



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

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Our ref: CLC144284 / qA148082
Your ref: CAR/L/1152438

3 February 2016

Dear Sir/Madam

WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND)
REGULATIONS 2011
APPLICATION FOR AUTHORISATION REFERENCE NUMBER: CAR/L/1152438
LOCATION OF ACTIVITY: MARINE CAGE FISH FARM, DOUNIE, SOUND OF
JURA

Thank you for your letter of 15th December inviting us to comment on the above CAR licence application.

The proposed fin fish farm would impact protected areas and protected species. For our full advice on these impacts please see Annex 1.

1. Loch Sunart to Sound of Jura MPA

The proposal lies within Loch Sunart to the Sound of Jura MPA. In our view, the proposal is capable of affecting the protected features of Loch Sunart to the Sound of Jura MPA. SNH do not possess the expertise to be able to make a detailed assessment of the risk posed by the discharges in this case. Further details can be found in Annex 1.

2. Inner Hebrides and the Minches cSAC

The proposal lies within the Inner Hebrides and the Minches cSAC. SEPA is required to consider the effect of the proposal on the cSAC before it can be consented by carrying out a Habitats Regulations Appraisal.

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3. Priority Marine Feature (PMF) Habitat - Northern Sea Fan and Sponge Communities

The proposal may impact a Priority Marine Feature (PMF). SEPA should consider the effect of the proposal on the PMF before it can be consented.

There is insufficient information to complete an impact assessment for PMFs. In our opinion the proposal could have a significant impact on the national status of a PMF. **We therefore object to the proposal until further information is provided and considered by the regulatory authority.** We will comment further once the additional information is available. Our appraisal below (Annex 1, Section 3) provides further information.

If you require any further information please contact Stan Phillips or Ndurie Abah in our Lochgilphead office.

Yours sincerely

on behalf of, by e-mail

Ross Lilley
Operations Manager
Argyll and Outer Hebrides

Annex 1

1. Loch Sunart to Sound of Jura MPA - Common Skate

The proposal lies within Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area (NC MPA) selected for its common skate and Quaternary of Scotland – glaciated channels and troughs.

The site's status means that the requirements of the Marine (Scotland) Act 2010 apply. Consequently, SEPA is required to consider the effect of the proposal on the NC MPA before it can be consented.

In our view, the proposal is capable of affecting the protected features of Loch Sunart to the Sound of Jura MPA.

We have reached this conclusion because the proposal could theoretically result in a reduced availability of prey species, particularly crustaceans, in a relatively localised area around the proposed development. It could also affect egg-laying areas of the skate locally through deposition of materials onto suitable substrate. However, *within the context of the MPA as a whole*, we consider that reductions in prey species or degradation of egg-laying substrate as a result of the discharges, is unlikely to be significant. We therefore consider that the risk of this proposal being capable of affecting, other than insignificantly, and locally, the protected features of the MPA is low.

However, SNH do not possess the expertise to be able to make a detailed assessment of the risk posed by the discharges out with the AZE and we would expect SEPA to assess this risk before determining the application.

In particular, we understand that the autoDEPOMOD model might not be designed for modelling discharge movements over areas of deep water. The proposed fish farm sits over a deep trench in the MPA, which is a likely habitat of the skate. In view of the complexity of the possible discharge movements, we are not able to estimate the impacts on what might be prime skate habitat in this part of the MPA.

Consequently, we cannot discount the possibility that the discharges would not adversely affect the protected features of the NC MPA. **We therefore require assurance from SEPA that the discharges associated with this proposal would not affect the protected features of the NC MPA prior to giving consent for this proposal.**

Details of the MPA can be found on our website at: <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/mpas/mpa-sju/> .

2. Inner Hebrides and the Minches cSAC – Harbour Porpoise

The proposal lies within the Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC) selected for its harbour porpoise.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, SEPA is required to consider the effect of the proposal on the cSAC before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

If the conclusion of the HRA is that the proposal will have a Likely Significant Effect on the features of the cSAC, we would be happy to provide further advice as required.

