



COMHAIRLE NAN EILEAN SIAR

Balivanich, Isle of Benbecula, HS7 5LA

Bail' a'Mhanaich, Beinn na Faoghla, HS7 5LA

Telephone 01870 602425
Fax 01870 602332
E-mail [Redacted]
Writer
Our Reference
Your Reference
Date 10 April 2018

The Scottish Salmon Company
C/o The Scottish Salmon Company
Per Paul Condy
Marybank Industrial Estate
Isle of Lewis
HS2 0DB

Dear Sir/Madam

APPROVAL OF PLANNING PERMISSION (DETAILED)

APPLICATION REFERENCE NO: **17/00465**
TYPE OF APPLICATION: **Fish Farm Planning Application**
LOCATION OF DEVELOPMENT: **Marine Site, Fish Farm, Loch Uskivagh**
PROPOSAL: **Install 8x28.6m diameter (90m circumference) cages (arranged in one group of 2x4) in a 50m grid (to replace existing 12x70m circumference cages (arranged in one group of 2x6) within a 40m grid). Existing feed-barge to be moored to the east of the proposed cage groups.**

Please find attached the Decision Notice relating to the above proposal, together with a set of approved plans. Any Conditions imposed on the grant of planning permission are detailed in Schedule 1. Conditions must be complied with and failure to do so may result in the Comhairle taking enforcement action. Certain conditions require that you submit details for agreement or information before works commence. Informatives may be included and are to make you aware of issues that may be pertinent to the proposed development.

Please note that under planning legislation, once Planning Permission has been granted, and it is intended to commence development, the Comhairle must be informed of the start date, as soon as is practicable. Failure to provide this notification is a 'Breach of Planning Control' under Section 123(1) of the Town & Country Planning (Scotland) Act 1997. The attached 'Notice of Initiation of Development' form is provided for your assistance in complying with this requirement. If you wish to clarify any matter relating to the planning permission, please contact the Planning Service by telephone or by email to planning@cne-siar.gov.uk.

It would be appreciated if you would take the time to complete the [Customer Satisfaction Survey](#). All responses are completely anonymous.

Yours faithfully

[Redacted]

Planning Manager (Development Management)
Development Department



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (THE ACT)
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

APPLICATION REFERENCE NO:	17/00465
TYPE OF APPLICATION:	Fish Farm Planning Application
VALID APPLICATION RECEIVED:	20 September 2017
PROPOSED DEVELOPMENT:	Install 8x28.6m diameter (90m circumference) cages (arranged in one group of 2x4) in a 50m grid (to replace existing 12x70m circumference cages (arranged in one group of 2x6) within a 40m grid). Existing feed-barge to be moored to the east of the proposed cage groups.
LOCATION OF DEVELOPMENT:	Marine Site, Fish Farm, Loch Uskivagh, Uskivagh
APPLICANT:	The Scottish Salmon Company

Comhairle nan Eilean Siar has determined that the above proposed development accords with the provisions of the Development Plan and that there are no material planning considerations that indicate otherwise.

Comhairle nan Eilean Siar therefore grants Planning Permission for the development described above subject to the development being undertaken in accordance with:

- the **Conditions** stated in **Schedule 1** to this Notice;
- the details submitted subject to any approved variation(s); and
- the plans approved and if applicable the terms of any Section 75 agreement or Direction, all identified on **Schedule 2** to this Notice.

Date: 10 April 2018 Signed: [Redacted]

Planning Manager (Development Management)

This Planning permission will expire after 3 years from the date on which it is granted unless the development to which it relates has been commenced.

A 'Notice of Initiation of Development', must be submitted to Comhairle nan Eilean Siar prior to commencement of the development.

A copy of this notice is available on-line at: <http://planning.cne-siar.gov.uk/publicaccess/>. An electronic copy of the notice can be saved from this location.

DECISION NOTICE SENT TO:

The Scottish Salmon Company
[Redacted]
Marybank Industrial Estate
Isle of Lewis
HS2 0DB

SCHEDULE 1: CONDITIONS

APPLICATION REFERENCE NO: 17/00465

The following legally enforceable conditions are imposed on the grant of this planning consent for the reasons stated after each condition.

Condition 1 All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

Reason To minimise impacts on the seascape in a remote area.

Condition 2 The finished surfaces of all equipment above the water surface including surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark muted colour unless otherwise agreed in advance with the Planning Authority.

Reason To minimise impacts on the seascape in the interests of visual amenity.

Condition 3 In the event that the fish cages or associated equipment approved by this permission cease to be in operational use for the growing of finfish for a period exceeding three years, they shall be wholly removed and the site restored to the satisfaction of the Planning Authority within 4 months of being notified, unless agreed otherwise in writing by the Planning Authority.

