APPLICATION REFERENCE NO: **23/00104/FFPAES**

TYPE OF APPLICATION: **Habitats Regulation Appraisal – Appropriate Assessment**

APPLICANT: **MOWI**

DEVELOPMENT PROPOSAL: **Install six circular pens of 200m in circumference for the farming of Atlantic Salmon.**

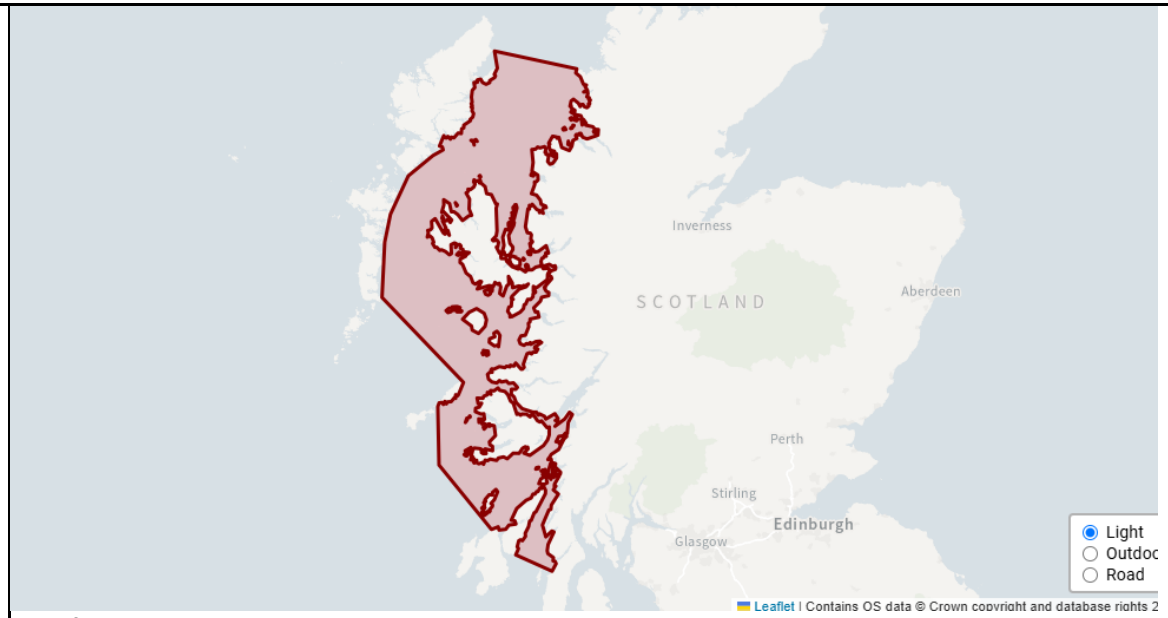
LOCATION OF DEVELOPMENT: **Stulaigh Island South Fish Farm, Locheynort, Isle of South Uist**

Habitats Regulations appraisal of the Implications of the above development for the Conservation Interests of the

- **Inner Hebrides and the Minches Special Area of Conservation (SAC)**
- **ST Kilda SPA (c.88km)**
- **North Rona and Sula Sgeir SPA (c. 175km)**
- **Sule Skerry and Sule Stack SPA (c.216-225km)**

