

Marine Licence Application for Finfish and Shellfish Farms

Version 1.0

Marine (Scotland) Act 2010

It is the responsibility of the applicant to obtain any other consents or authorisations that may be required.

Under Section 54 of the Marine (Scotland) Act 2010, all information contained within and provided in support of this application will be placed on a Public Register. There are no national security grounds for application information not going on the Register under the 2010 Act.

Public Register

Do you consider that any of the information contained within or provided in support of this application should not be disclosed:

- (a) for reasons of national security; YES ☐ NO ☒
- (b) for reasons of confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate commercial interest? YES ☐ NO ☒

If YES, to either (a) or (b), please provide full justification as to why all or part of the information you have provided should be withheld.

WARNING

It is an offence under the Act under which this application is made to fail to disclose information or to provide false or misleading information.

Target duration for determination is 14 weeks. Please note that missing or erroneous information in your application and complications resulting from consultation may result in the application being refused or delayed.

Marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled. Target timelines for determining applications do not begin until the application fee is paid.

Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

[Redacted]

Signature

Date

29.09.20

Name in BLOCK LETTERS

Norman MacPherson

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- Completed and signed application form ☐
- Project Drawings ☐
- Maps/Charts ☐
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority) ☐
- Copy of planning permission (if applicable) ☐
- Additional information e.g. photographs, consultation correspondence (if applicable) ☐
- Payment (if paying by cheque) ☐

1. Applicant Details

Title: **Mr** Initials: **N** Surname: **MacPherson**

Trading Title (if appropriate): **Husabost Water Company Ltd**

Address: **17 Borreraig, Dunvegan, Isle of Skye, IV55 8ZY**

Name of contact (if different):

Telephone No. (inc. dialing code): **07879 980676**

Email: **gobnahoe@btinternet.com**

Statutory Harbour Authority? YES ☐ NO ☒

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

2. Agent Details (if any)

Title: Initials: Surname:

Trading Title (if appropriate):

Address:

Name of contact (if different):

Telephone No. (inc. dialing code):

Email:

3. Payment

Enclosed Cheque ☐ Invoice ☒

Contact and address to send invoice to:

Applicant ☐ Agent ☐ Other ☐

If **OTHER**, please provide contact details:

Title: Initials: Surname:

Address:

Email:

4. Application Type

Is this application for a new marine farm site or an existing marine farm site:

New Site ☒

Existing Site ☐

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

Consent/Licence Number	Expiry Date

5. Marine Farm Details

(a) Type of marine farm:

Finfish ☐

Shellfish ☐

(b) **Deposits** of component parts/equipment:

Component Parts/Equipment	Quantity	Dimensions (metres)
Ring cages	2	90
Square pens		
Longlines		
Feed barges		
Feedpipes (to shore)		
Grid moorings	2	50m square grid using 7 x 500kg anchors and 3 shore pin fixings
Boat moorings		
Rafts		
Pontoons		
Marked Buoys	6	1000ltr
Other (please specify)		

(c) **Removals** of component parts/equipment (if applicable):

Component Parts/Equipment	Quantity	Dimensions (metres)
Ring cages		
Square pens		
Longlines		
Feed barges		
Feedpipes (to shore)		
Grid moorings		
Boat moorings		
Rafts		
Pontoons		
Marked Buoys		
Other (please specify)		

(d) Proposed start date (Target duration for determination of a marine licence application is 14 weeks):

(e) Cost of the works seawards of the tidal limit of MHWS:

£4,500

(f) Location:

North of Creag na Bodach, Loch Dunvegan

Latitude and Longitude co-ordinates (WGS84) defining the boundary points of the moorings area and each of the component parts, including sub-surface equipment, of the marine farm (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude										
Moorings Area																				
5	7	°	2	8	.	3	9	4	'N	0	6		°	4	0	.	1	6	6	'W
5	7	°	2	8	.	4	1	1	'N	0	6		°	4	0	.	1	2	7	'W
5	7	°	2	8	.	4	1	1	'N	0	6		°	3	9	.	9	4	9	'W
5	7	°	2	8	.	3	7	5	'N	0	6		°	3	9	.	8	7	5	'W
Cage Group Area/Longline Position(s)																				
5	7	°	2	8	.	3	4	9	'N	0	6		°	4	0	.	0	7	9	'W
5	7	°	2	8	.	3	8	1	'N	0	6		°	3	9	.	9	8	3	'W
5	7	°	2	8	.	3	6	4	'N	0	6		°	3	9	.	9	4	1	'W
5	7	°	2	8	.	3	4	8	'N	0	6		°	3	9	.	9	0	0	'W
5	7	°	2	8	.	3	0	7	'N	0	6		°	4	0	.	0	1	4	'W
5	7	°	2	8	.	3	3	0	'N	0	6		°	4	0	.	0	5	6	'W
Feedbarge/Feedpipe Position(s)																				
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
Boat Mooring Position(s)																				
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
Raft Position(s)																				
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
Pontoon Position(s)																				
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W
Marked Buoy Position(s)																				
		°			.				'N				°			.				'W
		°			.				'N				°			.				'W

(g) Is the marine farm located within the jurisdiction of a statutory harbour authority

YES ☐ NO ☒

If YES, please specify statutory harbour authority:

Appendix 01 - Marine Licence Application Additional Co-ordinates

Please use this appendix to provide any additional latitude and longitude co-ordinates (WGS84) for your marine licence application. Please identify the location details and provide exact latitude and longitude co-ordinates (WGS84).

[illegible]

(h) Potential impacts the works may have on navigation and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

Limited impact on navigation due to proximity to the shore. Northern Lighthouse Board will advise regarding flashing marker beacon.

6. Planning Permission

Do you have planning permission for the marine farm?
If YES, please supply a copy of the planning permission

YES ☒ NO ☐

If NO, please provide details of planning application, including reference number:

Marine licence applications will not be determined without valid planning permission.

