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## NORTH AYRSHIRE COUNCIL

24th March 2021

### Planning Committee

Locality	Isle of Arran
Reference	19/00609/PPM
Application Registered	16th August 2019
Decision Due	16th December 2019
Ward	Ardrossan And Arran

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<b>Recommendation</b>	Refused
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<b>Location</b>	Site To East Of Millstone Point Lochranza Brodick Isle Of Arran
<b>Applicant</b>	The Scottish Salmon Company
<b>Proposal</b>	Installation and operation of an Atlantic Salmon Fish Farm comprising 12 x 120m circumference fish pens and an accompanying feed barge.

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### 1. Description

Planning permission is sought for a marine fish farm to be operated at a site to the east of Millstone Point, Isle of Arran. The site is approx. 5.5km east of Lochranza and 4.5km north-west of Sannox. The nearest residential property is Laggan approx. 2km to the north-west of the site.

The site location is some 100 hectares in area, although the development itself would occupy an area of some 12.8hectares. This includes barge moorings and 12 pens of 120m in circumference. The pens would be arranged in two groups of 6. Each group would have two rows of 3 pens. The pens would be dark grey or black in colour. The fish farm would produce Atlantic salmon. The original application sought 20 pens but was reduced by an amendment to the original application to 12 pens.

The site is the sea some 80m, at its closest point, off the north coast of Arran. The coast closest to the site is identified in the Local Development Plan (LDP), adopted November 2019, as being Isolated Coast. It is a Special Landscape Area, as it comprises part of the North Arran National Scenic Area. It forms part of the Countryside, as identified by the LDP, and has a Core Path running north-west/south-east between Lochranza and Sannox. There is a Scheduled Monument, the Laggantuin deserted settlement, on the coast near to the

proposed development. The Laggan Site of Special Scientific Interest (SSSI) is approx. 500m to the west. The Laggan to Scriodan, Cock of Arran Local Nature Conservation Site (LNCS) is approx. 1km to the north-west and the Fallen Rocks Local Nature Conservation Site approx. 900m to the south.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received 6th March 2019 (ref: 19/00181/PREAPM).

The proposal was screened and scoped in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 1st May 2015 (ref: 19/00182/EIA). It was determined that an Environmental Impact Assessment (EIA) would be required and details of the scope was given.

An EIA has been submitted. The EIA was updated in September 2020 when the number of pens was reduced. The EIA includes consideration of the following:

#### Alternative Sites and Design

The EIA states that the site is in southern Scotland where there is a large market for supply, and it is close to the applicant's existing processing facilities at Cairndow, Loch Fyne. It is also close to the applicant's existing harvesting site at Ardyne, Cowal, reducing boat passage time and fuel usage between the sites. The site would allow stock generation to be balanced to maintain supply. The site is not located in any known wild salmon migratory route.

Alternative sites considered were: Cock of Arran (2-3km north-west of site), discounted because of landscape and visual impact; Skipness, Argyll (9-10km north-west of site), discounted because of visual impact and potential linking of Disease Management Areas (DMA) with sites in Loch Fyne; Straad, Bute (13km north-north-east of site), discounted due to visual impact concerns and impact on tourism at Ettrick Bay; Skelmorlie (24km north-east of site), discounted as water current speed not suitable for required production; Lamlash (19km south-east of site), extension of existing facility discounted as could not produce required production growth area.

The design is considered to incorporate scope for innovative measures which it is claimed will reduce the use of medicinal treatments by implementing alternative sea lice control techniques; enhance safety; minimise seal interactions and the use of Acoustic Deterrent Devices (ADD); and improve access to the pens for the safer containment and transportation of fish.

#### Benthic Habitats

The EIA assesses the potential effects of the proposed development on benthic habitats i.e. the ecological layer around the seabed including the lowest layer of water, the sediment surface, and the immediate sub-surface layer. It considered potential significant impacts are limited to the disturbance during installation, deposition of operational organic waste and medicinal chemicals.

The benthic habitat at the site, where the pens would be sited, is recorded as being muddy sand with patches of gravel and rocks at the northern end and sand and gravel with some muddy sand in deeper areas to the south. The most common species recorded, aside from fish, were the squat lobster, Turritella snails, Sea Squirts, Norway lobster, common urchin, crab, and seven-armed Starfish. The habitats and fauna are not protected by nature conservation legislation and assessed in the EIA as being of less than local importance.

There was a low abundance of the Priority Marine Feature (PMF) 'Northern sea fan,' and the site is not considered to be a significant example of that community. The EIA sets out steps which could be carried out to mitigate impact on Northern Sea Fan and it is not considered there would be significant impact. It was also considered that the PMF 'Burrowed Mud,' was absent from the site.

### Water Column

The site has a steep sloping seabed, from less than 10m depth to more than 100m depth in a few hundred metres. It has a low tidal current speed of generally less than  $0.1\text{ms}^{-1}$  and the average direction is towards the south-east. Given the speeds near the seabed, the EIA concludes that some resuspension (stirring of the benthic habitat) would occur with export of released solids. The report sets out ways in which the operation of the site would mitigate against waste and considers that with such measures, any effect would not be significant.

### Interactions with Predators

The report identifies 8 potential predators having been recorded within 5km of site in the last five years. These are gull species, grey heron, shag, gannet, cormorant, great northern diver, otter, red throated diver, American mink, and grey seal. The report identifies seal species, otter, and diver species of being of regional importance in conservation terms whilst the other species are of less than local importance.

The report identifies effective fish farm management and netting to be the primary method of deterring predation. Husbandry practices to be carried out including steps to reduce entanglement risk are listed. ADDs would also be used to deter seals. The use of such methods is considered to ensure that any impacts on predators would not be significant. The requirements of the Animals and Wildlife (Scotland) Act 2020 will be met.

### Interactions with Wild Salmonids

The waters of Arran are known to support populations of wild Atlantic salmon and sea trout. The closest river known historically to support salmon is the Sannox Burn, some 5km to the south. However, there is no record of salmon currently being supported in the river, with the Glenrosa, Iorsa and Machrie Waters being the only designated rivers (where catch returns are recorded) on Arran. The closest to the site is the Glenrosa, approx. 13km to the south. The EIA notes that catch numbers of salmon and sea trout are low suggesting limited population in the area, although it is acknowledged that catch data could be limited due to fishing restrictions. The report states that interaction between salmon farms and wild salmonids are believed to be limited to sea lice interactions and farmed fish escape events.

In terms of lice, it is recognised that farms can increase the number of sea lice in the environment. This can affect sea trout and post-smolt (year old) salmon during migration. Sea lice can also be distributed on the tide, with studies suggesting up to 12km. Where

there are weak currents, sea lice aggregations are more likely to occur. Scottish studies have shown farms contribute 95% of sea lice to the mid-west coast. However, the magnitude of impact on mortality levels in wild salmonids in Scotland is not known. Studies elsewhere suggest potential impacts of 12-29% on wild salmon. Other factors such as climate change and overfishing are considered to have a greater impact on wild salmonid populations. Fish farm escapes can impact on wild salmon due to genetic dilution. Interbreeding is possible although the report considers that escapes are rare.

The EIA identifies wild Atlantic salmon as being of regional importance and sets out measures to mitigate impact on the species. These include lice management plans and assessment of production cycles and tides to minimise aggregations. This also includes an Escape Contingency Plan to prevent and contain escapes. The development would be operated in accordance with a submitted Environmental Management Plan. The report concludes that subject to such measures, the development would not have significant impact on wild salmonids.

### Species of Habitats of Conservation Importance

The report identifies 5 protected marine species having been recorded within 5km of site in the last eight years. These are basking shark, bottle-nosed dolphin, common dolphin, harbour porpoise and minke whale. The report identifies the species as being of regional importance in conservation terms.

The report states that most construction and assembly would be carried out off site and any impact from this stage would be negligible. Potential impacts on the protected marine species are considered to be entanglement, removal of prey species, contaminants affecting water quality, underwater noise, and collision.

The report identifies effective fish farm management to be the primary method of mitigating impacts. Husbandry practices to be carried out including steps to reduce entanglement and contamination risk are listed. ADDs, to deter seals, would be low frequency to minimise impact on the species. The report acknowledges lower frequency noise is within the hearing range of minke whale but considers the temporary infrequent use of ADDs would not lead to any significant impact. Given this and the measures set out in the submitted Predator Control Plan and ADD Plan, the EIA concludes impact on such species would not be significant.

### Habitat Regulations Assessment

This Assessment concludes that there would be no likely significant effect on any Special Protection Area or Special Area of Conservation. The applicant has provided further information in relation to this matter, following concerns from NatureScot (SNH). This information states that the locations relative to each other and factors such as sea lice dispersal distance and likely salmon migration routes meant there is no connectivity which would cause any likely significant effect. A Shadow Appropriate Assessment of likely effects has been submitted.

