

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the DERVAIG HALL, DERVAIG, ISLE OF MULL**  
**on MONDAY, 5 NOVEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Robin Currie	Councillor Alistair MacDougall
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor Richard Trail
Councillor Fred Hall	

**Attending:** Iain Jackson, Governance Officer  
Richard Kerr, Principal Planning Officer  
Alicia Edington, Technical Officer  
Mark Steward, Marine and Coastal Development Manager  
Penny Hawdon, The Scottish Salmon Company  
Stuart McLelland, The Scottish Salmon Company  
Rebecca Dean, The Scottish Salmon Company  
Iain MacIntyre, The Scottish Salmon Company  
Michael Schilston, Mull Community Council  
Douglas Wilson, Mull Aquaculture and Fishermans Association  
Rebecca Munro, Supporter  
John MacDonald, Supporter  
Rodger Dehany, Supporter  
Nick Mawhinney, Supporter  
Lucy MacKenzie, Supporter  
Iain Morrison, Supporter  
Helen Wilson, Supporter  
Roc Sandford, Objector  
Mark Carter, Objector  
Don Staniford, Objector  
Greg Marsh, Objector  
David Woodhouse, Objector  
Polly Huggett, Objector  
Sophie Baker, Objector  
Rhoda Munro, Objector  
Liam Ryan, Objector  
Guy Bolton, Objector  
Iain Munro, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rory Colville, Robert G MacIntyre, Donnie MacMillan and James McQueen.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. THE SCOTTISH SALMON COMPANY: FORMATION OF 16 CAGE FISH FARM AND INSTALLATION OF FEED BARGE: NORTH GOMETRA, LOCH TUATH, ISLE OF MULL (REF: 12/01176/MFF)**

The Chair welcomed everyone to the meeting and introductions were made. The Chair advised that the Committee had undertaken a site visit that morning and had looked at the site from many different aspects.

Iain Jackson, Governance Officer, outlined the procedure that would be followed at the meeting. He advised that only those who identified themselves at the start of the meeting would be entitled to state their case and invited those who wished to speak to come forward and he took a note of their names.

**Planning**

**Richard Kerr – Principal Planning Officer**

Mr Kerr advised that the application was for a marine salmon farm on the south coast of Loch Tuath and off the north coast of the isle of Gometra. He advised that Gometra was a private island which had no road access and could only be accessed by foot or by boat from Ulva ferry. Mr Kerr showed a slide which demonstrated the location of the site. He advised that this was one of two applications by the Scottish Salmon Company, the other at Loch Scridain having been considered by the Committee in September and subsequently refused. Mr Kerr advised that the Scottish Salmon Company was a well established company with sites throughout Argyll. He advised that the application site was one of a number of sites that had been evaluated and discussed with consultees as possibilities but only those with the best prospects for success had resulted in applications. Mr Kerr advised that the aqua culture was not subject to any special zoning like the land and advised that aqua culture applications were considered under Policy AQUA 1. He showed a number of slides showing the zoning and policies which applied to the land surrounding the application site explaining what these policies were. Mr Kerr showed the Committee a number of slides which demonstrated the layout of the fish farm, describing the construction in detail including the sizes of the cages and the materials used. He advised of the stocking density and that there would be a 22 month production period with a 2 month maintenance and fallow period and that the site would be served by the Ulva Ferry shore base. Mr Kerr advised that the cages would be served by underwater lighting in the second year of production which would point downwards and which would produce a surface glow when viewed from different aspects. Mr Kerr provided the Committee with details of the feed barge which would be deployed at the site.

Mr Kerr advised that fish farm applications were the subject of a multi consent regime whereby planning was only one of 4 consents to be obtained. He advised that consents must also be obtained from the Crown Estate for a sea bed lease; from SEPA for a license for the tonnage of fish to be held at the site with a view to controlling pollution and water quality; and from Marine Scotland to address issues with navigation, fish welfare and health. He advised that there was an Environmental Statement accompanying this application and this was detailed at appendix A to the report of handling and he highlighted the key issues covered in this statement. Mr Kerr told the Committee that the application had been the subject of a number of consultations, and that these were detailed on pages 1 – 4 of the report. He highlighted that there had been no objections to

the application by SEPA or Marine Scotland and that SNH had not formally objected but had raised concerns regarding landscape impact. Mr Kerr gave a summary of the responses received by consultees. He advised that there had been 26 representations of objection and 44 of support received with a further 2 letters being received 1 of support and another raising concerns. Mr Kerr added that on Friday 2 November, he had received a letter from a firm of environmental lawyers on behalf of the owner of Gometra which raised the issue of a legal challenge should permission be granted by the Committee. He suggested that this was a tactical ploy to inhibit due process and advised that he would cover his response to this at the end of his presentation.

Mr Kerr highlighted that the applicants had provided a response to the issues raised in objection to the application in their environmental statement, which raised no concerns; and reminded Members that consideration must only be given to matters which are material planning considerations. He advised that consultees had raised no significant concerns other than SNH who had raised concerns over visual impact in the National Scenic Area, but who had not raised a formal objection.

