculture pesticides.

You have been told that there has only been one other partial planning application for this site, but that is not true because there have been many previous applications under different planning regimes and we have provided all the reference numbers of them. None of the applications made it to consent because once people started looking at the consequences for this beautiful bay, they backed off.

Marine Plan Chapter Gen 21 requires the planning authority to consider cumulative impact. When you think of all the large and small objections to this fish farm it will have a considerable cumulative impact. There have been multiple objections which all departments and agencies seem to have been at pains to defeat individually at all costs.

But you are required to consider this cumulative impact and although the handling report mentions this, it has not considered the real effects on real people.

For this reason and all the other policy reasons that we have submitted in writing and just now, we believe that you should reject this application

The Chair ruled, and the Committee agreed to adjourn the meeting at 12.40 pm for lunch.

The Committee reconvened at 1.15 pm and it was noted that all parties were present.

## **MEMBERS' QUESTIONS**

Councillor Audrey Forrest advised that she had 4 questions for the Applicant. Firstly, she wanted to know why they had not been working with the Clyde Fishermen's Association. Secondly, she asked for more information about any of the chemical treatments they used and how many treatments were given over a year. She also asked if they had considered

any mitigation for possible storm surges or storm effects. Finally, she asked for comment on the Oyster fisheries at the development site.

Mr MacIntyre referred to consultation with stakeholders. He said this was a long application process which began in 2018 with a scoping scheme done for site comparisons. There was a comprehensive engagement strategy with all interested stakeholders and that included the Clyde Fishermen's Association. Once the application was submitted he said they met with the Clyde Fishermen's Association as well, when they expressed their concerns on the site. He advised that as now and as was then they would be happy to work with them to try and address any concerns they have on the site. He advised that they've had a long of experience on other sites of working with those with local fishing interests so they can fish right up to the site. He said that the grounds and round the sites were quite rich in diversity and there were a lot of shell fishermen that fished right up to the edges of the sites. He said they would be happy to work with the Clyde Fishermen's Association to mark the site and identify safe passage around the site so they can fish right up to it.

Mr Hadfield echoed Mr MacIntyre's comments about being keen to work with the Clyde Fishermen's Association. He said it was possible to fish right up to the pens and underneath them. Much of the data coming out of Canada where there were huge lobster fisheries, have shown that the fish farms are actually an area of sanctuary for crustaceans because they provide shelter and space in an area directly beneath where you can't fish. He advised that they respected the concerns of the Clyde Fishermen's Association but said that collaboratively working together they could find a way where they can fish right up to the site. He referred to chemical treatments and advised that there were very rarely used for salmon farming anymore. He said that they used fresh water on the well boats, making fresh water from sea water through a process of desalination to treat for sea lice and amoebic gill disease. He said that when chemicals were used, they were used against models that SEPA managed to ensure no damage to the environment beyond certain distances from the cages. He referred to the application being delayed in order to provide time to provide evidence that would give confidence that there was no risk to wild swimmers. The expert opinion is there was no risk.

Mr Gillibrand referred to carrying out for every application a quite extensive work of modelling to predict the dispersion of medicines. SEPA imposed quite stringent environment quality standards. All their files were submitted to SEPA for assessment and they were content that the application did not breach any environment quality standards and did not pose a risk to human health through swimming.

Mr Hunter said that he thought that they had only used medicine treatments at Carradale over the last 5 years over 12 days.

Mr Hadfield referred to the storm event that had happened in Carradale, and said that this was unprecedented August summer strong and that they had been shocked by it. He advised that the team worked over 7 days to save the farm and get it back moored. He advised that the Carradale community had been really supportive during that time and Mowi have taken the view that this must not happen again. He said that everything that they have engineered is all over spec which drives in a lot of costs but also drives in security. Steps have been taken to ensure that it is third party audited to make sure that all the equipment stands up to the storm surges that are predicted. He advised that everything was engineered up to the one in 250 year event going forward.



Mr Hadfield also referred oyster fisheries and commented that they had to clean the nets every 2 weeks to prevent mussels, oysters and scallops growing on them. He said it was unfair and scientifically inaccurate to say that fish farms killed shellfish. He said huge volumes of shellfish could be found growing on the nets and the moorings etc. He advised that they were safe to eat and were not a problem.

Councillor Brown sought and received clarification from Mr MacIntyre that in relation to hydrogen peroxide, that had been used for 12 days within a 5 year period. He advised that they have begun a process of phasing this out completely. He referred to investment in a well boat and said that it was their intention to arrive at a point where this chemical would not be used at all.

Councillor Brown asked how they pulled the mussels and oysters off the fish farm nets. Mr Hadfield advised that the structure of the nets was ideal for growing shellfish. He said that they used high pressure water and steam on the nets every week in the summer and once a week in the winter.

Councillor Brown asked the Planners if they, in the event the application was improved, would have the capacity to ensure that all the conditions were met and adhered to. She asked who would monitor this. Mrs Davies said she believed they would have enough capacity to monitor this. She referred to SEPA taking over some of these functions next year regarding interactions with wild fish. She said there was an obligation on fish farms to get in touch with planning when various things happened.

Councillor Brown sought clarification that the onus was on the company to get in touch. Mrs Davies explained that there were a diverse range of conditions which would require consultation with NatureScot and the company would not be able to proceed until these were to be signed off. She confirmed that the Planning Service would have the capacity to monitor this.

Councillor Armour said he was concerned to hear about the lack of discussion that had taken place with the Clyde Fishermen's Association. He asked Ms Whyte if there was anything that could be done that would give her, the Association's members, and the fishing communities, peace of mind with this application.