### Navigation, Anchorage, Commercial Fisheries, and other Non-Recreational Maritime Uses

The EIA considered maritime activity within a 2 nautical mile (nm) buffer of the site. It considered that there is a low volume of traffic through the proposed mooring area with

almost 90% being either fishing or recreational vessels. Given the volumes, the EIA does not consider there would be any significant effects during the installation period or on commercial fisheries or recreational vessels.

### Seascape Landscape and Visual Impact Assessment (SLVIA)

The report states that the North Arran National Scenic Area and the North Arran Special Landscape Area are highly sensitive to visual impacts. However, the EIA assesses that any impacts would largely be negligible in magnitude and moderate or minor in significance. The EIA assesses that impact on landscape character would be moderate in magnitude due to its position in relation to Isolated Coast and would have a major/moderate effect. The effect on the Coastal Headlands Landscape Character Type is considered to be major/moderate with effect being adverse due to the addition of man-made features.

The report states that there would be receptors with high sensitivity to visual impacts in all directions, including recreational users of the core path and nearby summits as well as users of the boats in the Sound of Bute. Users of the core path would experience a substantial magnitude of change which would be considered to be up to major significance. Water users would experience a substantial magnitude of change which would be considered to be of major/moderate significance. Specific viewpoints are assessed.

### Social and Economic Impact Assessment

This Assessment states that the site would have a positive impact across Scotland's aquaculture supply chain. It is projected the proposal would support 37 jobs in the sector and wider economy. The report also states the proposal would support Arran's economic diversity. The report states that the degree of social and economic benefit to Arran depends on the affordability of housing stock, its effect on available labour and effective addressing of this. As long as the development is managed in accordance with best practice, it does not consider that there would be any effect on the natural capital of the island.

### Farm Management

The EIA states the development will be managed in accordance with Integrated Pest Management and the National Treatment Strategy

### Noise Assessment

This Assessment gives details of potential noise receptors, estimated noise levels, and the potential impact. This concludes that due to factors including lack of residential receptors in the area, there is no reasonable prospect of significant noise impact.

In addition to the EIA, the following documents have been submitted in support of the application:

### PAC report

The PAC report notes the publicity measures undertaken and the public events held. The report notes the large attendances. It summarises that the vast majority of feedback was opposed to the proposal. The reasons for opposition are summarised with environmental, visual impact and fish welfare being the largest areas of concern. The report concludes that

the process has allowed the applicants to better understand concerns and they have, where possible, provided further information or engagement to try and address concerns.

## Planning Statement

The planning statement describes the proposed development, summarises the planning background, and policy context.

The Town and Country Planning (Scotland) Act 1997 states that when determining planning applications regard shall be had to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: The Coast Objective; Strategic Policy 2: Placemaking; Policy 8: Business Development on Arran and Cumbrae; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; Policy 22: Water Environment Quality; Policy 24: Alignment with Marine Planning and Policy 25: Supporting Aquaculture. The draft Clyde Marine Plan and Scottish Planning Policy are also considered relevant.

## Relevant Development Plan Policies

### Strategic Policy 1 Spatial Strategy

Our spatial strategy is based on the principle that we want to direct the right development to the right place. This means we want to direct most development to our towns, villages and developed coastline where we have infrastructure capacity to support new development, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive too so we have set out a distinct approach for them which continues to promote a sustainable pattern of development but that also empowers our rural economy and communities to develop while protecting our countryside areas as a valuable natural asset. We have indicated what this means on our Spatial Strategy Map and in the mini maps included throughout this Local Development Plan.

Strategic Policy 1 includes objectives and policies for how development can enhance and protect our Towns and Villages, our Countryside, and our Coast.

We will assess development proposals against the principles set out in the spatial strategy. All development proposals must also comply with Policy 2: Placemaking and any relevant policies of this Plan. We will resist development outwith the boundaries of towns and villages, except where the development would positively contribute to the vision or priorities identified in the spatial strategy or where detailed policies of the LDP provide support. We will refer to Scottish Planning Policy's presumption in favour of development that contributes to sustainable development in considering proposals that are not supported by the spatial strategy.

### Strategic Policy 2 Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

## Six qualities of a successful place

### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages, and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy, and waste recycling as well as use of green and blue networks.

### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

## Detailed Policy 8 - Develop on Islands

### Policy 8:

#### Business Development on Arran and Cumbrae

We will support developments that will have a positive impact on the vitality, vibrancy and viability of the island and avoid unacceptable adverse impacts on the environment, amenity or the tourism offer of the area.

We will promote as a preference, the existing settlement pattern in providing the best-placed locations because these are likely to have access to utilities and services and to ensure the greatest range of employees can access new businesses.

Proposals will be supported where they have demonstrated a sequential approach to site selection in the following order of preference:

- o Within or adjacent to established industrial and business locations
- o Within settlements
- o Edge of settlements
- o Within existing countryside buildings
- o Rural locations that are, or can be made, easily accessible by a choice of transport modes

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed to ensure the island can capitalise on major inward investment opportunities.

## Detailed Policy 15-Landscape & Seascape

### Policy 15:

#### Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

#### a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

#### b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

#### c) Wild Land



We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our Designated Sites

Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of

the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

## Detailed Policy 22 - Water Environment Quality

### Policy 22:

#### Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering

techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:

- o No other practical option exists that would allow the watercourse to remain open; and
- o The proposed development is of overriding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

#### Detailed Policy 24 - Marine Planning Policy 24:

##### Alignment with Marine Planning

We will, in principle, support developments with a marine component or implication (such as marinas, ports, harbours, marine tourism and recreation, fish farming, and land based development associated with offshore energy projects and defence establishments) where they are within a recognised developed coastal location and provided they are consistent with Scotland's National Marine Plan and the emerging Regional Marine Plan for Clyde Marine Region.

All marine proposals should identify environmental impacts and mitigate against these to ensure there are not any unacceptable adverse impacts.

Developments on coastal areas with significant constraints will be supported, in principle, only where they would also contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities.

Developments on undeveloped sections of coast which possess special environmental or cultural qualities, such as wild land will generally be resisted unless there would be a significant economic value of the development and that environmental impact issues can be satisfactorily addressed.

Generally, development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk or where a scheme has already been identified in the Spatial Strategy or the current Ayrshire Shoreline Management Plan.

## Detailed Policy 25- Supporting Aquaculture

### Policy 25:

#### Supporting Aquaculture

We will, in principle, support aquaculture development where it accords with Marine Scotland's locational guidelines (updated quarterly by the Scottish Government) for aquaculture and would result in economic and social benefits for local communities and the ongoing sustainable development of the aquaculture industry. Proposals for new development will be supported where there are no unacceptable adverse impacts (including cumulatively) on the following:

- o landscape, seascape and visual amenity.
- o biological carrying capacity of land and water bodies, including the sea, lochs and river systems.
- o the protection and enhancement of the wider physical environment and amenity.
- o coastal and marine species (including wild salmonids) and habitats (including Wild land).
- o the historic environment and the seabed.
- o other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes (including commercial and recreational routes), ports and harbours, anchorages, tourism, recreational and leisure activities (including coastal access networks and links golf courses, in terms of the impact of coastal processes and in particular coastal erosion).
- o The strategic transport network.

## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised. There have been 436 objections and 19 support comments received.

The following bodies have objected to the proposal: Salmon & Trout Conservation Scotland; Scottish Salmon Watch; Ayrshire Rivers Trust; the River Stinchar District Salmon Fishery Board; Loch Lomond Fisheries Trust; Fisheries Management Scotland which is the representative body for Scotland's District Salmon Fishery Boards, Rivers and Fisheries Trusts; Loch Lomond Angling Improvement Association; The National Trust for Scotland; Bute Community Council; Friends of the Sound of Jura; the Clyde Fishermen's Association; the Scottish Creel Fishermen's Federation; the Arran Access Trust; Arran Civic Trust; Arran Eco Savvy; and Community of Arran Seabed Trust (COAST).

The **objections** can be summarised as follows:

1. Policy. The proposal is contrary to Scottish Government Planning Policy and the North Ayrshire Council Local Development Plan. This is particularly with regard the designation of the area as 'isolated' coast. The Council's policy to support aquaculture is only where there is no unacceptable impact. The application is contrary to several other LDP policies. The application is also contrary to Scottish Parliament committee reports into marine fish farming which found the industry to be deficient in regulation, fish health and environmental impact.

*Response: An assessment of the proposal against the relevant policies is given below.*

2. EIA Information. The EIA is considered to be flawed and there is information missing. The assessment of alternative locations is inadequate. The cumulative impact of the development and similar others has not been adequately addressed. The EIA does not meet the requirements of the Scoping Opinion and methodologies used are out of date.

