

PLANNING PERMISSION

Reference No: 17/03279/FUL

To:
Marine Harvest (Scotland) Ltd
1st Floor
Admiralty Park
Admiralty Road
Rosyth
Fife
KY11 2YW

Per:
Marine Harvest (Scotland) Ltd
Per: Claire Lumley-Holmes
Stob Ban House
Glen Nevis Business Park
Fort William
Inverness-shire
PH33 6RX

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

DECISION NOTICE

MARINE FISH FARM - ATLANTIC SALMON - INSTALLATION OF 12 PENS AND ALTERATIONS TO ASSOCIATED PEN MOORINGS AND FEED PIPES - GORSTEN SALMON FARM ARDGOUR, FORT WILLIAM PH33 7AH

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
Site Layout Plan	FIGURE 5		05.07.2017
Site Layout Plan	FIGURE 6		05.07.2017
Site Layout Plan	FIGURE 7		05.07.2017

CONDITIONS AND REASONS

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

1. All surface equipment, with the exception of navigational markers, shall be finished in a dark, matt, neutral colour unless alternative finishes or colours 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 dark colours, neatly bundled to minimise clutter.

Reason : *To minimise the visual impact of the installation and to help safeguard the integrity of the Ardgour 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.

[Redacted]

Dated: 12th October 2017

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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.*

3. Prior to the commencement of development and notwithstanding the information submitted with this application, an Environmental Management Plan (EMP), or similar document, will be submitted to and approved in writing by the Planning Authority and should include adequate details to address how compliance can be assessed. This should also detail triggers/thresholds and associated actions in order to secure that any risk to local wild fish populations is minimised. Upon commencement, the development and ongoing operation of the site must be carried out in accordance with the EMP as approved.

The EMP shall be prepared as a single, stand alone document, which shall include the following:

- (1). Sea Lice Management in relation to impact on wild fish, including cumulative effects:
- a) A method statement for the regular monitoring of local wild fish populations based on available information and/or best practice approaches to sampling;
 - b) details of site specific operational practices that will be carried out following the stocking of the site in order to manage sea lice and minimise the risks to the local wild fish population;
 - c) details of site specific operational practices that will be carried out in order to manage the incidence of sea lice being shed to the wider environment through routine farming operations such as mort removal, harvesting, grading, sea lice bath treatments and well boat operations;
 - d) details of the specification and methodology of a programme for the monitoring, recording, and auditing of sea lice numbers on the farmed fish;
 - e) details of the person or persons responsible for all monitoring activities;
 - f) an undertaking to provide site specific summary trends from the above monitoring to the Planning Authority on a specified, regular basis;
 - g) details of the form in which such summary data will be provided;
 - h) details of how and where raw data obtained from such monitoring will be retained by whom and for how long, and in what form;
 - i) an undertaking to provide such raw data to the Planning Authority on request and to meet with the planning authority at agreed intervals to discuss the data and monitoring results;
 - j) details of the site specific trigger levels for treatment with sea lice medicines. This shall include a specific threshold at which it will be considered necessary to treat on-farm lice during sensitive periods for wild fish;
 - k) details of the site specific criteria that need to be met in order for the treatment to be considered successful;
 - l) details of who will be notified in the event that treatment is not successful;
 - m) details of what action will be taken during a production cycle in the event that a specified number of sea lice treatments are not successful;
 - n) details of what action will be taken during the next and subsequent production cycles in the event that sea lice treatment is not successful.

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- (2). Escape Management to minimise interaction with wild fish:
 - a) details of how escapes will be managed during each production cycle;
 - b) details of the counting technology or counting method used for calculating stocking and harvest numbers;
 - c) details of how unexplained losses or escapes of farmed salmon will be notified to the Planning Authority;
 - d) details of an escape prevention plan. This shall include:
 - net strength testing;
 - details of net mesh size;
 - net traceability;
 - system robustness;
 - predator management; and
 - record-keeping methodologies for reporting of risk events. Risk events may include but are not limited to holes, infrastructure issues, handling errors and follow-up of escape events; and
 - e) details of worker training including frequency of such training and the provision of induction training on escape prevention and counting technologies.
- 3). Procedure in event of a breach or potential breach:
 - a) A statement of responsibility to "stop the job/activity" if a breach or potential breach of the mitigation / procedures set out in the EMP or legislation occurs. This should include a notification procedure with associated provision for the halt of activities in consultation with the relevant regulatory and consultation authorities in the event that monitoring demonstrates a significant and consequent impact on wild fish populations as a result, direct or otherwise of such a breach.
- (4). Requirement for update and review:
 - a) The development and operation of the site, shall be carried out in accordance with the approved EMP unless changes to the operation of the site dictate that the EMP requires amendment. In such an eventuality, a revised EMP will require to be submitted to, and approved in writing by the Planning Authority beforehand. In addition, a revised EMP shall be submitted to and approved in writing by the Planning Authority every 5 years, as a minimum, following the start date, to ensure it remains up to date and in line with good practice.

Reason : *To ensure that good practice is followed to mitigate the potential impacts of sea lice loading in the marine environment in general and on wild salmonids in particular; in accordance with the Planning Authority's biodiversity duty*

- 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.*

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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.*

Variations

None

Section 75 Obligation

N/A

IMPORTANT INFORMATIVES

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

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 LIMITS

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.

FOOTNOTES TO APPLICANT

Initiation and Completion Notices:

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Dated: 12th October 2017

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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_or_working_on_public_road_s/2

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 development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species - Halting of Work:

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Lighting and Licences:

The development should be lit in accordance with Northern Lighthouse Board requirements and obtain any marine licences as required.

Dated: 12th October 2017

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Area Planning Manager

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.

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or 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 from 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: 12th October 2017

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Area Planning Manager

To:
Electronic Processing Centre
Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

IMPORTANT: Failure to notify the planning authority of the initiation of development constitutes a breach of planning control.

Notification of Initiation of Development
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Marine Fish Farm - Atlantic salmon - Installation of 12 pens and alterations to associated pen moorings and feed pipes at Gorsten Salmon Farm, Ardgour, Fort William PH33 7AH

Date of planning permission: 12th October 2017

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name, email address (if available) and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed agent/applicant

Dated

To:
Electronic Processing Centre
Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

Notification of Completion of Development
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In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

Marine Fish Farm - Atlantic salmon - Installation of 12 pens and alterations to associated pen moorings and feed pipes at Gorsten Salmon Farm, Ardgour, Fort William PH33 7AH

Date of planning permission: 12th October 2017

(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

*Any correspondence relating to the Notification of Completion will be addressed to this person.

Signed agent/applicant

Dated