Ms Whyte advised that discussions took place back in 2018 and that they had expressed their concerns then. She said that was when there was last any meaningful engagement. She said they had since seen the details of the plans but there had been no negotiation about potentially moving the site. She referred comments made by the Applicant about this being a diverse and rich fishing ground. She also referred to Mr Nickerson advising that he had seen all types of boats, lots of small boats, fishing there all the time. She said that it would be difficult to say that this would ever be a fantastic site to co-ordinate with wild fishing. She said there was probably other sites where we could co-exist but on this occasion this would always be a spatial issue because it would be surpassing wild fishing. She referred to Section 6 of the current National Marine Plan and advised that current wild fisheries should be protected where possible. She said she did not think this could be done in this case. She said a further discussion on location would have been helpful in advance of getting to this stage.

Councillor Armour asked the Applicants why there had been no meaningful dialogue since 2018.

Mr Hadfield acknowledged that there was competition for space in this area. He advised that they had consulted with the Clyde Fishermen's Association. He referred to both sides trying to fight it out and it was up to the Committee to decide either way. He said that they were open to find a way for fishing to take place right up to the site. In terms of shellfish this was being taken out of context as it was low value.

Mr MacIntyre referred to their own environmental impact assessment which showed a low density of species like lobster etc, with there not being enough for trawling. He said that they recognised the conflict in terms of access for small fishing. He advised of having a good working relationship elsewhere that allowed small fishers to get up close to the pens if they chose to.

Councillor Armour asked the Applicants when they had last attempted to have meaningful dialogue with the Clyde Fishermen's Association.

Mr MacIntyre referred to engagement during the pre-application process. He said he could recollect a meeting after the application was submitted but could not recall the actual date. He said the application was submitted in August 2020. He advised that within the last 18 months they had held 4 stakeholder consultation events and that all stakeholders had been consulted. He said it would have been after 2020/2021.

Mr Hadfield said that they wanted to work with the Clyde Fishermen's Association. He advised that they have had a standard objection to fish farm applications which has been long standing for more than a decade. He said that they expected this objection and that they tried to work with them to find a way for fishermen to fish right up to the site. He referred to the planned improvements to Carradale Harbour which would benefit the workers and fishermen.

Councillor Armour asked Ms Whyte when she thought her Association last had meaningful dialogue with the Applicants.

Ms Whyte advised that it was probably in 2018. She said that was the last meeting where they sat down and discussed the plans and that they had been very clear about the concerns they had. She referred to their standing objection and said this was about the applications sites. She said they would like to see testing the same as was done in the Shetlands. She said their concerns would remain until they got this testing. She said their objection was not without reason. She said she wanted it to be safe. She referred to working with other companies and being able to find a compromise. She said it was unfortunate to be only discussing this now.

Councillor Armour commented that this dialogue should have taken place long before today.

Councillor Philand asked the Applicant when they had last spoken with Mr Nickerson.

Mr MacIntyre advised that during the pre-application process they had issued an invitation to a consult with a number of landowners and that he did not believe Mr Nickerson had responded to this.

Mr Hadfield said they had tried to engage with him many times to talk through this. He advised that they would like nothing more than to sit down with Mr Nickerson to talk through all the things he has read on the internet. He referred to the experts and

scientists employed by Mowi that could explain things. He confirmed that they had not received a response to their request to meet with him.

Councillor Philand asked Mr Nickerson why he had not been able to engagement with Mowi. Mr Nickerson advised that he could categorically state that he has never received any form of communication whatsoever from Mowi. He was sure that they had held community engagement events but said that they had never tried to contact him personally. He said that he had not had a single conversation with them and that they had never tried to get a hold of him.

Councillor Philand referred to Mr Nickerson saying in his presentation that Deltamethrin kills lobster. He also referred to hearing from the Applicants that the chemicals would not affect crustaceans. He asked Mr Nickerson if he could elaborate on what he had said.

Mr Nickerson explained that he was not a scientist but advised that he had been told that Deltamethrin kills lobsters up to 10 miles away. He said he also understood that Mowi were not using it these days but did not know if that was true. He said that he knew that landowners on Mull who were growing mussels and when a nearby fish far was consent all the mussels in the area died and they had to pack up their mussel farm completely. He said it wasn't Mowi, but a different fish farm company. He said again he was not an expert. He advised that he believed this chemical was not being used anymore.

Councillor Philand asked that Applicants if they used or would be using that particular chemical.

Mr Hadfield said that chemical was not used at Carradale fish farm and was not used routinely anymore within the industry. He advised that all the chemicals that Mr Nickerson uses on his farm would kill lobsters and crustaceans in high enough doses. He said that SEPA set specific levels that could be discharged without effect to the wider environment. He said that the idea that these medicines were allowed to be released by SEPA was false. Scientists have said that it was safe with the right level of precaution taken.

Councillor Philand asked the Planners if the chemicals used around the farm impeded the right of way of swimmers would this contravene policy.

Mrs Davies advised that this was not a planning issue and the responsibility of Marine Scotland to consider when issuing licences.

Mr Bain said that there were perhaps 2 issues here. The first was the impact of any access to the fish farm area which would be covered through the Marine Scotland licencing process. He referred to WCA report provided to support this application and advised that there was identified to be potential impacts within the immediate vicinity of the fish farm from the release of hydrogen peroxide for very limited periods prior to that dispersing. This could be interpreted that if you were a wild swimmer you would not want to be in the water at that particular time and place. He pointed out that there were also other caveats about how long you would need to spend in the water to be impacted by that.

Councillor Hardie asked Mr Nickerson how often wild swimmers swam in the bay. Mr Nickerson said his mother used to swim every day. He said that people did swim all year around and that many of the locals at Cour did swim all year round. He commented that it was great fun to do this on New Years Day. In terms of numbers, he said there were a few people that swam very day with maybe more in peak summer. He commented that on

the day of the site visit there was perhaps 6, 7 or 8 people swimming. He said the upper limit varied but mostly all year round there were people swimming.

Councillor Blair asked Planning to comment on what Mr Nickerson had said about the CAR licence being unlawful. He asked if that was the case.

Mrs Davies advise that the CAR licence was issued by SEPA who were the Council's advisers. She said that they had no objection to this application so there was no reason to think that it was unlawful.