*Response: It is considered the information submitted is sufficient for the purposes of this application.*

3. Pollution. Fish farms pollute the marine environment through excrement, toxic chemicals, and detritus. The proposed chemicals should not be permitted. This will destroy wildlife and habitats including the seabed and shellfish. There is also a danger to human health, including through potential parasites. The environment of the Clyde is fragile and already in a poor condition. The sea must be allowed time to recover from over-fishing, dredging and sewage sludge dumping. Sludge dumping has not taken place for 20 years. However, the sea environment has not recovered. The pollution from the fish farm would be similar to a recommencement of sludge dumping. The area has relatively little tide or current and as such effluent etc will disperse slowly. Poor food production has an impact on all health.

The modelling of the impact on the seabed is flawed and the impact on Priority Marine Features is downplayed. The PMF Northern Sea Fan is present, which is its most southerly location, but there is not enough information as to how it will be protected. Any Northern Sea Fan within the waste footprint will be destroyed. Environmental problems will be exacerbated by the potential for algae blooms. The surveys carried out will not have captured any species living within the sediment.

Although the number of pens has been reduced, the possibility to increase back to 20 remains. The originally proposed new technology has been removed from the proposal and this is just a standard fish farm development. The development could also lead to increased marine debris and plastic.

*Response: An assessment of the impact on the development is given below. This application is for 12 pens. Should permission be granted, further permission would have to be sought for any increase in pens.*

4. Impact on Wild Salmonids. Fish farms have a negative impact on wild salmonid populations. Interactions through sealice and fish stock escape will harm the wild populations. The escapees from fish farms have caused genetic mutations in wild populations. Many rivers in Ayrshire and beyond are suffering huge reductions in wild salmon and sea trout. Proposed controls of the farm are inadequate. The impact is on the wild fish themselves and on the angling community whose efforts to repopulate rivers is undermined by the impacts from the farms. No permission should be granted until a full study on the impacts of escaped fish is undertaken.

Scottish Government Committee reports have identified that urgent and meaningful action is required to address regulatory deficiencies in impact on fish health. The proposed site is an area where wild salmonids have a high sensitivity to interactions with farmed fish. It is likely on a migratory path for wild salmon. The applicant has not provided any information as to where wild salmon migration takes place around Arran. The current regulatory system

does not sufficiently protect wild fish. Recent history of escapes offers no assurance of containment. No work to inform an Appropriate Assessment has been done.

*Response: An Appropriate Assessment of the development has been carried out in relation to impact on Atlantic salmon. It is not considered there would be any significant effects on Atlantic salmon or other salmonids.*

5. Endrick Water SAC. The proposal will impact on the Endrick Water Special Area of Conservation (SAC) for Atlantic salmon. There should be a precautionary approach to impact on the SAC and the applicant's submitted information is insufficient to rule out any impacts. Further surveys to identify the migratory routes of salmon in the Clyde should be undertaken. The proposal will also impact on the Lagan Site of Special Scientific Interest and Wild Land.

*Response: As above Appropriate Assessment of the development has been carried out in relation to the SAC.*

6. Impact on Other Animals. There will be a negative impact on seals, whales, dolphin, porpoises, otters, basking sharks etc. These are iconic animals which are important to Arran's tourism. The area is the most southerly part of the Hebridean Whale Trail. Measures to repel predators, including acoustic deterrent devices (ADD), will scare these creatures from the surrounding waters. There is no effective way of ensuring ADDs would be used sparingly. There is a large colony of seals within 5km of the site at Sannox and Corrie and the information used in the applicant's EIA is inadequate. Such species are often spotted in this location. There are more substantial records of these animals in the area which have not been used by the applicant. The applicant would shoot any seals not scared away. Shore breeding birds and sea birds would be negatively affected. There are Arran Brown butterflies in the area. Causing harm or disturbance to protected species is illegal.

*Response: The proposal has the potential to displace sea creatures which may otherwise have been witnessed in the area. If permission was granted the Predator Control Plan and other environmental management measures could be governed by condition.*

7. Cumulative. There will be cumulative impact from this proposal and proposed fish farm developments at the south-east of Bute and at the Cumbraes. Cumulative impacts will effectively cut off the Clyde to wild salmonids.

*Response: The AAs consider the cumulative impact on the wider area. The proposals for sites off Bute and the Cumbraes have not, to date, resulted in any planning applications.*

8. Visual Impact. The visual impact from the development is unacceptable. This is acknowledged in the EIA. This area has a special character. The development will be an industrial installation on a section of unspoilt, isolated coast. The site is in the North Arran National Scenic Area and is one of the most remote stretches of coast in the Firth of Clyde. The landscape has not changed for hundreds of years. The size and scale of the site is huge and out of character with the area. It would be visible for a considerable period of time for walkers of both the coastal path and paths in the hills above. Detritus from the development would wash up on the shore. Views of the island from Bute and the West Island Way, which is an Area of Panoramic Quality, will be adversely affected. The barge itself would have prominence. The mock-ups submitted by the applicant omit pieces of equipment, such as

walkways and workboats, which would be visible and are considered to be misleading. Bute Community Council object to the proposal.

*Response: Noted. NS has objected on visual grounds and this assessed further below.*

9. Land Based Facilities. It is not clear where the land based service area will be. The use of the North Sannox slipway as a land base for the site would cause additional disturbance. This is a well-used area by those less able to walk on more difficult paths. There would be further visual impact from other land based infrastructure.

*Response: The applicant has indicated the site would be serviced from the existing service area in Lamlash Bay, although it is noted that the site is close to the applicants operations in Loch Fyne and Planning cannot control where the site is to be serviced from.*

10. Navigation. Sea navigation routes, particularly for kayaks, will be obstructed. Safe anchorages will also be lost.

*Response: The Northern Lighthouse Board has no objection subject to suitable conditions. The impact on recreational use of the area is considered below.*

11. Noise and Light. The development would create noise and light disturbance in an otherwise quiet area. The area can be completely quiet except for natural sounds. Light pollution will prevent the area being used for stargazing. The noise from workboats should be quantified.

*Response: NAC Environmental Health (EH) offers no objection. It is not considered that the proposal would lead to noise nuisance. However, should any statutory nuisance occur, EH can take action under the relevant powers. The visual impact of the development is considered more fully below.*

12. Tourism. There will be a negative impact on tourism on Arran. This impact will discourage visitors through visual impacts, loss of wild animals and loss of sense of place. The site is near popular walking, kayaking and sailing routes. The site is on the North Arran geological walk and would harm the Arran Geopark. The site is adjacent to part of the Arran Coastal Way. The Coastal Way is an important amenity for residents and visitors. Guesthouses in the area rely on holiday makers using the path. Tourism is the main industry on Arran.

Arran has a global reputation for marine conservation, including the Marine Protection Area and no-take zone, and this would make a mockery of the reputation. The sense of remoteness of the place and the image of the island is the main tourist draw. Arran and North Ayrshire should not market itself as a destination for green tourism.

*Response: The potential impact on tourism for this development is considered further below.*

13. Economic. Any jobs created would be short term as the industry is not sustainable. It is noted that the promised 10 direct jobs have fallen to 6. The Clyde Marine Plan regional assessment of 2017 notes that aquaculture jobs in the area are in decline. The automation of the industry will lead to a further decline in jobs regardless of how many are initially created. The proposal would impact on the fishing of traditional boats. It would also impact

on fisheries further up the Clyde. There has been a loss of fishing and sea angling jobs due to impacts from fish farms. The Clyde Fishermen's Association, representing approx. 50 boats, object on the grounds of the loss of a fishing area, including a sheltered site. The Association considers that the environmental impacts would also adversely affect businesses. The Scottish Creel Fishermen's Federation also object on similar grounds. The development would be an opportunity cost to inshore marine employment in the Clyde. The net economic impact from the proposal would be negative given the impacts on tourism and other fishing. The alleged economic benefits are based on assumptions with no evidence to support them. The site could be serviced from Tarbert.

The economic benefits for Scotland would be slight as the applicant is foreign owned. Any economic benefit would be negligible compared to the potential harm to the environment and tourist economy which has a greater contribution to the local and national economies. There is no guarantee that locals would benefit from any jobs created. The farm could be serviced from elsewhere and this appears likely given its location.

*Response: The potential economic impact of this development in terms of business development is given below. However, it is also noted that there is no guarantee that any jobs created would be on Arran. The site could be serviced from other locations and Planning cannot require jobs to be provided from certain places.*

14. Historic Environment. The site is adjacent to the Laggantuin deserted settlement which is a scheduled monument. There are other non-designated archaeological sites in the area. These would be adversely affected as the farm would be in their setting.

