

Argyll and Bute Council  
Development & Economic Growth

**Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 23/01758/MFF  
**Planning Hierarchy:** Local Application  
**Applicant:** Bakkafrøst Scotland Ltd  
**Proposal:** Formation of fish farm (Atlantic Salmon) incorporating 8x 160m circumference circular cages and siting of feed barge  
**Site Address:** West of Isle of Gigha

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
  - Committee - Local Government Scotland Act 1973
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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Installation of 8 x 160m circumference pens in a 120 m x 120 m mooring grid matrix, held in two linear rows of 4 pens;
- Installation of pole mounted top nets;
- Installation of 600 tonne feed barge, 33 m x 13.5 m, unloaded height from water level 10.95m, fully loaded height from water level 8.7m;
- Sub-surface lighting for use during the production process installed at a 6m depth.

**(ii) Other specified operations**

- Navigational lighting in accordance with the requirements of the NLB.
  - Biomass of 3,104 tonnes
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**(B) RECOMMENDATION:**

It is recommended that:

1. Members consider holding a pre-determination Hearing; and
  2. Planning permission be approved subject to conditions.
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**(C) CONSULTATIONS:**

**Marine Directorate of the Scottish Government (dated 24/11/23):**

Given the exposed location of the site, there are concerns over the welfare of young fish being stocked on site and their ability to withstand the currents and environmental conditions experienced on site. It is noted the applicant state that

larger smolts will be stocked onto the site; the production plan details that the average size of smolts being stocked will be 164g, with a production cycle of up to 18 months. Details of the considerations made on the suitability of the site for fish of this size whilst ensuring any impacts to welfare are mitigated against should be provided. This information may be included in the Veterinary Health and Welfare Plan which is referenced but not provided.

Ballan wrasse are proposed to be stocked on site for biological control of lice at a ratio of 3-6% to salmon, prior to the first summer of the production cycle to allow for effective acclimatisation and will be obtained from farmed and wild sources. The applicant has experience with cleanerfish from their existing Gigha sites, however the exposed nature of the site raises concerns on the welfare of the cleanerfish to be stocked on site, as the open pen exposed environment will differ more considerably from their natural environment. Details of considerations made on cleanerfish welfare at this location should be provided. This information may be included in the Veterinary Health and Welfare Plan which is referenced but not provided.

Further information required:

- Details of the considerations made on the suitability of the site for fish of this size;
- Details of considerations made on cleanerfish welfare at this location;
- Practical time taken for FLS treatment of the 8x 160 pens;
- Attestation on the suitability of pens proposed for use on site;
- Explanation on suitability of high utilisation factors of moorings equipment;
- Confirmation that equipment specified in moorings analysis report will be installed on site, or details of any further adjustments made.

**Marine Directorate of the Scottish Government (dated 28/02/24):**

Details of the considerations made on the suitability of the site for fish of this size

The applicant states that considerations have been made by BFS for the health of welfare of fish in high energy farming locations. Smolts are proposed to be raised in RAS hatcheries and will be acclimatised to higher flow rates leading up to their transfer off site. Size of smolts at initial stocking of the site is proposed as 164g but it is the aim for this to be increased towards 500g in future generations to increase robustness. Pre transfer health examination and documented risk analysis will be undertaken prior to transfer from freshwater facilities and subject to review and approval by another biologist; transfers will only be undertaken when stock is healthy and robust. If there are any doubts over the ability of stock to deal with the high energy sea site location, stock could be held at one of the applicant's existing sites on the east side of Gigha and transferred to the proposed site when fish reach between 500g -1kg.

Details of considerations made on cleanerfish welfare at this location

Details of the considerations made are provided: a pre transfer exam is given to farmed origin ballan wrasse prior to transfer to ensure the health of animals moved onto site, wild origin ballan wrasse are also given visual inspections. The applicant also state that sufficient hides and shelters will be made available to cleanerfish species, and believe with these adjustments the pen environment will provide suitable shelter despite the exposed location.

Practical time taken for FLS treatment of the 8x 160m pens

Practical application time for FLS treatment across all 8 pens on site is stated as 4 days. This is deemed to be satisfactory as far as can reasonably be foreseen.

Attestation on the suitability of pens proposed for use on site

An attestation is provided from ScaleAQ for the design of all sea based equipment, net, pens, moorings and barge, which states these are designed and produced in accordance with the Norwegian Technical Standard or International Standards with equal reliability level. Furthermore, it confirms that the equipment proposed is deemed suitable for the West Gigha site. In conjunction with the statement in the EIA, that all equipment and site installation will be in accordance with A Technical Standard for Scottish Finfish Aquaculture (STS), the information provided is deemed satisfactory as far as can reasonably be foreseen.

Explanation on suitability of high utilisation factors of moorings equipment

The company that undertook to the mooring analysis for the site, ScaleAQ, have provided a statement which states that the reliability and structural integrity of the system are deemed sufficient when utilisation factors are maintained at or below 1.0; explaining that the utilisation factor includes defined material and load factors in accordance with the Norwegian Technical Standard, and at 1.0 still gives an extremely good margin against overloading of components. They also confirm that the site data for West Gigha is well defined and good quality. Furthermore, an “as built” analysis will be conducted following installation to verify the anchor positions and components installed to ensure they have sufficient capacity. This is deemed satisfactory as far as can reasonably be foreseen from the information provided.

Confirmation that equipment specified in moorings analysis report will be installed on site, or details of any further adjustments made

The applicant has confirmed that the equipment specified in the moorings analysis report is intended to be installed on the proposed site to ensure the moorings system is capable of withstanding the environmental conditions on site. The “as built” analysis conducted by Scale AQ following installation will verify the anchor positions and components installed to ensure they have sufficient capacity. This is deemed satisfactory as far as can reasonably be foreseen from the information provided.

No further information required.

**Scottish Environment Protection Agency (SEPA) (dated 16/11/23):** No objection. We can confirm that we received an application under the Controlled Activities Regulations (CAR) for the proposed development in April 2023. We were satisfied that the proposed biomass was reasonable within the scope of the new regulatory framework and a permit was issued in Aug.2023.

**Scottish Environment Protection Agency (SEPA) (dated 7/8/24):** The advice in our previous letter remains valid and we have no objections to the application from a planning perspective. We would however take this opportunity to make the additional comments regarding sea lice and their potential impacts on wild salmon. SEPA has now completed its screening assessment of this proposal in relation to sea lice and their potential impacts on wild salmon. The screening assessment indicates that one Wild Salmon Protection Zones (WSPZ) (Mull of Kintyre – West) is influenced by the proposed site. The screening assessment output indicates that in terms of a relative contribution to that WSPZ, the sea lice exposure risk would not materially change with the farm in operation.

**Argyll and District Salmon Fishery Board (dated 13/12/23):** Our consultation response to the application is made in respect to the importance of migratory fish populations in several rivers on the West coast of Kintyre including the Barr Water, Clachaig Water, Killean Burn, Tayinloan Burn, Ballachroy Burn and Clachan Burn which support important populations of Atlantic salmon and sea trout which support active recreational fisheries, local employment, and economy. Our primary interest remains the reduction of pressure on wild salmonids from sea lice, fish diseases and escaped farm fish.

The addition of a further 3,104 tonnes of farm fish production in addition to the existing 2,500 Tonnes at Druimyeon Bay and 2,499 tonnes at East Tarbert Bay increases potential for farm and wild fish interactions which can negatively affect vulnerable wild salmonid fish populations.

We urge that in the event of planning permission being granted for the farm at West Gigha, annual monitoring of the sea lice on sea trout are undertaken in the area and a programme of genetic monitoring of wild salmon populations within the is undertaken as part of an Environmental Management Plan (EMP). We note that the proposed EMP supporting the application does not include the participation of a wild fishery management group that directly represent migratory fish. Argyll District Salmon Fishery Board are parties to several other EMP agreements with other fish farm operators and are working constructively with these companies to ensure that wild fish are protected by a mutually agreed programme of wild fish monitoring and a mechanism for changes to on-farm practices monitoring shows an adverse impact on wild salmonid fish. We urge that it is important to include a suitable wild fish organisation, such as Argyll DSFB, in a formally agreed EMP.

In summary, Argyll DSFB has concerns that the proposed new fish farm at West Gigha may cause additional pressures on local migratory fish populations. If planning permission is granted for the site, we urge that it includes conditions that guarantee sea lice management meet the required levels within the Wild Salmon Protection Zone and that the fish are effectively contained at the site(s). We also require that an EMP that monitor sea lice and genetic health of wild salmon populations is a condition of any change in the planning permission.

**Historic Environment Scotland (dated 15/11/23):** Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

We previously responded at Screening/Scoping for the proposed development (February 2022, 1/02713/SCRSCO). In our response we noted that we were content that the presence of a fish farm in this location would not generate significant setting impacts on the nearby monument Dun An Trinnse (SM3230). We were also content that the risk of impacts on known marine assets would be minimal, and for the assessment of impacts on heritage assets within our remit to be scoped out of the Environmental Impact Assessment. We have considered the information received and do not have any comments to make on the proposals.

**Gigha Community Council (undated):** Gigha Community Council conducted a whole island, paper based questionnaire regarding the proposed fish farm in this application. Every inhabited property on Gigha had a questionnaire delivered to them. We received 83 responses. 61% of residents were against the proposed

new fish farm and 39% of them were in favour. As a reflection of the majority view GCC **objects** to this planning application. The concerns raised relate to the following issues:

- Visual amenity and sense of wildness
- Special protection area status and priority habitats.
- Affect on small scale local creel fishermen
- Light and noise pollution
- Over development
- Concerns over Bakkafrost's poor track record on Gigha
- Jobs
- Infrastructure

**Gigha Community Council (email dated 17/3/24):** This further response from GCC highlights some serious inconsistencies on the length of path and coastline that the applicant claims will be negatively affected by the proposed development and some wildly unrealistic claims about mitigating factors.

Because of this confusion GCC believes that the only sure way members of the planning committee could actually gauge this for themselves would be to consider a site visit. Is there any way this can be formally requested?

**Gigha Community Council (undated):** The Community Council issued a rebuttal to the applicant's Consultation Analysis Report. This relates mainly to statements made in relation to landscape and visual issues, however, it also refers to GCC's own island survey on the proposal, fish mortalities, employment and the exposed nature of the site.

**Gigha Community Council (email dated 4/7/24):** Submitted in response to the Western Link Visual Appraisal document.

The no.1 concern of the island wide survey was the impact that the proposal would have on the beautiful and totally unspoiled west coast of Gigha. The new visual appraisal document has not allayed these fears. Do not agree with the conclusions of the report that the overall effect on walkers would be generally minor. People walking on the new western path will undoubtedly be doing so in order to experience the west coast of Gigha's world-class sense of coastal beauty and isolation from manmade objects. Their enjoyment would be a sum of their entire experience, not just the 4/5 of the path, from which there was no view or only a distant view of a large industrial fish farm. Their overall impression would be dominated by the time they spend close to the fish farm.

**Marine and Coastal Development Policy Officer (dated 7/12/23):** Concerns raised with regard to commercial fisheries.

1. It is important to note that the data presented for brown crab and European lobster does not account for less than or equal to 12-meter vessels. Under section 12.4.5.2.1 Brown Crab and European Lobster, the Applicant is asked to clarify the specific dates that the assessment for brown crab and European lobster were used from the ScotMap data set? Was it from 2007-2011? Has the Applicant undertaken a more recent assessment of the available data, from 2021-2022 for example? If not, can the Applicant please explain why this was not the case?
2. It is important to note that in times of rough seas, smaller fishing vessels (less

than or equal to 12 meters) are likely to use inshore coastal waters. Has the Applicant considered that the Proposal will displace important overwintering inshore fishing vessels/grounds from the Gigha fishing community?

3. Much of the data presented within the EIAR covers the period 2009-2013, it is therefore unlikely to be a true representation of actual fishing intensity right now. Given that Vessel Monitoring System (VMS) track data was not collected for less than or equal to 12-meter vessels for the ICES 40E4 Rectangle, the assessment is not a true and accurate representation for all fishing vessels, particularly those under 12 meters. It is the Officer's understanding that historical and recent fishing track data for vessels less than or equal to 12-meters is available from the Gigha fishing community and should have been incorporated into the Applicant's assessment. Given that the proposed farm footprint is likely to interact with fishing activity, the applicant was advised at the Screening/Scoping stage to consult with the West Coast Regional Inshore Fisheries Group (WCRIFG) chair, and the Clyde Fishermen's Association (CFA) in the first instance to discuss pre-planning. This appears to not have been the case.
4. The Applicant has not submitted the attestation on the suitability of pens proposed for use on site. The Applicant is asked to submit this please.

**Clyde Fishermen's Association (dated 2/12/23):** Bakkafröst have reached out to clearly communicate their intentions with this site and we have provided tracks of our fishing boats and explained how important the site is to our fishermen, and given this issue we would have to object. There is a basic competition issue for this space, and this space already provides stable long term employment for small scale static and local small scale mobile family fishing boats. The safeguarding of existing employment and wild fisheries has to be taken into account.

The local fishing community are becoming increasingly concerned with the fairly constant loss of indigenous fishing grounds to aquaculture.

We would be happy to provide more fishing tracks of local generational fishing boats to help establish that local boats have fished in this area for many years. We often hear Councils or developers state they have mitigated impact to fisheries through ScotMAP, however under 12m fishing boats are not captured at all by ScotMap. In this area many boats are under 12m. We have therefore attached some screenshots of fishing tracks / plots in the area demonstrating clearly the area is fished and is of significant socio-economic importance to our member boats and doe small boats who were not in our association.

Concerns relating to significant effects due to sewage and chemical pollution from fish farms.

The site will further encroach further into safe, wild fishing grounds.

Concerns relating to debris emanating from fish farms.

Concern over dead salmon which are being recovered which appear to be from fish farms and concern about the proliferation of sea lice.

Following this consultation response further track were submitted by CFA.

**Clyde Fishermen's Association (dated 10/9/24):** in principle the CFAs stance is to generally not be supportive of new or expanded aquaculture in the area due to loss of space and concern that sediment and water column testing must be completed by Sepa independently for the area and in detail as it was a number of years back for Shetland.

