

**Table 1: Regulations and Policies that are contravened by the Scottish Salmon Company’s amended, North Arran salmon farm planning application 2020, 19/00609/PPM**

North Ayrshire Council Local Development Plan (LDP2) is covered in detail below the comments on Scotland’s national statutory policies and regulations.

Scotland’s National Marine Plan (2015)		
Requirement of the statutory plan.		How the proposals contravene National Marine Plan policies
Paragraph 4.28	<p>Development and use that affect National Scenic Areas, National Parks and World Heritage Sites should only be permitted where:</p> <ul style="list-style-type: none"> <li>• It will not adversely affect the integrity of the area or its special qualities for which it has been designated; or</li> <li>• Any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.</li> </ul>	<p>The application states that there will be ‘significant effects of a substantial and adverse nature’. We disagree strongly with their conclusions that these effects will be of ‘limited geographical extent’ as the infrastructure will extend for more than 800m along the shore.</p> <p>The fixed infrastructure and lighting will be visible, and the sound of the acoustic deterrant devices, automated feed barge operation will be heard, for several kms by land and marine users and of course by our wildlife.</p> <p>Landscape and seascape will clearly be adversely impacted in this National Scenic Area and the proposed job numbers (6 FTE) and economic benefits do not outweigh this.</p>
Aquaculture Policy 5	<i>“aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape/landscape and visual amenity of an area”</i>	The applicant’s Additional Environmental Information Report identifies that there will be ‘significant effects of a substantial and adverse nature’ on the landscape/seascape and visual amenity.
General Policy 9	<i>“development and use of the marine environment must protect and, where appropriate, enhance the health of the marine area and not result in significant impact on Priority Marine Features”</i>	<p>The proposed development does not protect or enhance the health of the marine area. The development will discharge waste and toxic chemicals into the marine environment.</p> <p>The survey and data are insufficient to determine the extent and distribution of PMFs within the development footprint and therefore significant impact on PMFs cannot be ruled out.</p> <p>The EIA and Additional Environmental Information (AEIR) reports are dismissive about the presence of seabed PMFs and conclude no significant impacts on these interests; the seabed habitats and species in the footprint of the proposed development are described as being “dominated by habitats and species of low conservation priority”. In light of the shortcomings of the survey work that has been undertaken and failure to properly investigate the presence of PMFs in the</p>

development area this conclusion cannot be substantiated.

**Conservation (Natural Habitats, &c.) Regulations 1994 as amended or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 - Endrick Water Special Area of Conservation (SAC)**

The proposed development is a risk to wild Atlantic salmon which are a qualifying interest of the Endrick Water Special Area of Conservation (SAC); both through sea lice infesting migrating smolts and exotic salmon escapees denuding the wild salmon gene pool. North Ayrshire Council (NAC) is required to consider the effect of the proposal on the SAC before it can be consented. There is only a desktop study presented in the application with no modelling of sea lice dispersion (cumulative or single farm based) and no new data presented on the smolt migration pathways within the Clyde system.

The work advised by SNH, in their holding objection, to inform a Habitats Regulations Assessment (Appropriate Assessment) by NAC has not been undertaken by the applicant and it is therefore not valid for the application to conclude that the proposal will not have an adverse impact on site integrity and the conservation objectives of the SAC either alone or in combination with other developments. Under such circumstances an Appropriate Assessment cannot be undertaken by NAC and a precautionary approach to protect the conservation objectives of the SAC is required and the application cannot be granted planning permission.

**Town and Country Planning (Environmental Impact Assessment (EIA)) (Scotland) Regulations 2017**

	<b>Requirement of the legislation</b>	<b>How the proposal fails this requirement</b>
Regulation 5 (2)(d) Paragraph 2, Schedule 4	<i>Consideration of alternative options.</i>	Failure to fully assess all alternative options: <ul style="list-style-type: none"> <li>- Alternative sites were considered but it is unknown to what degree they were fully evaluated as this data and interpretation are not presented. Three of the alternative sites were rejected on grounds of visual/landscape impact.</li> <li>- Other technological options such as enclosed or land-based Recirculating Aquaculture Systems (RAS) are not considered at all; this is a standard open cage salmon farm proposal with an archaic environmental management plan.</li> </ul>
Regulation 5	<i>Assessment of cumulative impacts.</i>	Cumulative effects of many aspects of the operation and siting of the proposed farm in the context of the existing and planned farms in this marine region have not been accounted for with appropriate data and modelling within the EIA or the new AEIR and any risk has been dismissed out of hand.  SNH in their holding objection to the original application recommended that the applicant provided sea lice dispersal modelling and that NAC ensure that cumulative effects are taken into account and mitigated in the HRA Appropriate Assessment. The submitted "Report to Inform an Appropriate Assessment" (dated January 2020) in the application is a desktop study and does not provide the relevant information to allow the Appropriate Assessment to be undertaken competently. This application does not ensure that there will be no damage to wild Atlantic salmon in the Clyde region. No modelling of cumulative impact of sea lice on wild salmon smolts and, specifically, the Atlantic salmon as a feature of the Endrick Water SAC is included. It is not known which routes the salmon smolts

