The Highland Council
Comhairle na Gàidhealtachd

PLANNING PERMISSION Reference No: 22/05513/FUL

To:
Mowi Scotland Limited
Per: Mr David MacGillivary
Admiralty Park
Admiralty Road
Rosyth
KY11 2YW

Per:
HEGER
Per: Kirstin Heger
18 Burnside Road
Invergowrie
Dundee
DD2 5JL

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

DECISION NOTICE

Installation of fish farm feeding systems and erection of storage shed. Installation of two additional pens
Mowi Scotland Ltd, Invasion Bay Fish Farm, Ardgour, Fort William, PH33 7AF

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
Proposed Floor/Elevation Plan	PL02		17.11.2022
Location Plan	AE01	REV B	11.08.2023
Proposed Site Layout Plan	PL01	REV B	11.08.2023

CONDITIONS AND REASONS

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

1. 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.

   Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. 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. Pipes between the land based feed system and the cages shall be neatly bundled to minimise clutter.

   Reason: To minimise the visual impact of the installation in this isolated coastline location

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3. 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.

4. 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
During the processing of the application the following variations were made to the proposal:

1. Inaccuracies in the pen layout drawings were corrected by the submission of amended plans

2. Two extra pens were incorporated into the proposal (the northernmost 2x2 group becoming a 2x3) as an alternative to a further prior notification application for these permitted development additions to the farm.

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.

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

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.

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Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on **0845 601 8855.**

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 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 NatureScot 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 NatureScot:

https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species

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Marine licensing

Activities, including construction or depositing materials occurring below the Mean High Water Springs line may require a marine licence under the Marine (Scotland) Act 2010. You are advised to review the Marine Directorate's guidance on marine licensing and consenting requirements available via the following website:

https://www.gov.scot/collections/marine-licensing-and-consent/

Marine Scotland's Licensing Operations Team can be contacted directly for advice on whether a marine licence may be required.

Email: ms.marinelicensing@gov.scot

Phone: +44 (0)300 244 5046

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 eBuildingStandards@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.

Utility checking on site
The https://www.linesearchbeforeudig.co.uk/ website is a self-service website to allow you to check your proposal and site for utility assets before the commencement of any development on site.

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RIGHT OF APPEAL, REVIEW ETC

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

   Notices of Review can also be lodged online via the ePlanning Portal at:
   https://www.eplanning.scot

   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).

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