Mr Kerr showed Members a number of photographs with a super imposed fish farm on the site and also some views of the site from a boat and vantage points at a range of distances. He showed slides showing zones of theoretical visibility which highlighted the influence of the fish farm on the National Scenic Area; and which showed the roads and access tracks highlighting the absence of any formal access route on the coast of Gometra above the site.

Mr Kerr advised that the Planning Section were recommending approval of the application and summarised the reasons for the recommendation which were also detailed on page 32 of the agenda pack.

Mr Kerr referred to the letter received on Friday 2 November from Environmental Law Chambers Ltd and advised that he would comment briefly on each of the 7 matters raised in the letter.

In response to point 1 which claimed that it breaches EU law to allow SEPA to process the application outwith the EIA process given that the environmental statement accompanied the planning application and not the SEPA application he advised that both approvals were required separately and that there was no prescribed order in which to apply. He advised that in this case SEPA went through the process in parallel with the planning application as part of the multi regulatory process applicable to fish farm applications. Mr Kerr advised the Committee that the Government advises Planning Authorities against duplication of other regulatory regimes. He advised that a review of the SEPA process would be undertaken by the Scottish Government. He advised that the two processes must remain separate considerations but that the only requirement being that the first application must prompt the environmental assessment. Mark Steward added that the Environmental Statement did consider impacts on the water environment and that SEPA as a statutory consultee on the planning application had access to the Environmental Statement in terms of determining the CAR licence.

In response to ground 2 which claimed that approval of the application would fly in the face of the obligation to give special attention to National Scenic Areas he

advised that the requirement would be to have regard to the localised impact upon the National Scenic Area, cumulative impact with other development and additionally whether the purposes of designation and the integrity of the National Scenic Area are undermined. He advised that SNH has the opportunity to object to a development if it considers it inappropriate within a National Scenic Area but had not exercised this right in this case. He advised that having regard to SNH's advice, and the matters described in his presentation, the impact within the National Scenic Area was considered acceptable and he invited Members to draw their own conclusions.

In response to ground 3 claiming that the Council had not fulfilled its biodiversity duty in the absence of comments from the Biodiversity Officer he confirmed that the Biodiversity Officer had been consulted and following discussion, her comments had been incorporated into the comments by the Marine and Coastal Officer.

In response to ground 4 claiming that the cumulative impacts of the development could not be properly assessed in the absence of a Landscape Capacity Study for the National Scenic Area as recommended by SNH he advised that SNH had not objected to the proposal on cumulative landscape impact but had advised that a Landscape Capacity Study be prepared to guide future decisions subsequent to the current application. He advised that it was also suggested that the cumulative effects of sea lice on wild fish are not well understood and therefore the precautionary principle should be adopted. He advised that the proposal would increase the number of sites in Loch Na Keal from 3 to 4 and that they all lie in one farm management area, operated by the same company which is in accordance with industry best practice. He advised that the Argyll Fisheries Trust had not objected to the additional site and that a precautionary stance was not warranted. Mark Steward added that cumulative impacts were also addressed through consideration of the impact of the development on the Scottish Government Locational Guidelines for Fish Farm which identifies sea lochs in terms of their environmental sensitivity to fish farming development in terms of nutrient enhancement and benthic impact. Loch Tuath is currently a Category 3 area, which is the least sensitive category and this rating does not change to a higher more sensitive category when the additional biomass of this proposed development is considered.

In response to ground 5 claiming that the alternative sites and layouts were not assessed in conflict with European EIA requirements he advised that although these matters were not addressed in detail in the Environmental Statement there is reference to sites discounted off Kintyre, Islay, Jura and elsewhere in Mull. These sites had been subject to discussion with the Council, Consultees and with Local Communities, with some of them being the subject of EIA scoping opinions. He advised that although not well documented, there was a record that there was a process followed in identifying the sites that became the subjects of applications. He added that the site layout was in accordance with SNH good practice guidelines, that the equipment was located close inshore and parallel with the coast with the feed barge behind the cages with the most likely views from the sea and the coast road opposite. He advised that the layout described was the most optimal layout as far as the Council was concerned and that there would be no added value in requiring other possible layouts to be shown, only to be discounted and therefore the applicant had not been asked to supply these.

In response to ground 6 claiming that an approval would breach the habitats directive as the proposal failed to demonstrate beyond reasonable scientific doubt that seal and pearl mussel SAC's would not be harmed to a point beyond which their integrity would be undermined; he advised that in assessing SAC impacts there were two stages. The first stage being to determine whether likely significant effects would arise. If it was likely that effects would arise, then the second stage would be to carry out an appropriate assessment. He explained that if during the second stage if it was not possible to demonstrate beyond reasonable scientific doubt that no harm would arise, sufficient to assure integrity, then permission should be refused. He advised that in the case of the application neither SNH nor SEPA had identified any significant effects on SAC qualifying interests and accordingly no appropriate assessment was required.

