

E: planning.decisions@gov.scot

By email only to:

patrick.munro@burges-salmon.com

Our ref: PPA-002-2020
Your ref: 2021/0357/DET

26 August 2025

Dear Mr Munro

DECISION NOTICE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ('the Act') INSTALLATION OF A MARINE FISH FARM AND ASSOCIATED DEVELOPMENT INCLUDING SHORE BASE, SLIPWAY AND ROAD UPGRADES AT BEINN REITHE, LOCH LONG, LOCH LOMOND AND THE TROSSACHS NATIONAL PARK ('the proposed development')

1. This letter contains the Scottish Ministers' decision on the planning appeal (ref: PPA-002-2020) by Loch Long Salmon Ltd against the decision of Loch Lomond & The Trossachs National Park Authority to refuse planning permission for the above-mentioned development.
2. The application for planning permission (ref. 2021/0357/DET) was made to Loch Lomond & The Trossachs National Park Authority, on 8 October 2021 and is now the subject of an appeal to the Scottish Ministers. In exercise of the powers under paragraph 3(1) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997, the Scottish Ministers directed, on 6 March 2023, that they would determine the appeal themselves.
3. The appeal was considered by means of written representations, hearing sessions and site visits by a reporter appointed by the Scottish Ministers for that purpose. The final report with the reporter's recommendation was issued to the Scottish Ministers on 15 February 2024. A copy of the reporter's report ('the report') is enclosed. All references to paragraph numbers, unless otherwise stated, are to those in the report.

4. Paragraph 3 of the reporter's report states that a pontoon does not now form part of the proposed development. The reporter also notes that if Ministers wished to do so for the sake of clarity, 'and pontoon' could be omitted from the description. For this reason, the Scottish Ministers have omitted the reference to a pontoon from the description of the development and have imposed a condition to confirm that the installation of a pontoon does not form part of the development hereby permitted.

Reporter's Recommendation and Scottish Ministers' Decision

5. The reporter has recommended that the appeal be dismissed, and that planning permission be refused. The Scottish Ministers have carefully considered all the evidence presented and the reporter's conclusions and recommendations. For the reasons given below, the Scottish Ministers disagree with the reporter's recommendation and grant planning permission for the proposed development, subject to the conditions as set out in Appendix 1.

Legal and policy context

6. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires the Scottish Ministers to determine planning appeals in accordance with the development plan unless material considerations indicate otherwise.
7. The Scottish Ministers agree with the reporter that the development plan comprises the Fourth National Planning Framework ('NPF4') (adopted February 2023), and Loch Lomond & the Trossachs National Park Local Development Plan (2017) (LDP) with its associated supplementary guidance.

Environmental Impact Assessment (EIA)

8. The proposed development is EIA development. The determination of this appeal is subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA regulations"). The reporter was satisfied, and the Scottish Ministers agree, that the submitted EIA Report and accompanying material as detailed in paragraph 8 provides all the environmental information necessary for the Scottish Ministers to reach a reasoned conclusion on the significant environmental effects of the proposed development. The Scottish Ministers have taken this information into account when considering this appeal. The Scottish Ministers have also taken into account the opportunities for the public to participate in the decision-making procedure as described in paragraph 9 and as set out in Appendix 3 of the reporter's report, together with the significant environmental effects of the proposed development as summarised by the reporter at paragraph 282.

Main Issues

9. Having regard to the provisions of the development plan, the Scottish Ministers agree with the reporter (paragraph 12) that the main issues for consideration in deciding this appeal are:
 - the extent to which the proposed development is novel or untested
 - seascape, landscape and visual effects
 - effects on wild salmon

- other effects on the water environment
- effects on woodland
- transport-related effects
- economic and other benefits.

10. The Scottish Ministers agree with the reporter (paragraph 356) that before planning permission can be granted, the Scottish Ministers would need to undertake Appropriate Assessments, in order to conclude that there would be no adverse effect on the integrity of the Ailsa Craig SPA or on the Endrick Water SAC. This is considered in paragraphs 53 and 54 of this decision letter.

The extent to which the proposed development is novel or untested.

11. The Scottish Ministers agree with the reporter's consideration of the proposed development relying on novel or untested technology (paragraphs 19 - 26). Aside from the consideration of the various potential effects of the development, there should not be an overarching presumption against approval based on any novelty of the technology proposed.

What type of SCCS has been applied for?

12. The Scottish Ministers note the reporter's findings (paragraphs 27 - 32) that while the proposed development has been considered and assessed based on it being a semi-closed containment system (SCCS) within the parameters considered by the EIA report, the full detail of SCCS has not been finalised. The reporter notes (paragraph 29) that a planning condition can be imposed which requires that full and final details of the system (and other ancillary components of the offshore infrastructure) are to be submitted for agreement. The reporter also notes (paragraph 30) that approval of the final design through a planning condition would allow the National Park Authority to satisfy itself that the final system used is the kind of SCCS which is within the parameters considered by the EIA Report and which is suitable for the site. The Scottish Ministers consider that the full and final details of the SCCS system should be submitted for agreement via condition, to ensure it is within the parameters considered by the EIA report.

Seascape, landscape and visual effects

13. The Scottish Ministers have reviewed the reporter's analysis of seascape, landscape and visual effects (paragraphs 33 - 78). (paragraphs 283 - 342).

14. While the Scottish Ministers agree with the reporter's summary (paragraphs 282 and 286) that the proposed development would have significant seascape, landscape and visual effects, this section of the decision letter outlines that these effects would be fairly limited in extent due to the effect of topography and woodland cover. The seascape character on the western shore and along Loch Long in areas close to and with visibility of the site and the landscape character of the steep ridges and hills on and close to the site would be impacted. In terms of significant visual effects, the Scottish Ministers agree with the reporter that these would include in the vicinity of the site, for craft on Loch Long up to 1km, on Tullich Hill some 3.8km away, for a restricted stretch (up to 1km) of the Three Lochs Way and, in winter, from outside the National Park along 3km of the A814.