		take to migrate oceanward through the Clyde region and thus there is a risk to the wild Atlantic salmon and the conservation objectives of the SAC.
Regulation 5(3)	<i>Planning authorities must also ensure, where a scoping opinion or direction has been issued, that the EIA report is based on that opinion or direction.</i>	The EIA and AEIR for the North Arran application has not fulfilled all the requirements of North Ayrshire Council's scoping opinion or additional directions from SNH and SEPA: <ul style="list-style-type: none"> <li>• No extended baseline survey</li> <li>• The hydrodynamic and in-feed chemical treatment modelling is presented as an interim rather than a final model and is based on a flat rather than the known steeply sloping seabed, which could result in gravity flow and resuspended and deposited lobes of seabed pollution exceeding environmental standards to accumulate over a larger area downslope. SEPA has not received any new modelling files from the applicant to support their conclusions in the modelling report and has requested in their current holding objection to this amended application that they be delivered.</li> <li>• The sea lice dispersion modelling work advised by SNH (NatureScot), in their holding objection to the original application, to inform a Habitats Regulations Assessment (Appropriate Assessment) by NAC on the wild Atlantic salmon, Endrick Water SAC conservation objectives has not been undertaken.</li> </ul>
Regulation 5(3) Part 6, 26(2)	<i>All information that may reasonably be required to reach a reasoned conclusion on the significant effects of the development on the environment needs to be provided...</i>	Several elements of the EIA are based on very limited data, e.g. extent of seabed survey, impact of sea lice on wild Atlantic salmon
<i>Under EIA regulations it is North Ayrshire Council's responsibility to ensure that the submitted EIA report contains the information specified in <b>Regulation 5(2)</b> and, where relevant, <b>Schedule 4</b> to the Regulations.</i>		The assessment documents submitted with the SSC application has not complied with the EIA regulations in a number of respects (see the comments above in first row of this section).
<b>North Ayrshire adopted Local Development Plan (LDP2) 2019</b>		
<b>Policy no.</b>	<b>Policy requirements</b>	<b>How the proposal fails the policies.</b>
Strategic Policy 1 Detailed Policy 8	<i>Proposals need to be appropriate to the location and will be supported where they have demonstrated a <b>sequential approach</b> to site selection...</i>	No detail of the site selection process and the alternatives, which demonstrates the required sequential approach, is presented in the application and why the North Arran National Scenic Area is the chosen site for their development. Alternative options have not been addressed or investigated (only five location options listed in summary and no consideration of fully-enclosed or land-based

		sites and Recirculating Aquaculture System technology addressed).
Strategic Policy 1 & The Coast Objective under Strategic Policy 1	Proposals should avoid damage to coastline particularly undeveloped or isolated coastal areas, unless economic benefits arising from the proposal outweighs the environmental impact.	<p>The applicants own assessment concludes "...that there would be significant landscape and visual effects of a substantial adverse nature for an adverse visual and landscape impact" for a number of landscape receptors.</p> <p>The assessment dismisses the severity of this impact saying that it "is characteristic of a coastal location and the receiving landscape is of such a scale that it has the capacity to absorb a development of this nature." This is not an accurate interpretation. Landscape and seascape will clearly be adversely impacted in this undeveloped and isolated National Scenic Area and the proposed (not guaranteed) job numbers (6 FTE) and economic benefits do not outweigh this. No cost analysis of the site specific and cumulative environmental damage to Arran, North Ayrshire and the Clyde Region has been undertaken in the economic report within the application.</p>
Strategic Policy 1 & The Coast Objective under Strategic Policy 1	Development proposals will be supported where they are consistent with Policy 24: Alignment with Marine Planning Policy	The proposed development is not consistent with Policy 24 and therefore should not be supported (see comments re. Policy 24 below)
Detailed Policy 8: Business development on Arran and Cumbrae	<p>We will support developments that will have a positive impact on the vitality, vibrancy and viability of the island and avoid unacceptable adverse impacts on the environment, amenity or the tourism offer of the area.</p> <p>Proposals will be supported where they have demonstrated a sequential approach to site selection</p>	<p>The proposal will have an adverse impact on landscape and amenity value of the undeveloped coast, negatively affecting the tourism appeal of this area.</p> <p>There is no evidence of a sequential approach to site selection for this proposed development (see comments in relation to assessment of alternatives under Strategic Policy 1)</p>
Detailed Policy 15: Landscape and seascape	Supports development that protects and/or enhances North Ayrshire's landscape/seascape character and avoids unacceptable adverse impacts on designated and non-designated landscape areas and features.	<p>The proposal does not protect or enhance North Ayrshire's landscape/seascape character AND will have an unacceptable adverse impact on landscape areas and features.</p> <p>The assessment seeks to dismiss the severity of this impact saying that it "is characteristic of a coastal location and the receiving landscape is of such a scale that it has the capacity to absorb a development of this nature."</p> <p>This is not an acceptable conclusion and is contrary to the applicants own assessment document that identifies there are significant adverse visual and landscape impacts.</p>