Councillor Blair referred to crustaceans being below the fish farm and asked Ms Whyte if this was considered a positive thing or not. He commented on looking at the area and the footprint where the cages where and having an enclave to grow and thrive was his understanding. He asked if it was advantageous to have enclaves of that description for the continuation of different types of crustaceans.

Ms Whyte said it always depended on the species. She commented on hearing that wild fish would eat the feed underneath the cage. She said generally that was not a positive thing as the areas under the cages tended to the sludgy and also chemical output would be a problem. She referred to the loss of good fertile ground for fishing and said there had been a lot of lost ground already in the Clyde. She referred to 5 MPAs in the area and no take zones etc. She advised that she would not say that she had heard any fisherman say that the addition of any aquaculture site had been good for conservation of the stocks fished they for. She said the last meeting she had was in October 2017 with Marine Harvest in Crianlarich.

Councillor Blair sought and received confirmation from the Planners that Mr Nickerson was not a statutory consultee but he had submitted an objection to this application.

Councillor Green asked Ms Holdstock to comment on what Councillor Blair had referred to regarding what was underneath the cages in terms of the enclave of safety for lobsters and other crustaceans and possible concerns about debris from nets sinking down underneath the cages.

Ms Holdstock said she would not see it being an advantage to species underneath the cages. She commented that the area of the fish farm was .3 km squared in total which was a small mooring area and was not going to have significant impact. She said she was need to go down and dive to investigate properly. She said she had not seen any evidence so could not comment on whether there was any spill over or not. She advised that the area was small in terms of the whole size of the fishing triangle which was 3,496 km squared.

Councillor Kain referred to the issues for fishermen and commented that no more sea beds were being made so there would continue to be competition for space. He referred to previous engagement and commented on there not being cooperation between inshore fishermen and the industry that could have avoided getting into this situation. He asked the Applicants if they employed any local fishermen to fish for Wrasse and if they used it.

Mr Hadfield advised that they had wide co-operation with the fishermen the length and breadth of the West Coast and the Outer Hebrides and that they provided employment for approximately 25 fishermen to fish for wild Wrasse. They also employed fishermen to clean nets and help us get to the sites and transport people out to the sites. In terms of the refuse element he said that he dived and that there was a high density of crab, lobster

and other crustaceans around farms. He said that they could show videos of the density of these crustaceans.

Councillor Kain sought and received confirmation from the Applicants that they had used Hydrogen Peroxide on 12 days over the last 5 years. Mr Hadfield advised that Hydrogen Peroxide broke down into hydrogen and oxygen and was very benign in the environment. He advised of making sure they had scientific evidence that there was no risk to wild swimmers. The concern that someone swimming there would be exposed to chemicals was not real.

Councillor Kain referred to competition for space and not making any more sea beds. He asked the Applicants if they would be willing in the future to have more collaborative arrangements with inshore fishermen in general over the use of Wrasse.

Mr Hadfield advised that they had a lot of engagement with inshore fishers. He said they tried to communicate effectively with all fishermen to try to work together for the benefit of employment etc. He advised that he had checked and they had met with Ms Whyte in 2020 and that it was not correct to say they had not met since 2017. He referred to a meeting on 26 March 2020 and advised that to say there was no meeting since 2017 was not correct.

Councillor Kain referred to the site visit and commented that debris could be seen washed up on the beach. He asked the Applicant to comment on what they did to safeguard the coastline and what action they took.

Mr Hadfield advised that equipment was catalogued and inspected daily. He advised of running a programme of beach cleaning and having a hotline number that people could call to report on any debris. He advised that they routinely assisted the Coastguard with rescues. He advised that workers had to report any missing equipment on a daily basis.

Mr Hunter also referred to the hotline and lots of engagement with stakeholders up and down the coastline. He said that they would retrieve fishing gear etc and that they published on social media regular beach cleans in areas near fish farms and that there was a lot of evidence of that.

Councillor Hampsey asked if Mowi used a framework to measure the environmental impact mentioned by Objectors.

Mr Hadfield advised that they ran a huge programme of self-monitoring which was independently verified and SEPA and the Marine Director ran their own monitoring. He advised that ranged from fish health, to current flows in oceanography, from benthic impacts. A team of around 12 people in the company presented that information to SEPA and they reported annually on all levels of impact. He referred to Mowi being awarded for the fifth year running The Most Sustainable Producer in the World. He advised that the idea that they were polluting the waters around Scotland to an unsustainable level was not correct. He said they grew high value salmon product which was exported from Scotland to worldwide acclaim. He said it was grown under sustainable and environmentally responsible conditions.

Mr Gillibrand said they did a lot of work with the regulatory authorities. They modelled and monitored in great detail the impacts and dispersions of medicines used. He said they were held to very strict environmental quality standards to ensure there was no adverse environmental impacts. He advised that they provided all their modelling information to

SEPA for assessment and in this particular instance they were satisfied completely that there were no adverse environmental impacts from the consents they have provided.

Mr Hunter advised that the salmon required good high oxygenated water, good clean water and as a business it was not in their interest to cause pollution around a farm.

Councillor Hardie referred to the support from East Kintyre Community Council and asked Mr Brodie if he could comment further on the positive impact this development would have on the community.

Mr Brodie advised that the outcome for them was that workers shopped locally. Contractors brought in to come to work on the land would spend locally as well as in the shops but also in local accommodation as they work that had to do would last more than a day.

Councillor Philand referred to the cumulative risk of sea lice. He referred to page 39 of supplementary pack 1 where it is stated that "the Kilbrannan Sound is likely to represent an area of higher risk". He asked who had done the sea lice modelling and had it been independent verified. He referred to further down the passage where it had said that SEPA were not sure about it until they carried out a full risk assessment.

