COMHAIRLE NAN EILEAN SIAR

Report on Handling of Planning Application - EIA Assessment - Delegated Decision

1. CASE SUMMARY

Application Reference:	23/00104/FFPAES
Validation Date:	01 March 2023
Application Address:	Stulaigh Island South Fish Farm, Locheynort, Isle of South Uist.
Proposal:	Install a new marine Atlantic salmon farm to operate at a maximum standing biomass of 3,000t, including the installation of 6 circular pens (measuring 200m circumference) configured in 1(2x3) group, and held in a 120m mooring matrix with associated mooring lines. Install 600t feed barge.

2. KEY DATES

Advert in press:	Edinburgh Gazette - 10th March 2023 Stornoway Gazette - 9th March 2023
Neighbours Notified:	None required in accordance with Regulations.
Date of site visit:	Officer familiar with site location/neighbouring fish farm sites.

3. PROPOSAL AND CONTEXT

Description of development

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 120m^2 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.

The site will be lit and navigation markers installed according to Northern Lighthouse Board (NLB) recommendations.

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.

A CAR Licence application for the proposed biomass was submitted to SEPA in February 2023. The Environmental risks SEPA has regulatory powers to control at that time included the 'adverse impact on the water environment due to the abstraction of water and the discharge of organic material, medicines and permitted substances from a pen fish farm'. A new CAR Licence (CAR/L/SEPA2021-126) was granted by SEPA on 22 June 2023 for the 'operation of a marine pen fish farm including the abstraction of water and the discharge to the water environment of fish excreta, uneaten food and other substances as listed in this permit'. The Medicines and Permitted Substances for discharge are listed in Section 3.2 to 3.5 of the Licence.

Stulaigh South would be serviced from an existing shore base at Lochboisdale (E:079908, N:818912). This shorebase also services Mowi's existing farms in the area (Stulaigh, Marulaig, & An Camus). However, visiting vessels are likely to travel directly to and from the marine site e.g. feed will be supplied directly to the feed barge via boat. The farm will be stocked, harvested, and potentially treated using a well-boat that travel directly to the pens.

Operational working hours would be 0700 to 2000 over a seven-day working week with times likely to be slightly longer in the summer and shorter in the winter.

Description of Site and its context

The proposed site is located due south of Stulaigh Island, which is a small uninhabited island, situated in the Little Minch, on the east coast of South Uist broadly midway between the mouths of Lochboisdale and Locheynort.

The centre of the proposed site would be located approximately 520m from the neighbouring shoreline, 875m south of Stulaigh Island, and 3km north of Lochboisdale. (There is an existing fish farm by the same operator sited due northwest of Stulaigh Island).

The immediately neighbouring landmass is classified as Wild Land (South Uist Hills wild land area). It comprises a long, narrow range of hills, edged by a spectacular eastern coast of cliffs, rocky promontories, lochs and bays. consisting of "Montane" at its high points and surrounded by a combination of "Heather Moorland" and "Heather Moorland/Montane".

The nearest roads, properties, and settlements are over 4km away, at Lochboisdale.

A multibeam bathymetric (MBES) survey confirms depths below the proposed pens as over 40m deep and a field survey confirm that the seabed is predominantly comprised of gravelly muddy sand with patches of bedrock.

The position of the site falls within disease management area 7b and as such will have an impact on or be impacted upon by sites within the South Uist disease management area as currently defined in Marine Scotland disease management area maps.

Planning History

There is no previous planning decision relating to the site. The planning history for site includes only related EIA opinions (see below).

Summary of changes that took place during determination

None. Some Clarification provided in response to Marine Scotland Science requests.

4. ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

Schedule

The proposed development is classed as Schedule 2 development (Intensive fish farming – biomass greater than 100tonnes, surface area more than 0.1ha) in terms of the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017

Screening/Scoping

The site has been the subject of two different proposals, the latter developed in response to evolution of farming infrastructure in the industry.

Screening & Scoping Ref. 17/00382 - New fish farm comprising installation of 12 circular pens of 120m circumference and the operation of 2,500t of salmon at Stulaigh South – EIA REQUIRED (Proposal not developed).

Screening & Scoping Ref. 21/00610 - Installation of a feed system and 12 circular pens of 120m circumference, in an 75m matrix grid or alternatively 5 or 6 pens of 200m circumference - adopted on 02 June 2022 - EIA REQUIRED.

The Screening/Scoping Opinion (Ref. 21/00610 - Installation of a feed system and 12 circular pens of 120m circumference, in an 75m matrix grid or alternatively 5 or 6 pens of 200m circumference) was adopted on 02 June 2022, concluding that an Environmental Impact Assessment was required for the development proposed by this planning application and setting out the scope of the EIA Report.

The opinion identified potential significant effects upon:

- the landscape and visual amenity;
- the benthic environment; and
- wild salmonid and sea trout populations.

Post scoping, two further topics,

- Socio-economics and
- commercial fisheries

were deemed of sufficient importance by the applicant to merit inclusion for assessment as core topics within the EIA Report.

Environmental Impact Assessment (EIA) Report

The application has been informed by an Environmental Impact Assessment (EIA) Report which describes current legislation and policy in relation to aquaculture, the need for the project, the EIA methodology, the detailed infrastructure, and operational proposals:

- Section 3 & 4: Policy and Legislation
- Section 5: EIA Methodology
- Section 6: Project Rationale and Alternatives
- Section 7: Introduction
- Section 8: Site Equipment
- Section 9: Operational Characteristics

The EIA Report undertakes an assessment of the key impacts where significant effects were judged as likely to occur. The content of the EIA Report has been examined and together with the input of consultation bodies has informed this planning assessment. These key topics are addressed in the following Chapters of the EIA Report:

- Chapter 16 - Seascape, Landscape, and Visual Amenity informed by Annex 16
- Chapter 10 and 14 - Benthic Environment and Marine Features of Ecological Importance and informed by technical appendices
- Chapter 13 – Wild Salmonids - informed by Annex 13
- Chapter 20 - Socio-Economics - informed by Appendix 20a & 15a
- Chapter 15 – Commercial Fisheries - informed by Appendices 20a &15a.

Other matters assessed and presented include:

- Section 11: Water Column
- Section 12: Interactions With Predators
- Section 15: Navigation, Anchorage, Commercial Fisheries, Other Non-Recreational Maritime Uses
- Section 17: Noise
- Section 18: Cultural Heritage & Historic Environment
- Section 19: Waste Management (non-Fish)
- Section 20: Access and Recreation
- Section 21: Traffic and Transport
- Section 22: Population and Human Health
- Section 23: Sustainability and Climate Change

The examination of the EIA Report, including the advice of consultees on same, is referenced in the undernoted policy assessment.

5. HABITATS AND SPECIES – HABITATS REGULATION APPRAISAL

Key Constraints/Designations potentially affected by the proposed Development include:

- Inner Hebrides and the Minches Special Area of Conservation (SAC) – Qualifying Interest - Harbour porpoise.
- Sea of the Hebrides MPA(NC) - December 2020 **-** Protected Features – Biodiversity, Basking shark, minke whale, fronts; Geodiversity - Marine Geomorphology of the Scottish Shelf Seabed.

- Gannet - Special Protection Areas (SPA) - eight breeding colony SPAs and two marine proposed SPAs for which gannets are a protected feature some of which are within the marine foraging range of the proposed site.

6. SUMMARY OF CONSULTATION ADVICE

The full terms of consultation responses can be read in the Appendix. The undernoted were consulted and pertinent points from the advice is summarised here:

Consultee Name	**Consultee Advice**
Historic Environment Scotland	This application should be determined in accordance with national and local policy on development affecting the historic environment...
Scottish Environment Protection Agency (SEPA)	We have no objection to the proposed development and consider that it would be consentable under CAR….The final biomass and quantities of sea-lice medicines will be determined as part of the CAR application currently in process. (Post consultation response note): CAR Licence (CAR/L/SEPA2021-126) was granted by SEPA on 22 June 2023
NatureScot	There are natural heritage interests of international importance on the site, but our advice is that these will not be adversely affected by the proposal. The proposal will not have an adverse effect on the integrity of the South Uist Wild Land Area. Priority marine features (PMFs) - The information provided shows that there are Maerl beds present in the channel between Stulaigh Island and Uist (approx. 1.4km from the cage edge). There is no evidence that they extend closer to the proposed footprint of the farm. The results from the hydrodynamic model show that the culminative impacts from the present fish farm (North of Stulaigh Island) and the proposed fish farm are insignificant. If solids such as organic carbon or Emamectin Benzoate (EmBZ) residues are transported into the channel, then deposition rates will be very low. Protected species: Our advice is that this proposal is likely to have a significant effect on the Gannet feature of the breeding colony SPAs and the two marine proposed SPAs within Scotland. Consequently, CnES, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest…based on the information provided, our conclusion is that the proposal will not adversely affect the integrity of the site.
Northern Lighthouse Board (NLB)	Northern Lighthouse Board has no objection to the site subject to the lighting and marking requirements (details provided).
Western Isles Fisherman's Association	No response received. Note: WIFA did raise concerns in response to the Screening/Scoping consultation.
Royal Yachting Association (RYA) (Scotland)	I write to inform you that RYA Scotland has no objections to this application.

Marine Science Scotland (MSS) Aberdeen	MSS provided a lengthy response, which did not object or raise any residual concerns in relation to the proposal. MSS has stated in their concluding response that they require no further information. In summary the response covers: *Benthic impacts* The submitted modelling report concludes that the proposed biomass meets the relevant EQS, therefore it should not result in unacceptable benthic impacts at the site. However, SEPA as the regulator will make the final decision regarding maximum biomass permitted on site. *Water column impacts* The proposed site does not sit within a 'Locational Guidelines' categorised water body. The applicant has submitted an assessment which takes into account the proposed biomass at the site and the results indicate that the degree of enhancement is not likely to result in a significant impact. In addition, they have considered the cumulative impacts by including the enhancement resulting from the inclusion of the sites in the area. The results of the cumulative assessment shows that the degree of enhancement is not likely to result in significant impact. *Stocking* From the information given in the application, the operation of the site will be at an acceptable stocking density level of below 22kg/m3. *Husbandry* The details provided on the method and frequency of removing mortalities and their disposal route is satisfactory as far as can reasonably be foreseen. Mortalities will be collected in a cone basket at the base of the net and removed by lift up system with a target of uplifting this daily or a minimum of 3 times a week. Mortalities will be ensiled and uplifted by a licensed waste carrier for disposal at an appropriate facility. *Wild Fisheries* This development has the potential to increase the risks to wild salmonids. It should be noted that sea trout are present in these inshore waters all year round, and not just during the spring smolt migration period. We therefore suggest that strict control of sea lice should be practiced throughout the year. Additionally, it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations. There are two other sites within 15 km of the applicant site so cumulative impact factors may come into play. South Uist is known to have fisheries for salmon and sea trout. The following graphs [provided] plot the catches for Atlantic salmon and sea trout from 1952 - 2021 in the Howmore Statistical District within

	which the site will be located. As the Howmore district covers South Uist, Benbecula and Barra these figures may not be representative of the catches in the immediate area and are only provided to give an indication of catch trends in the area. Data source: https://data.marine.gov.scot/dataset/salmon-and-sea-trout-fishery-statistics-1952-2021-season-reported-catch-district-and-method *Sea lice* This development has the potential to increase the risks to wild salmonids. It should be noted that sea trout are present in these inshore waters all year round, and not just during the spring smolt migration period. We therefore suggest that strict control of sea lice should be practiced throughout the year. Additionally, it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations. The applicant has supplied an Environmental Management Plan (EMP) outlining how potential interactions of sea lice arising from the proposed development will be assessed with respect to wild salmonids. Marine Scotland expects that as a minimum any monitoring scheme will be able to: report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose. *The supplied EMP meets the above criteria*. The applicant has indicated that they intend counting sea lice stages on wild salmonids. The collection of wild salmonids is a regulated procedure, and the applicant needs to obtain necessary permissions to conduct this activity with a specific achievable objective. Sea lice on wild fish are likely to be obtained from multiple sources, including other nearby farms. The applicant appears to be aware that wild fish sampling will generate data that could only be used to inform on general environmental sea lice loads. *Containment* *The proposed contingency plan for dealing with an escape or suspected escape event is satisfactory.* It is noted that the applicant proposes to use a sinker tube (Froya ring) weighting system, with all the weight of the sinker tube supported by integrated ropes in the net. The FHI are aware of incidents at other sites operated by the applicant in which this set up contributed to net damage and resulted in a breach of containment. Confirmation is sought that this weighting and net system has been considered appropriate for the conditions

	experienced at the location of the proposed Stulaigh south site or details of any adaptations that may be required to limit the risks of a breach in containment on site. *Further response* The information provided states that following recent experiences at other sites where interactions between weighting systems and nets have led to breaches in containment these systems have been reviewed. The underlying factor relates to the nets and therefore actions taken include use of stronger nets and changes to net design with further analysis of nets using net sensors being undertaken and new systems being trialled. This knowledge and experience can be applied to the Stulaigh South proposal. Further explanation on whether the high utilisation factors of equipment are considered acceptable and if so why, or if further considerations or actions are proposed to be taken to reduce the utilisation factor of these components. The applicant state there are multiple precautionary measures incorporated into the technical third-party assessment process (based on Scottish and Norwegian Standards); safety factors are applied to equipment and the results are based on 1 in 10/50 years. The report sets utilisation thresholds and revisions to the proposal would be pursued if these were exceeded. The results are under the set limits and consequently the planning application will remain as proposed. Data from the recent trial of 3x200m pens at the nearby Hellisay site will also inform this future development and review will be undertaken during tender to ensure the most up to date knowledge is considered. The information provided on equipment and strategies in place to minimise predator interactions at the site in question is satisfactory as far as can reasonably be foreseen. Top nets will be used to mitigate against aerial predation from birds; the main defense against predation below the water line is well tensioned HDPE nets, additional weighting and the Midgard system to provide a stable net volume; along with swift removal of mortalities by uplift daily and secure storage of feed.
Lochboisdale Community Council	(Date Consulted - 8 Mar 2023)- No response received.
Bornish Community Council	(Date Consulted - 8 Mar 2023) - No response received.
Assistant Harbour Master	(Date Consulted - 8 Mar 2023) - No response received.

7. STANDARD GUIDANCE BY CONSULTEES

For developments which fall below certain thresholds, generic guidance is now provided by consultees. The following standard guidance is relevant to this case.

SEPA - Sea Lice Regulatory Framework – SEPA will take on lead regulatory responsibility for managing sea lice and wild salmon interactions from 1st February 2024 and for managing sea lice and sea trout interactions from March 2025.

https://www.sepa.org.uk/regulations/water/aquaculture/sea-lice-framework-faqs/

SEPA Revised Interim Position Statement for protecting the Water Environment, Nov 2018

The statement sets out the interim position on the environmental standards that SEPA will apply when assessing applications to discharge the in-feed sea lice medicine, emamectin benzoate, into the marine environment pending the establishment of new environmental standards for the medicine.

SEPA Guidance Note 17: Marine development and marine aquaculture planning guidance Feb 2014

SEPA'S role in planning consultations is to advise on whether a development is environmentally acceptable in terms of issues relevant to our remit or whether it needs to be modified or subject to planning conditions to make it environmentally acceptable. Where a planning application is also subject to a CAR application, we should provide advice on the likely consentability of the proposal and what will be controlled under CAR. To avoid duplication, it is important that we inform the planning authority of the issues controlled under CAR which do not need to be addressed by a planning condition, and hence a paragraph in all our fish-farming responses should state: *"We will control the maximum biomass and discharges of licensed medicines through CAR and hence planning conditions relating to these aspects are unnecessary."*

Sea of the Hebrides MPA - Conservation and Management Advice

Inner Hebrides and the Minches SAC - Conservation and Management Advice

8. SUMMARY OF ANY ISSUES RAISED IN REPRESENTATION

Two letters of representations were received, both of which supported the development. The WIFA on behalf of its members raised concerns at EIA Scoping Stage but did not comment at Planning Application stage on either the Planning Application or the EIA Report. The WIDSFB, a statutory consultee maintained a position of objection, as set out above.

9. PLANNING POLICY CONTEXT

In Scotland, the planning system is 'plan-led.' From 13 February 2023, National Planning Framework 4 (NPF4) along with the Outer Hebrides Local Development Plan 2018 (OHLDP) and its supplementary guidance collectively forms the statutory Development Plan for the administrative area of the Western Isles with Comhairle nan Eilean Siar, the Planning Authority.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The full text of the OHLDP can be read on-line on the Comhairle website and that of the adopted NPF4 on the Transforming Planning website.

Section 24(3) states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP (the OHLDP) whichever of them is the later in date, is to prevail. In carrying out the planning assessment due regard is taken of consultee comments and where relevant consultee standing advice together with all other material planning considerations.

