

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00904/MFF
Planning Hierarchy: Local Development
Applicant: The Scottish Salmon Co.
Proposal: Formation of 14 cage fish farm and installation of feed barge
Site Address: Dun Bhuirg, Loch Scridain, Isle of Mull

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of Marine Salmon Fish Farm comprising 14 No. 100m circumference cages, walkways, mooring grid and associated lines,
- Installation of feed barge;
- Installation of underwater lighting

(ii) Other specified operations

- Servicing from existing shore base at Ulva Ferry
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(B) RECOMMENDATION:

Recommend that permission be refused for the reasons stated in the report.

(C) CONSULTATIONS:

Scottish Environment Protection Agency (SEPA) – (07.06.12) no objection. No concerns of conservation interest at this site, unlikely detrimental effect upon nutrient status of the water body in view of modelling results. CAR licence application under consideration and likely to be consentable.

Scottish Natural Heritage (SNH) (26.07.12) – have no concerns re any implications for nature conservation or marine designations near the site. Given that there are no national landscape designations significantly affected by the development they do not object to the proposal on landscape grounds, but provide advice to the Council in its consideration of landscape issues. SNH agrees with the conclusions in the

applicant's Environmental Statement that the development will represent '*a noticeable deterioration in the existing landscape*' and agree that there will be 'moderate adverse' impacts on the overall landscape, the setting of the loch, the coastal footpath and the experience of historic landmarks and features. It is suggested that the Council should give consideration to implications for:

- Key views of the peninsula from the tourist route to Iona;
- The wild land experience and perceived qualities and experience of remoteness, underestimated in the applicant's Environmental statement;
- Cumulative impacts from the road, the coastal footpath and elevated vantage points give the presence of existing aquaculture in the form of established mussel farms and the associated shore base at Aird Fada.

SNH points out that the government's Scottish Planning Policy (Para 102) identifies the unsuitability of isolated coast, distant from centres of population, to support development due to its environmental, cultural and economic value. As the peninsula is one of the least developed areas on Mull development on the scale proposed challenges the carrying capacity of this wild landscape.

The burrowed mud within and adjacent to the site represents an important biotope both as a UKBAP habitat and a Priority Marine Feature and for particular species. The zone of influence of the development is likely to have consequences for this habitat and its characteristic marine species. The impacts upon benthos are concluded to be of regional rather than national importance.

The Coladoir and Bunessen river catchments host salmon and sea trout populations vulnerable to biological (genetic) and ecological (competition) from escaped farmed fish. With the implementation of the proposed measures to prevent escapes and providing contingencies in the event of escapes competition and inter-breeding with wild salmon will be low. Sea lice present a risk to wild fish which can be mitigated by adherence to industry good practice guidelines. Lice target levels in the salmon migration period should be extended to all year round to protect the interests of sea trout.

Marine Scotland Science (14.06.12) – express general satisfaction with the content and conclusions of the applicant's Environmental statement. Local salmon and sea trout catch records indicate locally declining populations. Salmon farming will result in elevated sea lice numbers in open water hence there will be adverse effects on wild fish populations in some circumstances although the extent to which population wide effects arise is not well understood. Sea lice control would be required to be practiced year round in order to protect sea trout which spend all year in coastal waters. It is suggested that the Council in decision-making should have regard to the fact that Loch Scridan is currently undeveloped for fish aquaculture and it is pointed out that the importance the Council accords to wild fish interests and the level of precaution attached to populations has to be balanced against other material considerations.

Argyll Fisheries Trust (20.07.12) – object to the proposal. Loch Scridain in the opinion of the Trust, the Association of District Salmon Fishery Boards, and the Rivers and Fisheries Trust for Scotland, is an inappropriate location for salmon farming. Prevailing westerly wind is likely to drive sea lice derived from the farm (dispersed by wind and current) towards the head of the loch which will potentially adversely affect wild fish using the Coladoir and Bunessen rivers, which already have depressed populations of sea trout and salmon according to AFT surveys conducted in 2010.

Transport Scotland (28.05.12) – No objection.

Historic Scotland (06.06.12) – no objection.

West of Scotland Archaeology (28.06.12) – no objection.

Northern Lighthouse Board – No response. The Environmental Statement includes copy correspondence from the Board (02.12.11) specifying their navigational requirements for the site proposed.

Small Isles & Mull Inshore Fisheries Group (28.05.12) – object due to the loss of existing fishing ground.

Mallaig & North West Fishermen's Association (07.06.12) – object to the loss of traditional fishing ground (sprats and prawns) particularly given the loss already experienced due to the introduction of fish farms in other coastal waters.

Clyde Fishermen's Association (12.06.12) – object to further development of the wider fish farming industry in general and this application in particular due to the adverse consequences of pollution in the marine environment and sea lice contamination of wild fish.

Mull Aquaculture and Fisheries Association (26.05.12) – object to this proposal which has been submitted despite pre-application consultation which indicated that development in this area would prejudice 4 local boats some of which would be unable to move into other areas. The economic implications of this are difficult to quantify, but as each fleet of creels averages £100 – £200 per lift and the area supports five fleets, the significance over a long period of time is evident.

West Highland Anchorages and Moorings Association (22.07.12) – no objection.

Council's Local Biodiversity Officer (04.07.12) – identifies the presence of Local Biodiversity Action Plan (LBAP) species including salmonids, cetaceans, seals and species associated with burrowed mud habitats. Recommends a Wildlife Log Book be maintained at the site to record sightings and any apparent changes in populations.

Council's Marine & Coastal Manager (20.06.12) – identifies that the proposal will be most visually prominent from the Tioran – Fossil Tree coastal walk whereas longer distance and sequential views from the road to Iona will be less significant. Careful consideration should be given to equipment colour and lighting in this location. Pre-application discussion with fishing interests failed to identify a mutually acceptable site in an area worked for prawns and seasonally sprat. There are likely to be implications for local fishing interests. The development has potential to present a risk to wild salmonids. The applicant's modelling showed a total allowable sea lice treatment quantity of 2.25 times available biomass, which is less than their standard sea lice strategy of 5 times biomass, yet has been deemed by the applicants to be adequate and Marine Scotland Science are content that available medicines should offer efficacious treatment options.

Mull Community Council (02.06.12) – object on the grounds that a development of this scale is inappropriate in the location proposed and that it conflicts with local plan policy in terms of landscape, species, recreation and water quality considerations. Existing and proposed fish farm sites in west Mull total 6,700 tonnes of polluting development. Sea farmed fish are unsustainable given feed requirements. A risk is

presented to wild fish, oyster beds and winkle picking. There would be conflict with established fishing interests, tourism, marine mammals and other wildlife and cumulative impact with existing mussel farming operations in the loch.

Iona Community Council (11.07.12) – object having conducted a public meeting on the island, on grounds of pollution, effects on the natural environment, effects on wild fish and potential seal shooting. The proposal would have particular consequences for eco and wildlife tourism including displacement of cetaceans. There would be unacceptable impact upon the landscape qualities of the national Trust for Scotland at Burg. There would also be likely adverse consequences for fishermen and existing mussel farming with the prospect of net job losses rather than any gain in employment. The area attracts visitors for its pristine environment and its wildlife and the environmental credentials and reputation of the area would be threatened by inappropriate development.

(D) HISTORY:

None relevant to this particular site. There are consented mussel sites in Loch Scridain at Aird Fada (south of the application site), Slochd Bay (east of the site) and Killiemore (further towards the head of the loch). A former 3 cage (330 tonne) fin fish site in upper Loch Scridain has not been farmed since 2002 and the equipment removed.