Mr Gillibrand advised that there has been several modelling exercises of sea lice dispersal in the Kilbrannan Sound carried out by them, by SEPA and by the objectors and they have all shown similar broad scale results. They show that Kilbrannan Sound does show slightly higher levels of lice from not just this application, but from all farms in Loch Fyne, all the way down Kilbrannan Sound. He advised that what was not known was the absolute level of risk. It was only a relative risk assessment at the moment. He advised that until the new Sea Lice Risk Framework was introduced and had some monitoring it would be difficult to assess the absolute risk. He advised they were confident that there was no absolute risk and that the thresholds wild fish would be exposed to even swimming all the way down Loch Fyne and down Kilbrannan Sound would not impose harmful effects on wild fish survival.

Mr Hadfield advised that SEPA had a dynamic process. 95% of the time there was no risk in the second year. He referred to their proposal to be fallow in the second year so the risk would go down. This was governed by SEPA and if there was a risk of sea lice they would be instructed to take action.

Councillor Armour sought and received confirmation from Mr Nickerson that he had not reported any debris on the beach to Mowi.

Councillor Armour commented that the Applicant's photomontages were great. He said it would have been helpful to have received some taken from Cour House or Cour Bay. He advised that would have helped them to see how the fish farm would have looked from the house and bay.

Councillor Armour referred to improvements to Carradale Harbour. He sought and received confirmation from Mr Hadfield that if this application was rejected today these improvements would still go ahead. Mr Hadfield said if the application was rejected it would take longer to justify spend but they would not let the community down.

Councillor Blair asked what the checks and balances were in terms human resources to ensure proper monitoring and quality assurance was at its best.

Mr Hadfield advised that they employed 1,500 member of staff and most people stayed for a long time. He referred to the variety of different well paid jobs. He referred to their training budget to develop careers and also their apprenticeship scheme which he advised they were very proud of. He advised that fundamentally since 1965 they have done everything they could to support the people they had.

Mr Hunter advised of upskilling staff through the Mowi Academy which has helped to retain staff and have the best people. He said that he started with a 3 month contract and, 27 years later, he had never left.

Mr Hadfield referred to employees being able to study for HNDs and Degrees. He also referred to having a whistle blowing line if something happened within the company that staff were not happy about. He also advised that they had a strong code of conduct within the company.

Councillor Blair referred to the development of sealed systems and asked the Applicants if they had any plans to look into this.

Mr MacIntyre said they had looked at sealed containment but not progressing any imminent proposes. He advised that there has been a lot of research done in Norway. Potentially these new pen innovations would have advantages and it time may become a viable option.

Mr Hadfield advised that for 12 years there has been a programme of closed containment in Norway but it was not ready for development. He advised of the need for pristine, clean water around salmon farms. He referred to a semi closed containment system which they did use which was a skirt around the pens to prevent lice. The use of a semi closed containment in Scotland was close to 4 - 6 years away.

Councillor Brown sought and received confirmation from Mr Hadfield that the fish were checked for lice twice a week during the summer and once a week in the winter.

Councillor Brown asked about use of a bath system. Mr Hadfield said the area was not subject to high sea lice and that Mr Harvey and his team at Carradale used cleaner fish. He said 200,000 lump suckers cohabited with the salmon and ate the lice in the pens. He advised that they wanted to expand this at this good location.

Councillor Brown referred to the proposed to fallow the site for 3 months and the end of the second year cycle. She asked the Applicants if they had any plans to introduce that at other sites.

Mr Hadfield said that it happened at other sites. He confirmed that they would have no fish after the 15 March in the second year and explained the process that would be followed. He advised that they were very aware to keep sea lice to a minimum.

Mr MacIntyre said that their environmental management plans provide a forum for discussion with stakeholders to adapt the management of farms to ensure wild fish are protected. Thirty sites were under environmental management plans from North of the Western Isles right down to Carradale. At all these locations there were various agreements in place with local stakeholders.

Councillor Green asked the Applicants why this area was good for not having much in the way of lice.

Mr Hadfield referred to the flushing rate from the Kilbrannan Sound being quite high. It could be seen from modelling that there was a high level of flushing out into open water and dispersion was good from this process. He said the management of the site here was very good. He advised that Mr Harvey and his team worked very hard to manage cleaner fish so there was no need to use medical treatments. He advised that there was a low level of wild fish in the Kilbrannan Sound compared to the other side of Arran where there were more wild fish going up the Clyde and the rivers there. It could be seen the fish did exceptionally well here and treatment was very infrequent.

Mr Gillibrand pointed out that sea lice were a natural parasite. He said that when they put fish to sea they had no lice on them and that they probably picked them up from wild fish passing initially. He advised that through tracking this has revealed that very few wild salmon came from the Kilbrannan Sound and that most went down the east coast of Arran.

Councillor Green referred to medicines used on the site and asked the Applicants if they expected medicines to disperse quickly given the conditions around the farm.

Mr Hadfield advised that the site has been in the top 20% for dispersion for the 56 sites they operated. The dispersal of waste was very beneficial.

Councillor Green referred to the phasing out of hydrogen peroxide and asked if other chemicals used would also be phased out. He asked if they were regarded as benign like hydrogen peroxide.

Mr MacIntyre advised that all chemicals used were approved by SEPA. Before they got to that stage they were subject to detailed toxicological risk assessment by the Veterinary Medicines Directorate which set the safe environmental standards that were operated. The amount of medicine used was linked to these standards in order to protect the environment and the species in the environment.

Mr Hadfield advised that the use of hydrogen peroxide was no longer as effective due to the rising temperature of the sea. He said the use of this chemical was not as effective as putting the fish in fresh water. He said that he expected that within a year there would be a ban on the use of hydrogen peroxide as it was very expensive and better welfare results were achieved with fresh water.

Councillor Green sought and received confirmation from Mr Hadfield that they currently had 3 well boats that could make fresh water from sea water.

Councillor Green asked Mr Hadfield what would happen if there was a rise in sea lice levels in this area and the well boats were being used at other sites. Mr Hadfield advised of various other methods to remove lice, for example, mechanical treatments and the use of cleaner fish. He advised that any medical treatments used were prescribed by a Vet within the standards set by SEPA to protect the environment. He referred to there being over 250 fish farms for decades and said there had not been a single environmental incident relating to the discharge of medicines lawfully. He said that some of the evidence presented today was exaggerated and not scientifically correct.