7. Scotland's National Marine Plan

Have you considered the application with reference to Scotland's National Marine Plan?

YES ☒ NO ☐

If YES, provide details of considerations made including reference to the policies that have been considered:

The Aquaculture Policies listed in Scotland National Marine Plan are mainly for new finfish or shellfish sites. Our development will never be stocked with fish or shellfish. We will be providing existing finfish sites with freshwater for the treatment of farmed fish. This will reduce the need for chemical or medicinal treatments. The development has the approval of the company operating the fish farms already located in Loch Dunvegan.

If **NO**, please provide an explanation of why you haven't considered the National Marine Plan?

8. Consultation

List all bodies you have consulted and provide copies of correspondence:

Highland Council
SEPA
Crown Estate
Marine Scotland
SNH

9. Associated Works

Provide details of other related marine projects, including reference/licence numbers (if applicable):

Installation of pipework from Loch to cages

Marine Licence Application for Construction Projects

Version 1.0

Marine (Scotland) Act 2010

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(a) for reasons of national security; YES ☐ NO ☒

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Declaration

I declare to the best of my knowledge and belief that the information given in this form and related papers is true.

Signature [Redacted]

Date

29.09.2020

Name in BLOCK LETTERS

Norman MacPherson

Application Check List

Please check that you provide all relevant information in support of your application, including but not limited to the following:

- Completed and signed application form ☐
- Project Drawings ☐
- Maps/Charts ☐
- Co-ordinates of the boundary points of the area of harbour jurisdiction (if you are a statutory harbour authority) ☐
- Method Statement ☐
- Photographs of the location of the project ☐
- Additional information e.g. consultation correspondence (if applicable) ☐
- Noise Registry – Initial Registration Form (if applicable) ☐
- Pre-application Report (if applicable) ☐
- Environmental Statement (if applicable) ☐
- Payment (if paying by cheque) ☐

1. Applicant Details

Title: **Mr** Initials: **N** Surname: **MacPherson**

Trading Title (if appropriate): **Husabost Water Company Ltd**

Address: **17 Borreraig, Dunvegan, Isle of Skye, IV55 8ZY**

Name of contact (if different):

Telephone No. (inc. dialing code): **07879 980 676**

Email: **gobnahoe@btinternet.com**

Statutory Harbour Authority? YES ☐ NO ☒

If **YES**, please provide a list of the latitude and longitude co-ordinates (WGS84) of the boundary points of the area of harbour jurisdiction using Appendix 01 Additional Co-ordinates form if necessary.

2. Agent Details (if any)

Title: Initials: Surname:

Trading Title (if appropriate):

Address:

Name of contact (if different):

Telephone No. (inc. dialing code):

Email:

3. Payment

Enclosed Cheque ☐ Invoice ☒

Contact and address to send invoice to:

Applicant ☐ Agent ☐ Other ☐

If **OTHER**, please provide contact details:

Title: Initials: Surname:

Address:

Email:

4. Application Type

Is this application for a new construction site or an existing construction site:

New Site ☒ Existing Site ☐

If an **EXISTING SITE**, please provide the consent/licence number and expiry date:

Consent/Licence Number	Expiry Date

5. Project Details

(a) Brief description of the project (e.g. construction of a new sea outfall):

Install pipe from land loch to 2 x 90m cages for holding freshwater

(b) Total area of the proposed works (in square metres):

143.4 m²

(c) Proposed start date (Target duration for determination of a marine licence application is 14 weeks):

ASAP

(d) Proposed completion date:

within 7 days of start date

(e) Cost of the works seawards of the tidal limit of MHWS:

£4,500

(f) Location:

North of Creag nam Bodach, Loch Dunvegan

Latitude and Longitude co-ordinates (WGS84) defining the extent of the project (continue on Appendix 01 Additional Co-ordinates form if necessary):

Latitude										Longitude									
5	7	°	2	8	.	3	1	4	'N	0	6	°	4	0	.	6	3	3	'W
5	7	°	2	8	.	3	4	5	'N	0	6	°	3	9	.	9	1	2	'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W
		°			.				'N			°			.				'W

(g) Is the project located within the jurisdiction of a statutory harbour authority?

YES ☐ NO ☒

If YES, please specify statutory harbour authority:

(h) Method statement including schedule of work (continue on separate sheet if necessary):

See attached sheet

(i) Potential impacts the works may have (including details of areas of concern e.g designated conservation and shellfish harvesting areas) and proposed mitigation in response to potential impacts (continue on separate sheet if necessary):

SNH have been consulted and as per their advice a full otter survey was conducted. Copy attached for info.

6. Deposits and/or Removals

(a) Permanent substance(s) or object(s) to be deposited and/or removed from below MHWS (continue on a separate sheet if necessary):

Type of Deposit/Removal	Deposits		Removals	
	Description	Quantity & Dimensions (metric)	Description	Quantity & Dimensions (metric)
Steel/Iron		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Timber		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Concrete		No.		No.
		Dimensions		Dimensions
		Weight (kg/tonnes)		Weight (kg/tonnes)
Plastic/Synthetic		m ²		m ²
Clay (< 0.004 mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Silt ($0.004 \leq \text{Silt} < 0.063$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Sand ($0.063 \leq \text{Sand} < 2.0$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Gravel ($2.00 \leq \text{Gravel} < 64.0$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Cobbles ($64.0 \leq \text{Cobbles} < 256.0$ mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)
Boulders (≥ 256.0 mm)		Volume (m ³)		Volume (m ³)
		Weight (kg/tonnes)		Weight (kg/tonnes)

Pipe		Length (m)		Length (m)
		External Diameter (cm/m)		External Diameter (cm/m)
Other (please describe below):				

(b) Method of delivery of substance(s) or object(s):