In response to ground 7 which claimed the proposal was contrary to the development plan Mr Kerr advised that Policy LP AQUA 1 sets out the criteria that should be considered and only in the event of a significant adverse effect on the interests listed against a proposal would it be refused. He advised that consideration of these issues had not identified any significant impacts to warrant a refusal of the application but it would be for Members to arrive at their own conclusions as to whether, in their opinion, there were any significant impacts in the light of the application detail, consultation responses, conclusions in the report and matters raised by third parties including those in Mr Sandford's lawyer's representation.

## **Applicant**

### **Penny Hawdon – The Scottish Salmon Company**

Penny Hawdon of the Scottish Salmon Company introduced herself to the Committee. She advised that the company had carried out various scoping exercises with regard to choosing a site for the fish farm application and that there had been ongoing dialogue with a number of organisations such as SNH and Marine Scotland. She advised that an environmental impact assessment had been carried out and that no significant issues had arisen from this. This assessment had been scrutinised by various consultees who had not raised any issues. She highlighted that the application had received support from the local community, local businesses, shellfish businesses as well as businesses off the Isle of Mull. She told the Committee that the Scottish Salmon Company supported local enterprises who in turn had expressed their support for the application. Ms Hawdon told the Committee that the Scottish Salmon Company had an excellent record as a responsible operator. She advised that from the environmental impact assessment undertaken there had been 3 main outcomes; the company's achievements on the existing sites on Mull covering sea bed performance, predator control measures and interaction with wild salmonids; the company's economic activity which would benefit Mull including the number of jobs on existing sites, annual salary and the spend with local businesses on Mull in 2011; and how the site was part of a national strategy to expand production areas adding that the company currently had exclusive control over all existing fish farm sites on Mull. Ms Hawdon covered the socio-economic reasons for the application on Mull advising that there would be an opportunity for 4 full time jobs on the fish farm and that there were a number of suitable applicants already on the island which would remove the requirement for looking outwith the island for

suitable candidates. She added that these isolated production areas actually increased costs for the company, which the company were happy to meet, which proved their commitment to the island. Ms Hawdon gave an overview of the Scottish Salmon Company's existing presence in Argyll advising that there were 19 sites, 2 offices, a harvesting station and processing plant. She advised of the number of staff currently employed by the company and their annual salary. In 2011 the company had invested almost £3m of capital at sites across Argyll and the company had spent £6.25 with suppliers based locally in Argyll. She concluded by asking the Committee to bear in mind the economic impact to Mull and to Argyll as a whole when considering the application and asked that they approve the application.

### **Consultees**

#### **Michael Schilston - Mull Community Council**

Mr Schilston began by emphasising that Mull Community Council were now in support of the application and no longer opposed to it. Mr Schilston advised that 200 – 300 years ago there had been a kelp industry on the island supported by a population of 800, there was now no evidence of this industry having existed. He highlighted the importance of maintaining rural communities and made reference to a university report containing 5 aspects which he felt were important to the island of Mull and Gometra. Mr Schilston quoted statistical information taken from the 2011 census and the 2001 census. He advised that the population in Ulva was 16 compared to 30, ten years previous and that the population on Gometra had fallen from 6 to 2 in ten years. He advised there had been a dramatic decline in jobs since 1970 and highlighted that currently there were limited employment opportunities on the island. He advised there was a need for employment opportunity to encourage people to come into the community and support the local businesses and the local school. Mr Schilston advised that the main employment on the island was based around the tourist industry which was seasonal and vulnerable, he highlighted that the island needed all year round jobs. He highlighted that the cost of living was higher on Mull than on the mainland and that the Community Council was committed to supporting enterprise and local projects on Mull. He added that the island needed the infrastructure such as jobs, schools, businesses to attract people to live on Mull. Mr Schilston quoted part of EU Regulations which advise that the EU have an obligation to support islands to be sustainable; he asked that the Committee support the commitment by the community to remain sustainable by approving the application.

#### **Douglas Wilson – Mull Aquaculture and Fishermans Association (MAFA)**

Mr Wilson began by telling the Committee that MAFA had been consulted by The Scottish Salmon Company from the beginning; from when they were choosing suitable sites. He advised that The Scottish Salmon Company had already moved from their preferred site to the current application site due to this consultation process. Mr Wilson advised that the local fishermen on Mull were those who were potentially the most affected by the fish farm but had come to a compromise to keep the islands economy going. He highlighted that there were no issues from MAFA and that they did not object to the application. Regarding access around the site, Mr Wilson advised that there would be no issue and that creel fisherman could work comfortably alongside the site. He added that there were other farms around Mull that had posed no issues to local fisherman

working alongside them. Mr Wilson referred to the oyster farms on Gometra, which had been raised as part of an objection, advising that these sites were not in production, nor were they registered. Mr Wilson concluded by saying that he supported the application and that he welcomed new jobs to the island. He advised the Committee that the objection was a hijack by a self interest group and asked that they disregarded it.