However Bakkafrost have made attempts to work with some CFA members to minimise the impact to fishing members in this case in terms of space. Whilst we still have concerns generally and note concern over the need for Sepa testing, we recognise a compromise has been made by Bakkafrost to work with some local fishermen in this area in terms of footprint of the site.

**Northern Lighthouse Board (dated 31/12/23):** Consultation response includes details of lighting and marking requirements.

**Royal Yachting Association (dated 6/11/23):** RYA Scotland has no objection to this application.

**Argyll and Bute Biodiversity Officer (dated 20/12/23):** Due to early retirement the Biodiversity Officer unable to provide a response for this development. However, the Marine and Coastal Development Policy Officer and NatureScot have adequately covered these issues.

**West Highland Anchorages and Moorings Association:** No response to date.

**West Coast Regional Inshore Fishery Group:** No response to date.

**Argyll and Bute Environmental Health (dated 4/9/24):** I have reviewed the application and would recommend the following conditions be attached to any permission granted;

Operational Noise

The application is for the formation of a fish farm located approximately 625m off the West coast of Gigha. The nearest noise sensitive property on Gigha being approximately 1,300m away from the proposed development.

Upon reviewing the application it seems that the main operational activities that could generate noise would be generators and/or pumps associated with the barge and floating pens, and marine vessel activity.

The applicant has submitted a full Environmental Impact Assessment Report outlining noise mitigation measures that will be adopted during operation of the fish farm.

Given the remote location it is not anticipated that the proposed development will cause a statutory noise issue however, it would be advisable to attach a safeguarding condition to any permission granted.

**NatureScot (dated 29/1/24 and 26/6/24):** The proposal lies within the Sound of Gigha SPA protected for its qualifying interests of wintering great northern diver, red-breasted merganser, eider and Slavonian grebe.

The proposal could be progressed with appropriate mitigation, however, because it could affect an internationally important natural heritage interest, we object unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in Annex A.

The proposal also affects a nationally important population of a protected species as described in the accompanying confidential Annex B. We object to the proposal unless it is made subject to conditions detailed in confidential Annex B.

#### Sound of Gigha SPA

Argyll and Bute Council is required to consider the effect of the proposal on the SPA before it can be consented. Argyll and Bute Council as competent is required to carry out an Appropriate Assessment.

#### Ailsa Craig SPA

The proposal is likely to have significant effect on the northern gannet qualifying interest of Ailsa Craig SPA. Consequently Argyll and Bute Council as competent is required to carry out an Appropriate Assessment.

#### Inner Hebrides and the Minches (IHM) SAC

The proposal is located 5km from the IHM SAC. The proposed vessel transit route (VTR) crosses into the SAC at its southern edge as the route heads around the north end of Gigha. Our advice is that this proposal is likely to have a significant effect on the harbour porpoise qualifying interest of the SAC. We advise that on the basis of the information provided, if the proposal is carried out strictly in adherence to the Vessel Management protocols as set out in the applicant's Vessel Management Plan (including cetacean protocol), our conclusion is that it will no longer be likely to have a significant effect and appropriate assessment will not be required.

#### Species of Conservation Importance

The proposal could be progressed with appropriate mitigation. However, because it could affect nationally important natural heritage interests, we object unless it is made subject to conditions so the works are done strictly in accordance with the mitigation detailed in confidential Annex B.

#### Wild Salmonids

Sea trout and Atlantic salmon are both Priority Marine Feature (PMFs) and this proposal has the potential to impact on both species, particularly in relation to sea lice burdens. We consider that the supplied Environmental Management Plan (EMP) and confidential annex adequately addresses on-farm and wild fish monitoring requirements and provides mechanisms for feedback and reactive/adaptive management, up to and including escalated actions such as early harvest / depopulation. We are satisfied that the contents of the EMP and Wild Fisheries Sea Lice Monitoring Strategy in the context of monitoring and managing risks to wild salmonids associated with nationally important watercourses.

We defer to the District Salmon Fisheries Board and / or Marine Scotland to provide further advice to the Planning Authority on the local significance of any wild salmon populations likely to be impacted by the proposal. NatureScot will defer to Marine Directorate to advise on the adequacy of the equipment in this location and monitoring requirements to ensure equipment integrity.



Regarding the potential conflicts between recapture efforts for escaped fish and marine birds, as stated in the escape contingency plan, NatureScot must be consulted on any proposals for recapture in the interests of conservation of the qualifying species on the Sound of Gigha SPA. Use of set (gill) nets for recapture of escaped farmed stock is prohibited within the SPA.

#### Benthic Impacts

We conclude that there is no risk that solids deposition, including cumulative deposition, will result in a significant impact on the national status of any of the sensitive PMF feature that have been identified.

Similarly, there is some predicted overlap between the chemical plumes in the water column and the PMF habitats outline above. This is also considered unlikely to be a significant cause for concern for the PMF features present based on the information provided.

#### Landscape

The proposal is not located within any nationally designated landscapes and therefore does not meet our thresholds for consultation.

No further comments to make on the amended SLVIA.

NB Full details of all consultation responses received can be viewed on the Council's planning portal [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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**(D) HISTORY:**

None

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**(E) PUBLICITY:**

ADVERT TYPE: Environmental Assessment Regs Adv (28)  
EXPIRY DATE: 03.12.2023

ADVERT TYPE: Regulation 20 Advert Local Application  
EXPIRY DATE: 24.11.2023

ADVERT TYPE: ENVASA Addendum EA Advert  
EXPIRY DATE: 21.07.2024

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Please see Appendix B for a list of the contributors

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

**(ii) Summary of issues raised:**

### **Ariane Burgess MSP**

Main reason for objecting is the appalling track record of the operator, Bakkafrost, in the same region. The company has two other salmon farms close to Gigha. Both recently completed yearly production cycles with over 80% mortality. This means that over 80% of the fish they were farming died prematurely and could not be sold as food for people. Yet the 'production' of those wasted salmon had detrimental impacts on the local and global environment and the local economy.

Approving this application would surely conflict with Argyll and Bute Council's Local Development Plan policy on sustainable development.

In order for this application to be approved Bakkafrost should have to prove that the design of this new farm, and/or the practices they follow will at it, are substantially different for their other two farms around Gigha, where mass mortality events have resulted in enormous levels of waste.

Approving this application would allow the company to expand operations close to its existing sites where it has recently struggled with sky high mortality rates including the worst mortality event in Scottish history in 2021. It is questioned whether this complies with NPF 4 policy 32 (c), which states: "Development proposals for fish farms will demonstrate that operational impacts (including...waste emissions, aquaculture litter (and odour impacts on other marine user) are acceptable and comply with the relevant regulatory framework."

*Comment: This application has been assessed on its merits against the policies of the Development Plan.*

### **Councillor Douglas McFadzean**

I have been contacted by Gigha Community Council who have provided me with the results of an island wide consultation they undertook in relation to this proposed fish farm development. I have summarised the report findings as follows:

The total number of respondents was 83 (32 for and 51 against).  
39% of respondents were in favour of the proposal and 61% were against.

I have also spoken with the development team behind the fish farm and they did provide some very strong reassurances re environmental protection and sourcing staff locally, ideally from Gigha itself.

However, I was elected to represent the thoughts and feelings of the communities I serve and the results from the Community Council survey are pretty compelling.

I would further like noted my concerns regarding the infrastructure on Gigha that could support (or not be able to support) such a development and am thinking particularly about the lack of housing on Gigha, and across my ward, which is stifling growth and population retention. There will be a negative environmental impact if this development goes ahead, although I was assured these would be minimised using new technologies.

On balance I believe that I must represent the community first and would agree that the time is not right for this development to go ahead for the reasons outlined above.

### **Wild Fish Interactions**

Laggan and Sorn District Fishery Board (LSDFB) have serious concerns about the possibility of a new salmon farm being located in such close proximity to the salmon and sea trout fisheries that it is responsible for protecting and enhancing. The Board is of the view that it is inevitable that there will be a proliferation of the presence of sea lice in waters surrounding the site of the proposed fish farm.

The LSDFB opposes the siting of any marine salmon farm in such close proximity to its jurisdiction as it wishes the waters surrounding Islay and Jura to remain as free as possible from the effects of over parasitism of sea lice on wild salmon and sea trout.

The LSDFB is fundamentally concerned with ensuring wherever possible that there is reduction of pressure on wild salmonids from sea lice, fish diseases and escaped farm fish in representing the interests of its members on the island of Islay and performing its statutory duty to protect wild migratory salmonid fish. *(NB The Argyll District Salmon Fishery Board are the statutory consultee for this planning application)*

The proposed location of the farm is in a very exposed location where violent storms occur regularly. This factor predicated the inevitable escape of fish from the installation. The proposed installation presents the threat of escape farm-bred fish, the effects of which are deleterious. This represents a significant threat to a species of economic importance that is already under critical pressure.

In rough seas it would be difficult to deal with any incident of malfunctioning equipment, moorings or failure of installation on this fish cages. A small defect would rapidly deteriorate in bad weather and a major environmental disaster could occur. Any caged fish escape from even a single unit could seriously damage or destroy any wild salmon fishery as far north as Oban or as far south as the Mull of Kintyre. This is a very high risk location indeed, and even one accidental release could catastrophic environmentally.

*Comment: See assessment.*

### **Farmed Fish Mortalities**

There is a growing body of evidence that the battery production of Atlantic salmon in fish cages on our west coast is not sustainable. In the last three years, mortalities in excess of 500 tonnes per month have been seen on some farms. The result include constant movement of lorries, sometimes dripping toxic waste, on our already stressed roads.

In late summer 2021 over half a million salmon died in a farm off the Isle of Gigha operated by the current applicants. The resultant waste had all to be removed in lorries using the only ferry terminal and the only ferry, causing a

huge disruption to locals and tourists alike. Skips full of stinking dead salmon sat on the pier for days.

The company making this application have an extremely poor track record of managing their existing sites on the east side of Gigha. Both recently completed yearly production cycles with over 80% mortality.

The EIAR claims that it will be able to avoid animal welfare disasters at the proposed new farm because it has access to freshwater treatment vessels and to medicinal and non-medicinal treatments. However, these treatments were used before at Druimyea Bay and East Tarbert Bay and these did not prevent farmed fish disasters.

BFS cannot guarantee that these measures will prevent the same thing happening at the new farm, and the company has made this harder to assess, as its Veterinary Health and Welfare Plan is not included in the documents in the planning portal. The Council must make sure that this plan is available and this is fit for the purpose of preventing unacceptable mortality and poor fish welfare.

*Comment: This application has been assessed on its merits against policies contained within the development plan and advice from consultees. The planning authority does not differentiate between applicants when assessing planning applications. Mortalities at another fish farm is not material to the determination of this application. Issues of fish health and welfare are covered by the Fish Health Inspectorate.*

### **Ornithology**

It is the opinion of Starling Learning ornithologists the insufficient survey has been carried out in order to full assess the impacts on cited species on the Sound of Gigha SPA. Due to flaws in the survey methods, it will not be possible for Argyll and Bute Council to make an accurate appropriate assessment.

*Comment: NatureScot are the Planning Authority's expert advisors on SPAs and they have not raised this as an issue. An Appropriate Assessment is included as an Appendix to this report.*

### **Landscape and Seascape Issues**

The proposal would be highly detrimental to the wild character of the West coast of Gigha. The community has recently heavily invested in pathways, including pathways to the west and the proposal would be an eyesore and generated a lot of traffic in what is a relatively quiet and beautiful part of the island.

The site would be visible from many of the new community built paths especially from Creag Bhan, a scenic viewpoint that currently enjoys magnificent view of the Sound of Jura.

The remote landscape and seascape features of Gigha's west coast and seascape have been recognised by Argyll and Bute Council designating large sections as "isolated coast". The EIA recognised that the landscape effects along this pristine and quite special coastline would be more than significant.

No new land based is permitted on the west side of Gigha to conserve the remote and isolated landscape character and quality. The impact of a new industrial installation for fish farming here would be absolutely contrary to existing planning objectives and designations.

*Comment: See assessment.*

### **Navigation and Impacts on Commercial Fishing**

The proposal will affect local creel fishermen and will restrict access to creels in the area.

The site lies directly on the main west Gigha coastal yacht navigation and has a creel fishery.

Concerns that the proposal will interfere with shipping.

In particular, section 4.18 of policy GEN 19 must be observed “Where evidence is inconclusive and impacts of development or use on marine resources are uncertain, reasonable efforts should be made to fill evidence gaps and decision makers should apply precaution with an overall risk based approach.”

BFS also says that the negative economic impact on fish “is considered to be temporary as, at the end of the Proposed Development’s lifecycle, the infrastructure can be removed and the impact avoided”. This is clearly ridiculous. The farm would have planning permission in perpetuity.

How could the area closest to the cages, and the farm’s pesticide discharges, remain a good place to fish for lobsters, crabs and prawns, which are also crustaceans.

*Comment: See assessment.*

### **Environmental Issues/ Wild Fish Interactions**

In the intervening five years since the REC Report there has been no improvement in the industry’s environmental and fish health issues; on the contrary sea lice control and premature mortalities have both deteriorated significantly.

The record of sea lice control by the industry in general, and Bakkafrost in particular, is poor – despite the best intentions as detailed in planning applications. Whilst the new Gigha site is not adjacent to significant salmon or sea trout rivers, sea lice emissions from the site will inevitably add to the local cumulative numbers of sea lice with implications for transmission to passing wild salmonids. It is likely that the migration path of wild salmon smolts from rivers to the south will take them close to Gigha.

We do not consider that the SEPA sea lice control framework, nor the Environmental Management Plan (EMP) can adequately address the likely impacts of sea lice from the farm on wild salmonids. Our concerns in this area are detailed in our consultation response to SEPA’s second sea lice consultation.

The proposed location for a farm off the west coast of Gigha is highly exposed and consequently equipment failure (no matter how robust it is), leading to escapes, is highly likely.

Other countries such as Norway and the US have now come to the conclusion that fish farms in inshore waters in their own countries are environmentally unsustainable and have moved to having them on land. No further planning consents should be given for fish farms in Scottish inshore waters.

*Comment: SGMD have advised the Planning Authority that the EMP is fit for purpose. In addition, SEPA has advised that the sea lice exposure risk would not materially change with the proposed farm in operation.*

### **Site Location / Site Issues**

The area is subject to very rough weather, fast tides and is very deep. Only recently Bakkafrost have lost a barge in Loch Fyne and previously a feed barge at Portree and despite recovering it they have dumped it on the sea shore. This site poses challenges for the company and I would dispute their experience / reputation in being able to manage such a construction. The risk of something going wrong is high and I do not have the confidence they would clean up after themselves.

