

Loch Duart Ltd  
C/o Miss Sonja Brown  
Badcall Salmon House  
Scourie  
Sutherland  
IV27 4TH

## COMHAIRLE NAN EILEAN SIAR

Sandwick Road, Stornoway, HS1 2BW

Rathad Shannabhaig, Steornabhagh, HS1 2BW

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Writer	Cathy Leary (01851 822690)
Our Reference	CL/AMK
Your Reference	
Date	22 July 2013

Dear Sir/Madam

### APPROVAL OF PLANNING PERMISSION SUBJECT TO COMPLIANCE WITH CONDITIONS

APPLICATION REFERENCE NO: 13/00176

TYPE OF APPLICATION: Fish Farm Planning Application

LOCATION OF DEVELOPMENT: Gashernish East Fish Farm, South Ford, Lochcarnan, South Uist

PROPOSAL: Install 12 no 70m circular pens (22.3m diameter) in a single group within a 45m mooring grid and a 14.4m x 10m feed barge all with associated seabed moorings, for the rearing of Atlantic salmon

Please find attached your planning decision document together with one set of approved plans. The planning decision document is set out in a particular way. Please study it carefully.

- The principal page provides notice of the terms of the planning decision.
- Schedule 1 details, where applicable, 'Conditions' imposed on the grant of your planning permission. Conditions must be complied with. Failure to do so may result in the Comhairle taking enforcement action. Certain conditions require that you submit details or information before you start any works. It is very important that you do this. Informatives follow the conditions and are included to make you aware of other important issues that may affect the implementation of your development proposal.
- Schedule 2 identifies the plans and drawings of the development for which permission is granted, together with a description of any approved variation to the application.
- Schedule 3 provides information on the procedure to follow if you are aggrieved by your decision.

Please note that under Planning legislation, a person who has been granted planning permission in principle and subsequent approval of matters specified in conditions and intends to start development must, once they have decided the date they will start work on the development, inform the Comhairle of their start date as soon as is practicable. Failure to provide this notification is a 'Breach of Planning Control' under Section 123(1) of the Town & Country Planning (Scotland) Act 1997. The enclosed 'Notice of Initiation of Development' (printed on green paper) is provided for your assistance in complying with this requirement. Please contact the planning service on the telephone number above or e-mail [planning@cne-siar.gov.uk](mailto:planning@cne-siar.gov.uk) if you wish to clarify any matter relating to your planning permission.

It would be appreciated if you would take the time to complete the enclosed Customer Satisfaction Survey which we are carrying out to help us understand how we can better serve our customers. All responses will be kept completely anonymous.

[Redacted]

Development Department



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (THE ACT)  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

APPLICATION REFERENCE NO:	13/00176
TYPE OF APPLICATION:	Fish Farm Planning Application
VALID APPLICATION RECEIVED:	5 April 2013
PROPOSED DEVELOPMENT:	Install 12 no 70m circular pens (22.3m diameter) in a single group within a 45m mooring grid and a 14.4m x 10m feed barge all with associated seabed moorings, for the rearing of Atlantic salmon
LOCATION OF DEVELOPMENT:	Gashernish East Fish Farm South Ford Lochcarnan Isle Of South Uist
APPLICANT:	Loch Duart Ltd

**Comhairle nan Eilean Siar** has determined that the above proposed development accords with the provisions of the Development Plan and that there are no material planning considerations that indicate otherwise.

**Comhairle nan Eilean Siar therefore grants Planning Permission** for the development described above subject to the development being undertaken in accordance with:

- the **Conditions** stated in **Schedule 1** to this Notice;
- the details submitted subject to any approved variation(s): and <sup>[Redacted]</sup>
- the plans approved and if applicable all identified on **Schedule 2** to this N

Date: 22 July 2013 Signed:

This Planning permission will expire after 3 years from the date on which it is granted unless the development to which it relates has been commenced.