Councillor Hampsey sought and received confirmation of Mowi's investment into the community. She referred to the Mowi wagon used to fundraise locally. She received information on other means to support they provided to the community.

Councillor Green referred to comments made about 70 mph winds and that they would happen again asked the Applicant if this was something they recognised. He asked if this was a sustained wind or for gusts of wind.

Mr Hadfield said this was in reference to a lecture that their Communications Director, Mr Roberts, had given about off-shore farming and farming out in the middle. He has advised that Mr Roberts was watching this meeting online from Canada and had emailed to advise that the quote was taken out of context. He explained that when development into those locations accidents would happen and learning would result from that and that escapes would happen. He advised that they would do everything they could to minimise the risk of escape and where it did happen, they would follow this up with genetic studies to show the level of introgression was tiny.

Mr Hadfield advised that while he recognised Mr Nickerson's concerns, he said that a lot of what Mr Nickerson had said he did not recognise and did not find accurate or validated. He advised that they had to design equipment to the 1 in 250 year event. This had to be independently verified and certified. He advised that they have done everything they could to ensure this equipment could stand up to the worst environmental conditions that could be foreseen.

Councillor Brown sought and received clarification from the Applicant that the mortality rate for fish at Mowi sites was 20%. Mr Hadfield referred to it being particularly bad during the El Nino effect which caused warm waters. He said that the mortality rate could be as low as 2 or 3%. He referred to the investment in well boats to treat fish with fresh water.

## **SUMMING UP**

### **Planning**

Peter Bain, Development Manager, summed up as follows:

During the course of the hearing, Members have heard arguments seeking both to support and oppose not only the proposed development, but also some general debate on the more environmental credentials of aquaculture as an industry.

Notwithstanding the ongoing wider debate on the current state and future of salmon farming in Scotland, members should keep in mind that fin fish farming remains a legitimate activity which continues to be promoted by the Scottish Government in recognition of the economic and social value that the industry brings to Scotland through the provision of jobs in rural areas, investment and spend within communities, and the stimulation of economic activity both locally and wider afield in its supply chain. Support for sustainable expansion of the aquaculture sector is also recognised and valued by the Council in its Economic Development Action Plan.

Members have today heard from the applicant that the proposal represents a significant investment in the locality which will give rise to new employment and support for the wider local supply chain economy and also in other anticipated benefits for the local community. This position is however balanced against concerns raised by both the Clyde Fisherman's

Association and objectors that the introduction of new aquaculture activity may undermine existing employment in commercial fishing and tourism sectors.

The national debate on aquaculture focuses on the requirement for sustainable development that maintains a balance between fish farming activity and the retention of healthy and functioning marine ecosystems. The Scottish Government identifies that effective and efficient regulation which is informed by the best available science and evidence will support the sustainable development of the aquaculture sector by ensuring that development takes place within environmental limits with due regard to animal health and welfare, wildlife, marine users and communities.

The Precautionary Principle is one of the guiding principles on the environment and defined in the UN Rio Declaration on Environment and Development 1992 as “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.

This intent has subsequently been reflected in the EU precautionary principle and developed through caselaw.

The Scottish Government’s recent publication setting out Scotland’s Guiding Principles on the Environment expands on this and sets out that “the precautionary principle enables protective measures to be taken without having to wait until harm materialises and is considered a useful tool in approaching risk management. This approach can aid decision makers when weighing up risks where there is a level of uncertainty about environmental impacts or where scientific information is lacking about a specific issue. Where there is uncertainty as to the extent of potential environmental damage, but there is evidence of high risks then measures can be put in place to prevent the risk of harm through regulation of activities. Decision makers are required to consider the likelihood of damage as well as the potential severity and wider impacts that may be caused.

Today’s discussion has included consideration about the appropriate application of the “Precautionary Principle”, in particular in relation to areas where there can be less certainty about the potential impacts of the development, and also in relation to upcoming changes in the regulation of the industry which will in particular impact upon the modelling and management of sea lice. Members are however reminded that that the Scottish Government’s position is that it is not appropriate to impose a moratorium on new marine fin fish development at this time and as such even where there is an element of uncertainty it is up to the decision maker to ensure that their decision is fully informed by the most up to date and best available information at that time.

In this respect, discussion has focussed in on the most contentious aspects of the proposed development and in particular the issues of impacts on wild fish and impacts on human health where it has been necessary to delay determination to ensure that appropriate, up to date information is available to inform members decision. The hearing today has allowed members to hear directly from and seek clarification directly from consultees, third parties and the applicant in respect of concerns raised in relation to the potential risk of adverse harm arising from the interactions of the development with wild fish, the potential risk of harm to human health from the use of bath treatments and deposition of other pollutants into the marine environment that might arise from the operation of a fish farm; and also the potential impacts that might arise to commercial fishing interests from loss of access to the site and its locality.

The advice provided to the Council by consultees, and Nature Scot in particular has guided the assessment to a point where it is concluded that the effects upon habitats, species and nature conservation sites both directly and indirectly arising from the development would be acceptable subject to appropriate mitigation, including the implications for the qualifying interests of the four SAC sites and one SPA which are identified and addressed in detail within the Appropriate Assessments appended to the report pack.

The concerns raised by third parties in relation to the potential impacts upon the health of wild swimmers have been taken seriously and has incurred extensive delay in the assessment of the application whilst these matters have been subject to considerable scrutiny. In reaching a view on this matter, officers are guided by the consultation responses from NHS Highland and SEPA in particular who have most recently advised that they are satisfied that the discharges of bath medicines will not pose a risk to wild swimmers in Cour Bay.

