



COMHAIRLE NAN EILEAN SIAR

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Our Reference MF/RML

Your Reference

Date 21 February 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (SCOTLAND) ORDER 1992 (AS AMENDED) – PART 6A – FISH FARMING: DEVELOPMENT UNDER CLASSES 21A, 21B, 21C AND 21G

NOTIFICATION REFERENCE NO: **21/00406**

PROPOSED OPERATIONS: **Removal of existing equipment and installation of 5 circular pens of 160m circumference and a C-CAP feed system (including associated mooring lines) within boundary of existing fish farm; Fit Pole Mounted top nets.**

LOCATION: **Marine Site, Trilleachan Mor Fish Farm, Loch Seaforth**

Comhairle nan Eilean Siar, as Planning Authority, hereby gives formal Notice of its determination that its Prior Approval is granted for the proposals set out on the **APPLICATION FOR PRIOR NOTIFICATION** form, the notified co-ordinates, location and site plans, the equipment plans elevations and drawings, and the supporting documents listed below which were submitted in respect of the above development, all subject to compliance with the following condition(s) and reasons.

CONDITIONS & REASONS

Condition 1 Throughout the life of the top nets specified (or any replacement top nets of equal specification and design) daily records shall be maintained of any entrapment or entanglement of birds using the relevant NatureScot proforma. Such records shall be submitted biannually: for period January – end of June (submitted July/August) and for period July and end of December (submitted January/February) – to the Comhairle as Planning Authority and NatureScot, unless agreed otherwise in writing by the Comhairle as Planning Authority.

Reason: In order to maintain a record of the incidence of entanglement/entrapment of birds, in particular to ensure that the favourable conservation status of gannets within the St Kilda and the North Rona and Sula Sgeir Special Protection Areas and Sule Skerry and Sule Stack SPA is maintained.

Condition 2 If the daily recording required by Condition 1 reveals any significant entrapment or entanglement of gannets (involving three or more birds on any one day; or a total of ten or more birds in the space of any seven-day period; or repeat incidents involving one or more birds on four or more consecutive days) the Comhairle as Planning Authority and NatureScot shall be notified within seven days of such an event.

Reason: In order to assess whether mitigation is required to ensure that the favourable conservation status of gannets within the St Kilda and the North Rona and Sula Sgeir Special Protection Areas is maintained.

Condition 3 Should an event be notified in accordance with Condition 2 and following consultation by the Comhairle as Planning Authority with NatureScot mitigation measures are deemed to be required, mitigation measures shall, within one month of being required, be submitted to the Comhairle as Planning Authority and copied to NatureScot. Any subsequently approved mitigation measures shall then be implemented within one month of their approval and retained throughout the life of the top nets hereby approved (or any replacement top nets) unless agreed otherwise in writing by the Comhairle as Planning Authority.

Reason: In order to ensure that mitigation measures to reduce entrapment or entanglement of gannets are implemented to ensure that the favourable conservation status of gannets within the St Kilda and the North Rona and Sula Sgeir Special Protection Areas is maintained.

Condition 4 The maximum stocked biomass of the development hereby permitted shall not exceed **2,130 tonnes**.

Reason: The proposal has been notified and assessed under the Environmental Impact Assessment (Scotland) Regulations 2017 to not constitute 'EIA development' on the basis of a maximum stocked biomass to not exceed 2,130 tonnes.

Condition 5 In the event of the equipment falling into disrepair or becoming damaged, adrift, stranded or 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.

Reason: In the interests of navigational safety and the management of waste.

Condition 6 The feed barge on the site shall at all times be painted a muted matt grey and all other surface equipment, with the exception of navigational markers, shall be finished in a dark matte neutral colour or an alternative colour agreed in writing beforehand with the Comhairle as planning authority.

Reason: In order to aid the assimilation of the development into the seascape in the interests of visual amenity and prevent a significant adverse effect on special qualities of the South Lewis, Harris and North Uist National Scenic 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.

PLANS AND SUPPORTING DOCUMENTS

APPENDIX 1.B EQUIPMENT CO-ORDINATES LOCATION SITE PLANS

APPENDIX 2 EQUIPMENT PLANS AND ELEVATIONS

APPENDIX 3 PROPOSAL CONTEXT

APPENDIX 3.1A EQUIPMENT ATTESTATION

APPENDIX 5.1A AUTHORISED CAR LICENCE

APPENDIX 5.3A PREDATOR CONTROL PLAN

APPENDIX 5.4B CONTAINMENT PLAN

APPENDIX 5.4A FARM MANAGEMENT STATEMENT

APPENDIX 5.4C SEA LICE MANAGEMENT PLAN

APPENDIX 5.4D SEA LICE ATTESTATION

APPENDIX 5.6A VESSEL MONITORING SYSTEM

APPENDIX 5.7A ZONE OF THEORETICAL VISIBILITY

APPENDIX 5.7C DESIGN STATEMENT

Any proposed change to the above proposal should be notified to the Comhairle as Planning Authority in advance. Any material variation to the proposal is likely to require a new Prior Approval request.

SIGNED & DATED

Morag Ferguson
Planning Manager (Development Management)
21 February 2022

RIGHT OF APPEAL

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
Scottish Government
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

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

1. 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).