

WESTER ROSS AREA SALMON FISHERY BOARD
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Mr James Bromham
Aquaculture Development Officer
Highland Council
Planning and Development Service
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

19th July 2013

Dear Mr Bromham,

Reference 13/01494/FUL

The Wester Ross Area Salmon Fishery Board (WRASFB) would like to comment on the additional information supplied by Wester Ross Fisheries Limited (WRF Ltd) in their letter to you dated 1st July 2013.

1. The WRASFB is aware of and will continue to monitor the Rubha Meallain Bhuidhe (RMB) site situation. Given that the situation as contained in our objection to the current application of 13/01494/FUL would be multiplied tenfold if located any closer to the Kanaird river mouth, WRASFB is prepared to assist the planning authority in persuading both Crown Estates and Scottish government that the reactivation of this site, at any time, would be a complete disaster for the recovery of the Kanaird river.
2. The board was surprised to learn that some "mooring creep" was detected on both of the current pen groups that is claimed "can occur after severe storms". Mooring creep is more usually related to the rope characteristics and the construction geometry of the pen groups coupled with the local conditions of wind, waves and tide. It is the WRASFB opinion that "mooring creep" as explained by WRF Ltd, does not fully explain why in the North pen group, 100% of the pens and 77% of the mooring grid are outside the consented area. The situation is similar in the South pen group with 86% of the pens and 69% of the mooring grid also being outside the consented area. If a large proportion of the mooring anchors at these sites are also outside the consented area, it is almost impossible to blame mooring creep. As it is not clear how long both of these pen groups have been in their current positions, WRASFB suggests that SEPA itself conducts a seabed survey around these pen groups to determine if any adverse impact has occurred in this area which WRASFB suspects is not covered by the CAR license issued for the original consented area.
3. The board can confirm that WRF Ltd did not provide any information to WRASFB (as a statutory consultee) for seabed survey data.
4. In regard to your request to WRF Ltd to make "**arrangements for the WRASFB to have sight of the sea lice counts over the last three production cycles**", this information has not been made available to WRASFB. There was indeed a meeting (at the board's instigation) between WRF Ltd and WRASFB on Monday 10th June. At this meeting WRF Ltd proposed some measures that they felt might persuade WRASFB not to submit an objection to the current Loch Kanaird planning application. This included an offer of significant funds to implement a fishery restoration project, by restocking, on the Kanaird river - similar to that carried out on the Carron river at Kishorn. WRASFB refused this offer responding that the river Kanaird fishery could not recover unless there is effective sea lice control and an effective monitoring regime at WRF Ltd's Loch Kanaird site. WRASFB made a further request for the release of historic sea lice data for the Loch Kanaird site that was refused.

WRF Ltd asserted that they did keep their sea lice numbers below the Code of Good Practice (CoGP) levels. WRASFB queried this claim and referred to the most up to date, publicly available sea lice data from the Scottish Salmon Producers Organisation (SSPO) during January, February and March 2013 which, as submitted to Highland Council in WRASFB's original response, indicates that the recorded levels of sea lice numbers were

consistently above the CoGP trigger levels during this period. WRF Ltd conceded that their assertion was incorrect.

WRF Ltd tried to assert (as they do in their letter) that “no work has been done which allows for a comparison of the impact on wild salmonids by defined numbers of adult female lice present on farmed salmon”. WRASFB responded that for sea trout, there is a vast amount of scientific, peer reviewed data, which finds that salmon farms are a significant reservoir of sea lice in the sea loch environment that in turn can have a serious detrimental impact to the sea trout populations.

WRF Ltd state that WRASFB were reminded of a meeting at which it is alleged that some sort of binding agreement was entered into whereby WRASFB would not object to WRF Ltd’s imminent planning application for Loch Kanaird in return for allowing the WRFT biologist access to the farm sites for the purpose of sea lice inspections. It is not clear why WRF Ltd would expect that a copy of unsigned notes from a meeting could be taken as a legally binding document between WRF Ltd and WRFT or WRASFB. It was pointed out to WRF Ltd that WRASFB was not present at that meeting and even if it had been, it would never have agreed to a deal that would in effect be in breach of its statutory duty to protect wild salmonids within its area. Furthermore, it is critical to emphasise that the meeting these notes refer to took place at Ardmail on **9th August 2011, a full 21 months prior to the current Loch Kanaird planning application.**

Therefore, the WRASFB wants to be absolutely clear in its position and objects strongly to the WRF Ltd suggestion that an extract from these notes which implies some form of binding agreement that could negate the objections from both WRASFB and/or WRFT. In light of the proposals put to WRASFB by WRF Ltd during the meeting of 10th June 2013, the WRASFB is in no doubt that the subject of site visits in return for no objections to an imminent planning application was probably discussed during the meeting between WRF Ltd and WRFT on the 9th August 2011. However, unless WRF Ltd can produce a signed document agreeing this in principle, these meeting notes should be seen for what they are and not what WRF Ltd would wish them to be. Highland Council may now wish to enquire of WRF Ltd why the date of this 2011 meeting was not revealed in their response to the request for additional information.

