Agenda Item	6.1
Report No	PLN/72/23

## **HIGHLAND COUNCIL**

**Committee:** North Planning Applications Committee

Date: 01 November 2023

Report Title: 23/00061/FUL: Vonin Scotland Ltd

Land 180M SE Of Mowi Scotland Ltd, Feed Mill, Kyleakin

**Report By:** Area Planning Manager North

**Purpose/Executive Summary** 

**Description:** Erection of a cage fish farm net washing, servicing and treatment facility

Ward: 10 - Eilean A' Cheò

**Development category:** Local (Non-EIA)

Reason referred to Committee: 5 or more third-party objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

# Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 This application seeks permission to develop a new facility for the purpose of cleaning and servicing the nets used in fin fish aquaculture. Once operational the site would serve fish farms situated across the aquaculture production zone on the west coast of Scotland. It would be one of a handful of such facilities in Scotland and the first such site in Highland. The development seeks to improve capacity for net repair and cleaning within the sector and compete with other sites by offering a location that reduces transport distance from marine sites, enjoys quayside access and has the capability for handling larger size nets. Once operational the site is anticipated to employ approximately 32 full time equivalent employees.
- 1.2 The development is split across two locations within the Allt Anavig Quarry. The first of these sites is the net washing area located adjacent to the foreshore to the east of the existing feed mill development. Development at this site will comprise
  - Reclamation and infill of two sections of modified foreshore and installation of rock armour
  - 20m x 45m walled storage area for dirty and washed nets with retractable roof cover of dirty net bays, along with two rotary net washers and drum filters.
  - Enclosed effluent treatment system
  - Staff welfare building.
- 1.3 The second portion of the development is connected to the net washing area via the existing site service road and is located towards the southern edge of the quarry site uphill from the net washing area. This area comprises:
  - A large work hall building housing large ceiling mounted rotary winches that suspend the nets from the ground for inspection and repair. This building will also house staff welfare facilities and office space. Building dimensions are approximately 30m wide x 50m long with apex of approximately 13 metres height.
  - A second large work hall building for applying protective coatings to the nets and further drying areas. Building dimensions approximately 37m long x 25m wide with apex of approximately 13 metres height.
  - Biodigester made up of waste disposal units (housed in shipping container modules) located to the rear of the building occupying an area approximately 200m<sup>2</sup>. This would process the organic wastes from the nets and convert them into useful biproducts (gas to heat the development and slurry for use in agriculture).
  - Electrical substation
  - Outside storage area and parking.
- 1.4 The areas of the quarry site in which this proposal would be sited mostly consist of made ground utilising compacted aggregate. The site has an existing, security-controlled access onto the A87 trunk road, an access road from the site entrance to the shore area that would connect the net repair area to the net wash area and an existing quay wall and slipway that would provide an access point for deliveries from sea.

1.4 Pre-Application Consultation: Pre-application advice was sought. An accompanied site visit was undertaken 29<sup>th</sup> September 2022 and advice issued 02 November 2022. Advice was provided on the relevant policy provisions relevant to the development. However, National Planning Framework 4 was subsequently adopted after the issue of this advice. Internal consultation was undertaken with the contaminated land team at this point and advice provided on the necessary supporting information.

# 1.5 Supporting Information:

- Plan drawings.
- A supporting information document detailing site description, operational processes, consideration of environmental impacts and site history and contaminated land assessment.
- Drainage and SUDS layout
- Biodiversity enhancement plan
- Bio-security plan
- Odour Management Plan
- 1.6 Variations: Several iterations of supporting documents and plans have been made, with resultant repeat consultations with relevant consultees. No substantial alterations to the overall design and boundary of the site were required.

## 2. SITE DESCRIPTION

- 2.1 The development site is located within an industrial area within the Allt Anavig Quarry. The proposal would be located in portions of the site which were previously utilised for temporary structures associated with the Mowi feed plant development, consisting of made ground formed from compacted aggregates. The site shares a boundary to the south with the A87 and is shielded from this by mature conifer planting with an approximate height of 10-15 metres. The quarry site is bordered to the east by a gently sloping vegetated hill side which itself eventually borders the A87 again on the approach to the Skye bridge. The north of the site opens out directly onto open water with no landmass immediately opposite and Skye bridge visible further around to the north-east. To the northwest of the site, the feed plant forms a large-scale industrial development with associated quay area, beyond this to the west the operational areas of the quarry are located. The nearest settlement is the village of Kyleakin some 800 metres directly to the east with several other residential or business properties in the intervening area.
- 2.2 The upper portion of the site is at an approximate elevation of about 30m above sea level. It shares a boundary with the A87 but is shielded from view by mature conifer planting. This element of the development would be sited entirely on existing made ground, consisting of compacted quarry aggregates, originally established to accommodate temporary staff accommodation as part of the feed plant development. This top area of site is also the nearest to any neighbours with an approximate distance of 200 metres to the Taste of India restaurant and approximately 350 metres from the nearest residential properties. This area is currently used for storage and parking for the feed plant development
- 2.3 The net washing area would be located in the lower portion of the site. This area is just a few metres above sea level and consists of made ground that sits behind a

modified stretch of coast protected by rock armour. Two small unmodified inlets currently exist in this stretch of rock armour which are proposed to be infilled as part of the development. The net washing site itself would be sited to the east of an existing warehouse building at the foot of the sloped hillside encroaching at its south-eastern point into the bank of the slope. The existing quay and slipway are linked to this area from the west.

# 3. PLANNING HISTORY

3.1	29.09.2011	07/00218/FULSL - Review of conditions on existing mineral permission	Permission Granted
3.2	02.03.2017	16/03869/FUL - The erection of a salmon feed manufacturing plant including an extension to the existing pier	Permission Granted
3.3	14.03.2019	18/04700/FUL - Erection of processing plant staff building	Permission Granted
3.4	-	18/00490/FUL - Amendment to 16/03869/FUL altering building locations and sizes and additional infrastructure	Pending Consideration
3.5	09.04.2020	20/00829/FUL - Erection of warehouse	Permission Granted
3.6	05.11.2020	20/03675/FUL - Erection of Temporary Storage Structure	Permission Granted
3.7	29.01.2021	20/00699/HSC - Hazardous Substance Consent for use and storage of Liquefied Natural Gas (LNG)	Permission Granted
3.8	06.02.2023	22/02947/HSC - Amendment to Bunkering and Road Loading Operations for Hazardous Substance Consent 20/00699/HSC Use and storage of Liquefied Natural Gas (LNG)	Permission Granted
3.9	01.09.2020	20/02513/FUL - Temporary siting of fourteen accommodation units and a water pump unit.	Permission Granted
3.10	13.07.2023	23/02112/FUL - Installation of 910 No. Solar Panels	Permission Granted

# 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 13.03.2023

Representation deadline: 31.03.2023

Timeous representations:

- 4.2 Material considerations raised are summarised as follows:
  - a) Water pollution
  - b) Impact on designated sites
  - c) Odour
  - d) Noise pollution
  - e) Light pollution
  - f) Visual impact
  - g) Flood risk
  - h) Increase in marine traffic
  - i) Potential to encroach on planned Skye cycle way
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

## 5. CONSULTATIONS

# 5.1 **Contaminated Land Team** – No objection

- Records indicate the wider quarry area does have some contaminated land issues. However, these records are all outwith the development area for this proposal.
- The proposed development does not appear to materially change the risk of potential contamination. No conditions are recommended but an advisory should be included noting risk to property value.

# 5.2 Flood Risk Management Team – No objection

- Flood risk to the upper portion of the site is considered low.
- Flood risk to the lower site is currently medium to high due to its proximity to sea level. However, the development is considered a 'water compatible use' and is therefore acceptable to be located as proposed, in line with SEPA's 'Flood Risk and Land Use Vulnerability Guidance'.
- It is noted that the proposed land reclamation plans will raise the site level to close to that required were the development not considered a 'water compatible use'. It is therefore considered flood risk for the lower site is likely low.
- FRMT originally raised a holding objection based on a lack of drainage information and requested a Drainage Information Assessment (DIA).
   Following receipt of information clarifying the drainage arrangement these were deemed acceptable, a full DIA was no longer required, and the holding objection was lifted.

# 5.3 **Environmental Health Team** – no objection

- Raised a holding objection until further information was provided addressing odour and noise impacts associated with the proposal.
- Following receipt of further information holding objection is lifted on basis that appropriate conditions are applied to the permission.

 Noted that amenity impacts from noise or odour cannot be ruled out with certainty.

# 5.4 **Health and Safety Executive** – no objection

- The proposed development site lies within the consultation distance of at least one major hazard site.
- HSE does not advise on safety grounds, against the granting of planning permission in this case.

# 5.6 **SEPA** – No objection

- A holding objection was initially lodged and maintained until sufficient further information was provided pertaining to drainage, effluent treatment the capacity of the facility and that of its component parts.
- Flood Risk: Considered 'water compatible use' and therefore no objection.
- Accepts that waste bio-digestion capacity at the facility appears adequate for stated design capacity of the facility (500 nets per annum) and operational throughput (15 tonnes of organic waste per week).
- The waste bio-digestion process will generate a modest quantity of methane gas which will be stored on site. By virtue of its nature methane gas is a hazardous substance and the development site is already identified as an 'Upper Tier' COMAH establishment due to the storage of significant quantities of Liquefied Natural Gas (LNG). The applicant is advised that a fresh hazardous substances consent application will be required from the Local Authority, and a revised COMAH Safety Report would need to be submitted to the COMAH Competent Authority (HSE & SEPA)
- Accepts the effluent treatment plant capacity appears compatible with expected throughput volumes of water used in washing process. Sufficient contingency capacity is allowed for should rain-water infiltration increase the anticipated volumes required to discharge. Effluent treatment process will be subject to separate approvals by SEPA.

# 5.7 **NatureScot** – no objection subject to inclusion of conditions.

- Initially lodged a holding objection requesting further information regarding vessel management due to possible anchorage effects on priority marine features and biosecurity noted as a point of concern due to the transport of nets from other waterbodies.
- Further clarification from the applicant regarding vessel movements was addressed and a draft bio-security plan was submitted, following which NatureScot advised regarding impacts on designated sites.
- The proposal is close to Inner Hebrides and the Minches Special Area of Conservation (SAC) but is unlikely to have a significant effect on this site or its features.
- The proposal is close to Lochs Duich, Long and Alsh SAC. A likely significant effect cannot be ruled out for this site. Consequently, The Highland Council, as competent authority, is required to carry out an appropriate assessment.
- On the basis of the information provided to date the proposal will not adversely affect the integrity of the site, subject to the condition that development is operated in accordance with an agreed bio-security plan.

- The proposed development has the potential to impact upon Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA), and Loch Carron NC MPA.
- Significant effects can largely be ruled out due to distance between the relevant features and the proposal and any residual risk is further mitigated by adherence to an agreed bio-security plan.
- Further assessment of potential risk from net washing discharge is required but this should be addressed via the SEPA CAR licence process.
- The proposal is not capable of affecting the protected features of Red Rocks and Longay MPA either directly or indirectly.

# 5.8 Transport Scotland - No objection

# 5.9 **Marine Directorate** – Licensing Operations Team – No objection

 Marine elements of development may be subject to marine licensing requirements.

# 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 6.1 National Planning Framework 4 (2023)

- 1 Tackling the climate and nature crises
- 2 Climate, mitigation and adaptation
- 3 Biodiversity
- 4 Natural Places
- 5 Soils
- 9 Brownfield, vacant and derelict land and empty buildings
- 10 Coastal Development
- 12 Zero Waste
- 22 Flood Risk and water management
- 26 Business and industry
- 29 Rural Development

# 6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 30 Physical Constraints
- 36 Development in the Wider Countryside
- 41 Business and Industrial Land
- 42 Previously Used Land
- 49 Coastal Development
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 70 Waste Management Facilities
- 72 Pollution

# 6.2 West Highland and Islands Local Development Plan 2019

KA04: Altanavaig Quarry. Use: Industry.

Developer Requirements: Developments to be compatible with quarry operation as per planning applications 07/00218/FULSL and 12/01638/S42 Development in accordance with planning permission 16/03869/FUL. Alternative proposals must: Not adversely affect the local water supply; Retain and integrate watercourses as natural features within the development; undertake a Flood Risk Assessment to inform layout and design (only low vulnerability uses or operationally essential uses in areas shown to be at risk of flooding, to be accompanied by resilience measures); demonstrate that there would be no adverse effect on the integrity of the Inner Hebrides and the Minches SAC (including during construction as well as any operational activities that arise from development): Demonstrate no adverse impact on Lochs Duich, Long and Alsh MPA; Protect and enhance existing trees and woodland with integration to the green network; Undertake a Protected Species Survey; Ensure wildlife corridors are provided adjacent to the wider countryside; Possibly undertake a Land Contamination Site Investigation; Address active travel links to the village centre; Ensure sensitive siting and design; Possibly produce a Peat Management Plan to demonstrate how impacts on peat have been minimised; Use woodland to help screen and filter views of the development particularly from the A87.

# 6.5 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013) Highland's Statutorily Protected Species (March 2013) Physical Constraints (March 2013) Highland Council Coastal Development Strategy (2010)

## 7. OTHER MATERIAL POLICY CONSIDERATIONS

#### 7.1 National Marine Plan

GEN 8 - Coastal process and flooding.

# 7.2 A Blue Economy Vision for Scotland (2022)

## 8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

# **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

# **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) Visual impact
  - c) Water impacts
  - d) Odour
  - e) Light
  - f) Noise
  - g) Designated sites
  - h) Biodiversity
  - i) Flood risk
  - j) any other material considerations

# Development plan/other planning policy

- 8.4 The development would consist of a facility that is associated with the fin fish aquaculture sector but is itself is not an aquaculture development, as such aquaculture policy of both National Planning Framework 4 (NPF4) and the Highland-wide Local Development Plan (HwLDP) are not considered to apply. Instead NPF4 policy 26 'Business and Industry' and 29 'Rural Development' are considered primary to the consideration of this proposal.
- 8.5 The development is for a business and industrial use and is located within a site allocated for such use as detailed by KA04 within the West Highland and Islands Local Development Plan. This sets out the developer requirements for the site. Of these, several prove relevant to the material considerations associated with the development including flood risk, impact on designated sites and contaminated land. The development is considered to have addressed these requirements satisfactorily and further detailed consideration is addressed in sections 8.11 to 8.24. Further policy support is provided by National Planning Framework 4 (NPF4) policy 26 'Business and Industry' which states, under 26 a), that proposals for business and industry uses on sites allocated for those uses should be supported. 26 e) is of further relevance, requiring that proposals take into account surrounding residential amenity, sensitive uses and the natural environment. As above, it is considered that the proposal has taken these matters into account to a satisfactory degree. NPF4 policy 29 'Rural Development' is also of relevance but broadly mirrors those matters detailed above, providing support to development that contributes to the rural economy but requiring consideration of impacts.
- 8.6 NPF4 policy 10 'Coastal Development' is also of relevance. There is pre-existing development at the site of the proposal, however the area of coastline is categorised as 'undeveloped' within the Highland Council's Coastal Development Strategy (2010). When considering the more up to date Coastal Zone Classifications compiled in 2020 via the Dynamic Coast 2 project the area of coastline is classified as 'less developed'. In recognition of the coastal defences and existing development at the site the area

is considered to constitute an area of 'developed coast' as such policy 10 part a) is taken to apply. This provides support for development in already developed coastal areas but requires that the development is supportable in the long term and does not require additional defences that may have negative knock-on consequences, this mirrors the requirement of the National Marine Policy Gen 8. Part c) and d) of the NPF4 policy 10 require that any hard defences to be maintained in perpetuity are maintained and necessary and that the vulnerability of the area is considered. The works being at a developed site therefore benefit from the support of the policy. The shore side elements being considered 'water compatible' satisfies the consideration required around the vulnerability of the site along with requirements of NPF4 Policy 22 'Flood risk and water management'. The development does propose additional rock armouring; however, this is to infill a section of coast that had already had hard defences installed and is needed to protect and stabilise the area of shoreside development. As such it is considered that this is demonstrably necessary and that there is a negligible risk that this would result in any coastal change impacts occurring.