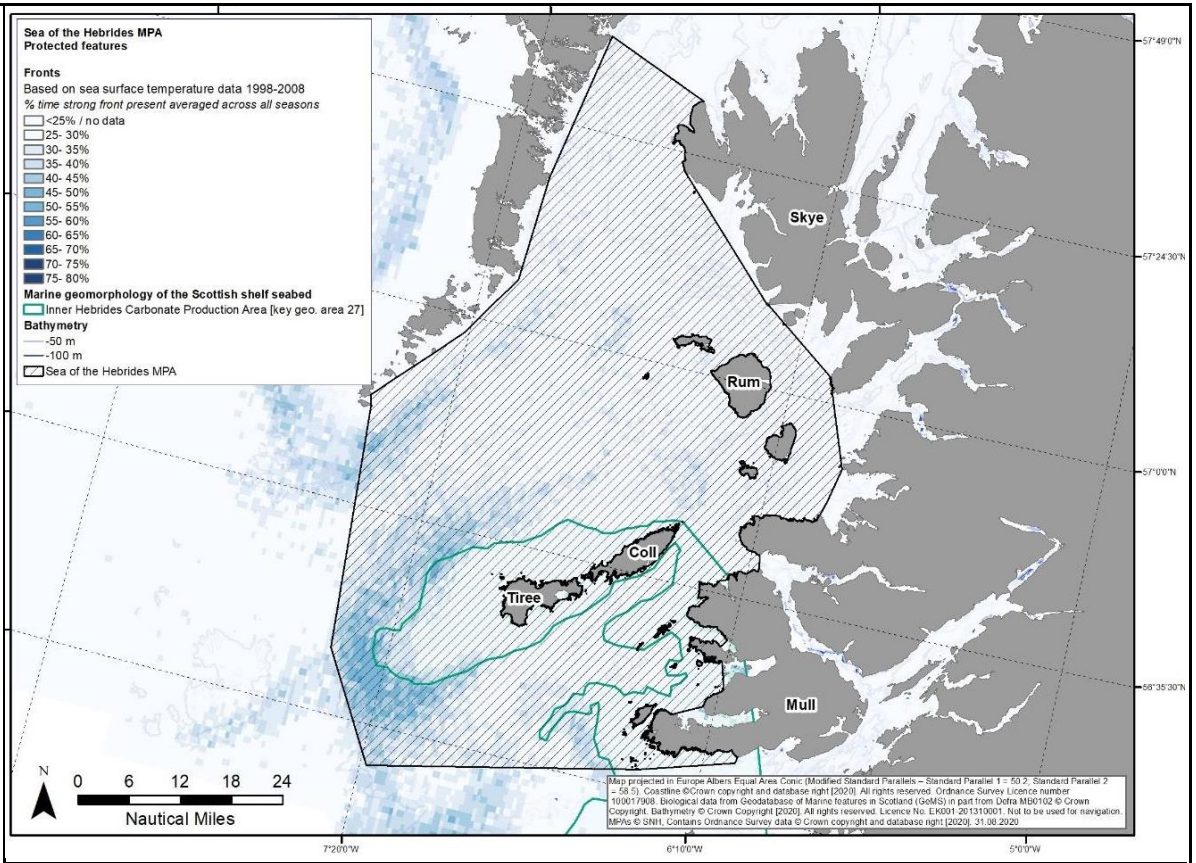
	Description	
1	Brief description of the project	The proposal is to install six circular pens for the farming of Atlantic Salmon. Each pen would measure 200m in circumference ((63.67m in diameter) and the surface area of the six pens (arranged in a 2x3 formation) will equate to 1.9ha (19,098.6m2). The pens would be held in a 120m2 submerged mooring grid. The matrix grid will be held in position by mooring legs (comprising of rope, chain and anchors/ blocks) which would extend out from the grid. The proposed moorings area (to accommodate the depth and length of mooring lines) would extend to 50.7 hectares. The corner point of each matrix grid cell will be marked with a grey surface buoy. The sub-surface moorings matrix is to ensure pens are maintained in a grid configuration. The matrix will be held in position by mooring legs (comprising of rope, chain and anchors or blocks) which extend out from the grid. Each pen will be attached to and held in position by a 120m2 submerged mooring grid. Each pen would be fitted with nets and lice skirts with a side net depth of 16 m. Underwater lighting may be used to control stock maturation rates Top nets will be installed over each stocked pens raised on perimeter poles (24 no) fitted above the surface