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(c) For work involving salt marsh feeding, beach replenishment or land reclamation please provide the following information relating to the substance(s) or object(s) to be deposited:

Quantity (tonnes):

	tonnes
--	--------

Nature of substance(s) or object(s) (e.g. sand, silt, gravel etc.):

--

Source (if sea dredged state location of origin)

--

Particle size:

--

Have the substance(s) or object(s) been chemically analysed?
If YES, please include the analysis data with your application

YES ☐ NO ☐

(d) Temporary substance(s) or object(s) to be deposited below MHWS (continue on a separate sheet if necessary):

Type of Deposit	Description	Quantity & Dimensions (metric)
Steel/Iron		No.
		Dimensions
		Weight (kg/tonnes)
Timber		No.
		Dimensions
		Weight (kg/tonnes)

Concrete	Concrete Mattress to weight pipe to seabed	7	No.
		6m x 3m	Dimensions
		4900kg	Weight (kg/tonnes)
Plastic/Synthetic			m ²
Clay (< 0.004 mm)			Volume (m ³)
			Weight (kg/tonnes)
Silt ($0.004 \leq \text{Silt} < 0.063$ mm)			Volume (m ³)
			Weight (kg/tonnes)
Sand ($0.063 \leq \text{Sand} < 2.0$ mm)			Volume (m ³)
			Weight (kg/tonnes)
Gravel ($2.00 \leq \text{Gravel} < 64.0$ mm)			Volume (m ³)
			Weight (kg/tonnes)
Cobbles ($64.0 \leq \text{Cobbles} < 256.0$ mm)			Volume (m ³)
			Weight (kg/tonnes)
Boulders (≥ 256.0 mm)			Volume (m ³)
			Weight (kg/tonnes)
Pipe	Pipe	87m	Length (m)
		200mm	External Diameter (cm/m)
Other (please describe below):			

7. Disposal of Dredged Substance(s) or Object(s) at Sea

(a) Do you intend to apply for a marine licence for sea disposal of dredged substance(s) or object(s) as part of the project?

YES ☐ NO ☒

If YES, please specify nature of substance(s) or object(s) (e.g sand, gravel, silt, clay, rock etc.):

--

(b) Quantity of substance(s) or object(s) (wet tonnes):

	wet tonnes
--	------------

A separate marine licence application will be required to be submitted for sea disposal.

8. Noise Monitoring

Will loud, low to mid frequency (10Hz to 10kHz) impulsive noise be produced by the project?

YES ☐ NO ☒

If **YES**, which please indicate the noise generating activities and sound frequencies:

Noise Generating Activity	Sound Frequency (Hertz)
Use of Explosives	
Use of Acoustic Deterrent Devices	
Piling	
Other (please describe below):	

If you have ticked **YES**, please complete the Noise Registry – Initial Registration form located at:
<http://www.scotland.gov.uk/Topics/marine/science/MSInteractive/Themes/noise-reduction>

Marine licence applications will not be accepted until this form has been completed and submitted.

9. Statutory Consenting Powers

Do you, or (if appropriate) your client, have statutory powers to consent any aspect of this project?

Yes

10. Scotland's National Marine Plan

Have you considered the application with reference to Scotland's National Marine Plan?

YES ☒ NO ☐

If **YES**, provide details of considerations made with reference to the policies, including but not limited to General Policies 7 and 13 (GEN 7 and GEN 13), that have been considered:

The Aquaculture Policies listed in Scotland National Marine Plan are mainly for new finfish or shellfish sites. Our development will never be stocked with fish or shellfish. We will be providing existing finfish sites with freshwater for the treatment of farmed fish. This will reduce the need for chemical or medicinal treatments. The development has the approval of the company operating the fish farms already located in Loch Dunvegan.

If **NO**, please provide an explanation of why you haven't considered the National Marine Plan?

11. Pre-Application Consultation

Is the application subject to pre-application consultation, under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013?

YES ☐ NO ☒

If YES, please indicate the date of the public notice for the pre-application consultation event and the type of consultation event held (a copy of the public notice must be supplied with this application):

Event Type	Date

12. Consultation

List all bodies you have consulted and provide copies of correspondence:

Highland Council SEPA Crown Estate Marine Scotland SNH	
--	--

13. Environmental Assessment

(a) Does the project fall under Annex I or II of the EIA Directive?

Annex I ☐

Annex II ☐

Neither ☒

If ANNEX I or ANNEX II, please provide the screening opinion issued to you in relation to the project.

(b) Has an EIA been undertaken:

for the marine licence application to which this application relates
for any other EIA regulator (e.g local authority)

YES ☐ NO ☒
YES ☐ NO ☐

14. Associated Works

Provide details of other related marine projects, including reference/licence numbers (if applicable):

Installation of grid and cages	
--------------------------------	--

PLANNING PERMISSION

Reference No: 20/01259/FUL

To:
Husabost Water Company Ltd
Per: Mr Norman MacPherson
Borreraig
By Dunvegan
Isle Of Skye
IV55 8ZY

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006

DECISION NOTICE

Installation of fresh water extraction pipe and 2 x 90m circumference cages
Land 550M East Of Vegan Croft, 11 Husabost, Totaig, Dunvegan

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Location Plan	000001		16.03.2020
Location Plan	000002		16.03.2020
Section Plan	000004		16.03.2020
Elevations	000005		16.03.2020
Elevations	000006		16.03.2020
Site Level Plan			03.09.2020

CONDITIONS AND REASONS

This permission is granted subject to the following conditions and reasons:

- All surface equipment and the pipeline hereby approved, with the exception of navigational markers, shall be finished in a dark, matt neutral colour.

Reason: To minimise the visual impact of the installation and to help safeguard the integrity of the North West Skye Special Landscape Area.

Dated: 16th September 2020

Mark Harvey

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Area Planning Manager

Variations

During the processing of the application the following variations were made to the proposal:

1. The applicant provided additional information for the application in response to the authority's letter of 24/06/2020.