15. The Scottish Ministers agree with the reporter (paragraph 286 and 287) regarding the relevance of Natural Environment Policy 14. This supports aquaculture development subject to a number of considerations, none of which relate to landscape and visual effects. In regard to the sensitivity of the area, the Scottish Ministers agree with the reporter that the marine element of the appeal site is one which should be considered to be of relatively low sensitivity to aquaculture development. The Scottish Ministers also agree with the reporter and find that the single row of enclosures, roughly parallel to the shoreline, aligns well with NatureScot's guidance on the siting and design of aquaculture.
16. The Scottish Ministers agree with the reporter (paragraphs 288-9) that the shore-based components would be larger and more visually prominent than for a typical open-net salmon farm and that this level of shore-based infrastructure has not explicitly been factored-in to the guidance in the Seascape and Landscape Assessment of the Firth of Clyde. The reporter also notes that the western shore of Loch Long (south of Ardgarten) is largely undeveloped, and tranquil in nature. The Scottish Ministers agree with the reporter that the introduction of the onshore components, which would be industrial in appearance (and, at times, lit) and the re-configured access road would notably increase the overall effects of the development.
17. The Scottish Ministers also agree with the reporter (paragraph 290) that the significant effects would be fairly limited in extent by topography and woodland cover. The Scottish Ministers agree with the reporter and do not consider that the addition of the effects from the shore-based components, despite the sensitivity of the area in which they are located, would cause the development to have a significant effect on any of the broadly drawn special landscape qualities. In this respect, the Scottish Ministers agree with the reporter that the special landscape qualities would be protected, in accordance with the first requirement of Natural Environment Policy 1 of the LDP.
18. The reporter also finds (paragraph 291) that the shore-based components would not be sympathetic to their seascape and landscape settings and considers this introduces some conflict with other elements of Natural Environment Policy 1 of the LDP. Given the nature of the development proposed however, the reporter is not aware of any means by which visual effects could have been further minimised through design changes. Therefore, the reporter considers that the policy requirement to minimise the visual effects of the development in accordance with Natural Environment Policy 1 of the LDP has been met. The reporter finds (paragraph 292) that the shore-based elements would not relate well to their landscape context and setting, leading to conflict with overarching policy 1 of the LDP. The reporter further notes that fish farm development would inevitably involve development which is industrial (or at least functional) in appearance. The reporter does not think any lack of sympathy with the vernacular architecture of the area should count against the development.
19. The Scottish Ministers agree with the reporter and are not aware of any means by which visual effects could have been further minimised through design changes. In regard to relating to their landscape context and setting, the Scottish Ministers note that tree planting in and around the shore base would provide a measure of visual screening and that conditions would control the final appearance of the development, including the building colours. A lighting

plan would also be secured via condition. The Scottish Ministers also agree that any lack of sympathy with the vernacular architecture of the area should not count against the development. For these reasons, the Scottish Ministers disagree with the reporter and consider the shore-based components would be sympathetic to their seascape and landscape setting. The Scottish Ministers therefore do not consider there are conflicts with elements of Natural Environment Policy 1 or Overarching Policy 1 of the LDP.

20. The reporter acknowledges, and the Scottish Ministers agree, that fish farm development inevitably involves development that is industrial in appearance but consider this should not count against it. The Scottish Ministers agree with the reporter (paragraph 291 and 293) that the design of the proposed development has sought to minimise the visual effects of the development. In these circumstances, the Scottish Ministers consider these aspects are important in considering whether the development is scaled, sited and designed to be in keeping with the wooded and undeveloped character of the area.
21. The Scottish Ministers agree with the reporter regarding Overarching Policy 2 (paragraph 293). Although there would be views of the development from recreational assets (for example the Three Lochs Way), no identified 'important views' would be significantly affected. The effect on views from The Cobbler and Beinn Narnain, for example, would not be significant.
22. The Scottish Ministers agree with the reporter (paragraph 294) and finds no significant conflict with Natural Environment Policy 15. The Scottish Ministers also agree with the reporter and are satisfied that the requirement in Natural Environment Policy 11 to protect the 'landscape values' of Loch Long has been appropriately addressed. In regard to Aquaculture Policy 5 of the National Marine Plan, the Scottish Ministers are satisfied the applicant has adequately avoided and/or mitigated adverse impacts upon the seascape, landscape and visual amenity of an area and has followed NatureScot's guidance on the siting and design of aquaculture. The single row of enclosures, roughly parallel to the shoreline, responds well to NatureScot's guidance and the applicant has sought to minimise visual effects.
23. NPF4 Policy 14 (Design, Quality and Place) requires development to improve the quality of an area. The reporter considers (paragraph 322) that while some aspects of this policy, such as the six qualities of successful places, are not fully applicable, the proposed development could be said to improve the quality of the area and that there is some conflict with NPF4 Policy 14. The Scottish Ministers do not consider that this policy is wholly applicable to the proposed development given its nature and location.
24. Overall, the Scottish Ministers consider that the development accords with NPF4 Policy 32 - Aquaculture as well as LDP policies Natural Environment 1, Natural Environment Policy 11, Natural Environment Policy 14, Natural Environment Policy 15, Overarching Policy 1 and Overarching Policy 2 and Aquaculture Policy 5 of the National Marine Plan.