		of the handrail to the pens to minimise interactions with diving birds (these will be to a maximum height of 8m with net mesh size 25-100mm in accordance with NatureScot advice on nets. An Akva AC600PV feed barge with capacity to store 600t of feed will be installed on the shoreside of the pens for the storage and distribution of feed (12m by 43.4m, maximum height 12m); Feed pipes will be black or white feed pipes, but not the two in combination; the feeding System is to be a surface rotor or a subsea feeding system (with the installation of a surface rotor system expected in the first instance). The proposal is to enable farming of a maximum standing biomass of 3,000t of Atlantic Salmon. The maximum production biomass per farming cycle would be 5,903 tonnes. Each proposed production cycle would last 22.5 months with a minimum of 6 weeks fallow at the end of the production cycle
2	Brief description of the designated Natura site	Inner Hebrides and the Minches Special Area of Conservation (SAC) Site description: The Inner Hebrides and the Minches site is located within the West Scotland harbour porpoise MU and is an area with high predicted and observed densities of harbour porpoise. The Inner Hebrides and the Minches site comprises an area of 13801.99km2. The site's northern boundary crosses the North Minch between the Point of Stoer and Tolsta Head. A simple boundary follows the coastline of the Outer Hebrides to Rubha na h-Ordaig on South Uist. From there it crosses the Sea of the Hebrides to the northern tip of Coll, and then runs from Port a' Mhùrain on the south west of Coll, down to Rubha Bholsa on the north coast of Islay. It has a southern boundary between the Rhuba na Tràille at the southern end of Jura and the mainland coast near Ballochroy. From Ballochroy it follows the mainland coastline back to the Point of Stoer including the Sound of Mull and Kyle Rhea. It encompasses the islands of Skye, Mull, Lismore, the island group within the Firth of Lorn and Colonsay.



Qualifying Interest:
Harbour porpoise

Sea of the Hebrides Nature Conservation Marine Protected Area (NC MPA)
Site Description
The Sea of the Hebrides MPA has been selected to become part of Scotland's MPA network which in turn has been established to help conserve and recover a range of Scotland's important marine habitats, wildlife, geology and landforms.



Sea of the Hebrides MPA and distribution of the protected features

Sensitivities

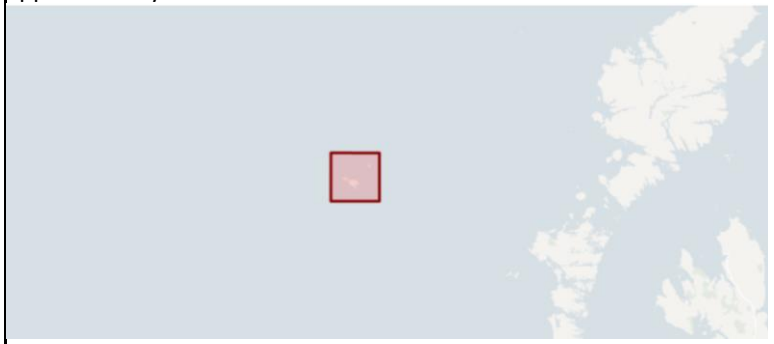
- **basking shark,**
- **minke whale,**
- **fronts and**
- **a geodiversity feature, Marine Geomorphology of the Scottish Shelf Seabed (Inner Hebrides Carbonate Production Area).**

ST Kilda SPA (c.88km)

Site description:

St Kilda is a group of remote Scottish islands lying in the North Atlantic about 70 km west of North Uist in the Outer Hebrides. The islands are steep, with precipitous cliffs reaching 430 m on Hirta and 380 m on Soay and Boreray. The vegetation is strongly influenced by sea spray and the presence of seabirds and livestock. Inland on Hirta, species-poor acidic grassland and sub-maritime heaths occupy extensive areas. The islands provide a strategic nesting locality for seabirds that feed in the rich waters to the west of Scotland. The total population of seabirds exceeds 600,000 individuals, making this one of the largest concentrations in the North Atlantic and the largest in the UK.