(E) PUBLICITY:

The proposal has been advertised in both the local press and the Edinburgh Gazette (31.05.12 and 14.06.12) with the publicity periods having expired on 21.06.12.

(F) REPRESENTATIONS:

(i) Representations received from:

Objections to the proposal have been received from 56 third parties along with 9 supporters. Names and addresses of those having submitted representations are listed in Appendix B to the report. The grounds of objection and support are summarised below.

Support for the proposal

- Fish farming is subject to tight regulation and the backing of the Scottish Government to grow sustainably and there are no valid grounds to oppose the development;
- Local job opportunities are important to the island, not only at the site but also in terms of indirect employment which is sustained in part by the fish farm industry;
- A fair proportion of objectors are not resident or only have loose association with the island and are not in need of employment themselves or for their offspring;

- Much of the opposition is ill-considered and founded on hypocrisy subjectivity and propaganda.

Objections to the proposal

Matters expressed by local businesses and landowners

- The National Trust for Scotland, a significant landowner at Burg (569ha) have objected on the following grounds:
 - the NTS land at Burg is extensively visited by people mostly wishing to experience remoteness where the site is overlooked from above from the main access route where it will have significant visual impact;
 - the applicant's assessment of benthic habitat is naive and inadequate given that deep burrowed mud habitats are a UKBAP features and a search feature for the forthcoming designation of Marine Protected Areas. The available survey data indicate that the loch is very unpolluted and that radical change to benthic fauna can be anticipated;
 - hydrographic modelling was based on current speeds near the surface and fails to take account of the adjacent 120m deep basin likely to act as a sump for particulate and dissolved waste in an area likely to be frequented by more unusual benthic species
 - No assessment has been made of the dilution of the wild gene pool of salmonids in the event of escapes nor any assessment of the current genetic status of local salmon.
- The owners of Tioran House, a small country house hotel on the route to Burg point out that most visitors come to the area to experience the landscape and wildlife. The majority of accommodation providers in the area benefit from this and it sustains far more employment than fish farming.
- Hebridian Pursuits, the occupiers of Tavool House and an organisation providing watersports for young people, object due to visual impact, amenity impact, adverse pollution consequences and affects upon wildlife.
- Celtic Sea, the operator of the mussel farms in Loch Scridain objects due to lack of consultation by the applicants, risk from accumulation of pesticides and medicines, low loch flushing rates, long term toxicity in the water from sea lice treatments, algal growth due to nutrient enrichment, potential loss of sales due to harvesting restrictions and risk of equipment being washed away into the path of the mussel lines by the fetch of storms and the heavy swell which can be experienced at the site. The proposed development poses a threat to the largest single business on the Ross of Mull.

- The Kilfinichen Estate object on the grounds that industrial scale development is inappropriate in a weakly flushed and scenic loch of nature conservation importance. As managers of the land adjacent to the site and three freshwater watercourses the express concerns in relation to:
 - impacts on wild salmonids with the Tavool Burn being only 500m from the site;
 - there is a question as to where access will be taken from in bad weather conditions when boat transit from Ulva Ferry is not possible;
 - appreciation of the basalt cliffs from the sea will be affected by the presence of equipment;
 - although not visible from the Ardmeanach summits, the site will be readily visible from the climb to those summits and other ridgelines;
 - experience of the remoteness of the Fossil Tree walk will be seriously compromised by the development;
 - the isolated experience of Tavool House outward bound centre will be compromised and recreational water quality affected;
 - pollution will be swept into the deep areas of the loch which will compromise benthic habitats and species and adversely affect natural shellfish beds and nearby mussel farms;
 - salmon and sea trout returning to freshwater use the Tavool Burn to cleanse themselves of accumulated lice as this is the first freshwater encountered. With the farm present the process will be reversed with fish being re-infested by high volumes of lice as they return to the salt water environment;
 - employment benefits will be offset by adverse consequences for the fishing and tourism sectors.

Objections founded on planning policy considerations

- The development fails to satisfy Scottish Planning Policy or development plan policy in respect of sustainability considerations in that it would not safeguard the established character or local distinctiveness of the area, would prejudice local biodiversity interests, would be harmful to a designated Area of Panoramic Quality and the setting of a scheduled ancient monument and would be detrimental to the interests of the environment as a whole.

Objections in respect of marine and nature conservation interests

- Loch Scridain should be safeguarded from further aquaculture development as it merits being a candidate for Marine Protected Area status under forthcoming legislative obligations and it is important that it

should remain free of finfish farms as one of the few lochs left free of such development;

- Loch Scridain is valuable for shellfish, is a breeding ground for herring and sprat, contains native oysters and supports other species of shellfish and finfish as well as crustaceans and seals. This biodiversity will be compromised by pollution which will remain in the loch due to low flushing rates and prevailing westerly winds;
- The development will lead to nutrient enrichment and the production of algal blooms and will deposit carbon, phosphorous, copper and zinc via faeces and waste food which will be detrimental to marine habitats and mussel farming;
- The use of Acoustic Deterrent Devices to scare predators away will also deter dolphins, porpoises, basking shark and orca which currently visit the loch;
- There are currently no artificial noise or light sources on the loch so noise and light pollution will be particularly detrimental to wildlife;
- Potential escapes and sea lice transmission will have adverse consequences for wild salmon migrating from the Colladoir and Bunessen river catchments;
- Sea trout will be particularly vulnerable to this development as they remain in coastal waters unlike salmon which are able to migrate through sea lice infested waters more quickly;
- The nationally scarce sea sponge *Axinella dissimilis* has been recorded in Loch Scridain and several other sites around Mull, these being the only records in Scotland.
- The former finfish farm on the Killunaig reef was removed because of pollution build up in a loch with poor flushing characteristics (12 tides/6 day water exchange rate);
- The development will affect seals frequenting the loch (licences will be sought to kill rogue seals) and will displace cetaceans;
- Contamination of deep loch basins will impact on rare bottom feeders such as skate;

Objections in respect of fishing interests

- The occupation of the site will conflict with traditional fishing grounds and give rise to potential loss of associated employment;
- The operator of one of the four affected fishing boats (*MFV Silver Star*) confirms that this vessel provides employment for 3 full-time fishermen plus 2 students at peak times and displacement from existing fishing grounds will place at risk jobs already threatened by factors outwith the

fishermen's control;

- A further fisherman points out that fishing ground has already been lost to the after effects of last salmon farm (since removed) and the three mussel farms in the loch, so an additional site will be a final nail in the coffin;
- It is suggested that static gear fishermen and local scallop dredgers operating over the former salmon farm off Pennyghael note that this area still remains unproductive despite not have been occupied for over ten years.

Objections in relation to landscape, visual and amenity considerations

- The unspoilt and dramatic Ardmeanach peninsula forms an imposing backdrop to the tourist route to Iona. It is also a rare and beautiful place only accessible on foot with evidence of the clearances and earlier occupation contributing to its sense of remoteness. The presence of equipment, activity, noise and lighting will be alien to this vulnerable landscape/seascape;
- The walk along the coast path through Burg to the Fossil Tree has particularly special qualities associated with its remoteness from the attributes of modern life;
- Low ambient noise levels at Burgh will be impacted upon by noise propagated from the site to the detriment of this remote and tranquil location;
- Underwater lighting plus navigation and other site lighting will be intrusive in an otherwise dark location.