*Response: Historic Environment Scotland was consulted at the EIA Scoping stage and considered that the historic environment could be scoped out. It is not considered that the proposal would have any significant adverse impacts on the historic environment.*

15. Restoration. North Ayrshire Council would be left to clean-up of the site should the applicant cease operations, if fish farming is no longer be viable, and the operator goes bust. There is no scope to require removal once the use has commenced.

*Response: A condition could be attached to any permission requiring decommissioning should the use cease. Responsibility for complying with a condition, where an operator no longer exists, is normally with the landowner. In this instance that would be the Scottish Government or agencies. The adaptability of the proposal for other uses is considered as part of a wider assessment below.*

16. Nature Conservation Act. The proposal is contrary to the Nature Conservation (Scotland) Act 2004 which requires the Council to further the conservation of biodiversity so far is consistent with the proper exercise of its functions. A precautionary principle should be taken with respect to any development which could impact negatively on the environment.

*Response: The functions of the Council, as Planning Authority, are consistent with the Nature Conservation (Scotland) Act 2004.*

17. Welfare. The method of farming raises animal welfare issues. The fish are overcrowded, adversely affected by sealice and there are high levels of mortality. Use of cleaner fish impacts on the populations of those fish, such as wild wrasse, are wasted when the salmon is harvested. The use of wild caught cleaner fish has environmental impacts. There are no



sustainable sources of such fish at present. The amount of energy used to produce the fish means the industry is unsustainable in the long term. Creation of the feed from industrial fished sources causes harm. The EIA is flawed in that the mortality plan does not identify Environmental Harm Hazard associated with a mass mortality or offer mitigation. The applicant's track record of animal welfare is questionable. The untested husbandry practices proposed should be tried out on existing sites.

*Response: Marine Scotland Science (MSS) offers no objection. The husbandry methods of the development could be controlled through planning condition, if granted. The operation would also have to comply with any license requirements.*

18. Other Methods of Production. Fish farms should be contained within closed tanks on land due to environmental damage done by open cages in the marine environment. Onshore fish farming would be supported. Other countries have banned open cage farming and are incentivising onshore methods.

*Response: The proposal is for an open cage development in the marine environment and the application has to be considered on that basis.*

19. Smell. Removing the dead and diseased fish from the island following a mortality event will have a negative impact due to the heavy traffic and smells. This issue occurred in Brodick and Lochranza in relation to the existing farm in Lamlash Bay.

*Response: Removal of any dead or diseased fish would be a matter for the applicant. Should the dead or diseased fish, or their smell, cause a nuisance this could be a matter for SEPA, MSS and/or Environmental Health. It is not considered that any road traffic generated by the proposal would cause unacceptable impacts on the road network.*

20. Radiation. Concern regarding radioactive levels in the area. The site is opposite Hunterston Nuclear Power Station and this area of Arran received large amounts of fallout from Chernobyl. Any fish farm in this area could become contaminated.

*Response: It is not considered the location gives any rise to significant concern about radiation.*

21. Information. There are unsupported assumptions, contradictions and inaccuracies in the information submitted by the applicant.

*Response: Comments regarding the robustness or otherwise of the information submitted are noted. However, it is considered there is sufficient information for the purposes of determining this application.*

22. Consultation process. The consultation process, particularly prior to the submission of the application, was insufficient. The public events were tightly controlled and there was little scope for the public to make meaningful contributions. It is considered the level of public objection to the proposal has been downplayed by the applicant. The pre-application events were akin to lobbying with public concerns dismissed. The information the applicant has provided in the PAC Report is disputed. Claims of community engagement with the Holy Isle and other community groups are misleading.

*Response: Comments regarding the public meetings carried out by the applicant as part of the pre-application processes is noted. It is also noted that information within the PAC Report is disputed. However, it is considered that the pre-application processes were sufficient in terms of the submission of this application.*

The **support** comments can be summarised as follows;

1. Economic. The proposal will have a positive impact on the economy of Arran. Local businesses engaged in the supply of the fish farming industry will benefit. 5 local jobs have been created in a business providing boats for the industry and 10 jobs created by the business will be welcomed. The jobs would be year-round, be of good quality and handy for those living on the north of the island. The proposal will have a positive impact on the wider Scottish economy due to the importance of the industry. The proposal supports an area of growth in farming.

*Response: The potential economic impact of this development in terms of business development is given below. However, it is also noted that there is no guarantee that any jobs created would be on Arran. The site could be serviced from other locations and Planning cannot require jobs to be provided from certain places.*

2. Welfare. Any concerns over the impact of production can be mitigated through proper management. Planning should rely on the regulatory bodies for the control of the development. The waste from the farm is nothing like human sewage. Any accumulation of waste below the pens will be absorbed into the ecosystem in time. The mortality rate in fish farming is equivalent with other types of farming.

*Response: If permission was granted, planning conditions could be imposed where appropriate and where the conditions meet the tests set out in Scottish Government guidance. Other regulatory bodies could take action as their powers allow and as they see fit.*

3. Tourism. The development would not deter tourists. The site is in a remote location. The site could become a tourist attraction. Other locations with fish farms have not seen a reduction in tourism and the growth in fish farming matches the growth in tourism. The Lamlash fish farm has not affected tourism.

*Response: The Lamlash fish farm and the proposed fish farm are of such different scales and locations that it is not considered a meaningful comparison. It is noted there are differences in opinion as to the potential impact on tourism for this development.*

4. Visual Impacts. Any visual impacts would be minimal. The site can be viewed in the context of the industrial development at Hunterston. It is not a natural area.

*Response: The visual impact of the proposal is assessed below.*

5. Other animals. Predator populations are not affected by fish farming and there are many other reasons for the decline in wild salmonid populations. Such populations were in decline prior to the introduction of fish farms. Fish farms have less environmental impact than other types of farming. The fish farm may be beneficial to some species.

*Response: The potential impact on other animals is assessed.*

The applicant submitted a response to the comments received that: the submitted reports conclude there would be no significant impact on benthic habitats and open water; the landscape has the capacity to absorb the development; the management of the farm would overcome concerns regarding fish morality and sea lice spread; the development would not impact on tourism; the socio-economic impact would be positive; there would be no significant noise impact; the reasons for decline in wild salmon is complex and cannot be attributed aquaculture; there would be no significant impact on boating; any equipment would be in accordance with best practice; and finally discussions are ongoing with licensing bodies regarding pollutants.

## **Consultations**

### **Marine Scotland Science (MSS):**

**Benthic Impacts** - The revised proposal with a biomass of 2300tonnes represents a reduction from the original application. SEPA is the regulator and will make the final decision in respect of biomass.

**Water Column Impacts** - The proposed site sits within an area currently not included in the Locational Guidelines. The applicant has included a nutrient assessment which indicates that the degree of enhancement likely to result from the proposed biomass should not be unacceptable. It has been indicated that no cumulative assessment has been included due to the development being in open water and the large distance between the proposal and the nearest developments.

**Site Location** - There are currently no sites registered with Marine Scotland Science within 1000m of the proposed new site. However, there are several other proposed sites in the area which could impact this site if they were developed, see 'Disease Management Area' for further information.

**Site Access** - The location appears to be relatively exposed to the east. The site will be serviced by work boat from the applicant's Lamlash shore base. Remote monitoring equipment is proposed for use on the site, including cameras below the surface to remotely monitor fish behaviour and above the surface to monitor feed operations and environmental conditions, with this information being relayed to the shore base. The applicant states experience of operating other remote sites successfully with this technology.

**Authorisation** - The Scottish Salmon Company already possess authorisation from Marine Scotland to farm at their existing sites. An amendment to this authorisation must be sought to include any newly approved or acquired site, prior to the commencement of farming operations.

**Disease Management Area** - The proposed location of the site is outwith current disease management area (DMA) boundaries as currently defined in Marine Scotland DMA maps. However, there are several other proposed new sites in the vicinity, currently in the screening and scoping process, that could further impact the designation of DMAs and their boundaries should these applications be progressed.

The order in which proposed sites are developed will also have bearing on the advice given as the applications progress, as The National Marine Plan states new aquaculture sites

should not bridge DMAs, therefore locations which join DMAs would not be supported by MSS. The nearest proposed site to the East of Millstone Point site is positioned south east of the Island of Bute, East of Hawk's Nib, and would result in separation distances from these sites overlapping and therefore the joining of DMAs. Both sites cannot exist concurrently as they would lead to joining of DMAs. This would be particularly substantial as it potentially also involves DMAs at the proposed sites at the Cumbraes. Operation of some or all of those sites, and this proposal, could lead to the effective 'closing' of the Firth of Clyde north of West Kilbride as the DMAs would overlap between the mainland, the Cumbraes, Bute and Arran.