The boundary of the SPA overlaps with the boundary of St. Kilda SSSI, and the seaward extension extends approximately 4 km into the marine environment to include the seabed, water column and surface.



Qualifying Interest:

St Kilda SPA qualifies under Article 4.1 by regularly supporting populations of European importance of the Annex 1 species: Leach's storm-petrel Oceanodroma leucorhoa (5,000 pairs, 9.1% of the GB population); and European storm-petrel Hydrobates pelagicus (850 pairs, 1.0% of the GB population).

St Kilda SPA also qualifies under Article 4.2 by regularly supporting populations of European importance of the migratory species: Northern gannet Morus bassanus (50,050 pairs, 19.0% of the world biogeographic population); great skua Stercorarius skua (270 pairs, 1.9% of the world biogeographic population); and Atlantic puffin Fratercula arctica (155,000 pairs, 17.2% of the F.a.grabae biogeographic population).

St Kilda SPA also qualifies under Article 4.2 by regularly supporting in excess of 20,000 individual seabirds. It regularly supports 600,000 seabirds including nationally important populations of the following species: razorbill Alca torda (3,810 individuals, 3% of the GB population); common guillemot Uria aalge (22,700 individuals, 2% of the GB population); black-legged kittiwake Rissa tridactyla (7,830 pairs, 2% of the GB population); Manx shearwater Puffinus puffinus (up to 5,000 pairs, about 1% of the GB population); Northern

fulmar Fulmarus glacialis (62,800 pairs, 12% of the GB population); Atlantic puffin (155,000 pairs, 35% of the GB population); great skua (270 pairs, 3.2% of the GB population); Northern gannet (50,050 pairs, 32% of the GB population); Leach's storm-petrel (5,000 pairs, 9.1% of the GB population) and European storm-petrel (850 pairs, 1.0% of the GB population).

North Rona and Sula Sgeir SPA (c. 175km)

Site description:

The uninhabited islands of North Rona and Sula Sgeir, together with several outlying rocky islets and adjacent waters, lie 65 km north of Lewis. The coastlines of both islands consist mainly of cliffs except for two low-lying peninsulars on North Rona. North Rona is well covered by peat or soil, and vegetated by submaritime grassland. Sula Sgeir lies about 15 km west of North Rona. It is much the smaller of the two islands and has little soil or vegetation.

The boundary of the Special Protection Area overlaps with the boundary of North Rona & Sula Sgeir SSSI, and the seaward extension extends approximately 2 km into the marine environment to include the seabed, water column and surface.

Qualifying interest (N.B. All figures relate to numbers at the time of classification except where amended by the 2001 SPA Review):

North Rona & Sula Sgeir qualifies under Article 4.1 of the EU Birds Directive by regularly supporting populations of European importance of two Annex 1 species: European storm-petrel Hydrobates pelagicus (>1% of the GB breeding population) and Leach's storm-petrel Oceanodroma leucorhoa (>1% of GB breeding population).

The site qualifies under Article 4.2 by regularly supporting populations of European importance of the migratory species Northern gannet Morus bassanus (10,400 pairs; 4% of the North Atlantic biogeographic population) and common guillemot Uria aalge (43,200 individuals; 1% of the biogeographic population of the

sub-species U. a. albionis and U. a. aalge).

The site also qualifies under Article 4.2 by regularly supporting in excess of 20,000 individual seabirds. It regularly supports 130,000 seabirds including nationally important populations of the following species: Northern fulmar Fulmarus glacialis (11,500 pairs; 2% of the GB population), great black-backed gull Larus marinus (730 pairs, 4% of the GB population), black-legged kittiwake Rissa tridactyla (5,000 pairs; 1% of the GB population), razorbill Alca torda (2,300 individuals; 2% of the GB population), and Atlantic puffin Fratercula arctica (5,300 apparently occupied sites, 1% of the GB population).