Objections in relation to tourism interests

- The development will impinge on views across the loch to the dramatic Ardmeanach peninsula, which provides an iconic backdrop for most of the south of Mull, as appreciated by the many visitors down the Ross of Mull to Iona (suggested to be 200,000/annum) with likely adverse consequences for the reputation of the locality as a tourism destination.
- The development will adversely affect local tourism which is founded upon wildlife and the environmental and scenic qualities of this unspoilt area. We should not treat our assets with so little respect.
- Displacement of wildlife due to activity associated with the fish farm, pollution and the deployment of Acoustic Deterrent Devices will displace seals and cetaceans to the detriment of local tour operators many of whom rely on more environmentally sustainable businesses such as birdwatching tours and wildlife safaris which are wholly dependent upon an abundance of wildlife in a pristine environment;
- Loss of tourism related employment is not likely to be offset by the limited

new employment prospects associated with the proposal.

Objections in respect of navigation interests

- Loch Scridain is relatively narrow and the equipment and associated boat traffic will reduce sea room and access to the shelter of the coast pushing yachts and other visiting craft into deeper more exposed waters.

Objections in relation to the principle of marine salmon farming

- There is a lack of sustainability in farming salmon due to the over-exploitation of wild fish to provide fish meal and the use of chemical in order to seek to control sea lice;
- Fish farming on this scale is inappropriate and locations should be identified for smaller less intrusive forms of development;
- The environmental consequences of marine fish farming outlast the success or failure of developments as commercial ventures;
- Why should authorisation be given in Scotland to a Norwegian company which has no real interest in sustaining the fragile economic and environmental balance of Loch Scridain, for a development which the Norwegian government would not permit in its own waters, in order to produce a product largely consumed in the Far East?

In response to the objections received the applicants have submitted comments summarised as follows:

Applicant's response to objections received

Employment and economic issues

- Existing staff on the applicant's Mull sites have combined service of 74 years and three recently recruited vacancies have been filled by local people, all in their 20's. The company is committed to providing local jobs. The predicted annual turnover of the site is £6.6m. It will contribute to the support the 67 staff employed at the Cairndow processing site as well as supporting indirect service jobs. There is no evidence to suggest conflict between tourism and aquaculture so no reason to believe tourist related employment will be disadvantaged.

Scale of development

- The size of the farm reflects current industry practice and is similar to other sites operated by the applicants. SEPA accepted modelling demonstrates that a farm of this size can be operated without unacceptable nutrient enrichment or benthic deposition.

Inshore fisheries

- Alternative sites suggested by fishermen at the pre-application stage

have not proved practicable. Although creel fishing ground will be occupied this will only represent 1.67% of the loch. Even having regard to other constraints on fishing, the loss of this area will be minimal – estimated by the applicants to have a catch value of circa £17k/annum. There are likely to be minimal consequences for seasonal sprat catches.

Consequences for shellfish farming

- There are many examples across Scotland of shellfish and finfish co-existence without conflict, and shellfish farmers operate close to existing finfish site on Mull. The applicants are indeed trialling composite fin and shellfish sites. SEPA control pollution discharges and monitor sites to ensure compliance.

Consequences for wild fish

- The applicants are committed to strategic sea lice controls and to minimising consequences for wild fish, through single year class stocking, synchronous fallowing and area management agreements. The site is capable of being controlled effectively by likely consentable quantities of sea lice medicine. Sea lice dispersal is believed to be predominantly influenced by wind, local currents and tides and the applicant's considered view is that residual currents will direct sea lice away from the head of the loch.

Escapes

- Containment at the site will meet the highest industry standards. No escapes have been recorded from the company's Mull sites since 2001 when reporting to the government became mandatory.

Impacts upon cetaceans

- The applicants propose to deploy triggered rather than continuous ADD's to avoid damage to seals' hearing and to avoid disrupting non-target species. The same approach has led to regular sightings of dolphins, porpoises and basking sharks off other sites operated by the applicants.

Visual/wild land consequences

- The use of low profile equipment and recessive colours and siting parallel to the shore will limit visual impact from the road to Iona. Lighting will be restricted. The focus of the view from the Burg footpath is along the loch towards Iona on the outward journey and towards the head of the loch and Ben More on the return. Whilst the site will be visible from this footpath it will not dominate the experience of the route.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** Yes

The Environmental Statement sets out the details of the proposal, site selection process; identifies the main characteristics, nature and scale of the impacts of the development and includes assessment of the impact of the proposals and necessary mitigation measures in respect of:

- Benthic Impacts
- Water Column Impacts
- Interaction with Predators
- Interaction with Wild Salmonids
- Impacts Upon Species or Habitats of Conservation Importance, including Sensitive Sites
- Navigation, Anchorage, Commercial Fisheries, other Non-Recreational Maritime Uses
- Landscape and Visual Impact Assessment
- Noise
- Marine Cultural Heritage
- Waste Management (non-fish)
- Socioeconomic, Access and Recreation
- Traffic and Transport

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 5 – Development in Sensitive Countryside

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 6 – Impact on Habitats and Species

LP ENV 9 – Impact on National Scenic Areas (NSAs)

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)

LP ENV 12 – Water Quality and Environment

LP ENV 19 – Development setting, layout and design

LP BAD 1 – Bad Neighbour Development

LP CST 2 – Coastal Development on the Undeveloped Coast

LP AQUA 1 – Shell Fish and Fin Fish Farming

Expresses general support for fish farming subject to there being no significant adverse effect on a range of specified considerations; those relevant in this instance being:

1. Communities, settlements and their settings;
2. Landscape character, scenic quality and visual amenity;
4. National Scenic Areas and Areas of Panoramic Quality;
5. Statutorily protected nature conservation sites, habitats or species, including priority species and important seabird colonies along with wild fish populations;
6. Navigational interests
8. Sites of historic or archaeological interest and their settings
9. Recreational interests
11. Existing aquaculture sites
12. Water quality

In the case of marine fish farming this support is further conditional on the proposals being consistent with the other policies of the Development Plan and Scottish Executive Strategic Framework Guidelines.

Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Environmental Impact Assessment (Scotland) Regulations 2011

Scottish Planning Policy (2010)

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

Scottish Executive – 'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters' (2003 and updated June 2009)

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

'Guidance on Landscape/Seascape Capacity for Aquaculture' (SNH 2008)

'Siting & Design of Marine Aquaculture Developments in the Landscape' (SNH 2011)

'Argyll & Firth Of Clyde Landscape Character Assessment' (SNH 1996)

'Mull Landscape Capacity Study' - Argyll & Bute Council 2009

Argyll & Bute Local Biodiversity Action Plan

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

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

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

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

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

It is recommended that in the event that Members are minded to refuse permission in line with the recommendation, the views of those consultees objecting to the proposal and the balance of third party responses, the overwhelming number of which are against the proposal, then it is not necessary to hold a discretionary hearing prior to the determination of this application. In the event that Members are minded to support the application, then it would be appropriate to hold a hearing in response to the number of objections received.

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

The proposal seeks permission for the installation of a marine finfish development of 14 (No.) 32m diameter cages and a feed/service barge to be utilised for the

production of farmed salmon.

The application site is located off the south coast of the Ardmeanach peninsula on the north coast of Loch Scridain. The site lies off an area of remote, largely uninhabited land, accessible only on foot, which is valued for its geology, its historic environment, its wildlife and its scenic qualities and which has attributes associated with remoteness which can be experienced on the well-used coastal footpath from Tioran via the National Trust for Scotland land at Burg to the McCulloch 'Fossil Tree' at the head of the peninsula. Ardmeanach also forms an imposing and dramatic backdrop to the loch as viewed from the tourist route along the length of the Ross of Mull to Iona. There are currently no finfish farms in the loch, which does however accommodate three shellfish farms.