Outer Hebrides Local Development Plan (OHLDP) Policies (and any Supplementary Guidance (SG) Policies) relevant to the determination of this application are:

Local Development Plan

DS1: Marine and Shore Environment

NBH1: Landscape

NBH2: Natural Heritage

NBH5: Archaeology

ED4: Fish Farming and Marine Planning

Outer Hebrides Local Development Plan Supplementary Guidance: Marine Fish Farming

Policy 1: Siting & Design in the Landscape

Policy 2: Water Quality & Benthic Impact

Policy 3: Other Marine Interests

Policy 4: Noise & Lighting

Policy 5: Operational Impacts

Policy 6: Cumulative Impact

Policy 7: Economic Benefit

Policy 8: On-shore Facilities

National Marine Plan (2015)

General Policies

GEN 1: General planning principle: presumption in favour of sustainable development.

GEN 2: Economic benefit - Sustainable development and use.

GEN 3: Social benefit - Sustainable development and use.

GEN 7: Landscape/seascape/visual impacts.

GEN 9: Natural heritage: legally protected areas/protected species/PMF/geodiversity/ marine health.

GEN 11:Marine litter reduction.

GEN 12:Water quality and resource 9.

GEN 13: Noise – avoid significant adverse effects of man-made noise and vibration.

GEN 21:Cumulative impacts.

Sea Fisheries

FISHERIES 1: Aim to ensure: Existing fishing opportunities and activities are safeguarded wherever possible; Mechanisms for managing conflicts between the fishing sector and other users of the marine environment.

Aquaculture

AQUACULTURE 1:	Identify appropriate locations/ carrying capacity
AQUACULTURE 3:	Nutrient enhancement and benthic impacts
AQUACULTURE 5:	Impacts upon the seascape, landscape, and visual amenity
AQUACULTURE 6:	Sites should not bridge Disease Management Areas
AQUACULTURE 7:	Wild fish - risk-based approach to farm location
AQUACULTURE 9:	Appropriate emergency response plans
AQUACULTURE 11:	Aquaculture equipment - technical standard
AQUACULTURE 12:	Support for sustainable biological controls for sea lice

National Planning Framework 4 (2023)

Policy 1:	Tackling the Climate and Nature Crises
Policy 3:	Biodiversity
Policy 4:	Natural Places
Policy 10:	Coastal Development
Policy 12:	Zero Waste
Policy 29:	Rural Development
Policy 32:	Aquaculture

All other material planning considerations taken into account in the assessment of the application include:

- Environmental Impact Assessment (Scotland) Regulations 2017
- The expert advice of Statutory Consultation Bodies
- Planning History
- Matters raised by Third Party Representations
- National Marine Plan 2: Planning Position Statement
- Scottish Government - Strategy/plan - Vision for Sustainable Aquaculture

10. PLANNING APPRAISAL

10.1 Aquaculture - Overarching Policy Context

Aquaculture proposals benefit 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.

OHLDP Policy ED4 - Fish Farming and Marine Planning states that "*the Comhairle will take planning decisions in accordance with the National Marine Plan" and shall be assessed against the Supplementary Guidance for Marine Fish Farming (the SG).*

Scotland's National Marine Plan (NMP), published in March 2015, incorporates Chapter 7, dedicated to Aquaculture. Amongst the objectives for the development of aquaculture are quality employment and sustainable economic activity in remote and rural areas, as well as more widely in Scotland; maximise benefits to Scotland and to local communities from the Scottish aquaculture value chain.

The introductory statements advise that the Policies should be read in conjunction with Chapter 4 – General Policies and Annex B – Strategic Objectives.

Policy 32 of National Planning Framework 4 (NPF4) provides that proposals for aquaculture will be supported where they comply with the LDP and the National Marine Plan and that proposals for fish farms will demonstrate that operational impacts *are acceptable and comply with the relevant regulatory framework. The policy also provides that developments will only be supported where impacts upon the following have been assessed and mitigated:*

i. landscape and visual impact of the proposal taking into account the character of the location;

ii. the impact of any land-based facilities ensuring that the siting and design are appropriate

iii. impacts on natural heritage, designated sites, and priority marine features; and

iv. impacts on historic marine protected areas.

Policy ED4: Fish Farming and Marine Planning of the Outer Hebrides Local Development Plan (OHLDP) are the key policy in respect of this application. directs that planning decisions will be taken in accordance with the National Marine Plan (NMP).

Collectively NPF4, the spatial and development policy provisions of the Outer Hebrides Development Plan (OHLDP) and the Supplementary Guidance (SG) for Marine Fish Farming, together with the National Marine Plan (NMP), set the planning framework for assessment of this application. There is synergy between the Aquaculture Policies of the NMP, NPF4 and the Development Policies of the SG.

National Planning Framework 4 (NPF4), Policy 32 (Aquaculture) is the key policy for this development. Policy 32 seeks to encourage, promote and facilitate aquaculture development and minimise any adverse effects on the environment, including cumulative impacts. This policy effectively aligns with the requirements around considerations of impacts raised within the existing supplementary guidance. No additional or contrary considerations are introduced, as such any decision taken in accordance with the Outer Hebrides Local Development Plan Supplementary Guidance: Marine Fish Farming (SG)would also accord with NPF4 policy 32.

Policies 2, 3 and 6 of the SG provide support subject to there being no significant adverse effect, directly, indirectly, or cumulatively on, among other things, landscape character, scenic and visual amenity, wild fish populations, cumulative benthic and water column impacts, biodiversity and existing activity, including commercial inshore fishing grounds.

It is considered that the requirements of policies NBH1 and NBH2 addresses equivalent policy considerations under policy 4 (Natural Places) of NPF4. All policies place requirement to appropriately consider impacts on all relevant designated sites and undertake relevant assessments.

NPF4 policy 3 'Biodiversity' introduces policy requirements for biodiversity enhancement. Aquaculture is explicitly exempted from the majority of the requirements stipulated within this policy, on the basis that future updates to the National Marine Plan will bring forward the policy framework and supporting guidance to enable biodiversity enhancement in the marine space. However, a general requirement remains under policy 32 (a) to contribute to enhancement and integrate nature-based solutions and 32 (d) requires biodiversity impacts to be appropriately managed. Policy 3 (d) requirements raise those aspects more specifically addressed by policy 32 (aquaculture). Requirements within 32 (a) present a challenge for development in the marine space, with other offsite approaches to enhancements potentially offering a route to policy compliance. Current Scottish Government policy advice is that further guidance will be provided to support the application of this policy in relation to aquaculture development.

NPF4 policy 29 (Rural Development) provides support to development that supports remote communities and require that appropriate design and scale considerations are taken. Policy ED1: Economic Development of the local plan, combined with Policy 7 of the supplementary guidance provides support where proposals are necessary to support and provide an economic contribution to coastal communities and are secure over their intended lifetime, including employment. Other elements of NPF policy 29, including developments being well scaled, sited, designed and appropriate are addressed in LDP NBH1.

As the proposal is marine development, the policies of the National Marine Plan (2015) require regard and weighting for this proposal. However, there is a consistent mirroring between the policy provisions of the Outer Hebrides Local Development Plan and the relevant supplementary guidance and those stipulated across general and sector specific policies of the National Marine Plan. National Marine Plan policy does provide some additional specific considerations in some instances.

The SG consists of a Spatial Strategy and eight Development Policies.

The assessment considers these policy provisions under the topic headings in the section below.

Alternatives

The EIA Regulations require to set out the alternatives considered in site selection.

It is noted that the proposed site was identified from initial surveys as being a suitable site for development due to favourable bathymetry and hydrography, that it is within an area currently farmed by the operator and that it would benefit from being served from existing on-shore infrastructure, at Lochboisdale Harbour, Gasaigh, Lochboisdale.

The EIAR states that:

- The operational rationale to develop a site in this region is based on performance at existing sites; Mowi Scotland operate successful seawater sites in South Uist and throughout the wider Western Isles, including Stulaigh Fish Farm which was authorised in 2011. The area is proven to be a viable farming area. The existing farms provide relevant knowledge to apply to the management of the new site, an indication of future performance at Stulaigh South, and an opportunity to share resource and knowledge.
- A marine fish farm needs to be located at a site that meets specific conditions which are not widely available. For example, site selection, exact position, and layout of any fish farm are affected by many factors, such as depth, currents, features of conservation importance, exposure, other marine users, as well as landscape, visual, and wild landscape attributes etc.
- The rationale for the selection of Stulaigh South is based on its position at the edge of an open water environment, the Little Minch. This site is considered to have the necessary dispersive characteristics suitable to operate at levels greater than 2,500t using the latest modelling tool under the new SEPA regime. The site is also suitably distant from other aquaculture operators reducing external lice pressures on the farm and supporting the management of fish health.
- Locations to the north of the existing farm (known as Stulaigh) would bridge neighbouring Disease Management Areas (DMAs), merging DMAs 7a & 7b (see Figure 6a) contrary to NMP Policy on DMAs being required as a firebreak to prevent the spread of Infectious Salmon Anaemia.

NMP Aquaculture Policy 6 states that: New aquaculture sites should not bridge Disease Management Areas although boundaries may be revised by Marine Scotland to take account of any changes in fish farm location, subject to the continued management of risk.

The above presents the rationale and alternatives considered as required by the EIA Regulations.

10.2 Spatial Strategy and Principle of Development

Collectively, the policy provisions of the Outer Hebrides Development Plan (OHLDP), National Marine Plan and Supplementary Guidance (SG) for Marine Fish Farming, set the spatial and policy framework for consideration of the location of the development which is the subject of this application.

The OHLDP Development Strategy sets out the overall spatial strategy to guide development i.e. where development should and should not be located and the principles behind it. The relevant category in this case OHLDP - Policy DS1: Development Strategy – Marine and Shore Environments, defined as shoreline and transitional habitats which are saline, or tide affected; intertidal areas down to mean low water mark, and; out to 3 nautical miles for marine aquaculture.

The principal policy objective for 'Marine and Shore Environment' is to support the sustainable development of our aquaculture and marine energy resources (including any associated onshore facilities) and facilitate an integrated approach to management of the intertidal zone.

The NMP adopts the guiding principles of sustainable development, which also ensures that any individual policy, plan, or activity is carried out within environmental limits. There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the NMP. In terms of co-existence with other Marine Users, NMP Policy Gen 4 states that proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision-making processes, when consistent with policies and objectives of the NMP.

Policy ED 4: Fish Farming and Marine Planning and - Spatial Strategy - Policy 1: Areas for Potential Growth set out the first tier for consideration of the location of the proposed development guiding developers away from areas of high sensitivity as identified by European and national designations to areas of the coast that have constraint but available for consideration for new growth.

The spatial framework in the SG is supplemented by identified constraints and subject policies which address the more specific considerations around the siting and the appropriateness of the location for the proposed development.

The EIA Report at Section 6 sets out the rationale for the site and the alternative sites considered, and at Section 7, a description of the development and the proposed site.

The proposal would fall within SG - Spatial Policy 1, being sited outwith a sensitive area but where planning constraints require further consideration. The location of the proposed development does not conflict with any of the identified planning constraints and therefore detailed consideration of the site in the proposed location is further tested through the development policies.

Marine Directorate - Marine Science notes that there are currently no sites registered with Marine Scotland Science within 1000m of the proposed new site and currently no sites proposed in the planning system within 1000m of this proposed new site and that the proposed site would be wholly within Disease Management Area 7a and not result in the bridging of any Disease Management Area.

Subject to the detailed assessment of the proposal against the topic specific Policies the OHLDP, the development policies of the OHLDP Marine Fish Farming Supplementary Guidance and the relevant policies of the National Marine Plan and NPF4, the Stulaigh South farm would be sited in an area where the principle of fish farming is likely to be acceptable.

10.3 Benthic Environment and Marine Features of Ecological Importance

Chapters 10 - Benthic Environment and 14 - Species or habitats of conservation importance of the EIA Report - informed by technical appendices sets out an assessment of these topics.

Policy context

Outer Hebrides Local Development Plan Supplementary Guidance: Marine Fish Farming: Policy 2: Water Quality & Benthic Impact provides that Proposals will require to be accompanied with modelling and calculations which demonstrate that the benthic impacts of the proposed farm are localised and within environmental limits while NMP Policy Aquaculture 3 addresses nutrient enhancement and benthic impacts as set out under Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (which is not relevant to this proposal as it is in an open waterbody and therefore not categorised).

NPF4 - Policy 32 - Aquaculture Marine states that Development proposals for fish farm will demonstrate that operational impacts from deposition, waste emissions and aquaculture litter are acceptable and comply with the relevant regulatory framework and that developments will only be supported where impacts on natural heritage, designated sites and priority marine features have been assessed and mitigated.

EIA Report

Chapter 10 of the EIAR notes that the initial study area was refined to reflect a predicted Zone of Impact; the assessment of benthic impacts is assessed on the basis of the modelled sediment deposition and infeed treatment residues, together with the results of baseline surveys. SEPA published its Aquaculture Modelling Screening Risk Identification Report in April 2022, and this forms a technical appendix to the EIA Report. The report identifies evidence that the proposed site is near to several PMFs, namely: Maerl Beds, Northern Sea Fan and Sponge Communities.

Chapter 10 assesses the general predicted impacts on the benthic environment with reference to SEPA compliance parameters. The degree of deposition for both carbon and in-feed residues are predicted based on modelled outputs derived from detailed hydrodynamic models coupled with a particle tracking model to generate a footprint of deposition. The level of significance is determined by the extent and carbon load of the depositional footprint on the benthic environment. Relevant results from Chapter 14: Species and Habitats of Conservation Importance were taken into consideration. Key mitigation is confirmed as site selection and micro-siting of the farming equipment away from known features of conservational importance.

Chapter 10 of the EIA Report states that Screening Modelling and Risk Identification Report undertaken by SEPA calculated sediment intensity values of 4.95 g/m2 (median) and 6.57 g/m2 (average) suggesting a very low magnitude of impact where there is a very minor change to the benthos. The NewDepomod model outputs also indicated that deposition at Stulaigh South will be low with results indicating that the proposed farm at Stulaigh South will comfortably meet pertinent Environmental Quality Standards for salmon farm waste solids and thus predicted impacts would be local to the pens. It goes on to note that the modelling indicates deposition is highest below the pens which would result in a medium level of disturbance to the seabed near the pens. However, the spatial extent of these impacts would be limited, and intensity reduces moving away from the pens. Deposition may result in a minor shift to the benthos in the wider benthic footprint that should be reversible. Given the small footprint, the likely mixing zone, predicted compliance, and variability of deposition within the footprint, overall, the magnitude is assessed as low, with a minor shift to the baseline local to the site.

Chapter 14 of the EIA Report assesses the potential impacts to features of ecological importance within the zone of impact arising from carbon deposition the use of infeed medicines; and the presence of mooring infrastructure (Potential impacts resulting from the use of topical medicinal treatments were scoped out based on predictive modelling results and screening guidance issued by SEPA). The importance of each feature has been summarised in the EIA assessment with comment on the quality, rarity, and wider distribution. The features identified are recognised internationally and/or nationally e.g. they are listed as having PMF status or are listed on Annex I of the Habitats Directive etc. However, the assessment concluded Local (Uist) /Very Low importance for each example at the site because of factors such as poor quality (Maerl - dead or <5% coverage), limited presence (Ocean quahog & Devonia perrieri - present in two grabs <2), and/or their wider distribution locally and nationally (Bedrock & Gravelly Muddy Sand).

Key mitigation includes site location selection in a highly flushed environment where a farm is likely to have a low influence, and positioning equipment away from known features of importance.

In terms of carbon deposition, the impact of carbon deposition on each feature, and confined to all important ecological seabed features combined, has been assessed as minor (locally), negligible (nationally) and not significant to reflect changes over a small area.

In terms of in-feed medicinal treatments modelling suggests impacts are confined to a limited zone within close proximity to the proposed pen grid. Magnitude of impact was considered medium locally for Ocean quahog and Devonia perrieri given the lack of scientific understanding regarding sensitivity of these specie and their limited presence. However, impact on these species is considered insignificant because of the scale of the wider population. The impact of in-feed medicinal residue on each feature has been assessed as minor (locally), negligible (nationally) and not significant, given the localised extent of likely effects and limited importance attributed to the species and habitats present.

The proposal will require a total of 43 plough anchors, and the impact to maerl was assessed as minor because of high sensitivity to the associated pressures of surface and sub-surface abrasion, and siltation associated with the redistribution of sediment. Bedrock and Gravelly Muddy Sand are considered less sensitive and impacts would occur to a very small proportion of the local resource. The impact of mooring infrastructure on each feature has been assessed as minor or negligible (locally), negligible (nationally) and not significant to reflect the local importance/example and very limited spatial extent of effects.

Overall potential impacts to benthos and to all important ecological seabed features combined, has been assessed as minor (locally), negligible (nationally) and not significant to reflect changes over a small area. These conclusions are considered applicable to the benthic environment as a whole, and not significant.

In terms of In-Combination Effects, the predicted carbon and in-feed medicine zone of impact cover a very similar area and location, which is in proximity to the much smaller mooring zone of impact. The combined impact of carbon deposition, in-feed medicines, and moorings on each feature has been assessed as minor (locally), negligible (nationally) and not significant because of the localised overlapping extent of likely effects and the limited importance (associated with quality, presence, and wider distribution) attributed to each feature.

