

Community of Arran Seabed Trust
Alt-na-Ceirde
Whiting Bay
Isle of Arran
KA27 8 QT

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callender Business Park
Falkirk
FK1 1XR.

23rd September 2008

Your Ref. IQC/35/23.

COAST HAVE NO OBJECTION TO THIS LETTER BEING SEEN BY MARINE HARVEST, NORTH AYRSHIRE COUNCIL OR ANY OTHER PERSON[S]

Dear Sir,

CROWN ESTATE FINFISH FARM APPLICATION
CLAUCHLANDS, ISLE OF ARRAN

Thank you for your letter of 17th September giving COAST the opportunity to comment further on Marine Harvest's appeal notification.

COAST has been given a copy of the correspondence between Marine Harvest and your office dated 19th June, updated 07th July, upon which COAST will base its comments.

General.

1. It was quite a surprise to COAST that the Crown Estate asked your office to consider and report back with a recommendation on the fish farm application as COAST [Don Macneish, Howard Wood and Tom Vella-Boyle present] were told by Crown Estate [Alex Adrian] at a meeting on Arran that *"if the fish farm received an 'unfavourable view' from North Ayrshire Council or one of the statutory Consultees held their objection, then they [Crown Estates] would not issue a lease to Marine Harvest for the proposed site"*. This being the case, the whole appeal process will be in vain.
2. The letters from Marine Harvest to your office are appearing to base their appeal on the suggestion *"that the planning committee were not sufficiently experienced to determine such a complex application"*.

Marine Harvest suggested that the planning authority's view *'that the fish farm should be accepted and should also recommend that the planning committee forward this recommendation to the Crown Estate'*.

This, of course, **could not happen** as there had been an objection from a statutory consultee [SNH]. In any case, COAST contends that the planning authority had a similar amount of experience as the planning committee. In a letter from NAC's Chief Development Management Office, dated 27th March it was said that *"NAC only has one other fish farm within its jurisdiction as you*

are aware and therefore officers within this authority have not had a history of dealing with this sort of application. While the officer dealing with this application had no special training, nor was in depth advice sought from other councils, he has a considerable degree of planning experience” It then went on to say that he was able to refer to SPP22 and obtain advice from SEPA, SERAD and SNH. All of this advice was also available to the planning committee. At the planning hearing COAST felt that the planning authority’s advice to the committee was biased in favour of the applicant.

Specifically

1. Marine Harvest was right to point [page 2] out that the proposed *Clauchlands site falls outwith any category area as currently defined by the Scottish Executive*. No category grading has since been made.
2. In the NAC Procedure and Guidance notes it states [section 4] that applications such as this are determined by provision in the Development Plan, consisting of the Ayrshire Joint Structure Plan and the relevant Local Plan. There is no mention of policy or criteria in these plans for additional fish farms in the area, in fact, the Arran Local Plan specifically states that *“The Council is aware of the Community of Arran Seabed Trust and is generally supportive of seabed regeneration and marine conservation within Lamlash Bay, where the existence of maerl beds are under threat”* In itself this sort of support in a Local Plan is unique [there is no such planning reference to any stretch of sea elsewhere in Scotland] and shows the special nature of this particular area.
3. **The COAST project.** The Scottish Government announced that from 00.01 hrs on Saturday 21st September 2008 the unique Lamlash Bay project will go ahead by enacting existing law and creating Scotland’s first No Take Zone. Marine Harvest said that SEPA say [page 3/4] that there would be no impact from the proposed fish farm discharges on the COAST project. COAST disputes this. Hydrographic measurement undertaken by COAST indicated that these discharges would be transported by the currents and tides into Lamlash Bay. Professor Mike Kaiser, Chair of Marine Conservation Ecology at Bangor University, who is monitoring the only other No Take Zone in similar waters off the Isle of Man says: *“Locating a fish farm next to the No Take Zone area immediately confounds the ability of scientists to say whether observed changes are due to the effect of the No Take Zone or the fish farm. If I was designing an experiment to look at the effect of the No Take Zone on marine life, locating a fish farm next door would lead to a flawed experiment”*. As the COAST project is unique to Scotland it is difficult to understand how SEPA have concluded that it would have no impact on the project. This has not yet been tested.

Page 64 of the Marine Harvest ES states that *“The two sites managed by Marine Harvest [Scotland] Ltd at Arran [St Molios within Lamlash Bay and Clauchlands] will be stocked with the same year class smolts and have SYNCHRONISED MEDICINE TREATMENT and following periods, as measures to minimise medicine use and achieve low infection rates and effective sea lice control”* This in effect means that the area of the COAST project will be in the middle of two farms spewing out effluent and chemical discharges at the same time. The Planning Committee for NAC

were right in adopting the precautionary principle and passing on an 'unfavourable view' to Crown Estate.

4. **The visual aspect.** Marine Harvest's consultants concluded [page 4] "*that although there would be some moderate and substantial impact to both the landscape character and to visual receptors, these impacts would be very localised*" COAST agrees that the impact would be substantial but cannot agree that they would be localised. In fact the fish farm could be seen from many miles away in different directions including from the sea when tourists to the island arrive by boat, when walking the coastal footpath and by the many visitors to Holy Isle. At the planning hearing the planning authority said that "***the area taken up by the pens would be just over 11,000sq m***". This is just not true. The area taken up by the pens, which of course includes walkways, safety rails [which although are not shown on the chart are a requirement for this proposed farm], anchors, food silo, generator and the paraphernalia of pipes etc. takes up around 40,000 sq m. This is nearly four times the size of that stated in their advice to the planning committee and a serious miscalculation by the planning authority.
5. Marine Harvest appears to dismiss the effect the proposed fish farm area will have on commercial fishermen [page 6]. A major part of the COAST project is to ascertain how scallop spat from the No Take Zone will impact on the numbers of scallops harvested in the overspill area. Scallop spat is known to travel many miles. If the fish farm were to be put in this particular location the spat could not live in the chemical and effluent discharges from the farm, nor could the commercial dredgers operate in the very area where scallop overspill from the No Take Zone will be at its greatest.
6. Much has been written by other objectors about the way the current fish farm is operated at St Molios in Lamlash Bay and the resultant disease problems, with the use of large amounts of chemicals. COAST cannot add more to what has been written, however, it should be noted that a serious look should be made at the scientific justification for this proposed farm. SEPA's analysis is on the basis of a properly functioning fish farm and there being no tides or currents flowing into Lamlash Bay. Events and information obtained under f.o.i indicate that the St Molios site is not a properly functioning or regulated fish farm and therefore the location next to the new Government sponsored, regulated and monitored No Take Zone and also next to the new £4.5 million outdoor centre, should be deemed to be inappropriate and at the very least, the precautionary principle should be adopted.

COAST concludes that for the above reasons, the local authority's 'unfavourable view' should be upheld at this appeal stage.

Yours faithfully

Howard Wood, Chairman of COAST

Note. The original COAST objection was signed by the COAST secretary. This post is vacant at present