Effects on wild salmon

25. The Scottish Ministers agree with the reporter's assessment (paragraphs 331 - 333) in considering NPF4 Policy 32 on aquaculture, concluding that SCCS aquaculture with its focus on tackling concerns about waste deposition, sea lice infestation and the risk of escape, aligns very well with this policy.
26. The Scottish Ministers agree with the reporter (paragraphs 158 - 161) in considering sea lice risk and that there is no sound basis for taking a precautionary approach purely on account of any notion that the technology which would be used, is untested. The means of ensuring there is little or no sea lice infestation – the impermeable barrier and the drawing-in of water from a depth at which lice are not present – would appear to provide a very strong basis for concluding that the incidence of sea lice would be very low indeed. The Scottish Ministers note there are monitoring and mitigation measures in the Draft Farm and Environmental Management Plan (FEMP).
27. The Scottish Ministers agree with the reporter's conclusions (paragraphs 298 - 299) that there is no imperative to dismiss the appeal by adopting a precautionary approach, as introduced by NPF4 Policy 4 and as identified in the National Marine Plan, in assessing the planning merits and the potential effects of the development.
28. The Scottish Ministers agree with the reporter's conclusions (paragraphs 85 - 116, 155 - 157 and 295) that the risk of a mass escape event is negligible and that the risks to the Endrick Water SAC from any smaller fish-handling errors which might occur would also be negligible, as there would be sufficient mitigation of the potential effects on the wild salmon populations of other rivers.
29. The Scottish Ministers agree with the reporter's overall conclusion that there would be no significant adverse effects on the salmon population of the Endrick Water SAC, and no adverse effect on site integrity. In reaching this conclusion, the Scottish Ministers have taken note of the reporter's consideration (paragraphs 79 - 84) of Chapter 10 of the EIA Report which covers interactions with wild salmon.
30. The Scottish Ministers agree with the reporter (paragraphs 296 - 297) that the proposed development is not contrary to Natural Environment Policy 2 of the LDP, which does not permit development which would affect the integrity of a SAC, or to Natural Environment Policy 4 Legally Protected Species (which would include Atlantic Salmon).

Other effects on the water environment.

31. The Scottish Ministers (paragraph 333) agree with the reporter's consideration of Policy 32 of NPF4 on aquaculture that none of the operational impacts listed would give rise to significant environmental effects or would otherwise appear to be unacceptable.
32. The Scottish Ministers agree with the reporter (paragraphs 163 to 188) that, in relation to marine mammals, the risk of fish escape as a result of predation by seals would be negligible, and from the EIA Report and the likely very low levels of disturbance to seals, there would not be any significant effects on this

species and that there is no evidence to support a conclusion that there would be significant effects on any other marine mammals.

33. The Scottish Ministers agree with the significant weight the reporter (paragraph 187) has given to SEPA's consultation response, noting that the controls put in place through the related CAR licence would ensure that there would be no significant effects on benthic ecology, on priority marine features, or as a result of nutrient enhancement.

Effects on woodland

34. The Scottish Ministers agree with the reporter (paragraphs 192 - 193) that while the woodland has already been felled because of larch disease, the reason the appeal site is not being replanted is because of the proposed development. Therefore, the loss of woodland is a consequence of the proposed development.
35. The Scottish Ministers accept the reporter's findings (paragraph 196) that of the 1.2 hectares felled, only about 0.6 hectares should be considered as Planted Woodland on Ancient Woodland Sites (PAWS). The Scottish Ministers also note that the total area of replanting proposed across the application site (including at the former Tom Mhor quarry adjacent to the access track) would be about 1.5 hectares.
36. The reporter considers (paragraph 308) the loss of this area of woodland, and the non-PAWS woodland at Dail and its associated compensatory planting, would be contrary to NPF4 Policy 6 on Forestry, woodland and trees.
37. Natural Environment Policy 8 of the LDP predates NPF4 Policy 6 and allows the loss of ancient woodland to be balanced against the benefits of development, whereas NPF4 Policy 6 does not. The reporter considers (paragraph 308) that the overriding benefits that would arise from the development would not outweigh the loss of the woodland habitat, and therefore there would be conflict with this policy. For the same reasons, the reporter also considers the loss of woodland would be contrary to the Scottish Government's Control of Woodland Removal Policy.
38. The reporter also notes while there is a strong presumption in the Scottish Government's Control of Woodland Removal Policy against woodland removal (paragraph 306), the guidance states that 'slightly more flexibility' can be applied to PAWS woodland with few remnant ancient woodland features. Given the small loss of PAWS woodland that would not be replanted, the Scottish Ministers consider that, in this particular case, that the flexibility of the Scottish Government's guidance would be appropriate. Especially when taking into account the biodiversity benefits of replanting with native broadleaf species and when balanced against the overall benefits of the proposed development.

Transport Related Effects

39. The Scottish Ministers agree with the reporter's conclusions (paragraphs 313 - 314) regarding NPF4 Policy 13 on Sustainable Transport and Transport Policy 2 of the LDP. The reporter does not find any significant conflict with these policy objectives. The reporter considers that the proposed development would not generate significant levels of traffic and that its location well away from any

settlements or sustainable transport infrastructure is not a significant factor counting against it.

40. The Scottish Ministers agree with the reporter's assessment (paragraphs 325 - 330) in considering Overarching Policy 2 of the LDP, finding that whilst there would be some degree of conflict with recreational uses – from vehicles on the forestry road and the creation of a barrier to navigation on the west side of the loch – these would not cause significant harm to recreational users. A public/recreational access strategy to mitigate the effects of disturbance (paragraph 207) is provided for in planning condition 22.

Other Effects

41. The Scottish Ministers agree with the reporter (paragraphs 309 - 312) regarding biodiversity. Setting aside the effect on PAWS, there is scope for the terrestrial elements of the proposed development to make a contribution to biodiversity enhancement, in line with NPF4 Policy 3 and the enhancement provisions of LDP Policy 6 on Natural Environment. The Scottish Ministers agree with the reporter (paragraphs 276 - 278 and 310) that this may be secured by condition.
42. The Scottish Ministers agree with the reporter (paragraphs 336-337) in considering NPF4 Policy 1 (Tackling the climate and nature crises) that the proposed development draws significant support when considering the nature crisis because the use of SCCS reduces the potential effects on the marine environment (compared to open-net fish farming), but the consideration is more neutral when considering the climate crisis.
43. The Scottish Ministers accept the reporter's consideration (paragraphs 208 - 223) of other effects relating to noise from construction, odour and impact on recreational users of the loch.
44. The Scottish Ministers accept the reporter's (paragraphs 323 - 324) consideration that there is no conflict with NPF4 Policy 23 (Health and Safety). This is with respect to noise and odour, major accident hazard consideration and the proposal to capture, process and re-use food and faecal waste. The Scottish Ministers also agree with the reporter that the proposal appears to better align with the waste hierarchy in relation to NPF4 Policy 12 (Zero Waste) when compared with open-net fish farming. The Scottish Ministers consider this also aligns with the amenity and environmental effects aspects of LDP Overarching Policy 2.
45. The Scottish Ministers agree with the reporter (paragraphs 224 and 225) that the health or welfare of the fish or the adequacy of fish for human consumption were not relevant considerations in this appeal and were both matters for other regulatory regimes.
46. The reporter considers NPF4 Policy 10 (Coastal development) in light of NPF4 Policy 32 (Aquaculture), noting that many salmon farms in Scotland are located in areas of otherwise undeveloped - or sparsely developed - coastal areas. The Scottish Ministers agree with the reporter's conclusions (paragraph 315 to 319), which place no real weight on any conflict with Policy 10. The reporter (paragraph 319) applies the same approach to Natural Environment Policy 15 of the LDP and NPF4 Policy 9 (Brownfield, vacant and derelict land and empty