The only binding and signed agreement that WRASFB is aware of is one between WRF Ltd and the WRFT biologist. This arrangement is so restrictive in favour of WRF Ltd that it is of little or no use to WRASFB. It allows for two site visits per year for each site and the publication of a written report on each site visit. However, it should be noted that these reports need to **“be submitted to WRF Ltd for approval before it, or any part of it, is circulated outside WRFT. If WRF Ltd cannot approve the initial report, then a meeting shall be convened to agree a version that is acceptable to all. Any information from WRF Ltd shall remain the property of WRF Ltd and shall not be shared without their agreement”**. The contents of these reports are wholly inadequate as a basis for WRASFB to provide informed advice to Highland Council for planning purposes. As an example of the content of these reports, the most recent fish farm report WRASFB has is for the WRF Ltd site at Corry in Loch Broom dated 2nd April 2013. As with the others, there are no sea lice figures contained in this report. Statements within the report include, **“PC (the WRFT biologist) viewed the fish in several cages on the pen group. Lice were observed on the fish. For the purposes of this report it was agreed that levels were over the recommended CoGP threshold levels. Lice counts were not taken on fish out of the water, partly because it would not be possible to include any figures in this report (beyond the statement above).** Another statement includes **“following the visit, PC sent an e-mail to Gilpin Bradley and Hugh Richards (WRF Ltd) requesting that action be taken to reduce the size of the ovigerous lice populations on the farm”**.

Nowhere in this signed agreement is there any reference to these visits being dependent on WRFT or WRASFB not objecting to any Loch Kanaird planning application. It should also be noted that an e-mail from WRF Ltd to WRFT has advised that these visits are under review due to objections being raised to their Loch Kanaird planning application. Therefore any mention of site visits for the inspection of sea lice should now be dismissed from the original supporting evidence supplied from WRF Ltd. To be absolutely clear, the confidentiality clause contained within the agreement between WRF Ltd and the WRFT biologist has not resulted in the WRASFB having any sight of any sea lice counts over the last three production cycles. We submit that WRF Ltd has failed to comply with the request from the case officer for this information to be made available or sighted by WRASFB, made under regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

WRF Ltd’s claim for confidentiality in raw sea lice data is without foundation and the matters it relies on self evidently do not support this claim for commercial confidentiality. The disclosure of sea lice data at this site does not impact on the company’s business save only to hide from public scrutiny the true environmental effects of its activities on wild salmonids. The public domain is exactly where this data should be. By keeping this information from view, WRF Ltd is preventing an informed discussion and understanding of the actual consequences of sea lice levels at this site.

5. While not admitting it, by providing some attempt at mitigation measures as indicated within your letter to them, WRF Ltd have acknowledged that they do have major sea lice issues at this site. These issues are presumed to be at the very least equivalent to the evidence provided by WRASFB but, given the desire by WRF Ltd to conceal the full counts by not allowing even "sight of" these figures, these levels could be much higher. The remaining mitigation measures suggested by WRF Ltd are nothing more than a list of aspirations that they should already have achieved after 37 years experience of continuous production at this site. These aspirations do not provide any firm commitment to address the serious sea lice problems associated with this area. Of further concern to WRASFB is the fact that WRF Ltd will not always implement the methods and procedures that were consulted on during the planning application stage of a development. For example, in the 2008 planning application for the WRF Ltd site at Ardesie B, the stated intention was:

"the site is to be used to produce salmon over a 7-8 month period – stocking the site in October – November and growing the fish until May or June, after which the fish which have reached about 0.5 kilos would be moved to one of the company's fallowed sites – either in Loch Broom or Loch Kanaird. In doing this, the company does not expect to reach half the consented biomass of 400 tonnes of fish on the Ardesie site. The site would be fallowed for 4 – 5 months every year during the period when wild salmon migrate.

This statement of intent, which was the one consulted on, was never implemented. Fish were instead moved **from** the company's sites in Loch Broom or Loch Kanaird **to** Ardesie where they were then grown on and harvested. **This change in production method resulted in the reduction of the promised fallow period at Ardesie B from 4 – 5 months to a mere 4 weeks, the bare minimum allowed in the CoGP.** Any change in production methods that would create a more significant adverse impact, without any further consultation, is extremely concerning to WRASFB. Unless the production methods that are consulted on are legally enforced by applying them as conditions, WRASFB has no confidence, through experience, that any of the proposed regimes within this current application, including these mitigating measures, will be adhered to.

Yours sincerely,



Bill Whyte
WRASFB Chairman