The proposal has given rise to significant public objection with concern raised in respect of visual and landscape impact, cumulative impact of aquaculture development on the loch, additional loss of traditional inshore fishing ground, impacts upon wild fish interests, upon benthic habitats and species and marine mammals. Objectors also consider that the introduction of a fish farm on this scale will be to the detriment of tourism interests and the potential this relatively pristine area has to benefit from sustainable employment associated with wildlife tourism. The proposal has attracted limited support, largely based upon employment related considerations.

Scottish Natural Heritage has not formally objected to the proposal as it does not give rise to significant impacts upon any national designations. In such circumstance, SNH confines itself to advice to the Council, which in this case, raises concerns about landscape and visual impacts, cumulative impacts with other aquaculture in the loch, benthic impacts on burrowed mud habitat and consequences for the wild and remote character of the peninsula. Objection has been raised by the Argyll Fisheries Trust in respect of conflicts with the interests of wild salmonids, whilst sea fishing organisations have objected on grounds of pollution and loss of traditional fishing ground in the loch. Both Mull and Iona Community Councils have objected. Remaining consultees, including Marine Scotland Science and SEPA are largely satisfied with the proposal, notably in relation to its anticipated pollution consequences.

Scottish Planning Policy indicates the national importance of aquaculture in the context of rural areas and that fish farming should be supported in appropriate locations, subject to environmental considerations being assessed. Carrying capacity, landscape, natural environment, historic environment and potential for conflict with other marine users, including fishing and recreational interests, and economic factors will be material considerations in assessing acceptability. However, Planning Authorities are cautioned not to duplicate controls exercised by SEPA and Marine Scotland in their assessment of proposals.

The application has been recommended for refusal on the grounds that its presence will compromise the remote, undeveloped and isolated character of the peninsula, with secondary consequences for tourism, which is worthy of protection as landscape resource, both to safeguard the recreational value of the important coastal path above the site and to avoid cumulative impacts in terms of the presence of multiple aquaculture developments in the loch. In view of concerted opposition from commercial fishing interests concerned over addition loss of fishing ground, the application is also recommended for refusal on grounds of conflict with existing marine users. The development also poses an unquantified risk to wild salmonids in an area currently devoid of finfish farming. In the absence of any reliable scientific

position in this regard and with a precautionary stance being unjustifiable, although a legitimate concern, effects upon wild fish have not been advanced as a justifiable reason for refusal.

Given the foregoing there is justification for in seeking to maintain Loch Scridain free of additional aquaculture development on the scale proposed in the interests on the one hand of preserving landscape character, protecting the setting of historic sites and thereby safeguarding the natural environment and the important role which this plays in the tourism economy of the island, and on the other in terms of safeguarding established fishing grounds. The proposal is not considered to be a sustainable form of development within the receiving environment contrary to the requirements of Development Plan policy and is therefore recommended for refusal.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

None, as the application is recommended for refusal.

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

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Richard Kerr

Date: 24th August 2012

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION 12/00904//MFF

1. The proposal involves the installation of a series of large scale fish cages and an associated service/feed barge in a location close inshore to the southern coast of the Ardmeanach peninsula, the basalt landscape of which forms an imposing and dramatic backdrop to Loch Scridain as viewed from the waters of the loch and from the important route via the Ross of Mull to the nationally important tourist destination of Iona. It also stands below and would be experienced from successive points, and at relatively close quarters from, the important coastal footpath from Tioran via the National Trust land at Burg to the 'Fossil Tree' at the head of the peninsula, on the route of which it is also overlooked from, and impinges inappropriately upon, the setting of the scheduled monument Dun Bhurg. The footpath from Tioran to Burg is a proposed core path which has received no objections through the core path planning process and represents an important coastal route on Mull. This part of Ardmeanach is largely undeveloped and is only accessible on foot, where it is visited specifically by persons wishing to experience its scenic qualities and its natural and historic environment attributes along with the associated drama of this exceptional stretch of coastline. It is included within an 'Area of Panoramic Quality', a landscape designation of regional importance, having regard to both the views which are available across and along the length of the loch and to the islands offshore, which represent important assets to the tourism economy of Mull. The introduction of marine development on the scale proposed would, by virtue of its physical presence in the landscape and lighting and activity associated with its operation, impinge upon the very characteristics of the receiving environment which give rise to its special qualities, which are derived from a combination of its landscape character, its resident wildlife and its historic associations. Such uncharacteristic and inappropriately situated development would therefore fail to safeguard the natural environment and the important role which this plays in the tourism economy of the island, and would not represent a sustainable form of development. The proposal would also contribute to the extent of aquaculture within the loch (currently three shellfish farms plus a shore base) and would give rise to additional cumulative impact with those developments when viewed from the Ardmeanach coastal footpath, and from those locations on the Ross of Mull where the site could be seen in combination with existing mussel lines, which would contribute to the impression of aquaculture being a significant characteristic of Loch Scridain. The foregoing shortcomings would conflict with Structure Plan policy STRAT SI 1 and STRAT DC 8 and Local Plan Policies LP ENV 10 and LP AQUA 1 which seek to secure sustainable forms of development which safeguard designated landscape assets of regional importance from uncharacteristic and inappropriate forms of development.
2. Scottish Planning Policy confirms that potential conflict with other marine users is a legitimate material consideration in the assessment of aquaculture applications. The development is proposed to occupy around 40 hectares along the coastal shelf of Loch Scridain which forms part of the traditional fishing ground currently worked by a number of local commercial inshore fishing boats. Fishing organisations and boat owners consider that exclusion from this area by virtue of the presence of fish farming equipment and associated boat activity would, cumulatively in combination with existing shellfish operations elsewhere within the loch, prejudice the ongoing viability of inshore fishing in Loch Scridain, in circumstances where small vessels would not lend themselves to working alternative more distant fishing grounds. This would be to the detriment of established resource based employment in Loch Scridain and would be contrary to Local Plan Policy LP AQUA 1 which requires that consideration being given to navigational interests in the assessment of aquaculture developments in order to avoid unnecessary conflicts to the detriment of those interests.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00905/MFF

PLANNING LAND USE AND POLICY ASSESSMENT

A. Location, Nature and Design of Proposed Development

The applicant in this case is the Scottish Salmon Company who currently operate finfish farming sites in west Mull at Inchkenneth (650 tonnes), Geasgil (1,330 tonnes) and Tuath (800 tonnes) and in other locations across Argyll. This application is part of their portfolio of new and extended sites and it is one of two undetermined applications for new sites off the coast of Mull, the other being at North Gometra in Loch Tuath. The existing Mull sites are not capable of expansion due to bathymetry constraints. The site has been selected as being potentially suitable for a development on the scale proposed following hydrographic survey, benthic survey, biomass modelling and having regard to the relative merits of other locations considered as part of the site assessment process.

The site is located off Dun Bhuirg off the south coast of the Ardmeanach peninsula on the north coast of Loch Scridain. This sea loch is some 14km in length and 2 to 3 km in width aligned generally east – west between Ardmeanach to the north and the Ross of Mull to the south. The character of either side of the loch is very different with the north coast being sparsely populated and relatively inaccessible with a dramatic basalt influenced coastline, whereas the Ross of Mull is more populated with an important tourist route to along the coast to the island of Iona. Loch Scridain is a 'Category 3' sea loch in terms of Marine Scotland's Locational Guidelines *'where there are better prospects of satisfying environmental requirements'*. There is currently no finfish farming in the loch, a small three cage site off Pennyghael having been removed some years ago. The nearest salmon farm lies some 12km away from the site in Loch na Keal. There are however three mussel farms in the loch, one off either shore a short distance to the east of the site at Aird Fada and Slochd Bay, and another further towards the head of the loch at Killiemore.