## **Supporters**

### **Rebecca Munro**

Mrs Munro introduced herself as a business owner and resident on Ulva advising that her husband was native to the island. She advised that she was one of 4 folk in their 20s on the island and that she wasn't going to complain about the lack of services on the island such as doctors, schools and shops because this was a lifestyle choice made by her. She highlighted that in the past if there ever was a need for emergency services then they had arrived quickly. Mrs Munro advised that the current fish farms had brought benefits to the island. She advised that her husband had worked on one of the farms and he had been trained at college, which had allowed him to gain skills and move on to better employment. She advised that the company provided housing, brought new folk to the island and put investment into the local economy. She added that the introduction of the fish farm would not only provide the jobs on the farm but also other jobs associated with the farm such as divers and haulage. Mrs Munro advised that a lot of the businesses on the island rely on tourism which can be unpredictable and that the island required new year round jobs like fish farms. She advised that support should be given to the application due to the economic benefits, that 3 or 4 new jobs to the island was a huge difference to the community, it could mean 4 new families to the island. She advised that the community spirit on the island was growing, that people were afraid of change and afraid to speak out but that was changing. She told the Committee that misleading information had been given by objectors regarding the access to Gometra by boat, that only folk that live on the island would know the truth. She added that objectors were providing a division in the community but the majority were in support of the fish farm. She asked the Committee to listen to the permanent residents of the island and not be bullied or threatened. She asked them to take a stand and approve the application.

### **John MacDonald**

Mr MacDonald told the Committee that he had been born in Tobermory and lived and worked on Mull all of his life. He gave a summary of his employment history advising that he had been an employee of The Scottish Salmon Company. He gave a summary of the range of employment on the island such as fishing, farming, forestry, fish farming and the tourist industry and advised that it was vulnerable and changed all the time. He highlighted that folk outwith the island do not tolerate the way of life of the residents and should realise that residents must make the most of fish farming while it still existed. Mr MacDonald quoted psalm 23, verse 5 and added that there were few folk on the island who's cup did not overflow. He recommended the Committee support the application.

### **Rodger Dehany**

Mr Dehany advised that he had lived on Mull for 30 years and had worked in fish farming for 5 years. He advised that the current fish farms had worked well with

other industries and with the wildlife habitant on the island. He advised that he had a business in North Ayrshire which relied heavily on fish farming. Mr Dehany advised that he had two grandchildren due to leave school who would like to work in the fish farming industry due to the decline in other industries such as forestry and fishing. He added that it was good to see young people wishing to remain on the island and asked that the Committee support the application.

#### Nick Mawhinney

Mr Mawhinney advised that he had been a resident on Mull for 40 years and had owned an oyster farm for 20 years. He advised that fish farming would provide year round employment to the island as forestry had, but which was declining. He advised that fish farming was the way forward for the island. He advised that he had owned a registered oyster farm since 1992 which had worked well alongside other fish farms which had provided good conditions for the oysters; there had never been a problem. He highlighted that the concerns by objectors over shellfish farms were false and advised that he supported the application.

#### Lucy MacKenzie

Ms MacKenzie advised that she worked in the tourist industry, that she owned a garden straight across from an existing fish farm site and had not received any reaction over the fish farm from tourists visiting the garden.

#### Iain Morrison

Mr Morrison advised that he had been operational in the tourist industry for 40 years and advised that his business had not suffered any detrimental effects from the cages. He added that tourists had shown an interest in the farms. Mr Morrison advised that in respect of access for boats, the cages would actually protect them from high waves. Mr Morrison advised that he had done some research into predatory control used by fish farms, he advised that it activated automatically when the cages were approached by a predator and was not therefore switched on all the time; it would not affect other wildlife. He made reference to the archipelago and added that this would not be affected by the site.

#### Helen Wilson

Mrs Wilson told the Committee that she had lived on Mull all of her life, that she had a family of 4 and ran a business. She advised that she had hopes for her grandchildren remaining on the island. Mrs Wilson advised that she had owned a mussel farm for 20 years with no detrimental effects from fish farms, adding that she would have complained if there had been and that the mussel farm worked well with the fish farms. She advised that the fish farms provided year round work, currently employed 13 islanders and had recently taken on 3 school leavers which would encourage people to stay on the island. Mrs Wilson said that as many objectors did not live on the island all year round they had no interest in jobs on the island. She concluded by saying that if there were no jobs on the island, there would be no young people and therefore no island. She advised that she supported the application.

The Chair ruled, and the Committee agreed, to adjourn for lunch at 12.30pm and reconvene at 1.10pm.