- As noted within the proposal description the development is sited on vacant areas of Altanavaig Quarry and as such Policy 9 'Brownfield, vacant and derelict land and empty buildings' provides support to the development on this land. This policy also requires that if there are any contamination concerns that this are adequately addressed. Engagement with Council contaminated land team was undertaken along with a risk assessment of the land that has confirmed the land is suitable for use. NPF4 Policy 5 'Soils' seeks to protect and minimise disturbance to carbon rich soils. Development on prime agricultural land will only normally be supported in the cases of essential infrastructure, renewable energy development or in cases linked to a rural or agricultural business need. The data providing mapping of agricultural land and carbon and peatland confirm that neither is present within the footprint of the development.
- 8.8 NPF4 Policy 12 'Zero Waste' applies to development that handle waste and aims to promote development that is consistent with the waste hierarchy. The waste hierarchy placing emphasis on prevention of waste, re-use and recovery. The proposal broadly accords with the waste hierarchy by providing a repair and maintenance function to nets which allows for extended use. The cleaning process results in the removal of marine biota that build up on nets which also form a waste stream. The proposal in this instance proposes to generate heat through anaerobic digestion. Policy 12 requires developments of this kind to demonstrate that the energy can and will be used and that relevant SEPA regulations are complied with. The proposal has done this and is considered to be in accordance with the policy.
- 8.9 NPF4 policy 3 'Biodiversity' aims to reverse biodiversity loss and restore nature networks. As a local development the requirements of 3 c) are of relevance. This requires that proposals include measures to conserve, restore and enhance biodiversity. It is advised that this is carried out in accordance with national and local guidance. However, presently no guidance is yet in place. Nonetheless, the proposal is considered to respond to this requirement through the nature and scale of compensatory planting proposed across the wider site within the biodiversity enhancement plan. Additional emphasis is given through NPF4 policy 1 'Tackling the climate and nature crises', which sets out that significant weight should be given to the dual nature and climate crises in all decision making and NPF4 Policy 2 'Climate

mitigation and adaptation' which requires that development reduce greenhouse gas emissions and are resilient to climate change risks. The proposal directly addresses these matters detailing the benefits it would deliver regarding reduced emissions by reducing road miles for transportation of nets by shifting transport onto the sea and utilising the waste material generated to provide heating for the facility.

8.10 Policy 4 'Natural Places' sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. It also emphasises the need to properly assess proposals for their impact upon designated sites. Policy 4 does not include Marine Protected Areas but this is captured by Highland-wide Local Development Plan policy 57. Several designated sites are considered to be capable of being affected: Lochs Duich, Long and Alsh SAC, Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA) and Loch Carron NC MPA. Policy requirement basically require that impacts on designated sites are appropriately considered via the prescribed assessment processes and that impacts are avoided and mitigated to the best extent possible. Relevant assessments have been undertaken and the proposal is considered to comply with the policy.

## Other material considerations

# 8.11 Visual impact

The acceptable siting, scale and visual impact of the proposal in relation to its setting is a requirement of a number of the policies noted above. Several third-party objections touched on these topics citing concerns over the visibility of these buildings from the Skye Bridge and from forestry tracks above the development on the Skye side of the bridge. The development does not impact upon any landscape designations. The area of the proposed development is categorised as the 'Farmed and settled lowlands - Skye and Lochalsh' within the NatureScot Landscape Character Assessment. However, this doesn't account for the developed nature of this particular site, its pre-existing quarrying and industrial use and zoning for business and industrial purposes. Taking this into account, the development would undoubtedly introduce an element of change as result of the additional buildings and operations, but this change is not considered out of scale or inappropriate for the siting of the proposal. Although elements of the proposal will be visible from Skye bridge, thereby exposing to many receptors, much of the site including the larger warehouse type buildings are screened from view by existing planting. The proposed building design is relatively simple and although large is dwarfed by the existing feed plant. An appropriate finished colour of cladding will be agreed that allows the development to blend with the existing setting. This will be secured via condition.

# 8.12 Light pollution

Potential for impacts on amenity from lighting of the proposal was raised in several third-party objections. It is considered that visual receptors for lighting are limited although shoreside elements of the proposal would be visible from Skye Bridge. However, these elements are proposed to operate 9 to 5 Monday to Friday with the remainder of the site being mostly screened from external view. Supporting information provided alongside the application indicates that the development will be minimised via the use of directional LED downlighters and follow lighting guidance. This is to be secured via a condition proposed by Environmental Health. Furthermore,

it is noted that the larger adjacent feed plant operation operates continuously and is permanently lit (in accordance with an agreed scheme) and as such the degree of change this introduces although capable of acting cumulatively is likely to be negligible.

# 8.13 Noise pollution

Several policy requirements address the need to appropriately consider impacts on residential amenity and the majority of public representations raised concerns over the potential for operational noise to affect nearby residential amenity as did comments from the Environmental Health Team. The supporting information initially provided addressed noise and was updated following the comments noted above. The operation of the site is mostly likely to generate noise via the use of plant and machinery to move nets on site and the net washing drums that clean the nets. The applicant maintains the operation of the site is unlikely to give rise to significant levels of noise and that any noise generated will be adequately attenuated by the distance to any sensitive receptor and the geography and topography of the site, as no receptors are directly across the water from the site with most being at the top or other side of the hill that development is built into. Furthermore, it is considered that the presence of the A87 effectively encircling the site would act as a further 'barrier' to site generated noise. Washing drums in operation have been measured as being 67dBA at 3 metres distance, which is akin to the volume of a busy office space. Washing site activity will be restricted to normal business hours. Considering these factors, the site alone is not considered likely to give rise to noise impacts capable of having an amenity impact on the closest receptors. Noise generating activities could also act cumulatively with the existing feed plant operations. However, where these activities do occur simultaneously the hour of operations of the net washing facility will limit these effects to an acceptable degree.

# 8.14 Odour

As with noise, several policy requirements address the need to appropriately consider impacts on residential amenity and the majority of public representations raised concerns over the potential for odour to affect nearby residential amenity. Similar concerns were raised by the Environmental Health Team who objected until further information had been provided. The odour risk for the development relates to the nets prior to the net washing process. Prior to being cleaned the nets are likely to have a build-up of seaweed and crustacea on them and this may start to breakdown and decay. Concerns centred on the potential for these 'dirty nets' that had been transported to the site, to then give off unpleasant odours prior to them being subjected to the washing process. The applicant prepared an Odour Assessment and Management Plan document. At the request of Environmental Health, this considered odour impacts from equivalent facilities elsewhere in the country, the context of this particular site and any actions or operational practices in place to provide mitigation.

8.15 Three other similar facilities exist in Scotland. Two of these are similar sites to the proposed, in that they are coastal with access for delivery by sea and have a similar operational capacity, if perhaps slightly smaller. At both of these sites residential receptors are in closer proximity, down wind and with fewer natural barriers. Having consulted with the Environmental Health Teams from the relevant local authorities, neither site had any record of odour issues. The third site is a larger facility, offering approximately double the capacity and is situated well inland within a town centre with

numerous residential receptors in close proximity and only road access. This site has had a history of odour issues that appear to be ongoing. The assessment of the site at Kyleakin identifies that whilst residential receptors are within a range that may potentially be affected, the site benefits from natural topography that separates the development from likely receptors and prevailing winds that blow away from the nearest receptors. Furthermore, the applicant is able to point towards operational procedures that would help to mitigate any risk. These include

- i) an emphasis on delivery by sea with nets arriving to the site directly from fallowed marine sites, thereby providing less time for biological material to decay,
- ii) enclosure of nets although not fully enclosed, nets would be stored in walled storage bays with retractable covers that would help limit the spread of odour
- iii) washing throughput of nets with dirty nets not expected to be stored on site any more than a one week period.
- 8.16 In consideration of the factors laid out above it is considered that facility could cause amenity impacts from odour, however, the likelihood of this occurring is low. Upon further consultation advice from Environmental Health, conditions 3 and 4 are proposed that would provide further mitigation against this residual risk and a mechanism by which appropriate measures are secured along with a commitment to keep these under review in response to any issues. It is therefore considered that the amenity impacts associated with odour have been addressed satisfactorily.

# 8.17 <u>Impact on designated sites</u>

The terrestrial elements of the development are not located within any designated sites but are directly adjacent to several marine designated sites. These include Lochs Duich, Long and Alsh Special Area of Conservation (SAC), Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA) and Loch Carron NC MPA. The proposal does intersect with the marine area via it's land reclamation elements, its marine outfall that would discharge effluent water to sea following its use in the net washing process and its operational activities i.e. boats delivering nets to site. NatureScot advice indicated that the proposal would be capable of affecting features of these sites, with particular risks around biogenic reefs, flame shell and maerl beds. The biogenic reef features of the SAC are considered to be at a lesser degree of risk due to the distance between the site and the nearest known features (~2km). A record of the Habitats Regulation Appraisal is attached at appendix b and concludes no adverse effect on site integrity.

- 8.18 The risk posed to the two marine protected areas is greater due to the proximity of their features to the development, with flame shell beds the nearest at approximately 200m distance. Impacts from vessel movements were established as not a concern based on the relatively infrequent delivery schedules (~ two per week) and low likelihood of needing to anchor in the area. Similarly impacts from land reclamation are not considered to be of significant concern with any potential impact, e.g., siltation, being of low significance and temporary in nature.
- 8.19 The introduction of non-native invasive species via the transportation of dirty nets from other waterbodies was identified as a more substantial risk by NatureScot. As a result, the applicant has prepared a draft bio-security plan. This plan is subject to further advice from NatureScot and will likely be revised. However, NatureScot have

indicated that they are satisfied that it be secured as a pre-commencement condition. The agreed bio-security plan would then be adhered to during the operation of the facility.

8.20 The last potential hazard the development poses to these site is via the discharges of effluent water that may contain harmful compounds. SEPA advice indicates that the design of these washing facilities and effluent treatment elements of the development are deemed adequate for the scale and type of development. However, the specifics of impacts associated with discharges will be regulated separately via a SEPA CAR licence. Taking the above into consideration it is considered that impacts upon designated sites have been adequately addressed and appear acceptable, in accordance with statutory nature conservation body advice.

# 8.21 Water pollution

Several public representations made reference to the potential for water pollution impacts more generally and it's potential to have knock on consequences for other environment dependent activities such as fishing or tourism. This included the potential risk for the development to result in the discharge of plastics to the marine environment. SEPA did issue holding objections until further information was provided regarding the effluent treatment process and capacity but this has since been deemed acceptable. As indicated above the specifics around discharges are regulated separately via the SEPA CAR licence process which the applicant is progressing in parallel. The applicant has not specifically addressed the issue of plastics in their supporting information but has provided details of the filtration process that would remove all particulate matter larger than 20 microns. This does mean that microplastics smaller than this may be discharged to sea. Whilst this impact is not desirable it must be viewed in the context that almost all types developments will give rise to micro-plastics to a greater or lesser extent through their operational life. It is also understood that the nets themselves already spend their operational life in the sea where they are subject to use, in-situ cleaning and general degradation. The purpose of the facility is to enable the re-use and maintenance of these nets resulting in longer more sustained use of materials and less waste generated overall. Taking the above points into consideration and the mitigation proposed in the form of filtration, it is not considered that impacts from water pollution will be of a magnitude capable of having wider implications for tourism or fishing activity. Where residual impacts may occur i.e. micro-plastic wastes these have been mitigated to the most practicable degree.

# 8.22 Flood risk

Several third-party comments raised concerns with regards to flood risk. However only those aspects of the development considered as falling with SEPA guidelines for 'water compatible' uses are located within the area vulnerable to coastal flooding. The council flood risk management team and SEPA both deem the proposal acceptable in this regard and the proposal is deemed as in accordance with relevant policy.

# 8.23 Increase in marine traffic

Third party comments raised concerns regarding the potential for increased vessel traffic. Whilst the facility will result in additional vessels accessing the slip and quay. These are anticipated at approximately 1-2 vessels per week and likely within the normal business hours that the facility will operate to. In the context of existing

operations at this site this is not considered a significant departure or increase. As detailed above conditions are proposed to deal with amenity impacts and as such any increase from increased vessel traffic are deemed acceptable.

# 8.24 Skye cycle way

Third party comments raised concerns over the potential for the development to block the route of the planned Skye cycle way, a project that has permissions in place to establish a cycle lane along the A87. The planned route of the cycle way is on the northern side of the A87, immediately bordering the development site. However, plan drawings submitted for the net washing facility proposal do not indicate that it would intersect with the permitted cycle route. The site of the proposal is contained within the quarry area which is fenced off and it is anticipated that this would remain as a hard boundary between the development site and the cycle route which existing planting and vegetation maintained.

# 8.25 Non-material considerations

8.26 Several third-party comments made reference to or raised concerns regarding the operation of the feed plant building that is situated alongside this proposed development. In particular, odour issues arising from its operation. These matters do not relate to the operation of the net washing facility proposal. Nor are they representative of the potential impacts associated with the development given the difference in processes and materials involved as well as the size, and scale of the feed plant along with the height of its chimney stack.

# 8.27 Matters to be secured by Section 75 Agreement

None

## 9. CONCLUSION

- 9.1 The proposal receives strong policy support as it seeks to establish a new business and industrial facility which would generate investment and employment within the Highland area and seeks to respond to existing demand within an established and growing blue economy sector. In doing this it would have positive contribution to associated emissions within the sector by reducing road miles and shifting transport onto the sea. The facility will respond positively to the requirements of the waste hierarchy by improving re-use and utilising waste generated as a biproduct.
- 9.2 The proposal is appropriately sited within an area allocated for such uses. However, it may give rise to several potential impacts, notably with regards to amenity and biodiversity. Whilst there isn't certainty around the potential for impacts to occur or the severity should they occur. It is considered that these impacts have been adequately considered and mitigated such that the proposal accords with policy requirements in this respect. Furthermore, it is considered that the application of appropriate conditions will provide adequate protections and flexibility to respond to any operational impacts of the development.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained

within the Development Plan and is acceptable in terms of all other applicable material considerations.