A 'Notice of Initiation of Development', must be submitted to Comhairle nan Eilean Siar prior to commencement of the development.

A copy of this notice is available on-line at: <http://planning.cne-siar.gov.uk/publicaccess/>. An electronic copy of the notice can be saved from this location.

DECISION NOTICE SENT TO:

Loch Duart Ltd  
C/o Miss Sonja Brown  
Badcall Salmon House  
Scourie  
Sutherland  
IV27 4TH

## SCHEDULE 1: CONDITIONS

APPLICATION REFERENCE NO: 13/00176

The following legally enforceable conditions are imposed on the grant of this planning consent for the reasons stated after each condition.

- Condition 1** The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details, received by the Planning Authority on 05/04/2013 unless previously approved in writing by the Planning Authority:
- Application;
  - Admiralty Chart;
  - Site Plan.
- Reason* To comply with Section 26A of the Town and Country Planning (Scotland) Act 1997.
- Condition 2** The development to which this planning permission relates shall not be operational at any time while fin fish farming operations are being undertaken or fin fish farming equipment installed, at the fish farm sites known as Inner Loch Carnan and Holmar.
- Reason* In order to retain control over fish farming development in Loch Carnan in the interests of protecting wild salmonid and the marine environment.
- Condition 3** The following navigation lighting requires to be established concurrent with the installation of the equipment forming the planning permission to which this application relates. The site shall be marked by means of 2 lit yellow poles, exhibiting a yellow flashing light, character flash one every five seconds (F1 Y 5s) and fitted with a yellow multiplication cross topmark. The poles should be positioned at the most Southerly and Westerly corners of the site.
- Reason* In the interests of navigational safety.
- Condition 4** The poles referred to in Condition 3 should be at least 75mm in diameter and not less than 1 metre in height above the site equipment hand rails, the light should be installed on the top of the pole, the visible range should be two nautical miles. The poles should be positioned such that they can be clearly seen by vessels approaching from all navigable directions. The multiplication cross should measure a minimum of 50cm in length by 7.5cm in width and be installed below the light.
- Reason* In the interests of safe navigation.
- Condition 5** The feed barge servicing the site shall exhibit an all round fixed white light, which shall be exhibited from a point at least 1 metre above any obstruction. The visible range of the light shall be 2 nautical miles.
- Reason* In the interests of safe navigation.
- Condition 6** Throughout the life of the development to which this planning permission relates no surface equipment shall be in place south of the line bounded by 57° 22.380N 007° 15.553W & 57° 22.433N 007° 15.127 W so as not to pose a hazard with regard to the navigation route into Loch Carnan.
- Reason* In the interest of navigational safety.
- Condition 7** The finished surfaces of all equipment above the water surface including surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non reflective and finished in a dark muted colour unless otherwise agreed in advance with the Planning Authority.
- Reason* In the interests of the visual amenities.
- Condition 8** 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 developer 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.

*Reason In the interests of visual amenities.*

**Condition 9** If any anti-predator nets are used, either above or below water, they must be properly installed and maintained to ensure effective protection. Any changes to the permitted anti-predation measures stated in the application shall be submitted to the planning authority for consideration and approval prior to any installation and use.

*Reason To minimise the impact of the development on the environment.*

**Condition 10** In the event that the (fish cages or associated equipment approved by this permission cease to be in operational use for the growing of (finfish for a period exceeding three years, they shall be wholly removed and the site restored to the satisfaction of the Planning Authority within 4 months of being notified, unless agreed otherwise in writing by the Planning Authority.

*Reason To prevent deterioration of the site in the event of cessation of operations.*

**Condition 11** Where more than one type of size of barge is approved at a site, only one of the barges shall be deployed at the site at any one time unless approved and agreed in writing by the Planning Authority.