In reaching a decision on this application, Members are reminded of the requirements placed upon decision makers by Section 25 of the Town and Country Planning (Scotland) Act 1997 to determine all planning applications in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In the case of aquaculture development, the key provisions of the Development Plan are set out within Policy 32 of National Planning Framework 4, and Policy AQUA 1 of the Argyll and Bute Local Development Plan 2015 which set out the relevant criteria to be taken into account in the determination of this application. Members are also reminded of the enhanced status of Proposed Local Development Plan 2, and whilst this has not yet been adopted by the Council its provisions are now of relevance as a material consideration.

Notwithstanding the issues raised by third parties, it is the view of officers that the proposed development is consistent with the requirements of NPF 4 Policy 32 and LDP Policy AQUA 1 in that it does not give rise to significant landscape, seascape or visual impacts and

The current application is considered to be compliant with all other relevant policies of the Development Plan and there are no other material considerations, including those matters raised by consultees and third parties to indicate that the effects directly attributed to the development upon the receiving environment would be of such significance that they would merit planning permission being withheld.

Accordingly, the proposal is commended to members for approval subject to the conditions and reasons appended to Supplementary Report No. 4.

### **Applicant**

#### **Stephen MacIntyre**

Mr MacIntyre said this was a good location for a fish farm. He referred to this being a lengthy and contentious application that had allowed for a comprehensive and detailed analysis of a whole range of issues which arose during that process. He said there were no issue in terms of planning as the Planning Officer has not recommended refusal. He referred to securing a CAR licence from SEPA and advised that throughout both processes they had been open and transparent and had engaged with consultees, held community engagement events, and widely engaged with others. He advised that they acknowledged the concerns of the Clyde Fishermen's Association and said that they

would be happy to continue to work with them as they have done elsewhere to develop a strategy that would allow their members to fish right up to the site.

### Ben Hadfield

Mr Hadfield advised that they had tried to communicate their proposals as much as possible and said that they had records that they had tried to contact Mr Nickerson. He referred to his big beautiful house close to the location and advised that he was a key person to try and form a relationship with. He advised that they would try to do this going forward no matter the outcome. He referred to a good working relationship with Ms Whyte. He said that they had checked their records and that there had been a telephone conference in 2020. He thanked the Committee for listening to their proposals.

### Consultees

#### Clyde Fishermen's Association

Ms Whyte advised the last sit down meeting with Mowi had taken place in 2017. She said that it had been a good meeting. The next time was a quick phone call on 26 March 2020, almost 4 years ago. She said they asked for a sit down meeting and other meetings which did not happen due to Covid. On 23 April 2020, she said Mowi got in touch regarding a halting to some of the plans and they advised that they would be in touch but that did not happen. She said the last meaningful meeting was in 2017 and that was the truth. Referring back to the National Marine Plan, she said that existing fishing opportunities had to be safeguarded wherever possible. She advised that this was a small but very productive area. She said it happened in small areas where fish was found and that this was a really important and valuable space. Fishing has had deteriorated somewhat but there was an opportunity to develop that. She said that development of one industry should not be at the expense of another and that there should be a way to work together to find a balance.

#### East Kintyre Community Council

Mr Brodie said that they in East Kintyre and especially in Carradale have had a great working relationship with Mowi. If this development went ahead it would bring more prosperity to the area. It would allow people to stay in the area. He said if it didn't go ahead they would be happy to acknowledge the fact that the harbour development would go ahead in a slightly longer timescale. He advised that they supported this in every way possible whether it be by the local hotels and local people wanting everything to go ahead. Carradale Fishermen's Association were working with the Community Council and Mowi to help develop the harbour.

### Supporters

#### Stewart Graham

Mr Graham said he started working 40 years ago making fishing gear which he still did today. He advised that he saw remote communities that were withering away – the islands and the remote coastal areas down the west coast of Scotland. He said that they had seen a great turnaround. He referred to challenging times being faced at the moment and advised that he would whole heartedly support this economic development as he knew what positive effect it would have on families, young communities and the future of the rural areas.

### Tavish Scott

Mr Scott said he understood the pressures faced by the Clyde Fishermen's Association in respect of the overall policies towards inshore fishing areas. He said that a lot of what Ms Whyte introduced at the meeting today was not about the Mowi application but much more generally about overall policy towards the inshore fishing industries. He said that Salmon Scotland worked closely with the fishing industry more broadly under the Scottish Fishermen's Federation so understood the points that Ms Whyte had raised. He said he did not think that they were material to the Mowi application today. He referred to Shetland and commented that communities there would not have local schools, never mind local shops, if not for the introduction of salmon sector over the last 40 years. He hoped that point had been put over today in the presentations given.

### Warren Harvey

Mr Harvey referred to his workforce and advised that 5 of his team were ex fishermen and used to fish the local area. He said they had moved to fish farms when fishing declined. He advised that shellfish, crabs, lobster etc were within the moorings and anchors at Carradale and said that there was life around the farm.

### Derek Keir

Mr Keir advised that he thought the scientific evidence presented by Mowi had been evident and compelling and on behalf of the Camanachd Association he fully supported the application.

### **Objectors**

#### Harry Nickerson

Mr Nickerson said it was extremely hard to sum up as there was so much had been considered today. He said that it was quite clear that fish farming was a divided issue. He said they were pro employment and provided it themselves and did encourage it. He advised that they would support fish farming if it was on land and not just tramping about on common ground that other people owned. He acknowledged that there would be benefits to Carradale and pointed out that the fish farm would not be located at Carradale but would be part of Skipness. He said it did not seem right that the Carradale community would get to benefit with the Skipness community paying the price. He commented that it had been inferred that there was support for this from the whole of the Carradale community and he advised that this was not true. He said that the Community Council and those closely involved in the harbour supported it and that they had good reason for that. He advised that there were a lot of people in Carradale not happy about it. He said it was fairly evident that Mowi was not going to be welcome to the north of Carradale and he asked the Committee to consider the impact of creating an enduring situation of tension and conflict if this fish farm came into the area. He referred to Councillor Armour's question to him about whether he had reported to Mowi about rubbish on the Bay and his reply being no. He explained his reason for this. He referred to the management side of Mowi and said that the company was very heavy handed and suggested they may be arrogant. He referred to issues down at Carradale fish farm and said that some workers from that fish farm had been relocated due to their behaviour. He said that Mowi were not welcome and if there was rubbish at Cour Bay the community would clear it themselves. He advised that the main issue was that someone was going to come to the area and stick

a factory at the mouth of their bay. He said that it would wreck their business. He referred to their experience of having a well boat in the area. He referred to the noise that went on day and night and also to lights that were so bright they shone through his curtains.