#### 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

# 26 Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

# Subject to the above actions, it is recommended to

**GRANT** the application subject to the following conditions and reasons

1. Prior to the development commencing, the applicant shall submit, for the written approval of the planning authority, details of a dust mitigation scheme designed to protect neighbouring properties from dust arising during the construction phase.

Thereafter the development shall progress in accordance with the approved dust suppression scheme and all approved mitigation measures shall be in place prior to the commencement of operations or as otherwise may be agreed in writing by the Planning Authority.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

 No external cladding material shall be installed on the main net servicing buildings, until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details. **Reason:** In the interests of visual amenity, to ensure the development blends with the existing setting of the site and to enable the planning authority to consider the visual impact of the development in detail.

3. Prior to the first operation of the facility, a revised biosecurity plan shall be submitted to and approved in writing by the planning authority in consultation with NatureScot. Once approved the biosecurity plan must be adhered to for the duration of the operation of the development.

**Reason**: In order to mitigate the risk of spreading invasive non-native species and to protect the features of nearby Nature Conservation Marine Protected Areas.

4. No operation of the site shall take place until the dirty net storage bays have been fitted with retractable covers as shown on approved plan drawing 'wash area - Sections A-A|B-B'. During the operation of the facility, no dirty nets delivered to the site and awaiting cleaning, shall be stored anywhere on the site other than within the dirty net storage bays identified on plan drawing 'wash area site plan'. Dirty nets stored in these bays must not exceed the functional height of the retractable covers.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

- 5. Prior to the first operation of the facility, a revised odour management plan (OMP) shall be submitted to and approved in writing by the planning authority in consultation with the Highland Council Environmental Health Team. The OMP shall include a commitment to ensuring that no odour impacts associated with the operation of the site (particularly the delivery, storage, and movement of dirty nets prior to cleaning) shall occur beyond the boundary of the application site. The plan must also include the following steps;
  - i. Details of a regular odour monitoring and record keeping protocol to be undertaken to support the above commitment.
  - ii. Details of staff training in the assessment of odours using field assessment techniques.
  - iii. Details of measures and procedures to be taken to mitigate odour impacts should any be identified beyond the boundary of the application site through (i) above or from third party complaint/reporting.
  - iv. A commitment to review, amend and improve the OMP and its odour monitoring and containment measures if directed to do so by the planning authority and as informed by compliance with (iii) above

The approved OMP shall be adhered to for the duration of the operation of the development.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

6. Should any complaints be received in respect of noise levels, the developer, if requested by the Planning Authority to establish noise levels at any affected property, shall fully investigate these complaints and undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Planning Authority and which shall be carried out in accordance with BS7445:2003, BS4142:2014 and PAN 1:2011.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

7. Should any noise monitoring undertaken in accordance with condition 5 above demonstrate that the noise thresholds are being exceeded, the developer shall submit a scheme of mitigating measures to the Planning Authority for written agreement within one month of the breach being identified. The agreed mitigating measures shall be implemented within one month of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

8. Any operations on the site (excluding the construction phase of the development) for which noise is audible at the boundary of the application site shall, throughout the life of the development, only take place between the hours of 0700 and 2100, Monday through Saturday, and shall not take place at all on Sundays.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

9. Following the commencement of operation of the development, biodiversity enhancement measures shall be implemented in accordance with the submitted biodiversity enhancement plan, or in accordance with an amended biodiversity enhancement plan that is agreed in writing with Highland Council.

**Reason**: To restore and enhance biodiversity on the site.

10. The external lighting system shall be designed and installed in accordance with the best practice contained in the Institute of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light.

**Reason**: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

#### REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

# TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **INFORMATIVES**

# **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

# The Control of Major Accident Hazards Regulations 2015 ('COMAH')

The proposal includes the generation and storage of biomethane. Whilst the volumes produced and stored are modest, it is also by nature a 'dangerous substance' and specifically a 'P2 flammable gas' under The Control of Major Accident Hazards Regulations 2015 ('COMAH'). The wider development site is an existing 'Upper Tier' COMAH establishment by virtue of the significant quantity of Liquefied Natural Gas (LNG) stored on the premises. The additional storage of a new flammable substance on site means that, a fresh Hazardous Substances Consent application would be required to be submitted by the applicant to the Local Authority, and a revised COMAH Safety Report would need to be submitted to the COMAH Competent Authority (HSE & SEPA)

# Trade Effluent Discharges

The applicant will require a complex licence for the trade effluent from the new net washing process. The complex licence for the trade effluent will need marine modelling in line with WATSG-11 to ensure any discharge will achieve an initial dilution of 50x, to ensure no aesthetic impact, and ensure any chemical use including any detergents/disinfectants used in the net cleaning process and the zinc based antifoulant can meet any applicable standards at the edge of a 100m mixing zone. It is also worth noting existing large discharges within the vicinity and modelling may have to consider the cumulative impact of multiple discharges.

## Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

## **Contaminated Land**

There is the potential for contamination at this site due to its former use as a Gravel Pit/Quarry. Prior investigation reports and the proposed development design would not appear to materially change the risk of potential contamination at the site therefore an investigation is not required. All sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990 and may require investigation in the future. Land contamination issues may also affect property value. Should you wish to discuss potential contamination issues please contact Community Services -, Contaminated Land for advice.

# **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

This proposed development will be fed from Kyle of Lochalsh Water Treatment Works. Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via their <u>Customer Portal</u> or contact Development Operations.

# Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

# **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional

specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads\_and\_pavements/101/permits\_for\_work ing\_on\_public\_roads/2

## Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

# **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

# Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot:

# https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Signature: Jethro Watson

Designation: Area Planning Manager North

Author: Jethro Watson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 2917672-DRAWING-TOPOGRAPHIC PLAN

Plan 2 - 2951361-DRAWING-SECTION PLAN

Plan 3 - 2964502-AMENDED DRAWING-LOCATION PLAN

Plan 4 - 3063637-AMENDED DRAWING-SITE LAYOUT PLAN

Plan 5 - 3063640-AMENDED DRAWING-FLOOR PLANS

Plan 6 - 3063646-AMENDED DRAWING-SECTION PLAN

Plan 7 - 3063653-AMENDED DRAWING-SECTION PLAN

Plan 8 - 3063658-AMENDED DRAWING-ELEVATION PLAN

Plan 9 - 3063661-AMENDED DRAWING-SITE LAYOUT PLAN

Plan 10 - 3063670-AMENDED DRAWING-SECTION PLAN - STEEL

FRAM

Plan 11 - 3063672-AMENDED DRAWING-FLOOR PLAN

Plan 12 - 3063673-AMENDED DRAWING-SECTION PLAN

Plan 13 - 3063674-DRAWING-ELEVATIONS

Plan 14 - 3063676-DRAWING-ELEVATIONS

Plan 15 - 3063679-DRAWING-SECTION PLAN

Plan 16 - 3063680-DRAWING-SECTION PLAN

Plan 17 - 3063685-DRAWING-SITE LAYOUT PLAN

Plan 18 - 3063686-DRAWING-SECTION PLAN

Plan 19 - 3063688-DRAWING-FLOOR ELEVATION PLAN

## Appendix B – Habitats Appraisal

The status of European protected sites such as SACs and SPAs, under the EC Directive 92/43/EEC, the 'Habitats Directive', means that the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), also known as the 'Habitats Regulations', apply.

Under the Habitat Regulations, The Highland Council, as a competent authority in the planning system, must consider whether any planning proposal, prior notification for permitted development rights or plan (e.g. Local Development Plan) will have a 'likely significant effect' on a European site. If so, they must carry out an 'appropriate assessment'. The council must also seek advice from NatureScot and have regard to their representations during the HRA process.

The Highland Council must not authorise a plan or grant a planning application unless it can show beyond reasonable scientific doubt – using appropriate assessment – that the plan or planning proposal will not adversely affect the integrity of a European site.

Date: 28/08/2023 Author: Jethro Watson

## A. EUROPEAN SITE DETAILS

# Name of European Site(\s) potentially affected:

- 1. Inner Hebrides and the Minches SAC
- 2. Lochs Duich, Long and Alsh SAC

## Qualifying interest(s) at the site:

This information can be obtained from NatureScot (SNH) site link website - <a href="https://sitelink.nature.scot/map">https://sitelink.nature.scot/map</a>

## Inner Hebrides and the Minches SAC

1. Harbour porpoise (Phocoena phocoena)

# Lochs Duich, Long and Alsh SAC

2. Reefs

## Conservation objectives at the site:

This information can be obtained from NatureScot (SNH) site link website - <a href="https://sitelink.nature.scot/map">https://sitelink.nature.scot/map</a>

The Conservation Objectives for each site can be accessed via SiteLink

#### **B. PROPOSAL DETAILS**

## **Planning Application Reference:**

23/00061/FUL

## **Proposal Name:**

Erection of a fish farm net washing, servicing and treatment facility

#### Location:

Mowi Fish Feed Plant, Kyleakin, Isle of Skye

## **Description of proposal:**

The construction and subsequent operation of a cage fish farm net washing, servicing and treatment facility. The net servicing, treatment and waste disposal elements of the development are all fully enclosed and are locate to the south of the development site at the top of the hill. The net washing facility and area for delivery by sea is located on the shoreside on the northern extent of the site. These elements are open and include discharges to the marine environment. The net-washing element of the development involves land reclamation. However this does not include any impact piling or blasting.

# Is the proposal directly connected with or necessary to site management for conservation?

No

- If **YES** for all elements of the proposal, for all qualifying interests, then consent can be issued. Rationale should be detailed below and no further appraisal is required.
- If **NO** for all qualifying interests, then continue the appraisal.
- If the proposal has elements which are not connected to site management for conservation these elements should be appraised.

#### C. NatureScot Advice

While the responsibility to carry out the HRA Screening and Appropriate Assessment rests with the Council, NatureScot (previously SNH) provides an advisory role to help determine whether an Appropriate Assessment is needed and what needs to be included in the assessment. As part of the the HRA the council must consult with NatureScot and take consideration of their advice. This requirement is outlined in regulation 48 (3) of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (The 'Habitats Regulations').

This advice is usually provided as part of NatureScot's formal consultation response for a planning application and will be detailed within the section of the relevant to designated European site.

#### Outline relevant advice from NatureScot received 28/08/2023:

In our view, this proposal is unlikely to have a significant effect on harbour porpoise within Inner Hebrides and the Minches SAC. This is because:

- The land reclamation will involve placing rock armour on the intertidal and back filling with
- locally quarried material. No work will be carried out from the sea. No piling or blasting is proposed. Therefore significant disturbance is unlikely.
- The predicted increase in boat traffic is not significant in the context of existing boat movements in the area.
- Effluent discharges will be controlled via CAR.

Our advice is that this proposal is likely to have a significant effect on reefs within Lochs Duich, Long and Alsh SAC. Consequently, The Highland Council, 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 on the basis of the information provided to date, and if the proposal is carried out strictly in accordance with an approved biosecurity plan (covering the aspects detailed in annex A), 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:

- The marine works are approximately 550m from the boundary of the SAC. The nearest parts of the SAC support bedrock and boulder reef. Biogenic reefs (horse mussel beds) are located around 2km from the development. Incoming tide would take water towards the SAC (albeit that speed of flow is low close to the shore)
- The transport of fouled fish farm nets from all over the country presents a significant risk of transportation of marine Invasive Non-Native Species (mINNS). Without effective biosecurity measures such species could be transferred into the marine environment and become established in the area, competing with and otherwise impacting on the characteristic reef species. However, a biosecurity plan has been developed and we consider that, with some amendments and additions (as detailed in Annex A), this plan would mitigate the risks to acceptably low levels.
- The proposed land reclamation would utilize locally sourced rock and aggregate. Use of geotextile will reduce loss of fines. While some release of sediment is possible, this would be likely to settle out or disperse before it reaches the SAC. In our view there are unlikely to be significant effects.
- There is currently insufficient information to fully assess the pollution risk from the net washing process. However effluent discharges will be subject to HRA as part of the CAR process and discharges would be controlled by SEPA via a CAR licence.
- Pollution risk during land reclamation (e.g. fuel spillage) would be minimised by standard best practice which would be controlled by Marine Scotland via the Marine Licence. This is unlikely to be a significant risk to the SAC.

You may wish to carry out further appraisal before completing your assessment.

#### D. SCREENING

## PROPOSALS) LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE SITE?

## Inner Hebrides and the Minches SAC

The proposal is occurring immediately adjacent to and partially overlapping with the site. It has 3 key sources/ pathways for impact upon on the marine SAC. These are, disturbance associated with underwater noise occurring as a result of either (a) land reclamation or (b) vessel movements as well as the potential for effluent discharges associated with the net washing activities. The details of the development indicate that none of these potential impacts are capable of causing a likely significant effect either alone or in combination with other developments.

# Lochs Duich, Long and Alsh SAC

The proposal is occurring ~550m from the site boundary. NS advice indicates this area of the site supports bedrock and boulder reef habitat rather than biogenic reefs which hare understood to be ~2km from the proposed development.

The key risk in relation to impacting the site is the potential for introduction of Invasive Non-Native Species as a result of transporting fouled nets from other waterbodies to this location. This impact is considered capable of resulting in a likely significant effect alone, without suitable mitigation applied.

Discharge from the net washing process are also considered capable interacting with or affecting the features of the site, however inbuilt design based mitigation reduces the volume of effluent discharge substantially and it is considered likely that this not of substantial concern for the features of the this site given the volumes of discharge and distance to features with sensitivity. No LSE is concluded. Detailed consideration and assessment of effluent discharge will be further examined under the SEPA regulatory process.

Pollution risk from the construction works have potential to impact the site also but this risk is considered satisfactorily addressed via standard construction best practice and as such no LSE is concluded.

Therefore, the project will be carried forward to appropriate assessment stage for consideration of the pressure feature interaction between INNS and the reefs feature.

## **E.** Appropriate Assessment

The appropriate assessment consists of two parts: a scientific, reasoned appraisal and a conclusion. Consider the proposed project, its impact on the qualifying interests assessed against their conservation objectives.

For each qualifying interest effected evaluate potential impacts of proposal detailing which aspects of the proposal are involved, the duration and size of the impact, and the overall effect on sites conservation objectives. Sufficient detail should be included to conclude the proposal will not adversely affect site integrity. This conclusion should be reached beyond scientific doubt.

Advice contained within Planning Circular 6/1995 stipulates that the assessment can be based on information submitted from other agencies e.g. NatureScot and the applicant.