buildings), placing greater weight on NPF4 Policy 32 and giving no significant weight to any conflict with these policies. The Scottish Ministers agree with these findings.

47. The Scottish Ministers agree with the reporter (paragraph 335) that the development is supported by Natural Environment Policy 14 of the LDP as there would be no significant adverse effect on Ministry of Defence training areas and there is no evidence to conclude that the effects on recreational craft (including kayakers and canoes) would be significant.

Economic and other benefits

48. The Scottish Ministers note the reporter's consideration (paragraphs 226 - 227) of the socio-economic effects set out in the EIA Report, which indicate that during construction there would be positive economic effects through direct employment on site, use of local suppliers and services, and induced effects such as up-skilling. During operation, it is estimated that the fish farm would generate around 12 full-time equivalent jobs.
49. The Scottish Ministers agree with the reporter (paragraph 233) that while the economic benefits of the proposed development are assessed in EIA terms as not significant, these benefits must still be taken into account. The Scottish Ministers agree with the reporter that in a rural area, the direct employment and investment in goods and services, both during construction and operation, would make a notable contribution to local economic activity.
50. The Scottish Ministers agree with the reporter (paragraphs 320 - 322) in acknowledging the support NPF4 Policy 29 (Rural Development) gives to development which contributes to the viability, sustainability and diversity of the rural economy and considers that the proposed development would help to meet these objectives.
51. The Scottish Ministers also agree with the reporter's findings (paragraphs 234 - 236) that the environmental benefits of SCCS (compared to open-net fish farming) are strong factors in favour of the proposed development.
52. The reporter states (paragraph 339), and the Scottish Ministers agree, that the socio-economic effects of the development and nature of the fish-farming technology proposed to be used draw support from the development plan, including in Natural Environment Policy 14 of the LDP and in NPF4 policies 1, 12, 29 and 32 – including from the intent of that policy and the outcomes it aims for.

The Conservation (Natural Habitats, &c.) Regulations 1994 ('the Habitats Regulations')

53. The Scottish Ministers have undertaken Appropriate Assessments of the likely effects the proposed development would have on the integrity of Endrick Water SAC and the Ailsa Craig SPA (paragraph 13).
54. As detailed in those assessments, the Scottish Ministers have concluded that, subject to mitigation being secured by condition, there would be no adverse effect on the integrity or on the conservation objectives of either site.

Planning Obligations and Conditions

55. The Scottish Ministers agree with the reporter's assessment that planning obligations are not considered necessary, and all matters can be covered by conditions (paragraphs 238 - 281).
56. The Scottish Ministers disagree with the timing of submission for a decommissioning and restoration plan. To align with the financial bond, and in the interests of supporting a circular economy and reducing lifecycle carbon emission, the Scottish Ministers consider decommissioning and restoration should be considered early in the development process. The Scottish Ministers therefore consider this should be a pre-commencement condition, as set out in the amended condition 3.

Other material considerations

57. The Scottish Ministers agree with the reporter's findings in (paragraphs 343 - 351) that the proposed development aligns with the National Marine Plan, would not have significant adverse effects on other marine biodiversity, and draws support from the Scottish Government's Vision for Sustainable Aquaculture.

Conclusions

58. The Scottish Ministers agree with the reporter (paragraph 354) that the conclusion is finely balanced, and that there are a number of matters on which the decision-maker might reasonably reach a different judgement or place different weight than the reporter.
59. The Scottish Ministers agree with the reporter (paragraph 330) that the principle of the proposed development receives strong support from NPF4, particularly in relation to the benefits of SCCS technology. The Scottish Ministers recognise there are environmental benefits associated with the nature of the fish-farming technology proposed to be used – particularly the capture and management of waste, the control of sea lice, and the containment of farmed fish. The Scottish Ministers consider that the proposed development draws support from the Vision for Sustainable Aquaculture, aligns with the National Marine Plan, and broadly accords with LDP Natural Environment Policy 14 (Marine and Inland Aquaculture); NPF4 policies 1 (Sustainable Places); 12 (Zero Waste); 29 (Rural Development); and 32 (Aquaculture), parts a), b) and c), as well natural environment aspects of Overarching Policy 2.
60. As in the 'Seascape, Landscape and Visual impact' section of this decision letter, and contrary to the overall conclusion of the reporter, the Scottish Ministers consider the development accords with NPF4 Policy 32 as well as LDP policies Natural Environment 1, Natural Environment Policy 11, Natural Environment Policy 14, Natural Environment Policy 15, Overarching Policy 1 and Overarching Policy 2, and Aquaculture Policy 5 of the National Marine Plan.
61. In reaching this position, the Scottish Ministers acknowledge that the development is larger in scale than open-net fish farms due to the SCCS technology. The Scottish Minister agree with the reporter that fish farm development is inevitably industrial in appearance but consider this should not

count against it. The Scottish Ministers also agree with the reporter that no identified 'important views' would be significantly affected and that design of the proposed development has sought to minimise visual effect. In these circumstances, the Scottish Ministers consider these aspects taken together are important in considering whether the development is scaled, sited and designed to be in keeping with the wooded and undeveloped character of the area.

