

PRIOR APPROVAL GRANTED

Reference No: 18/00439/PNO

To:
Greig Seafood Shetland
Mrs Kaye Williamson
Gremista
Lerwick
Shetland
ZE1 0PX

**Town and Country Planning (General Permitted Development) (Scotland) Order 1992
(As Amended)
Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006**

DECISION NOTICE

PART 6A – FISH FARMING

Marine Finfish Farm - replace and reposition C-cap feedbarge

Site 500M NW Of Cuidreach House, Cuidreach, Earlish

The Highland Council in exercise of its powers under the above Acts and Article 3 and the aforementioned Part of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) **grants prior approval** for the above development.

The development can now proceed in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Elevations	C-CAP13-001		20.02.2018
Site Layout Plan	000001	A	20.02.2018
Site Layout Plan	000002		20.02.2018

Dated: 23rd February 2018


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Area Planning Manager

#PAPER

CONDITIONS & REASONS

This approval is subject to the following conditions and reasons:

1. 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, such works, (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out within 28 days.

Reason: To ensure that the site does not become a navigational hazard or source of marine litter.

2. At least three months prior to cessation of use of the site for shellfish farming, a scheme for the decommissioning and removal of all equipment shall be submitted to and agreed in writing with the Planning Authority. Upon cessation the approved scheme shall be commenced within three months and completed within six months of the date of cessation.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

3. All equipment, other than navigational markers as specified by the Northern Lighthouse Board, shall be dark, matt colours.

Reason: To minimize the visual impact of the development with the Trotternish and Tianavaig Special Landscape Area.

TIME LIMIT OF PERMISSION

In accordance with the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), the development to which this decision relates must be carried out within THREE YEARS of the date of this decision notice. If the development has not been carried out within this period, then this permission shall lapse.

IMPORTANT INFORMATIVES

Please read the following informatives and, where necessary, act upon the requirements specified:

Dated: 23rd February 2018



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Area Planning Manager

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886608.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Dated: 23rd February 2018


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Area Planning Manager

RIGHT OF APPEAL

1. If the applicant is aggrieved by the decision to refuse prior approval for, or approval required by a condition in respect of, the proposed development, or to grant prior approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) **within three months** beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at:
<https://www.eplanning.scot>

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: 23rd February 2018


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Area Planning Manager

PLANNING PERMISSION

Reference No: 14/01595/FUL

To:
Hjaltland Seafarms Ltd
Miss Elizabeth Macleod
Gremista
Lerwick
Shetland
ZE1 0PX

Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act

DECISION NOTICE

**New finfish farm - ten cages, each 120m circumference, and automated feed barge (220 tonne capacity)
West Side Of Ru Chorachan Near Uig Bay Loch Snizort Isle Of Skye**

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 plans/drawings:

Type of Plan	Plan Number	Version No.	Date Plan Received
Location Plan	Chart Extract		07.05.2014
Site Layout Plan	Environmental Statement		17.04.2014
Proposed Elevation Plan	Elevations		17.04.2014

This permission is granted subject to the following conditions: -

- (1.) All surface equipment, with the exception of navigational markers, shall be finished in a dark matt neutral colour unless alternative finishes are agreed in advance in writing with the Planning Authority. In particular, the top nets, and netting along walkways shall be matt grey. Pipes between the automated feed barge and the cages shall be neatly bundled to minimise clutter and routed below water where it is practical to do so.

Reason: To minimise the visual impact of the installation and to help safeguard the integrity of the Trotternish & Tianavaig Special Landscape Area.

- (2.) All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding. It should be extinguished when not required for the purpose for which it has been installed. If lighting is required for security purposes, infra red lights and cameras should be used.

Reason: To minimise the visual impact of the installation; to ensure that lights left on in the daytime do not draw the eye towards the site and at night do not present unnecessary sources of light pollution.

Dated: 7th January 2015

Head of Planning and Building Standards

- (3.) Construction of the fish farm should take place outwith times which are sensitive for white-tailed sea eagles in this area (i.e. the breeding season and autumn months). To this end, the applicant should seek advice from RSPB and SNH and follow their guidance in this respect.

Reason: To safeguard the protected bird interest in this area.

- (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 site 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 so as to remove the obstruction or danger to navigation.

Reason: In the interests of amenity and navigational safety.

- (5.) At least three months prior to cessation of use of the site for fish farming, a scheme for the decommissioning and removal of all equipment shall be submitted to and agreed in writing with the Planning Authority. Upon cessation the approved scheme shall be implemented.

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

REASON FOR DECISION

The proposal accords with the provisions of the Development Plan and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application.

FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION

Please note: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Navigational marking/lighting requirements:

The installation should be marked and lit in accordance with the requirements of the Northern Lighthouse Board as set out in its consultation response to the Council (see letter of 24th June 2014 attached).

INFORMATIVE NOTES REGARDING THE IMPLEMENTATION OF THIS PLANNING PERMISSION

1. 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.
2. No development shall start on the site until the completed Notice of Initiation of Development (NID) form attached to the decision notice has been submitted to and acknowledged by the Planning Authority. Reason: to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Dated: 7th January 2015


Head of Planning and Building Standards

Page 2 of 4

3. Upon completion of the development, the Notice of Completion form attached to the decision notice shall be filled in and submitted to the Planning Authority. Reason: to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
4. No alternative feed barge, cages, walkways, or other ancillary equipment (with the exception of navigation lighting and general safety equipment) should be installed at this site, unless otherwise agreed in writing with the Planning Authority.
5. White-tailed eagles are specially protected and it is an offence to intentionally or recklessly harass them. Their usage of the area at the time of the application does not suggest they would be adversely affected by the long-term operation of the fish farm. However, this is with the proviso that construction/establishment of the fish farm takes place outwith the times of year which are sensitive for the birds (as advised by SNH and RSPB). Also, eagle usage of an area can change and SNH recommends that the fish farm operator should keep this aspect under review and seek legal advice if unsure.
6. Marine Scotland Science (MSS) recommends that management agreements are entered into with all other operators sharing the same management area (12a). Management areas should hold a single year class of stock and should follow synchronous following patterns.
7. MSS also recommends that a secondary method of mortality removal is considered (such as dead baskets) as the use only of divers would rely heavily on their availability and ability to access the site weekly or twice weekly to remove submerged mortalities. Should divers be unable to visit the site, an accumulation of mortalities on the base of the net may occur and this could be detrimental to stocks on the grounds of fish health (through pathogen transfer to healthy stock) and containment (accumulated mortalities can attract predatory wildlife). MSS further recommends that the applicant should have provisions or contingency plans in place to allow for removal and disposal of large volumes of fish during a mass mortality event.
8. The Aquatic Animal Health (Scotland) Regulations 2009 require 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, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 01224 295525; Email: ms.fishhealth@scotland.gsi.gov.uk
9. 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.scotland.gov.uk/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@Scotland.gsi.gov.uk; or by calling 01224 295 579.

Variations

None.

Dated: 7th January 2015
Head of Planning and Building Standards

Page 3 of 4

Section 75 Agreement

None.

Building Regulations

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NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision of the planning authority –
 - a. to refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
 - c. to grant planning permission or any approval, consent or agreement subject to conditions;

the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at <https://eplanning.scotland.gov.uk/WAM/>

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: 7th January 2015


Head of Planning and Building Standards