#### Objectors

### Roc Sandford

Mr Sandford advised that he would be assisted in his presentation by Mark Carter, Don Staniford and Greg Marsh. He advised that the best thing about the salmon industry is the people who work in it that they were doing an impossible job in difficult conditions and he had no argument with them. Mr Sandford advised that the supporters of the farm had said that the environmental costs are exaggerated and that four new families will come to Ulva Ferry. He referred to Scottish Government figures which had suggested that a job had not been created in Salmon Farming since 1986, that a fifth of jobs had been replaced by machines. He advised that it was often disclosed in the press that salmon companies were continuously making losses. He advised that the jobs created by fish farms were not sustainable and made reference to the decline in the kelp and forest industries. Mr Sandford advised that the proposal would have an effect on Mulls jobs in wild fisheries and eco tourism and that the use of acoustic deterrent devices to deter seals would disturb existing wildlife. Mr Sandford made reference to the landscapes, skies and lochs of Mull and advised that approving the application would have an adverse effect on this. He advised that SNH's non objection was misinformed, SEPA's methodology for predict pollution had failed and Marine Scotland Science's claim that fish farms have no effect on wild salmon was false. Mr Sandford referred to a moratorium in Norway and the closing of farms in British Columbia that were in wild salmon migratory routes and advised that the site sat in a wild salmon migratory route. He advised that the damage done by salmon farms was getting worse, not better. Mr Sandford advised that the residents of Gometra and anyone who had association with the island were 100% against the proposal. He advised that people that did not live on the island did not appreciate why they did not want the salmon farm and if the farm was forced upon them they would fight it. Mr Sandford made reference to access to Gometra, that the quickest way to get on and off Gometra was by boat. He advised that should the application be approved boats would be forced to travel further out onto Loch Tuath into tides, winds and waves. He added that there was not sufficient room to pass on the inside of the cages, that it was impossible to determine what weather conditions would be, ropes could be left hanging from the site and the lights from the site would compromise their night vision. He concluded by saying that the community could not carry the burden of the salmon farm, it would endanger the lives of the islanders, he urged the Committee to turn down the proposal and thanked them for the hearing.

### Mark Carter – Marine Concern

Mr Carter advised that sustainable aquaculture was the way forward but salmon farming did not have a good reputation and provided some information regarding this. He said that seal management normally meant shooting seals and advised that common grey seal numbers were in decline. He presented some graphs and figures showing this decline. Mr Carter advised on conservation areas were in place and seal shooting licenses were a necessity but that these were not independently checked. He added that these licences stated that shooting seals should be a last resort where in reality it was a first resort. Mr Carter stated that shooting seals during the breeding season does not just kill one seal. He informed the Committee of acoustic deterrents and the effect they have on cetaceans and added that they have little effect on seals if they have their heads out of the water. He advised that it was easy to shoot a seal but there were other options available as deterrents such as double nets.

### Don Staniford

Mr Staniford stated that salmon farming spreads disease. He added that information available in the internet had informed him that The Scottish Salmon Company were one of the worst companies for disease and mortalities and provided some examples of figures. He added that he had read financial reports of stakeholders which advised that disease was causing financial problems. Mr Staniford advised that the more salmon that were farmed, the more toxic chemicals that were used; and those sea lice were becoming more resistant to the chemicals used. He advised that he supported the residents of Gometra and asked the Committee to refuse the proposal.

### Greg Marsh

Mr Marsh stated that fish farming was an extension of aquaculture and that he was not against it, he was against the use of chemicals. He added that the chemicals used on fish farms were the same chemicals that had been regulated for use on agricultural land farms. He advised that the amount of chemicals that were allowed for use in the sea by SEPA would not be allowed for use on the land. Mr Marsh advised that by increasing the area used by fish farms it was also increasing the level of pollution in the sea. He highlighted his concerns over the effects of chemicals in years to come.

### David Woodhouse

Mr Woodhouse advised that tourism was the leading industry on Mull, that the residents of the island had fought to get the island to where it was today in terms of tourism and the fish farm proposal was risking this. He added that without visitors to Mull the economy would be damaged. Mr Woodhouse referred to the split in the community over the proposal; he advised that there had been no community consultation. He advised that the island was a living, beautiful entity and it would soon be impossible to avoid endless fish farms; he advised that the island had already reached saturation point. Mr Woodhouse told the Committee that as the community did not own the fish farms it was not receiving any financial benefit. Mr Woodhouse advised that employment on the island seemed to be the only reason for supporting the application. He suggested that the island hold an annual summit to suggest alternative ways of creating employment. Finally he made reference to the smell of rotting fish from the existing farms.

### Polly Huggett

Ms Huggett advised that there was a community on Gometra and that many folk had lived there; it was a place of natural beauty which was rare. She advised that the community had no agenda other than the safety of the natural environment. She advised that the effects of intensive farming on the land also applied to intensive farming in the sea. She advised that a marine licence would be granted without taking into consideration the sea access or the views of the community. She added that it would be irresponsible to not to think of those things. Ms Huggett advised the Committee that the chemicals used in the water by fish farms were the same as the chemicals used in sheep dip. She added that when used as sheep dip these chemicals were not allowed near the water and therefore she could not understand why large amounts of them were allowed to be used in the sea.

### Sophie Baker

Ms Baker advised that she was going to talk about the navigational issues. She

advised that where the proposed site sits, islanders would be prevented from taking their usual route through the bay and forced further out into the loch and into direct wave attack. The site would push navigation into larger waves. Ms Baker advised that the applicant's response did not take into account the islanders access or the size of their boats. She added that the access was used by boats 365 days of the year and that the boats they had were not fit for larger waters. It would make the journey unsafe.