62. The Scottish Ministers agree with the reporter that the special landscape qualities of the National Park would be protected in accordance with the first requirement of Natural Environment Policy 1 of the LDP. The Scottish Ministers give this significant weight in their consideration as to whether there is, as the reporter concludes, conflict with the first aim of the National Park (to protect and enhance the natural and cultural heritage of the area) from a landscape, seascape and visual impact perspective. Overall, the Scottish Ministers are satisfied there would be no conflict with the first, or any other, aim of the National Park.
63. As in the 'Effects on Woodland Section' section of this decision letter, the Scottish Ministers acknowledge the proposed development would result in the loss (through not replanting areas felled due to larch disease) of 0.6 ha of plantation on ancient woodland sites (PAWS). Although replacement broadleaf planting is proposed, the loss of an ancient or long-established plantation or semi-natural woodland is not supported under LDP Natural Environment Policy 8, unless there are overriding public benefits that outweigh the loss of the woodland habitat. The proposed development is also not supported by NPF4 Policy 6.
64. The Scottish Ministers note the reporter has referred to the Scottish Government's published [guidance](#) on the implementation of the Control of Woodland Removal Policy. In respect of the strong presumption in the policy against woodland removal, the guidance says that 'slightly more flexibility' can be applied to PAWS woodland with few remnant ancient woodland features. With no further information available however, the Scottish Ministers agree with the reporter and conclude the proposed development creates conflict with Policy 6 of NPF4 and LDP Natural Environment Policy 8.
65. In regard to other matters, the Scottish Ministers agree with the reporter that there are no other significant conflicts with other development policies (paragraph 338). The Scottish Ministers also agree with the reporter that the development supports the second, third and fourth aims of the National Park (paragraph 342). The Scottish Ministers also consider the capturing and management of fish farm waste through SCCS technology should be viewed favourably in the context of conserving the natural heritage of the area.
66. The Scottish Ministers therefore consider the question to address is, whether the loss of PAWs and conflict with Policy 6 of NPF4 and LDP Natural Environment Policy 8 is outweighed by other development plan support and material considerations.
67. On balance, the Scottish Ministers consider that there is strong support in principle for the proposed development from NPF4, particularly due to the use of SCCS technology. The proposed development also accords with other elements of the development plan, offers economic benefits through the

operation of the fish farm, and is generally consistent with the National Marine Plan. Taken together, these factors are considered sufficient to outweigh the aforementioned policy conflicts. The Scottish Ministers therefore conclude that the proposed development accords with the development plan overall and grant planning permission, subject to conditions.

Formal Decision

68. Accordingly, for the reasons given above, the Scottish Ministers hereby approve planning permission for the proposed development subject to the conditions as set out in Appendix 1.

Right to Challenge

69. This decision of the Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

70. A copy of this letter and the reporter's report will be sent to Loch Lomond & the Trossachs National Park Authority. Those parties who lodged representations will also be informed of the decision.

Yours sincerely

[Redacted Signature]

[Redacted Signature]

Planning, Architecture and Regeneration Division

Appendix 1: Planning Conditions

1. **Commencement of Development:** The Development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of grant of this permission.

Reason: Section 58 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to permissions limiting their duration. Three years is the default period set by law and there is no material reason indicating that a different period should be set.

2. **Time Limitation:** (1) Unless prior written permission is sought and obtained for its continued use for a further period, the use of the land and waters of Loch Long for the fish farming operations shall be limited to the expiry of the earlier of (a) 20 years of operation from the date of first stocking of fish, or (b) 24 years from the commencement of development.

(2) Written confirmation of the first stocking of fish shall be provided to the planning authority no later than one calendar month after that date.

Reason: To limit the length of time for operations in order to minimise the adverse landscape and visual impacts of the development.

3. **Scheme of Decommissioning and Restoration:** No development shall commence until a scheme of decommissioning and restoration of the application site has been submitted to and approved in writing by the planning authority. The scheme shall include provisions:

- a) removal of the shore-based and water-based development, the treatment of ground surfaces and the management and timing of the works and related environmental management;
- b) setting out the means of reinstating the site to forestry use following the removal of the components of the development;
- c) requiring its completion within the timescales outlined in the approved scheme;
- d) arrangements for reviewing the scheme before decommissioning; and,
- e) for aftercare after restoration is complete.

The scheme shall be implemented as approved.

Reason: To ensure that decommissioning of the site of the development hereby approved takes place in an orderly and timely manner and to ensure proper storage and disposal of redundant equipment in the interest of amenity and navigational safety.

4. **Mitigation Measures:** The development hereby approved shall not be constructed or operated other than in accordance with the mitigation measures contained within Chapter 20 of the EIA report (EIA Report Chapter 20 - Summary of Mitigation, October 2021).

Reason: To minimise any impacts on the receiving environment.

5. **Biomass:** Prior to the first stocking of fish, a phasing plan shall be submitted to and approved by the planning authority which will show the timescales, from the date of first stocking, by which the maximum biomass of fish shall be increased in stages to the maximum allowable biomass of 3452 tonnes. The development shall be operated in accordance with the phasing plan, and thereafter with a maximum biomass of 3452 tonnes.

Reason: To minimise any impacts on the receiving environment.

6. **Technical Standard:** The operator of the development hereby approved must adhere to the Technical Standard for Aquaculture equipment (A Technical Standard for Scottish Finfish Aquaculture, Marine Scotland 2015) or such other appropriate Technical Standard for Scottish Finfish Aquaculture as may be published by Marine Scotland.

Reason: To reduce the risk of equipment failure.

7. **Acoustic Deterrent Devices:** No Acoustic Deterrent Devices shall be deployed in relation to the development hereby approved.

Reason: In the interests of nature conservation.

8. **Farm and Environmental Management Plan:** Prior to the first stocking of fish, a Farm and Environmental Management Plan shall be submitted to and approved by the planning authority (in consultation with NatureScot, SEPA and Marine Scotland).