Concerns about safety based on the difficulties with tethering in those waters. Bakkafrost are not very experienced in dealing with pens this large.

The west of Gigha is very exposed to Atlantic gales and storms. The proposed fish farm location takes the full force of westerly and south westerly depressions which are the dominant weather systems for over six months of the year. We expect 90-100 days a year where the wind is Force 6 and above, and extended periods of low pressure systems can run for several months during the winter. Between Autumn and late Spring the sea state off the west of Gigha is frequently rough with sea swells of about 1.5m with breaking crests. The seas bounce back off the cliffs in a south westerly with a strong backwash, and there is a highly confused sea state in high winds. Working on a site in these conditions is virtually impossible, regardless of automated feeding.

The land base is some 9km away and the journey to the site would be directly into the wind and highly dangerous in S to W F6 and above. It would be unsafe for any vessel attached to the site barge to try to put to sea. (The Islay ferry is cancelled in these conditions).

The company plan to service the site via boats, but this is also unfeasible and they will clearly need to utilise our fragile ferry service further to service this site. There will be impacts on our road network which is not suitable for any increase in vehicles of any size.

The existing east Gigha site is fallow because Bakkafrost do not have the capacity to stock it, so their expansion with supersized cages in such an exposed location appear to be entirely unnecessary for their business model.

A suitable attestation has not been provided to confirm that pens will be suitable for this location.

Feed barges are vulnerable during bad weather. There have been incidences of feed barges sinking.

National Marine Plan (NMP) policy GEN 5 Climate Change says that “*marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change*”.

Comment: SGMD have not raised any objections to the location of this site.

### **Planning Policy**

The proposal is contrary to policies SG LDP 9 and SG LDP Aqua 1 – aquaculture development.

Consenting this proposal would contravene several of the Council’s policies, including Aqua 1, which states that “proposal for marine aquaculture development will be supported subject to there being no significant adverse effect directly, indirectly or cumulatively on the following development criteria:

1. Landscape / seascape and visual amenity;
2. Isolated coast;
4. Priority habitats / species and designated sites for nature conservation’
7. Economic impact”

This development would have significant adverse direct and indirect effects on the criteria above, as well as contributing to cumulative impacts affecting some of them.

Comment: See assessment.

### **Environmental Management Plan**

We do not consider that Annex 2 in the Environmental Management Plan Gigha FMA-M46 (the wild fish sea lice monitoring strategy) should be kept confidential – as this does not allow for proper consideration on what is being proposed.

The fundamental flaw of EMPs is that Councils, including Argyll and Bute, have neither the capacity, not the expertise, to enforce them.

Comment: NatureScot have requested that this information be kept confidential in the interests of the protection of a nationally important population of a protected species.

### **Animal Welfare**

Salmon farming involves keeping the fish at high densities which leads to many, well-known problems with animal husbandry, cruelty, infections and high levels of salmon lice.

Intensive farming in any setting has significant animal welfare and environmental impacts. Farmed salmon gets away with it as it is under the

water and not visible. We would not tolerate mammals being kept in similar intensive situations.

The council should not compound the mistake of consenting the expansion of the East Tarbert Bay Farm by allowing another 3104 tonnes of fish in an area where it is manifestly not possible to humanely rear salmon.

There is potential for the fish to experience severe harm during bad weather as has happened in the Faroes.

Ballan wrasse do not naturally live in open water, high wave-energy sites. They are susceptible to death through shock, even when being transported, let alone when exposed to 4m+ waves in net cages. Stocking wrasse in such a situation while knowing that many will be killed by the sea conditions, would constitute unacceptable cruelty.

The use of freshwater treatments would adversely affect wrasse.

In common with all of Scotland's other salmon farm operators, BFS will slaughter all the surviving wrasse every two years, when it kills the salmon, in case they transmit diseases to the next generation of farmed fish. It is unjustifiable and inhumane to use so many of these usually long-lived fish just to remove parasites, then kill them all.

*Comment: Fish welfare is a matter for the Fish Health Inspectorate*

### **Pollution**

Large quantities of dead or infected fish have been removed by road from the existing fish farms over the years. In the Faeroes, the local inhabitants have now put an embargo on any further Bakkafrost developments due to the amount of pollution created by them.

It is well researched and recorded that salmon farming has environmental impacts through pollution from dead fish, waste feed and the impact of treating lice on the fish.

Salmon farms dump tonnes of untreated waste into the local waters containing parasites and other pollutants which infect the local ecosystem damaging Scottish traditional fishing, as well as flooding the market with hazardous fish products, whilst providing negligible benefits to the local economy to offset the significant damage.

*Comment: SEPA are responsible for pollution and have not objected to this application.*

### **Acoustic Deterrent Devices (ADDs)**

Concern over the proposed use of sonic deterrents which have a known serious, deleterious effect on many marine mammals including cetaceans which are beginning to return to these waters.

*Comment: ADDs will not be used at this site and a condition is recommended preventing their use.*

### **Socio-Economic Issues**



The economic wellbeing of local residents is extremely unlikely to be supported by any expansion given that since their introduction to the area Bakkafrost has not generated any employment opportunities of significance for locals.

The proposal will adversely affect a business which relies on working, learning and relaxing. Our waters are a key part of this and any further expansion of fish farming threatens this.

The fish farm will bring no benefits for our businesses or our island community through employees living and working of Gigha, sending children to the school, buying from the shop, joining in community activities and taking on important volunteer roles.

The island gains almost nothing from having these farms as none of/ very few of their staff are resident here; the staff are boated in from the mainland each and every day so they don't even bring economic benefit to our ferry.

The jobs offered are not attractive when they involve dealing with so much dead fish. Neither is good that employees have to be given work elsewhere during extensive periods of fallowing which is enforced by warming oceans.

Bakkafrost Scotland (BFS) makes bold claims about the economic benefits of each job on the fish farm, using economic multipliers to infer how many additional "indirect" and "induced" jobs will be created, as well as the economic benefits due to all these people spending their salaries. This is smoke and mirrors, using economic multipliers in a way that has been debunked by three of Scotland's top economists.

BFS also claims that each of the five new employees will directly generate £121,200 GVA for the Scottish economy. This is fanciful, given the record of mass mortalities at BFS's Gigha farms.

BFS also claims that "within the salmonid production sub-sector, in general, there has been an increase in the total number of jobs supported." This is not true. The Scottish Government Marine Directorate's Fish Farm Production Survey for 2022 shows that the number of direct employees has declined each year since 2019.

*Comment: See assessment.*

### **Tourism**

The development would have adverse impacts on tourism.

As a community which is dependent upon tourism for its economic life, why should we be thinking that pollution of our waters and shores is a good thing for now or the future?

The development will compromise Gigha's new coastal path.

*Comment: See assessment*

### **Dark Skies**

Gigha is classified as a Dark Skies site and the health of this site supports our local economy and the health and wellbeing of our residents. The proposed expansion will need to include essential lighting systems, including fixed white lights which are visible for 2 nautical miles which will negatively impact both our Dark Skies designation and the health of the site even more than those currently in operation.

*Comment: See assessment.*

### **Effects on Habitats and Species**

The proposal would be a hazard to sea life.

The SE Islay Skerries SAC for the Harbour Seal is just across the water from Gigha's West coast and the area is frequented by the Harbour Seals and their young.

The site lies directly on the main migration route for cetaceans like dolphins and basking shark.

*Comment: See assessment. The Planning Authority have been advised by NatureScot on this issue. No ADDs will be used at this site.*

### **Amenity Issues**

The development would result in consideration marine movements necessary to service the site which is a 9km journey from the Drumyeon Bay shore base. This will result in noise and physical disturbance to quiet recreation and wildlife. It is a large industrial site being proposed, at the bottom of a remote and spectacular cliff line fully exposed to the Atlantic.

The proposal will result in light pollution.

The property at The Mill, Isle of Gigha will be significantly affected by noise and light pollution from the site. We have recently spent a large amount of money restoring the old listed water mill. The proposal would also ruin business plans at the old water mill for a creative space where people can come on artists retreats due to impacts of light, noise and environmental pollution.

*Comment: See assessment.*

### **Impacts of Climate Change**

Once the water temperature is over 16C, salmon get stressed and productivity is reduced with increased prevalence of disease and sea lice. There is increasing vulnerability of cage farmed salmon down to continuing climate change induced increases in water temperatures, currently 11°C in November and 16°C in June. In recent years there has been a very rapid increase in the frequencies of micro jellies and sharp plankton blooms with high mortality levels experienced – over 20% per episode being common on many fish farms. There is an increasing rate of mortality in the fish farming cycle due to the impacts of climate change.

Salmon are cold water fish. The welfare disaster in Argyll's farms is getting worse because Scotland is experiencing more frequent spells of settled weather in late summer, warming the surface waters, reducing dissolved oxygen levels and stressing the salmon. The impact is felt most strongly in the south, so it is no coincidence that the south west and Western Isles regions now have the worst fish mortality. This impact is additional to the slower increase in average annual sea temperature, which is also affecting salmon farming.

Warmer conditions promote diseases and speed up the reproduction of sea lice and harmful planktonic blooms of algae and micro jellyfish. The latter can severely damage the fishes' gills, killing them if their gills are already suppressed by disease.

*Comment: Officers sought the advice of the SGMD on this issue. SGMD has advised that the Marine Directorate is aware that climate change may lead to changes within the marine environment in which aquaculture operates, including trends towards milder winters.*

*The Marine Directorate uses the best available science and evidence to inform our approach to aquaculture development. In relation to the impact of temperature change on farmed salmon production, evidence provided by Marine Directorate (from Moriarty et al. (2020)) indicates that there is a significant relationship between biomass and winter minimum air temperature, and monthly losses of farmed salmon at national or regional scales.*

*As detailed in Moriarty et al. (2020), this work is to help assess longer term trends that can help inform the aquaculture sector of potential losses and be of practical use in farm management. The work does not support a moratorium on individual fish farm development as losses are only resolved at the level of large regions, site-level factors were not considered within this work. Therefore, it is not possible to advise if any possible changes in winter temperatures in Argyll, and specifically at the proposed West Gigha site, would result in increased farmed fish losses.*

*Developing production strategies for farmed fish at site level for the optimal health and welfare of farmed fish is the responsibility of the site developers and operators. The Scottish Government expects mortality to be managed to the lowest possible level, and innovation and best practice in farm management to be applied appropriately to the environment in which fish farming operates.*

### **Historic Environment**

The development would have an adverse impact on the old mill listed building.

*Comment: The listed building would be over 1km from the closest fish farm pen and at this distance it is not considered that there would be an adverse impact on the setting of the listed building.*

### **Other**

The fact that 61% of residents of Gigha, out of 83 responses, are against this proposal should outweigh every other determining factor.

Should permission be granted firmer requirements for the removal of disused equipment than those that are given in the application should be required.

Gigha community needs help from Councillors in resisting this application because they will get little or no help from statutory consultees. SEPA have already issued a CAR licence because their remit does not cover considering performance at other farms or the cumulative impact on the island. Past experience does not suggest that NatureScot will lend much support to islanders because their remit tends to be limited to isolated Priority Marine Features and other species with no consideration of the broader impacts on communities.

It would be wrong to impose this large, inappropriately sited industrial development on an island community that does not want it. The Council should respect such strong community opinion and ask the company to do likewise, by withdrawing its proposal, as another company MOWI, did when it withdrew its plans for new fish farms, after polls of the communities on Eigg and Coll showed clear majorities against them.

*Comment: The Planning Authority are required to determine all applications submitted. Any decision to withdraw an application would be a matter for the applicant. Planning legislation requires planning applications to be assessed against the policies of the development plan unless material considerations indicate otherwise. The relevant policies of the development plan are considered in the assessment.*

### **Summary of Expressions of Support**

The proposal will benefit the economy of the island;

This will be great for the local area, supply chains and employment. Developments such as this provide both direct and indirect employment opportunities;

W & J Knox is a supplier and manufacturer of aquaculture products based in Kilbirnie. We have had a long and fruitful history with Bakkafrost Scotland and its predecessors going back 30+ years. As a company we collaborate closely on the design of new products and associated services to meet the evolving requirements of Bakkafrost's farming operations. This was shown in 2021, when we helped them to upgrade their entire stock of containment nets to eliminate the pressure experienced from predation. We currently employ approximately 56 local people with 75% of them involved in net washing, repair and manufacture of associated aquaculture products. As a service company, we spend a lot of time visiting farms following up on past installations and new enquiries. As a result, we make a direct contribution to many local communities throughout the country all year round using local accommodation, restaurants, shops, fuel stations etc.

From the Covid 19 epidemic, we have learned the importance of diversifying our economy away from an over reliance on tourism.

Over recent years the aquaculture industry has been recognised to support 11,700 jobs and contribute an approximate £885 million to our national economy with an annual turnover of £1.5 billion;

Bakkafrost and other salmon producers operating in Scotland invest heavily in rural and coastal communities, providing not only skilled and well paid jobs but also a source of income which helps to redress the current demographic imbalance in our communities.

In addition to the economic and social advantages, fish-farming supports sustainable food production. Salmon are among the most efficient farmed animals to produce as they convert feed very well. Salmon farming has a lower carbon footprint than most other farming sectors, uses less freshwater and produces more edible meat for every ton of feed used.

Will be an asset to the island, especially now that the halibut site has closed. Hopefully bringing new jobs and people to the island.

My role is running the local shop and Post Office and I can't stress enough the importance of the fish farm in making our island store viable and hence safeguarding an important piece of island life.