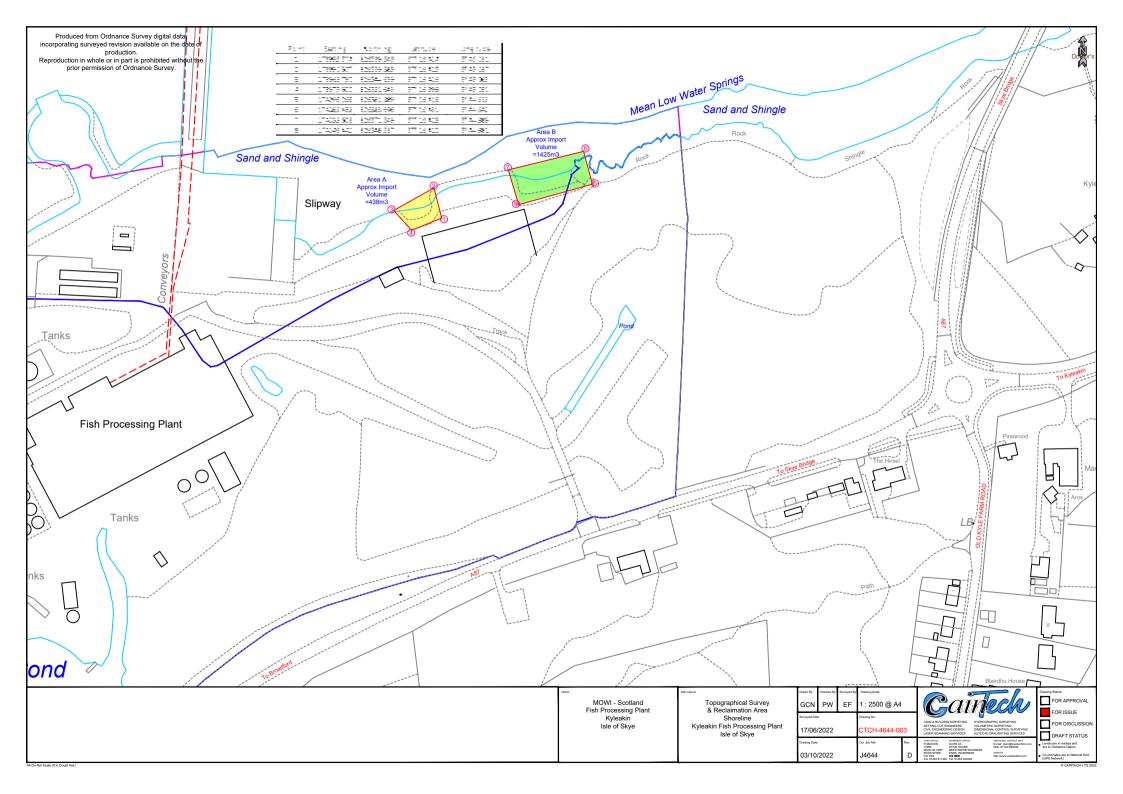
The council can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites (AESI). If this is not the case, and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature (please see seek further guidance if this is the case).

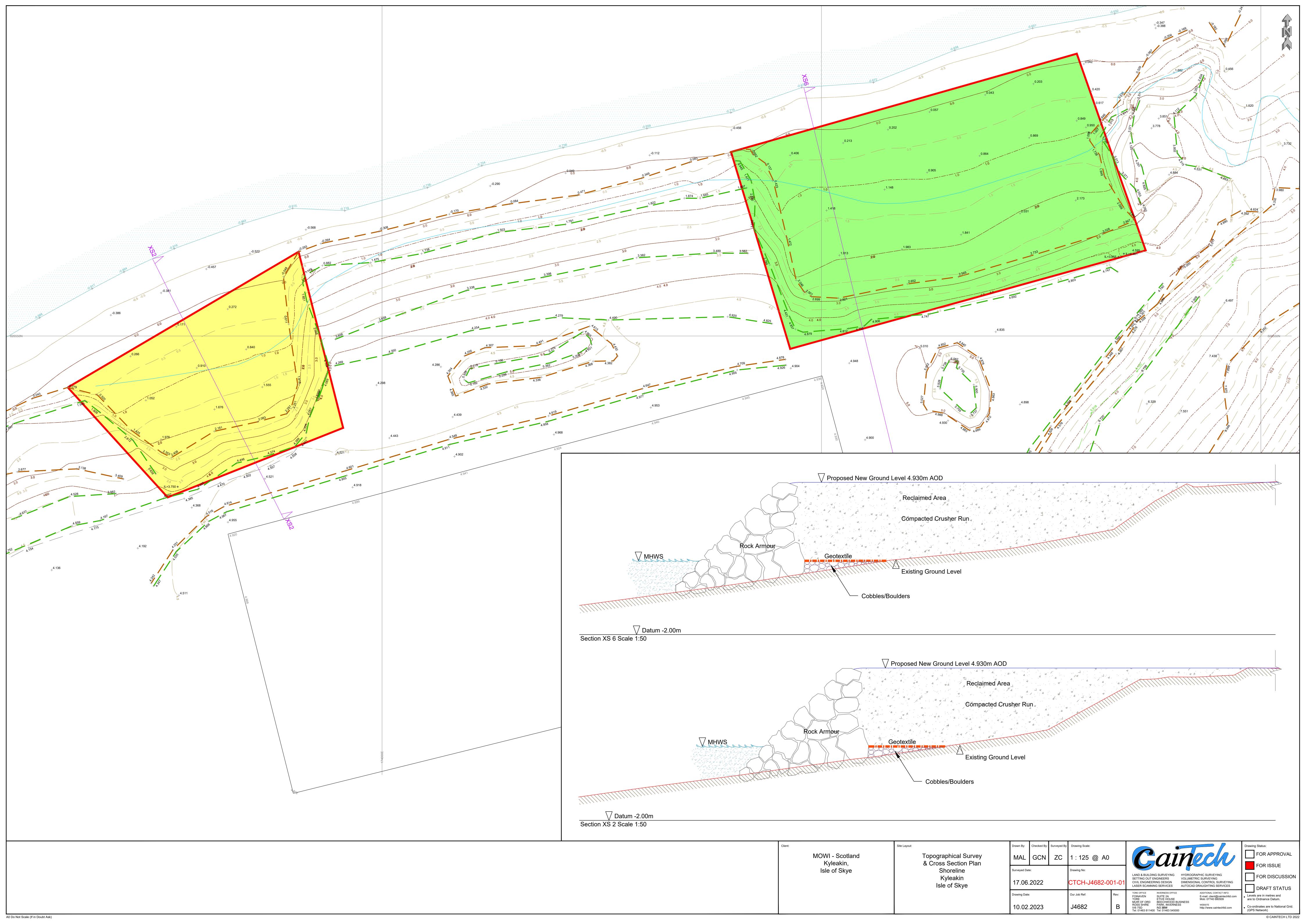
Undertake an Appropriate Assessment of the implications for the site in view of its conversation objectives:

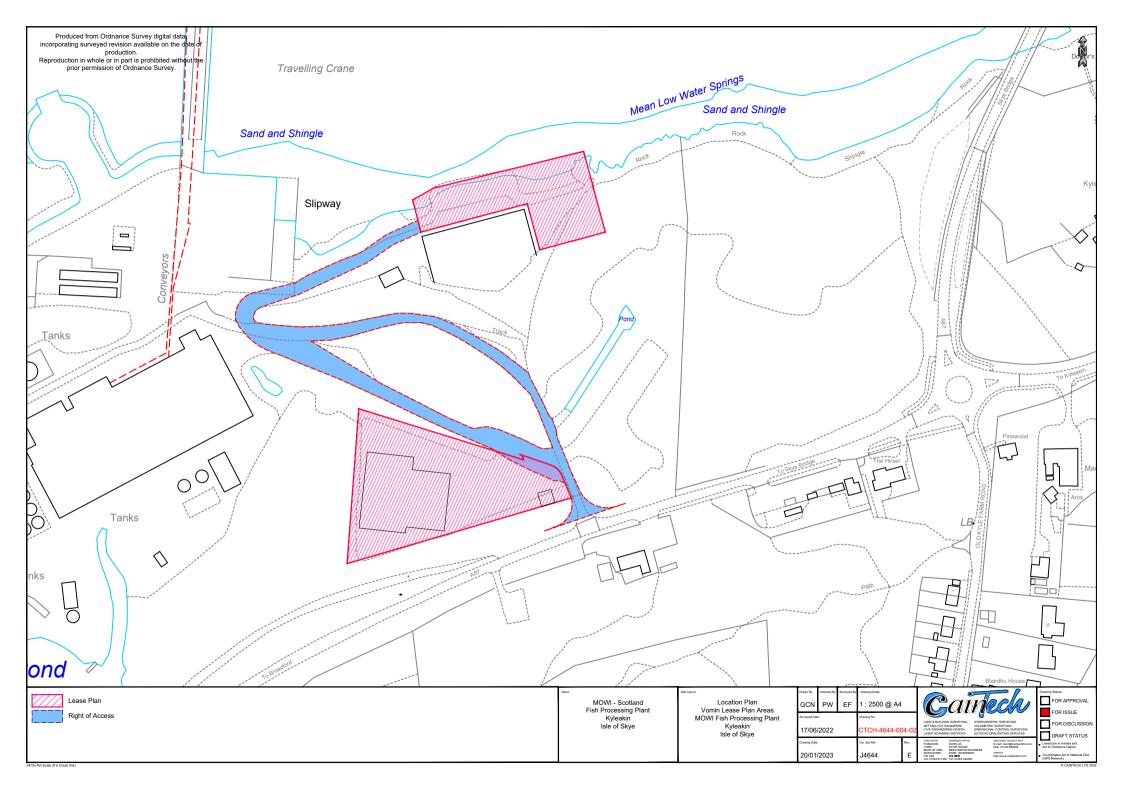
NatureScot advice indicates the operational activities associated with the development (delivery of fouled nets to site from other water bodies) presents a risk of non-native invasive species being introduced. Their advice indicates the main risk posed would be via competition impacting upon the characteristic reef species. They have advised that a bio-security plan be prepared for the site to mitigate impacts upon features of this site\*. Their advice also indicates that the reef features at closest proximity to the site are some ~550m distance and are non-biogenic, with biogenic reefs some ~2km form the site. So whilst a pathway exists the distance itself acts as some mitigation. This factor combined with suitable mitigation in the form of an agreed biosecurity plan that is adhered to is deemed sufficient to secure conclusion of no adverse effect on site integrity alone.

The site itself would be operating from the same industrial use pier that has other users regularly accessing the area with vessels from other waterbodies. Therefore, additional and operational use including the specific risk profile of the proposed activity does represent an in-combination risk also. However, it is considered that the mitigation proposed (biosecurity plan) again provides adequate protection and enables a conclusion of no adverse effect on site integrity in combination with other projects.

<sup>\*</sup>This is required in relation to the MPA features also not considered under this assessment.