The proposal is to establish a marine salmon farm within a prospective seabed lease area of 42.6ha, approximately 250m offshore and aligned NE-SW parallel to the adjacent shoreline. The equipment proposed comprises 14 No. 100m circumference cages, each of which would be 32m in diameter and fitted with 12m deep nets. These would be contained within a 60m x 60m mooring grid supported by floatation buoys with cables attached to the cage floatation rings and rock anchors used to secure the position of the grid relative to the seabed, producing an overall grid extent of 50,400m². The farm would be laid out in a 7 by 2 cage group, producing a rectangular site occupying a surface area of 1.1ha. A 220 tonne service/feed barge would be located off the NE end of the cage group. This would measure 10.5m by 14m in area, its height above water level varying in accordance with the quantity of feed held. The barge will be finished in a recessive colour and comprises a landing stage, storage area, electricity generator, four food silos, a pneumatic feed system, air blowers, computer control systems, maintenance room plus staff accommodation. The barge will enable the site to be run and managed on a daily basis independently of the onshore base at Ulva Ferry. The generator will be installed within an acoustically insulated plant room intended to be barely audible above ambient sounds at sea.

The cages comprise a polyethylene flotation ring from which nets are suspended. These are fitted with false bottoms (seal blinds) to deter predator attacks from below and are held in tension, again to resist predation. Top net polythene/nylon mesh to exclude piscivorous birds is to be suspended over the cages being supported by a

horizontal 'hamster wheel' arrangement to keep it clear of the surface and to avoid conflict with automated feed distribution within the cages

The intended maximum biomass (fish tonnage) for the overall site is 1,900 tonnes. The stocking density would be 14.2kg per m³ max. The production cycle of the farm would be 22 months with 2 months left fallow to assist in benthic (sea bed) recovery. The site would be stocked synchronously with other west Mull salmon farms and it would be operated within extended Management Area 16a (Loch na Keal). Operation with other sites would enable single year class stocking, synchronous stocking, fallowing and sea lice treatment. Such an approach reflects industry best practice and this site would be operated in compliance with the Scottish Salmon Producers Organisation's 'Code of Good Practice Guidelines for Scottish Finfish Aquaculture'. This sets out more than 300 main specific compliance points which cover all aspects of finfish good practice including:

- Fish Health – good husbandry and harvesting operations;
- Protecting the environment – including sea lice management and containment standards;
- Welfare and husbandry – breeding and stocking density;
- Detailed annexes giving further technical guidance on good practice, including the National Lice Treatment Strategy, Integrated Sea Lice Management, Containment, and a Veterinary Health Plan.

The site would also be operated in accordance with the principles of the former West Mull Area Management Agreement and the proposed West Mull Farm Management Agreement.

The site would be serviced primarily by sea from the company's existing shorebase at Ulva Ferry. An alternative, as yet undetermined, local access by small boat would be required for site staff in the event of inclement weather interfering with the transit from Ulva Ferry. The site would support four full-time staff members. This would augment the nine staff currently employed by the company to service their other sites in west Mull.

The feeding of the fish would be computer controlled from silos within the feed barge, underwater camera monitored and augmented by limited hand feeding. Grading of fish would take place 2 or 3 times during the production cycle using contracted well boats, which would also be used for final harvesting. Underwater lighting would be used to control maturation and maximise growth January to June every second year with 3 No, 1,000w lights being used beneath each cage. These would be powered by the feed barge generator and would produce a surface glow only visible at close quarters or from elevated vantage points. Other lighting on the site, with the exception of navigational requirements, would be restricted to essential requirements so as to avoid unnecessary illumination on the site.

The Environmental Statement also sets out specific husbandry practices for the site in respect of grading, harvesting, fallowing procedures, food and feeding, fish health, veterinary treatments and chemicals, containment and contingency escape policy and waste management. With regard to predator control, it is noted that the ES states that Acoustic Deterrent Devices (ADDs) would only be deployed in circumstances where the site becomes subject to attempted predation. As a last resort in the event of persistent rogue seal activity, the shooting of seals may take place in accordance with a licence obtained from the Scottish Government.

B. Natural Environment - Fresh Water, Marine Environment and Biodiversity.

The provisions of policies STRAT DC 7, LP ENV 2 and LP ENV 6 would all seek to resist development which is considered likely to result in a significant adverse impact upon internationally, nationally or locally important habitats and/or species.

The site is not subject to any European or national marine or other conservation designations; however the Council's Local Biodiversity Officer and Scottish Natural Heritage advise that Loch Scridain provides UK Biodiversity Action Plan (UK BAP) and Argyll and Bute Local Biodiversity Action Plan (A&B LBAP) habitat in the form of burrowed mud, within which species of conservation value such as sea pen may be found. The loch is also frequented by cetaceans, seals and wild salmonids, for which development of the type proposed could have consequences in terms of displacement or deterrence. Salmon and Sea Trout are particularly vulnerable to interaction with farmed fish and are significant to the UK BAP and the A&B LBAP, the latter of which details action to reduce the impact of Fin Fish Farms to reduce sea lice impact and monitor, with support from SEPA, bacteria levels, both in the water column and on the sea bed.

Seabed (Benthic) Impacts:

The development will affect seabed conditions as a consequence of the deposition of organic matter in the form of faeces. Furthermore, although the industry has made advances in the reduction of waste food as a result of more sophisticated feeding regimes, waste food also contributes to seabed deposition. The quantity and the extent of deposition are influenced by the tonnage of fish held, hydrographic and bathymetric conditions. Seabed impacts are regulated separately by SEPA via the CAR licence process, which determines maximum biomass with regard to the carrying capacity of the particular site.

The Environmental Statement concludes that site is one with moderate current speeds in an open location subject to moderate flushing. Modelling has been carried out to predict the quantity and the dispersion of organic matter on the seabed and to predict nutrient enrichment. It is predicted that organic and chemotherapeutant deposition would be largely restricted to an area below the cage group resulting in localised benthic consequences from the operation of the site. A CAR licence has not yet been obtained for the application site, but SEPA have indicated that the level of maximum biomass proposed for this site is likely to be consentable in this location.

The benthic habitat directly beneath the proposed salmon farm consists of soft brown mud with a uniform slope across the site at around 35m to 50m depth. There are no specifically designated habitats below or in the immediate vicinity of the site. The seabed is considered to be unsuitable for the regionally important rock based branched sponge *Auxinella dissimilis*, although it does represent a UK BAP and LBAP habitat of some importance for burrowing organisms and *Nephrops* and hosts species which confer some importance on the habitat, such as Tall Sea Pen and Fireworks Anemone. Such benthic communities can be affected by salmon farming activities due to the deposition of organic matter from faeces and waste food, which can lead to nutrient enrichment and consequential anoxic conditions on the seabed. Further potential impacts can arise from the use of chemicals and medicines ranging from anti-fouling treatments to antibiotics and treatments for sea lice infestation of salmon, which can have a detrimental effect on marine invertebrates. Research on the sensitivity of mud habitats to the effects of fish farms suggests that some of the characteristic species of deep mud habitats are not likely to be sensitive to deposition and smothering, however, other research suggests that the presence of deep

burrowing megafauna can be reduced within the area of deposition associated with a fish farm. Any benthic impact on the burrowed mud habitat could also have a knock-on effect on the local *Nephrops* fishery. The survey work conducted by the applicants showed that this area supported a high density of *Nephrops* burrows

SNH and SEPA are both content with the benthic surveys undertaken by the applicant and neither they nor the Council's biodiversity officer have objections to the proposal on the grounds of unacceptable benthic impacts. SNH have however identified impacts on burrowed mud habitat as being of regional significance.

