

**UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION**

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**A) INTRODUCTION**

This report advises of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals relative to the case set out below.

**B) RECOMMENDATION**

Members are asked to note the contents of the report.

**C) DETAILS OF APPEAL DECISIONS**

**PLANNING APPEAL DECISION – PPA-130-2029– Dismissed  
Formation of finfish farm comprising 14 No. 32m diameter cages and  
installation of feed/service barge  
Dun Bhuirg, Loch Scridain, Isle of Mull**

Planning permission for this proposed salmon farm was refused by committee in September 2012. In summary, the grounds for refusal were based upon adverse consequences for landscape character and visual amenity along with likely adverse impact upon commercial fishing interests.

An appeal against the refusal was subsequently lodged and the appeal was dealt with by way of written representations and an accompanied site visit by the Reporter. The decision in this case was to dismiss the appeal.

In reaching a decision the Reporter concluded as follows:

- In terms of fishing interests he noted that there had been objections from various fishing interests, some of which had been subsequently addressed by negotiation between the parties, whilst others remained outstanding. He concluded that the development would have some impact upon local creel fishing, but was not persuaded that the overall impact, individually or cumulatively with existing shellfish farms, would be such as to warrant refusal of planning permission on the grounds of unacceptable conflict with the interests of commercial fishermen.
- In terms of possible conflict with wild fish interests, he accepted the Council's conclusion that provided the site were to be operated in accordance with the industry code of good practice, then the risk would be controlled as far as reasonably practicable.

- In terms of impacts upon landscape and seascape he found the site to be of high scenic value, with added value due to its historical and nature conservation interests. He considered that the Landscape and Visual Impact Assessment carried out by the applicant under-estimated the consequences of the proposal and expressed the view that the process of determining landscape and visual impacts was not an exact science but involved an element of professional judgment. He agreed with the view expressed by SNH and the Council that the adverse landscape consequences of a proposal of this scale in a sensitive location would be particularly significant. He accorded significant weight to the local plan designated status of the area as an 'Area of Panoramic Quality'. He also concluded that there would be unwelcome cumulative impacts where the proposal could be viewed at close quarters in combination with, or sequentially with, existing mussel farms in the loch.
- In terms of economic benefits he concluded that whilst direct and indirect employment would benefit the local economy, despite this and the benefits to the wider activities of the applicant's company, these would not be of such magnitude to outweigh the significant adverse effect upon landscape character, scenic quality and visual amenity of the surrounding area. He felt that these adverse effects would also impact upon the recreational interests of the surrounding area to a point where this would amount to a supporting reason to dismiss the appeal.
- In reaching his decision he gave cognisance to the government's support for aquaculture as expressed in Scottish Planning Policy, but concluded that in view of its adverse landscape and visual effects, any general support for aquaculture on the part of the government was tempered by the inclusion of the site within an Area of Panoramic Quality.
- He concluded that the development would contravene structure plan policies STRAT SI 1 and STRAT DC 8 and local planning policies LP AQUA 1 and LP ENV10 of the local plan and found no other material considerations to warrant an exception being made to the provisions of the development plan.

## **D) IMPLICATIONS**

Policy: None   Financial: None   Personnel: None   Equal Opportunities: None

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