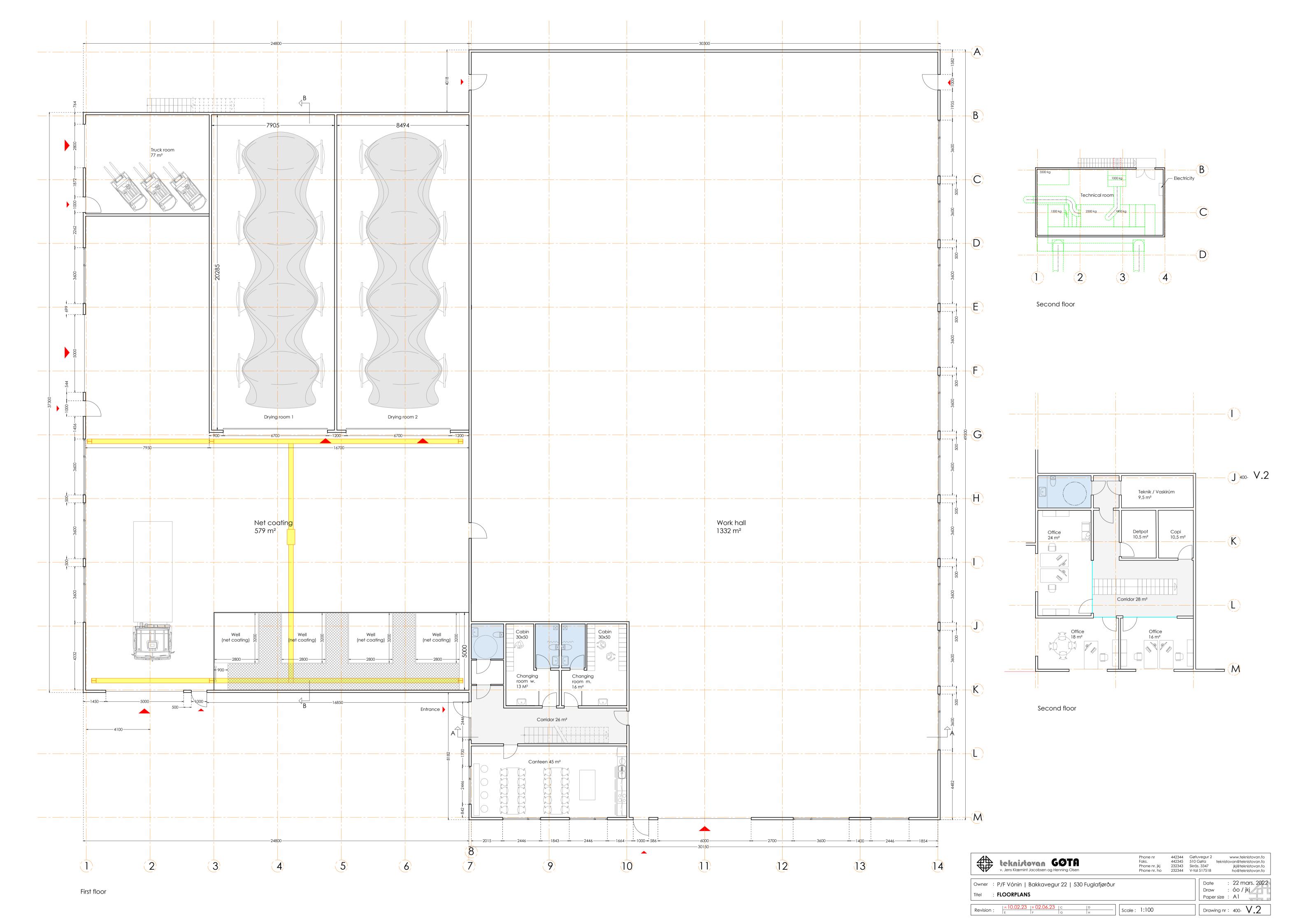


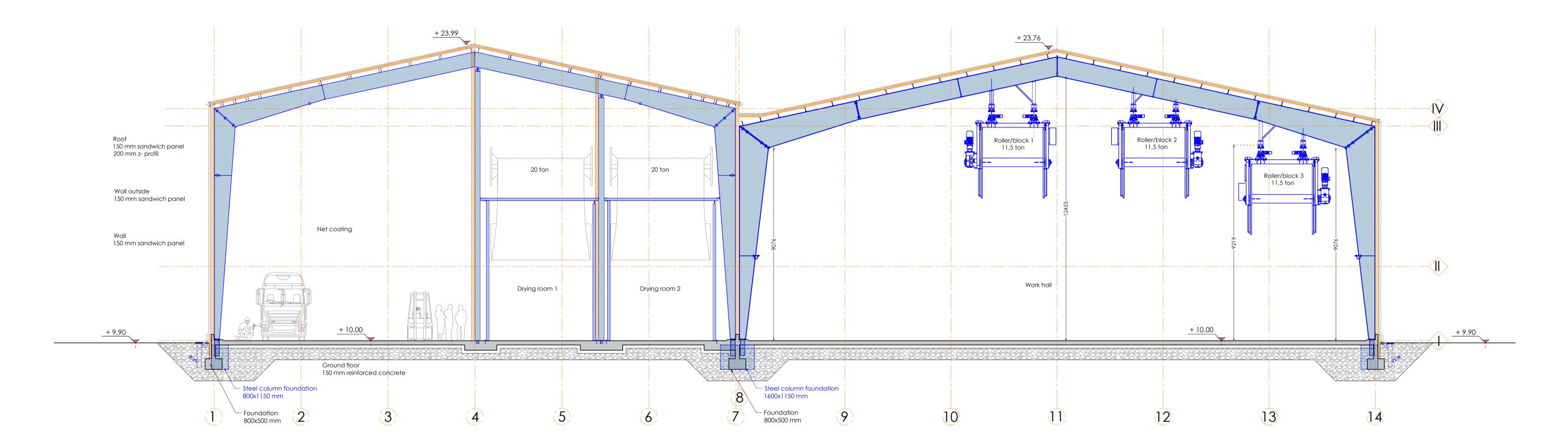


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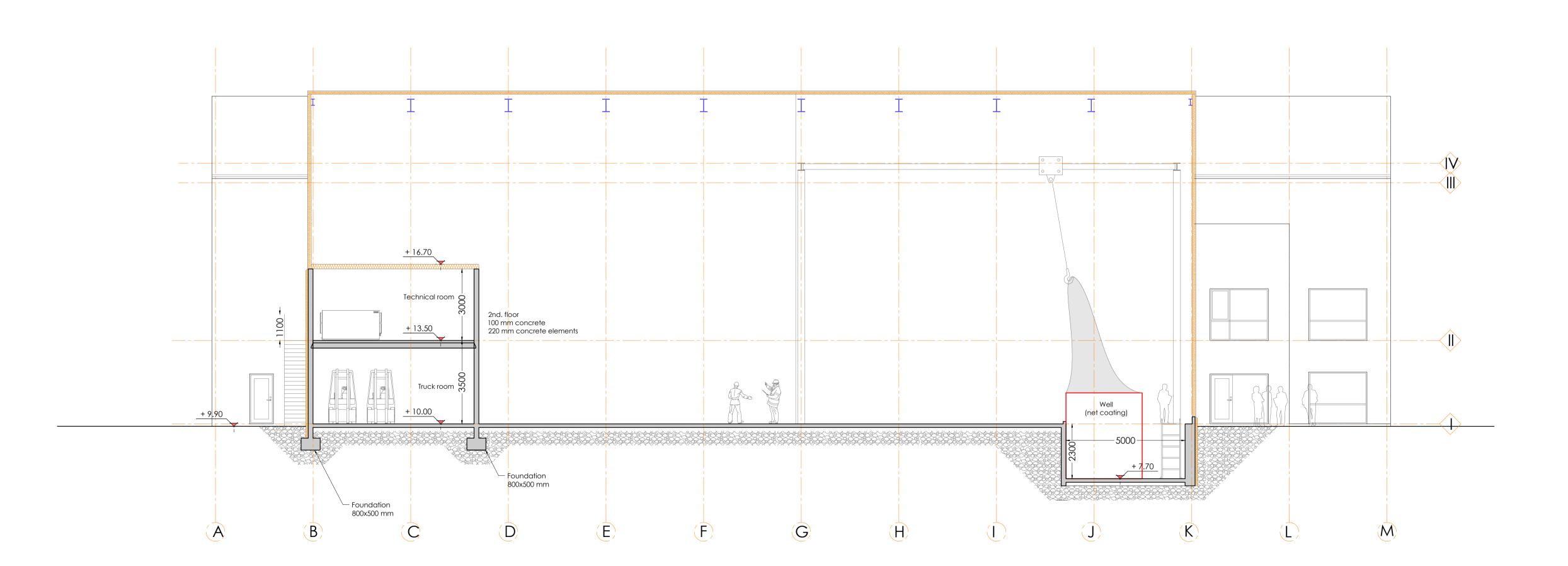
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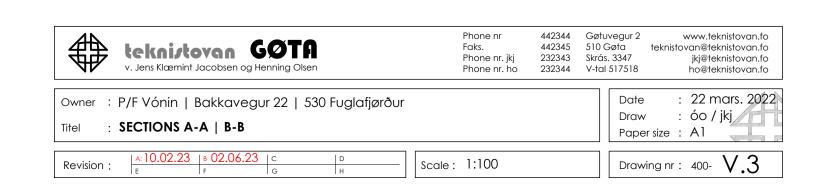




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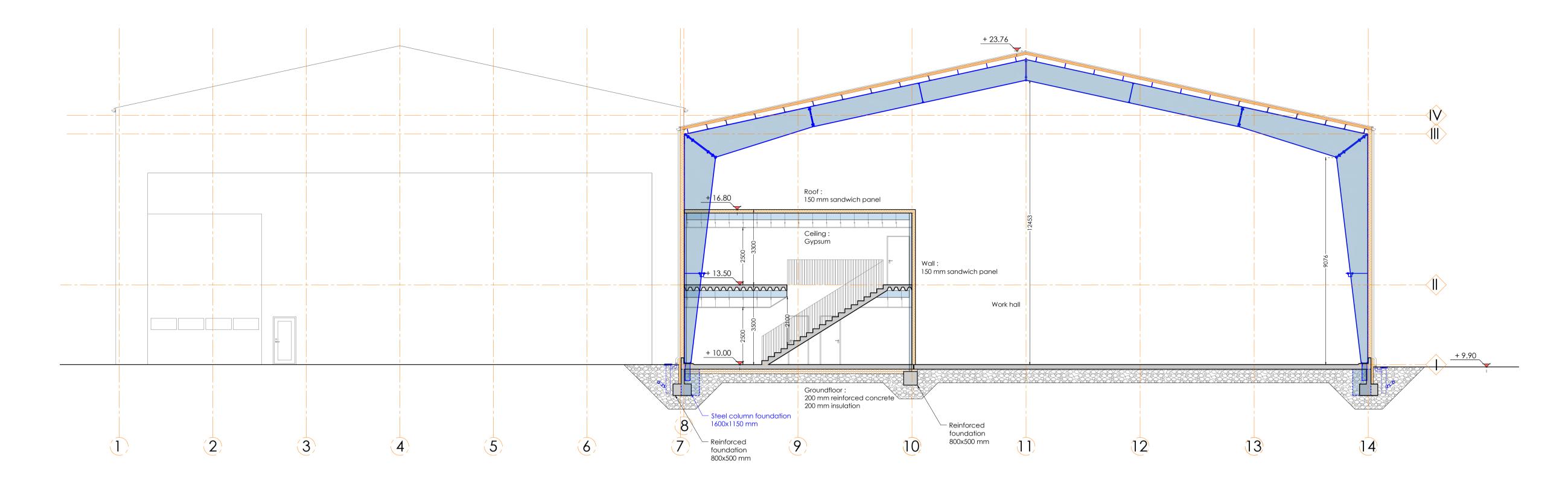


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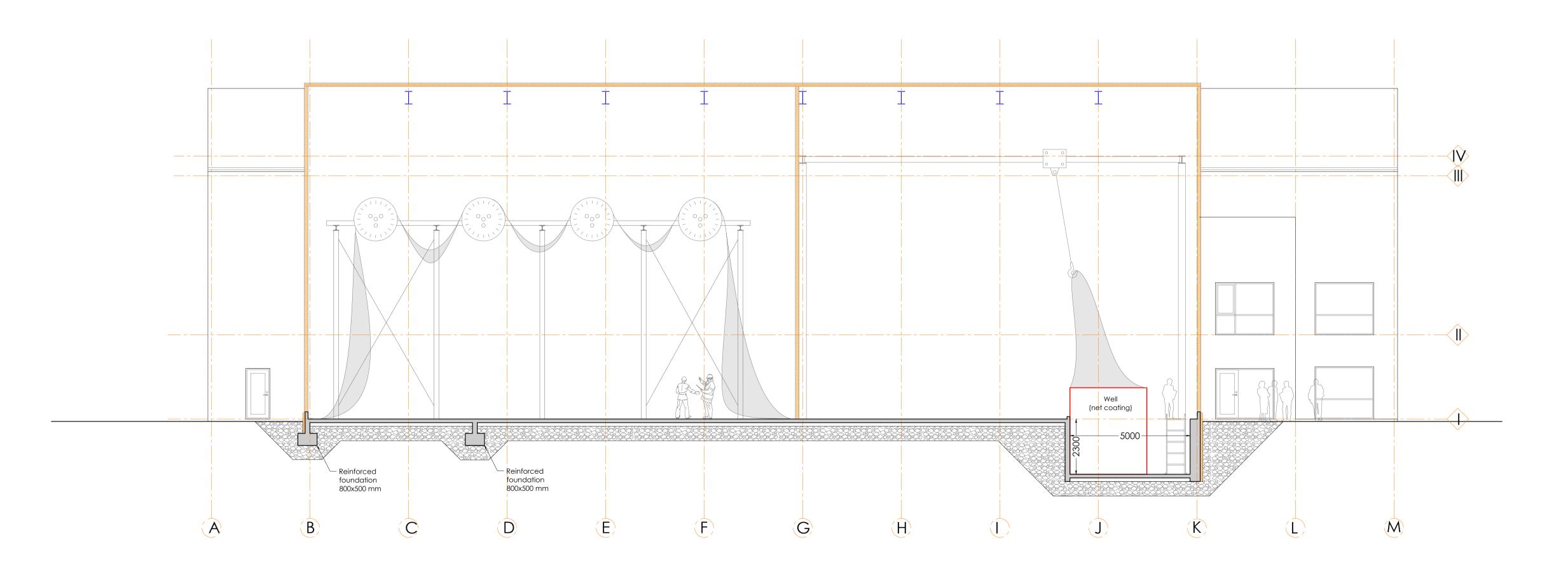


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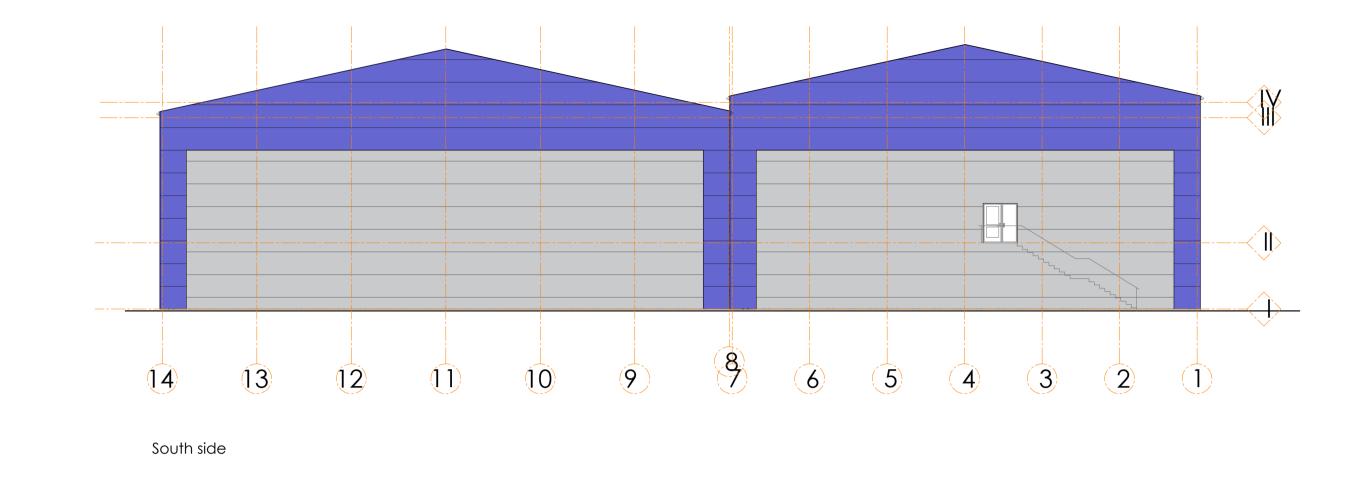
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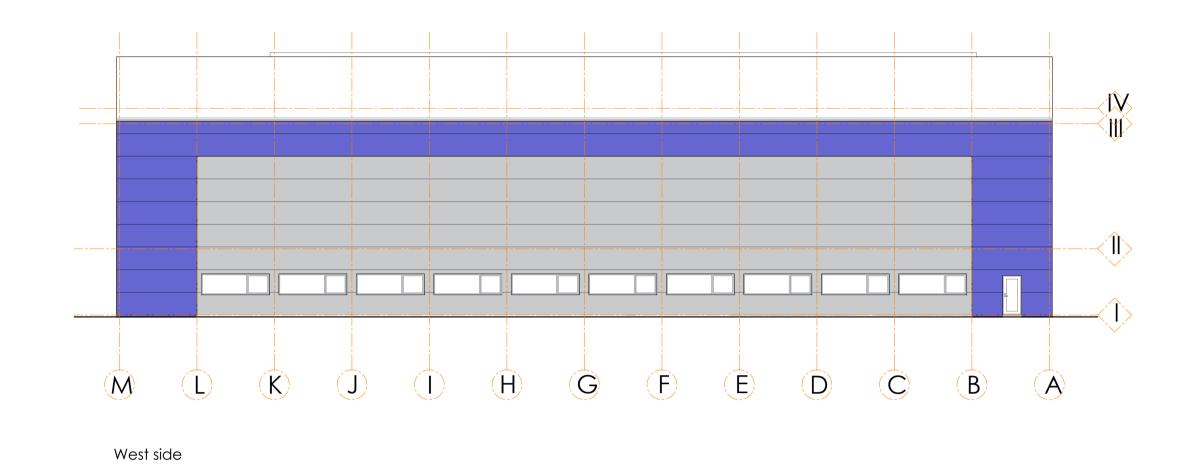