*Comment: The points in support are noted.*

*NB: Full details of all representations can be viewed on the Council's website.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

**(i) Environmental Impact Assessment Report:** Yes No

- Infrastructure
- Husbandry
- Farming Production System
- Consultation and GAP Analysis
- Summary of Designations
- Benthic Habitats
- Water Column Impacts
- Interactions with Predatory Species
- Interactions with Wild Salmonids
- Impacts on Species and Habitats of Conservation Importance
- Navigation, Anchorage, Commercial Fisheries and other Non-Recreational Maritime Users (MOD)
- Seascape, landscape and visual
- Noise
- Socio-economic, Access and Recreation
- Lighting

Appendices

- Appendix A Figures
- Appendix B Equipment

- Appendix C Planning Statement
- Appendix D Example Production Plan
- Appendix E Environmental Management Plan (including confidential annex)
- Appendix F Sea Lice Management Statement
- Appendix G Fish Mortality Plan
- Appendix H Farm Management Statement
- Appendix I Benthic Survey Report
- Appendix J Hydrographic Report
- Appendix K NDM Modelling Report
- Appendix L Marine Modelling Report
- Appendix M Nutrient Calculations
- Appendix N SLVIA
- Appendix O RIAA
- Appendix P Waste Management Plan
- Appendix Q Vessel Management Plan
- Appendix R Bird Survey Report
- Appendix S Sea Lice Modelling Report
- Appendix T Wave Climate Assessment
- Appendix U SEPA CAR Licence

- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No (See Appendix)
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **A Sustainability Checklist (with reference to the requirements of LDP2 Policy 04)** Yes No
- (v) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No  
 Commercial Fisheries Impact Assessment – Local 12m and Under Fisheries dated Jan 2024  
 Consultation Analysis Report, West Gigha dated Feb 24.

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** Yes No

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

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

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

**National Planning Framework 4 (Adopted 13<sup>th</sup> February 2023)**

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 12 – Zero Waste

**Productive Places**

NPF4 Policy 25 – Community Wealth Building

NPF4 Policy 29 – Rural Development

NPF4 Policy 32 – Aquaculture

**Argyll and Bute Local Development Plan 2 (Adopted February 2024)**

**Spatial and Settlement Strategy**

Policy 04 – Sustainable Development

**High Quality Places**

Policy 08 – Sustainable Siting

Policy 14 – Bad Neighbour Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 19 – Scheduled Monuments

**Diverse and Sustainable Economy**

Policy 28 – Supporting Sustainable Aquatic and Coastal Development

**Sustainable Communities**

Policy 59 – Water Quality and the Environment

Policy 63 – Waste Related Development and Waste Management

**High Quality Environment**

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 74 – Development Impact of Sites International and National Importance

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Third Party Representations
  - Consultation Responses
  - Planning History
  - [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
  - [ABC Landscape Studies](#)
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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes No  
The proposal is a Schedule 2 EIA Development

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

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**(M) Does the Council have an interest in the site:** Yes No

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**(N) Requirement for a pre-determination hearing:** Yes No

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process;
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

The current Local Development Plan was approved in 2024. NPF4 which was approved in 2023 contains a similar criteria based approach in relation to aquaculture applications. It is considered that the development plan is up to date.

At the time of writing this application has attracted 31 objections and 14 expressions of support. Objection has been raised by the Gigha Community Council in their capacity as a statutory consultee and they have requested that Members visit the site. Given the level of interest in the application and the complexity of the issues raised, it is considered that there would be merit in holding a pre-determination Hearing to allow Members consider the site, question participants and consider the arguments on both sides in more detail. It is the view of officers that this would add value to the decision-making process.

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**(O)(i) Key Constraints/Designations Affected by the Development:**

- Sound of Gigha Special Protection Area (SPA)
- Ailsa Craig Special Protection Area (SPA)
- Inner Hebrides and the Minches Special Area of Conservation (SAC)



- Dun An Trinnse Scheduled Monument (SM3230)

**(O)(ii) Soils** - Not applicable as this is a marine development

**(O)(iii) Woodland** - Not applicable as this is a marine development

**(O)(iv) Land Status / LDP Settlement Strategy** - Not applicable as this is a marine development

**(P) Summary assessment and summary of determining issues and material considerations**

This application is for the installation of a new marine fish farm for the farming of Atlantic salmon in the Sound of Jura approximately 450 m to the west of the Isle of Gigha. The site would comprise 8 x 160m circumference pens in a 2 x 4 formation along with a 600 tonne feed barge which would be located at the centre of the group on the shore side. The site would be serviced from the company's existing shore base located on the north east side of the Isle of Gigha.

This proposal is EIA Development and the determination of this application is also subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. There is a requirement to examine the environmental information submitted and reach a reasoned conclusion on the significant environmental effects of the proposal. In this respect the following have been taken into account when reaching a recommendation:

The EIAR (August 2023) report and appendices; The EIAR Addendum: Western Link Visual Appraisal dated 3 June 2024; The Environmental Management Plan Gigha, FMA-M46 dated September 2023; The consultation responses from Scottish Government Marine Directorate, NatureScot, SEPA, Argyll District Salmon Fishery Board, Historic Environment Scotland, Northern Lighthouse Board, Royal Yachting Association, Gigha Community Council, Argyll and Bute Environmental Health, Argyll and Bute Marine and Coastal Development Policy Officer and Argyll and Bute Environmental Health Officer; Representations received.

The recommendation on this application has been guided by the conclusions of the EIAR and the proposal has been assessed against the policies of the adopted Development Plan with particular regard to the policies of NPF4 and to the policies of LDP2 as well as other material considerations and policies within the plan.

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

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

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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

Not Applicable

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

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**Author of Report:** Sandra Davies **Date:** 5/9/24

**Reviewing Officer:** Peter Bain **Date:** 5/9/24

**Fergus Murray**  
**Head of Development & Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01758/MFF****Standard Time Limit Condition** (as defined by Regulation)**Additional Conditions****1. PP - Approved Details – EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 4/9/23; the Environmental Impact Assessment Report dated August 2023, and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

Plan Title.	Plan Ref. No.	Version	Date Received
Development Location		A1	5/9/23
Site Plan as Proposed		A1	5/9/23
Barge Mooring Drawing			5/9/23
Feed Barge Elevations and Floor Plans		-	5/9/23
Pen elevations and specifications			5/9/23
Pen netting and top netting		-	17/10/23
Admiralty Chart Extract		A1	5/9/23
Schematic Diagram		A1	5/9/23
Pen Netting Specification	01-1456		5/9/23
Grid Mooring Drawing			5/9/23

Reason: For the purpose of clarity, to ensure that the development is constructed and operated in the manner advanced in the Environmental Impact Assessment Report, upon which the environmental effects of the development have been assessed and determined to be acceptable.

**2. Acoustic Deterrent Devices**

No Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.

Reason: In the interests of nature conservation. This planning application has been assessed on the basis that ADDs will not be used. The use of ADDs would be regarded as a material change to the proposal.

### 3. Vessel Management Plan

The proposal shall be carried out strictly in adherence to the Vessel Management protocols as set out in the applicant’s Vessel Management Plan (including cetacean protocol) (Revision A1, dated December 2022 – 5. Management) or as updated and agreed in writing with the Planning Authority in consultation with NatureScot.

Reason: In the interests of nature conservation.

### 4. Sea Lice Management

The development shall be carried out strictly in accordance with the Gigha Environmental Management Plan dated September 2023 version A5 and the confidential Annex 2 dated September 2023 version A2 or as updated and agreed in writing with the Planning Authority in consultation with NatureScot and SEPA.

Reason: In the interests of the protection of wild salmonids.

### 5. Pole Mounted Top Net Specification

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

	<b>Height (m)</b>
Perimeter Pole Support	Maximum height of 5m above the water surface
	<b>Mesh Size (mm)</b>
Sidewall netting	75
Ceiling net panel and remaining sidewall netting	100
Colour	Dark grey to black

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

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

### 6. Wildlife Recording and Reporting

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

- (a) Operators shall monitor wildlife entanglement / entrapment in both cage and top nets. Top nets shall be monitored daily. Cage nets shall be monitored for entangled birds at least weekly, and preferable more frequently, using camera systems capable of inspecting the entire net surface and / or professional divers.

- (b) The operator shall maintain full records of wildlife entanglement / entrapment monitoring methods and results for both cage and top nets using the standardised NatureScot proforma (<https://www.nature.scot/doc/interim-technical-briefing-note-pole-mounted-top-nets-and-birds-finish-farms>) and to submit regular (typically six-monthly) returns of these records to the Planning Authority (PA), copied to NatureScot;
- (c) In the event of any significant entrapment or entanglement in any cage or other nets of great northern divers, gannets, gulls (any species), shags, cormorants or any other single bird species the site operator shall immediately notify both the Planning Authority and NatureScot. Significant should be interpreted as: involving three or more birds on any one day and / or a total of five or more birds in the space of any seven day period and / or repeat incidents involving one or more birds on four or more consecutive days.
- (d) Should an event or events be notified in accordance with the above, the Planning Authority shall agree any mitigation measures required with the applicant in consultation with NatureScot. Thereafter, the agreed measures shall be implemented within timescale to be agreed with the Planning Authority. The identified mitigation shall be retained throughout the life of the fish farm unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that there are no significant effects on the qualifying interests of the relevant Special Protection Areas.

#### **7. Predator Control Plan**

The development shall be carried out in accordance with West Gigha, Isle of Gigha Predator Control Plan dated December 2022 or as updated and agreed in writing with the Planning Authority.

Reason: In the interests of nature conservation.

#### **8. Recapture of Escaped Fish - Drift Nets, Vertical Static Nets and Gill Nets**

There shall be no use of drift nets, vertical static nets, or gill nets to recapture escaped fish under any circumstances. In the event of any proposals for recapture NatureScot must be consulted immediately.

Reason: In the interests of the conservation of the qualifying species of the Sound of Gigha Special Protection Area.

#### **9. Biodiversity Enhancement**

Development shall not commence until biodiversity enhancement proposals have been submitted to and approved in writing by the Planning Authority. These shall include details of biodiversity enhancement proposals and shall include a timetable for their implementation. Thereafter these shall be carried out in accordance with these details unless otherwise agreed in writing with the planning authority.

Reason: In order to protect biodiversity, reverse biodiversity loss, deliver positive biodiversity effects and strengthen nature networks in accordance with the requirements of NPF 4 Policy 3.

#### 10. **Removal of Equipment**

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

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

#### 11. **Finished Surfaces**

The finished surfaces of all equipment above the water surface, excluding the feed barge, but inclusive of the surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour in accordance with the details provided in the EIAR unless otherwise agreed in advance in writing by the planning authority.

Reason: In the interest of visual amenity.

#### 12. **Lighting**

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

Reason: In the interest of visual amenity.

#### 13. **Noise**

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

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

**ADDITIONAL NOTES TO APPLICANT**

- Please see the consultation response dated 31 October 2023 from the Northern Lighthouse Board (NLB) for the lighting and marking requirements for this site.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/01758/MFF</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

1.1. This application is for the installation of a new marine fish farm in the Sound of Jura approximately 450 m to the west of the Isle of Gigha. As noted above the site would comprise 8 x 160m circumference pens in a 2 x 4 formation along with a 600 tonne feed barge which would be located at the centre of the group on the shore side. The feed barge, which would have the appearance of a marine vessel, would have a hull length of 33 m and a hull width of 13.5m. The hull would be finished in a grey colour with the wheelhouse finished in white. The site would be serviced from the company's existing shore base located on the north east side of the Isle of Gigha.

## 2. Planning Policy

2.1. The Development Plan for the determination of this planning application comprises National Planning Framework 4 (NPF4), adopted February 2023, and the Argyll and Bute Local Development Plan 2, adopted February 2024.

2.2. NPF4 is based around six overarching spatial principles which the proposed development should align with. These are:

- Just transition;
- Conserving and recycling assets;
- Local living;
- Compact urban growth;
- Rebalanced development;
- Rural revitalisation.

2.3. Not all of these principles will be relevant to every development and in relation to the current proposal it is considered that just transition, rural revitalisation, local living and rebalanced development would apply. In terms of rural revitalisation, NPF4 supports development that helps retain and increase the population of rural areas in Scotland.

2.4. The main policy which relates to aquaculture in NPF4 is Policy 32, however, other policies within this plan are also relevant and need to be considered in the determination of this proposal.

2.5. With regard to the newly adopted LDP2, policy 28 is the main aquaculture policy, however, there are also other relevant policies which are listed above against which the proposal requires to be assessed.

2.6. The proposal benefits from general support from the Scottish Government's National Marine Plan and from NPF4 which together recognise the contribution of the aquaculture sector to the rural economy and which seek to support sustainable economic development. The National Marine Plan and NPF4 both support marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located, and where it does not give rise to significant adverse effects upon nature conservation, wild



fish, historic environment or other commercial or recreational water users.

2.7. Whilst not part of the Development Plan, the Council as a public body is required to take authorisation decisions in accordance with the National Marine Plan (NMP) as the proposal extends into the marine environment, unless relevant considerations indicate otherwise. The proposal should be consistent with general policies of the NMP including:

GEN 1 – General planning principle;

GEN2 – Economic benefit;

GEN 3 – Social benefit;

GEN 4 – Co-existence – requires consideration that may occur and the likely effect of interaction between inshore commercial fisheries (loss of fishing ground) and marine and coastal recreational activities.

GEN 5 Climate change;

GEN7 – Landscape/seascape;

GEN 9 – Natural Heritage

GEN 10 – Invasive non-native species;

GEN 11 – Marine Litter;

GEN 12 – Water Quality and Resource;

GEN 13 – Noise.

2.8. NPF4 Policy 32 refers the National and Regional Marine Plan and notes that proposals will be supported where they comply with the relevant plans. The criteria noted within the NMP policies above are also covered within the Development Plan policies.

2.9. Beyond development plan considerations, in determining the application regard has to be had to the Council's' Economic Development Action Plan which identifies aquaculture as an important contributor to the local economy, and to national government economic and sectoral policy, the stated intention of which is to seek to expand the finfish sector substantially to meet internal and export demands and to help sustain direct and indirect employment in rural areas. In addition, one of the proposals contained within the Rural Growth Deal for Argyll and Bute relates to a vision for Argyll and Bute to be the leading region for innovation in marine aquaculture in Scotland, UK and globally, by underpinning sustainable, inclusive business growth through investment in world class marine science and technology. This includes a commitment to a Marine Industry Needs Assessment. This study will provide the evidence base for industry needs to inform future investment outcomes and the potential options available to deliver these outcomes. This will assist in identifying the key priorities for Rural Growth Deal investment and where this should be targeted to support sustainable growth of this sector and set out in the business case for consideration and approval by SG.