This additional information included:

- Plans of site detailing key components of the development
- Visual representation of extent and shape of loch maximum water inundation
- An otter survey
- Explanation of how the water pipe will be secured between the dam and the low tide mark (MLWS).
- Confirmation that the tarpaulin pens and exposed extraction pipes will be finished in recessive colour
- Confirmation Crown Estate Scotland has been formally notified of the marine aspects of the proposed development

2. Further variation:

- The applicant indicated in correspondence with the council that they would not be submitting a CAR licence application to abstract water from the Uig River at the outset of the development. Rather they will wait see if the need to have this part development comes to fruition. If they decide to go ahead with this, they have indicated they we will not carry out any works to connect to the River without consulting with SEPA and applying for the appropriate CAR Licence. An informative is included at the end of this report clarifying if there are any changes to the proposal as a result of the SEPA consultation the applicant will also need to consult with the council to determine whether or not a revision in the planning permission will be needed.

Section 75 Obligation

None.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Dated: 16th September 2020

Mark Harvey

.....
Area Planning Manager

registered, and SEPA is currently regulating reservoirs $\geq 25,000\text{m}^3$ until otherwise instructed to lower this threshold by Scottish Government.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the

Dated: 16th September 2020

Mark Harvey

.....
Area Planning Manager

RIGHT OF REVIEW

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or 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 (as amended) within three months beginning with the date of this notice. A completed Notice of Review Form can be downloaded at https://www.highland.gov.uk/downloads/file/6396/notice_of_review_form and any supporting documents can be submitted by email to Review.Body@highland.gov.uk or sent by post addressed to:

Highland Council Review Body
eProcessing Centre
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

Please quote the relevant application reference number with any submission.

Please note that a completed Notice of Review Form (and any supporting documents) **MUST** be received by the Review Body within three months beginning with the date of this decision notice otherwise the decision cannot be reviewed

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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 and Country Planning (Scotland) Act 1997 (as amended).

Dated: 16th September 2020

Mark Harvey
.....
Area Planning Manager

T: +44 (0)131 244 4013 F: +44 (0)131 244 0944
Email: MS.FFPlanning@gov.scot

Our ref: FFP-20-023
Your ref: 20/01259/FUL

08/05/2020

Dear Mr Nall,

Abstract water from Loch Cuilce a freshwater loch and install pvc pipework to allow with gravity feed of water to 4 x 80m circular pens lined with tarpaulins for the collection and storage of water at Loch Dunvegan by Husabost Water Company Ltd.

We have reviewed the application submitted and offer the following comment:

Environmental Impacts

The equipment proposed is for the transport and holding of abstracted fresh water only. As there is no proposal to hold biomass in the pens, no additional information is required in relation to environmental impacts.

Aquaculture Animal Health

Site Location

There are several active finfish and shellfish sites registered with Marine Scotland Science within Loch Dunvegan. The nearest site is located ~1000m south of the proposed freshwater reservoir pens, and is an active Atlantic salmon seawater cage site, operated by Grieg Seafood Shetland Ltd.

To the knowledge of the FHI, there are currently no sites proposed in the planning system within the vicinity of the proposed new cages.

It should be noted that all measurements are taken from the mid-point of site coordinates.

Details of proposal

The applicant has stated that the freshwater reservoir pens will hold the freshwater abstracted from the loch in tarpaulins. The freshwater will then be abstracted from the reservoir pens by wellboat. It is stated that there will be no discharge at the site of the freshwater reservoir pens.

It is assumed, in line with other similar operations, the freshwater reservoir pens will not be stocked with aquaculture animals at any time and therefore this "site" will not require authorisation by Marine Scotland.

Confirmation on this should be provided.

The applicant states that wellboats will be required to provide evidence of disinfection prior to arriving at the freshwater reservoir pen site. However, further information on the level or frequency of disinfection procedures is not provided therefore the impact on nearby active sites in terms of increased wellboat movements and also movement between sites receiving the wellboat for freshwater treatments cannot be assessed.

Summary

Freshwater will be abstracted from Loch Husabost and carried through the proposed abstraction pipe to the tarpaulin lined reservoir pens in Loch Dunvegan for storage. It is stated that wellboats will moor alongside the reservoir pens to abstract freshwater for use on fish farm sites. **It is assumed** the wellboat will then travel to fish production sites in order to conduct bath treatments at the location of existing fish production sites; **confirmation on this should be provided.**

From the information given it is expected that the proposed new pens will not hold fish at any time, therefore this application has been assessed on that basis. **It is recommended that it be made a condition of any**

planning permission granted that fish cannot be held in these pens as this would require further assessment including the impacts on fish health.

Information required

Confirmation should be provided on assumptions made on the operations taking place regarding freshwater treatments as detailed above; the reservoir pens will not be stocked with aquaculture animals at any time and the freshwater taken from the reservoir pens will be carried to the site undergoing treatment and discharged at cage edge.

General comments on freshwater treatments

MSS recommend the following considerations are made in terms of the operation of the freshwater treatment project.

- What is in place to avoid contamination of the freshwater (both environmental and fish disease) at the source and during storage of freshwater at the proposed cages?
- Will the freshwater in the wellboat be re-used between cages?
If so, what biosecurity practices are in place? How are environmental parameters optimised between cages to ensure fish health and welfare? How are lice and scales removed from the water between treatments?
- Where will water be discharged?
The application states that freshwater will not be discharged at the site of the reservoir pens. It is therefore assumed this will take place at the cage edge of the site undergoing treatment under marine licence conditions stipulated by Marine Scotland. It is advised that the applicant contact MS-LOT to ensure that discharge of large volumes of freshwater into the marine environment can be conducted in accordance with existing marine licence conditions.
- Biosecurity of the proposed operations and impact on nearby active sites should also be considered e.g. increased boat traffic in the area of the reservoir pens, increased movements of boats between sites receiving freshwater treatments. Sites receiving the boats for freshwater treatments should update biosecurity measures plans and risk assessments in line with proposed treatment protocols.