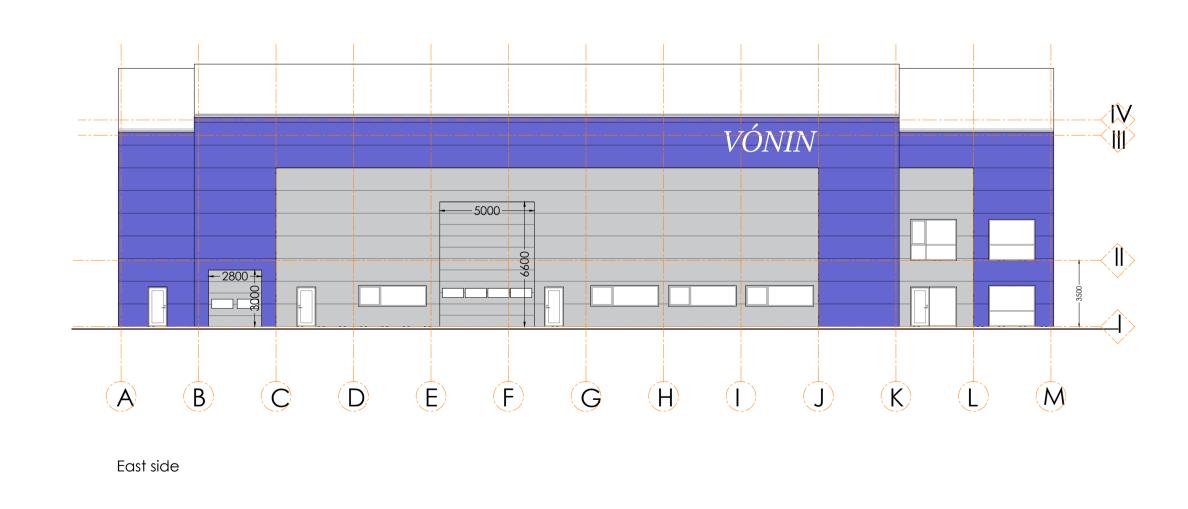
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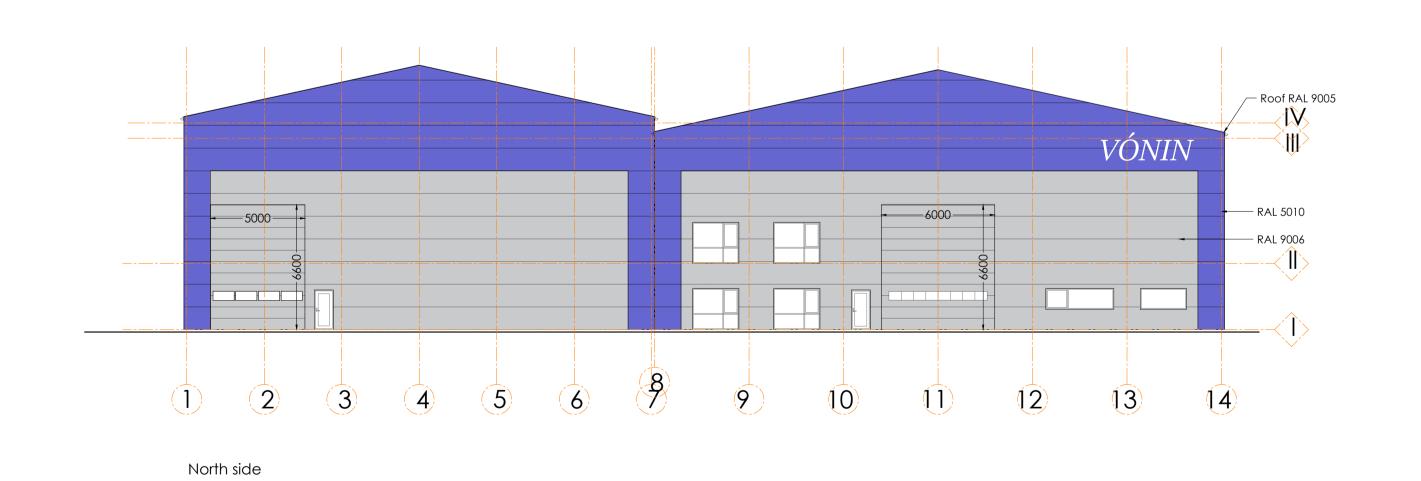
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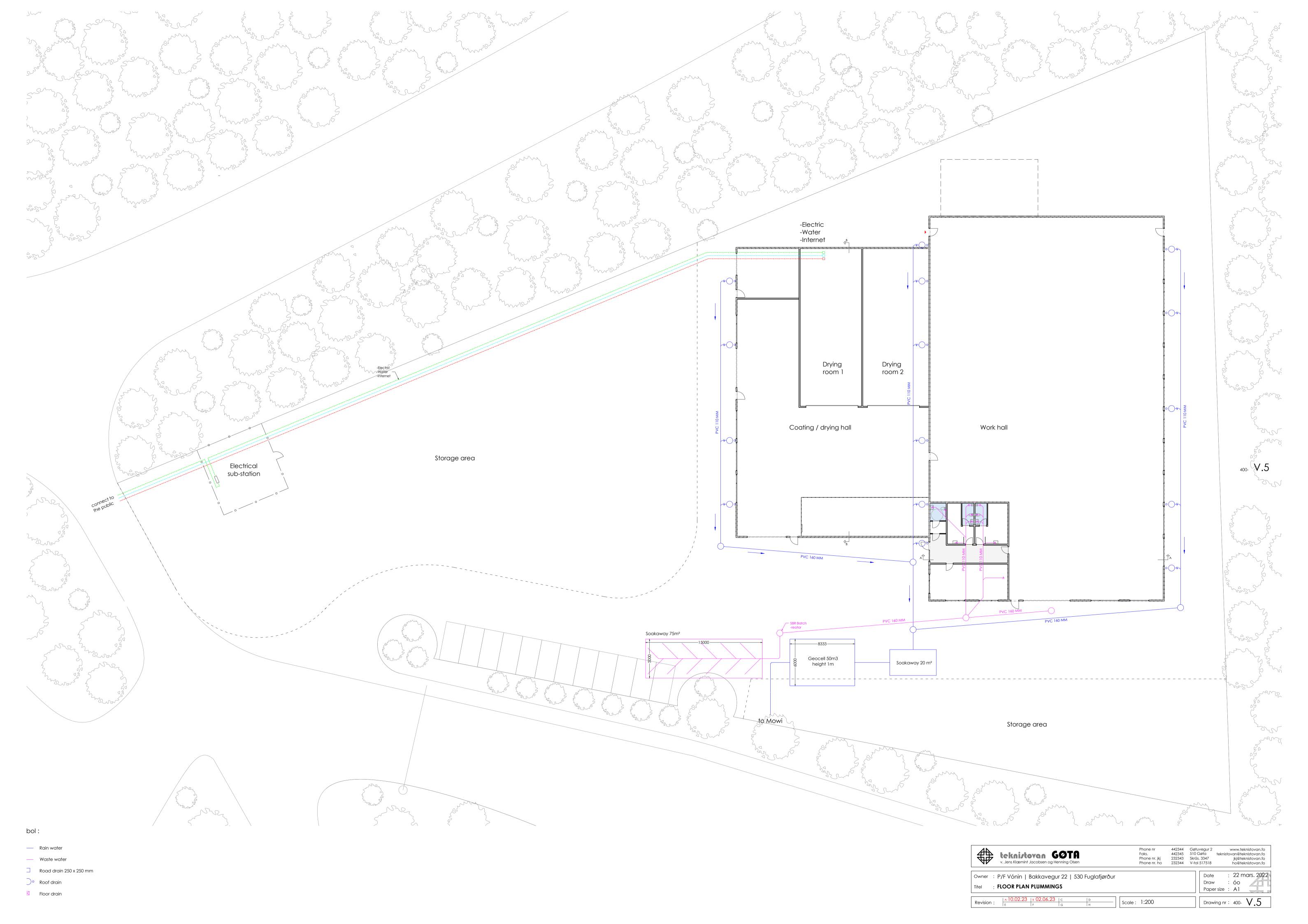








teknistovan GØTA v. Jens Klæmint Jacobsen og Henning Olsen	Phone nr Faks. Phone nr. jkj Phone nr. ho	442344 442345 232343 232344	Gøtuvegur 2 510 Gøta Skrás. 3347 V-tal 517518	www.teknistovan.fo teknistovan@teknistovan.fo jkj@teknistovan.fo ho@teknistovan.fo
Owner : P/F Vónin   Bakkavegur 22   530 Fuglafjørður Titel : <b>ELEVATIONS</b>			Date Draw Pape	, , , , , ,
Revision:   A: 10.02.23   B 02.06.23   C   D   H	Scale: 1:200		Draw	ving nr: 400- <b>V.4</b>