### **3. Assessment against Policy Criteria**

3.1. NPF Policy 32 relates specifically to aquaculture. It aims to encourage, promote and facilitate aquaculture development whilst minimising adverse effects on the environment. The policy outcomes sought from this policy are:

- new aquaculture development is in locations that reflect industry needs and considers environmental impacts;
- producers will contribute to communities and local economies;
- prosperous finfish, shellfish and seaweed sectors;

- migratory fish species are safeguarded.
- 3.2. In terms of the spatial strategy Policy 32 does not support development in the north and east coast of mainland Scotland. This is in order to safeguard migratory fish species.
- 3.3. Point (C) of Policy 32 requires consideration of the operational impacts of fish farms and specifically cites a number of criteria which require to be considered. These criteria are also reflected in the Council's LDP2 which was adopted in February 2024.
- 3.4. The proposal requires to be assessed against all of the relevant policies contained within the development plan and not just the aquaculture specific ones. There are some parallels between the requirements of the aquaculture policies and other policies within the development plan and these will be highlighted in the assessment of this application. The application will be assessed against the criteria from LDP2 policy 28 below with other relevant policies from NPF4 and LDP2 referred to where they would apply.

#### **4. Landscape / coastal character, seascape or visual amenity (including Isolated Coast, Wild Land and National Scenic Areas)**

- 4.1. A Seascape, Landscape and Visual Impact Assessment (SLVIA) has been included within the EIAR. The proposal would introduce a new fish farm in a new location and the implementation of this development may have landscape and visual effects. The SLVIA explains that the level of effect, and whether this is significant, is determined through consideration of the 'sensitivity' and 'susceptibility' of:
- The seascape, landscape element, assemblage of elements, key characteristics or character type or area under consideration bearing in mind quality and value; or
  - The visual receptor; and
  - The 'magnitude of change' posed by the development.

Effects predicted to be of major or moderate significance are considered to be 'significant' in the context of the EIA Regulations.

- 4.2. The landscape / seascape character assessment within the SLVIA has been informed by NatureScot commissioned report no.103 – An assessment of the sensitivity and capacity of the Scottish Seascape in relation to windfarms (2005). The SLVIA describes the landscape and seascape of the proposed development as including:

Scale & Openness – the landscape and seascape of the Proposed Development, and immediate coastal area around Upper Loch and Ardailly, is characterised as a large scale seascape with a medium scale landscape. On clear days views of Islay and Jura are available from the western coastline of the Isle of Gigha, forming the horizon approximately 15 km to the west;

Settlement – there is sparse settlement with traditional crofting houses found in more sheltered bays and inlets and farming properties at scattered locations across the island;

Pattern & foci - There is a combination of complex and intricate patterns of indented coastline fragmenting into small rocky islands and skerries, small sheltered bays around the coastline of the Isle of Gigha within the larger scale Sound of Gigha to the

east and Sound of Jura to the west. Foci tend to be settlements where they appear and strong landscape features such as distinctive rock formations, small rocky islands and headlands around the coastline. For example the contrast of Cnoc Loisgte adjacent to the Proposed Development, a steep rock formation which stretches into the sea with no accessible coastline south of the small rocky island of Port an Dùin and the rocky skerries around Ardailly Mill north of the Proposed Development. Elsewhere on the Isle of Gigha there are sandy beaches located at inlets / bays;

Lighting – there may be limited lighting from ferries and wind farms on and around the Isle of Gigha and Kintyre, but this is generally a dark coastal area;

Movement – there is limited movement between isolated properties, local roads, small boat movement (recreational boats and commercial marine vessels) and ferries to Islay and Jura. But this movement is intermittent and there are areas on the Isle of Gigha which are remote and no movement is discernible except that of wind and waves;

Modification/Remoteness/Sense of Naturalness - traditional small settlements with natural elements and landscape and seascape experience are dominating features. There are existing two fin fish farms and two shellfish farms present along the coastline of the Isle of Gigha, within the sheltered bays of the east coast of the island. The wind turbines on Kintyre and smaller wind turbines on the Isle of Gigha are evident, communications mast and commercial forestry on Kintyre are visible manmade features in the landscape; and

Degree of exposure – the landscape / seascape is exposed along an open coastline with views across the Sound of Jura, with a rocky foreshore and small cliffs, with indented coastlines providing sheltered areas along the coastline.

4.3. Following the submission of this planning application, it came to light that the Western Link footpath was incorrectly plotted. In response to this further supplementary environmental information was provided by the application and duly advertised in accordance with the EIA Regulations. This update established that :

- Section 2 of the Western Link is approximately 4.5km long and it at times located closer to the coastline that indicated on mapped sources;
- View of the fish farm would occur for a shorter length of the footpath than previously described, 0.98km as opposed to 1.2km;
- The nature of views of the proposed development in combination with features such as the hill forms of Islay and Jura and the wider seascape vary depending on which stretch of the footpath the viewer is on as exhibited by Viewpoints 3 and 6;
- The magnitude of change and level of effect as reported in the SLVIA for users of the Western Link would be largely unchanged.

4.4. In terms of landscape and seascape effects, the SLVIA concludes that in line with NatureScot's guidance on aquaculture, the proposal would be well sited within the seascape and set against a backdrop of islets and rocky coastline within an open seascape which should help to 'absorb' the man-made structures into the seascape. It is further noted that the proposed development site possesses many of the opportunities that NatureScot identifies in relation to landscape character. The SLVIA contends that the following opportunities identified by NatureScot apply to this site:

- These stretches of coastline tend to be heavily dominated by the open sea and a sense of vast distance, providing an expansive setting for structures;

- In these landscapes, larger structures can be more easily accommodated where they can be set against a backdrop of the sea or where a long stretch of the coastline is relatively straight;
- The dominant trend of these landscapes is 'horizontal', made up of the horizon, low profiles of adjacent hills, promontories or distant islands which can make it easier to accommodate long, low profiled structures;
- The expanse of sea may potentially absorb even very large structures. By locating large structures where there are few – if any – other reference points (except for perhaps the occasional passing ship) the structures will appear small within the larger seascape, when viewed from the land; and
- Try to avoid unnecessary clutter and irregular pen sizes or patterns. An ordered pattern of pens and simple feed barge structures will more appropriately reflect the simplicity of the open sea.

In terms of the landscape and seascape, the SLVIA notes that although long term in nature, the proposed development would be reversible. Taking account of the above the SLVIA concludes that within the context of the characteristics of the local coastline of a medium to large scale, the receiving landscape and seascape have the capacity to accommodate the proposed development.

4.5. In terms of visual effects, 9 viewpoints were selected to aid the assessment of this issue. The viewpoints and the reason for their selection are noted in the table below:

View point number	Viewpoint Name	Reason for selection	Distance to the Proposed Development
1	Twin Beaches	Viewpoint to illustrate the landscape / seascape context and views from a beach area on the Isle of Gigha. The viewpoint is representative of views available for visitors to the beach, northeast of the Proposed Development	4.41km
2	Ardailly (residential property)	Viewpoint to illustrate the landscape / seascape context and views from the front of a residential property. The viewpoint is representative of views from the path / small garden area / front elevation of the property, northeast of the proposed development.	1.36km
3	Western Link (Route 13) Public Footpath – Southeast of the Proposed Development	Viewpoint to illustrate the landscape / seascape context and views from locally promoted footpath / trail as part of a network of paths on the Isle of Gigha, southeast of the Proposed Development. The viewpoint is representative of views for recreational users of the path.	0.65km
4	Local road and Core Path C096(a) (North)	Viewpoint to illustrate the landscape / seascape context and views from Core Path C096(a) –	3.23km

		Gigha Jetty – Creag Bhan – Port Mor on the local road northeast of the Proposed Development. The viewpoint is representative of views for local road user and recreational users of the core path.	
5	Cnoc Nan Goghar	Viewpoint to illustrate the landscape / seascape context and views from a high point on the island. This is not a core path / promoted viewpoint, but selected to illustrate the landscape and seascape context where there is potential visibility of the Proposed Development. This is a cumulative viewpoint which offers views to the east with the existing fish farm development.	4.66km
6	Western Link (Route 13) Public Footpath – East of the Proposed Development	Viewpoint to illustrate the landscape / seascape context and views from locally promoted footpath / trail as part of a network of paths on the Isle of Gigha, east of the Proposed Development. The viewpoint is representative of views for recreational users of the path.	0.7km
7	Viewpoint from Coastline north of the Proposed Development (Dun An Trinnse)	Viewpoint to illustrate the landscape / seascape context and views from the coastline. The viewpoint is representative of views available from the coastline.	1.39km
8	Creag Bhan (Core Path C539 – Creag Bhan viewpoint, Gigha)	Viewpoint to illustrate the landscape / seascape context and views from a high point on the island included within the core path route. This is a cumulative viewpoint which offers views to the east with the existing fish farm development.	1.8km
9	On Water – West of Gigha	Viewpoint to illustrate the seascape context of the Proposed Development from a water based viewpoint, west of the Proposed Development.	0.84km

4.6. In terms of visual effects, the SLVIA summarises these are follows:

- The siting of the proposed development is within an area which is characterised by activity, with maritime traffic, the Islay ferry route, recreational craft and commercial craft related to aquaculture development around the Isle of Gigha.
- Localised screening offered by islets and skerries, and the 'ridge' terrain of the Isle of Gigha, help to assimilate the Proposed Development within the seascape along the coastline and screen the views of the Proposed Development from a significant proportion of the island.
- The scale of the seascape, of the Sound of Jura, provides a panoramic setting for the Proposed Development, which would occupy a small proportion of the view when viewed from the coastal footpath.
- The wide variety of visual experience within the landscape and seascape of the Isle of Gigha would be subject to a negligible degree of change overall, as perceived by visual receptors.
- There would be no visual effects on views from residential properties on the island; and
- Significant visual effects would be concentrated within a 1.39km radius, and limited to the views from the footpath network, immediate area of coastline next to the proposed development, and views from commercial and recreational boats / craft within the Sound of Jura.

4.7. With regard to visual impact the main area of concern relates to views from the locally promoted Western footpath. This footpath runs from an area to the west of the Village Hall and crosses pasture and moorland until it reaches the west coast and travels north / south along an elevated section of the west coast and then heads east to meet the classified road on the island at Tarbert Farm. People using these footpaths will be sensitive receptors who will have an increased sensitivity to the landscape and views out to sea. The web site information page for this route notes that "the route encompasses the ruins of townships from ages gone by, fabulous views to the neighbouring western islands and will provide the sense of being off grid". The route is generally away from built development especially on the west coast and does have an isolated feel culminating in elevated, expansive and open sea views on reaching the westernmost point of the route.

4.8. NPF4 4 Policy 32 states that proposals for fish farm development will only be supported where the landscape and visual impact of the proposal has been assessed and mitigated.

4.9. The SNH document (now NatureScot) "The siting and design of aquaculture in the landscape: visual and landscape considerations." Within this document it is noted that "from high-level viewpoints the contrast in texture between the fish farm structures and the smooth, reflective surface of the water is more obvious. The geometric shapes of lines and cages are also clearly visible." This will be a case in place from the Western footpath where it runs parallel to west coast. This document further notes that "high-level views which are revealed as dramatic panoramas after travelling up a road or footpath to a high-pass, ridge, summit or crest of a hill will always be important views."

4.10. There are two viewpoints within the SLVIA taken from the western footpath; VP3 which is south east of the proposed development at a distance of 0.65km and VP6 which is 0.7km to the east of the development.

4.11. In terms of cumulative effects, the SLVIA concludes that there is limited intervisibility between the Proposed Development, Druimyeon Bay and East Tarbert Bay fish farms due to topographical screening. It is further noted that there is very limited opportunity for further sequential, static cumulative views of operational fish farms with the exception of four locations, namely, Creag Bhan (VP8), Cnoc Na Gobhar (VP5), Core

Path C093 (VP4) and Western Link 1 Footpath. It is concluded that the predicted cumulative visual effects on views from the core path network from Creag Bhan hilltop location would be minor – moderate, adverse and non-significant at most and negligible from the road network where there are very limited available views.

- 4.12. Having visited the site, officers are of the view that there would be a negative visual impact to the proposed fish farm when viewed from a section of the Western Link Footpath. It is particularly the section which runs from Ardailly to Ardlamey, a section of footpath which extends to a distance 4.80km. The SLVIA has determined that visual impacts would be of a large magnitude over a section of footpath extending to 1.20km where the path is within 650m of the site. There are, however no designated landscapes in this area which would support the refusal of this application on these grounds. Taking account of the above, on balance, it is not considered that this would constitute a sustainable reason for the refusal of this application due to the short stretch of footpath involved, the low number of walkers that will use it and the lack of landscape designations.
- 4.13. The proposal would therefore be in accordance with aquaculture policies 32 d (i) (NPF4), Policy 28 – Supporting Sustainable Aquatic and Coastal Development, LDP2 Policy 4 – Sustainable Development and LDP2 Policy 8 – Sustainable Siting.

## **5. The natural, built and / or historic or archaeological sites and their settings**

- 5.1. In terms of Marine Cultural Heritage, the EIAR confirms that there are no features of importance within the proposed location.
- 5.2. With regard to Scheduled Monuments, the EIAR notes that there are none immediately adjacent to the site, however, the Dun An Trinnse Scheduled Monument, has been identified within the wider area. Following consultation with Historic Environment Scotland, this was scoped out at the EIA scoping stage. In their consultation response to this application, HES have confirmed that a fish farm in this location would not generate setting impacts on the nearby monument at Dun An Trinnse (SM3230). They were also content that the risk of impacts on known marine assets would be minimal. In addition to policy 28 of LDP2 this would also accord with LDP2 policies 15 and 19. This element of the proposal would also accord with NPF 4 policies 7 and 32.