**Stocking Density** - The operation of the sites would be at an acceptable stocking density level of below 22kg/m<sup>3</sup>.

**Husbandry** - The frequency of removal of dead fish should be confirmed. The Fish Mortality Plan and Farm Management Statement provided still refer to use of the seaspine system for transporting mortalities which the applicant is no longer proposing. These should be updated to reflect the current proposals.

**Sea Lice** - The site is located outwith currently designated farm management areas (FMA) as defined in the CoGP. The nearest FMA's are located ~14-15km north (M-42), west (M-47) and south (M-48) of the proposed development. The applicant proposes that a new FMA is formed for this site. Other proposed sites may influence this, however these have yet to be developed so cannot be considered at this time.

Information on strategies proposed for management of sea lice is provided in the submitted Environmental Management Plan (EMP). Monitoring is to be undertaken via weekly counts in each pen. Where the 'treatment threshold' is met, the Sea Lice Management Plan will be followed with intervention method chosen according to the health status of the fish.

The applicant lists biological control with cleaner fish as a proactive step to managing sea lice and actively reduce the use of medicinal products on site. It is planned that cleaner fish will be stocked on site during the first grading (approximately 12 months post stocking). The applicant states that 90% of the cleanerfish used are now from farmed sources; details of sources are provided by the applicant.

The applicant also has a freshwater storage facility at Ardyne, and this will also service Arran. Freshwater will be carried in wellboats to the site where freshwater baths will occur at the cage edge. This is beneficial to gill health and lice control. Cleanerfish welfare appears to have been considered following previous concerns. Physical removal of lice is also proposed.

**Containment** - The proposed contingency plan for dealing with an escape or suspected escape event is satisfactory. The information provided on equipment and strategies in place to minimise predator interactions at the site in question is satisfactory as far as can reasonably be foreseen.

**Wild Fisheries** - The Isle of Arran is known to have fisheries for salmon and sea trout.

Scientific evidence from Norway and Ireland indicates a detrimental effect of sea lice on sea trout and salmon populations. Salmon aquaculture results in elevated numbers of sea lice in open water and hence is likely to have an adverse effect on populations of wild salmonids in

some circumstances. The magnitude of any such impact in relation to overall mortality levels is not known. Information from the west coast of Scotland suggests lice from fish farming can cause a risk to local salmon and sea trout. This information can be used to give an idea of the relative risk to salmon and sea trout which is governed, and can be mitigated, by a number of factors, in particular the siting of the farm and its ability to effectively control sea lice. The greater the number of lice on the farm the greater the risk to wild salmon and sea trout. While it is not possible to accurately predict the future lice levels on a farm the performance of existing farms within the area could act as a guide for future performance.

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

The applicant appears to be aware of the potential impacts on salmon and sea trout and has indicated the intention to manage the site as part of a new management area. The applicant should undertake to follow the practices recommended in the industry CoGP regarding containment and sea lice control. However, the applicant adopts lower treatment levels than the CoGP, with treatment being considered at 0.2 adult female lice in the spring and 0.5 adult female lice in the rest of the year. The applicant has outlined various methods of lice control within the attached EMP, such control methods include medicinal control, biological control as well as mechanical control.

It should be noted that sea trout are present in these inshore waters all year round. MSS suggests that strict control of sea lice should be practiced throughout the year. Additionally, it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

The applicant has supplied an Environmental Management Plan (EMP) outlining how potential interactions of sea lice arising from the proposed development will be assessed with respect to wild salmonids. Marine Scotland expects that as a minimum any monitoring scheme will be able to report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose. The submitted EMP includes all the above criteria.

MSS requires confirmation and suitable evidence of the quantities of chemotherapeutants predicted to be available for use at the site as a result of any revision of the submitted modelling, information on mortality removal frequency, moorings attestation.

*Response: The comments regarding DMAs are noted. The Council has received two EIA Scoping requests for sites at the Cumbraes and is aware of one for the south-east of Bute (Argyll & Bute). However, no planning applications have been submitted to date. The husbandry practices etc, including the details of mortality removal, could potentially be governed by condition, if permission was granted, and where it would not duplicate another regime. It is noted that husbandry practices relating to animal health require authorisation by the Fish Health Inspectorate. It is noted that SEPA is the consenting body in respect of Controlled Activity Regulations.*

**SEPA** - Originally objected on the grounds of lack of information regarding benthic impact modelling. However, SEPA now confirms satisfaction with the information submitted to them.

*Response: Noted.*

**NatureScot (SNH)** - Object. This proposal will have significant adverse effects on the special qualities of the North Arran National Scenic Area (NSA). The objectives of the designation and overall integrity of the area would be compromised. It is not considered that this could be mitigated.

The LVIA submitted by the applicant is considered to lack clear analysis and justification. NS agrees with the Clyde Marine Planning Partnership's 'Seascape/Landscape assessment of the Firth of Clyde,' which states that development of this area should be avoided, and the isolated coast protected. The fish farm would compromise the views and setting of the NSA. The Planning (Scotland) Act 2006 states that special attention is to be paid to the desirability of safeguarding and enhancing the character or appearance of an NSA. It is considered this proposal compromises the North Arran NSA designation.

It is also considered that the proposal would erode some of the special qualities of the Arran Special Landscape Area in the locality.

NS also objects due to potential impact on the Endrick Water SAC and the Ailsa Craig SPA. However, if permission is granted subject to conditions which mitigate the impacts on those sites then the objections would be overcome. Details of the required mitigation is provided.

*Response: Noted. The visual impact and impact on the SAC and SPA are considered below and in the Appropriate Assessment. If permission was granted conditions could be added which require the detailed mitigation measures to be undertaken.*

*The applicant submitted a response to NatureScot's objection. In terms of the potential impact on the SAC and SPA, the applicant would be amenable to further discussions with NatureScot and suitably worded planning conditions. In terms of visual impact, the applicant stands by the conclusion of the LVIA that the overall visual effects are not significant and consider the area to be a busy seaway.*

**Arran Community Council (ACC)** - Do not support the proposal. On balance, ACC considers the environmental and visual impacts outweigh any economic benefits. The proposal poses a risk to the marine environment. The proposal will have an adverse impact on the land and sea scape which is adjacent to the National Scenic Area. This could have a negative impact on tourism. The potential economic benefits of the proposal can be viewed as aspirational with no guarantees to the island that these benefits would outweigh the negative impacts. The proposal does not meet the policies of the LDP.

*Response: Noted. An assessment of the proposal against the LDP is given below.*

*The applicant submitted a response letter in respect of ACC's comments in which the applicant considers all of the concerns are addressed in the information submitted. A full assessment of the information submitted by the applicant, in terms of the ACC concerns and the other relevant concerns raised, is given below.*

**Scottish Wildlife Trust** - Object to the proposal. The use of open sea cages on a farm of this size would lead to significant fish faeces, food and chemical waste being released into the environment. The concentration of salmon would lead to infestations of sea lice with implications for wild salmonids in the area. The proposed site is near salmonid migration routes with an increased risk for disease and parasite transmission. There is no scientifically valid year-round data to show the patterns of wild salmonid migration around Arran. The use of ADDs for repelling seals would likely drive out the Harbour Porpoise, dolphins and Minke Whales known to use the area. The information relating to the impact on the benthic environment is considered inadequate. This area is believed to be the most southerly record of the Priority Marine Feature, Northern Sea Fan and as such it is questioned if describing as any effects on it as 'not significant,' is adequate.

*Response: Noted. SEPA, MSS and SNH have also provided comments in relation to wild salmonids, the benthic environment, impact on cetaceans and PMFs which are summarised above.*

**Argyll District Salmon Fishery Board** - Object. The Board has a remit to protect and improve migratory salmon and trout populations. This proposal presents a further challenge to migratory salmonid fish natal to numerous rivers in the Firth of Clyde. Many of the salmon populations already have insufficient spawning fish. It is not considered there is enough information to conclude operations will not interfere with migrating salmon smolts. The major concern is the impact from sea lice. It is not possible to effectively regulate the impact on migrating salmonids.

*Response: Noted*

**NAC Environmental Health** - No objections.

*Response: Noted.*

**Northern Lighthouse Board** - No objections. Recommendation of lighting positions and management of such equipment in order to aid navigation. Such lighting etc would require to be covered by a Marine Licence granted by the Scottish Government.

*Response: Noted.*

### **3. Analysis**

Scotland's National Marine Plan sets out the Scottish Government's vision for the marine environment as clean, healthy, safe, productive, and diverse seas; managed to meet the long-term needs of nature and people. There is a presumption in favour of sustainable development, and it sets out specific objectives and policies, which planning policy and decisions should consider. The National Marine Plan states that aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape, and visual amenity of an area, following NS guidance on the siting and design of aquaculture. The relevant policies of the LDP are considered to accord with the National Marine Plan.