The EIA Report also cites potential benefits in that the proposed moorings would exclude abrasion of the environment by scallop dredgers and the removal of species etc by preventing dredging within the site boundary marked by the outer anchors.

Consultations

SEPA and Marine Scotland Science were consulted on the application.

MSS advised that 'the submitted modelling report concludes that the proposed biomass meets the relevant EQS, therefore it should not result in unacceptable benthic impacts at the site. However, SEPA as the regulator will make the final decision regarding maximum biomass permitted on site.'

SEPA advised that they have no objections to this proposal and confirmed that they received an application under the Controlled Activities Regulations (CAR) in February 2023. They were satisfied that the proposed biomass was reasonable within the scope of the new regulatory framework. The applicant subsequently confirmed that the CAR Licence had been granted and submitted a copy of the Licence and its conditions for information.

Assessment

Having carried out an assessment, with regard to modelling and baseline and field survey information, similar to that presented in the EIA Report, SEPA granted a CAR Licence for the Proposed Development in June 2023. The CAR licence sets the standards and parameters against which SEPA will monitor the environmental performance of the proposed site if granted and made operational.

It is acknowledged that the site has a highly flushed environment and therefore the sediment influence is predicted as likely to have a low influence on the surrounding seabed area.

The proposal is also located outside designated protected areas and the equipment has been positioned to avoid marine features.

Other mitigations relate to the selection of fewer larger pens, feed conservation, monitoring, and fallowing.

Further, SEPA's regulatory regime via CAR Licence includes monitoring requirements and provide a mechanism for the regulator to enforce biomass cuts at the site if an Environmental Quality Standards (EQS) is not met.

Having considered the EIAR, the supporting information and advice of consultees it is assessed that there would be no residual significant effects on the benthic environment or species of conservation concern including PMF, subject to compliance with SEPA's CAR licence conditions and maintenance of standards of good practice as cited in the application.

It is therefore considered that the proposal would comply with SG Development Policy 2 – in relation to impacts upon the Benthic Environment and NPF4 - Policy 32 impacts on benthos and PMF.

10.4 Siting and Design in the Landscape (including coastal character, seascape, and visual amenity)

Chapter 16 of the EIA Report presents a summary of the Seascape, Landscape and Visual Impact Assessment (SLVIA) undertaken by consultants LUC and labelled as Annex 16.

Policy considerations

NMP General Policy 7 - GEN 7 Landscape/Seascape: Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape, and visual impacts into account.

NMP Aquaculture - Policy 5 advocates that aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape, and visual amenity of an area, following SNH guidance on the siting and design of aquaculture.

OHLDP SG - Development Policy 1 - Siting & Design in the Landscape, states that development proposals should relate to the specific landscape and visual characteristics of the local area and sets out guidance on siting and design, which accords with the principles set out in the SNH guidance on the siting and design of aquaculture.

NPF4 Policy 32 - Aquaculture, states that Development proposals for fish farm developments will only be supported where landscape and visual impact of the proposal including the siting and design of cages, lines and associated facilities taking into account the character of the location have been assessed and mitigated.

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EIA - Examination

Chapter 16 of the SLVIA report is supported by appendices which include: the methodology used for the SLVIA; the methodology used for generating supporting graphics; the methodology and assessment of effects on the South Uist Hills Wild Land Area; baseline photography and visualisations from representative viewpoints; and supporting map figures.

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

The SLVIA has assessed the potential effects on landscape and visual receptors of the proposed development, taking into account embedded mitigation.

The application site is not within any areas that are protected under international or national legislation landscape but is on the coastal edge of the South Uist Hills Wild Land Area.

The SLVIA examined the potential effects of the proposed development on the key attributes of the South Uist Hills Wild Land Area, using methodology published by NatureScot for this purpose. Key attributes and qualities of the wild land area include:

- A contrast between dramatic landforms and a remote coast to the east, and open, sweeping peatland leading to crofting settlements to the west
- Awe-inspiring mountains highlighted in contrast to their low-lying surroundings, and possessing a rugged and rocky landform with arresting features
- A strong influence of the sea, particularly in the east, affecting the perceived extent of the area and the sense of naturalness, as well as revealing distinct coastal features
- Extensive open peatland slopes and cnocan which are arresting in their simplicity at a broad scale and challenging to access at a local level.

Whilst significant visual effects are predicted from certain viewpoints in the WLA, and the proposed development may locally alter attributes associated with 'remoteness' and 'naturalness' of the eastern coast, the overall effects on the key attributes of the WLA, as a result of the proposed development, are not judged to be significant. This conclusion is supported by the advice of NatureScot who concur with this assessment.

The SLVIA has assessed the effects of the proposed development on Coastal and Landscape Character and concluded both Effects on LCCA Rocky Indented Coastline and LCT Prominent Hills and Mountains to be not significant.

Four viewpoints were selected for analysis and used to inform the assessment of effects of the proposed development on the visual amenity of the area. Two were at sea level looking north and south and two from elevated viewpoints ashore: the top of Triurbheinn and Eliogar. The level of visual effect experienced by receptors at all four viewpoints is judged to be moderate (significant). The presence of the proposed development, lighting, and associated activity will locally affect the sense of wildness associated with the eastern coast of South Uist, and is predicted to affect views in this area. The SLVIA assumes that these effects will be adverse, based on the precautionary principle. Beyond the mitigation embedded in the design of the proposed development, it is acknowledged with the SLVIA and agreed on examination that there is little scope to further reduce the predicted effects.

In conclusion, significant residual visual effects have been identified but the SLVIA contends that these are limited in extent, localised, and likely to be transient to what is likely to be small number of receptors.

Further that the overall effects on the key attributes of the WLA, as a result of the proposed development, are not judged to be significant.

In terms of cumulative effects, the SLVIA concludes that there is limited intervisibility between the Proposed Development, and the existing sites including Stulaigh (north).

Consultations

NatureScot was consulted on the application and EIA Report (SLVIA). In relation to Landscape and Visual Impacts NatureScot advised that the proposal is adjacent to the South Uist Wild Land Area. The information provided shows that the proposed development occupies a small proportion of the available view from the four viewpoints selected and the effects on the integrity of the South Uist Wild Land Area are not significant.

Assessment

The application site is not within any areas that are protected under international or national legislation landscape but is on the coastal edge of the South Uist Hills Wild Land Area.

It is accepted that based on the findings of the EIA Report and the advice of NatureScot that effects on the integrity of the South Uist Wild Land Area are not significant and that while significant residual visual effects have been identified that these would be limited in extent, localised, and likely to be transient to what is likely to be small number of receptors.

It is therefore assessed that on account of Seascape, Landscape and Visual Impacts including non-significant effects on the integrity of the South Uist Wild Land Area that the proposed development would be of an appropriate siting, scale and colour to comply with OHLDP Policy 1 – Spatial Strategy; OHLDP SG - Development Policy 1 (Siting and Design in the: NMP Aquaculture Policy 5 and NPF4 Policy 32 part d)

10.5 Interactions with and impacts upon Wild Salmonids (Salmon & Sea Trout)

Chapter 13 of the EIA Report informed by Annex 13 carries out an assessment of potential Impacts upon Wild Salmonids (Salmon and Sea Trout).

Policy considerations

NPF4 Policy 32 – Aquaculture states that Development proposals for fish farms will demonstrate that operational impacts including containment and sea lice impacts on wild salmonids, are acceptable and comply with the relevant regulatory framework.

NMP Aquaculture Policy 7 states that Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish, while Policy 12 states that Applications which promote the use of sustainable biological controls for sea lice (such as farmed wrasse) will be encouraged and Policy 11 requires that Aquaculture equipment, including but not limited to installations, facilities, moorings, pens and nets must be fit for purpose for the site conditions, subject to future climate change. Any statutory technical standard must be adhered to.

The OHLDP SG – Marine Fish Farming, Policy 3 – Other marine interests state that Proposals for new or extended fish farm development will be permitted where it has been satisfactorily demonstrated that the proposal would not have a significant adverse effect on wild fish populations, either individually or cumulatively with other fin fish developments. Applications for new fin fish farms or extensions to existing farms to increase cage surface area by 50% or more should include the following information:

- Location and where available catch data of salmon producing rivers which are judged to be potentially adversely impacted on in the loch system;
- A statement as to whether the area is known to support sea trout fisheries.

The Comhairle will seek the advice of Marine Scotland Science and the Western Isles District Salmon Fisheries Board in respect of the information provided with regard to wild fish in informing its determination of an application.

EIA Examination

Potential impacts from sea lice upon wild salmon and sea trout considered potentially significant effects are assessed alongside consideration of containment and fish health in Chapter 13 of the EIA Report which sets out a comprehensive assessment in relation to the Scoping opinion response on this topic.

Annex 13 is comprised of a number of Appendices:

- Appendix 13a Sea Lice Management, Efficacy and Attestation
- Appendix 13b Sea Lice Dispersal Modelling
- Appendix 13c Environmental Management Plan
- Appendix 13d Farm Management Statement
- Appendix 13e Equipment Attestation
- Appendix 13f Site Survey Report
- Appendix 13g Pen Mooring Analysis Report
- Appendix 13h Barge Mooring Analysis Report
- Appendix 13i Containment and Escapes Contingency Plan
- Appendix 13j Emergency Response Plan
- Appendix 13k Inspection and Maintenance Plan
- Appendix 13l Benefits of Producing Salmon in Large Pens
- Appendix 13m Original or Additional Figures Tables

The EIA Report sets out the migratory patterns of Atlantic salmon and Trout (brown and sea trout) as follows:

Atlantic salmon are identified as an anadromous species, spending time in both freshwater environments as smolts migrating to sea and returning to their natal rivers as adults. Atlantic salmon are thought to migrate rapidly out to sea and undertake extensive migrations, with some Scottish fish travelling as far as the western coast of Greenland and the Canadian Arctic). Marine habitat use is thought to be very broad and dependant on prevailing ocean currents. After between one to three years of feeding in the ocean, adult fish return to the same coasts that they left a year or more before. Soon afterwards they enter the rivers where they previously lived, and in late autumn or early winter they spawn near to the places where they lived when they were parr (the species is protected under Annex II of the Habitats Directive, is a PMF and local rivers have been allocated a conservation grading of 3 but none carry any statutory designated status for this species).

Trout by comparison Trout have two possible life cycles, where they may either stay in freshwater all their life, 'brown trout,' or migrate to the sea to feed and mature, 'sea trout,' returning to freshwater rivers to spawn. Both brown and sea trout are present within fresh waters and marine waters in the study area.

The length of time a sea trout stays at sea can vary between a few months to over a year (NatureScot 2017b). In contrast to salmon, immature sea trout often return to freshwater over winter. In addition, sea trout do not migrate rapidly out to sea from inshore coastal areas but instead tend to use nearshore sea lochs before migrating to sea in late summer before returning. Some post-smolts can return to rivers after only a few months at sea, however, there is significant uncertainty regarding the movement of sea trout after the initial few months at sea (Malcolm et al., 2010). Generally, it is accepted that sea trout tend to have a far more localised migratory behaviour than salmon. Studies undertaken in the north-west of Scotland by Cauwelier et al. (2011) suggest that trout entering the sea do not migrate great distances but remain within the boundaries of their local estuary. (Brown/Sea Trout as a species, in its marine phase, is on the Scottish Biodiversity List and is a PMF, and therefore of conservation concern. Trout numbers are higher than salmon populations. The development is not associated with any statutory designated sites for this Brown/Sea Trout.

The EIA Report provides a statement of its assessment of importance as follows: …*both species are of National importance given their protection and status within Scotland, however for the purposes of this assessment the populations across the wider study area is of Regional Importance (Western Isles) and their limited presence nearer to the site reduces importance to Local (Uist) importance. These results take into account the population composition, size, and extent across the study area.*

The Chapter 13 assessment sets out the scope of the assessment, the baseline assessment including the conditions at numerous systems in the Outer Hebrides and in South Uist including identification of catch data for the statistical area which covers the site and confirms the importance of the area for sea trout. Potential Impacts and Management measures are set out in detail with the mitigation measures to address potential impacts on wild salmonids presented in *Table 13.6a. under the categories of Sea Lice Management and mitigation measures, followed by a series of fish health measures and a series of Containment measures.*

This is followed in Section 13.7 by a detailed impact assessment. In this, the Zone of Impact is defined as Uist and Barra. It acknowledges that Salmon travel further (than sea trout) and there may be impacts on numerous systems, including, Kildonan, Howmore and Loch Bi systems. However, the closest river fishery system to the proposed site which is on the east coast is the Loch a'Bharp system which flows into Lochboidale (>3km south) is identified as important for sea trout. Catch data in recent years is low but it is noted that the Loch a' Bharp system has been classified as grade 3 (*Grade 3: Current exploitation levels are unsustainable. All methods of catch and release is mandatory to reduce exploitation*), since 2019 and is proposed to remain at this grade for 2022. River Classification is an

annual assessment by Marine Scotland based on both the stock level and condition of salmon, as determined by the Salmon (Scotland) Regulations 2016 to identify their Grade for conservation status.

The Scottish Government has identified 12 high level pressures on salmon in coastal waters, only two of which relate to fish farming. The presence of fish farms is generally considered to have a potential interaction with wild salmonid fisheries by:

- the transfer of disease or parasites between farmed fish and wild salmonids, and;
- containment failure leading to potential genetic introgression between farmed fish and wild salmonids.

The EIA assessment considers the:

- potential lice transfer between farmed and wild salmon;
- potential disease transfer between wild and farmed salmon; and
- genetic mixing or competition with escaped farmed salmon.

The EIA Assessment in Chapter 13 offers a conclusion and summary of the results of the Wild Salmonids Impact Assessment in Table 13.8a.

The conclusion for each of the pressures i.e. sea lice, fish health and containment result is of minor or negligible (i.e. insignificant) effects. The assessment also acknowledges that there is a level of uncertainty associated with the knowledge base used to inform the assessment and that the key mitigation to address the residual uncertainty is the development of an Environmental Management Plan enforceable by Planning Condition.

Consultation advice

The WIDSFB was consulted and advised that they had two main concerns for wild fish interacting with salmon farms:

1. *Sea lice – natural parasites which can reach unnatural levels in a high density setting on salmon farms, which then spill over onto wild populations. This is a particularly high risk for migrating smolts but given the prevalence of sea trout all year round in coastal waters consideration must also be given to them. Of particular concern to us is the cumulative impacts of salmon farms in the Western Isles as several studies have identified that the movement of infective stages of sea lice have the potential to infest wild salmonids over a wide area.*
2. *Escapes – farmed salmon may escape in small or large numbers from farms. There is the potential for these farmed salmon to negatively impact wild populations through ecological pressures (e.g., competition) or breeding with the wild salmon.*

The Western Isles District Fisheries Board therefore **object to the application.**

Marine Scotland Science (MSS) was also consulted.

MSS advised that *to the knowledge of the Fish Health Inspectorate, sea lice levels on sites in the Farm Management Area (FMA) have mostly been below the MS increased monitoring level of 2 in the most recent production cycle, with the nearest site, Stulaigh reporting 4 weeks (non-consecutively) over 2 adult females. Sea lice numbers rose sharply but also fell quickly following treatment back below the increased monitoring level of 2; although numbers remained above the suggested criteria in the CoGP for longer, in the second half of the production cycle. Similar levels of sea lice have also been reported at the other 2 sites in the FMA* (within which the operator is the sole operator).

A comprehensive sea lice management document has been provided. This outlines the applicants company-wide strategies for sea lice management and provides site specific details, drawing on history from the nearby existing Stulaigh site. Monitoring of sea lice numbers is taken from 20 fish from every pen, every week to inform decision making and weekly average adult female sea lice numbers per fish reported to Scottish Ministers in line with legislative requirements.

The integrated Mowi strategy favours non-medicinal methods where these best meet the needs of the fish. Physical removal methods are available in the form of thermolicer, optilicer and hydrolicer units. The applicant has a fleet of equipped vessels and state that the site could be treated in less than 6 days with these methods.

Freshwater treatments are also available and are conducted onboard a wellboat. The applicant has 4 active freshwater abstraction points with storage pens which are used to fill wellboats to facilitate freshwater treatments and two wellboats which can desalinate seawater for freshwater treatments. As this site proposes to stock cleaner fish; extended freshwater treatments may not be suitable or may create additional logistic challenges in administering treatments as cleaner fish, particularly wrasse, are not tolerant of freshwater. The applicant state that existing wellboats are being equipped with graders to remove cleaner fish from pens prior to freshwater treatments and that new wellboats will be built with this into the design, allowing cleanerfish to be returned to the pen untreated.

Cleaner fish species are intended for use on the proposed site for the purpose of sea lice management. A mixture of lumpfish and wrasse are proposed at a ratio of 5-6% to that of the salmon, stocking at the start of the cycle and topping up as required throughout the growth cycle. Improvements have been made to the in-pen environment through the introduction of feed stations and hides to improve the welfare of the cleaner fish. Lower pen numbers and improved net cleaning should also increase the effectivity of cleaner fish as a lice management tool by reducing grazing on net growth and increasing grazing on lice. The applicant has successfully introduced cleaner fish to sites using 160m pens and experienced low cleaner fish mortality.