He commented that the Councillors had focussed on the chemicals. He said that switching to mechanical alternatives would lead to slime and froth coming into the bay. He said it would not be possible to have a holiday business with a factory right at the entrance of the bay. He said there were multiple reasons to refuse this application. He referred to comments made by the Clyde Fishermen's Association and said there were not good relationships there with the Applicant not attempting to work with them.

He advised that he could categorically state that he had never received a letter, email or telephone call from anyone at Mowi. He commented that they may have sent out flyers but they had not tried to get in touch with him and what they had said in this respect was not true. He said the main thing was the many different cumulative impacts which, he advised, all added up to one very big reason to say no. He said he believed that was what the policies said the Committee should do.

Everyone confirmed that they had received a fair hearing.

## **DEBATE**

Councillor Forrest thanked everyone that had made a presentation today which, she said, had all been fascinating and really good to hear the different views. She said she thought that the precautionary principle had been dealt with through the proposed extensive conditions put on this application and believed they would go a long way to cover the issues raised today. She said she knew that they would be enforced. She noted that SEPA had already granted the CAR licence, and advised that she put weight on this as SEPA were the Council's expert adviser in this respect. She also referred to MOWI being granted a sustainability award. She commented on the community benefit and the improvements that would be made to the Carradale Harbour. She noted that the Community Council for Carradale on board with this proposal and keen for it to go ahead. She advised that for these reasons should would support granting this application.

Councillor Hardie thanked everyone that took part today. He said he was satisfied that environmental concerns had been addressed. He referred to the economic benefit this development would bring to the area and said he would have no hesitation in granting the application.

Councillor Kain concurred with his fellow Councillors and said that the development would be of huge benefit to the community. He suggested there was the potential for better communication between Salmon Scotland and inshore fishermen in respect of completing for space that was limited. He said that he wholeheartedly supported the application.

Councillor Armour advised of this concerns with the way the Clyde Fishermen's Association were consulted on this. He also noted that Tarbert and Skipness Community Council, whose area the fish farm would be located, had objected to this application. He urged both MOWI and the Clyde Fishermen's Association to get a far better working relationship like they did in the past. He said he found it appalling that no meaningful meeting had taken place since 2017, apart from one phone call in 2020. He said that needed to change. Referring to health issues, he advised that it was his opinion, based on the responses from consultees, including NHS Highland, this had been addressed. He referred to the jobs the development would bring to the fragile Kintyre economy. He

commented that Mr Nickerson had put forward his points very well but weighing up everything he would support the application.

Councillor Hampsey thanked everyone for their presentations. She highlighted the desire to co-operate with the local fishermen especially via the Clyde Fishermen's Association. She offered her support to this application.

Councillor Blair agreed with all that had been said. He thanked the Planners for all their work in respect of preparation of all the fully comprehensive reports. He also thanked Mr Nickerson for the hospitality shown the day the Committee visited the site. He said that it had been really good to see what the issues were. He thanked the Applicants for answering all their questions. He advised that he thought communication was really good and that he would quite sure the wild swimmers of Skipness would be seeking support from communities. He said he was quite happy and minded to support the application.

Councillor Brown referred to communication with the local community and said it would be helpful if there was more of that going forward especially for the community of Skipness. She commented that her concerns about hydrogen peroxide had been addressed and said she was delighted to hear that the use of it would soon stop. She confirmed that she would support this application.

Councillor Philand congratulated everyone for their presentations and commented that the debate had been fascinating and that it was interesting to hear all sides. He said that the key thing for him was whether any policies would be broken. He said this was not an emotional thing and that it was important to note that none of the policies had been broken which gave him reassurance. In terms of the CAR licence he was reassured to note that if anything was to happen this would be dealt with. He commented that the proposed conditions were onerous and hopefully would protect the area. He said he would be happy to support the application.

Councillor Wallace echoed what had been said. He said he shared Councillor Armour's disappointment regarding communication with the Clyde Fishermen's Association and advised that he would like to see an improvement there going forward. He confirmed that he was also minded to support the application.

Councillor Green echoed Councillor Blair's thanks in respect of the site visit. He said he appreciated that on the day they visited the Applicant had made sure the site was visible by putting buoys out and that it was good to see what the effect would be on the landscape. He commented that there had been a lot of discussion today and advised that he was in agreement in thinking that this would benefit the area and that appropriate mitigations would be in place to ensure the impact was minimal.

Councillor Green formally moved approval of the application subject to the conditions and reasons detailed in supplementary report number 4, contained within supplementary pack 1, and this was seconded by Councillor Forrest, with no one otherwise minded.

## **DECISION**

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

**Standard Time Limit Condition** (as defined by Regulation)

## Additional Conditions

1. The development shall be implemented in accordance with the details specified on the application form dated 29/7/20, the Environmental Impact Assessment Report dated 2020 (and subsequent addendum); and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

The developer and subsequent operator(s) shall at all times construct and operate the development hereby permitted in accordance with the provisions of the Environmental Statement accompanying the application with mitigation measures adhered to in full, and shall omit no part of the operations provided for by the permission except with the prior written approval of the Planning Authority.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 12	-	25/8/20
Supplementary Location Plan	2 of 12	-	25/8/20
Site Coordinates	3 of 12	-	12/8/20
Plans and Elevations Typical Pen Design Top Net Support	4 of 12	-	12/8/20
Feed Barge	5 of 12	-	25/8/20
Underwater Lighting Technical Sheet	6 of 12	-	25/8/20
Plans and Elevations Typical Net Design	7 of 12	-	12/8/20
Plans and Elevations Typical Mooring Design	8 of 12	-	12/8/20
Plans and Elevations - Proposed Site Configuration	9 of 12	-	12/8/20
Plans and Elevations Typical Pen Design	10 of 12		12/8/20
Admiralty Chart Extract	11 of 12		25/8/20
Site Plan	12 of 12		25/8/20

*Reason: For the purpose of clarity, to ensure that the development is constructed and operated in the manner advanced in the Environmental Impact Assessment Report,*



*upon which the environmental effects of the development have been assessed and determined to be acceptable.*

## **2. Biomass**

The development hereby approved shall not be operated other than with a biomass of 2475.54 tonnes or less.