Notes to applicants:

The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 0131 244 3498; Email: ms.fishhealth@gov.scot

All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing MS.MarineLicensing@gov.scot; or calling 0300 244 5046.

Yours sincerely

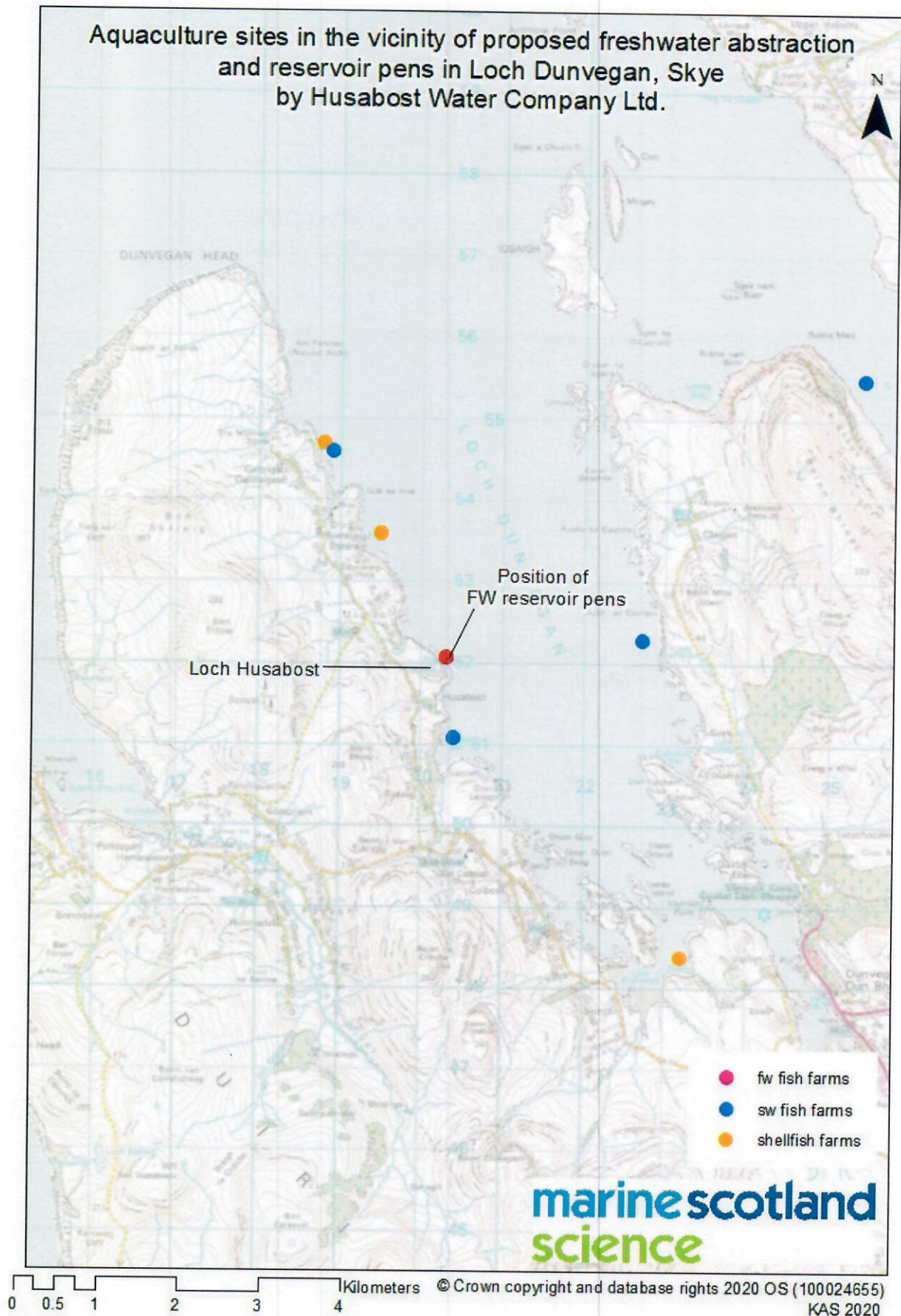
Marine Scotland Science

Appended:

Map: Aquaculture sites in the vicinity of proposed freshwater abstraction and reservoir pens in Loch Dunvegan, Skye by Husabost Water Company Ltd.

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/marinescotland





Our ref: PCS/172751
Your ref: 20/01259/FUL

If telephoning ask for:
Susan Haslam

28 August 2020

Chris Nall
The Highland Council
Town House
Inverness
IV1 1JJ

Submitted to Online Planning Portal

Dear Mr Nall

Planning application: 20/01259/FUL
Installation of fresh water extraction pipe and 2 x 90m circumference cages
Land 550m East of Vegan Croft, 11 Husabost, Totaid, Dunvegan

Thank you for your consultation email which SEPA received on 27 August 2020.

Advice for the planning authority

As you know we previously maintained our objection to this application subject to the submission of a clear plan showing the location of all the new development proposed. We stated that "It should show the extraction point, route corridor of the channel to the loch, area at the dam which requires work and route of the pipe to the sea. We also ask that the plan shows the location of the existing track on which access will be gained, as this is not apparent on OS mapping."

The plan which has been submitted identifies the location of the above elements of the development, but is very basic. We would usually expect a full planning application to be supported by technical plans which show all the proposed infrastructure and clearly include a red line boundary of the development so that the extent of works is clearly understood. We are content to **withdraw our objection** at this stage but we would encourage you either to seek technical plans showing the full foot print of the proposed works prior to determination or include a **condition** requiring these detailed plans prior to commencement of development on the site. Whichever approach is taken we are content that we need not be consulted further on this application subject to the above and **conditions** we requested previously.

