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F.A.O. Iain Davies
Planning
North Ayrshire Council
Cunninghame House
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9 November 2020

Dear Sir

COAST Objection to Revised Planning Application Ref: 19/00609/PPM: Installation and operation of an Atlantic Salmon Fish Farm comprising 12 x 120m circumference fish pens and an accompanying feed barge to the east of Millstone Point, North Arran

Additional comments in support of COAST's Objection to the revised planning application on the sufficiency of surveys to describe benthic biodiversity and presence of marine habitats and species of conservation importance (Priority Marine Features)

The Community of Arran Seabed Trust (COAST) has submitted an objection to the revised planning application. Supplementary to that objection I am sending this separate letter to specifically raise a number of significant concerns that we have about the sufficiency of the benthic and other surveys undertaken in support of statutory permissions required for this proposed development, specifically in relation to identifying the presence of habitats and species of conservation importance (Priority Marine Features (PMFs)). Our concerns relate to a number of aspects of the survey work and the conclusions based on this. We have also conveyed our views and concerns about the surveys and assessment to both SEPA and SNH

For the environmental assessment reports submitted with the planning application, the presence, or otherwise, of PMFs has been concluded solely on the basis of visual transect surveys. There are some serious shortcomings with this approach which we consider call into question the conclusions that are made in the assessment documentation.

- The visual transect surveys are extremely limited in their coverage of the development site. With an average field of view of only 2.5m² (equivalent to 1.58m x 1.58m) the coverage by the survey of seabed habitats in the area is minimal.
- Correspondence from SEPA released under a Freedom of Information request to SEPA (FO191024) refers to the poor quality of the visual surveys raising serious questions about the quality and sufficiency of the data that has been collected.
- For an area with little or no existing seabed habitat or species data it is reasonable to expect that a habitat characterisation survey for a proposed development and EIA would include some form of geophysical survey to determine the seabed habitats present and their distribution and extent in order to target subsequent habitat characterisation surveys. In the absence of geophysical survey there should, at the very least, be some form of stratification of the sampling to ensure coverage of the full range of habitat types within the area that may be affected, with more sampling stations in areas of higher habitat heterogeneity.
- There are likely to be periodic rocky outcrops (bedrock and boulders) on the sloping seabed as occurs elsewhere around the Arran coast. Without some form of broader habitat survey to target the habitat characterisation sampling the extent of these rocky areas and potential presence of PMFs such as 'Northern Sea Fan and Sponge

Communities' will be seriously underestimated. There has been no attempt to undertake a stratified habitat characterisation survey to improve the habitat coverage of the survey samples.

- The visual survey has identified species characteristic of PMFs but there has been no effort to expand survey around areas where observations of species of conservation interest have been made.
- Even where the visual survey detected the presence of Priority Marine Features ('Burrowed Mud Habitat' and 'Northern Sea Fan and Sponge Communities') these are dismissed as not requiring any further investigation. The Northern Sea fan record recorded by the visual survey is the most southerly record of this species in Scotland (based on data in the NBN Atlas Scotland) and, as such, is an unusual and important record. Survey effort should have been expanded around where this PMF was recorded to establish the full extent of this habitat. Instead it is concluded that there are no significant examples of these habitats present which, based on the limited visual survey data, cannot be substantiated.
- As you know, we have requested a copy of the video footage from the visual seabed survey and you informed us that the applicant is compiling this information and that you will send through what they provide. We appreciate that this will be provided at some point, but there should have been an opportunity for this to be made available within the time period for public comments on the application so that ourselves, and anyone else who wished to comment on it had time to view the footage and respond.
- Even from the limited amount of visual data collected it is clear that there are substantial areas of sediment seabed habitats (sand, gravel and mud habitats). The visual survey is not sufficient to characterise these sorts of seabed habitats. Such habitats may well support PMFs that are characterised by the species that live within the sediment habitat, but there appears to have been no attempt to investigate this.
- SEPA's objection letter of 30 October 2020 to NAC planning refers to baseline benthic survey that has been undertaken and presence of "reasonably rich and diverse faunal communities". The benthic baseline report was only made available on the NAC planning portal on 6 November. With the deadline for public comments being 9th November this has not provided sufficient time for ourselves or others to fully consider the report alongside all the other application documents. While the technical nature of this report might not interest all who are responding to the application, the data should be available in a timely manner for those who do wish to examine and comment on the survey and its implications for the assessment of the development proposal.
- From SEPA's comments and our quick view of the benthic baseline report it is clear that there are a range of infaunal species present in the areas sampled. It is reasonable to consider that there is potential for PMFs to be present in the sediment habitats in the development area but this has not been addressed. PMFs such as 'tide-swept coarse sands with burrowing bivalves' or 'maerl or coarse shell gravel with burrowing sea cucumbers' are part of the designated features of the South Arran MPA and these and other sediment PMFs may well be present around the northern areas of Arran. There is no reference within the assessment documents to the potential importance of the sediment habitats as PMFs and the presence of sand and gravel habitats is ignored simply because no larger macrofaunal species were observed on the visual survey. We see no evidence that the benthic baseline report has been used to inform the assessment of PMFs. As with the visual survey, the extent of the benthic baseline survey is insufficient to provide adequately characterise the seabed habitats that may be impacted by the proposed development.

The EIA and Additional Environmental Information 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 development area this conclusion cannot be substantiated.

There is a similar issue with the quality of data for marine mammals that is used in the assessment; this has relied entirely on desktop study which fails to adequately quantify the importance of the North Arran area for marine mammal species such as porpoise. This, together with the failure of the assessment to address the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and disturbance to these species from the use of Acoustic Deterrent Devices, brings the conclusions of no significant effect on these species into serious question.

Overall, as a result of the limitations of the surveys and data used in the assessment, the application fails to adequately identify and describe the biodiversity importance of the development area. This seriously undermines confidence in the survey and assessment conclusions.

Priority Marine Features are a priority for conservation in Scotland's Seas. General Policy 9 of Scotland's National Marine Plan 2015 (GEN 9 Natural heritage) states: "Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area." Under the Marine (Scotland) Act 2010, Section 15, public authorities must have regard to the National Marine Plan when making any decision and must act in accordance with the National Marine Plan when taking authorisation or enforcement decisions respectively. EIA Regulations 2017, 5(3) and Part 6, 26(2), make clear that 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, taking into account current knowledge and methods of assessment.

We cannot see how the requirements of these legislative and policy requirements can be met for this application given the significant shortcomings of the benthic and marine species survey and data collection. Given this situation, the application is also contrary to a number of the North Ayrshire Local Development Plan (LDP2) policies as we have identified in the other objection letter we have submitted.

Yours faithfully,

A black rectangular redaction box covering the signature of Lucy Kay.

Lucy Kay
Marine Protected Area Project Officer
For and on behalf of Community of Arran Seabed Trust (COAST)