For the avoidance of doubt the Farm and Environmental Management Plan shall contain the following:

- a) Farming Method Statement
- b) Sea Lice Management Strategy
- c) Waste Management Plan (including non-fish waste)
- d) Wild Fish Monitoring Plan
- e) Noise Management Plan (including vibration)
- f) Species Protection Plans (including red squirrel and seals)
- g) Further to condition 12, a mitigation plan in the event of significant bird entanglement.

Once approved in writing by the planning authority, the development hereby approved must at all times be operated in accordance with the approved Farm and Environmental Management Plan.

Reason: To ensure protection of the natural environment, protected species and designated sites.

9. **Semi-Closed Containment System (SCCS), Buildings, Structures and Equipment Details:** (1) Prior to the commencement of the development hereby approved, full and final details of the SCCS and details of the materials and finishes of all buildings, structures and equipment, both on land and above and below the water surface, inclusive of the sub-sea elements, surface floats and buoys (excluding those required to comply with navigational requirements) shall be submitted for approval in writing by the planning authority. Thereafter the

respective SCCS, buildings, structures and equipment shall meet the approved specifications.

(2) The maximum height of the oxygen vessels forming part of the shore base shall be 11.5m and the maximum height of the feed silos will be 8m.

(3) The outer diameter of the circular marine enclosures shall be no greater than 50m.

(4) The maximum height of the bird net on the marine enclosure shall be 6.5m when measured from the waterline.

Reason: In the interest of visual amenity and to ensure that the development is capable of performing in a manner as assessed in the EIA Report.

10. **Redundant Equipment:** In the event that the development hereby approved or any associated equipment approved by this permission ceases to be in operational use for a period exceeding 12 months, the equipment shall be wholly removed from the site and the site restored in accordance with the approved details of condition 3, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of visual amenity.

11. **Pole-mounted Top Nets:** Prior to the installation of pole-mounted top nets, a detailed specification for the nets must be submitted for the approval of the planning authority (in consultation with NatureScot). For the avoidance of doubt the pole-mounted top nets must have a mesh size of 100mm or lower, or such other mesh size as may be approved by the planning authority in consultation with NatureScot.

Reason: In the interests of species protection.

12. **Monitoring and reporting of bird entanglement:** The operator of the development hereby approved must, in writing, notify the planning authority and NatureScot in the event of any significant entrapment of gannets or any other single bird species.

“Significant” in this condition must be interpreted as involving three or more gannets on any one day and/or a total of ten or more gannets in the space of any seven day period and/or repeat incidents involving one or more birds on four or more consecutive days.

Daily checks of nets shall be undertaken by the operator to ensure they are properly secured and tensioned. Daily records of entrapment/entanglement shall be kept and records shall be submitted every four months to the planning authority and NatureScot.

Reason: In the interests of species protection.

13. **Equipment Damage:** In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the operator shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: In the interests of visual amenity and navigational safety.

14. **Tree Protection Plan:** Prior to the commencement of any construction works (including fencing) on the site of the development hereby approved, a Tree Management Plan shall be submitted to and approved by the planning authority (in consultation with Scottish Forestry). The Tree Management Plan shall include:

- a) provision for the appointment of a suitably qualified arboricultural consultant;
- b) a survey of existing trees on site and measures to protect existing trees during the course of development, such as 1m high fencing;
- c) an Arboricultural Method Statement; and
- d) detail of the stages of construction work requiring supervision by the arboricultural consultant.

Certificates of compliance for each relevant stage of the construction works shall be submitted to the planning authority on completion of that stage.

Once approved, the approved Tree Management Plan shall be complied with and implemented in full.

Reason: To protect established trees adjacent to the development against accidental damage during the course of the development.

15. **Details of Landscaping:** Prior to the commencement of any construction works (including fencing on the site of the development hereby approved) a landscape scheme/plan shall be submitted to and approved in writing by the planning authority. The said scheme/plan (at a scale of 1:500 or greater) shall include:

- a) proposed finished levels or contours;
- b) any new hardstanding in access and car parking surfacing materials, pedestrian areas/paths;
- c) any new walls, fences, hedges, gates;
- d) any minor structures (e.g. refuse or other storage units);
- e) planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- f) a programme of implementation.

Reason: The proposed development and its location requires landscaping to fully integrate the proposed development with its surroundings.

16. **Implementation of Landscaping:** The landscaping shall be undertaken in accordance with the approved landscape scheme in terms of condition 15 above. Any trees or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased within a period of five years from the date of their planting, shall be replaced during the next planting season with others of similar sizes and species unless the planning authority gives written approval to any variation.

Reason: The proposed development and its location requires landscaping to fully integrate the proposed development with its surroundings.

17. **Road/Access Track Details:** Prior to the commencement of the development hereby approved, detailed drawings showing the development and the means of access thereto and therefrom shall be submitted to, and approved in writing by, the planning authority. For the avoidance of doubt this shall include details of the proposed road/access track upgrades, passing places and new section of road/access track. Thereafter, the approved road /access, upgrades and passing places shall be completed in accordance with the approved details prior to the first operational use of the approved shore base as part of the development hereby approved.

Reason: To ensure a suitable standard of access provision in the interests of road safety.

18. **Culverts:** New culverts should be sized for the 1:200 year + climate change event with an allowance for freeboard; and the carrying capacity of the channel shall not be reduced.

Reason: In order to protect the water environment.

19. **Travel Management Plan:** Prior to the commencement of the development hereby approved, a comprehensive Travel Management Plan shall be submitted for the approval of the planning authority, after consultation with Transport Scotland. This shall include consideration of construction traffic management measures at the existing access on the A83 Trunk road, and construction and operational traffic on the minor road and track giving access to the site.

Once approved, the Travel Management Plan shall be complied with.

Reason: To ensure that construction traffic associated with the development does not adversely impact on the safety and free flow of traffic on the A83, and that conflict between construction and operational traffic and recreational users of the minor road and access track is minimised.