The expected permitted quantities of bath chemotherapeutants in the CAR licence application would allow bath treatments of azamethiphos or deltamethrin to be undertaken on site within 6 days using a wellboat. Due to the size of the pens and the location of the site, use of tarpaulins for such treatments is not proposed at present but could be undertaken in the future subject to a positive output from trials. The applicant also expect to have consent for a single emamectin benzoate in feed treatment per cycle which would likely be used at the start of the production cycle.

Difficulties may be experienced conducting sea lice treatments in exposed environments, which can impact sea lice management strategies. However, the small number of pens on site will support more efficient delivery of sea lice management interventions as outlined by the applicant in the sea lice management plan; reducing time taken to treat, reducing the risk of self re-infection, utilising shorter time periods of favourable weather, lower stocking densities and more focus towards husbandry on individual units.

In terms of Containment MSS advise that:

The pen size of 200m is larger than any currently in use in the Scottish Aquaculture industry. The largest pens currently in use are 160m which is still uncommon with the majority of sites still using 120m pens. However, a small number of sites in Scotland are operating with 160m pens, and most of these are operated by the applicant. The applicant state in the Containment and Contingency Escapes Plan that the move to 160m pens was made in partnership with suppliers and in house expertise of staff providing training and advice from the wider Mowi group where these larger pens are already in use. Operations have been upscaled appropriately for large pen sites and Mowi Scotland continue to work closely with

suppliers who are providing ongoing technical support and training. Furthermore, the applicant state in the EIA that significant investment has been made in recent years in service vessels, workboats and well boats of a suitable mass that can now handle larger sized pens and associated equipment facilitating husbandry tasks and sea lice treatments. The applicant has successfully been operating 160m pens at 5 of their sites and also used 200m pens temporarily at another site without any reported issues.

Information is provided from ScaleAQ regarding the suitability of 200m pens for exposed sites; model testing undertaken by ScaleAQ has factored into the design of these larger systems and used to verify and calibrate analysis models. Furthermore, the outcome of a survey report summarising publicly available documents on the benefits of producing farmed salmon in large net pens compared to small net pens, created by BDO AS at the behest of Scale AQ has also been submitted. The report presents information that a large percentage of escapes are caused due to work operations near the pens, performing treatments, grading etc. and from accessory equipment in the pen. Larger pens can reduce the requirement for grading and net handling and simply an overall reduction in cage number reduces the number of interactions with pens on site. Farmers also noted an increased efficiency of general working practices with fewer pens on site.

It is noted that the applicant proposes to use a sinker tube (Froya ring) weighting system, with all the weight of the sinker tube supported by integrated ropes in the net. The FHI are aware of incidents at other sites operated by the applicant in which this set up contributed to net damage and resulted in a breach of containment. Confirmation is sought that this weighting and net system has been considered appropriate for the conditions experienced at the location of the proposed Stulaigh south site or details of any adaptations that may be required to limit the risks of a breach in containment on site.

The information provided on equipment and strategies in place to minimise predator interactions at the site in question is satisfactory as far as can reasonably be foreseen. Top nets will be used to mitigate against aerial predation from birds; the main defence against predation below the water line is well tensioned HDPE nets, additional weighting, and the Midgard system to provide a stable net volume; along with swift removal of mortalities by uplift daily and secure storage of feed.

The applicant has provided equipment attestations from the manufacturers. ScaleAQ have provided attestation for the nets and pens, stating that the equipment is designed and produced according to the Norwegian technical standards and deem the proposed net and pen equipment to be suitable for the location at the Stulaigh south site based on information they have received regarding site conditions. The moorings and nets attestation from Vonin Ltd. states that they will supply a moorings system and nets which will be designed to withstand the environmental conditions at the Stulaigh south site based on the full moorings analysis report produced by Aquastructures using AquaSim software based on the hydrographic and environmental data supplied by Mowi. Self-attestation from Mowi's regional production manager is also provided, detailing the process of design specification and equipment selection to ensure all equipment proposed on site is suitable for the location.

The mooring analysis report conducted by Aquastructures has also been provided. It is noted that the utilisation factors are high for many of the anchor ropes and a proportion of bottom chains, which are close to or at 1, suggesting the equipment being used would be operating close to its limits. Further explanation on whether this is considered acceptable and if so why, or if further considerations or actions are proposed to be taken to reduce the utilisation factor of these components.

The applicant provided the following response to MSS and following review MSS confirmed that no further information was required.

Applicant Response to point 1.

An equipment analysis has been undertaken by an independent technical expert (AquaStructures) and the resulting report provided in Annex 13 of the Environmental Report. Input parameters for this analysis included the weighting sinker tube (Froya ring) and as such the technical assessment and conclusion are considered representative of the equipment proposed in the application.

MSS's comments refer to recent experiences and these have been reviewed. The underlying factors relate to the nets. Actions taken and which can be applied at Stulaigh South include the use of a stronger net material and net design. Net sensors have been deployed over winter to inform future design and installation, and there is an opportunity to explore the use of these at Stulaigh South.

A separate site has also trialled a glider system at an unstocked pen during winter 2022/23. This enables the sinker tube to remain in place whilst nets are lifted for activities such as harvesting. Traditionally sinker tubes would also be lifted, however the glider system simplifies the process and is a future opportunity that will be explored for Stulaigh South.

Applicant Response to point 2.

Mowi has sought further consultation from the relevant suppliers. Options to reduce the utilisations factors including increasing the specification of the equipment, increasing the mooring lengths, and/or adding additional mooring legs. However, there are multiple precautionary measures incorporated into the technical third-party assessment process (based on Scottish and Norweigian Standards); safety factors are applied to equipment and the results are based on 1 in 10/50 years. The report sets utilisation thresholds and revisions to the proposal would be pursued if these were exceeded. The results are under the set limits and consequently the planning application will remain as proposed.

Table 13.6 (pg. 112) of the Environmental Report lists mitigation relating to containment including selection of larger pens, inspection and maintenance schedules, Corrective Action Procedures, Net Strategy, and trials/experience. Installation of 3x200m circumference pens for a period of six months at Mowi's Hellisay site in Barra has provided a staged introduction of 200m pens. These trial pens were monitored over winter using pressure sensors and/or load cells to monitor performance to winter conditions and ensure inspection and maintenance protocols for the larger pens are robust. Relevant operational knowledge and learning gained from the trial and future experience will be applied to the proposed development. With potential to install pressure sensors at Stulaigh South. The site will be reviewed again at the tender process to enable the most up to date knowledge to be considered and if appropriate applied.

In terms of Wild Fisheries, MSS advised that the development …*has the potential to increase the risks to wild salmonids.*

It should be noted that sea trout are present in these inshore waters all year round, and not just during the spring smolt migration period. We therefore suggest that strict control of sea lice should be practiced throughout the year. Additionally, that it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

MSS further advised that **'***The applicant has supplied an Environmental Management Plan (EMP) outlining how potential interactions of sea lice arising from the proposed development will be assessed with respect to wild salmonids. Marine Scotland expects that as a minimum any monitoring scheme will be able to report on the level of lice released into the environment (i.e. both farmed fish numbers*

and adult female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose. Following review *MSS confirmed that the EMP submitted meets these criteria*.

Assessment

The EIA assessment identifies the risks, the applicant has provided sufficient evidence on containment measures, on the treatment regime, sea lice numbers in the FMA (satisfactory overall) and proposed mitigation measures including the provision of an EMP which addresses the MSS criteria for same.

It is relevant that the national, Sea Lice Regulatory Framework (SLRF) under the regulatory control of SEPA has been implemented post the SEPA consultation response and SEPA's grant of a CAR Licence. SEPA has taken on lead regulatory responsibility for managing sea lice and wild salmon interactions from 1st February 2024 and for managing sea lice and sea trout interactions from March 2025.

The SLRF involves a screening assessment of relative risk *and where the screening assessment indicate that a proposal may result in the threshold being exceeded, or further exceeded, the developer may:*

- *Gather sea lice data to inform and validate suitable refined modelling to assess whether the sea lice exposure threshold would be exceeded, or further exceeded; or*
- *Revise the development proposal (e.g., select a different location; reduce the number of fish planned to be kept; change production cycle timings to reduce sea lice numbers during the Spring sea lice management period; deploy a barrier to sea lice around the farm pens during the sea lice management period; etc).*

During 2024, using the data and updated risk assessment, SEPA will add standstill sea lice limit conditions to the permits of existing farms around the Western Isles, other than farms in the lowest relative risk category. These conditions will be effective between mid-March to 31st May from 2025 onwards.

The SLRF overview states that the greatest risk of large numbers of salmon being infested with harmful levels of sea lice is during their passage, as small post-smolts, through sea lochs and other confined areas of sea at the start of their migration to oceanic feeding grounds. No specific migration routes are known for West Coast sea-trout post-smolts, but the limited information available suggests predominantly inshore and local use of coastal waters.

To target protection where potential risk is greatest, SEPA has identified a network of WSPZs along the West Coast and around the Western Isles.

The network of WSPZ includes the following areas:

- All sea lochs into which salmon rivers drain.
- Sounds through which salmon populations are likely to migrate.
- Sea areas within 5 km radius of all salmon river mouths, irrespective of whether the river drains into a sea loch or sound.
- All areas of sea within 5 km of rivers designated for the protection of freshwater pearl mussels. This includes salmon rivers but excludes non-salmon rivers. In the latter, trout act as the sole hosts in the lifecycle of the mussels.
- Many of the WSPZs have fish farms already located in or near them; and, because of their water currents, have potential to accumulate higher concentrations of infective-stage sea lice than more open sea areas.

The SEPA Wild salmonid Protection Zones data includes the Sea Loch of Loch Boisdale with an area of 13.86 km^2.

Both the WIDSFB and the WIDSFB have been consulted and while the WIDSFB object MSS advise that the EIA assessment identifies the risks, that the applicant has provided sufficient evidence on containment measures, that the treatment regime is satisfactory, that sea lice numbers in the FMA have been satisfactory overall and that the mitigation measures proposed by the applicant including the provision of an EMP which addresses the MSS criteria for same is satisfactory in terms of monitoring sea lice on the farm and in the wild.

The conclusion of local (Uist) importance for the species presumes 'limited presence nearer to the site', based on the data presented, may underplay the importance as there may be a number of factors at play that have influenced the baseline information on local population estimates.

Nevertheless, given the introduction of the SEPA led National Sea Lice Regulatory Framework for Salmon during the course of the determination of this application and the proposed introduction of same for Sea Trout in March 2025, it is considered that knowledge will grow through monitoring and the inbuilt design mitigation in terms of containment standards, operational farming practices including medicinal treatments and use of biological clean fish and the commitment to the terms of the submitted EMP, collectively are accepted as reducing the potential impacts from potentially significant. In order to ensure mitigation is secured and residual and cumulative impacts arising from the development can be adequately managed it is proposed that a condition requiring the implementation of the submitted EMP be applied this to be in place until such time as the site is regulated under the national Sea Lice Regulatory Framework initially for interactions with wild Salmon and subsequently for interactions with sea trout.

The concerns of the WIDSFB are noted but given the advice of MSS and the assessment and mitigation proposed by the EIA Chapter 13 as supported by Appendix 13 a to 13m, it is considered that the extant objection, while a material consideration, does not carry sufficient weight to justify a refusal of the application on the grounds of containment risks or sea lice risk to wild salmonids.

Overall, the policy test of the OHLDP (SG Marine Fish Farming), the NMP and NPF4 – Policy 32 in relation to impacts of sea lice and containments risks to wild salmonids are sufficiently addressed by the introduction of the SLRF and proposed mitigation and commitments set out in an EMP which can be secured by condition.

10.6 Commercial and recreational activity and navigational interests (including anchorages)

Section 15 of the EIA Report is therefore focused upon impacts and effects of the development on Commercial Fisheries and scoped into the EIA at the applicant's election.

Policy considerations

NMP Policy Gen 3 Economic Development and SG Development Policy 3 are concerned with the potential impacts of the proposed development on other 'Marine Interests' including on commercial fishing activity; new sites have potential to result in displacement from fishing grounds and associated economic loss and to have indirect impacts on commercial fishery stocks.

The applicant undertook to engage with the commercial fisheries sector to consider in more detail their concerns identified at pre-application stage and at Scoping stage with a view to conclude on the significance of impact arise and if potentially significant, identify mitigations.

EIA Examination

Annex 15 is comprised of a technical assessment undertaken by Poseidon, an independent fisheries expert, which characterises the fisheries present in the study area and presents an assessment of impacts via exclusion and displacement.

The objectives of this study are identified as follows:

- Provide a Technical Report which characterises commercial fisheries within the proposed MOWI site (Stulaigh South) and across the wider region, including Geographic Information System (GIS) analysis and statistical analysis of Vessel Monitoring System (VMS), other available spatial data and landings data.
- Advise on the EIA for commercial fisheries for exclusion and displacement impacts.
- Stakeholder consultation with the local fishing industry, WIFA and scallop processor to ground truth baseline data and inform impact assessment.

The EIAR and the Poseidon technical report acknowledges the data limitations in relation to VMS data coverage being focused on vessels over 15m in length for the MMO dataset and 12m and over for the ICES dataset.

Some ground truthing of the data was undertaken via analysis of the Benthic Survey findings commissioned by the applicant in relation to the EIA and this confirmed the presence of a Gravelly muddy sand substrate across the entire area being a habitat that does support scallop species. The fishing activity assessment also verifies that the area in and around the proposed farm is specifically important to scallop dredge fishing and that it is targeted year on year.

Other data sources confirm the use of the area for potting, but this is understood to happen inshore in depths of up to 20m (save for brown crab) and that the presence of the proposed site would not prevent potting activity close to the site.

The Consultation section of the report notes that relevant stakeholders were consulted, including WIFA, Kallin Shellfish (processor) three scallop dredge vessel owners and a single potting vessel owner; the outcomes of these consultations are detailed in Tables 4.2, 4.3, 4.4 of the Poseiden study.

Potential impacts assessed were identified as:

- Impact 1: Exclusion from established fishing grounds due to the construction and operationof the Stulaigh South Fish Farm.
- Impact 2: Displacement from the Stulaigh South Fish Farm area leading to gear conflict and increase pressure on adjacent grounds.

Three receptors to change were identified including: a local scallop fishery (4 local vessels and local scallop processer), a regional scallop fishery (based on vessels based elsewhere in the Western Isles as well as mainland-based vessels, and a potting fishery.

Commercial species target in the study area inc: nephrops, lobster, brown-crab, scallop, velvet-crab.

Potential pressures to commercial fisheries and other marine users were assessed.

The impact of the development to the local scallop fleet and a local processor concluded a **moderate (significant)** effect on the local scallop fishery.

The assessment concluded all other impacts assessed as not **significant.**

The Report then presented a series of potential mitigation measures.

The EIA Report – Chapter 15 takes forward some of these recommendations and proposes to mitigate the moderate (significant) effects that would arise from exclusion of the fishing fleet to the local scallop fishery, in the area of the proposed fish farm site, by adopting a Fisheries Management and Mitigation Strategy (FMMS) developed in consultation with the Western Isles Fisherman's Association and enforceable by a planning condition. The EIAR contends that in combination with this mitigation, the residual impact to the Local Scallop Fishery is concluded as a minor adverse impact (i.e. non-significant).

The aim of the FMMS is stated as being to reduce and offset impact to the local scallop fishery by: enabling fishing activities to continue safely in proximity to Stulaigh South Fish Farm; having a clear mechanism for communication between Mowi and commercial fishery stakeholders; and exploring opportunities to support sustainable fishing practices.

The proposed FMMS would:

- appoint a Company Fisheries Liaison Officer (CFLO) with the remit to support ongoing liaison and ensure clear communication between Mowi and commercial fisheries e.g. providing an opportunity for project updates and a system for fishermen to raise any questions or issues during installation and operation;
- include a Navigational Safety Plan to describe measures put in place by the project related to navigational safety (lighting, marking, notifications etc);
- provide a procedure for advanced warning and accurate location details of construction and maintenance operations, associated Safety Zones and advisory passing distances;
- commit to log infrastructure installed at the site, retrieve all redundant equipment where possible, and to locate any equipment that cannot be retrieved. Combined with a notification process to fishermen of any equipment remaining on the seabed;
- state to the effect that any objects dropped on the seabed during works associated with the project will be reported and objects will be recovered where possible if they pose a hazard to other marine users;
- agree to review the moorings within the planning boundary together with fisheries stakeholders to open up fishing opportunities whilst maintaining containment and structural site integrity; and
- to develop a structure to support sustainable fishing practices in connection with the development site. This is to include targeted funding to local users directly affected by the proposal under a system of governance to be agreed.

Consultations

No consultee including Marine Scotland Science offered any comment on this Chapter of the EIA.

Further, the Western Isles Fisherman's Association who had made representations at EIA Scoping stage did not respond to the consultation on the EIA Planning Consultation.

The concerns raised at the Scoping stage of the application by the Western Isles Fisherman's Association are as follows:

The feedback received from fishermen who have operated scallop dredging within the proposed site for the last 40 years has been that this application should be rejected, due to its significant negative impact on a locally managed sustainable fishery and should be re-located to an area North of the proposed site where it would have no negative impact on already established commercial fisheries which provide additional onshore local processing employment.