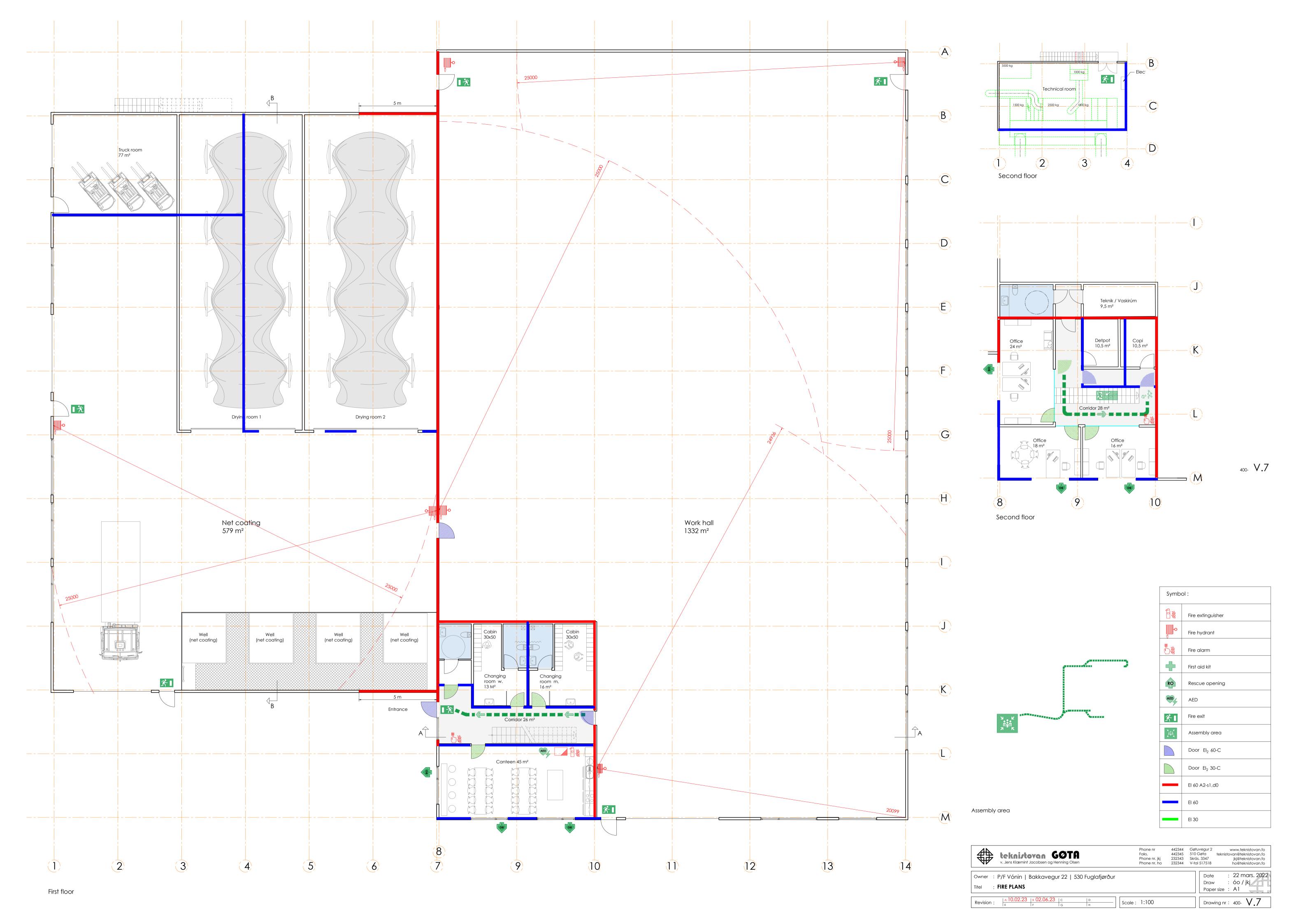


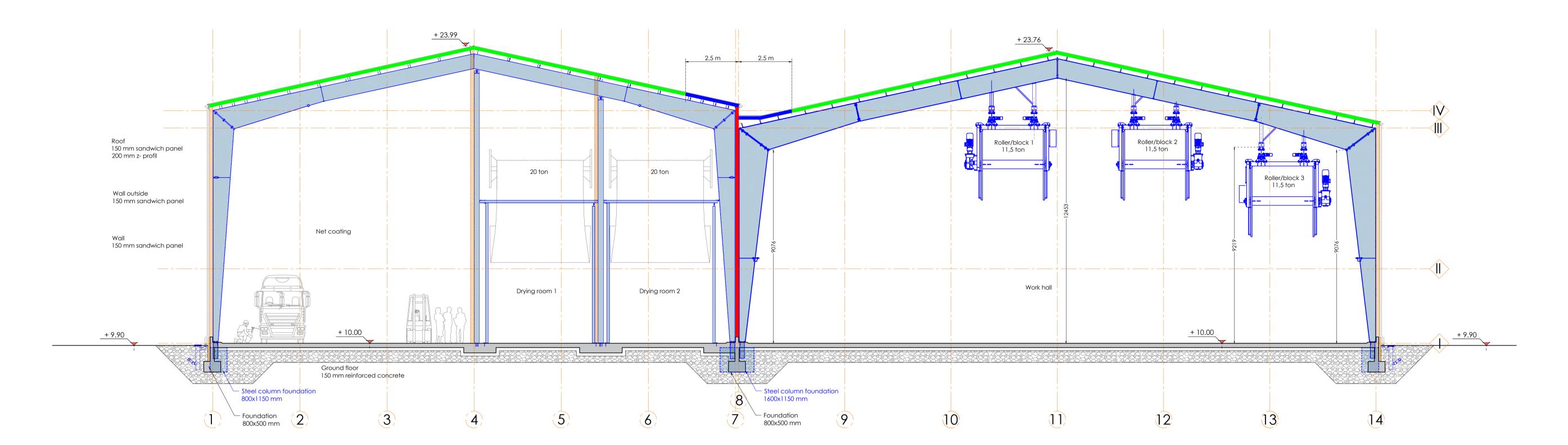
Paper size: A1

Drawing nr: 400- V.6

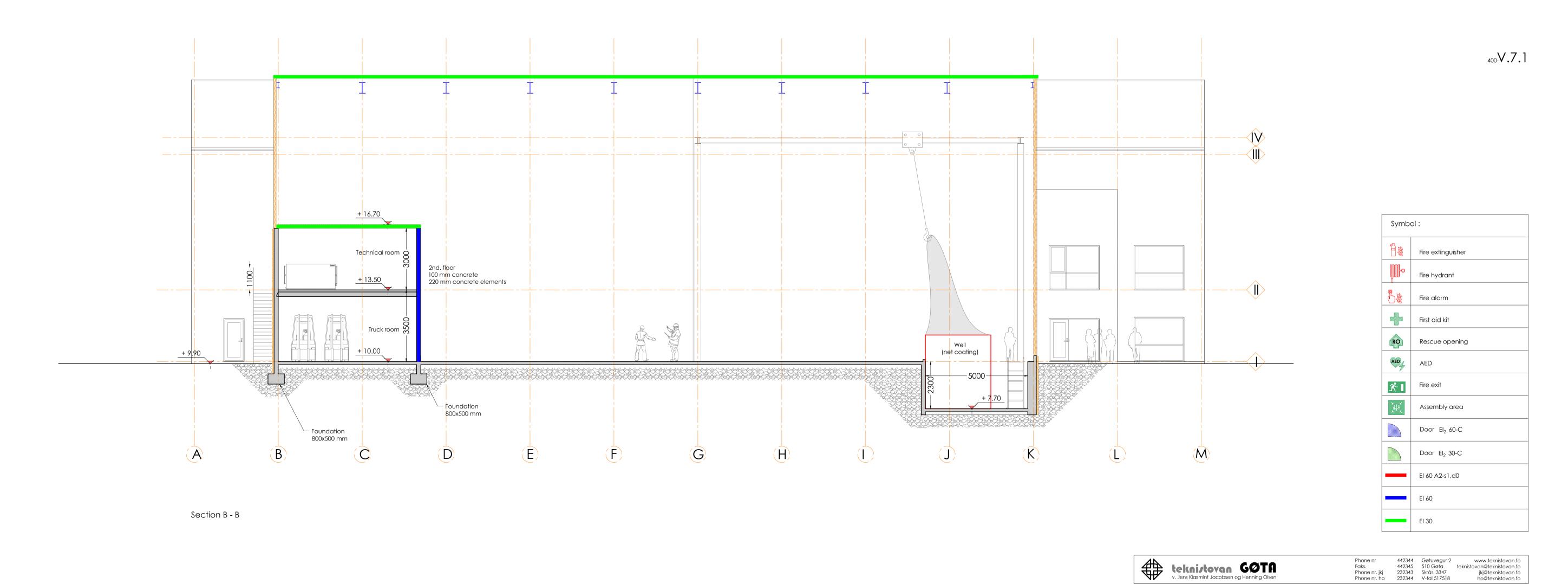
Scale: 1:200

Revision: A:10.02.23 | B 02.06.23 | C | G | G





Section A - A



Date : 22 mars. 2022 Draw : 60 / jkj

Paper size: A1

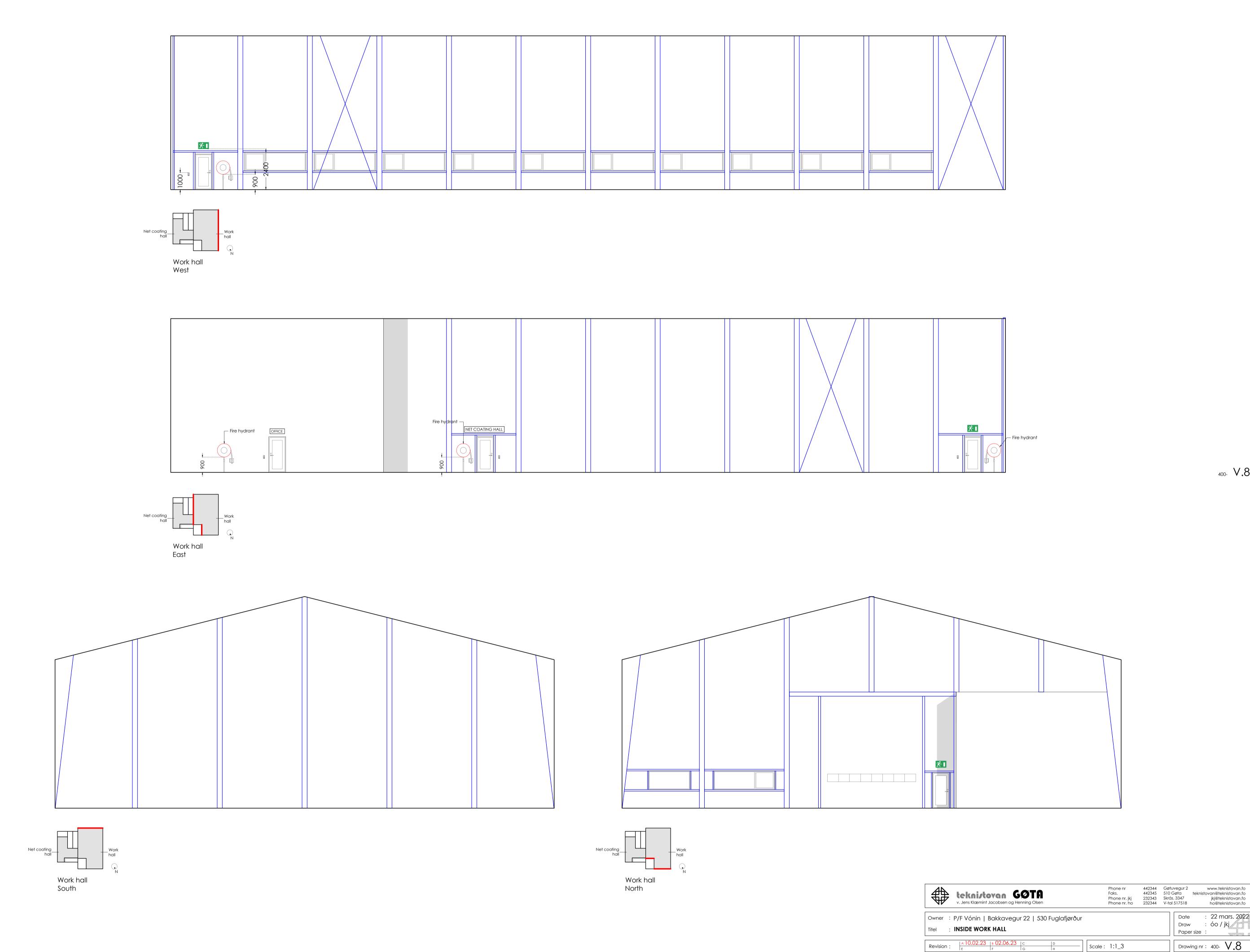
Scale: 1:100

Drawing nr:  $400\sqrt{.7.1}$ 

Owner : P/F Vónin | Bakkavegur 22 | 530 Fuglafjørður

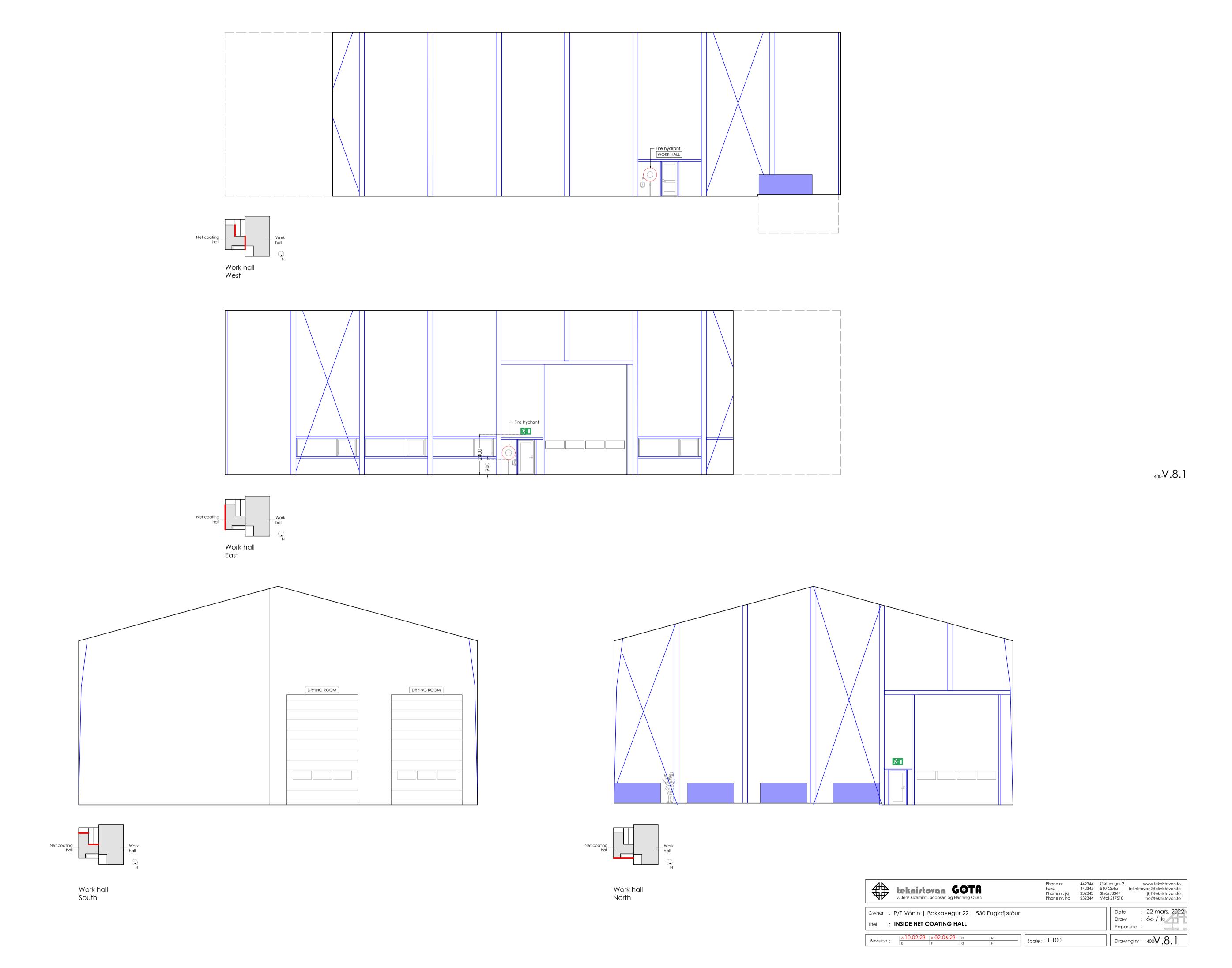
Titel : FIRE SECTIONS

Revision: A: 10.02.23 | B 02.06.23 | C | G | G

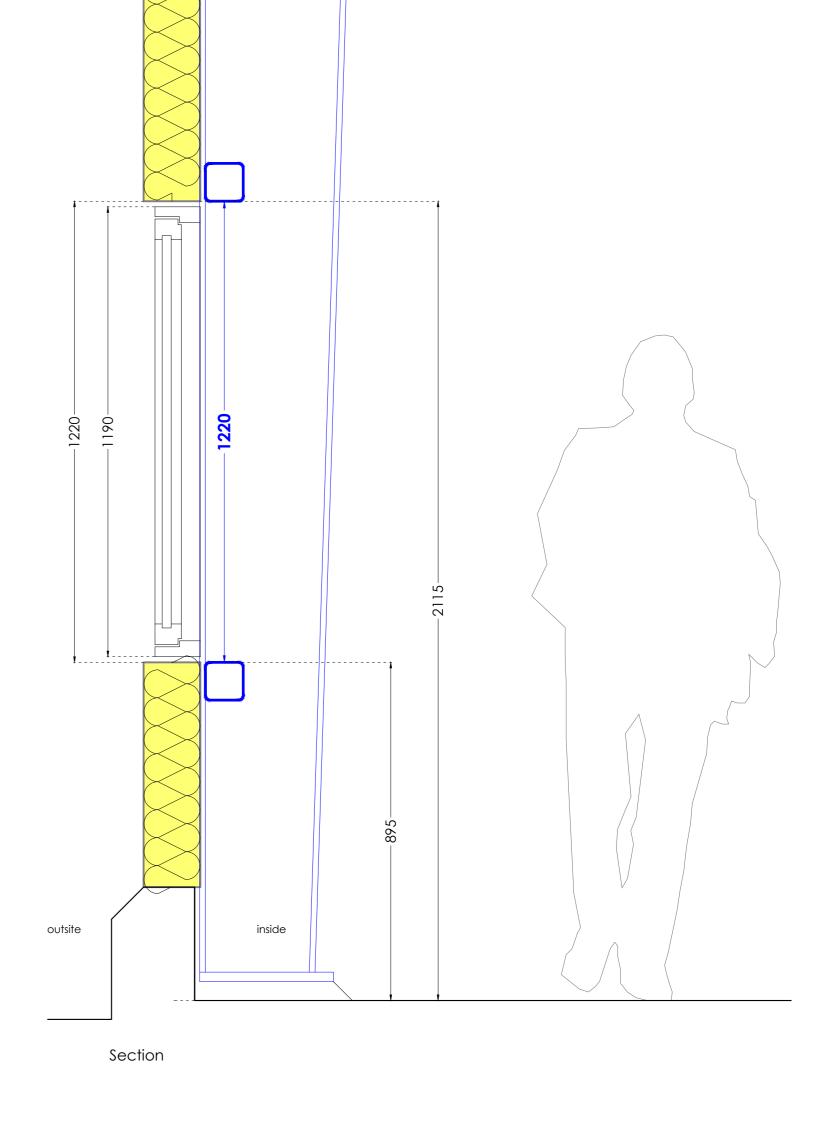


400- **V.8** 

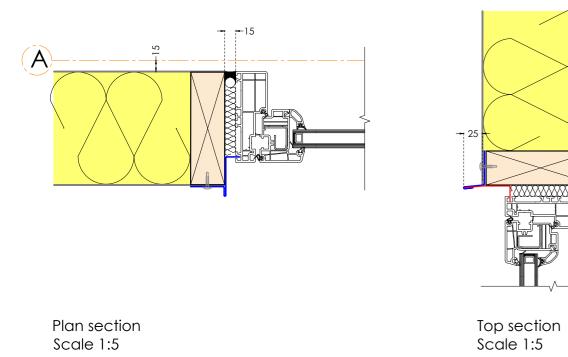
: 22 mars. 2022

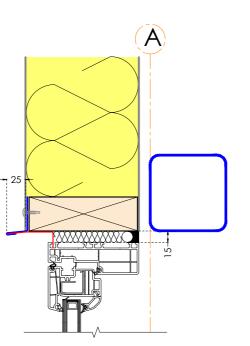


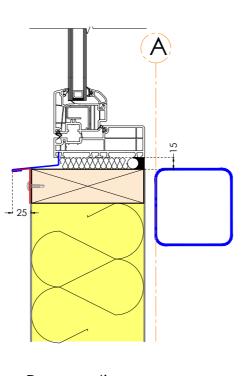






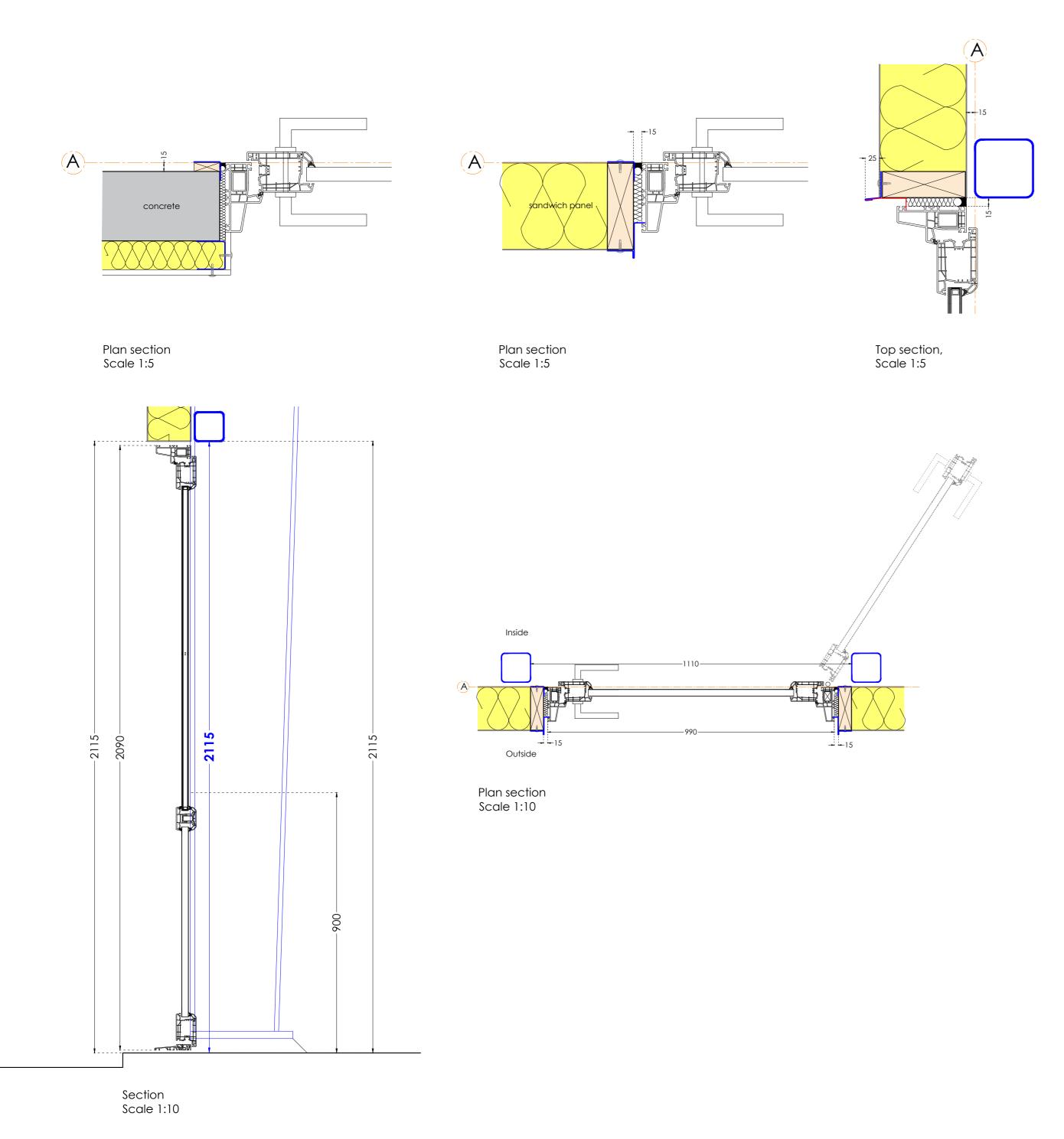


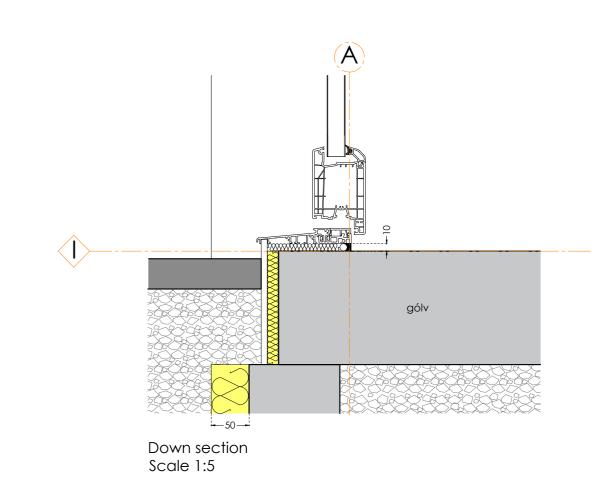




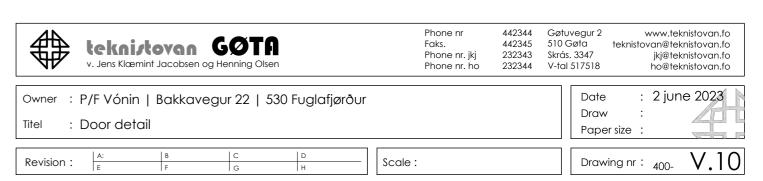
Down section Scale 1:5