All counts are for 1986 except those for Northern fulmar (combined counts for Sula Sgeir, 1985 and North Rona, 1986) and Northern gannet (1994).

Sule Skerry and Sule Stack SPA (c.216-225km)

Site Description:

Sule Skerry and Sule Stack are isolated islets 60 km west of Mainland, Orkney. Sule Skerry is larger, low-lying and vegetated whereas Sule Stack is a higher, bare rock stack with no vascular plants.

The boundary of the SPA overlaps with those of Sule Skerry SSSI and Sule Stack SSSI and the seaward extension extends approximately 2 km into the marine environment to include the seabed, water column and surface.

Qualifying Interest (N.B. All figures relate to numbers at the time of classification except where amended by the 2001 SPA Review):

Sule Skerry and Sule Stack SPA qualifies under Article 4.1 by regularly supporting populations of European importance of the Annex 1 species: European storm petrel Hydrobates pelagicus (500 - 5000 pairs, 1 - 6% of the GB population); and Leach's storm petrel Oceanodroma leucorhoa (5 pairs, <0.1% of the GB population).

Sule Skerry and Sule Stack SPA further qualifies under Article 4.2 by regularly supporting populations of European importance of the migratory species: Northern gannet Morus bassanus (5,900 pairs, 2.2% of the

		world biogeographic population); and Atlantic puffin Fratercula arctica (46,900 pairs, 5% of the F.a.grabae biogeographic population). Sule Skerry and Sule Stack SPA also qualifies under Article 4.2 by regularly supporting in excess of 20,000 individual seabirds. The site regularly supports 100,000 seabirds including nationally important populations of the following species: common guillemot Uria aalge (6,298, 0.9% of the GB population); European shag Phalacrocorax aristotelis (874 pairs, 2.3% of the GB population); Atlantic puffin (46,900 pairs, 10.4% of the GB population); Northern gannet (5,900 pairs, 4.0% of the GB population); European storm petrel (5,000 pairs); and Leach's storm petrel (5 pairs).

3	**Conservation objectives**	**Sea of the Hebrides Marine Protected Area (MPA)** *The Conservation Objectives seek to conserve protected feature(s) of a MPA where evidence exists that it is in favourable condition in the site, or where there is uncertainty concerning the assessed condition of a feature (see section 4) but no reason to suspect deterioration in condition since designation. Where evidence exists that a feature is declining and/or damaged and therefore is in unfavourable condition in the site, the Conservation Objectives will seek to recover the protected feature.* *All of the biodiversity and geodiversity features (basking shark, minke whale, fronts and the geodiversity feature) are in favourable condition at Sea of the Hebrides MPA and therefore the Conservation Objectives seek to conserve this condition.* *Sea of the Hebrides MPA provides conservation benefits by affording protection. In summary the conservation benefits of this designation are:* • *Protecting high densities of basking sharks and minke whales, compared to other parts of Scottish territorial waters, particularly during the months of April to October.* • *Protection of important areas where basking sharks, an OSPAR threatened and declining species, feed and show social, group and courtship-like behaviours.* • *Recognition of fronts as an important feature that provides benefits to both basking shark and minke whale by enhancing primary productivity and prey availability.* • *Conservation of the Inner Hebrides Carbonate Production Area (the geodiversity feature) ensures that important biogenic habitats such as maerl beds and seagrass are protected and that vital processes, such as the production and supply of shell-rich sands to beaches and machair, are maintained* **Inner Hebrides and the Minches Special Area of Conservation (SAC)** *1. To ensure that the Inner Hebrides and the Minches SAC continues to make an appropriate contribution to harbour porpoise remaining at favourable conservation status.* *2. To ensure for harbour porpoise within the context of environmental changes, that the integrity of the Inner Hebrides and the Minches SAC is maintained through 2a, 2b and 2c:* *2a. Harbour porpoise within the Inner Hebrides and the Minches are not at significant risk from injury or killing.* *2b. The distribution of harbour porpoise throughout the site is maintained by avoiding significant disturbance.* *2c. The condition of supporting habitats and the availability of prey for harbour porpoise are maintained.* **ST Kilda SPA (c.88km)** *1. To ensure that the qualifying features of St Kilda SPA and the Seas off St Kilda SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.*