## **6. Designated sites, habitats and species for nature conservation (including Priority Marine Features, wild migratory salmonids and European Protected Species)**

- 6.1. Policy 4 of NPF4 Natural Places seeks to ensure that Natural Places are protected and restored. This policy specifically refers to European sites. LDP2 policies 73 and 74 are relevant to this proposal. Policy 73 relates to development impact on habitats, species and biodiversity while policy 74 relates specifically to sites of international importance. The aquaculture specific policies within NPF4 (policy 32) and LDP2 (Policy 28) also require consideration of these issues.
- 6.2. The proposal is located within the Sound of Gigha Special Protection Area (SPA) which has qualifying interests of great northern diver, red-breasted merganser, eider and Slavonian grebe. As the proposal could affect this internationally important natural heritage interest NatureScot objected to the proposal unless it is carried out strictly in accordance with conditions specifying mitigation. As there is potential for likely significant effects on the SPA, Argyll and Bute Council as competent authority is required to undertake a Habitats Regulation Appraisal in the form of an Appropriate Assessment before planning permission can be granted. In terms of this SPA, NatureScot has identified a number of potential impact pathways. These are as follows:

- Disturbance from vessels along the proposed Vessel Transit Route;
- Entanglement in sub-surface netting;
- Disturbance from vessels visiting the fish farm site;
- Direct displacement from the farm footprint; and
- Impact from loss of prey-supporting habitat as a consequence of the farm (particularly for great norther diver).

These issues are considered in detail in the Appropriate Assessment which is attached as an Appendix to this report.

- 6.3. The proposal also has the potential for a likely significant effect on the Ailsa Craig SPA. This SPA has a qualifying interest of northern gannet (*Morus bassanus*), lesser black-backed gull (*Larus fuscus*), and national seabird assemblage including guillemot (*Uria aalge*), herring gull (*Larus argentatus*) and kittiwake (*Rissa tridactyla*). The application site is located approximately 60km from the SPA and is within the mean foraging range of gannet, guillemot and kittiwake. It is therefore considered by NatureScot that the application site would have connectivity to this site. Likely significant effects are concluded for gannets due to entanglement risk from potential plunge diving behaviour into fish farm cages with pole mounted top net systems. As there is potential for likely significant effects on the SPA, Argyll and Bute Council as competent authority is required to undertake a Habitats Regulation Appraisal in the form of an Appropriate Assessment before planning permission can be granted.
- 6.4. Due to the vast range of these birds many fish farm planning applications are required to undertake an Appropriate Assessment relating to this issue. To assist competent authorities with this NatureScot has produced model Appropriate Assessment. This has used to inform the Argyll and Bute Council Appropriate Assessment which is contained within an Appendix of this report. The conclusion of this Appropriate Assessment is that the risk of Adverse Effects on Site Integrity can be avoided by the application of planning conditions.
- 6.5. The site is also located approximately 5km from the southern boundary of the Inner Hebrides and the Minches SAC, designated for harbour porpoise (*Phocoena phocoena*). The proposed vessel transit route crosses the southern crosses the southern boundary of the SAC with the potential to regularly interact with cetaceans including harbour porpoise. There is also the potential for direct interactions between harbour porpoise and fish farm infrastructure e.g. entanglement in sub-surface netting.
- 6.6. NatureScot have advised that the applicant's Vessel Management Plan (VMP) follows best practice principles to minimise disturbance including appropriate minimum approach distances and speed limits. These measures are considered to minimise risk of vessel collisions with cetaceans and reduce levels of direct engine / propeller noise exposure. It is further advised that the proposed routes lie within more open waters where cetaceans are less likely to be restricted in their movements, trapped or forced to come into contact with vessels. With regard to vessel traffic, there is a baseline level of 5 to 20 vessels a week resulting in a significant increase in vessel activity. However, NatureScot advise that the short transit time (20 and 50 minutes for the RIB and workboat respectively) will limit the temporal extent of marine vessel activity. As a result, it is not anticipated that vessel activity will contribute significantly to cumulative disturbance.
- 6.7. With regard to the risk of cetacean entanglement, high rigidity netting will be used at the pens and no anti-predator nets will be used at the site as standard. NatureScot have advised that this will limit the risk of entanglement and as such population-level



effects are considered unlikely. In accordance with the Predator Control Plan, observations of wildlife and interactions with the fish farm, including entanglement events, will be recorded and reported to Council and NatureScot every 6 months.

- 6.8. Acoustic Deterrent Devices (ADDs) have the potential to disturb cetaceans, however, the applicant has committed to not using ADDs and this application has been assessed on this basis. A condition is proposed preventing the use of ADDs.
- 6.9. Taking account of the above analysis, NatureScot advise that if the proposal is carried out strictly in adherence to the Vessel Management protocols as set out in the applicant's VMP (including cetacean protocol), their conclusion is that it will no longer be likely to have a significant effect and an Appropriate Assessment will no longer be required.
- 6.10. NatureScot has advised that the proposal could affect a nationally important population of a protected species, details of which have been submitted in a confidential annex. It is advised that NatureScot would object to the proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in confidential Annex B. A condition is proposed to require the development to be carried out in accordance with this document.
- 6.11. NPF4, Policy 3 – Biodiversity requires developments to contribute positively to biodiversity enhancement. It is considered that the proposal would accord with this policy due to the proposed mitigation for sea lice and the commitment to undertake wild fish monitoring and adaptive management if required. In addition, the applicant is committed to undertaking further biodiversity enhancements and a pre start condition is proposed requiring these details and a timetable for their implementation.
- 6.12. Taking account of the above, it is considered that the proposal would also accord with LDP2 Policy 73 – Development impact on Habitats, Species and Biodiversity, LDP2 Policy 74 – Development Impact on sites of international importance and LDP2 Policy 4 – Sustainable Development.

## **7. Ecological status of coastal and transitional water bodies and biological carrying capacity (water quality & seabed impacts)**

- 7.1. SEPA has advised that they have no objections to this proposal and have confirmed that they received an application under the Controlled Activities Regulations (CAR) in April 2023. They were satisfied that the proposed biomass was reasonable within the scope of the new regulatory framework and a permit was issued in August 2023. Subject to compliance with SEPA's requirements it is considered that the proposal would comply with Policy 59 – Water Quality and the Environment.

## **8. Commercial and recreational activity (including other coastal/marine users (MOD)), and navigational interests (including anchorages)**

- 8.1. With regard to commercial activity, the EIAR identifies potential impacts on non-recreational maritime users as result of the development as:
  - direct impact on navigational access and safety;
  - direct impact on commercial fishing activity resulting in displacement from fishing grounds and associated economic loss;
  - indirect impacts on commercial fishery stocks.

- 8.2. Commercial maritime activities and navigation have been determined within the EIAR as being of medium sensitivity as the receptor has a moderate capacity to tolerate change without significantly altering its present character. Commercial passenger routes operate outwith the proposed development location. Fish farm secondary service vehicles are likely to cross the routes taken by the Port Askaig and Port Ellen ferries meaning there is potential for interaction, however, this would be highly transient in nature and unlikely to interact directly with passenger ferries moving through the area. In addition, secondary vessel activity would be of negligible frequency. Therefore, the overall magnitude is determined to be negligible. In light of the assessed medium sensitivity of the receptor and the negligible magnitude of the impact, the EIAR concludes that the effect of the impact on commercial maritime activities and navigation is determined to be of negligible significance and therefore not significant in relation to the EIA Regulations.
- 8.3. With regard to direct impact on commercial fishing activity, the EIAR notes that the installation of the proposed development would result in the reduction of the available fishing ground which would be limited to the footprint of the proposed fish farm including the mooring area. The total area over which the exclusion of fishing effort may occur is 0.74 km<sup>2</sup>. This area relates to the development area rather than the smaller moorings area (0.54km<sup>2</sup>) which will be implemented through the Marine Licence for the development. This reduction in area of fishing ground available to the commercial fishing industry is likely to result in some degree of economic loss.
- 8.4. The fishery species fished within the wider area are identified within the EIAR as being brown crab, European lobster, King scallop and Nephrops. In relation to the fishing port of Gigha, between 2018 and 2022 these were dominated by edible crab and European lobster caught via pots and traps. The proposed development falls within the International Council for the Exploration of the Seas (ICES) 40E4. The fisheries statistics for 40E4 provide a more focused baseline for commercial activity in the area of the development. Data for the 40E4 area indicates that landings between the period 2018 to 2022 were dominated by Nephrops, with a mean value of £2,652,578.46 and a mean weight of 308.38T.
- 8.5. The EIAR and associated Commercial Fisheries Assessment for 12m and under fisheries concludes that the worst case scenario of displacement resulted in impacts of negligible overall magnitude in relation to the 12m and under potting and trapping fishery and therefore it has been determined that the effect of displacement is non-significant in relation to fishery and therefore the effect of displacement is non-significant in relation to the EIA Regulations. It is therefore concluded that the proposed development, either in isolation or cumulatively, is unlikely to result in impacts of sufficient magnitude to result in significant effects on the commercial 12m and under potting and trapping fishing industry operating within 40E4.
- 8.6. The development may also have the potential to have indirect impacts on commercial fishery stocks. The EIAR notes that the release of medicinal treatment chemicals has the potential to negatively impact commercial fishery stocks within the immediate area, namely crab, lobster and Nephrops stocks. Commercial fisheries have been determined within the EIAR as being of high sensitivity as the receptor has a low capacity to tolerate change without significantly altering its present character. The EIAR considers the impacts of bath treatments namely SLICE, azemethiphos, deltamethrin and hydrogen peroxide and determines that the impact would be of a negligible impact. Therefore the effect is determined to be of minor significance and not significant in terms of the EIA Regulations.

- 8.7. The EIAR also considered cumulative impacts in relation to commercial fishing and navigation. The proposed development is located off the west coast of Gigha and will therefore be significantly isolated from the existing fish farms on the other side of the island from a navigational point of view. All three fish farms are located outwith the transit routes for passenger ferries and commercial cargo vessels that have been identified through AIS data analysis. As a result, the magnitude of the cumulative impact is determined to be negligible.
- 8.8. With regard to cumulative impact on fishing activity, the EIAR confirms that the proposed development and the existing two fish farms are all outwith unique high fishing intensity areas for the four commercially important species, identified through consultation with CFA and WCRIFG. The three fish farms cover a total area of 1.55 km<sup>2</sup> (cumulative mooring area). Due to the relatively small area covered by the mooring areas of the three fish farms and the fact that fishing intensity is not uniquely high within the immediate area of the three fish farms the spatial extent of cumulative impacts is negligible. The Proposed Development has been determined to be of limited commercial importance to the local commercial fishing fleet, as such it is unlikely that the Proposed Development will contribute to cumulative impacts of displacement from fishing grounds. As a result, the magnitude of the cumulative impact is determined to be negligible.
- 8.9. In light of the assessed high sensitivity of the receptor and negligible magnitude of the cumulative impact, the effect of the cumulative impact is determined to be of minor significance and therefore not significant in relation to the EIA Regulations.
- 8.10. With regard to indirect impacts on commercial fishery stocks discharge quantities of sea lice medicines for the proposed development and the existing two fish farms are enforced through the SEPA CAR licence. Both of the existing fish farms (Druimyeon Bay and East Tarbert Bay) already have current CAR licences, that outline the permitted chemical quantities consented for discharge to ensure compliance with SEPA's requirements. The CAR licence for the Proposed Development also outlines permitted quantities, based on the marine modelling conducted by the applicant. As a result, the magnitude of the cumulative impact is determined to be negligible. In light of the assessed high sensitivity of the receptor and negligible magnitude of the cumulative impact, the effect of the cumulative impact is determined to be of minor significance and therefore not significant in relation to the EIA Regulations.
- 8.11. With regard to anchorages, the EIAR has undertaken a review of designated anchorages and areas where harbour authorities may request a vessel to anchor. This has identified two specific anchorage locations on the east coast of Gigha. Both of these lie sufficiently outwith the influence of the proposed fish farm. Following consultation with the Royal Yachting Association (RYA) the EIAR identified two further anchorages on the west coast of Gigha; one to the north west within West Tarbert Bay and one to the southwest within Cuddyport Bay. The RYA advised that both of these anchorages are used to a lesser extent than those on the east coast and through consultation it was determined that the development would be sufficiently outwith the two anchorages to ensure no interaction with anchored vessels. It was also concluded that the location of the development would result in negligible interaction with vessels transiting to either of the two west coast anchorages. The RYA concluded that the Proposed Development would not result in significant effects on recreational marine vessels within the local area.
- 8.12. Following the submission of this application, and in response to objection from Clyde Fishermen's Association (CFA), the applicant has engaged in further dialogue with this organisation. A virtual meeting was held in February 2024 where the CFA and two of

their member fishers highlighted that, if possible, they would like to see a reduction in the spatial extent of the mooring area as they were of the opinion that this would allow continued access to fishing grounds. The applicant has advised that while it would not be possible to change the red line boundary of the proposal, as this would require the submission of a fresh planning application, Bakkafrøst Scotland Ltd. are willing to reduce the spatial extent of the mooring area that will be licenced through the Scottish Government Marine Directorate. Following the meeting, the CFA confirmed that their Members were of the opinion that the proposal represented a viable compromise by both parties. The applicant has therefore agreed to reduce the mooring area by 27% through the Marine Licence application.

8.13. Taking account of the above, it is considered that proposal would accord with NPF4 policy 32 and LDP2 Policy 28 where they refer to impacts on other marine users.

## **9. Amenity, arising from operational effects (waste, noise, light and odour)**

- 9.1. With regard to noise, the development is located along a section of coastline which is relatively devoid of human habitation, with only a few properties to the north of the site having been identified. These are 1.33km, 1.47km and 1.59km when measured in a straight line and would have no direct line of site with the development due to the rising topography of the western coastline of Gigha. Other potential receptors for noise would be walkers on the western link footpath. The EIAR has determined that the identified residential dwellings to be of high sensitivity as the receptor has a low ability to absorb change without fundamentally altering its present character. The walkers on the western link footpath have been determined to be of medium sensitivity as the receptor has a moderate capacity to absorb change without significantly altering its present character.
- 9.2. There is the potential for the proposed development have adverse amenity effects on Noise Sensitive Receptors (NSRs) through the operational activities of the fish farm. The main sources of sound would be from the generators on the feed barge but there would also be potential for sound to be generated from marine vessel activity.
- 9.3. The EIAR identifies that there are a number of embedded mitigation measures which have been incorporated into the design and operation of the proposed development. These include development location, generator positioning, sound insulation, feed blower positioning, standard working house and an automatic timer system. It should be noted that although standard working hours are from 07:00 to 20:00 over 7 days, some operations may be required outside standard working hours for reasons of fish health and welfare. Also, during certain periods of the year equipment integral to the production cycle will be required to run overnight. This primarily includes underwater lighting and aeration systems.
- 9.4. The primary noise generating aspects of the development have been identified in the EIAR and these include the feed barge generators, the feed selectors and blowers and marine vessels associated with the development.
- 9.5. Sound emitted from the generators and feed equipment will be sufficiently reduced by the embedded design and operational mitigation. Feeding operations will take place during normal operating hours. The EIAR therefore determines that sound emitted from these operations will be of a high frequency and medium duration. With regard to vessels associated with the fish farm, the primary service vehicles will be transient in nature, as the area of audibility will move as the vessel moves from the shore base to the site. These primary vessels will only make a single return journey per day, under normal operating conditions, and, as such, the frequency of the potential impact will be

negligible and of short duration. Moreover, there will be a degree of marine vessel sound associated with the baseline condition, with commercial and recreational vessels known to use the waters around the Isle of Gigha.