		<p>It should be noted that the effect of lighting (navigation markers, lights in the cages and on the feed barge) do not appear to be addressed in the landscape/seascape assessment even though these will be a prominent aspect of the visual impact of this development.</p>
<p>Detailed Policy 16: Protection of our Designated Sites</p>	<p>We will support development which would not have an unacceptable adverse effect on our valuable natural environment</p>	<p>Impacts from this site will damage seabed habitats and marine species:</p> <ul style="list-style-type: none"> <li>• Impact on wild salmon - sea lice, gene pool dilution due to escapes</li> <li>• impact of waste toxic chemicals</li> <li>• in-water noise – deliberate disturbance of marine mammals</li> <li>• light pollution</li> </ul> <p>EIA and AEIR based on:</p> <ul style="list-style-type: none"> <li>• very limited desktop study which does identify nature and scale of presence of marine mammals</li> <li>• very limited seabed survey which dismisses presence of PMFs even through species typical of certain PMFs present within the survey area. No expansion of survey to look at these in more detail.</li> <li>• No modelling of cumulative impact of sea lice on wild salmon smolts and, specifically, the Atlantic salmon as a feature of the Endrick Water SAC is included. It is not known which routes the salmon smolts take to migrate oceanward through the Clyde region and this there is a risk to the wild Atlantic salmon. Sea trout populations will also be affected.</li> </ul> <p>The application documents fail to:</p> <ul style="list-style-type: none"> <li>• adequately describe the abundance and distribution of habitats and species</li> <li>• identify the scale and nature of the impacts from the site therefore, the conclusion of “<i>no adverse environmental impacts</i>” is invalid and unsubstantiated</li> </ul>
<p>16: a)</p>	<p><b>Nature Conservation Sites of International Importance</b>  Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where:  - there are no alternative solutions;  - there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.</p>	<p>The ‘Report to Inform an appropriate assessment’ does not provide sufficient evidence to conclude that there will not be an adverse affect on site integrity of the Endrick Water SAC, in the required HRA Appropriate Assessment to be undertaken by NAC Planning.</p>

<p>16: f)</p>	<p><b>Protected Species</b>  Development likely to have an unacceptable adverse effect on;  i) European Protected Species (see Schedules 2 &amp; 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.</p>	<p>The use of 24 Acoustic Deterrent Devices (ADDs) will have an adverse effect on marine mammals listed as European Protected Species, e.g. porpoise, which are known to feed directly off Millstone Point. There is no attempt to demonstrate that a European Protected Species Licence will be applied for or granted.</p>
<p>Detailed Policy 22: Water Environment Quality</p>	<p>Development will be required to ensure no unacceptable adverse impact on the water environment by:  Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity).</p>	<p>The applicant has presented a very limited seabed survey which dismisses the presence of PMFs even though species typical of certain PMFs are present within the survey area. No appropriate expansion of the survey to look at these in more detail thus there is uncertainty over the PMFs present, and their distribution, and therefore a risk to the development damaging unmapped PMFs and the biodiversity.</p> <p>The hydrodynamic and in-feed chemical treatment modelling is presented as an interim rather than a final model and is based on a flat rather than the known steeply sloping seabed, which could result in gravity flow and resuspended and deposited lobes of seabed pollution exceeding environmental standards to accumulate over a larger area downslope. SEPA has not received any new modelling files from the applicant to support their conclusions in the modelling report and has requested in their current holding objection to this amended application that they be delivered.</p> <p>SNH in their holding objection to the original application recommended that the applicant provided sea lice dispersal modelling and that NAC ensure that cumulative effects are taken into account and mitigated in the HRA Appropriate Assessment. The submitted "Report to Inform an Appropriate Assessment" (dated January 2020) in the application does not provide the relevant information to allow the Appropriate Assessment to be undertaken competently. This application does not ensure that there will be no damage to wild Atlantic salmon in the Clyde region. No modelling of cumulative impact of sea lice on wild salmon smolts and, specifically, the Atlantic salmon as a feature of the Endrick Water SAC is included. It is not known which routes the salmon smolts take to migrate oceanward through the Clyde region and thus there is a risk to the wild Atlantic salmon and the conservation objectives of the SAC.</p>