Water Quality Impacts:

Enrichment of water by nutrients released from salmon farms can cause an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms and the quality of water. This is a particularly important consideration where development has potential to affect shellfish harvesting areas, which is relevant here given the presence of mussel farming elsewhere in the loch.

As a result of modelling, the Environmental Statement concludes that the development would not have unacceptable nutrient enrichment consequences either for the locality of the site, or in terms of the wider water body taking into account cumulative effects with existing fish farms. In accordance with industry good practice it is proposed to monitor feeding response closely in order to minimise unnecessary food waste at this site.

Neither Marine Scotland Science nor SEPA have raised objection to the proposal in respect of the predicted impact of the development upon water quality.

Interaction with Predators:

Salmon farm predators are generally piscivorous birds and seals with the latter tending to be the most frequently encountered predators on marine farms in Scotland. The presence of sea cages may attract higher concentrations of predators to the locality of the site, although good husbandry and hygiene procedures will help to reduce the attraction of predators. Tensioned netting on fish cages prevents and deters both seals and diving bird attacks, although regular maintenance of the nets is essential to maintain their integrity. Top nets are to be installed on the cages to avoid predation by birds from above the waterline. Bird nets require to be maintained to a high standard and properly tensioned eliminate the opportunity for birds to become entangled or to be able to enter the cage. The fish cages themselves are to be manufactured to current industry standards, with a net specification, tensioning arrangements, false bottoms and an installation, inspection and maintenance regime to meet the SSPO Code of Good Practice requirements. It is clearly in the operator's interest to ensure that equipment is specified and maintained in a manner to ensure containment of the farmed fish. Site specific equipment attestations have been supplied to confirm that, in the respective manufacturer's opinions, the equipment intended for use on this site is suitable and sufficiently durable to be deployed having regard to the characteristics of in the particular marine environment proposed.

The ES does not identify any major colonies of predators in the vicinity of the application site. Both common and grey seals frequent the area, but there are no haul outs within 4km (the nearest being Ardtun Skerries). The Environmental Statement concludes that proposed use of good husbandry (mortality and moribund fish removal) and hygiene practices based on experience at other sites, coupled with the

use of tensioned nets and top nets will be sufficient to deter predators at the proposed site. In the event of persistent predator activity, the applicants propose to deploy Acoustic Deterrent Devices (ADD's) to scare away seals, although their use can have the unintended consequences of also displacing cetaceans, particularly within narrow water bodies such as Loch Scridain. ADD technology has, however, improved in recent years with devices available which are more effective than previous systems and are more localised and targeted in their impact. Only in extreme circumstances would resort be made to the shooting of seals under government issued licence.

Scottish Natural Heritage has not raised objection to the proposal on the grounds of unacceptable consequences for marine mammals.

Interaction with Wild Salmonids:

Farming of salmon in the marine environment can give rise to well-known consequences for wild fish as a result of disease transmission, sea lice propagation and escapes which can lead to competition and inter-breeding, with consequences for the genetic dilution of native wild stocks. The potential for escapes (as with predator control) can be reduced by having an equipment specification determined by site specific wave and climate analysis so as to ensure that it is fit for purpose. An associated inspection and maintenance regime is then required to ensure on-going containment integrity. Predator control plans, and escapes contingency plans, as submitted by the applicant, are also important elements in risk management.

Although containment risks can be managed, they cannot however be eradicated and there remains a residual risk that an unforeseen event can propagate escaped farmed fish in large numbers into the uncontrolled marine environment. Escapes of farmed stock are generally low, but can occur through equipment failure, predation, operator error, severe weather or foul play. By adherence to the SSPO Code of Good Practice Guidelines the applicant seeks to minimise this residual risk as far as is practicable. Likewise, via good husbandry practices, regular inspection and the administration of medicines in accordance with veterinary health plans, outbreaks of disease which could have consequences for wild fish can be managed.

The most intractable issue influencing the interaction between farmed salmon and wild fish species is that of sea lice transmission. Farmed fish are routinely hosts to parasitic sea lice, the numbers of which require to be controlled in order to assure the health of farmed fish and to avoid lice propagation into surrounding waters. There are important but vulnerable salmonid watercourses in Loch Scridain, the most important of which is the Coladoir River some 6km away, although the Bunessen River is also of importance. Wild salmon can be exposed to sea lice from fish farms close to salmon rivers during their migration periods, whilst sea trout tend to remain in coastal waters throughout the year, so are potentially at greater risk.

The applicant proposes to control sea lice in accordance with current industry practice, via the use of in-feed treatments and well-boat administered bath treatments, whilst adopting good management practices such as single year stocking and synchronous stocking with other sites. The administration of sea lice treatments on board well-boats is an accepted method, in terms of control over exposure time and dosage to ensure the effectiveness of those treatments. The applicant's modelling shows a SEPA permissible total allowable treatment quantity of 2.25 times available biomass, which is less than the company's standard sea lice strategy of 5 times biomass, but still deemed to be adequate by the applicants.

However effective the control measures are in practice, it is an inevitable consequence of holding fish in such quantities that significant numbers of sea lice will be propagated from the site. How these are dispersed will depend on local factors such as wind direction and residual current. The distribution of farm derived lice in the marine environment is not well understood although it is known that in favourable conditions they can travel considerable distances from source.

The conclusion of the applicant's Environmental Statement is that residual current flows will be out of the loch into open water where they will distribute sea lice away from the rivers of salmonid importance which discharge into the loch. The views of the Argyll Fisheries Trust and third party river interests are to the contrary, that westerly winds will propagate sea lice towards the head of the loch where they will present an enhanced and unacceptable risk to wild fish interests. The Argyll Fisheries Trust has formally objected to the application.

In view of the operator's intention to strictly adhere to the SSPO Code of Good Practice which includes fish health, sea lice management and containment standards, neither Marine Scotland Science nor SNH have objected to the conclusions of the applicant's Environmental Statement in respect of the potential risk to wild salmonids. Marine Scotland Science has commented that the proposal will result in elevated sea lice numbers in an area currently devoid of salmon farming which will increase risk to wild fish. However, given the insufficient availability of scientific data and the number of unknown elements which influence the dispersal of sea lice, it is difficult to arrive at a reliable informed assessment of the extent of the likely impact of the proposed farm upon wild fish, so the only position which could be adopted in response would be one based upon a precautionary stance. Marine Scotland Science points out that it is for the Planning Authority to decide the importance the Council accords to wild fish interests and the level of precaution attached to populations has to be balanced against other material considerations.

In the absence of any firm evidence which would indicate that the development at this location would be highly likely to have a significant adverse impact upon wild fish interests, it would be inappropriate to refuse permission based solely on a precautionary principle. Whilst a reduction in the scale of development could reduce tonnage and in turn lice numbers, reducing the scale of the development would not, however, reduce the risk proportionately in terms of the possibility of an event related to accidental escapes or disease transmission. An alternative approach could be to allow consent for an initial period on a time-limited basis to allow some assessment of effects during that time, although the prospect of a temporary consent for a development of this type has recently been rejected on appeal elsewhere in Scotland, on the basis that the uncertainty associated with a temporary consent would be such as to make investment on the scale proposed too much of a risky proposition, and would jeopardise the implementation of any consent which was subject to onerous conditions or longer-term uncertainties. Equally, in practice, at the time of any application to renew a time-limited consent it would be difficult to ascribe any decline in wild fish stocks which might prove evident to the presence of farmed fish, in the absence of any scientifically reliable causal link between the two.