There is a clear lack of proper zoning undertaken to ascertain exactly which sea areas are returning substantial economic returns to the local scallop fisheries and the added benefits that accrue from onshore processing at both Kallin Shellfish and Barratlantic with this proposed site being the 15th site where salmon farming has dis-placed healthy scallop populations between the Sound of Barra and the Sound of Harris, all within sheltered areas.

The proposed site is within an already successfully regulated seasonal scallop fishery which has been managed sustainably since 1984 through the Inshore (Scotland) Act and during the seasonal fisheries yields at least 200 bags 6,000 kg of scallops to each of 4 local under 15 metre scallopers who supply their catch for processing to either Kallin Shellfish or Barratlantic, This has not been taken into consideration coupled with the additional areas which will have to be avoided due to site anchoring requirements. No mention is made anywhere within the application to indicate the current significant economic importance of the proposed site to the local scallop catching and processing sector and the devastating economic impact approval of such an application will have on a sector that has been providing long term sustainable employment in the Uists and Barra for nearly 50 years……

……MS does not cover under 15 metre vessels which most of the local scallop fleet fall into and unless those vessels contributed to the Scotmap project, then the local scallop activity would have fallen out with the systems that have been used to monitor scallop activity.

Clearly, going forward Marine Scotland have installed cameras aboard all scallop vessels with those linked to their lat/ long positions to define exactly where exactly fishing has been taking place and can be cross-referenced each day to a completed electronic logsheet which indicates weight and value caught for each day as has to be completed daily although a vessel does not land daily.

As [fish farm] sites are now moving further offshore and into deeper water its more likely that they will impact on fisheries and in the case of scallops they are not a nomadic species and are more localised to their beds than other species that tend to move whether pelagic or demersal.

I can fully understand the concerns that the scallop fleet and local processing have with removal of further productive grounds being lost to their future area of operations, never to be the same again after sediment discharge from cages.

Assessment

The EIA Assessment draws together data from publicly available sources but earlier representation by the WIFA state that the data is deficient as VMS does not cover under 15 metre vessels which most of the local scallop fleet fall into and state that the area in which the farm is proposed. Further that this area has been managed sustainably since 1984 through the Inshore (Scotland) Act and during the seasonal fisheries yields at least 200 bags 6,000 kg of scallops to each of 4 local under 15 metre scallopers who supply their catch for processing to either Kallin Shellfish or Barratlantic. The position of the WIFA is therefore one of significant displacement.

The applicant, in the EIA Report (benthic impacts) takes the view that scallop dredging activity is damaging to the Benthic Environment and in the future the ability of the surrounding habitat to survive and thrive for Priority Marine Features such as maerl. At the same time, representatives of the commercial fisheries sector contend that farming of fish in cages and resultant deposition of wastes and medicines is harmful the benthic environment and benthic species and habitats, through smothering, and enrichment.

It is understood that local commercial fishery stakeholders engaged in pre-application meetings with the applicant, engaged with and contributed their concerns to Poseidon in its compilation of the commercial fisheries Impact assessment and had sight of the findings of the Poseidon study, ahead of

the planning application/EIA Report being submitted.

It is however noted, that in Chapter 15 of the EIA Report and Annex 15 (technical assessment undertaken by Poseidon) the deficit in VMS data for <15m vessels has been acknowledged.

The potting fleet was consulted via a representative, and raised concern about access to the <20m depth around the coastline. It is highlighted in the Poseidon report that since the consultation (with stakeholders): *the moorings locations have been updated, with a reduction in perimeter from 5.5 km to 5.1 km and a reduction in areal overlap from 2km2 to 1.7km2. The updated moorings have been adjusted to provide a greater distance between the shore and NW corner and the Sgeir an Fheidh island and SW corner of the proposed site*.

The Charts and plans confirm that the moorings do allow a corridor of circa 40m between the NW corner mooring and the shore and approximately 100m between Sgeir an Fheidh island and SW corner of the proposed site.

This adjustment in mooring length and position is an embedded mitigation to lessen the potential impact of the proposed development on the 'Potting fleet' (mainly boats of less that 12m in length).

The Poseidon Report and EIA Assessment does conclude a potential for a moderate (significant) effect on a local scallop processor and local fleet who would be displaced from the scallop grounds in and around the site and made a recommendation of a series of action in order to mitigate the moderate (significant) effect to non-significant.

The applicant has offered to prepare and implement a Fisheries Management and Mitigation Strategy (FMMS) in consultation with WIFA. The applicant has engaged in early discussions with the commercial fisheries sector and further representation comments or contributions have not been forthcoming from the commercial fisheries sector.

In response to a query on the shortening of the moorings, MoWI confirmed that the moorings designed was undertaken with the feedback of fishermen in mind, i.e. mooring lines as short as possible and that if permission is granted and the site installed that they agree to review the moorings within the planning boundary together with fisheries stakeholders further, to open up fishing opportunities, whilst maintaining commitments re: containment and moorings and site structural site integrity.

In the absence of a view or further representations from WIFA it is concluded that, the proposed FMMS offers mitigation to the localised but moderate (significant) effects.

It is therefore concluded that the residual moderate (significant) effect on the local scallop producer and scallop fleet can be mitigated to less than significant through the application of a Condition to secure the FMMS and its commitments.

In doing so the Planning Authority acknowledge the challenge of addressing competition for the same space in the marine environment between two sectors who lay equal claim on grounds of the environmental impact and economic benefits arising. The preparation and adoption of a Regional/Spatial Marine Plan / Zoning of areas specifically for inshore commercial fishing versus marine fish farm sites may be of assistance in the future.

10.7 Socio-economic impacts

Chapter 20 of the EIA Report and Annex 20 - Economic Impact Assessment by Additional Research.

Policy Considerations

Outer Hebrides Local Development Plan sets out the Comhairle's land-use planning policies to facilitate sustainable economic growth in the Outer Hebrides. The Context to Policy ED4 – Fish-Farming and Marine Planning states that The Comhairle has a significant role to play in supporting the sustainable development of aquaculture whilst protecting and maintaining the ecosystem on which it depends.

Scotland's National Marine Plan is central to Policy ED4 and Para 2.16 states that the NMP..'should be applied proportionately, taking account of the potential scale of impact of any proposal as well as the sensitivity of the environment and/or any potential social or economic effect under consideration'.

NMP Policy - GEN 2 Economic benefit: Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.

NMP Policy - GEN 3 Social benefit: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan. (Social benefits include those directly associated with economic growth such as increased wealth, improved quality of life and community regeneration.)

NMP Policy - GEN 19 Sound evidence sates that Decision making in the marine environment will be based on sound scientific and socio–economic evidence.

NMP Aquaculture contains a series of objectives including *'An aquaculture industry that is sustainable, diverse, competitive economically viable and which contributes to food security whilst minimising environmental impact.'* and *'Quality employment and sustainable economic activity in remote and rural areas, as well as more widely in Scotland'* and *'Maximise benefits to Scotland and to local communities from the Scottish aquaculture value chain'.*

The OHLDP SG- Marine Fish Farming - Development Policy 7: Economic Benefit states that Proposals should include details of the anticipated economic benefits for the Outer Hebrides arising from the proposed development including direct and indirect employment (FTE and part time). The assessment should have regard to the potential for displacement of local jobs both within or outwith the sector.

The potential benefits will be assessed to ensure there is no detrimental effect on the benefits to be derived from other economic activities unless it can be demonstrated that the benefits from the fish farming development outweigh the others.

NPF Policy 32 – Aquaculture states that the policy outcomes amongst others is that Aquaculture Development will contribute to communities and local economies.

EIA Examination

Chapter 20 sets out both the Scottish context and local context for the salmon farming industry. It cites data from the Salmon Scotland Quarterly Report Q4 (2021); *'The salmon farming industry contributes over £640 million to the Scottish economy through direct, indirect and induced impacts and provides direct employment for over 2500 people in farming*.' The EIA Assessment Chapter 20 states that [Salmon Farm] Production is focussed in rural areas around the west coast, and Highlands and Islands, with over £370 million spent annually with over 3600 Scottish companies across the country and that the Outer Hebrides account for around 19% of Scottish Atlantic salmon production, and that MOWI Company data collated in May 2022 shows that Mowi operations in loch systems around Uist (Lochboisdale, Skipport and Cheesebay) support 36 direct employees at the farms with a combined salary of approximately £1,165,400, and an average annual combined salary £32,374.

Site Specific Potential Socio-economic Impacts are stated as being:

- Direct employment of 7 permanently employed operational members of staff (see Section 20.4.1). An additional farm to the farming cluster and wider region also indirectly supports the longevity of the existing farming sites; Downstream jobs will also be supported in transport, processing, and support services;
- Positive economic benefit associated with capital expenditure (CAPEX) mainly during purchasing of equipment, installation, and operation, and to a lesser extent in the event of decommissioning);
- Positive economic benefit associated with operational expenditure (OPEX) relating to smolt production and delivery, feed supply and delivery, repair and maintenance, utility costs and indirect costs such as travel and accommodation;
- Potential for community gain by collaboration between Mowi and the community to support community funding or projects (Note; Some community benefits are not material planning considerations).

Induced benefits to the local economies are also predicted from the purchase of local goods and supplies: Spending included fuel and office supplies, engineering, boat, medical, & cleaning services, diver services, accommodation, rental payments for shorebase facilities, transport, machinery and waste disposal.

Wider Socio-Economic Impacts (supported by views of Highlands and Islands Enterprise and Marine Scotland) have identified a series of important ways in which similar aquaculture developments help in sustaining local areas economically and socially; these include:

- increased local populations and improved age structures through new employees and their families moving in and people not having to leave their home area for work;
- additional employment and income (some of which is spent locally);
- new and enhanced skills with employment that has proved sustainable over time;
- more families in rural and remote areas which improves the demographic structure and sustainability of communities;
- the important work carried out locally by partners of aquaculture employees (teaching, nursing, etc);
- roles that staff and their families play in voluntary activity (including coastguard, fire services, etc);
- the contribution made by employees' children to the survival of local schools with small rolls;
- use of company harbour facilities for other commercial and leisure purposes;

- the survival of small local businesses (hotels, fuel supplies, local maintenance services, etc); and,
- financial support that companies have given to local groups and causes, enabling events and activities to take place and for people to travel to participate in activities elsewhere.

The Economic Impact Assessment by Additional Research sets out a summary of the direct economic benefits from the project, as:

- Significant construction employment (Short term); with a Total GVA Impact of £3.2 million,
- 7 Total Peak Operational Jobs FTE (5 on site and 2 Regional Farm Technicians) (longer term) with potential total salary of £216K (7no @ £32.9K); (2022 figures), and
- £471k Annual Operational Gross Value Added (GVA) impact.

Total Operational expenditure (OPEX) (includes cost of smolts and feed) for the proposed new site is stated as potential to equate to approximately £16 million per production cycle (based on MOWI MacLean's Nose and Marulaig Bay sites as comparators).

Due to uncertainties in the prevailing level of product and labour market displacement likely to influence overall economic impacts, the report estimates wider economic benefits from the project under three scenarios of low, moderate, and moderate to high displacement).

The wider economic impacts benefits of the proposed development project are indicated as Total Economic Impact of £14.5 - £17.7m at the Scotland level (£3.3m to £9.3m at the local level).

The application of different displacement scenarios has a moderate (positive) effect on the overall economic benefit at local level and a low effect at the Scotland level.

The Cost-Benefit Ratio (Cost: NUV), considering the Total Economic Impact, is 1:2.0 to 1: 2.4 at the Scotland Level.

Consultations

No consultee provided comment upon Socio economic impact.

Assessment

It is accepted that the proposed development, if consented and implemented, is likely to result in the direct impacts summarised in the EIA Report and to have indirect and induced benefits including supporting employment opportunities in other services and sectors through spending with local suppliers, employee spending and company and employees contributing to community sustainability.

The displacement effects to commercial fisheries assessed in Chapter 15 of the EIA and discussed in this Report above are acknowledged in Chapter 20 and the Economic Impact Assessment. (predicting a total economic impact of 10 FTE jobs at low displacement but 6 FTE (i.e. minus 1FTE) on a moderate/High displacement scenario.

Proposed Mitigation (implementation of a Fisheries Management and Mitigation Strategy (FMMS) to reduce moderate (significant) effects to minor adverse (not significant) impact results in the level of displacement to commercial fisheries being classified as low for the socio-economic assessment.

This impact is likely to vary over the lifetime of the project and a moderate factor is considered to more likely be a fair reflection of displacement.

Impacts to Tourism arising from effects on the seascape/landscape and views including: the presence of salmon farming equipment and offshore lighting in the area of sea associated with the proposed

development; and operational activities taking place in the sea around the salmon farm are also considered.

The assessment states that there is no evidence to suggest that the visual change from the development would lead to a reduction in tourist amenity to the degree that the number of tourist visits and related income would be significantly reduced. The proposed development has therefore been deemed unlikely to result in a significant reduction in amenity or visits by tourists or recreational users to the study area.

The economic benefits of the proposed farm are fairly assessed and demonstrate that overall displacement would not be a significant factor, subject to the proposed mitigation measures and it is accepted that overall the economic benefits would be beneficial and that the proposed development would be in line with the Planning policy objectives of The OHLDP read as a whole, the SG- Marine Fish Farming and NPF4 Policy 32. The economic assessment therefore lends modest support in favour of the development at local level and greater support when assessed in a Scottish context.

10.8 Water Quality

The EIAR addresses Water Column Impacts at Sections 11 of the EIAR.

Policy Context

OHLDP Policy EI 3: Water Environment states that 'Development proposals should avoid adverse impact on the water environment. All proposals involving activities in or adjacent to any water body must be accompanied by sufficient information to enable a full assessment to be made of the likely effects, including environmental effects, of the development'.

OHLDP – SG Marine Fish Farming states in Development Policy 2: Water Quality & Benthic Impact:

Proposals will require to be accompanied with modelling and calculations which demonstrate that the benthic and water column impacts of the proposed farm are localised and within environmental limits.

Proposals will be assessed to ensure to ensure that impacts on water quality and benthic environment are minimised or mitigated.

Proposals will also be assessed against the requirements of LDP Policy EI3 Water Environment.

Proposals for new marine fish farming development and/or extensions to existing sites will not be permitted in locations where they would have a significant adverse impact on water quality.

EIA Examination

This topic was considered at screening/scoping to be unlikely to result in significant environmental effects.

Chapter 11 has considered potential nutrient inputs from the proposed development, and impacts associated with the consented bath treatments azamethiphos, cypermethrin, and deltamethrin'.

The proposed site is in "open water" and this location is assessed to have very low sensitivity to changes in nutrient enrichment, based on the open water location with high natural nutrient productivity, no classification under the Scottish Government Regional Locational Guidelines, and a high degree of flushing.

ECE calculations showed that nutrient contributions from the proposed farm represents 1.85% of the background levels; and therefore, are assessed to have a very low magnitude of impact on the water

column. The overall significance of the impact is assessed as negligible (not significant) for the proposed site in isolation and for the cumulative operations in the area.

The bath modelling has generated levels of acceptable use of topical treatments that degrade rapidly to environmentally safe concentrations and/or comply with EQS. The release of bath medicines following treatment is anticipated to have a low magnitude of impact on the water column and the overall significance is negligible (not significant).

Consultation Advice

Marine Scotland Science has reviewed the findings of the EIA Assessment and advised as follows:

Water column impacts - The proposed site does not sit within a Locational Guidelines categorised water body. The applicant has submitted an assessment which takes into account the proposed biomass at the site and the results indicate that the degree of enhancement is not likely to result in a significant impact. In addition, they have considered the cumulative impacts by including the enhancement resulting from the inclusion of the sites in the area. The result of the cumulative assessment shows that the degree of enhancement is not likely to result in significant impact.

Assessment

Given the finding of the assessment, it is concluded that inputs to the water environment including medicine residues and food and faecal waste will degrade, break down and be dispersed rapidly such that there will be no significant adverse effects on the water column arising from the operation of the proposed development in an open water location.

The development therefore accords with the relevant policies in this regard.

10.9 Interactions with Predators

Chapter 12 of the EIA Report sets out an assessment of the likely interactions between the farm and predators.

Policy considerations

The OHLDP – SG Marine Fish Farming encourages developers to consider predatory control measures when preparing applications for marine fish farms.

NMP – Aquaculture – Key Issues for Living within environmental limits as the need for 'Appropriate management practices, including: farm/area management agreements; use of efficacious treatments; integrated sea lice management in an appropriate scale area; addressing predators and marine non-native species'.

EIA examination

Chapter 12 of the EIA Report notes that the stocking and feeding of farmed fish can attract a number of potential predators and these attempts of predation are primarily made by bird or seal species, and to a lesser extent otters.

The assessment sets out the mitigation measures that it is proposed would be put in place at the proposed farm to limit interactions.

Some of these mitigation measures may result in direct or indirect impacts with Species and Habitats of Conservation Importance which is discussed in the section on Designated sites, habitats, and species further below.