Reason To prevent degradation of the site in the event of cessation of operations.

Condition 4 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 developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoys, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason In the interests of visual amenity and public safety.

Condition 5 Unless authorized otherwise under licence, predator control measures shall be non-lethal and non-destructive. If anti-predator nets are used, either above or below water, they must be properly installed and maintained to ensure effective protection. Any changes to the permitted anti-predation measures stated in the application shall be submitted to the Planning Authority for consideration and approval prior to any installation and use.

Reason To ensure the development will not adversely affect the populations of grey and common seals or cetaceans which may interact with the site.

Condition 6 Acoustic Deterrent Devices (ADDs) will only be deployed as part of a predator control strategy. ADDs should be restricted to models with localised acoustic impacts and used in a hierarchical manner (the next level used only when previous levels have been shown to be insufficient).

Reason To ensure the development will not adversely affect cetaceans and in particular harbour porpoise which may interact with the site.

Condition 7 Prior to the commencement of the development to which this planning permission relates the developer shall submit for the written approval of the Comhairle as Planning Authority a revised Environmental Management Plan (EMP), updated in line with the most recent treatment proposals for sea lice at the site, such plan to be dated for version control. Following approval the site will be operated in accordance with the EMP (or on acceptable equivalent terms) all to the satisfaction of the Comhairle as Planning Authority.

Reason To ensure that best practices are undertaken to mitigate the potential impacts of sea lice loading in the marine environment in general and on wild salmonids in particular.

Condition 8 Prior to the commencement of the development to which this planning permission relates the developer should submit for the written approval of the Comhairle as Planning Authority a comprehensive Site Waste management Plan detailing long term measures for disposal of fish mortalities in accordance with The Animal By-Products (Enforcement) (Scotland) Regulations 2013 as amended and the relevant EU regulations. Following approval waste disposal shall be in accordance with the approved plan (or subsequent acceptable equivalent) all to the satisfaction of the Comhairle as Planning Authority.

Reason In order to ensure adequate waste management measures in accordance with the requirements of Development Policy 5 - Operational Impacts.

In addition to the above conditions, please note the following informatives. These are not planning conditions. They are given for your instruction and help only.

1. Marine Scotland Science advise that 'The disposal route for mortalities is stated as landfill at Whiteshore Cockles. As far as the FHI are aware landfill is no longer an approved method of disposal for mortalities, and Whiteshore Cockles are therefore not an approved facility. Consultation with the environmental health department at the local authority and Animal and Plant Health Agency (APHA) should be sought to ensure the proposed disposal route meets the requirements of the Animal By-Products (Enforcement) (Scotland) Regulations 2013'. In response Environmental Health advise that the disposal of morts at Whiteshore Cockles, North Uist is only permitted under a temporary derogation therefore it is not a suitable long term solution; that the disposal of fish morts should be in accordance with The Animal By-Products (Enforcement) (Scotland) Regulations 2013 as amended and the relevant EU regulations; the applicant should detail how they are to manage the long term disposal of morts, in line with the above regulations.
2. The Comhairle nan Eilean Siar Harbour Office has no objections to this planning application subject to: (A) Any navigation marking recommendations by The Northern Lighthouse Board being adhered too and (B). All equipment in relation to this application being kept in such a condition that it is not dangerous to persons or vessels using the harbour area and is not a hindrance to the safe navigation of a harbour area. The Comhairle Harbour Office advises that failure to comply with condition (B) may result in action being taken under section 35 of The Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002.

SCHEDULE 2: PLANS
(AND AS APPLICABLE) DETAILS OF APPROVED VARIATIONS, PLANNING AGREEMENTS AND DIRECTIONS

APPLICATION REFERENCE NO:	17/00465
----------------------------------	----------

Details of Approved Plans

01, 02, 03, 04, 05, 06

Details of approved variation(s) (if applicable)

Not Applicable

Terms of Section 75 Agreement (if applicable)

Not Applicable

Terms of Directions under Section 58(2) or 59(5) of the ACT (if applicable)

Not Applicable

SCHEDULE 3: PROCEDURE IF YOU FEEL AGGRIEVED

If the applicant is aggrieved by the decision of the planning authority (i) to refuse permission for the proposed development (ii) to refuse approval required by a condition in respect of the proposed development or (iii) to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

The notice of review should be addressed to:

Chief Executive's Department
Executive Services
Comhairle nan Eilean Siar
Sandwick Road, Isle of Lewis
HS1 2BW

E-mail: [Redacted]

Review Forms can be downloaded from:

<http://www.cne-siar.gov.uk/planningservice/forms.asp>

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town & Country Planning (Scotland) Act 1997.