The position of the Argyll Fisheries Trust is understood, in that it would indeed be preferable to maintain the loch entirely free of farmed salmon in order to remove the prospect of additional lice numbers and the enhanced risk to wild fish from parasite transfer. However, having regard to the applicant's intentions for the construction and management of the site and the views expressed by consultees it is not considered that there are defensible reasons for resisting the proposal in order to safeguard wild salmonids, given the mitigation available to protect their interests, which reduces risk

to a point at which it must be accepted as a necessary consequence of the farming of salmon in marine waters.

Impact upon Species and Habitats of Nature Conservation Importance:

Loch Scridain is used by a number of European protected marine mammals from large cetaceans to smaller species including porpoise, dolphin, and seals. Acoustic Deterrent Devices (ADDs) used by fish farms to deter fish eating predators can elicit aversion responses in marine cetaceans up to several kilometres from the source. Habitat exclusion, particularly in fragmented coastal areas with sounds, channels and islands is of particular concern.

The proposal as submitted sets out a position where the operator seeks to ensure predator prevention primarily by way of tensioned nets and seal blinds. However the use of ADD's should it prove necessary is not ruled out, nor indeed the licenced shooting of seals as a last resort. SNH have not raised objection to the deployment of ADD's at this site.

The site lies close to the Mull Coast & Hill Special Protection Area for Birds, a European designation to breeding populations of golden eagle. As smolts are to be delivered to the site by well-boat rather than by helicopter, the site should not have consequences of significance for qualifying interests. The Ardmeanach SSSI is designated for the geological and botanical interests of the peninsula but the development proposed will not affect those interests.

Scottish Natural Heritage has not objected to the proposal on nature conservation grounds.

Conclusion

The proposal is considered consistent with Local Plan Policy LP AQUA 1 (5 and 12) and other relevant development plan policies insofar as it would not significantly prejudice water quality and associated biodiversity interests.

C. Landscape/Seascape Character

The application site lies inshore along the north-west coast of Loch Scridain where it is most readily appreciated in the context of the role the Ardmeanach peninsula performs as a backdrop to the loch, in those sequential views which are available to persons travelling the coast road along the Ross of Mull. It can also be experienced at much closer quarters and warrants enhanced sensitivity in its appreciation from the coastal footpath which runs from Tioran via Burg to the 'Fossil Tree', which is a proposed core path. This part of the peninsula can only be accessed on foot and is important for its remote qualities, its historical features and for its dramatic coastal scenery. Accordingly, whilst greater numbers of receptors (residents and travellers) would potentially be aware of the presence of the site from the Ross of Mull, the extent of its impact would be ameliorated by the scale of the view, the distance to the development, the presence of a wooded shoreline and an elevated backdrop. Lesser numbers on foot would experience the site at closer quarters from Ardmeanach, but these would be particularly sensitive receptors to the presence of modern development in coastal waters given the elevation of the route, the availability of successive views of the site, the remoteness of the peninsula and its associations with historic development, including ruins associated with the clearances, the Dun

(scheduled monument) at Burg and the route to the McCulloch 'Fossil Tree' with its prehistoric associations.

The site lies off land designated as 'sensitive countryside' in the adopted local plan although there are areas of higher ground lying within 'very sensitive countryside' which overlook the site. The northern side of the Ardmeanach peninsula lies within the Loch na Keal National Scenic Area but this excludes the land above the application site. Loch Scridain falls within a local plan designated 'Area of Panoramic Quality' which accords it regional status founded upon the scenic qualities of the coastal landscape and the associated views toward off shore islands. The provisions of Policies STRAT DC 8 and LP ENV 10 seek to resist development which is considered to have a significant adverse impact upon the key landscape characteristics of these designations.

The landscape of Ardmeanach is one dominated by basalt terraces and cliffs with an imposing backdrop of rocky moorland. The coastline itself is rocky and contains some areas of steep wooded backdrop, including the immediate vicinity of the site. It constitutes an important tourism and recreation related scenic resource, and it underpins the local tourism value of the area by virtue of the views it affords, the terrestrial and marine wildlife it supports and the experience of wildness and isolation it can provide. It is largely undeveloped with only occasional buildings and the remnants of past occupation.

The site would be visible in longer distance (approx. 3km) intermittent views from the A849 tourist route to Iona. Although it would benefit from being sited inshore where it can benefit from shadow effects and the presence of a dark backdrop, it will be visible across open water and in some cases from points where the mussel farm at Aird Fada would appear in the foreground of views. Although the applicant's Environmental Statement has dismissed cumulative impacts being of any consequence, the addition of large scale fish farm to the three shellfish farms already present in the loch would contribute to the impression of the loch being characterised by aquaculture development.

From the Ardmeanach side of the loch the site being close inshore would not be visible from the summits of Bearraich and Creach Beinn within the NSA, but it would be visible from the climb to those summits and from other elevated vantage points, albeit that these are not regularly frequented by walkers. The route to the 'Fossil Tree' is however a different proposition. This is a five mile coastal path widely used by islanders and visitors alike and actively promoted as a destination by the National Trust. This takes visitors to the elevated coastal vantage point of the Dun Bhuirg (1km and inter-visible with the site), which is a scheduled monument with panoramic views, and then on to the prehistoric tree fossilised within the basalt, (beyond and out of sight of the application site) at the head of the peninsula. The walk affords spectacular views and the absence of buildings, traffic and population and the abundance of bird life and other wildlife is such that the route has very special qualities for those wishing to experience first-hand the isolation and drama of the west Mull coastline.

The applicants have undertaken a Landscape and Visual Assessment in order to consider the implications of their development for the receiving landscape. This considers sensitivity to change, evaluates magnitude of change, and goes on to assess the significance of that change. The sensitivity of the landscape accorded by the Environmental Statement is 'high' due to the national/regional importance of the peninsula and its scenic qualities and landscape designations.

The development lies off land within the 'High Stepped Basalt' Landscape Character Type as defined in the Council's 'Mull Landscape Capacity' Study 2009 within which it indicates that there are *'few opportunities or precedent for built development'*. The applicant's Environmental Statement concludes that there is *'some sensitivity'* of this LCT to fish farm development due to the lack of development and the prevailing sense of remoteness. It goes on to assess visual impact from the Dun Burg SAM (according *'moderate impact'*) the summit of Bearrach (*'slight impact'*) from two locations on the 'Fossil Tree' walk (*'moderate impact'*) and from two locations on the road to Iona (*'slight impact'*)

The Environmental Statement concludes that the consequences of the development for the following will be:

- Setting of the loch – some sensitivity but with some existing shellfish farming. Loch will retain openness and development will not dominate the landscape producing a *'Moderate impact'*;
- Landscape character of Ardmenanch coast – high sensitivity of high basalt cliffs LCT with a low to medium effect of development producing a *'Moderate impact'*;
- Character of hinterland – some sensitivity, occasional buildings, coastal footpath and scheduled monument. Minor change producing a *'Slight impact'*;
- Wildness qualities – high sensitivity due to remoteness and little development. Minor change to sense of remoteness and isolation producing a *'Slight impact'*.

It goes on to suggest that mitigation for presence in this landscape can be achieved by way of siting parallel to the coast relative to a backdrop with shadow effects, careful selection of equipment and colours assembled in an unfragmented form and by minimising lighting.