The range of management measures available at the proposed site include the use of highly tensioned HDPE nets, sinker tube technology, seal blinds, daily mortality retrieval and bird top nets. Bird top nets will have a ceiling mesh size of 100mm in a dark matt colour, supported on a perimeter pole structure which is in line with current NatureScot guidance. The first 2m of mesh from the handrail will be 25mm. The pole will have a maximum height of 8m, 7m above the handrail and there will be 24 support poles per pen. The operator commits to the site being maintained in a clean and tidy condition to remove the attractiveness of the site to predators.

Fish feed will be stored in sealed silos aboard the feed barge. Feed is delivered directly to these silos by boat from the feed plant at Kyleakin (Skye) and therefore no feed is stored on the barge deck.

The assessment states that Acoustic Deterrent Devices are no longer used at MOWI sites, but should the need arise exceptionally for such technology an EPS licence would be required and subject to detailed regulatory controls as ADD use is considered likely to cause disturbance or injury to seals and ceteceans.

A copy of the Predator Mitigation Plan will be held at the site describing how these measures, widely used across the Scottish aquaculture industry, will be implemented to mitigate against predator interactions.

Consultation advice

Marine Scotland Science was consulted and advised that 'The information provided on equipment and strategies in place to minimise predator interactions at the site in question is satisfactory as far as can reasonably be foreseen. Top nets will be used to mitigate against aerial predation from birds; the main defence against predation below the water line is well tensioned HDPE nets, additional weighting, and the Midgard system to provide a stable net volume; along with swift removal of mortalities by uplift daily and secure storage of feed...The applicant has provided equipment attestations from the manufacturers.'

NatureScot was also consulted and advised that In Scotland, there are eight breeding colony SPAs and two marine proposed SPAs for which gannets are a protected feature. Breeding gannets have a mean foraging range of 120.4km (±50.0km) and a mean maximum foraging range of 315.2km (±194.2km) (Woodward et al., 2019). Consequently, there is potential connectivity between gannets from SPA colonies and all marine waters across Scotland suitable for finfish aquaculture. An Appropriate Assessment was therefore required.

Assessment

THE EIA Report Chapter 12 provides a satisfactory assessment of potential for interactions with predators, the embedded mitigation through design and operational mitigation and monitoring proposed to manage risks to the predators while maintaining containment and fish health.

An Appropriate Assessment was required to assess impacts arising from potential connectivity between gannets from a number of SPA colonies within foraging range and the proposed finfish farm. The appropriate assessment was undertaken and subject to mitigation by three standard conditions endorsed by NatureScot, the integrity of sites protected for gannet are unlikely to be harmed.

A Predator Mitigation Plan sets out the mitigation and commitments by the developer and subject to the three conditions re top nets and gannet interactions and adherence to the terms of the Predator Mitigation Plan, the development is not likely to be significantly harmful in these regards and would be in compliance with policy.

10.10 Designated sites, habitats and species

The EIA covers Species and Habitats under a number of different inter-related Chapters covering marine benthos (Chapter 10), Interaction with Predators (Chapter 12) Wild fisheries (Chapter 13), and species and habitats of conservation concern (chapter 14).

Policy considerations

Policy NBH2: Natural Heritage states that the Outer Hebrides has an outstanding natural heritage resource with international and national recognition for its special qualities. It is widely acknowledged that a high-quality environment can contribute positively to economic growth and the Plan promotes sustainable development within a framework that recognises and safeguards the most important natural heritage resources of the islands.

The policy goes on to provide that *'Development which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site will be subject to an Appropriate Assessment by the Comhairle'* and that *'Development that affects a Marine Protected Area will only be permitted where there is no significant risk of the activity hindering the achievements of the conservation objectives of the Nature Conservation Marine Protected Area (NC MPA)'* and that *'Planning permission will not be granted for development that would be likely to have an adverse effect on an EPS unless.'*

The policy goes on to state that Development proposals should avoid having a significant adverse effect on, and where possible should enhance, biodiversity and ecological interests of the site.

NPF4 - Policy 3 Biodiversity and Policy 4 Natural Places of NPF4 seeks to ensure that Biodiversity is enhanced, and that Natural Places are protected and restored. Further, that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.

NPF4, Policy 32 confirms that Aquaculture are excluded from the requirements of policy 3b) and 3c) and will instead apply all relevant provisions from National and Regional Marine Plans. – Biodiversity requires developments to contribute positively to biodiversity enhancement.

The aquaculture specific policies within NPF4 (policy 32) and OHLDP (Policy ED4: Fish Farming and Marine Planning) also require consideration of these issues.

EIA examination

Impacts upon habitats and species and protected areas was considered unlikely, at EIA scoping, to result in significant effects but assessed in the EIA Report for completeness.

Features of Ecological Importance were identified and assessed including maerl (poor quality, dead or <5% coverage) and Ocean Quahog and Devonia perrieri (limited presence).

Potential impacts to features of conservational importance from carbon deposition and residues from in-feed medicines were assessed and concluded as insignificant.

The proposal will require a total of 43 plough anchors, resulting in a total surface area of 318.6 m2 fixed to the seabed. The impact to maerl was assessed as minor because of high sensitivity to the associated pressures of surface and sub-surface abrasion, and siltation associated with the redistribution of sediment. Bedrock and Gravelly Muddy Sand are considered less sensitive and impacts would occur to a very small proportion of the local resource. The impact of mooring infrastructure on each feature has been assessed as not significant.

As noted above the EIA identified impacts to gannet feature of a number of Special Protected Areas due to the extensive foraging range for Gannets and their potential for entanglement in-side and top nets.

Consultation Advice and Assessment

With the exception for breeding gannets, owing to their long-distance foraging range, interaction with bird species from nearby designated sites is not anticipated (owing to the intervening distances).

Likely significant effects are concluded for gannets (based on NatureSCot advice) from an HRA screening perspective.

The proposal is within the mean foraging range of gannet, from some of Scotland's SPA's and there is therefore connectivity with the site. There is a risk of entanglement from potential plunge diving behaviour into fish farm cages with pole mounted top net systems.

NatureScot advised that as there is potential for likely significant effects on the Gannet SPA's, Comhairle nan Eilean Siar as competent authority is required to undertake a Habitats Regulation Appraisal in the form of an Appropriate Assessment before planning permission can be granted.

The configuration and design mitigations and steps to reduce and manage instances of gannet entanglement include top and side net mesh sizes, per NatureScot guidance on the subject, and monitoring as set out in the submitted Predator Mitigation Plan.

Potential Impacts from Sea lice interaction with wild salmonids is assessed above.

Advice that was provided by Nature Scot and an Appropriate Assessment was undertaken on foraging gannet, the conclusion of which is that the risk of Adverse Effects on Site Integrity of a range of SPA's can be avoided by the application of planning conditions.

Taking account of the above, it is considered that the proposal would, subject to adherence to good practice and conditions to secure a range of Plans setting out mitigation measures, would accord with the relevant Policies.

10.11 Other issues

This section of the Report draws together a number of other issues assessed at EIA Screening/Scoping stage as unlikely to be significant but addressed in the EIA Report for completeness.

These include Operational Impacts (Noise and Light Chapter 17, Waste Management (Non-Fish) Chapter 19, Traffic and Transport – Chapter 21, Population and Human Health – Chapter 22, Sustainability and Climate Change – Chapter 23 and Cultural Heritage & Historical Environment (Chapter 18).

Noise and Light

OHLDP - SG Development Policy 4: Noise and light provides that Proposals will be assessed to ensure that impacts arising from noise and lighting at fish farms are minimised.

Chapter 17 of the EIA Report considers noise generation from site operational activities on human receptors and notes Noise from farming operations is predominantly intermittent and is almost entirely confined to daylight hours.

In this instance the proposed farm is remote from residential and human receptors as is the Shorebase at Gasaigh, near Lochboisdale. As a consequence, it is accepted that noise impacts are likely to be

negligible and not significant. Assessment of noise on other biological receptors was considered in Chapter 14 - Species and Habitats of Conservation Importance. Assessment of lighting impacts was also considered under Chapter 14 as well as under Chapter 16, Seascape, Landscape and Visual Impacts.

Waste management and marine litter

OHLDP -SG Development Policy 5 – Operational impacts requires that proposals should be designed so as to minimise any negative impacts arising from the operation and will be assessed to ensure adequate waste management measures; no adverse environmental or amenity impacts arising from the servicing and operation of the site; and satisfactory measures for the restoration of the site, including removal of redundant equipment.

NMP Policy GEN 11 Marine litter states that Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision makers.

SG Development Policy 5 focuses on securing appropriate waste management arrangements and plans while NPF 4 Policy 12 sets ambitions for the waste hierarchy to work towards zero waste. NMP Policy General 11 seeks to reduce the incidence of Marine litter.

A number of documents have been submitted in support of the application which relate to the operation of the site. Mitigation measures are set out in Table 19.5 and refer to Appendix 19a Fish Waste Management Plan and Appendix 19b Waste Management Plan

Equipment attestations and specifications have been provided by the manufacturer which state that the equipment has been designed in accordance with a technical standard to withstand the environmental conditions at the proposed development site.

Typical residual waste from operations includes plastic bags, old ropes, and discarded buoys and floats. These can cause damage to both marine species and the terrestrial and marine environments as well as risks to other marine users.

The applicant has committed to adopting a beach in the area where twice a year (minimum) operatives undertake a beach clean-up to recover all manner of discarded waste and plastics and to work with the Marine Conservation Society to improve the health and quality of the marine environment. Further through the proposed Fisheries Management and Mitigation Strategy (FMMS) there is a commitment to retrieve all redundant equipment where possible, and to locate any equipment that cannot be retrieved. Combined with a notification process to fishermen of any equipment remaining on the seabed; Conditions will be appended to any consent to ensure that upon cessation of operations, any redundant equipment is removed.

Further a Waste Management Plan (Fish Waste) and a Waste Management Plan (Non-Fish Waste) have been provided in Appendix 19a and 19b, respectively. The Fish waste plan details mitigation measures to manage and prevent potential impacts associated with fish mortalities and moribund fish including appropriate retrieval, storage, transportation, and disposal procedures. Marine Directorate - Marine Science Scotland was consulted and raise no concerns regarding the fish waste plans.

Notwithstanding this, the Comhairle as Planning Authority and its Environmental Health and Animal Health services are aware of ongoing community concerns re Fish Waste Management arrangements. Those referenced in this Plan are identified as being for the Production year 2023/2025. An updated Fish Waste Management Plan will be sought by condition to confirm going forward that fish Waste

management Arrangements are to an acceptable standard, meet relevant regulatory requirements and do not result in harm to the environment.

It is considered that the application provides sufficient information to demonstrate compliance with Zero Waste/Waste Management policies. Adherence to the General Waste Management Plan and a condition on site damage and site restoration can be satisfactorily secured by conditions

Traffic and Transport

Traffic generated by the existence of a marine fish farm is noted to comprise of both marine and terrestrial transport. Chapter 21 of the EIA Report focuses on marine transport, including the volume and nature of marine traffic arising from the proposed development.

It is accepted that the assessment of effects is also considered in Chapter 15 Navigation, Anchorage, Commercial Fisheries, other non-recreational maritime uses Other marine users, commercial fisheries, or navigation, and Chapter 17 Noise.

The conclusion of overall significance of the impact assessed as *negligible (insignificant*) with a minor shift from baseline conditions for a small number of receptors is accepted as a reasonable conclusion.

Climate Change

Climate change is expected to result in incremental but ongoing changes to the marine environment and therefore to the challenges that require to be addressed by those using marine environment and resources.

There remains a degree of uncertainty over climate change impacts and effects and considerations include measures to mitigate the degree to which the development contributes to climatic change factors and how to adapt to take into account the effects of climate change.

Climate Change was not identified at EIA Scoping as a factor likely to result in significant effects but has been considered under Chapter 23 of the EIA Report for completeness.

Table 23a sets out the applicants proposed approach to mitigating and adapting to climate change e.g. producing a climate-smart protein, company sustainability strategy and policies, measures in place to manage fish health including monitoring salinity, dissolved oxygen and water temperature to inform changes to water quality including plankton, jellyfish, sea lice amongst others and timing of interventions including treatments and protective measures according to the findings.

Containment mitigation and adaption includes infrastructure being professional designed and certified for the weather and climatic conditions likely to be encountered at the site; this supported by an ongoing maintenance and replacement regime to ensure equipment and moorings remain fit for purpose.

It is considered that climate change impacts and likely effects are acknowledged in relation to the proposed development and the adequately addressed, so far as can reasonably be foreseen, through the proposed mitigation and adaption.

Cultural Heritage & Historical Environment

Cultural heritage refers to archaeological sites, historic structures, gardens and designed landscapes, historic battlefields, and other historic features. In a marine context this can also extend to wrecks and paleo landscapes. The setting of a specific asset within the wider landscape can also contribute to a features significance.

Following the applicant's assessment, which included a desk top review and information gathered at EIA Scoping stage, it is noted and accepted that all potential cultural heritage features are either absent from the study area or scoped out due to distance and/or the terrestrial nature of the record which would be unaffected by the proposed development.

Cumulative Impact

OHLDP – SG – Marine Fish Farming - Development Policy 6: states that the potential cumulative impact of a proposal, in conjunction with all other existing and consented fish farming developments in the same loch system will be a factor in determining the acceptability of a development proposal. This assessment will have regard to the information submitted in relation to other policy areas and the potential cumulative impact on: landscape & seascape character, including visual impacts (farms within same view from key viewpoints); noise and lighting impacts; carrying capacity of loch system; and water column and benthic impacts. Where adverse cumulative impacts are significant and cannot be mitigated, planning permission will not be granted.

Potential cumulative impact on: landscape & seascape character, including visual impacts (farms within same view from key viewpoints) were assessed under that topic at Section 11.4 above. The development as proposed will result in some cumulative visual effects from two of four viewpoints but due to the small number of receptors and likely transient experience of effects, the effects are not considered likely to be significant.

Marine Scotland Science has advised There are currently no sites registered with Scottish Government's Marine Directorate (SGMD) within 1000m of the site to be modified and advised that to the knowledge of the Fish Health Inspectorate (FHI), there are currently no sites proposed in the planning system within 1000m of the site to be modified.

The nearest site to the proposed development is Stulaigh (north) which together with An Camus and Marulaig Bay, also operated by the Applicant, would share the Farm Management Area (FMA) and disease management area (DMA) with the proposed development.

The biomass within the FMA and DMA will increase by 3000t but given the hydrographical conditions at the site, its location outwith a categorised waterbody, waste deposition is likely to be broken down rapidly and dispersed in the wider marine environment with no overlap in the depositional footprint. Further, on account of the proposed development being sited in an open water location with good flushing, inputs to the water environment including medicine residues and food and faecal waste will degrade, break down and be rapidly dispersed such that there will be no significant adverse effects on the water column arising from the operation in isolation or cumulatively. Potential for cumulative effects on the water column or benthic environment are therefore unlikely.

It is, therefore, assessed that OHLDP- SG Marine Fish Farming - Development Policy 6 and NMP Policy Gen 21 would be complied with.

On-Shore Facilities

The existing onshore servicing and infrastructure arrangements at Gasaigh near Lochboisdale are of large scale, have capacity and would remain as existing. They are serviced from the marina, pier, and slipway at Lochboisdale Harbour. Therefore, it is concluded that Policy Development Policy 8 and 32 d (ii) of NPF4 would be complied with.

Material Planning Considerations

Guidance on material Planning Considerations is set out in Planning Circular 3/2022: Development management procedures.

Material considerations, pertinent to the determination of this application, that have not already been addressed in response to the policy above are discussed below, as relevant.

10.12 REASONED CONCLUSION

The proposal is to install a new fish farm comprised of six circular pens of 200m circumference ((63.67m in diameter) in a 2x3 formation) held in a 120m2 submerged mooring grid, all for the farming of Atlantic Salmon. An Akva AC600PV feed barge with capacity to store 600t of feed would be installed shoreside of the pens for the storage and distribution of feed The proposal is to enable farming of a maximum standing biomass of 3,000t of Atlantic Salmon.

An EIA Report has been submitted and has assessed five topics as having potential for significant effects. These are Seascape, Landscape and Visual amenity, Impacts and effects on Benthic environment and species it supports including Priority Marine Features, impacts and effects on wild salmonids, impacts upon and effects of the proposed development on commercial fisheries and a socio-economic impact assessment.

The examination of the EIA, aided by the advice of consultees has concluded that the assessment of each topic, mitigation and monitoring proposals and the residual effects are fair as follows:

Benthic environment and species - Having considered the EIAR, the supporting information and advice of consultees it is assessed that there would be no residual significant effects on the benthic environment or species of conservation concern including PMF, subject to compliance with SEPA's CAR licence conditions and maintenance of standards of good practice as cited in the application.

Seascape, Landscape and Visual amenity - It is accepted that based on the findings of the EIA Report and the advice of NatureScot that effects on the integrity of the South Uist Wild Land Area are not significant and that while significant residual visual effects have been identified that these would be limited in extent, localised, and likely to be transient to what is likely to be small number of receptors.