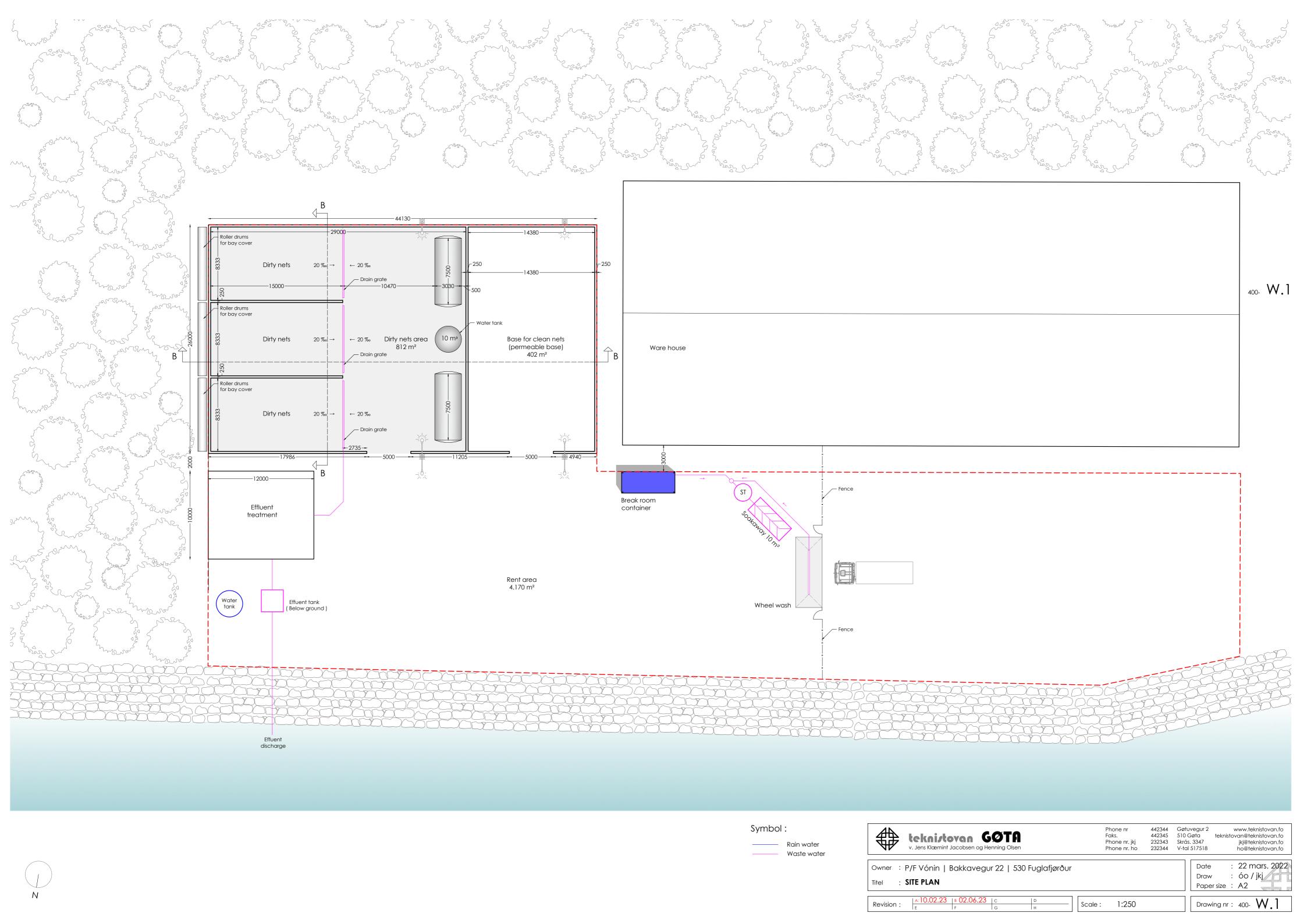
| Phone nr | 442344 | Gøtuvegur 2 | Faks. | 442345 | 510 Gøta | 51

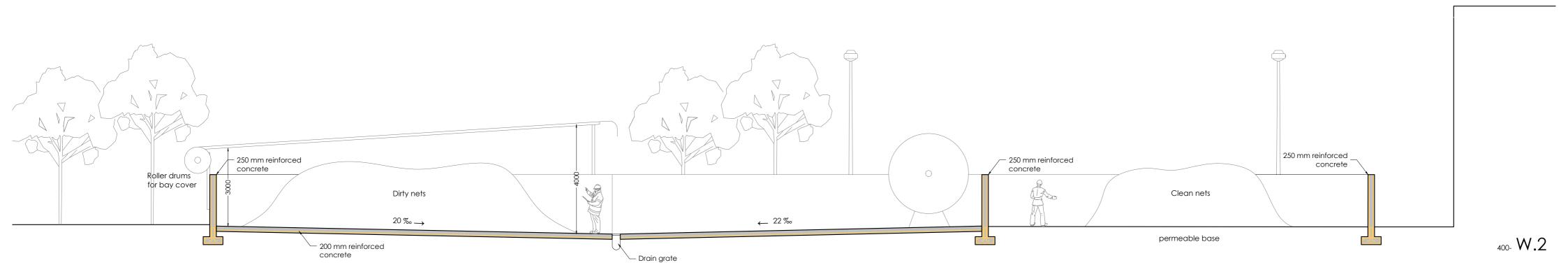




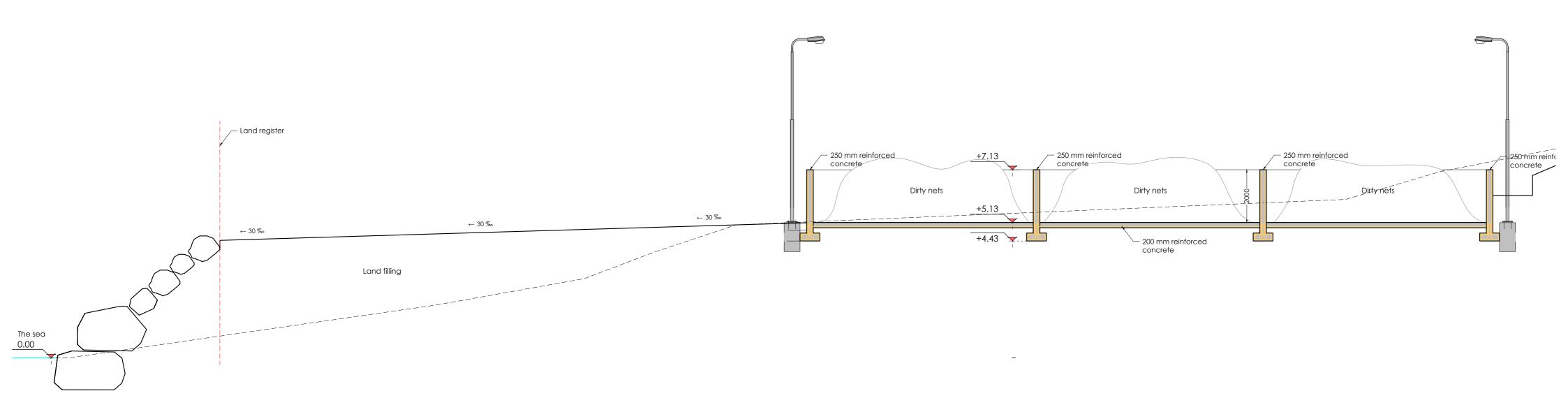




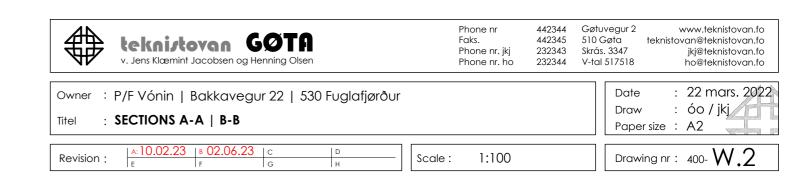


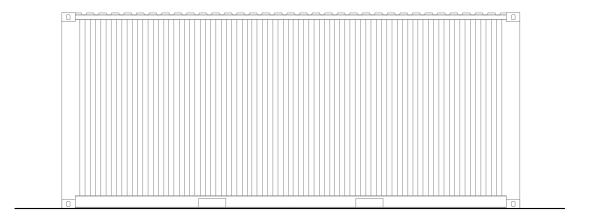


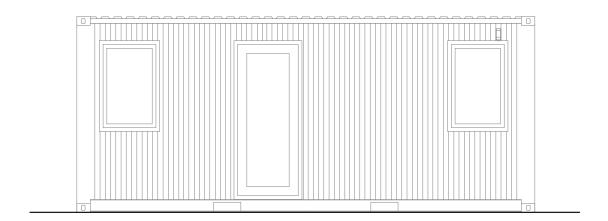
Section A - A

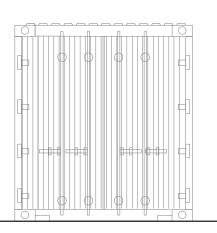


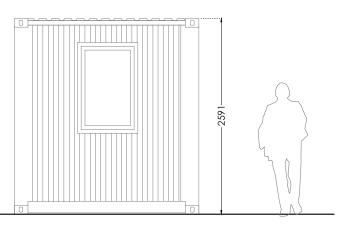
Section B - B



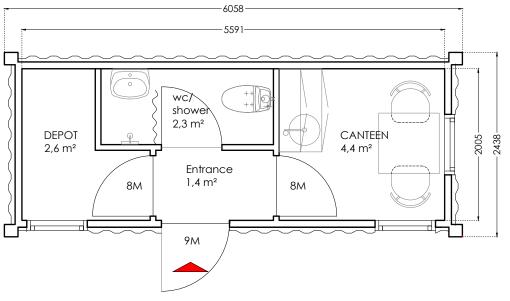








Container elevations



Container floorplan



Phone nr 4
Faks. 4
Phone nr. jkj 2
Phone nr. ho 2

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uvegur 2 www.teknistovan.fo Gøta teknistovan@teknistovan.fo s. 3347 jkj@teknistovan.fo I 517518 ho@teknistovan.fo

Owner : P/F Vónin | Bakkavegur 22 | 530 Fuglafjørður

Titel : CONTAINER BREAK ROOM

evision: A: B C D

Scale: 1:100

Date : 22 mars. 2022
Draw : óo
Paper size :

Drawing nr: 400- W.3