Neither Scottish Natural Heritage in its consultation advice, nor officers assessing the landscape merits of the development, agree with the conclusions of the Environmental Statement. It is also evident that many of the third parties objecting to the proposal accord a higher sensitivity to the receiving environment and a greater magnitude of change as a result of the development.

In summary the reasons for this are as follows:

- The importance of the Tioran - Fossil Tree walk have been underestimated by the applicants. This is a promoted opportunity to access and experience the remote and wild coastal qualities of west Mull, where receptors will be particularly sensitive to large scale and visually intrusive forms of development which will impinge on the sense of isolation and the very qualities which define this walk. The Environmental Statement identifies that the fish farm would have intermittent visibility over 4¹/₂km of the route. The presence of the fish farm from sequential points along the walk, at close quarters from elevated points above the site, and from panoramic vantage points such as the Dun Bhuirg SAM, would undermine the special qualities of that route and devalue it as an opportunity to experience a relatively pristine and scenic coastal landscape. These adverse impacts would be of

regional importance given the development plan designation of the locality as Area of Panoramic Quality.

- The Ardmeanach peninsula is important in the appreciation of the setting of Loch Scridain from the important tourist route down the Ross of Mull to Iona. This is already influenced by the presence of three mussel farms in the loch plus a shore base and the addition of a further aquaculture site, despite the distance involved, would have cumulative implications for the character of this loch. Consequences would arise for both of users of the water as well as in more distant views from the coast road and elevated vantage points on the Ross of Mull. The Environmental Statement identifies that there would be intermittent views of the site over 9km of the road to Iona. Whilst cumulative impacts are dismissed by the applicant's Environmental Statement, views of the site either sequentially or in combination with existing sites, will increase the perception that the loch is one which is given over to aquaculture development. This would be harmful to the appreciation of the loch and to the remoteness of the Ardmeanach peninsula and would challenge the carrying capacity of this largely undeveloped area.

Whilst fish farms are not precluded from being located within landscape designations and areas of scenic sensitivity (other fish farms around Mull are established within the Loch na Keal National Scenic Area), it is necessary in the circumstances of each case to consider carefully the site specific consequences which development might have upon the appreciation of landscape character and any tourism value that the landscape may hold. In this case, Loch Scridain is devoid of fin fish aquaculture or marine based equipment on the scale proposed. The area is one widely frequented by visitors who come to appreciate the remoteness of the area, its wildlife, its dramatic coastal scenery and its historical associations, all of which conspire to produce a unique experience and a particular sense of place. These characteristics would be compromised by the presence of a large finfish farm by virtue of its physical presence, its scale and the activity associated with its operation. This would detract from the landscape/seascape character of the locality and would impinge upon its qualities to such a degree as to warrant refusal of the application on grounds of unacceptable landscape and visual impact, in a location which the Environmental Statement accepts has '*high sensitivity*' status in circumstances where the development would result in '*moderate impact*' producing '*noticeable deterioration*' in the quality of the landscape.

Conclusion

The proposal conflicts with Local Plan Policy LP AQUA 1 (1, 2, 4, 8 and 9) and other relevant development plan policies insofar as it would significantly prejudice landscape character, visual amenity, and the landscape setting of built development, including historic environment and recreational and tourism related assets.

D. Navigation and Other Marine Users

Marine fish farms may present an obstacle to commercial or recreational boat traffic and conflict with fishing. This may be through disruption of navigation routes, by depriving access to the area for recreational or commercial purposes or by increasing traffic at sea and in the vicinity of the farm.

There are no recognised anchorages at or close to the site. Some recreational use of the loch takes place, although the siting of the proposal close inshore ought not to

impede the ability navigate around the site. The Northern Lighthouse Board have not raised any objection to the proposal and have provided advice to the applicant on the specification for navigational markings which should be employed at this location.

The coastal shelf above deep water is routinely fished for prawns and the loch is traditionally fished seasonally for sprats. It is understood that four boats operate in the locality and it is claimed that these work across the site in question. The operators assert that traditional fishing ground in the loch has already been lost to the three shellfish farms and that the former finfish site of Pennyghael still remains unproductive.

A number of fishing organisations and individual fishermen have objected to the application. Some of these appear founded around general opposition in principle to marine fish farms, and it is difficult to ascribe them weight as a consequence. However, the local Aquaculture & Fisheries Association has lodged a more considered response, which indicates that it did not prove possible at pre-application stage to identify a mutually acceptable location. This quantifies the number of vessels and creel lifts affected and which attempts to put a value on the fishing ground which would be lost to development. This position has been reiterated by individual boat owners. Whilst it is not possible to determine whether the loss of such fishing ground would prejudice any livelihoods with the adverse consequences for employment which have been suggested by fishing interests (the applicant's consider this unlikely), it would appear that this is an area which is actively worked by inshore fishermen and therefore credence should be given to their concerns.

In this case, the representation lodged by the local Aquaculture & Fisheries Association has sought to quantify the impact on local fishing ground and the views expressed have been endorsed by local boat operators, and therefore the stance being taken is more robust than one of being simply opposed to fish farming per se, which in the past has often been the fishing industry's response to this type of application.

It is necessary that the aquaculture industry should have regard to existing use of the marine environment, and it is incumbent on them to seek to avoid conflict with inshore fishermen, whose livelihood depends upon being able to access sufficient fishing ground within the reasonable transit distance for a small boat in order to be able to sustain a living. With that in mind, it is considered that the location is inappropriate for the development of a fish farm which would exclude commercial fishing within a currently worked area of the loch which is already restricted by the presence of existing aquaculture sites.

Conclusion

The proposal conflicts with Local Plan Policy LP AQUA 1 (6 and 11) and other relevant development plan policies insofar as it would significantly prejudice navigation and the continued exploitation of traditional fishing ground,

E. Conclusion

The proposal has given rise to considerable public objection with regard to the potential introduction of fish farm development to a loch currently devoid of fin fish aquaculture and the impact that this will have visually and in terms of landscape character and associated tourism potential on what is regarded as a largely unspoiled coastscape. Concerns have also been expressed by 3rd parties in terms of pollution

of the water environment, impact upon protected wild fish and other species and in view of the loss of traditional fishing ground.

Of these matters it has been concluded that the location and scale of the development would impinge its sensitive receiving environment so as to compromise landscape character and the experience of what is a unique area, and this is therefore a specific reason for refusal. Additionally, the development would conflict with fishing interests insofar as it would in association with other aquaculture development reduce available fishing ground to the disadvantage of local commercial fishing interests. This also constitutes a separate reason for refusal.

The matter of sea lice propagation contrary to the interests of wild salmonids is clearly a legitimate concern, although not readily quantified and lacking in scientific analysis. The prospective operator's contention that they will be using equipment fit for purpose, which will be subject to operational procedures which accord with best industry practice, which meets quality assurance standards, and with monitoring and review of the site being undertaken by the operator and Marine Scotland must be accepted. However, as the Argyll Fisheries Trust and objectors have pointed out, regardless of how well the site is operated, there will remain a residual risk to what would appear to be a relatively vulnerable and declining population of wild salmon and sea trout. As Marine Scotland has indicated, it is for the Council as decision-maker to balance wild fish interests against other material considerations. In the absence of any persuasive to indicate that the development at this location would be likely to have a significant adverse impact upon wild fish interests, it would be inappropriate to cite wild fish interests as a reason for refusal based solely on a precautionary principle, and therefore this is not included within the recommended grounds of refusal, despite its status as a legitimate concern.