Wild Salmonids - the introduction of the SEPA led National Sea Lice Regulatory Framework for managing sea lice and wild salmon interactions, the inbuilt design mitigation in terms of containment standards, operational farming practices including medicinal treatments and use of biological clean fish and the commitment to the terms of an Environmental Management Plan (EMP), are collectively likely to reducing the potential effects from potentially significant to non-significant. It is proposed that a condition requiring the implementation of the submitted EMP be applied, the EMP to be in place until such time as the site is regulated under the national Sea Lice Regulatory Framework initially for interactions with wild Salmon and subsequently (expected March 2025) for interactions with sea trout.

Commercial fisheries - The impacts upon and residual effects of the proposed development on commercial fisheries were assessed and concluded a potential for a moderate (significant) effect on a local scallop processor and local scallop fleet who would be displaced from the scallop grounds in and around the site. The applicant proposes to prepare and implement a Fisheries Management and Mitigation Strategy (FMMS) in consultation with WIFA. The proposed FMMS offers mitigation to the localised but moderate (significant) effects on the local scallop producer and scallop fleet, such that the residual effects would be less than significant. A Condition is proposed to secure the FMMS and its commitments.

Socio-economic impacts - The economic benefits of the proposed farm including the potential effects of displacement are assessed through the EIA Report and demonstrate that overall displacement

would not be a significant factor, and subject to the proposed mitigation measures the economic benefits would overall be beneficial at both a local and Scottish level.

Development Plan - The development has been assessed against the Development Plan comprised of National Planning Framework 4, The Outer Hebrides Local Development Plan, its Supplementary Guidance for Marine Fish Farming, and the National Marine Plan.

Following assessment of the proposal for its Seascape, Landscape and Visual effects, impacts upon water column and benthic environment, impacts on species and habitats of conservation concern interaction with predators, interaction with wild salmonids, impacts on commercial fisheries and other marine users, socio economic impacts and other issues including noise and lighting, waste management, traffic and transport, population and human health, cultural heritage and climate change, it is concluded that subject to the development being implemented in accordance with the practices and commitments set out in the EIA Report and management and monitoring of mitigation and monitoring plans by condition, that the application would accord with the Development Plan and the relevant parts of the National Marine Plan. As such the development is assessed to accord with the Spatial Strategy of the Outer Hebrides and the Principle of Development of the site is assessed as acceptable.

No material planning considerations of significance have been identified that indicate that the Development Plan should not be accorded priority. The proposal is therefore recommended for approval subject to conditions to manage the development through implementation, operation and decommissioning should the fin fish farm cease to be operational for the farming of salmon.

11. RECOMMENDATION AND CONDITIONS

The EIA Application is Recommend for approval subject to the following conditions and undernoted reasons:

Duration of permission

Condition 1 **The development to which this planning permission relates must be commenced not later than the expiration of three years beginning with the date on which this permission is granted.**

Reason *To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

Approved Details – Environmental Impact Assessment (EIA) Development

Condition 2 **Except as otherwise required by the terms of this planning permission, or the prior written approval of Comhairle nan Eilean Siar as 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 development shall be implemented in accordance with the site plan, moorings layout and site co-ordinates appended to this permission and also in accordance with the environmental mitigation detailed in the Environmental Impact Assessment Report.**

Reason *To ensure that the Development is carried out in accordance with the approved details*

Finished Surfaces

Condition 3 **The finished surfaces of all equipment above the water surface associated with the development hereby approved (excluding the feed barge and those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour (black or grey) and feed pipes only in white or black, in accordance with the details provided in the Environmental Impact Assessment Report unless agreed otherwise in advance in writing by the Comhairle as Planning Authority.**

Reason *In the interests of the visual, landscape and seascape amenity of the area.*

Lighting

Condition 4 **Throughout the life of the development to which this planning permission relates, no means of artificial illumination, other than that required for navigation shall be directed off site so that the spread of direct light from any source does not extend more than 100m from the site, without prior written approval from the Planning Authority.**

Reason *To protect the visual, landscape and seascape amenity of the area.*

Fisheries Management and Mitigation Strategy (FMMS)

Condition 5 At least two months prior to the first installation of any equipment approved by this planning permission, the developer shall submit for the written approval of the Comhairle as Planning Authority a Fisheries Management and Mitigation Strategy (FMMS) to be developed by the developer in consultation with the Western Isles Fisherman's Association. The FMMS shall incorporate the following:

- Details of the proposed actions to appoint a Company Fisheries Liaison Officer (CFLO) with the remit to support ongoing liaison and ensure clear communication between Mowi and commercial fisheries;
- a Navigational Safety Plan to describe measures put in place by the project related to navigational safety (lighting, marking, notifications etc);
- Include a procedure for advanced warning and accurate location details of construction and maintenance operations, associated Safety Zones, and advisory passing distances;
- commit to log all infrastructure installed at the site, retrieve all redundant equipment where possible; to locate any equipment that cannot be retrieved and provide notification to fishermen of any equipment remaining on the seabed;

- state to the effect that any objects dropped on the seabed during works associated with the project will be reported and objects will be recovered where possible if they pose a hazard to other marine users;
- agree at installation and post-installation to review the moorings as approved together with fisheries stakeholders with a view to exploring options to open up fishing opportunities within the planning boundary whilst maintaining containment and structural site integrity; and
- to develop a structure to support sustainable fishing practices in connection with the development site.

For the avoidance of doubt any changes to the position of the equipment or mooring shall be subject to a prior notification seeking the approval of the Comhaire as Planning Authority.

Following Approval, the FMMS shall be implemented as agreed unless reviewed in conjunction with the Western Isles Fisherman's Association and an updated copy submitted for the written approval of the Comhairle as Planning Authority.

Reason To mitigate the significant effects of the proposed development on the local commercial fishing fleet

Sea Lice Risk Management

Condition 6 **Following first stocking of the site to which this planning permission relates and throughout any production cycle for the growing of salmon, the developer shall monitor and record sea lice levels and implement mitigation and management levels in accordance with an Environmental Management Plan which shall be based on the Draft Environmental Management Plan for Loch Boisdale (including a proposed new site at Stulaigh Site) contained within Annex 13 - Appendix 13c Environmental Management Plan, forming part of the Environmental Impact Assessment Report, until, in relation to wild salmon, regulation of the site has been assumed by SEPA under the national Sea Lice Regulatory Framework for managing sea lice and wild salmon interactions and, in relation to Sea Trout, the site has been assumed by SEPA under the national Sea Lice Regulatory Framework regulation for managing sea lice and sea trout interactions.**

Reason *To ensure that best practices are undertaken to mitigate the potential impacts of sea lice loading from farmed fish on wild salmonids until such time as the site is regulated by SEPA under the Sea Lice Regulatory Framework , for wild salmon and for sea trout*

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Pole Mounted Top Net Specification

Condition 7 **The Pole Mounted Top Net system shall comprise of Perimeter Pole supports to a maximum height of 8m above the water surface, with sidewall netting mesh size of between 25mm and 75mm and ceiling net panel of no more than 100mm mesh size.**

Reason *To ensure the top net specification accords with that specified in the environmental statement and in the Habitats Regulation Appropriate Assessment to minimise the risk to all bird species and 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 through no significant effects on the gannet qualifying interests.*

Wildlife Recording and Reporting

Condition 8 **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 9 **If the daily recording required by Condition 8 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 10 **Should an event be notified in accordance with Condition 9 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 Pole mounted Top Nets and Birds at Finfish Farms, issued November 2020.*

Predator Mitigation Plan

Condition 11 The Development shall be carried out in accordance with the measures in the Predator Mitigation Plan identified within the Environmental Impact Assessment Report as Annex 12- Appendix 12a Predator Mitigation Plan.

Reason *In the interests of nature conservation.*

Removal of Equipment

Condition 12 In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason *In the interests of the visual, landscape and seascape amenity of the area and of the safety of marine traffic in the area.*

Biodiversity Enhancement

Condition 13 No Development shall commence until biodiversity enhancement plan has been submitted to and approved in writing by the Planning Authority. The plan shall include details of biodiversity enhancement proposals and shall include a timetable for their implementation. Thereafter these shall be carried out in accordance with the approved details unless otherwise agreed in writing with the planning authority. Note – in the event of enhancement proposals being off-site, confirmation requires to be included as to how these will be secured.

Reason: *In order to protect and enhance biodiversity, in accordance with the requirements of NPF 4 Policy 3.*

Acoustic Deterrent Devices

Condition 14 No Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.

Reason *In the interests of nature conservation. Note: This planning application has been assessed on the basis that ADDs will not be used.*

Removal of Equipment

Condition 15 In the event that the fish cages or associated equipment approved by this permission cease to be used for the growing of finfish for a period exceeding three years, the operator shall: Notify the Comhairle as Planning Authority in writing that the fish cages or associated equipment has not been in operational use for the specified period; Within one month of the notification being given, submit to the Comhairle as planning Authority, for their written approval, a scheme for the restoration of the site; Within four months of the Comhairle giving their written approval, fully implement the scheme as approved.

Reason *To prevent degradation of the site in the event of cessation of operations in the interests of the visual landscape and seascape amenity of the area and of the safety of marine traffic in the area.*

Waste Management Plan – Fish mortalities

Condition 16 **Prior to first stocking of the site to which this planning permission relates the developer shall submit for the written approval of the Comhairle as Planning Authority, a finalised Waste Management Plan for Fish Mortality waste. The Plan shall include a statement of Regulatory requirements and measures to deal with the transportation, handling, storage and disposal routes and likely destinations of both routine mortalities and mortalities in the event of a mass mortality event. Following approval, the development shall be operated in accordance with the Plan unless a revised version is first submitted to and approved in writing by the Comhairle as Planning Authority.**

Reason *In order to ensure that fish mortality waste from the development hereby approved is recovered, stored, handled, transported, and disposed of in a manner that will minimise adverse impacts on the environment and human receptors.*

Boat Traffic Protocol

Condition 17 **The development to which this planning permission relates shall be operated in adherence to the Boat Traffic Protocol as set out in the Environmental Impact Assessment Report – Annex 14 - Appendix 14a – 'Stulaigh South Boat Protocol' or as updated and agreed in writing with the Planning Authority in consultation with NatureScot.**

Reason: *In the interests of nature conservation.*

Informatives – None

12. **LIST OF APPROVED PLANS**

01 –Location Plans and site charts and co-ordinates
02 – Equipment and Elevation Plans

13. CASE OFFICER

Morag Ferguson
Planning Manager, (Development Management)
Date: 16 December 2024

14. PEER REVIEW

Isla Macarthur
Planning Officer, (Development Planning)
Date: 18 December 2024

Appendix – Other relevant information

A EIA DEVELOPMENT

Yes

B CONSULTATIONS

CONSULTEE

NatureScot (Date Consulted - 8 Mar 2023)

RESPONSE

Summary

- There are natural heritage interests of international importance on the site, but our advice is that these will not be adversely affected by the proposal.

- The proposal will not have an adverse effect on the integrity of the South Uist Wild Land Area.

Appraisal of the likely impacts of the proposal:

Priority marine features (PMFs)

The information provided shows that there are Maerl beds present in the channel between Stulaigh Island and Uist (approx. 1.4km from the cage edge). There is no evidence that they extend closer to the proposed footprint of the farm. The results from the hydrodynamic model show that the culminative impacts from the present fish farm (North of Stulaigh Island) and the proposed fish farm are insignificant. If solids such as organic carbon or Emamectin Benzoate (EmBZ) residues are transported into the channel, then deposition rates will be very low.

Gannet SPAs (Special Protection Areas)

In Scotland, there are eight breeding colony SPAs and two marine proposed SPAs for which gannets are a protected feature. Breeding gannets have a mean foraging range of 120.4km (±50.0km) and a mean maximum foraging range of 315.2km (±194.2km) (Woodward et al., 2019). Consequently, there is potential connectivity between gannets from SPA colonies and all marine waters across Scotland suitable for finfish aquaculture.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. The NatureScot website has a summary of the legislative requirements.
Our advice is that this proposal is likely to have a significant effect on the Gannet feature of the breeding colony SPAs and the two marine proposed SPAs within Scotland. Consequently, CnES, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest.

To help you do this we advise that based on the information provided, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors:

Population declines due to entrapment or entanglement within ceiling nets

The proposal details that the ceiling net mesh sizes will be 100mm which reduces the risk of likely significant effect (LSE) on the Gannet feature of the SPA's. Therefore, the potential for adverse effect on site integrity (AESI) is low as entanglement will most likely be of a short duration and a one-off incident. The daily inspections to check for trapped birds and systematic records that will be sent to NatureScot twice yearly will indicate any changes to the levels or entanglement/ entrapment.

Landscape and Visual Impacts

The proposal is adjacent to the South Uist Wild Land Area. The information provided shows that the proposed development occupies a small proportion of the available view from the four viewpoints selected and the effects on the integrity of the South Uist Wild Land Area are not significant.

The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage.

If you require further information, please do not hesitate to contact me.

CONSULTEE

SEPA (Date Consulted - 8 Mar 2023)

RESPONSE

In line with the advice in the Transitional Arrangements for National Planning Framework 4 letter, issued by the Chief Planner, Fiona Simpson, on 8 February 2023, that "From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February", our position and advice given below is based on the NPF4 policy.

We have no objection to the proposed development and consider that it would be consentable under CAR. Please note our advice provided below. The final biomass and quantities of sea lice medicines will be determined as part of the CAR application currently in process.

Advice should be sought from NatureScot on those impacts not within CAR control on the designations.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

CONSULTEE

Marine Science Scotland Aberdeen (Date Consulted - 8 Mar 2023)

RESPONSE

19/05/23
We have reviewed the further information submitted (16/05/2023) and offer the following comment:

Confirmation that the proposed weighting and net system has been considered appropriate for the conditions experienced at the location of the proposed Stulaigh south site or details of any adaptations that may be required to limit the risks of a breach in containment on site.
The information provided states that following recent experiences at other sites where interactions between weighting systems and nets have led to breaches in containment these systems have been reviewed. The underlying factor relates to the nets and therefore actions taken include use of stronger nets and changes to net design with further analysis of nets using net sensors being undertaken and new systems being trialled. This knowledge and experience can be applied to the Stulaigh South proposal.

Further explanation on whether the high utilisation factors of equipment are considered acceptable and if so why, or if further considerations or actions are proposed to be taken to reduce the utilisation factor of these components.

The applicant state there are multiple precautionary measures incorporated into the technical third-party assessment process (based on Scottish and Norwegian Standards); safety factors are applied to equipment and the results are based on 1 in 10/50 years. The report sets utilisation thresholds and revisions to the proposal would be pursued if these were exceeded. The results are under the set limits and consequently the planning application will remain as proposed. Data from the recent trial of 3x200m pens at the nearby Hellisay site will also inform this future development and review will be undertaken during tender to ensure the most up to date knowledge is considered.

Summary

No further information is required.

07/04/23
We have reviewed the application submitted and offer the following comment:

Environmental Impacts

Benthic impacts

The submitted modelling report concludes that the proposed biomass meets the relevant EQS, therefore it should not result in unacceptable benthic impacts at the site. However, SEPA as the regulator will make the final decision regarding maximum biomass permitted on site.

Water column impacts

The proposed site does not sit within a Locational Guidelines categorised water body.

The applicant has submitted an assessment which takes into account the proposed biomass at the site and the results indicate that the degree of enhancement is not likely to result in a significant impact. In addition, they have considered the cumulative impacts by including the enhancement resulting from the inclusion of the sites in the area. The results of the cumulative assessment shows that the degree of enhancement is not likely to result in significant impact.

Aquaculture Animal Health

Site Location

There are currently no sites registered with Marine Scotland Science within 1000m of the proposed site (see appended map).

Furthermore, to the knowledge of the FHI, there are currently no fish farm sites proposed in the planning system within 1000m of the proposed site.

It should be noted that all measurements are taken from the mid-point of site coordinates.

Authorisation

If permission is granted for the new site, Mowi (Scotland) Ltd. must contact the FHI at Marine Scotland to apply for authorisation to operate as an Aquaculture Production Business at the proposed site prior to the commencement of farming operations.
Disease Management Area

The position of the site falls within disease management area 7b and as such will have an impact on or be impacted upon by sites within the South Uist disease management area as currently defined in Marine Scotland disease management area maps, available online https://www.gov.scot/publications/fish-disease-management-areas. The applicant are currently the only operators with active sites in this disease management area, it is however still recommended that disease management areas hold a single year class of stock and follow synchronous fallowing patterns.

Stocking

From the information given in the application, the operation of the site will be at an acceptable stocking density level of below 22kg/m3.

Husbandry

The details provided on the method and frequency of removing mortalities and their disposal route is satisfactory as far as can reasonably be foreseen. Mortalities will be collected in a cone basket at the base of the net and removed by lift up system with a target of uplifting this daily or a minimum of 3 times a week. Mortalities will be ensiled and uplifted by a licensed waste carrier for disposal at an appropriate facility.