3. Priority Marine Feature (PMF) Habitat - Northern Sea Fan and Sponge Communities

Survey footage appears to show that the PMF habitat Northern Sea Fan and Sponge Communities is present in the proposed location of Dounie fish farm. This was not identified in the survey report. The quality of the footage is poor but it appears as though this may represent an example of the 'mixed turf of hydroids and large ascidians with *Swiftia pallida* and *Caryophyllia smithi* on weakly tideswept circalittoral rock' component of this PMF. *Swiftia pallida* is also a PMF in it's own right.

SNH Position

The proposal will impact Priority Marine Features (PMFs). SEPA should consider the effect of the proposal on the PMF(s) before it is consented.

In our opinion the proposal could have a significant impact on the national status of the PMF. **We therefore object to the proposal until further information is provided and considered by the regulatory authority.** We will comment further once the additional information is available.

Importance of the PMF

Scotland is a stronghold for this PMF and supports approximately 97% of the known UK records. This PMF has a restricted distribution in Scotland, being present in only 3 marine regions. The relevant biotope component of this PMF (mixed turf of hydroids and large ascidians with *Swiftia pallida* and *Caryophyllia smithi* on weakly tideswept circalittoral rock) has an even more restricted distribution. Argyll records represent approximately 49% of the total national records.

It is likely to be under recorded to a certain extent and will be present in some other locations with similar habitat and conditions. However, it is unlikely to be present widely and the data that is available to us appears to support this conclusion.

Due to the speed of movement, erratic direction and height of the ROV, the survey footage is generally of quite poor quality and it does not provide comprehensive coverage of the site. Despite poor quality footage the survey suggests that the northern half of the predicted fish farm footprint comprises Northern Sea Fan and Sponge Communities. Estimated *Swiftia* abundance range from a SACFOR

abundance scale measure of common to frequent, with some areas where it appears to be abundant. However, due to the quality of the footage we cannot confidently reach any conclusions on the distribution and abundance of *Swiftia pallida*, nor can we make definitive conclusions as to the specific biotope of the habitat that is present.

Impacts of the proposal

The PMF habitat Northern Sea Fan and Sponge Communities is considered to have a high sensitivity to organic enrichment and siltation, which is associated with aquaculture. It can be concluded the feature will be lost within the footprint of the Allowable Zone of Effect (AZE) for the duration of the operation of this proposal. As the consents are not time limited then we can only conclude this will be permanent. Further information on sensitivity can be found online using FEAST (FEAST - Feature Activity Sensitivity Tool, see <http://www.marine.scotland.gov.uk/FEAST/>).

We would, therefore, conclude a high magnitude of change within a localised area of approximately 1ha within the AZE boundary. If present, impacts on this PMF are likely to extend beyond the edge of the AZE, though we cannot accurately quantify the extent to which impacts may occur outside the AZE. The resulting change will constitute the permanent loss of approximately 1 ha of what appears to be a good quality example of the PMF habitat Northern Sea Fan and Sponge Communities.

If this area the PMF habitat Northern Sea Fan and Sponge Communities does indeed represent an example of mixed turf of hydroids and large ascidians with *Swiftia pallida* and *Caryophyllia smithi* on weakly tideswept circalittoral rock' biotope, then this loss would represent the loss of the most southerly record of this biotope that we are aware of.

Further Information

The required further information is likely to include further video survey work, mapping of the distribution of this PMF habitat and a detailed assessment of the footage by a qualified marine biologist. The aim of this survey work would be to give more information on the abundance and distribution of *Swiftia pallida*; provide more detail on the quality of the PMF habitat, including a classification of the biotope that is present; and to provide further information on the extent of the habitat within and in the vicinity of the AZE.. This would allow a better assessment to be made of the level of impact that would result from this proposal, and the local context within which a loss of this magnitude could be understood.

We would be happy to meet with SEPA and the applicants in order to discuss the exact requirements for this survey work.