The Clyde Marine Plan is currently in draft. Part of the preparation of the draft Clyde Marine Plan was a strategic assessment of the coastal landscape and seascape of the Firth of Clyde. The site is within the Sound of Bute as identified by that assessment. The

assessment states that the area is a threshold between more sheltered inland waters and the expansive lower Firth. It states that the shapely peaks of northern Arran are an iconic feature highly visible throughout the area. The views to these mountains, and the wider sea setting of the island are key scenic attributes. The isolated coast of Arran is sensitive to any development which may detract from this quality. This area is identified as a relatively rare quality for the whole of the Firth of Clyde. It is noted there is no offshore marine development located in this seascape area.

Strategic Policy 1 of the LDP states that the Council wants to direct the right development to the right place. The Coast Objective of Strategic Policy 1 states that development should avoid damage to our coastline, particularly undeveloped or isolated coastal areas, unless economic benefits arising from the proposal outweigh the environmental impacts.

Proposals that meet certain criteria will be supported in principle. The relevant criteria of Strategic Policy 1: Coast Objectives are considered to be; a) consistent with Policy 24; b) assist to develop and strengthen North Ayrshire's coastal economy and marketability; e) enhance existing strategic coastal marine assets and infrastructure - particularly where the development would address a qualitative deficiency in North Ayrshire's coastal tourism infrastructure; and g) provide jobs to North Ayrshire communities.

Policy 24: Alignment with Marine Planning states that developments with a marine component will be supported in principle where they are within a recognised developed coastal location and provided, they are consistent with Scotland's National Marine Plan and the emerging Clyde Regional Marine Plan. Developments on coastal areas with significant constraints will be supported only where they would also contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. Development on undeveloped sections of coast which have special environmental or cultural qualities will generally be resisted unless there would be significant economic value of the development and the environmental impact issues can be satisfactorily addressed.

The proposal is not within a recognised developed coastal location. It is in an area identified in the LDP as Isolated Coast. It is a Special Landscape Area, as it comprises part of the North Arran National Scenic Area. As such the key consideration for Policy 24 and therefore Strategic Policy 1 is whether the environmental impact issues can be satisfactorily addressed and there would be significant economic value of the development.

Policy 25: Supporting Aquaculture states that in principle support will be given to aquaculture development where it accords with Marine Scotland's locational guidelines for aquaculture and would result in economic and social benefits for local communities and the ongoing sustainable development of the aquaculture industry. There should be no unacceptable impacts on a number of criteria including landscape/seascape and visual amenity; biological carrying capacity of water bodies, protection and enhancement of the wider physical environment and amenity; species and habitats; the historic environment and sea bed; other users of the marine environment and the strategic transport network.

It is not considered there would be any impact on the historic environment, as there are no historic assets within or near the site which would be impacted. HES advised that such considerations could be scoped out of the EIA. It is also not considered that there would be unacceptable impacts on the strategic transport network. The Northern Lighthouse Board



has not objected subject to conditions relating to navigation, which could be added to any permission if granted. The other parts of Policy 25 are considered below.

## Visual Impact

Policy 15 of the LDP states that support will be given to development which protects or enhances landscape/seascape character, avoiding unacceptable adverse impacts on designated and non-designated landscape features. In terms of the Special Landscape and National Scenic Area, development that affects such areas will only be supported where the objectives of the designation and the overall integrity of the area will not be compromised. Development should not have an unacceptable impact on their special character, qualities or setting. Development which does adversely affect the National Scenic Area can only be supported if this is clearly outweighed by social, environmental, or economic benefits of national importance.

The Arran National Scenic Area (NSA) was last designated in 2010. There has been no development in this part of the NSA since that time. The special qualities of the NSA considered relevant to this application are: i) a mountain presence that dominates the Firth of Clyde ii) that it has a contrast between the wild highland interior and the populated coastal strip; iii) that it has a distinctive coastline with a rich variety of forms; iv) it comprises the historical landscape in miniature; v) it is exceptional for outdoor recreation; and vi) the experience that highland and island wildlife is close at hand.

The proposed development would be industrial in nature with a utilitarian appearance. It would sit at the bottom of the mountain presence and be viewed against that backdrop. This view would be particularly the case when viewed from the Sound of Bute by recreational users of that area. The development would be highly prominent to users of the coastal path on the north coast of Arran, which is part of Scotland's National trails. It would also be visible to recreational users of some of the upper slopes above the coastal path, the west coast of Bute and the area around Skipness on Kintyre.

Although the NSA has a contrast between the interior and the coast, this contrast is primarily from Sannox to the south on the east coast and Lochranza to the south on the west coast, where the coast is identified as Undeveloped in the LDP. The area in between those settlements is Isolated and the contrast between the wild interior and the coast is much less stark. The difference between the areas is part of the rich variety of the coastline. The introduction of this development would diminish the contrast between the variety of coastline. Whilst the impact on wildlife in terms of specific designations is considered in this report, the development would also likely diminish the experience that wildlife is close at hand. The proposal has the potential to displace sea creatures which may otherwise have been witnessed in the area. The presence of an industrial development may make the potential for experiencing other wildlife more difficult. The insertion of such development into the NSA would be at variance to the historic landscape of the NSA, although it is not considered that the proposal has any impacts on specific historic designations.

The site is identified as Isolated coast. It is noted from the EIA that sites at the Cock of Arran, Skipness and Straad, Bute were all rejected due to issues including visual impact. These sites are identified in the draft Clyde Marine Plan assessment as 'isolated,' 'secluded,' and 'remote' respectively. The Cock of Arran is identified in the LDP as Isolated coast and it is considered that the visual impact issues of a site at the Cock of Arran approx. 2-3km to the north-west would be very similar to those at this site.

NS has objected to the proposal on the grounds that the special qualities of the NSA will be affected. It is agreed that the proposal would undermine the Special Qualities of the NSA, especially given the prominence of the development against the isolated coast and mountainous backdrop, the prominence of the development to recreational users, with impact on the exceptional quality of the area for recreation and the impact on the area in terms of experiencing wildlife. The visual impact also has an unacceptable impact on the Special Landscape Area and visual amenity more generally. As such the development is considered to be contrary to Policy 15, unless these effects are outweighed by social, environmental, or economic benefits of national importance. The proposal is also considered to be contrary to criteria of Policy 25 relating to landscape, seascape and visual quality and other users of the marine environment.

Strategic Policy 2 of the LDP sets out the qualities of a successful place. It is accepted that there would be no statutory noise impacts, or other impact on sensitive properties given the distance to such properties. Whilst it is accepted that the design and appearance of the development is dictated by its nature, it is considered that that it would comprise an incongruous addition to the area, as outlined above. The wider amenity impact is also considered above. In terms of design and visual impact, the proposal is considered to be contrary to Strategic Policy 2 and criteria of Policy 25 relating to amenity

### Environmental Impacts

Policy 16 of the LDP states the Council will support development which would not have an unacceptable adverse effect on the natural environment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Nature Network is protected. Development will be supported if it is not likely to have an unacceptable adverse effect on protected species.

Policy 22 states that development will be required to ensure no unacceptable adverse impact on the water environment by protecting factors including the ecological status, landscape values and physical characteristics of water bodies.

The impact on the Endrick Water SAC and the Ailsa Craig SPA requires to be assessed. Appropriate Assessments (AAs), as required by Habitat Regulations, have been carried out and are appended to this report. The AAs conclude that the development, with identified mitigation, would not have a significant impact on the qualifying interests of the SAC and SPA. These qualifying interests include Atlantic salmon, including smolts, and sea birds.

The closest SSSI (Lagan) relates to geology. The closest LNCS (Fallen Rock) relates to the terrestrial rock formations whilst the next nearest (Cock of Arran) is some 1km to the north-west. As such it is not considered that there would be any significant adverse impacts on SSSIs or LNCS.

As above it is not considered the development, with appropriate mitigation, would have an adverse impact on protected Atlantic salmon or protected sea birds. It is also not considered there would be any significant adverse impact on other protected species or non-protected species. However, the development may result in certain species, such as cetaceans or

seals, being displaced from the area. Whilst this would not necessarily be contrary to Policy 16, it could impact on the NSA as outlined above.

MSS does not object to the proposal. MSS notes the measures the applicant has listed in mitigation and these could be secured by condition. SEPA has confirmed satisfaction with the benthic impact modelling information has not been received. The operation of any fish farm would also require a license and SEPA would retain control over the development in that respect.