<p>Detailed Policy 24: Alignment with Marine Planning</p>	<p>We will, in principle, support developments with a marine component or implication ..... where they are within a recognised developed coastal location and provided they are consistent with Scotland’s National Marine Plan and the emerging Regional Marine Plan for Clyde Marine Region.</p> <p>All marine proposals should identify environmental impacts and mitigate against these to ensure there are not any unacceptable adverse impacts.</p> <p>Developments on coastal areas with significant constraints will be supported, in principle, only where they would also contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities.</p> <p>Developments on undeveloped sections of coast which possess special environmental or cultural qualities, such as wild land will generally be resisted unless there would be a significant economic value of the development and that environmental impact issues can be satisfactorily addressed.</p>	<p>The proposal fails to meet any of the requirements under this policy.</p> <p>Application fails to fully identify the scale and nature of the environmental impacts and, as a result, the conclusion of no significant adverse effect from the development is invalid</p> <p>The proposal will have a significant adverse impact on the natural environment which is a vital asset to the economy of Arran. These impacts cannot be satisfactorily addressed.</p> <p>The economic benefit of the proposal is hugely outweighed by the economic value of the natural environment to the existing visitor and tourism economy of Arran.</p>
<p>Detailed Policy 25: Supporting Aquaculture</p>	<p>Proposals for new development will be supported where there is no unacceptable adverse impacts (including cumulatively) on:</p> <ul style="list-style-type: none"> <li>- <i>Landscape, seascape and visual amenity</i></li> <li>- <i>The protection and enhancement of the wider physical environment and amenity</i></li> <li>- <i>Coastal and marine species (including wild salmonids) and habitats</i></li> <li>- <i>The seabed</i></li> </ul>	<p><b>Landscape, seascape and visual amenity:</b> Failed on various levels; notably the visual impact will be far greater than presented in the AEIR which fails to simulate, represent and interpret accurately all structures and operations that will be present. The simulated 3D viewpoint visualisations illustrate this point; no viewpoints are presented from Millstone Point itself or from the shore or coastal path directly opposite the farm, most simulated viewpoints are presented from the seaward rather than the landward side, the landward views (apart from one) are presented from several kms away, viewpoint colourisation and shading are not true to life when compared with the known visual effect of operating farms, large surface buoys are absent, cages/pens are shown from distant viewpoints to diminish their effects and flatten the surface infrastructure, no viewpoints are shown with the proposed maintenance, wellboat and treatment boat operations ongoing.</p>

- *Other users of the marine environment (including tourism, recreational and leisure activities...)*

- *Sustainability:*

**The protection and enhancement of the wider physical environment and amenity:** the proposal does not protect or enhance the wider physical environment and amenity. The proposal has an adverse impact on the amenity value of the coastal area.

**Coastal and marine species (including wild salmonids) and habitats:**

- Atlantic salmon and Sea trout are statutory designated Priority Marine Features (PMFs). Waters around Arran are some of Scotland's highest sensitivity areas for wild salmon and sea trout interaction and infection from farmed salmon. The applicant does not present any evidence that there will be no adverse impact on Endrick Water SAC.
- Assessment of impacts from the proposed site does not include up-to-date survey data for many iconic species such as cetaceans, pinnipeds, basking sharks and otters; many observations of which aren't formally recorded so focussed surveys over time are required to fully understand their use of the location.
- The assessment fails to present evidence or an appropriate risk assessment and an awarded license to install 24 Acoustic Deterrent Devices, unlicensed use and disturbance of European Protected Species is an offence under Scottish law and EU habitats directive:

**The seabed:**

Insufficient survey to adequately describe the seabed habitats and presence, extent and distribution of PMFs. Consequently cannot substantiate conclusion of no adverse effect.

**Other users of the marine environment (including tourism, recreational and leisure activities...):**

There will be a negative impact on the tourism and leisure value of this most isolated and unspoilt coastal area on Arran.

**Sustainability:**

Claims that open cage salmon farming is sustainable are undermined by the findings of the REC and ECCLR committee reports which highlight a range of problems. The salmon farm proposal does not address these known impacts and therefore on many levels cannot be seen as a sustainable development.

**Cumulative impacts**

The cumulative impacts, e.g. in relation to Endrick Water SAC, have not been addressed as required to be addressed in the NAC HRA Appropriate Assessment.