		2. To ensure that the integrity of St Kilda SPA and the Seas off St Kilda SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature: *2a. The populations of qualifying features are viable components of St Kilda SPA and Seas off St Kilda SPA.* *2b. The distributions of the qualifying features throughout St Kilda SPA and Seas off St Kilda SPA are maintained by avoiding significant disturbance of the species.* *2c. The supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained, or where appropriate restored, at St Kilda SPA and/or Seas off St Kilda SPA.* **North Rona and Sula Sgeir SPA (c. 175km)** *To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and* *To ensure for the qualifying species that the following are maintained in the long term:* *Population of the species as a viable component of the site* *Distribution of the species within site* *Distribution and extent of habitats supporting the species* *Structure, function and supporting processes of habitats supporting the species* *No significant disturbance of the species* **Sule Skerry and Sule Stack SPA c.216-225km** *To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and* *To ensure for the qualifying species that the following are maintained in the long term:* *Population of the species as a viable component of the site* *Distribution of the species within site* *Distribution and extent of habitats supporting the species* *Structure, function and supporting processes of habitats supporting the species* *No significant disturbance of the species*
	Screening	
4	**Is the proposal directly connected with, or necessary to, conservation management of the Natura site?**	**NO** - The proposal is **not directly connected** with, or necessary to, the conservation management of the SAC'S and SPA's.
5	**Is the operation likely to have a significant effect on the qualifying interest?**	**ST Kilda SPA (c.88km), North Rona and Sula Sgeir SPA (c. 175km), Sule Skerry and Sule Stack SPA (c.216-225km)** **Yes**, a potential issue has emerged in Scottish waters recently with respect to gannets, plunge diving onto fish

	Consider each qualifying interest in relation to conservation objectives.	farm cages with similar pole-mounted top net systems. Breeding gannets have a mean foraging range of 120.4km (±50.0km) and a mean maximum foraging range of 315.2km (±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. NatureScot advise that currently available empirical data is limited to a few instances in which substantial (but not fully documented) numbers of gannets have become entrapped under and/or entangled in pole mounted ceiling nets. The potential for such interactions is likely to depend both on top net configuration, and in particular ceiling mesh size, and on farm location and extent to which surrounding waters are used by foraging gannets that may seek to make opportunistic use of potential food resources represented by stocked fish farm cages. Reference Nature Scot Interim Technical Briefing Note - Pole-mounted top nets and birds at finfish farms The fish farm is within the mean maximum foraging range of 315.2km (±194.2km) (Woodward et al., 2019) for several breeding colony SPAs at which gannet are a qualifying interest, with the nearest three being St Kilda SPA (c.88km), North Rona and Sula Sgeir SPA (c. 175km) and Sule Skerry and Sule Stack SPA (c. 216-225km). Depending on the degree of the predicted risk, to gannet entanglement and resulting mortality, the proposal could then have an adverse effect on site integrity. Consequently, there is potential for Likely Significant Effect (LSE) arising from incidental entanglement or entrapment of gannets at finfish farms deploying pole-mounted top nets. There are not likely to be significant effects on the other qualifying species of the SPA's. **Inner Hebrides and the Minches Special Area of Conservation (SAC)** The proposal is c2.2km from the Inner Hebrides and the Minches SAC selected for its Porpoise population. The proposal also lies c1.9km from the Sea of the Hebrides NC MPA designated for a range of marine features including minke whale. The waters of The Minch are also frequently used by other species of cetacean including bottlenose dolphin, risso's dolphin, and common dolphin. These species are known to be sensitive to underwater noise and there is potential for auditory injury, disturbance and displacement from foraging areas if ADD's are proposed at this site. Due to new licensing requirements ADD's will not be deployed as standard. Considering this, there are **no significant effects** requiring assessment at this stage. Should the applicant decide to use ADD's, as they have suggested within this application, any impacts on the features of the NC MPA, the SAC or any EPS cetacean's will be fully considered by Marine Scotland through the licensing process.