The development, subject to mitigation which could be secured through planning conditions, is not considered to have an unacceptable adverse impact on designated sites or protected species, in themselves. As such the development is considered to accord with Policy 16 and criteria of Policy 25 relating to species and habitats. However, the impact on the landscape, means the development is also contrary to Policy 22 in terms of protecting and enhancing landscape values and the criteria of Policy 25 relating to the biological carrying capacity of the water body and protection and enhancement of the wider physical environment.

## Economic

Policy 8 of the LDP states that support will be given to business development that will have a positive impact on the vitality, vibrancy, and viability of Arran. A preference is for development within the existing settlement pattern.

The applicant claims that 31 jobs will be created in the sector and a further 6 in the wider economy.

The applicant claims that the economic value of the development to the Scottish economy would be £5.9million, and that the development would add to the economic resilience of the island. The application makes recommendations as to how the developer could further support the Arran economy by supporting such as infrastructure development and access to housing. The application acknowledges that any jobs may be filled outwith Arran but that this would benefit other communities.

It is accepted that the development has specific locational needs and a site within a settlement may not be possible. The wider impact of this specific location is outlined above. Arran has an existing fish farm within Lamlash bay, operated by the applicant. It is accepted that this proposal would add to that offer. However, it is also noted that there is no guarantee that any jobs created would directly benefit Arran. It is noted that one reason given in the EIA for selecting this site was its proximity to the applicant's operations in Loch Fyne and the site could be serviced from those sites as easily, if not more, than from Arran. The recommendations made in terms of supporting the Island are not planning issues relating to this application and could not be controlled by condition.

In opposition to the application, it has been claimed that the proposal would have an adverse impact on the economy of Arran. This includes claims that the development would have an adverse impact on tourism. The applicant has submitted a Tourism Report which claims that the fish farm development has no negative impact on tourism in Scotland. This is based on 2009 research. The Report also highlights a VisitScotland survey from 2015/16 which stated that 68% of visitors to Ayrshire & Arran listed 'scenery and landscape' as the top reason to visit. The percentage rose to 84% of visitors for Argyll & The Isles. It can be

seen from this Report that scenery and landscape are very important reasons for tourists to visit the area.

The content of that Report is noted. It is noted the percentage of visitors for whom landscape and scenery is the top reason to visit. It is also noted that this for the whole of Ayrshire. The percentage is even higher for 'Argyll & The Isles,' which the site is directly adjacent too and would be visible from. The development would be highly visible from the adjacent Arran Coastal Path. This could discourage use of this part of the path, although it is noted it would only be visible from a small part of the path. It is also noted that an alternative site on the other side of the Sound of Bute was discounted in the EIA because of concerns over impact on that part of the Isle of Bute. The impact on the wider NSA has been discussed above including the impact on the recreational users, the exceptional quality of the area for recreation and the impact on the area in terms of experiencing wildlife.

There have also been objections from the Clyde Fisherman's Association and The Scottish Creel Fishermen's Federation on the impact on their members' businesses through loss of a fishing area.

Given all of the above, it is considered on balance that the development would not have a significant adverse impact on the economy of the island. However, whilst the potential benefit to the wider economy is noted, it is also not considered that on balance the development would have a significant positive impact that outweighs the visual impact including the adverse impact on the NSA.

In summary the proposal accords with Policies 8 and 16 of the LDP. However, the visual impact of the development would adversely affect the National Scenic Area. The economic benefits of the proposal are not considered to outweigh this impact. The proposal does not align with Scotland's National Marine Plan or the emerging Clyde Marine Plan which identifies the site as Isolated Coast. The proposal is contrary to Policy 15, Policy 24, Policy 25 and therefore Strategic Policy 1 of the LDP.

This visual impact would also adversely affect the landscape quality of the water environment and the wider area. The proposal is therefore also contrary to Policy 22 and Strategic Policy 2. There are no material considerations to the contrary.

It is therefore recommended that the application be refused for the following reasons:

The visual impact of the development would adversely affect the visual amenity of the area, the landscape quality of the water environment and the special qualities of the National Scenic Area. The proposal does not align with Scotland's National Marine Plan or the emerging Clyde Marine Plan. Any economic value is not considered significant to overcome the adverse effect. The proposal is therefore contrary to Strategic Policy 1, Policy 15, Policy 22, Policy 24, Policy 25, and Strategic Policy 2 of the LDP.

#### **4. Full Recommendation**

Refused

#### **Reason for Refusal**

#### **Reason**

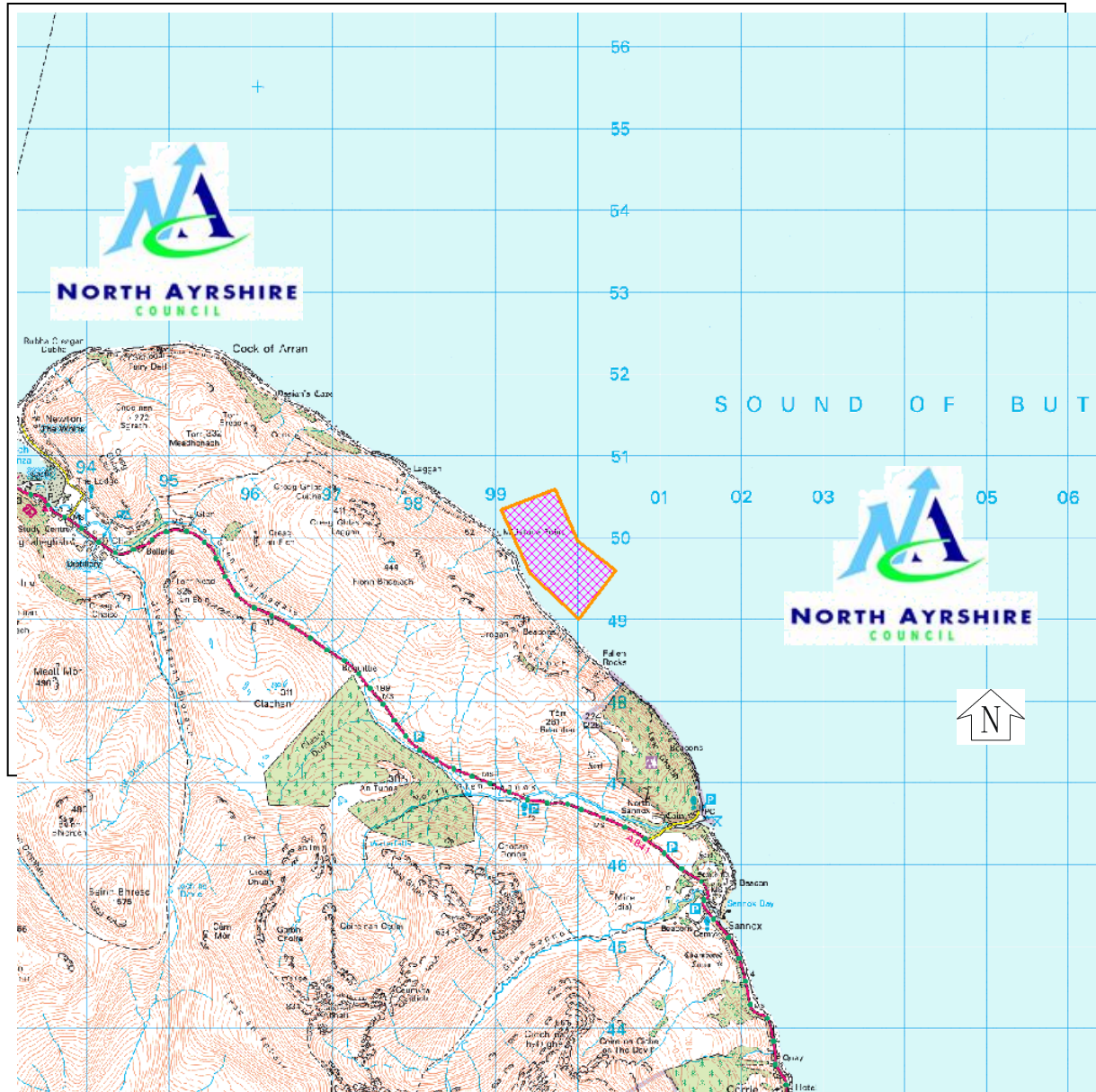
1. The visual impact of the development would adversely affect the visual amenity of the area, the landscape quality of the water environment and the special qualities of the National Scenic Area. The proposal does not align with Scotland's National Marine Plan or the emerging Clyde Marine Plan. Any economic value is not considered significant to overcome the adverse effect. The proposal is therefore contrary to Strategic Policy 1, Policy 15, Policy 22, Policy 24, Policy 25, and Strategic Policy 2 of the LDP.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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## **HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT'**

### **HABITAT DIRECTIVE 92-43-EEC**

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

#### **Ailsa Craig Special Protection Area**

##### **Purpose of the designation**

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

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

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

##### **Consequences of the designation**

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

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

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

It is considered by NatureScot (NS) that the development proposed by means of planning application (ref: 19/00609/PPM) could affect the qualifying interests, except for kittiwake, of Ailsa Craig SPA. The proposed site lies approximately 50km to the north of the boundary of the SPA. However, this is within the mean maximum foraging range for birds identified as the qualifying interest of the SPA. As a consequence, North Ayrshire Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

### **Characteristics of the development**

The proposal is for the equipment and operation of a marine fish farm with farmed fish to be contained in 12 pens, comprising nets supported from flotation rings secured to a mooring grid with associated service barge.