#### Rhoda Munro

Ms Munro advised that most of her points had been covered by others. She advised that her husband had lived between Ulva and Gometra for 30 years. She advised that they had chosen to live on Gometra and currently worked a farm with their produce going to market. She said that the community were always looking for new residents and visitors to the island. Ms Munro highlighted that the navigational issues were a big problem with boats being forced out further into the loch or between the farm and the shore.

#### Liam Ryan

Mr Ryan advised that he was from Ireland but was now resident on Gometra. He advised that the proposal was not pretty and that tourist traffic and boat trips would have a very good view of the fish farm and that it would compromise the beauty spot. Mr Ryan advised that Mull would inherit pollution from chemicals and a loss of tourism in exchange for a few jobs should the proposal go ahead and once the islands reputation was lost, it would never return. Mr Ryan advised that he also had issues with safety regarding navigation of boats during storms as they would be pushed further out into the loch.

#### Guy Bolton

Mr Bolton introduced himself and advised that he had been asked to read a representation from Mr James Hamilton. The representation covered two main concerns and the following points – negative impact on the national scenic area, the reasons for refusal for the Loch Scridan site also applying to the Loch Tuath site, the effects of pollution on the seabed, the decline of sea trout, the lack of a strategy for sea lice and the question of whether the Committee would provide a condition making the proposal subject to a 5 year term should it be approved. Mr Bolton added that he himself had lived across from the site for 20 years and was very concerned over the environmental impact and the fact that the fish farm may use chemicals not knowing the full effect they have and come to regret using them in future years. He however advised that he was in favour of employment on the island.

#### Iain Munro

Mr Munro referred to the site in relation to the shore and advised that fishermen should be able to go between the site and the shore and put down creels. He advised that it would not be safe to do so as the site was too close to the shore.

#### Questions

Councillor Devon referred to the issues raised by objectors regarding navigation and asked Mr Morrison if he considered that there would be elevated levels of risk to boats and a danger to lives in terms of navigation should the site be placed where proposed. Mr Morrison advised that he did not agree with the views of the objectors, that the cages would be situated about 20m from the

shore and normally creels would be placed much closer to the shore than that. Councillor Devon asked if siting the fish farm on the proposed site would make navigation safer. Mr Morrison advised that it would as it would break up the shore bed. Councillor Devon asked how many tourists he had taken on a tour to Staffa and if they had commented on the existing farms. He advised between 5 and 10 thousand people and that they had made no detrimental comments regarding the fish farms. Councillor Devon asked The Scottish Salmon Company to confirm how many jobs the proposal would bring to the area to which they replied 4 jobs.

Councillor Currie asked what the impact would be to tourism and how this had been measured and if tourism fallen in other areas that farms had been sited. He asked Sophie Baker if she had any navigational qualifications. Sophie Baker confirmed that she had no qualifications but had navigated a boat for the past 8 years. Mr Woodhouse advised that tourists were endlessly commenting on the farms and on the noise during trips. Polly Huggett added that there had been a shift in perception of fish farms due to the chemicals used. Roc Sandford confirmed that there was no evidence to suggest a link between fish farms and a fall in tourism but a 20% fall in tourism had been recorded due to the erection of wind farms in certain areas.

Councillor Kinniburgh asked why Mull Community Council had changed from opposing the application to supporting it. Michael Schilston advised that originally the view from the Community Council opposing the application was a view of one person who was opposed to the proposal. After the Community Council had carried out a public consultation, the view changed as the community were in support of the application.

Councillor McNaughton stated that he was surprised by comments made by objectors that there had been no consultation exercises carried out. He asked The Scottish Salmon Company to confirm what consultation had taken place. They confirmed that they had held 3 public events, one in Bunessan, one in Craignure and one in Tobermory and that they had also attended Community Council meetings and meetings of the Mull Aquaculture and Fishermans Association. Councillor McNaughton asked Mr Woodhouse why he had stated that there had been no public consultation. Mr Woodhouse advised that he knew of 1 public meeting and that Roc Sandford had been the only person consulting the community. The Scottish Salmon Company confirmed that the events had been advertised well in local press and by posters. Bunessan's meeting had been attended by around 25 people, and Craignure and Tobermory's by around 10 folk. Councillor Devon added that she had attended two of the community events and the Community Council meetings and confirmed that The Scottish Salmon Company had consulted.

Councillor Freeman asked which Community Council area the site was in. Mr Schilston confirmed that the site was in Mull Community Council area. Councillor Freeman asked for clarification over the figures regarding seal shootings in the Moray Firth provided in Mr Carter's presentation; was it 46% or 84%. Mr Carter confirmed that there had been a typo on the slide; it should have read Moray 46% and Tay 84%. He asked what year the 2008 seal decline figure had been compared against. Mr Carter advised that these figures had been extracted from Government websites and he was unsure of the comparison. Relating to the 25% decrease in seal numbers in Strathclyde in 2007, Councillor

Freeman asked which areas had experienced an increase as indicated on the slide. Mr Carter confirmed the Clyde area had experienced an increase. Councillor Freeman also asked what the decline was related to shooting compared to other reasons. Mr Carter advised that this information was not available.