Sea Lice

The applicant currently operate an active fish farm site on the north side of the Stulaigh island and two further sites in farm management area (FMA) W-20 which the applicant have stated this site will be coordinated with although it lies out with the boundaries as defined in A Code of Good Practice for Scottish Finfish Aquaculture (CoGP). Further details of the proposed 'coordination' e.g. synchronicity of stocking and fallowing was requested at the screening and scoping stage. The Farm Management Statement provided states that the proposed site is intended to be fallowed synchronously with neighbouring sites in FMA W-20. The applicant are the sole operator in the FMA and DMA, therefore affording better control over coordination and sea lice management in the wider area. Details of the operation of the proposed and existing Stulaigh sites confirming whether they will be operated as a single entity or be authorised as two separate sites was also requested at the screening and scoping stage; this does not appear to have been specifically addressed however from the information provided there is nothing to suggest these two sites would be operated as one, other than reference to the possibility of staff from other sites in the 'cluster' being available during busy periods, it is therefore assumed they will be operated as two separate sites.

There is no history of sea lice affecting the health of the aquaculture animals in the W-20 FMA to the knowledge of the FHI. Sea lice levels on sites in the FMA have mostly been below the MS increased monitoring level of 2 in the most recent production cycle, with the nearest site, Stulaigh reporting 4 weeks (non-consecutively) over 2 adult females. Sea lice numbers rose sharply but also fell quickly following treatment back below the increased monitoring level of 2; although numbers remained above the suggested criteria in the CoGP for longer, in the second half of the production cycle. Similar levels of sea lice have also been reported at the other 2 sites in the FMA.

A comprehensive sea lice management document has been provided. This outlines the applicants company-wide strategies for sea lice management and also provides site specific details, drawing on history from the nearby existing Stulaigh site. Monitoring of sea lice numbers is taken from 20 fish from every pen, every week to inform decision making and weekly average adult female sea lice numbers per fish reported to Scottish Ministers in line with legislative requirements.

The integrated Mowi strategy favours non-medicinal methods where these best meet the needs of the fish. Physical removal methods are available in the form of thermolicer, optilicer and hydrolicer units. The applicant have a fleet of equipped vessels and states that the site could be treated in less than 6 days with these methods.

Freshwater treatments are also available and are conducted onboard a wellboat. The applicant have 4 active freshwater abstraction points with storage pens which are used to fill wellboats to facilitate freshwater treatments and two wellboats which can desalinate seawater for freshwater treatments. As this site proposes to stock cleaner fish; extended freshwater treatments may not be suitable or may create additional logistic challenges in administering treatments as cleaner fish particularly wrasse are not tolerant of freshwater. The applicant state that existing wellboats are being equipped with graders to remove cleaner fish from pens prior to freshwater treatments and that new wellboats will be built with this into the design, allowing cleanerfish to be returned to the pen untreated.

Cleaner fish species are intended for use on the proposed site for the purpose of sea lice management. A mixture of lumpfish and wrasse are proposed at a ratio of 5-6% to that of the salmon, stocking at the start of the cycle and topping up as required throughout the growth cycle. Improvements have been made to the in-pen environment through the introduction of feed stations and hides to improve the welfare of the cleaner fish. Lower pen numbers and improved net cleaning should also increase the effectivity of cleaner fish as a lice management tool by reducing grazing on net growth and increasing grazing on lice. The applicant have successfully introduced cleaner fish to sites using 160m pens and experienced low cleaner fish mortality.

The expected permitted quantities of bath chemotherapeutants in the CAR licence application would allow bath treatments of azamethiphos or deltamethrin to be undertaken on site within 6 days using a wellboat. Due to the size of the pens and the location of the site, use of tarpaulins for such treatments is not proposed at present but could be undertaken in the future subject to a positive output from trials. The applicant also expect to have consent for a single emamectin benzoate in feed treatment per cycle which would likely be used at the start of the production cycle.

Difficulties may be experienced conducting sea lice treatments in exposed environments, which can impact sea lice management strategies. However, the small number of pens on site will support more efficient delivery of sea lice management interventions as outlined by the applicant in the sea lice management plan; reducing time taken to treat, reducing the risk of self re-infection, utilising shorter time periods of favourable weather, lower stocking densities and more focus towards husbandry on individual units.

The use of 200m pens and any potential impacts on sea lice management is considered in 'Containment'.

Containment

The proposed contingency plan for dealing with an escape or suspected escape event is satisfactory.

It is noted that the applicant propose to use a sinker tube (Froya ring) weighting system, with all the weight of the sinker tube supported by integrated ropes in the net. The FHI are aware of incidents at other sites operated by the applicant in which this set up contributed to net damage and resulted in a breach of containment. Confirmation is sought that this weighting and net system has been considered appropriate for the conditions experienced at the location of the proposed Stulaigh south site or details of any adaptations that may be required to limit the risks of a breach in containment on site.

The information provided on equipment and strategies in place to minimise predator interactions at the site in question is satisfactory as far as can reasonably be foreseen. Top nets will be used to mitigate against aerial predation from birds; the main defence against predation below the water line is well tensioned HDPE nets, additional weighting and the Midgard system to provide a stable net volume; along with swift removal of mortalities by uplift daily and secure storage of feed.

The applicant have provided equipment attestations from the manufacturers. ScaleAQ have provided attestation for the nets and pens, stating that the equipment is designed and produced according to the Norwegian technical standards and deem the proposed net and pen equipment

to be suitable for the location at the Stulaigh south site based on information they have received regarding site conditions. The moorings and nets attestation from Vonin Ltd. states that they will supply a moorings system and nets which will be designed to withstand the environmental conditions at the Stulaigh south site based on the full moorings analysis report produced by Aquastructures using AquaSim software based on the hydrographic and environmental data supplied by Mowi. Self-attestation from Mowi's regional production manager is also provided, detailing the process of design specification and equipment selection to ensure all equipment proposed on site is suitable for the location.

The mooring analysis report conducted by Aquastructures has also been provided. It is noted that the utilisation factors are high for many of the anchor ropes and a proportion of bottom chains, which are close to or at 1, suggesting the equipment being used would be operating close to its limits. Further explanation on whether this is considered acceptable and if so why, or if further considerations or actions are proposed to be taken to reduce the utilisation factor of these components.

The pen size of 200m is larger than any currently in use in the Scottish Aquaculture industry. The largest pens currently in use are 160m which is still uncommon with the majority of sites still using 120m pens. However, a small number of sites in Scotland are operating with 160m pens, and most of these are operated by the applicant. The applicant state in the Containment and Contingency Escapes Plan that the move to 160m pens was made in partnership with suppliers and in house expertise of staff providing training and advice from the wider Mowi group where these larger pens are already in use. Operations have been upscaled appropriately for large pen sites and Mowi Scotland continue to work closely with suppliers who are providing ongoing technical support and training. Furthermore, the applicant state in the EIA that significant investment has been made in recent years in service vessels, workboats and well boats of a suitable mass that can now handle larger sized pens and associated equipment facilitating husbandry tasks and sea lice treatments. The applicant have successfully being operating 160m pens at 5 of their sites and also used 200m pens temporarily at another site without any reported issues.

Information is provided from ScaleAQ regarding the suitability of 200m pens for exposed sites; model testing undertaken by ScaleAQ has factored into the design of these larger systems and used to verify and calibrate analysis models. Furthermore, the outcome of a survey report summarising publicly available documents on the benefits of producing farmed salmon in large net pens compared to small net pens, created by BDO AS at the behest of Scale AQ has also been submitted. The report presents information that a large percentage of escapes are caused due to work operations near the pens, performing treatments, grading etc. and from accessory equipment in the pen. Larger pens can reduce the requirement for grading and net handling and simply an overall reduction in cage number reduces the number of interactions with pens on site. Farmers also noted an increased efficiency of general working practices with fewer pens on site.

For information: Operations and records on site with regard to sea lice control and containment, must meet the requirements of the Aquaculture and Fisheries (Scotland) Act 2007, The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008 and 'A Code of Good Practice for Scottish Finfish Aquaculture'. Compliance with this will be inspected during routine visits.

Wild Fisheries

The following should be read in conjunction with the latest summary of information relating to impacts of sea lice from fish farms on Scottish sea trout and salmon, available on the Marine Scotland webpages: https://www.gov.scot/publications/summary-of-information-relating-to-impacts-of-salmon-lice-from-fish-farms-on-wild-scottish-sea-trout-and-salmon/

There are two other sites within 15 km of the applicant site so cumulative impact factors may come into play.

South Uist is known to have fisheries for salmon and sea trout. The following graphs plot the catches for Atlantic salmon and sea trout from 1952 - 2021 in the Howmore Statistical District within which the site will be located. As the Howmore district covers South Uist, Benbecula and Barra these figures may not be representative of the catches in the immediate area and are only provided to give an indication of catch trends in the area. Data source: https://data.marine.gov.scot/dataset/salmon-and-sea-trout-fishery-statistics-1952-2021-season-reported-catch-district-and-method

Scientific evidence from Norway and Ireland indicates a detrimental effect of sea lice on sea trout and salmon populations. Salmon aquaculture results in elevated numbers of sea lice in open water and hence is likely to have an adverse effect on populations of wild salmonids in some circumstances. The magnitude of any such impact in relation to overall mortality levels is not known. However, concerns that there may be a significant impact of aquaculture have been raised due to declines in catches of both salmon and sea trout on the Scottish west coast. The appended summary webpages provide a more detailed summary of the latest scientific knowledge in this area.

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

The Fish Health Inspectorate (FHI) collates lice counts on fish farms across Scotland, provided by industry or by FHI surveillance. Information held by the FHI can be accessed on the following web page: https://www.gov.scot/publications/fish-health-inspectorate-sea-lice-information/

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

It should be noted that sea trout are present in these inshore waters all year round, and not just during the spring smolt migration period. We therefore suggest that strict control of sea lice should be practiced throughout the year. Additionally, it should be noted that adherence to the suggested criteria for treatment of sea lice stipulated in the industry CoGP may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

The applicant has supplied an Environmental Management Plan (EMP) outlining how potential interactions of sea lice arising from the proposed development will be assessed with respect to wild salmonids. Marine Scotland expects that as a minimum any monitoring scheme will be able to report on the level of lice released into the environment (i.e. both farmed fish numbers and adult

female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose.

The supplied EMP meets the above criteria.

The applicant has indicated that they intend counting sea lice stages on wild salmonids. The collection of wild salmonids is a regulated procedure, and the applicant needs to obtain necessary permissions to conduct this activity with a specific achievable objective. Sea lice on wild fish are likely to be obtained from multiple sources, including other nearby farms. The applicant appears to be aware that wild fish sampling will generate data that could only be used to inform on general environmental sea lice loads.

Sea lice efficacy

Results from the submitted modelling indicate that providing a CAR licence is granted for quantities of bath treatment chemotherapeutants as per predicted, there may be sufficient quantities of Azamethiphos, Deltamethrin to allow the treatment of the entire site at maximum biomass within a 6-day period without breaching relevant EQS. The quantity of the in-feed medicine Emamectin benzoate (SLICE) predicted to be available would be sufficient for one treatment at the site.

Summary of information required:

- Confirmation that the proposed weighting and net system has been considered appropriate for the conditions experienced at the location of the proposed Stulaigh south site or details of any adaptations that may be required to limit the risks of a breach in containment on site.

- Further explanation on whether the high utilisation factors of equipment are considered acceptable and if so why, or if further considerations or actions are proposed to be taken to reduce the utilisation factor of these components.

Notes to applicants:

The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 0131 244 3498; Email: ms.fishhealth@gov.scot
All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details

of an existing marine licence (formally Coast Protection Act 1949 - Section 34 consent), please visit the Scottish Government's website at:

http://www.gov.scot/Topics/marine/Licensing/marine/Applications

where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing MS.MarineLicensing@gov.scot; or calling 0300 244 5046.

Yours sincerely

Marine Scotland Science

Appended:
Map: Aquaculture sites in the vicinity of proposed site at Stulaigh South, South Uist by Mowi (Scotland) Ltd.

CONSULTEE
Western Isles Fisherman's Association (Date Consulted - 8 Mar 2023)

RESPONSE
None

CONSULTEE
Assistant Harbour Master (Date Consulted - 8 Mar 2023)

RESPONSE
None

CONSULTEE
Western Isles District Salmon Fisheries Board (Date Consulted - 8 Mar 2023)

RESPONSE

We write to respond to the proposal for a new 3,000T fish farm in Locheynort, Isle of South Uist. Our remit is to protect and improve migratory salmonid fish populations in the Western Isles District. It is our understanding that the current regulatory system does not sufficiently protect wild fish from aquaculture interactions and we therefore consider that a new regulatory system, as recommended by the Salmon Interactions Working Group, should be put in place prior to any further aquaculture development in Scotland.

Across Scotland, wild salmon populations are in crisis, and face a range of pressures, some of which are under human control. Where salmon populations are below their conservation limits, any additional pressure, including from sea lice and/or genetic introgression, cannot be considered sustainable. It is notable that escaped farmed salmon, salmon lice and infections related to salmon farming are considered to be the greatest anthropogenic threats to Norwegian wild salmon.

In addition, District Salmon Fishery Boards have a statutory obligation to protect sea trout. The marine phases of both Atlantic salmon and sea trout are designated Priority Marine Features by NatureScot - the habitats and species of greatest conservation importance in inshore waters. There are two main concerns for wild fish interacting with salmon farms:

1. Sea lice - natural parasites which can reach unnatural levels in a high density setting on salmon farms, which then spill over onto wild populations. This is a particularly high risk for migrating smolts, but given the prevalence of sea trout all year round in coastal waters consideration must also be given to them. Of particular concern to us is the cumulative impacts of salmon farms in the Western Isles as several studies have identified that the movement of infective stages of sea lice have the potential to infest wild salmonids over a wide area.

2. Escapes - farmed salmon may escape in small or large numbers from farms. There is the potential for these farmed salmon to negatively impact wild populations through ecological pressures (e.g., competition) or breeding with the wild salmon.

As mentioned above, the Salmon Interactions Working Group recommended that a robust, transparent, enforceable and enforced regulatory system is required to appropriately manage wild-farmed interactions in Scotland. Until such time as this is implemented, we cannot support the development of any new fish farm or increase in biomass for existing fish farms in Scotland. The Western Isles District Fisheries Board therefore objects to this application.

CONSULTEE
Royal Yachting Association (Scotland) (Date Consulted - 8 Mar 2023)

RESPONSE
I write to inform you that RYA Scotland have no comments that they wish to make at this stage on this application.

CONSULTEE
Lochboisdale Community Council (Date Consulted - 8 Mar 2023)

RESPONSE
None

CONSULTEE
Bornish Community Council (Date Consulted - 8 Mar 2023)

RESPONSE
None

CONSULTEE
Northern Lighthouse Board (Date Consulted - 8 Mar 2023)
RESPONSE

Thank you for your e-mail correspondence dated 8th March 2023 relating to the planning application submitted by Mowi Scotland Ltd for the establishment of a marine fish farm located at Stulaigh Island South, Isle of South Uist.

Northern Lighthouse Board have no objection to the site and the lighting and marking requirement is outlined below:

- The site should be marked with 2 lit yellow Special Mark Poles fitted with a yellow 'X' topmark.

- The lights should display a character of flashes group four yellow every 12 seconds (FI (4) Y 12s) with a nominal range of 2 nautical miles and be installed above the 'X' topmark.
- The poles should be positioned at the Northeast and Southeast seaward corners of the site.
- It is recommended that these poles be mounted, where possible, onto the corner cushion buoys, or alternatively onto the cage guardrails depending upon mounting equipment available, to give good visibility on approach to the site.
- Poles should be _$475mm diameter, the 'X' topmark should be _$4 75cm length by 15cm width.
- The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction. It is recommended that this light be powered by solar charged batteries to ensure it operates independently of barge mains power.
- A weekly check of the site's marking equipment shall be performed and records kept of its physical and working status for audit purposes.
- Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.
- Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.

- On completion of the development, the UK Hydrographic Office (sdr@ukho.gov.uk) must be notified and supplied with the mooring grid co-ordinates to enable the update of appropriate navigational publications.

CONSULTEE

Historic Environment Scotland (Date Consulted - 8 Mar 2023)
Historic Environment Scotland

RESPONSE

Thank you for your consultation which we received on 08 March 2023. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes (GDLs) and battlefields in their respective inventories.
You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We understand that the proposed development comprises a new marine salmon farm between Lochboisdale and Stulaigh Island.

We have considered the information received and do not have any comments to make on the proposals. We responded to the Scoping for the proposed development in September 2017 (17/00382), noting that there were no historic environment features within our statutory remit within the development site boundary or in its immediate vicinity. We recommended that the marine and terrestrial historic environment, as covered by our remit, be scoped out of any EIA

undertaken, and that any such impacts are given due consideration and weight through the normal planning process.
Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.
Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Sam Fox who can be contacted by phone on 0131 668 6890 or by email on samuel.fox@hes.scot.

CONSULTEE
Marine Science Scotland Aberdeen (Date Consulted - 16 May 2023)
RESPONSE

C REPRESENTATIONS

Number of Representations received There were 2 letters of representation received, of which none offered comments which neither supported nor objected to the proposal, none objected to the proposal and 2 supported the proposal.

D PLANNING AGREEMENT

N/A