Should you wish to discuss this letter please do not hesitate to contact me on 01349 860359 or planning.dingwall@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

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Graesser House, Fodderty Way,
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ECopy to: Norman MacPherson, Husabost Water Company Ltd, gobnahoe@btinternet.com ;
Chris.Nall@highland.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Director of Planning and Development
The Highland Council
Glenurquhart Road
Inverness
IV3 5NX

FAO: Chris Nall

Date: 18 June 2020

Your ref: 20/01259/FUL

Dear Chris

Installation of fresh water extraction pipe and 2 x 90m circumference cages Land 550m East of Vegan Croft, 11 Husabost, Totaid, Dunvegan Town and Country Planning (Scotland) Acts

Thank you for your consultation on the above proposal dated 28 April.

Summary

The marine elements of the development are within or adjacent to sites of international importance for harbour porpoise and common seal, but in our view, these will not be adversely affected by the proposal.

Background

This application is to install 2 x 90m circular fish farm pens in the sea, lined with tarpaulins. Freshwater will be piped from Loch Husabost to the cages, from where it will be collected by well boats for sea lice treatment at fish farms. The cages will be moored ~60m offshore, using a combination of rock bolts on the foreshore (three) and anchors on the sea bed (seven). The freshwater pipe will be strapped to a chain and weighted to the sea bed by 3 pairs of concrete blocks. The section of pipe crossing the foreshore will be buried and back-filled.

Onshore, the proposal is to reinstate the damaged dam and raise water levels in Loch Husabost by up to 1.5m. A freshwater water pipe is proposed between Uig burn and Loch Husabost. The terrestrial/freshwater elements of the project will require a CAR licence from SEPA.

Scottish Natural Heritage, King's House, The Green, Portree, Isle of Skye, IV51 9BS
Tel: 01463 701663 www.snh.gov.uk

Dualchas Nàdair na h-Alba, Taigh an Rìgh, An Àilean, Port Rìgh, An t-Eilean Sgitheanach, IV51 9BS. Fòn:
01463 701663 www.snh.gov.uk

Appraisal of the impacts of the proposal and advice

1. Inner Hebrides and the Minches SAC

The proposal lies within Inner Hebrides and the Minches Special Area of Conservation (SAC) designated 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") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, The Highland Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>).

In our view, it is unlikely that the proposal will have a significant effect on porpoise either directly or indirectly. An appropriate assessment is therefore not required. This is because:

- The purpose of the sea cages is to contain freshwater and therefore ADDs will not be needed. Use of ADDs at aquaculture sites is one of the activities considered likely to affect harbour porpoise so you may wish to condition the development so the cages can't be used to grow fish in the future.
- Little detail has been provided regarding the construction process for the cage moorings and freshwater pipe and you may wish to confirm these details with the applicant prior to determination. However it is unlikely to include activities which would cause significant disturbance (activities of concern include piling or blasting). Our assumption (based on similar applications elsewhere) is that the holes will be hand drilled into the intertidal rock at low tide and the rock pins grouted into place. Excavation of the foreshore (if it is possible at all) would presumably be by excavator at low tide. Since these activities would take place out of the water, transmission of underwater noise is likely to be low level, and would also be of short duration. Any disturbance related to construction is unlikely to be significant.
- There is a low risk of entanglement for harbour porpoise from aquaculture infrastructure which this proposal resembles.
- Boat use is unlikely to increase significantly.

Further information is available in the Conservation Objectives and Advice to Support Management which is available at <https://apps.snh.gov.uk/sitelink-api/v1/sites/10508/documents/59>

2. Ascrib, Isay and Dunvegan SAC

The proposal lies close to Ascrib, Isay and Dunvegan (SAC) designated for its common seals. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply, as detailed above.

In our view, it is unlikely that the proposal will have a significant effect on the seals either directly or indirectly. An appropriate assessment is therefore not required. This is because:

- The proposals are ~2km outside the boundary of the SAC and disturbance of seals using SAC haul-outs is unlikely at this distance.
- Although seals from the SAC will swim past the site, it is unlikely to increase mortality or have a significant effect on seal habitat.

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Tel: 01463 701663 www.snh.gov.uk

Dualchas Nàdair na h-Alba, Taigh an Rìgh, An Àilean, Port Rìgh, An t-Eilean Sgitheanach, IV51 9BS. Fòn:
01463 701663 www.snh.gov.uk

3. Comments regarding terrestrial elements

The Uig River has been classified as 'Category D' in our oceanic bryophyte database. This means the watercourse is potentially important but not yet surveyed. SEPA have already noted this issue in their response and stated that a bryophyte survey is likely to be required as part of the CAR process. We are satisfied that this will cover all the bryophyte-related issues.