20. **Cycle Parking:** Prior to any occupation of any of the buildings forming part of the development hereby approved, cycle parking facilities shall have been provided in accordance with detailed drawings that have been submitted to, and approved in writing by, the planning authority. The drawings shall show the position, design, materials and finishes of the aforementioned cycle parking facilities.

Reason: To facilitate access to the site by bicycles.

21. **Electric Vehicle Charging Infrastructure:** Prior to commencement of operations, Electric Vehicle Charging Infrastructure shall be provided at the shore base car park area.

Reason: To facilitate access to the site by electric vehicles.

22. **Public Access Management Plan:** Prior to the commencement of the development hereby approved a public access/recreational access management plan shall be submitted to and approved in writing by the planning authority, to ensure that construction and operations do not prevent or compromise access rights or public recreational safety. For the avoidance of doubt, this shall include an exclusion zone to access rights around the operational area of the fish farm and permanent signage on the marine enclosures to warn marine users of this. Following approval of the management plan, it shall thereafter be implemented.

Reason: To safeguard public access rights and in the interests of public safety.

23. **Navigational Marking:** The recommendations of the Northern Lighthouse Board with regard to navigational markers (specified in their letter dated 9 November 2021) shall be implemented in full.

Reason: To ensure safe navigational passage.

24. **Archaeological Programme of Works:** No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been approved in writing by the planning authority, in consultation with the West of Scotland Archaeology Service. Thereafter the programme of archaeological works shall be fully implemented and all recording and recovery of archaeological resources undertaken in accordance with the approved programme.

Reason: To safeguard the archaeological value of the site.

25. **Lighting Management Plan:** Prior to the commencement of the development hereby approved a Lighting Management Plan shall be submitted to and approved in writing by the planning authority. This shall include details of all lighting on shore buildings, equipment and vehicles as well as lighting on water-based equipment (not including lighting required for navigational purposes). The approved Lighting Management Plan shall be implemented and complied with at all times.

Reason: To protect the amenity of the immediate area, to prevent the creation of nuisance due to light pollution and to support the reduction of energy consumption.

26. **Zero Carbon Technology:** The solar panels proposed as part of the development hereby approved shall be installed and operational prior to the first use of the main shore base building.

Reason: To ensure the use of zero and low carbon technology.

27. **Private Water Supply:** Prior to the commencement of the development hereby approved, a full and detailed appraisal to demonstrate the wholesomeness and sufficiency of any private water supply to serve the development shall be

submitted to and approved in writing by the planning authority. This assessment shall be carried out by a suitably qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (or any amendment or replacement or similar legislation) and shall, on the basis of such risk assessment, specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the development. Furthermore, the development shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: To protect the welfare of site workers and to protect existing water supplies.

28. **Breeding Birds:** No works as part of the development hereby approved shall take place during the bird breeding season (March – August inclusive) unless a walk over survey for nesting birds has been first undertaken by a suitably qualified and competent person and the survey results shall be submitted to and approved in writing by the planning authority prior to undertaking any works or intrusive activity associated with the works.

Reason: To ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

29. **Otters:** Prior to any works as part of the development hereby approved taking place, a walk over survey shall be undertaken by a suitably qualified and competent person to check for holts and lying-up areas. The results of the survey shall be submitted to the planning authority for written approval.

Reason: To safeguard protected species and nature conservation interest and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

30. **Badgers:** Prior to any construction works taking place a Badger survey following NatureScot guidelines shall be undertaken, and the results along with a proposed protection plan shall be submitted to and agreed in writing by the planning authority. Thereafter the agreed protection plan shall be implemented in full.

Reason: To safeguard protected species and nature conservation interest and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

31. **Ecological Clerk of Works:** Prior to the commencement of any construction works within the site, an appropriately qualified ecologist shall be appointed as an Ecological Clerk of Works by the developer to oversee the implementation of the development and to ensure relevant legislation and conditions on environment and protected species are followed. Confirmation of the appointment, including the ecologist's qualifications and contact details, shall be submitted to the planning authority prior to commencement of development. Within 2 weeks of the appointment a detailed work programme including site visits and

reporting to the developer and the planning authority shall be submitted to and approved by the planning authority.

Reason: To ensure construction, operation and decommissioning are undertaken in a manner that complies with the planning conditions and safeguards protected species and habitats.

32. Hours of Construction: Unless otherwise agreed in writing by the planning authority, no construction associated with the development hereby approved shall take place outwith these hours:

Monday to Friday: 7.00 am – 7.00 pm
Saturday: 7.00 am - 1.00 pm
Sundays: no construction permitted
Public holidays: no construction permitted.

Reason: To protect the occupants of nearby dwellings and recreational users from excessive noise and disturbance associated with construction works.

33. Construction Environmental Management Plan (CEMP): Prior to commencement of the development, a revised and detailed CEMP shall be submitted to and agreed in writing by the planning authority. The approved CEMP shall be implemented and complied with throughout the construction period of the development.

Reason: To ensure protection of the environment during construction.

34. Financial Guarantee. No works in connection with the development shall commence unless the developer has provided to the planning authority written details of the proposed financial guarantee or other provision that is proposed to be put in place to cover all site restoration and aftercare liabilities at the end of the period of this permission. The developer shall also provide an independent confirmation by a suitably qualified independent professional that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removal, disposal, site restoration, remediation, aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site unless written confirmation has been given by the planning authority that the proposed guarantee is satisfactory, and the developer has confirmed in writing to the planning authority that the guarantee has been put in place. The guarantee or other financial provision shall:

- a) be granted in favour of the National Park Authority as planning authority;
- b) unless in the form of a parent company guarantee, be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) the value of the financial provision shall be reviewed by a suitably qualified independent professional, at least every five years and increased or decreased, with the written approval of the planning authority, to take account of any variation in costs of compliance with restoration and aftercare obligations;
- d) come into effect on or before the date of commencement of development and expire no earlier than the completion of the site restoration and aftercare period. In the event that the guarantee becomes invalid for any reason, operations in connection with the development shall cease within 12 weeks

of the date on which the financial guarantee became invalid unless a replacement guarantee, completed in accordance with the terms of this condition, has been submitted to and approved in writing by the planning authority. This requirement shall apply unless otherwise agreed in writing with the planning authority.