- 9.6. Taking account of the above, with regard to noise, the EIAR has determined that the overall magnitude of the identified impact has been sufficiently reduced to negligible levels, therefore the subsequent effects are not significant.
- 9.7. The EIAR also considers the impact of lighting associated with the development. Sensitive receptors with regard to lighting have been identified as being residential properties (medium sensitivity) particularly at Ardailly and Ardminish and the Gigha Dark Sky Discovery Site at Port Mor (high sensitivity). Dark Skies Gigha, a location at the northern extreme of the island (Port Mor) has been classified as a Milky Way class Dark Sky Discovery Site by the UK Dark Sky Discovery Partnership. The Dark Sky Discovery Site is 5.65 km northeast of the Proposed Development with no direct line of sight.
- 9.8. Potential impacts were determined to be obtrusive light impacts as a result of the operation of the proposed development. Obtrusive lighting includes; light spill, glare, and sky glow. Due to embedded mitigation measures which includes Northern Lighthouse Board requirements (design), lighting installations (design), underwater lighting (design), standard working hours (operational) and best practice operational features (operational) the overall magnitude of potential obtrusive light generation and propagation was determined to be negligible. The EIAR notes that design mitigation (such as best practice lighting installation) and operational mitigation (such as best practice lighting procedures including extinguishing all external lighting outwith work hours, ensuring only active task areas are illuminated, and ensuring that standard working hours predominately fall within daylight and normal working hours) will ensure impacts are sufficiently avoided and reduced. Cumulative impacts were also determined to be negligible, as the two existing farms to the northeast of the Isle of Gigha currently implement the same embedded mitigation as is intended for the proposed development.
- 9.9. As a result, the EIAR determines that, in light of the medium and high sensitivity of the identified receptors and the negligible overall magnitude of the impact, the effect of obtrusive lighting from the operation of the proposed development is negligible (residential properties) and minor (Gigha Dark Sky Discovery Site), respectively. Therefore, the effect is determined to be not significant in relation to the EIA Regulations.
- 9.10. With regard to waste, the EIAR advises that a Waste Management Plan will be in place for the site and this has been attached as an Appendix to the EIAR. In addition, it is advised that the development will be kept in a neat and tidy condition and any rubbish found on the adjacent shoreline will be collected on a regular basis to minimise the impacts of marine litter. This is considered to be consistent with NPF4 Policy 12 and LDP2 Policy 63.
- 9.11. Given the location of the proposed development sufficiently far away from sensitive receptors, it is not considered that there would be any adverse effects from odour.
- 9.12. It is considered that the impacts on amenity would be acceptable and would not conflict with LDP2 Policy 14 – Bad Neighbour Development, NPF 4 Policy 32 or LDP2 Policy 28.

## **10. Net economic impact, including local community socio-economic benefits such as employment, associated business and supply chain opportunities**

- 10.1. In their supporting statement applicant advises that they are engaged in all stages of the value chain, from freshwater and marine farming, to processing, sales and marketing, ensuring total value chain integrity, full traceability and Scottish provenance. Bakkafrost Scotland Ltd. rears Atlantic salmon at both freshwater and marine sites across the west coast of Scotland and the Western Isles and produced over 35,000 T (gutted weight) of Atlantic salmon in 2020. They employ more than 540 staff across remote and rural communities and engage with many suppliers and contractors throughout the supply chain. Over 60 % of production is exported to 26 countries around the world, with a key focus on North America and the Far East. Bakkafrost was the recent recipient of two Scotland Food & Drink Excellence Awards with the Native Hebridean Smoked Scottish Salmon product, winning both the 'Product of the Year' award and the 'Artisan Product of the Year' at the Scottish Food and Drink Awards 2022.
- 10.2. The applicant advises that aquaculture continues to contribute significantly to global food production, with aquaculture currently accounting for 52 % of global seafood consumption. Bakkafrost is focused on sustainable business development following international demand for Scottish salmon, the UK's largest food export. They advise they are committed to Scottish provenance and take great pride in producing quality Scottish salmon, whilst being committed to the environmental, cultural, economic growth, and sustainability of rural Scotland. It is noted that the company is the first salmon producer in Europe to be awarded 4-star Best Aquaculture Practice (BAP), with certification covering feed production, freshwater, marine, harvesting and processing operations.
- 10.3. The EIAR contains a chapter on the socio-economic contribution of the proposal. This concludes that the proposed development has the potential to generate positive social and economic impacts by means of direct economic impact, indirect economic impact (supply chain) impact and induced economic impact.
- 10.4. The assessment of potential socio-economic impacts was centred around the determination of Gross Value Added of the proposed development with GVA being defined as an economic productivity metric that measures the contribution of a company to an economy, producer, sector or region. GVA was then split into three categories direct (specific to the proposed development), indirect (the aquaculture supply chain and induced (the wider Scottish economy).
- 10.5. With regard to direct GVA, it was estimated that the proposed development would contribute £606,000.00 per year to the wider Scottish economy, with the direct employment of a minimum of five full time staff. The overall magnitude of the impact was determined to be medium and the effect was determined to be of moderate positive significance and therefore significant in relation to the EIA Regulations.
- 10.6. The indirect GVA contribution to the Scottish economy was estimated to be £327,917.02 per year through aquaculture supply chain. Initial capital expenditure for the development was estimated to be £8,070,400.00. The overall magnitude of impact was determined to be medium. As a result, the effect was determined to be of moderate positive significance and therefore significant in terms of the EIA Regulations.
- 10.7. The development was estimated to contribute £75,773.91 per year to the Scottish economy through induced economic activity. These impacts relate to the spending of

wages and salaries and through induced employment within the wider economy through increased demand as a result of economic activity. The overall magnitude of the impact was determined to be low. As a result, the effect was determined to be of minor positive and not significant in relation to EIA Regulations.

10.8. It has therefore been demonstrated that the proposed development would have a positive economic impact in accordance with NPF4 Policy 25 – Community wealth Building and NPF4 Policy 29 – Rural development which are supportive of rural economic activity. The proposal would also accord with LDP2 Policy 28, the aquaculture specific policy which requires the economic contribution of aquaculture proposals to be assessed.

**11. Potential benefits of sustainable site management proposals, which seek to mitigate or reduce environmental risk from fish farming operations, including escapes, disease and sea lice management and manage risk from fish farming operations, including escapes, disease and sea lice management or manage risk through adaptive management in response to environmental monitoring**

11.1. The applicant has submitted supporting documents which have been attached as appendices to the EIAR. Of particular relevance are the Environmental Management Plan, Sea Lice Management Statement, Fish Mortality Plan, Waste Management Plan, Fish Mortality Plan, Waste Management Plan and Vessel Management Plan. These all contain details on how the development will be operated and include details of mitigation and monitoring where appropriate. It is considered that the proposal would comply with this element of LDP2 Policy 28.

**12. Proposed operational measures which can mitigate or minimise the level of risk of potential impacts (including on other aquatic or coastal interests)**

12.1. A number of documents have been submitted in support of the application which relate to the operation of the site and adherence to these have been attached as conditions. NPF4 Policy 1 aims to encourage, promote and facilitate development that addresses the global climate and nature crises while NPF 4 Policy 2 is supportive of developments which have been sited and designed to adapt to current and future risks from climate change.

12.2. The EIAR notes that marine aquaculture is widely seen as possible solution to global food shortages that are predicted to increase as a result of climate change. Wild Atlantic salmon is not a sustainable food source. However, the industry has also been vulnerable to the effects of temperature rises caused by climate change as evidenced by recent fish health challenges. Along with evolving fish health management practices, it is now considered best practice to locate fish farms in more energetic sites. This, however, leaves the farms more vulnerable to the effects of storm events which are increasing as a result of climate change. This issue has been raised by objectors and consultees, however, the Scottish Government Marine Directorate are satisfied with the details of the equipment provided by the applicant. Equipment attestations and specifications have also been provided by the manufacturer which state that the equipment has been designed in accordance with the Norwegian standard to withstand the environmental conditions at the development location.

## **APPENDIX B – LIST OF CONTRIBUTORS**

### **OBJECTION FROM MSP**

1. Ariane Burgess MSP Per Highlands And Islands Scottish Green Party The Scottish Parliament

### **OBJECTION FROM COUNCILLOR**

2. Douglas McFadzean Greenside Bowmore Isle Of Islay Argyll And Bute

### **OBJECTIONS**

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13. Gabriel Waksman The Mill Isle Of Gigha PA41 7AA
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18. JK Wilson No Address Given
19. John Aitchison No Address Given
20. JP Waksman The Mill Isle Of Gigha Argyll And Bute PA41 7AA
21. Julie Wilson Dark Skies Gigha
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23. Keith Wilson Heather Lea Ardminish Isle Of Gigha Isle Of Gigha Argyll And Bute
24. Laggan And Sorn District Salmon Fishery Board Clerk To Laggan & Sorn District Salmon Fishery Board Per Messrs Walker & Sharpe Solicitors 37 George Street
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## APPENDIX C – HABITATS REGULATIONS ‘APPROPRIATE ASSESSMENT’

### HABITAT DIRECTIVE 92-43-EEC THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

#### The Sound of Gigha Special Protection Area

##### Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring Annex I Habitats or Annex II species to favourable conservation status. The Sound of Gigha Special Protection Area (SPA) comprised an area of 363.27 square kilometres. The site lies around the island of Gigha and extends northwards to Knapdale, Loch Caolisport and West Loch Tarbert and southwards from Gigha to Machrihanish. The qualifying species of the SPA are:

**Great northern diver (non-breeding):** non-breeding season is October to mid-May (inclusive)

**Common eider (non-breeding)** non-breeding season is September to mid-April, with moult taking place for eider between mid-June to October.

**Red-breasted merganser (non-breeding);** Non-breeding season is mid-August to March (inclusive).

**Slavonian grebe (non-breeding):** Non-breeding season is mid-September to April (inclusive).

NatureScot have provided site reference populations in the Sound of Gigha SPA (5- year mean from 2004/05 – 2007/2008) as follows:

510 individual great northern diver;

37 individual Slavonian grebe;

1300 individual common eider;

120 individual red-breasted merganser.

##### 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.

## **Characteristics of the development**

The proposal is for the equipment and operation of a marine fish farm in coastal waters with farmed fish to be contained in nets supported from flotation rings secured to a mooring grid anchored to the sea bed.

NatureScot have advised on the following impact pathways for marine birds in relation to this proposed development. These are:

1. Entanglement or entrapment in top, cage or antipredator netting or in any nets deployed to recapture stock in event of escape;
2. Disturbance in the vicinity of the farm and / or associated vessels;
3. Direct displacement from the farm footprint; and
4. Loss of or damage to prey-supporting habitats in vicinity of the farm and / or as a consequence of export or organic materials or chemicals from the farm site.

NatureScot advise of potential likely significant effects (LSE) for all qualifying features of the Sound of Gigha SPA with respect to all of the above impact pathways.

## **Assessment**

The assessment considers the impact of the proposals on the qualifying species within the designated area and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by NatureScot.

NatureScot has raised concerns about the submitted proposal on the basis that the operation of the farm, as envisaged by the applicants, is in their view likely to have significant effects on the designated species of interest within the Sound of Gigha Special Protection Area.

The impact of the proposal has been considered against the potential impact pathways noted above and considered in more detail below:

### **Impact pathway 1 – Entanglement and diving depths**

There is the potential for mortality of the qualifying bird species through entanglement with net. The EIAR contains an appraisal to the entanglement risk to the qualifying species based on their diving depths. NatureScot have advised that as the proposal has a minimal mooring area of 16 metres, they do not expect that eider, red-breasted merganser and Slavonian grebe would forage at the area. This has been confirmed by the survey data. Therefore, the main concern is the potential entanglement of the great northern diver feature of the SPA. For great-northern diver, it is expected that the setup of the subsurface netting (high rigidity material and sinker tube tensioning system) will reduce the potential for sub-surface entrapment and entanglement, which should be sufficient to prevent risk to Conservation Objective (CO) 2a: populations of the qualifying features are viable components of the site.

The Applicant has committed to reporting requirements for any entanglement incidents. However, it is unclear whether this includes actively looking out for entanglement to diving species which might be caught in the sub-surface netting. This is a particular concern for great-northern diver. If this is not part of the daily inspection, then we recommend that diving inspections are implemented at least weekly (to record any incident to diving marine birds).

Another alternative the NatureScot have suggested would be the use of underwater cameras. The presence of great-northern diver is in relatively low numbers near the proposed farm site; however, NatureScot advise that it must be ensured that a significant number of birds do not become entrapped so that no Adverse Effects on Site Integrity can be concluded.

The EIAR also includes a detailed appraisal of entanglement risks to other species (considering both their diving depths and the entanglement rates at the two other existing fish farms in Gigha. This includes an appraisal done for cormorant, shag, common guillemot, black guillemot, and gull species. No incidents of entanglement at the two other fish farms have been reported.

### **Impact Pathway 2: Disturbance**

The Applicant has addressed our concerns regarding disturbance to all qualifying features of the SPA (which exhibit sensitivity to disturbance) and has included an appraisal to consider if these species would favour the area of the proposed fish farm or areas in the vicinity of the proposed Vessel Transit Route.

The survey results show that all qualifying features of the SPAs were detected during the Vantage Point (VP) surveys along the Vessel Transit Route (VTR), although Slavonian grebes were present in very low numbers. At the vicinity of the site of proposed fish farm, only great-northern diver was present in significant numbers.

Therefore, for eider, red-breasted merganser and Slavonian grebe, the main risk is only due to disturbance with associated vessels along the VTR (impact pathway 2).