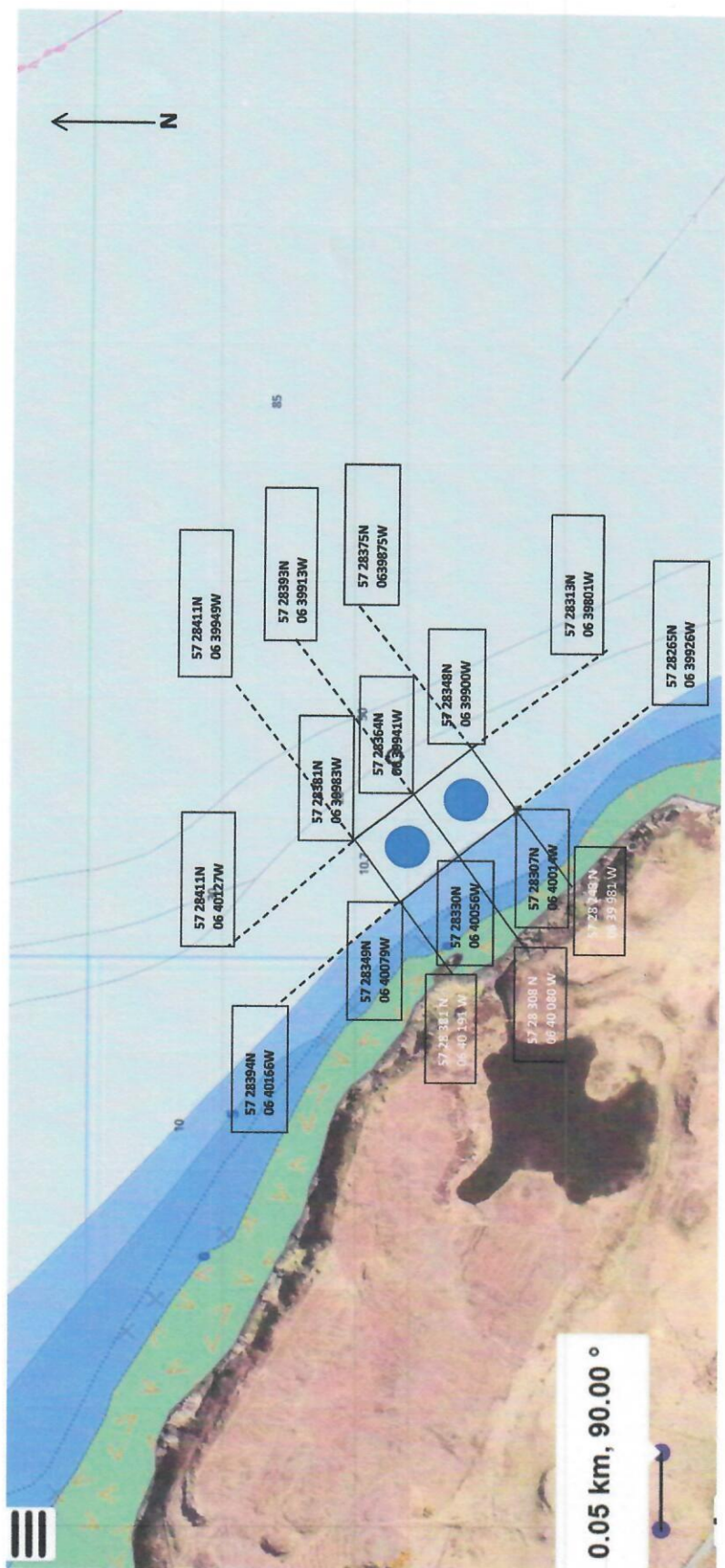
Otters may be using the loch, the river and the coastal area. We have standing advice to assist planning officers with development proposals that could affect otters - <https://www.nature.scot/species-planning-advice-otter>.

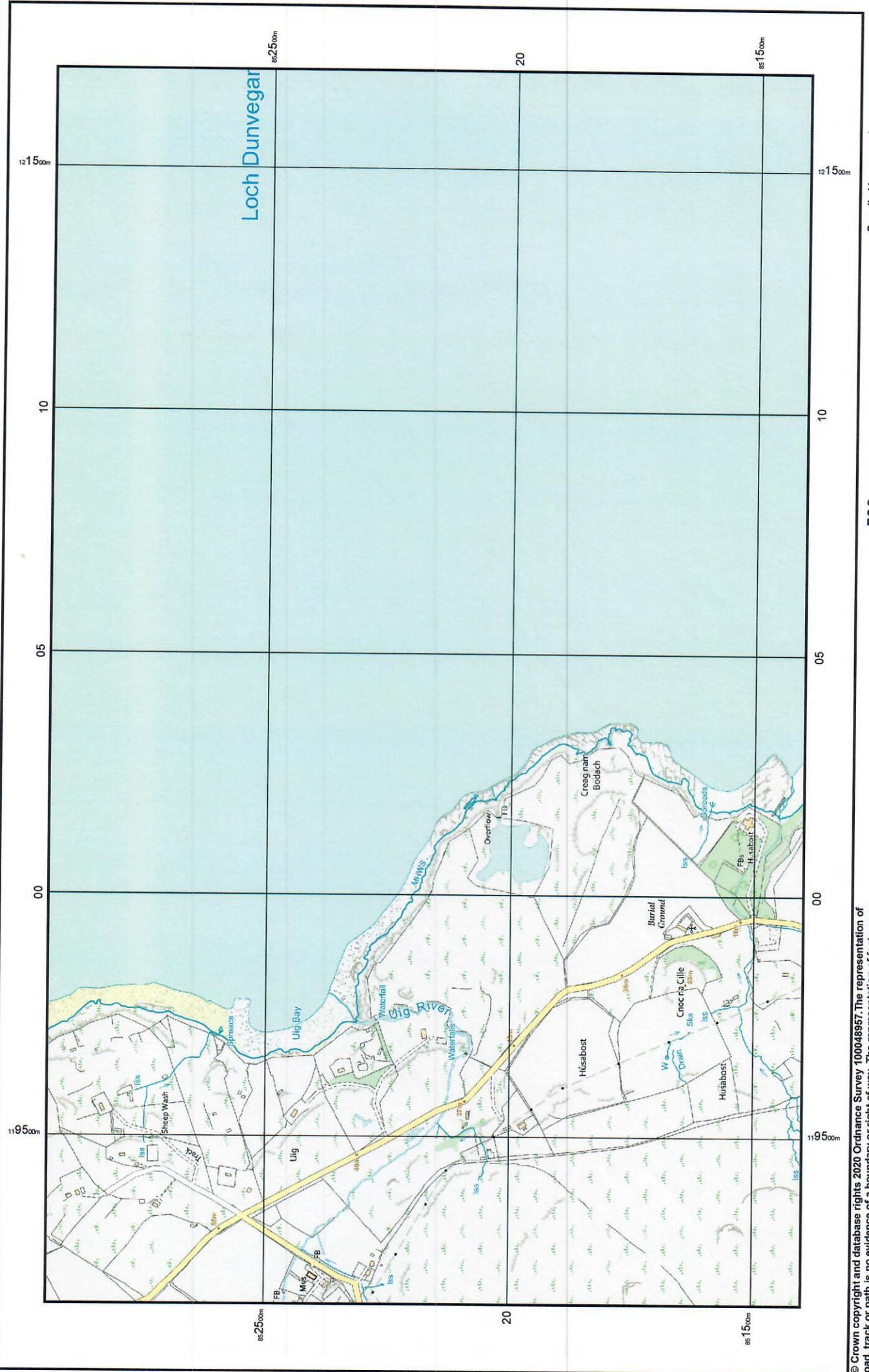
No benthic or landscape information has been provided but these aspects are unlikely to raise issues of national importance.