Reason: To ensure that financial security for the cost of the site reinstatement is in place.

35. Compensatory Planting: (1) Prior to the commencement of development a woodland planting scheme to compensate for the removal of woodland (the "Compensatory Planting Scheme") shall be submitted to and approved in writing by the planning authority.

(2) The Compensatory Planting Scheme shall comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2017, ISBN 978-0-85538-999-4 or any revision or replacement subsequently published) and the guidelines to which it refers. The Compensatory Planting Scheme submitted for approval shall include:

- a) details of the location of the area(s) to be planted;
- b) the nature, design and specification of the proposed woodland to be planted;
- c) the phasing and associated timescales for implementing the Compensatory Planting Scheme;
- d) proposals for the maintenance and establishment of the Compensatory Planting
- e) Scheme, including: regular monitoring by an independent, qualified and technically competent professional, annual checks, replacement planting, fencing, ground preparation and drainage; and
- f) proposals for reporting to the planning authority on compliance with timescales for delivery of the Compensatory Planting Scheme.

(3) The approved Compensatory Planting Scheme, or any revised Compensatory Planting Scheme subsequently approved by the planning authority in writing, shall thereafter be implemented in full and in accordance with the timescales and phasing set out therein, unless otherwise agreed in writing by the planning authority.

Reason: To ensure compensatory planting is provided for the woodland felled to accommodate the development, and to enhance biodiversity within the application site.

36) Pontoon: Notwithstanding the details shown on the approved plans, the installation of a pontoon as shown on the submitted plans does not form part of this permission.

Reason: To clarify the extent of the planning permission and for the avoidance of doubt.

Informative

(As set out in Ministry of Defence Consultation Response Letter 04 January 2022)

In view of the location of the development in relation to the Safeguarded arcs and the potential hazard to people both inside the building and outside, it is strongly recommended that the following glass specification is used in accordance with traditional blast hazard mitigation measures:

- 4mm thick or 6mm thick Toughened glass to the outer pane
- Cavity (no 'blast' requirements on thickness)
- At least 6.8mm thick Laminated glass with a PVB interlayer to the inner pane
- Thicker panes of laminated glass are also acceptable provided they contain a PVB interlayer thickness of at least 0.76mm.

The above glass specification is in line with the requirements of Defence Ordnance, Munitions & Explosives Safety Regulator (DOSR) Regulation DSA 03 - OME Part 2 (Formerly JSP 482) - In Service and Operational Safety Management of OME, Chapter 6 (Buildings associated with military explosives). Please see link below for details.

<https://www.gov.uk/government/publications/dsa03-ome-part-2-in-service-and-operational-safety-management-of-ome>

The above glazing specification is also broadly in line with the Association of Chief Police Officers (ACPO) 'Secured by Design specification', PAS 24:2012 'Enhanced security performance' and Building Regulations Approved Document Q (Security - Dwellings). Please see links below for details.

<https://www.securedbydesign.com/guidance/standards-explained#windows>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/443221/BR_PDF_AD_Q_2015.pdf

The Centre for the Protection of National Infrastructure (CPNI) also produce guidance on security features for domestic windows (including the use of laminated glass), which may be of use.

<https://www.cpni.gov.uk/system/files/documents/23/5a/Assessment-of-security-domestic-windows.pdf>

Enhanced glazing specification and robust steel, aluminium or timber frames would be recommended. If uPVC frames are used, they can be improved in terms of their hazard mitigation by the use of double-sided security tape to secure the glass into the frames so we would recommend the use of this if uPVC frames are used.

Notwithstanding the above, it is strongly recommended that checks are undertaken ensuring that the final window & glass specification complies with all the other necessary requirements & legislation (e.g. Building Regulations).

Appendix 2: Schedule of Plans for Approval

Site Sections	11449-8_BW_1-010
Location Plan	Figure 1
Site Location Figure 1	4220-REP-056
Terrestrial Layout Plan	4220-REP-055
Proposed HGV External Access Route Figure 9	1149-3_PL_S100 Rev B
Access Track Upgrade Works Figure 11	11449-3_PL_S103 Rev B
Proposed Quarry & Internal Forest Haul Route Fig 10	11449-3_PL_S101 Rev B
Proposed Mooring Plan Figure 7	11449-3_PL_S007 Rev A
Proposed Marine Layout Plan Figure 6	11449-3_PL_S006 Rev A
Felling Area Figure 13	4220-PUB-014
Proposed Slipway Elevations	11449-3_PL_S210
Proposed Ensilage Area Elevations	11449-3_PL_S211
Proposed Silos Elevations	11449-3_PL_S213
Proposed Wastewater Treatment Plant Elevations	11449-3_PL_S214
Marine Enclosure Elevations	
Track and Forestry Works	
Site Location	11449-8_BW_1-001
Site Boundary Plan	11449-8_BW_1-002
Proposed Wider Site Plan	11449-8_BW_1-003
Proposed Overall Site Plan	11449-8_BW_1-004
Proposed Site Plan	11449-8_BW_1-005
Proposed Building Layout	11449-8_BW_1-101
Proposed Elevations	11449-8_BW_1-102
Proposed Roof Plan	11449-8_BW_1-103
Proposed Sections	11449-8_BW_1-104
Standard Details	11449-8_BW_1-105
Notes	11449-8_BW_1-106
Floor Finishes	11449-8_BW_1-110
Proposed Ceiling Finishes	11449-8_BW_1-111
Proposed Wall Finishes	11449-8_BW_1-112
Door Schedule	11449-8_BW_1-120
Window Schedule	11449-8_BW_1-121
Proposed Road Long Section	21.0536-CIV-904-Rev-A
Proposed Road Long Section	21.0536-CIV-904-Visual
Proposed Cut/Fill Volumes	21.0536-CIV-905-Rev-A
Oxygen Tanks	11449-3_PL_S212 Rev A