For Slavonian grebe, very low numbers were recorded in the surveys. This means that the vessel disturbance will be relatively minor and will not undermine CO2b for this qualifying feature (the distributions of the qualifying features throughout the site are maintained by avoiding significant disturbance of the species). Thus, NatureScot conclude no AESI for Slavonian grebe.

For eider and red-breasted merganser, the numbers recorded along the traffic routes have peak counts of 2% of SPA population (26 birds) for eider, and 4% of SPA population (5 birds) for red-breasted merganser. For eider, the VTR cuts through two zones with good foraging habitat for this species (East Tarbert Bay and Palm Tree Beach). It is expected that birds would either be temporarily displaced away from the passing boats and would exhibit habituation to increased marine vessel activity over time. For red-breasted merganser, the larger concentrations of birds within the SPA are outwith the VTR, so disturbance is less of a concern for this qualifying feature. A more significant concern is during the sensitive flightless moult period for eider (between July and September). However with the mitigation measures in the Vessel Management Plan it is expected that disturbance is not considered to be sufficient to undermine CO2b through long term or irreversible alteration of the distribution of the qualifying features, thus we conclude no AESI for eider and red-breasted merganser.

Good numbers of great northern diver were detected near the farm site, as well as along the VTR. In the VTR, regular sightings of groups of great northern diver up to six individuals have been recorded (representing 1% of SPA population), and one group of 15 birds recorded (representing 3% of SPA population). Along the entire extent of VTR, up to 27 birds could be estimated from the survey results, representing around 5% of SPA population. Near the proposed farm site, peak counts of up to 3 birds represent less than 1% of the SPA population.

The greatest concern comes from disturbance along the VTR. Considering a disturbance zone of 1000m from VTR. It is clear that increased vessel activity along the VTR would result in disturbance to a considerable area used by great northern diver. However, this area is small in comparison to total foraging area available in the SPA. There is also evidence from the bird surveys that great northern diver habituates to increased vessel activity, such as passing RIB boats at high speed within 100 meters.

Due to the mitigation measures stated in the Vessel Management Plan, and the nature of vessel activity (one return journey per day under normal conditions), disturbance to great northern diver should not be sufficient to undermine CO2b (the distributions of the qualifying features throughout the site are maintained by avoiding significant disturbance of the species). The installation of the mooring area (scheduled for the period May-August) would avoid the sensitive moulting period for great northern diver (which occurs between Feb and April).

Installation of the fish pens and moorings is anticipated to take 28-35 days to complete. The installation of the Proposed Development is proposed between May and August (inclusive) to avoid the non-breeding winter season of the qualifying features of the Sound of Gigha SPA. However, this will coincide with the flightless moult period for red-breasted merganser (mid-July to late Sept) and eider (July to mid Sept), when both qualifying features are likely to have an increased sensitivity to disturbance during this period. It is stated in the EIA (page 336) that for both species, the potential for impacts is only predicted during the nonbreeding season (outwith the moulting period) when they are on the water of the SPA, as both species breed on the coast. These species are unlikely to be present near the mooring area during moulting, as almost no observations of these species were made near the mooring area during the winter surveys, and it is considered unlikely that eider and red-breasted merganser utilisation would markedly change during the moulting period.

During the installation period, up to three marine vessels will frequently be onsite, however, these vessels will be moving at low speeds in association with the defined 0.74 km<sup>2</sup> mooring area. This can result in disturbance to some marine birds, however during this time the only qualifying feature likely to be present in the area will be foraging gannets from Ailsa Craig SPA and this species is unlikely to be significantly affected by vessel and construction activity.

### **Impact Pathway 3 – Direct displacement from the farm footprint**

The Proposal will result in a direct reduction in the sea surface area available to the SPA qualifying features. However, this concern only relates to great-northern diver, as the other qualifying features have not been regularly recorded at the site of proposed fish farm. The

total surface area of the Proposed Development is anticipated to be 0.017 km<sup>2</sup>. The presence of structures within the marine environment may result in birds being displaced from the development location.

The baseline ornithology survey identified the presence of very low numbers, 1 to 3 birds, in association with the mooring area. However, a total of 79 observations of great northern diver were made across the survey period; as such, great northern diver does make use of the marine environment encompassed by and surrounding the mooring area. The survey findings indicate that the majority of observations were outwith the spatial extent of the mooring area.

As a result of the ability of great northern diver to utilise both the pelagic and benthic zones for foraging, they are not limited by water column depth and therefore may make use of a wider range of foraging habitats, particularly pelagic habitats where diving capabilities are less of a constraint. This ecological trait means that birds may not be constrained by reduced availability of a small area of foraging habitat. Furthermore, based on the evidence that their mean diving depth is between 4 to 10 m and that foraging activity is predominantly associated with water depths of 19 m or less, the mooring area is unlikely to represent a primary foraging area as the mean depth is 41.46 m. Therefore, displacement to great-northern diver is not sufficient to undermine CO2c of the SPA (the supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained).

#### **Impact pathway 4 – Loss of or damage to prey-supporting habitats**

There is evidence to suggest that impact to prey-supporting habitats is going to be negligible. The two existing fish farms in the area (Druimyeon Bay and East Tarbert Bay) underwent SEPA benthic auditing in late 2021. This audit process identified that both farms are currently complying with the Mixing Zone threshold and have a negligible impact on the receiving benthic environment. The total area of the Mixing Zones for the three farms is 0.45 km<sup>2</sup> which is 0.12 % of the total available habitat within the SPA boundary.

NatureScot consider that the predicted cumulative solid deposition levels from the Proposal in combination with the two existing fish farms around Gigha are very low and not at a level that would give rise to any concerns around possible degradation of the habitats that would be used by the qualifying features of the SPA. The same advice also concluded that the chemical residue plumes from the proposed West of Gigha site will not pose a risk to any of the habitats or benthic invertebrates.

Therefore, it is advised that this pressure is not sufficient to undermine CO2c (the supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained).

#### **Cumulative Impacts**

##### Disturbance

Regarding vessel traffic, NatureScot note the statement that most of the VTR has a baseline level of 5-20 vessel per week. Adding one return trip per day (for the RIB and workboat) will

represent an additional 14 vessel movements per week, meaning a significant increase in vessel activity. However, we agree that the relatively short transit time (20 and 50 minutes for the RIB and workboat, respectively) will limit the temporal extent of marine vessel activity, and as a result, it is not anticipated that vessel activity will contribute significantly to cumulative disturbance, in what to the qualifying features recorded along the VTR (eider, red breasted merganser and great northern diver).

### Displacement

The Proposal will be located a significant distance from the two other existing marine salmon farms to the NE of the Isle of Gigha, with East Tarbert Bay and Druimyeon Bay located 9.03 km and 10.25 km, by sea, from the current proposed site. The Proposal will also be located in a more exposed, offshore location, with significant water depth and current velocity. Therefore, the marine environment of the proposed fish farm is significantly different to the two existing marine salmon farms, which are located in more sheltered, lower energy environments. The EIA refers that this means “neither additive nor associated cumulative effects on IEFs which favour shallower, more sheltered environments are unlikely to occur” (see page 382 of EIA). While this is true for eider and red-breasted merganser (which occur in significant numbers to the east of Gigha but not to the west), this is not true for great-northern diver (which occur in both sides of Gigha, in good numbers).

### **Recommended mitigation to be secured by planning condition**

- Operator to monitor wildlife entanglement/entrapment in both cage and top nets. Top nets should be monitored daily. Cage nets should be monitored for entangled birds at least weekly, and preferably more frequently, using camera systems capable of inspecting the entire net surface and/or professional divers.
- Operator to maintain full records of wildlife entanglement/entrapment monitoring methods and results for both cage and top nets using the standardised NatureScot proforma (<https://www.nature.scot/doc/interim-technical-briefing-note-pole-mounted-top-nets-and-birds-finish-farms>) and to submit regular (typically six-monthly) returns of these records to the Planning Authority (PA), copied to NatureScot;
- Immediate notification by the site operator to both the PA and NatureScot in event of any significant entrapment or entanglement in any cage or other nets of great northern divers, gannets, gulls (any species), shags, cormorants, or any other single bird species. Significant should be interpreted as: involving three or more birds on any one day and/or a total of five or more birds in the space of any seven-day period and/or repeat incidents involving one or more birds on four or more consecutive days);
- Should an event or events be notified in accordance with the above conditions, the PA must consult with NatureScot, and the applicant is to agree any mitigation measures required. Any such mitigation measures are to be implemented within a timescale determined by the PA and to be retained throughout the life of the fish farm unless agreed otherwise in writing by the PA.
- Strict adherence to the Vessel Management protocols as set out in the applicant's Vessel Management Plan (Revision A1, dated December 2022 – 5. Management)

## Conclusion

The potential impacts of the development in relation to the qualifying species within 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 construction, operation and decommissioning 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.

**Appropriate Assessment informed by NatureScot for the purposes of Argyll and Bute Council as competent authority in assessing planning application 23/01758/MFF.**

## **APPRAISAL IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 AS AMENDED (HABITATS REGULATIONS APPRAISAL)**

### **EUROPEAN SITE DETAILS**

#### **Relevant European site qualifying interest:**

Gannet (*Morus bassanus*), breeding

*This appraisal is limited to gannet only. (Note that the exclusion areas applied to the associated Standing Advice minimise connectivity to other relevant qualifying interests at the following or other SPAs)*

#### **Name of European site(s) potentially affected:**

Hermaness, Saxa Vord and Valla Field SPA  
Noss SPA  
Fair Isle SPA  
Sule Skerry and Sule Stack SPA  
St Kilda SPA  
North Rona and Sula Sgeir SPA  
Ailsa Craig SPA  
Forth Islands SPA

#### **Conservation Objectives for qualifying interests:**

The Conservation Objectives for each site can be accessed via SiteLink. [naturescot sitelink - Google Search](#)

### **STAGE 1: WHAT IS THE PLAN OR PROJECT**

Use of pole-mounted top net systems with ceiling mesh dimensions of 100mm or less at existing finfish aquaculture sites in Scotland.

### **STAGE 2: IS THE PLAN OR PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO SITE MANAGEMENT FOR NATURE CONSERVATION?**

No



### **STAGE 3: IS THE PLAN OR PROJECT (EITHER ALONE OR IN COMBINATION WITH OTHER PLANS OR PROJECTS) LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE SITE?**

Breeding gannets have a mean foraging range of 120.4km ( $\pm$ 50.0km) and a mean maximum foraging range of 315.2km ( $\pm$ 194.2km). Consequently, there is potential connectivity between gannets from one or more of the SPAs listed above and all Scottish marine waters suitable for finfish aquaculture.

There is potential for Likely Significant Effect (LSE) arising from incidental entanglement or entrapment of gannets at finfish farms deploying pole-mounted top nets.

### **STAGE 4: APPROPRIATE ASSESSMENT OF THE IMPLICATIONS FOR THE SITE IN VIEW OF ITS CONSERVATION OBJECTIVES**

Gannets forage opportunistically on pelagic fish shoals by plunge diving in to them from the air and pursuing fish underwater. They may be attracted over substantial distances by presence of other gannets, such that large numbers of birds can quickly gather over a fish shoal. There are several known instances of numbers of gannets becoming entangled and entrapped at finfish farms when attempting to plunge dive into stocked cages through pole-mounted top nets. Entangled birds may suffer fatal injuries and entrapped birds are subject to stress when confined or during subsequent release by site operators, with unknown longer term consequences for individual survival or breeding success.

Such interactions with pole-mounted top net systems have potential to undermine maintenance of gannet populations as viable components of relevant SPAs, through negatively impacting population level adult survival rates and / or breeding success.

The population of gannets in Scotland is large (243,505 pairs in 2013-14) and continues to grow rapidly (2.9% per annum between 2003-4 and 2013-14). All SPA populations are currently in Favourable Conservation Status with stable populations, as detailed below:

SPA	Population in 2013 / 2014	Change from 2003/04
Hermaness, Saxa Vord and Valla Field	25,580	+64%
Noss	11,790	+36%
Fair Isle	3,590	+92%
Sule Skerry and Sule Stack	6,420	+37%
St Kilda	60,290	+1%
North Rona and Sula Sgeir	11,230	+22%
Ailsa Craig	33,230	+22%
Forth Islands	75,260	+57%

Given favourable status and dynamics of gannet populations, high levels of mortality of breeding of adults would be required to undermine SPA conservation objectives.

There is currently limited empirical information on interactions between gannets and pole-mounted top nets, but the incidents we are aware of involving multiple birds have been associated with ceiling mesh sizes of 200mm or greater. The adoption of ceiling mesh dimension of 100mm or less is considered, on both theoretical grounds and in light of the currently available evidence, to pose low risk of damaging interactions with gannets.

**STAGE 5: CAN IT BE ASCERTAINED THAT THE PROPOSAL WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE SITE?**

It is concluded that there is no Adverse Effect on Site Integrity with respect to breeding gannet populations associated with permitting the adoption of pole-mounted top nets with ceiling mesh dimensions of 100 mm or less at existing finfish aquaculture sites in Scottish waters.

The conclusion is however subject to strict planning conditions being applied to all relevant consents (as outlined below and detailed in associated Standing Advice) to ensure avoidance of future Adverse Effect in Site Integrity, including consideration of cumulative and in-combination effects.

**Additional – to that outlined in Stage 4 – mitigation or modifications that are required to ensure adverse effects are avoided and the reasons for these.**

<p><i>Mitigation:</i></p> <p>Application by LPAs of strict planning conditions (as detailed in the associated Standing Advice) to all relevant consents in order to:</p> <ul style="list-style-type: none"> <li>• Ensure systematic monitoring and regular reporting of interactions between gannets and consented pole-mounted top nets</li> <li>• Require prompt notification of any concerning patterns of interactions with gannets</li> <li>• Enable prompt implementation of any site-level mitigation measures required to minimise entanglement or entrapment risk to gannets</li> </ul>	<p><i>Reason:</i></p> <p>To enhance empirical evidence base and ensure avoidance of risk of cumulative or in-combination levels of impact that could undermine Conservation Objectives</p>
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**CONCLUSION / ADVICE IN RELATION TO PLAN OR PROJECT**

Use of pole-mounted top net systems with ceiling mesh dimension of 100 mm or less at existing finfish aquaculture sites in Scotland can be permitted.