Councillor Blair advised that he had travelled by Land Rover on Gometra to carry out a risk assessment for education travel and the result had been that it was cheaper and safer to travel by land than by boat. He asked Mr Sandford why the causeway had been removed. Mr Sandford confirmed that it had been removed to allow boats to pass; he then advised that it would be safer to travel by land, but it would take 5 hours to cross the island by Land Rover. Councillor Blair highlighted that he was concerned over the comments made about chemicals being put into the sea to control lice. The Scottish Salmon Company confirmed that the chemicals used were regulated and assessed by SEPA and MAFA. They confirmed that they were currently undertaking projects to test the use of non chemical treatments for lice and that this was a national initiative.

Councillor Trail asked if the issues raised regarding sea lice, pollution and seals were material planning considerations. Richard Kerr confirmed that the planning application only applied to the kit that would be sited in the water and the considerations listed under policy LP AQUA 1 were the considerations made by planning regarding the application.

Councillor MacDougall referred to Mr Carter's presentation and asked him to define what was meant by the Strathclyde area. Mr Carter advised that this covered Argyll & Bute, Clyde, Coll and Tiree and that he had taken the information directly off a website. Councillor Hall referred to the 4 jobs that would be associated directly with the proposed fish farm; he asked how many indirect jobs it would create. The Scottish Salmon Company advised that they could not be sure but based on Government figures possibly another 8 jobs and added that the farm would be vital to jobs in the processing plant also.

### **Sum up**

#### **Planning – Richard Kerr, Principal Planning Officer**

Mr Kerr advised that the assessment of the application should be made in light of the provisions of the development plan and not other matters covered by other organisations as part of the multiple consent regime for aquaculture applications. He highlighted that consideration should be deemed to the suitability of the site for the development proposed and not the environmental sustainability of fish farming which would be a matter for a Government Committee. Mr Kerr reiterated that the application had been supported by an Environmental Assessment and considered by consultees who had raised no objections. He highlighted again that SNH had raised concerns but not an objection. He summarised again the comments made by consultees. Mr Kerr confirmed that the application was in accordance with policy LP AQUA 1 but that Members should take into consideration the comments made by SNH regarding the landscape and visual impact with regards to the National Scenic Area, however this impact had not been considered to be significant. Mr Kerr summarised again the reasons for objection that had been submitted against the proposal. He advised that the proposal was recommended for approval by the Planning Section subject to the conditions and reasons as detailed on pages 20 and 21 of

the agenda pack. He asked that Members disregard the suggestion of a temporary approval for 5 years as it had been found to be unreasonable in the view of a Government Reporter in view of the capital investment required to site a fish farm as a temporary consent be implementable and subject to a refusal.

#### Applicant – Stuart McLelland, The Scottish Salmon Company

Mr McLelland confirmed that all legal requirements had been met by the company and that they abide by the Law. He confirmed that the company's approach to the environment was taken seriously. Mr McLelland advised that the recent threatened school closure at Ulva Ferry had highlighted to him how fragile rural communities are. The 4 jobs created by the fish farms would be important to the island and these folk would spend their money on the island as would boat operators etc involved with the fish farm. He highlighted that this fish farm was also needed to support the sustainability of the fish processing plant in Cairndow. He highlighted again that the company were investing in other methods of treating disease other than chemical treatments. He asked the Committee to listen to the majority of the community and to support the application.

#### Consultees

##### Michael Shilston – Mull Community Council

Mr Shilston again made reference to the decline in historical industry and the decline in population due to this. He advised that he would like to see the number of jobs increase, and therefore the population of the island increase also.

##### Douglas Wilson – MAFA

Mr Wilson highlighted that fisherman will fish between the cages and the shore and asked the Committee not to be fooled by the navigational issues raised. He advised that boats pass through the sound of Ulva and therefore could pass between the cages and the shore.

#### Supporters

##### Rebecca Munro

Mrs Munro highlighted the need for long term jobs on the island. In response to comments made that there were 6 businesses on Gometra she advised that she was not aware of this nor was she aware of the fact that there was no where to stop on the island for tea or sandwiches. In terms of navigational issues she advised that boats travel continuously through the night, in the dark with no issues.

##### John MacDonald

Mr MacDonald advised that the objectors had downgraded the need for the 4 jobs on the island. With regard to the effects of contamination from the volume of fish in the water, he highlighted that the amount of fish held on a fish farm was very small compared to what large boats catch out in the sea.

##### Rodger Dehany

Mr Dehany referred to the presentation on the decline of seals and advised that he was more concerned about the sustainability and of the population and the attraction of young people to the island. He added that the prospect of the fish

farm was a building block for the community.

#### Iain Morrison

Mr Morrison referred to the importance of the way the application had brought the community together and highlighted that this was as important as the application itself.