		As advised by NatureScot, the Comhairle do not need to consider the above designations further in regards to this assessment. **Sea of the Hebrides Nature Conservation Marine Protected Area (NC MPA) and EPS cetaceans** **In relation to aquaculture and measures to reduce or limit pressures** Minimise the risk of disturbance8 to basking sharks and minke whales relating to the use of ADDs. This should include adoption of existing best practice e.g. development of ADD deployment plans as part of the Town and Country Planning consent process. These plans should include consideration of the potential for cumulative impacts of noise. Reduce risk of entanglement for basking sharks and minke whales through the adherence to existing best practice10 in the deployment and maintenance of fish farm equipment. Due to new licensing requirements ADD's will not be deployed at the proposed site as standard. Considering this, there are no significant effects requiring assessment at this stage. Should the applicant decide to use ADD's, any impacts on the features of the NC MPA, the SAC or any EPS cetacean's will be fully considered by Marine Scotland through the licensing process. The Comhairle do not need to consider the above designations further in regards to this assessment.

	Appraisal	
6	**Identify the relevant conservation objectives to consider (for the Gannet SPA's)**	**ST Kilda SPA (c.88km)** 1. To ensure that the qualifying features of St Kilda SPA and the Seas off St Kilda SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status. 2. To ensure that the integrity of St Kilda SPA and the Seas off St Kilda SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature: 2a. The populations of qualifying features are viable components of St Kilda SPA and Seas off St Kilda SPA. 2b. The distributions of the qualifying features throughout St Kilda SPA and Seas off St Kilda SPA are maintained by avoiding significant disturbance of the species. 2c. The supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained, or where appropriate restored, at St Kilda SPA and/or Seas off St Kilda SPA. North Rona and Sula Sgeir SPA (c. 175km) To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

		To ensure for the qualifying species that the following are maintained in the long term: Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species **North Rona and Sula Sgeir SPA (c. 175km)** To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species **Sule Skerry and Sule Stack SPA c.216-225km** To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species The qualifying species in respect of this appraisal is the Northern Gannet.

7	**Can it be ascertained that the proposal/plan will not adversely affect the integrity of the SPA's**	Gannets forage opportunistically on pelagic fish shoals by plunge diving onto them from the air and pursuing fish underwater. They may be attracted over substantial distances by presence of conspecifics, such that large numbers of birds can quickly gather over a fish shoal. There are several known incidences of numbers of gannets becoming entangled or 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. NatureScot confirm that 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 or growing populations Given favourable status and dynamics of gannet populations, high levels of mortality of breeding adults would be required to undermine SPA conservation objectives. There is currently limited empirical information on interactions between gannets and polemounted 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 dimensions 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 The top net mesh size proposed is 100mm. Therefore, it can be ascertained with sufficient confidence that the proposal will not have an adverse impact on the integrity of the SPAs in respect of Northern Gannet or the other qualifying interests provided net design and specification is as proposed by the applicant and the development is managed by the undernoted measures advised by NatureScot It is concluded that there is **No Adverse Effect on Site Integrity** with respect to breeding gannet SPA populations associated with permitting the adoption of pole-mounted top nets with ceiling mesh dimensions of 100mm or less at existing finfish aquaculture sites in Scottish waters. This conclusion is however subject to planning conditions being applied to any 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. Operators to maintain daily records of wildlife entanglement / entrapment using a standardised NatureScot