*Reason: The environmental effects of this proposal have been assessed against this maximum biomass.*

## **3. Acoustic Deterrent Devices**

Notwithstanding the details given in the Predator Mitigation 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. The use of ADDs would be regarded as a material change to the proposal.*

## **4. Wild Fish Monitoring Plan**

The site shall not be stocked until the wild fish monitoring plan has been agreed which shall include a requirement to monitor the juvenile salmon population in coastal waters within a zone of 30km from the Management Area.

*Reason: In the interests of nature conservation.*

## **5. End of Cycle Review**

The site shall not be restocked until a review has been undertaken of relevant farming and wild fish monitoring data collected during the previous cycle, and the review has been agreed with Argyll and Bute Council, in consultation with NatureScot. The review must be completed and agreed sufficiently in advance of the following cycle, to allow timely restocking, and all relevant parties will agree on the review process in advance.

*Reason: In the interests of nature conservation.*

## **6. Drift Nets etc.**

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.*

## **7. Fallowing**

The site hereby approved shall be fallowed between the 15<sup>th</sup> March and 1<sup>st</sup> June each alternate year coinciding with the second year of production. Any changes to the production strategy shall be agreed in writing with the Planning Authority in consultation with NatureScot prior to these changes being implemented.

*Reason: In the interests of nature conservation.*

## **8. Notification of Stocking and Fallowing**

The operator shall notify the Planning Authority in writing within 14 days of the site being stocked and fallowed.

*Reason: In the interests of nature conservation.*

## **9. Specification of Nets**

The pole mounted top net system hereby approved shall be as noted below unless otherwise agreed in writing with the planning authority in consultation with NatureScot:

	<b>Height (m)</b>
Perimeter Pole Support	Maximum height of 5m above the water surface
	<b>Mesh Size (mm)</b>
Sidewall netting from the bottom to 2m height	25
Ceiling net panel and remaining sidewall netting	100
Colour	Dark grey to black

This shall be subject to review, underpinned by systematic monitoring. The Planning Authority shall be immediately notified in the event of emergence of patterns of entanglement or entrapment of marine birds.

*Reason: To minimise the risk to all bird species and to ensure that there are no significant effects on the qualifying interests of the Ailsa Craig Special Protection Area.*

## **10. Wildlife Recording and Reporting**

The proposal shall be undertaken strictly in accordance with the following criteria:

- a. Operators shall maintain daily records of wildlife entanglement / entrapment using a standardised proforma which shall be submitted to the planning authority and copied to NatureScot at 6 monthly intervals or other specified period to be agreed in writing with the planning authority in consultation with NatureScot. The first proforma shall be submitted 6 months after the development is brought into use unless otherwise agreed in writing with the planning authority in consultation with NatureScot.
- 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: In order to ensure that there are no significant effects on the qualifying interests of the Ailsa Craig Special Protection Area. Gannet have an extensive range and would have the potential to become entangled in nets.*

## **11. Environmental Management Plan**

The site shall be operated, monitored and managed in accordance with the Kilbrannan Sound Environmental Management Plan (EMP) attached to the planning portal on 22 December 2022 and subsequent approved variation thereof. Prior to the commencement of development, a revised Environmental Management Plan (EMP) shall be submitted to and approved in writing by the Planning Authority which includes a commitment that outputs of the modelling and risk assessment process generated under the SEPA's proposed Sea Lice Risk Framework will feed into and influence the first end of cycle review.

*Reason: In the interests of nature conservation.*

## **12. Sea Lice Management and Efficacy Report**

The site shall be operated in accordance with the North Kilbrannan Sea Lice Management and Efficacy Report dated 2020 or any subsequent updates of this document which shall be submitted to and approved in writing by the planning authority.

*Reason: In the interests of nature conservation.*

## **13. North Kilbrannan Containment and Escapes Contingency Plan**

The site shall be operated in accordance with the North Kilbrannan Containment and Escapes Contingency Plan dated 2020 and the North Kilbrannan Inspection and Maintenance Schedule 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 order to minimise the risk of escapes in the interests of nature conservation.*

## **14. Removal of Equipment**

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.*

## **15. Colour of Equipment**

The finished surfaces of all equipment above the water surface, excluding the feed barge, but inclusive of the surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements)

shall be non-reflective and finished in a dark recessive colour in accordance with the details provided in the EIAR unless otherwise agreed in advance in writing by the planning authority.

*Reason: In the interest of visual amenity.*

## **16. Lighting**

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.*

## **17. Waste Management Plan**

Prior to the commencement of development a further 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.*

## **18. Water Supply**

No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended water supply and system required to serve the development has been submitted to and approved by the Planning Authority.

*Reason: In the interests of public health and in order to ensure that an adequate water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users.*

## **19. Noise**

The Noise Rating Level attributable to the operation of the approved fish farm operation shall not exceed background noise levels by more than 3dB(A) at any residential property measured and assessed in accordance with BS4142:2014.

*Reason: In order to protect the amenities of the area from noise nuisance.*

(Reference: Report by Head of Development and Economic Growth dated 12 May 2023, supplementary reports 1 dated and 2 dated 23 May 2023, supplementary report number 3 dated 28 August 2023 and supplementary report number 4 dated 24 November 2023, submitted)