#### Helen Wilson

Mrs Wilson advised that she would like to reiterate the comments she had already made. She advised that there were 7 tearooms on the island and that there was not a fish farm in sight from these tearooms.

### **Objectors**

#### Roc Sandford

Mr Sandford advised that he had provided affordable housing for 20 years on the island and would like to engage with USCA. He advised that they were a minority group in opposition to the proposal but were the ones that actually lived on the island. Mr Sandford referred to the methods used for deterring seals and the disturbance it caused to cetaceans. He reiterated the comments he had made regarding SNH being misinformed, that fish farms were a time bomb and the perception of them changing; he quoted some headlines from national press. Mr Sandford advised that the navigational issues were not exaggerated and that it was irresponsible to suggest that the proposal would not increase danger to boats. Finally Mr Sandford commented that EU Law had not been properly incorporated into Scottish Law and that the Committee should be taking into account all areas of the application, not delegating decisions to other agencies.

Councillor Currie asked for clarification on whether the Council should work by Scottish Law or EU Law. Mr Kerr confirmed that the Council should operate by Scottish Law and that there were ways to express their concerns for those who felt that Scottish Law did not reflect EU Law.

#### Mark Carter

Mr Carter reiterated the comments he had made around the use of double nets as predatory control measures. He advised that the navigational issues had been raised by experienced boat handlers and should be deemed as important.

#### Don Staniford

Mr Staniford reiterated that salmon farms spread disease, that The Scottish Salmon Company were one of the worst companies for disease and all the information regarding this was publicly available on the internet.

#### Greg Marsh

Mr Marsh advised that young people were the future and he hoped that in 20 years time the area was not polluted and was still there for folk to enjoy.

#### David Woodhouse

Mr Woodhouse reiterated his comments regarding the lack of consultation, that any consultation had been done within inner circles. He advised that consultation needs to be done in wider context. He advised again that instead of siting fish farms the community should come up with new ideas for jobs. He added that tourism could put millions into the economy.

### Polly Huggett

Ms Huggett advised that she was sad at the bitterness over the application. She highlighted that she was concerned with protecting the beauty of the island and the risks from fish farms were not lies. She advised that there was no need for all the salmon produced by farms.

### Sophie Baker

Ms Baker advised that although she had no formal qualifications she was the recreational Boat Club chair; she urged the Committee to take the navigational issues seriously.

### Rhoda Munro

Ms Munro advised that she had endured a bad experience with the sea and told the Committee that siting a fish farm where proposed would be dangerous. She advised that they were still unsure whether they would be able to navigate between the shore and the cages.

### Liam Ryan

Mr Ryan reiterated that the perception of fish farms were changing and made reference to newspaper articles. He highlighted that putting a fish farm on the proposed site would put lives at risk.

### Guy Bolton

Mr Bolton advised that the island did need houses and did need jobs but he would like confirmation that the 4 jobs were guaranteed. He made reference to planning pushing for approval of the application and said that he hoped that their kids got the same support in the future when applying for permission to build houses.

### Iain Munro

Mr Munro advised that he had nothing further to say other than not to put a fish farm at Gometra.

The Chair asked all those present if they considered that they had received a fair hearing to which they confirmed that they had.

The Chair invited the Committee to debate the application.

### **Debate**

Councillor Devon said that when looking at traditional industries many of them faced difficulties for different reasons. She advised that the challenge lay in whether the industry fitted into the community and in this case she felt that the fish farm fitted those criteria. She advised that she supported the recommendation by the Planning Department.

Councillor Hall advised that there was a need to produce food and the question had been whether or not the farm was equitable to maintain the environment and sustainability. He advised that the farm would raise issues but in his opinion they were mitigated by the advantages. He advised that he supported the proposal.

Councillor Colville advised that when considering the application against policy LP AQUA 1, which he quoted, it met all the criteria and therefore he had no option but to support the application.

Councillor Freeman advised that in terms of visual impact he had struggled to see the existing farms on the site visit that morning therefore concluding that there would be minimal impact. He added that the farm would provide year round employment and therefore he supported the proposal.

Councillor Kinniburgh advised that he agreed with his colleagues, that he had struggled to see the existing farms in the clear weather conditions that they had carried out the site visit in. He advised he supported the application.

Councillor MacDougall advised that he had remained open minded about the application but after conducting the site visit he advised that he supported the application.

Councillor Trail commented that Gometra was not an isolated island, and that the rest of the community on Ulva and Mull also had an interest in the application site. He advised that he remained unconvinced regarding the navigational issues raised by objectors or that there would be any effect on the National Scenic Area. He advised that he supported the application.

Councillor Blair advised that it was good to see the community get together and to hear young people speak up. He advised he supported the application.

Councillor McNaughton advised that he agreed with Councillor Kinniburgh; he could not see the existing sites while on the site visit either. He advised that he agreed with the Officer's recommendations.

### **Decision**

Unanimously agreed to grant planning permission subject to the conditions and reasons as contained within the report by the Head of Planning and Regulatory Services.

(Ref: Report by Head of Planning and Regulatory Services dated 10 September 2012, submitted)