		proforma (which can be downloaded at https://www.nature.scot/sites/default/files/2021-02/NatureScot%20-%20Entanglement%20and%20entrapment%20-%20Standardised%20Proforma.xlsx) and to submit regular (typically six-monthly) returns of these records to Comhairle nan Eilean Siar, copied to NatureScot; [NatureScot has subsequently advised returns for period Jan - end of Jun (submitted Jul/Aug) and period Jul – end of Dec (submitted Jan/Feb)].- Immediate notification by the site operator to both Comhairle nam Eilean Siar and NatureScot in event of any significant entrapment or entanglement of gannets (i.e. involving three or more birds on any one day and/or a total of ten or more birds in the space of any seven day period and/or or repeat incidents involving one or more birds on four or more consecutive days); and, Should an event or events be notified in accordance with the above condition, Comhairle nan Eilean Siar to consult with NatureScot and the applicant to agree any mitigation measures required and any such mitigation measures to be implemented within a timescale determined by Comhairle nan Eilean Siar and to be retained throughout the life of the top nets unless agreed otherwise in writing by Comhairle nam Eilean Siar.
8	**Consider whether mitigation measures or conditions can be adopted to avoid impacts on site integrity**	The proposal conditioned to secure the measures detailed above is predicted not to impact on site integrity, of any of the three SPAS without further mitigation. Condition x: **Throughout the life of the top nets specified (or any replacement top nets of equal specification and design) daily records shall be maintained of any entrapment or entanglement of birds using the relevant NatureScot proforma. Such records shall be submitted biannually; for period January - end of June (submitted July/August) and for period July – end of December (submitted January/February)]. to the Comhairle as Planning Authority and NatureScot, unless agreed otherwise in writing by the Comhairle as Planning Authority.** Reason: In order to maintain a record of the incidence of entanglement/entrapment of birds, in particular to ensure that the favourable conservation status of gannets within the St Kilda and the North Rona and Sula Sgeir Special Protection Areas and Sule Skerry and Sule Stack SPA is maintained. **Condition y: If the daily recording required by Condition x reveals any significant entrapment or entanglement of gannets (involving three or more birds on any one day; or a total of ten or more birds in the space of any seven day period; or repeat incidents involving one or more birds on four or more consecutive days) the Comhairle as Planning Authority and NatureScot shall be notified within seven days of such an event.** Reason: In order to assess whether mitigation is required to ensure that the favourable conservation status of gannets within the St Kilda and the North Rona and Sula Sgeir Special Protection Areas is maintained. **Condition z: Should an event be notified in accordance with Condition y and, following consultation by the Comhairle as Planning Authority with NatureScot mitigation measures are deemed to be required,**

		mitigation measures shall, within one month of being required, be submitted to the Comhairle as Planning Authority and copied to NatureScot. Any subsequently approved mitigation measures shall then be implemented within one month of their approval and retained throughout the life of the top nets hereby approved (or any replacement top nets) unless agreed otherwise in writing by the Comhairle as Planning Authority. Reason: In order to ensure that mitigation measures to reduce entrapment or entanglement of gannets are implemented to ensure that the favourable conservation status of gannets within the St Kilda and the North Rona and Sula Sgeir Special Protection Areas is maintained. **Reference** NatureScot: Interim Technical Briefing Note on Polemounted Top Nets and Birds at Finfish Farms, issued November 2020.
	Conclusion	
9	**Can adverse impacts on site integrity be avoided?**	Subject to the gannet entrapment monitoring and mitigation conditions based on the standing advice of NatureScot, it is assessed that the proposed Development alone and in combination with other projects or proposals that could have impacts, will not have an adverse effect on site integrity of the MPA, SAC and SPA's as assessed above.

Date 12 December 2024 Signed: M C Ferguson

Planning Manager & Case Officer