The nets which are used to contain the farmed fish have the potential to cause injury and mortality to the qualifying bird species of the SPA by way of entanglement. The development may have the potential to cause damage or displacement to foraging areas used by the qualifying species. There are 16 existing or proposed (current planning applications) within approx. 90km to the north of the SPA.

The applicant has produced a Predator Control Plan (PCP). This sets out the management actions that would be undertaken to reduce the risk of predators targeting the site, including diving birds. It states that 300mm diameter mesh top nets in conjunction with bird net supports in accordance with RSPB recommendations, to reduce the risk of bird entanglement, would be installed. Top nets would be inspected and re-tensioned on a daily basis. Maintenance would be carried out as required to further reduce risk of bird entanglement. No fish feed would be left available to attract predators. Sub-surface nets could be deployed to deter seals.

### **Assessment**

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

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

The site is some 50km from the SPA and will have no direct impact on the boundaries of the SPA. However, it could impact on the qualifying interest of the birds which would forage within the area.

The pens would have top nets which are proposed to have a mesh of 300mm diameter. Birds could become entangled in such nets and also potentially in smaller meshes in the side panels.



NS does not consider kittiwake to be at risk of a Likely Significant Effect so no further assessment in respect of kittiwake is carried out.

Gannets have a mean foraging range of 120.4km. Lesser black-backed gull have a mean foraging range of 43.2km (+18.4km standard deviation). The majority of guillemot foraging is carried out within 50km of nest sites. Herring gull have a mean foraging range of 58km. All of these species could therefore forage in the area of the proposed development.

Gannets are known to have been entrapped at sites with 200mm or more top net mesh size. NS advises that sites with top and side net of 100mm or under are less likely to pose risk. NS considers the risk would be removed by the use of 50mm mesh top nets and a floating support.

In terms of the gull species, they could also become entrapped particularly with larger size meshes. NS again advises the use of smaller net mesh could mitigate impact. 50mm mesh top nets and a floating support could minimise risk. NS also advises that gulls foraging in the area are unlikely to come exclusively from the SPA.

With regards guillemot, NS advises that these are most likely to be susceptible to entanglement in sub-surface nets. Such nets could be employed as part of the PCP. However, also NS considers that if such nets are deployed happens, it is unlikely to have an adverse effect on the integrity of the SPA.

In terms of cumulative impact, there are 16 (operational or with planning applications) sites in the Firth of Clyde/Loch Fyne. All of them are within gannet mean foraging range, whilst 4 are within lesser black back gull range. Given the relatively limited area of such development in the wider foraging area and the potential mitigation set out below, it is not considered there would be any cumulative impact.

NS considers the proposal could be mitigated with reduced top net ceiling mesh, particularly of 100mm or under, and with appropriate monitoring and notification of significant incidents.

**Recommended mitigation to be secured by planning condition, should permission be granted.**

- a) Confirmation of the proposed net mesh and how the top net will be secured. If a pole mounted system is proposed the top net mesh will not be more than 100mm. If a floating support is proposed, the top net mesh will not be more than 50mm.
- b) The applicant will provide, for the agreement of the Council and NatureScot (SNH), details of monitoring of the nets and a system for reporting incidents. The nets will not be erected until such details have been agreed.
- c) The operation of the development will be carried out only in accordance with any details approved.

## **Conclusion**

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

## **HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT'**

### **HABITAT DIRECTIVE 92-43-EEC**

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

#### **Endrick Water Special Area of Conservation**

##### **Purpose of the designation**

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Endrick Water Special Area of Conservation (SAC) was designated in March 2005. It follows the course of the Endrick Water from approx. 2 miles east of Fintry, Stirlingshire to where it meets Loch Lomond. It was designated in respect of river lamprey (*Lampetra fluviatilis*), brook lamprey (*Lampetra planeri*), and atlantic salmon (*Salmo salar*).

The purpose of the designation is to avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

Population of the species, including range of genetic types for salmon, as a viable component of the site;

Distribution of the species within site

Distribution and extent of habitats supporting the species;

Structure, function and supporting processes of habitats supporting the species;

No significant disturbance of the species.

##### **Consequences of the designation**

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

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

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

It is considered by NatureScot (NS) that the development proposed by means of planning application (ref: 19/00609/PPM) could affect the qualifying interests of Endrick Water SAC. The proposed site lies approximately 58km to the south-west of the boundary of the SAC. However, wild salmonids and Atlantic salmon smolts emigrate through the Firth of Clyde. As a consequence, North Ayrshire Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

### **Characteristics of the development**

The proposal is for the equipment and operation of a marine fish farm with farmed fish to be contained in 12 pens, comprising nets supported from flotation rings secured to a mooring grid with associated service barge. Loss of containment of farmed fish would present a risk to the health of wild salmonids, including Atlantic salmon. The generation of sea lice from the site could impact on Atlantic salmon, including smolts, emigrating through the area.

The applicant has produced a draft Environmental Management Plan (EMP). The EMP sets out the management actions that would be taken at the site in terms of lice management. The applicant has also produced an Escapes Prevention and Contingency Plan (EPCP). The EPCP sets out the action to be taken in the event of an escape or suspected escape of farmed fish.

### **Assessment**

Given the distance to the boundary of the SAC, it is not considered that there would be any impact on the brook or river lamprey interest of the SAC from the development.

The assessment considers the impact of the proposals on Atlantic salmon and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by NS.

NS has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, could in the view of NS affect the qualifying interests, namely Atlantic salmon, of the SAC. NS objects to the proposal due to the potential impact on the SAC unless it was subject to conditions requiring operation strictly in accordance with the proposed mitigation measures.

The site is some 58km from the SAC and will have no direct impact on the boundaries of the SAC. However, it could impact on the qualifying interest of the Atlantic salmon, including smolts, as they travel through the Firth of Clyde.

The site will generate sea lice which would disperse in the wider Firth of Clyde. The greater the level of lice, the greater the potential impact on the qualifying interests within the Firth of Clyde. An escape of farmed fish has the potential for interaction with wild salmonids within the Firth of Clyde.

The EMP states that its aim is to ensure the farm activity does not result in negative impacts to the local salmon and sea trout populations. This aim will be achieved through meeting objectives on: the reporting of the level of lice released into the environment; identifying the likely area(s) of sea lice dispersal from the farm; providing details of the monitoring data that will be collected to assess potential interaction with wild fish; and providing details of how this information will feed back to management practice. Prescriptive actions to meet those objectives are set out including potential enforcement actions for Marine Scotland and/or the Planning Authority.

Increased monitoring will take place should sea lice reach set levels. This monitoring would then result in corrective action should higher levels be reached. Failure of corrective measures to reduce levels within set periods would result in warnings with further failure to reduce levels resulting in enforcement action by Marine Scotland. Details of how the monitoring would occur, management, corrective measures and feedback are set out.

The EPCP sets out the precautionary measures to be put in place to prevent escapes. Loss of containment of farmed fish would not be in the interests of production at the site. The preventive measures include physical features, such as netting and mooring, training for staff, and inspection and maintenance schedules. Linked to the EPCP is a predator risk assessment and control plan. Details of actions in respect of an escape, notifications to be made and recapture are set out.

NS considers the submitted information provides North Ayrshire Council, as Planning Authority, with an enforcement framework to ensure that any elevated risk to the SAC can be identified and mitigated, to ensure any adverse effect on the integrity of the SAC will be avoided.

**Recommended mitigation to be secured by planning condition, should permission be granted.**

- a) All aquaculture equipment will adhere to the Scottish Technical Standard for aquaculture equipment to reduce risk of failure and therefore escape
- b) The EMP will be finalised in consultation with the relevant parties identified in the draft EMP. The EMP will include a requirement to a mid-cycle and end of cycle review process and the site will not be restocked until the review has been agreed by all parties.
- c) The applicant will carry out sea lice dispersion modelling which will guide the monitoring strategy
- d) The monitoring strategy will be agreed within the relevant parties and the site will not be stocked until this has been agreed.

## **Conclusion**

The potential impacts of the development in relation to the conservation objectives cited in the SAC designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the operation of the development as proposed, in combination with the operation of other farms nearby will not, with

identified mitigation in place, have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.