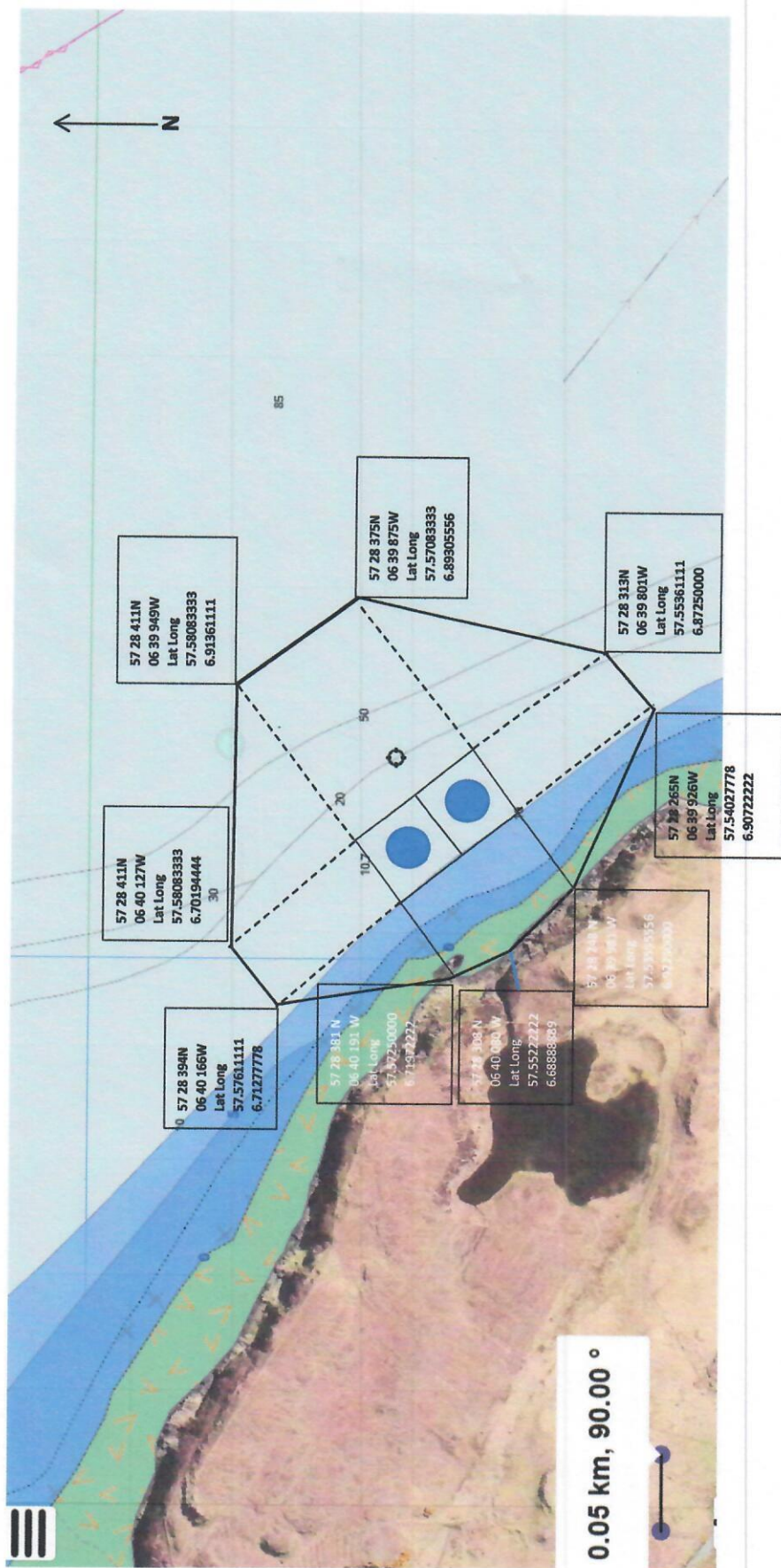
Please note that SNH staff are currently working from home. I can be contacted via e-mail at alex.turner@nature.scot or mobile 07789 395997 if you need further information or wish to discuss any aspect of this response.

Yours sincerely,

Alex Turner
Operations Officer, Skye and Lochalsh







Supporting Statement

The 200mm pipe will be installed to run freshwater from a land loch to 2 x 90m circular cages lined with freshwater tarpaulins at sea.

The distance between the high-water mark and the centre point of the 2 cages is 72m. The solid pipe will be secured to the seabed from the low water mark to below the cages by 6 x 6m concrete mattresses and it will be secured on the shore line using rawlbolt fixings into the rock.

The pipe will rise between the 2 cages where a t-piece connection will be attached with 2 x 90mm pipes coming from the main pipe into each of the cages. The flow of water through the pipe will be controlled by the main valve at the loch as well as a valve on each of the 90mm pipe to control flow into the tarpaulin lined cages.

The installation will be done by BK Marine Ltd.

Cage pipeline

Drawings not to scale