*Reason In the interest of the visual amenities.*

**Condition 12** The "Rating noise level" generated by the development and associated operations, including sea going vessels, when measured at any noise sensitive dwelling in accordance with the requirements of BS4142:1997 -"Method for rating industrial noise affecting mixed residential and industrial areas", shall not exceed the background noise level by 5 or more Decibels. It is assumed that the "Rating Noise Level" includes an acoustic feature correction of 5 decibels.

*Reason To protect the amenity at noise sensitive premises.*

**Condition 13** Should any complaints be received in respect of noise levels, the developer shall fully investigate these complaints and, to establish noise levels at any affected property, shall undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Planning Authority and which shall be carried out in accordance with BS4142:1997 -"Method for rating industrial noise affecting mixed residential and industrial areas".

*Reason To quantify the loss of amenity at noise sensitive premises resulting from the operation of the development.*

**Condition 14** Should any noise monitoring undertaken in accordance with condition 13 above demonstrate that the noise thresholds in condition 12 are being exceeded, the developer shall submit a scheme of mitigating measures to the Planning Authority for written agreement within three months of the breach being identified. The agreed mitigating measures shall be implemented within three months of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

*Reason To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.*

In addition to the above conditions, please note the following informatives. These are not planning conditions. They are given for your instruction and help only.

1. This Permission gives consent or approval under **Town and Country Planning legislation ONLY**. Depending on the nature of your proposals, you may also require to obtain other permissions from the Council, e.g. Building Warrant, Caravan Site licence, Improvement Grant approval, etc. Please ask if in doubt.
2. Existing services (such as water mains, electricity wires or telephone lines) shall be protected. You may be liable for any damage that is caused by any works or use associated with the development.
3. It would make sense for you to try to co-ordinate the installation of services. For example, BT could install a cable in the same trench as your water supply or drainage system. Contact the relevant service providers when work is about to commence.



4. No marking of outlying anchor points with buoys should be allowed to the South and West of the site, and recommend that alternative means to locate anchors are utilised. Allowing loose floating lines around site equipment is also strongly discouraged as this can cause serious safety implications for other mariners.

Once the site is in position, Loch Duart Ltd will be required to inform the Northern Lighthouse Board by letter or email: [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk) quoting our reference above.

The UK Hydrographic Office should be notified by Loch Duart Ltd and all information regarding site positions forwarded in order that Charts BA 2825 can be correctly updated.

If the site does not hold an up to date Marine Licence from the Scottish Government, Northern Lighthouse Board would encourage Loch Duart Ltd to rectify this situation. This consent is concerned solely with the safety of navigation and would include the information given above. For further information and application forms please go to the web site link given below.

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine/cpa>

## **SCHEDULE 2: PLANS**

**(AND AS APPLICABLE) DETAILS OF APPROVED VARIATIONS, PLANNING AGREEMENTS AND DIRECTIONS**

**APPLICATION REFERENCE NO:**

13/00176

### **Details of Approved Plans**

01, 02, 03, 04, 05, 06, 07

### **Details of approved variation(s) (if applicable)**

Not Applicable

### **Terms of Section 75 Agreement (if applicable)**

Not Applicable

### **Terms of Directions under Section 58(2) or 59(5) of the ACT (if applicable)**

Not Applicable

### **SCHEDULE 3:**

## **PROCEDURE IF YOU FEEL AGGRIEVED**

If the applicant is aggrieved by the decision of the planning authority to (i) to refuse permission for the proposed development(ii) to refuse approval required by a condition in respect of the proposed development or (iii) 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 within three months from the date of this notice.

The notice of review should be addressed to:

Chief Executives Department  
Executive Services  
Comhairle nan Eilean Siar  
Sandwick Road, Isle of Lewis  
HS1 2BW

E-mail: [Redacted]

Review Forms can be downloaded from:

<http://www.cne-siar.gov.uk/planningservice/forms.asp>

If permission to develop land is refused or granted subject to conditions 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 the 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 & Country Planning (Scotland) Act 1997.

Location Plan

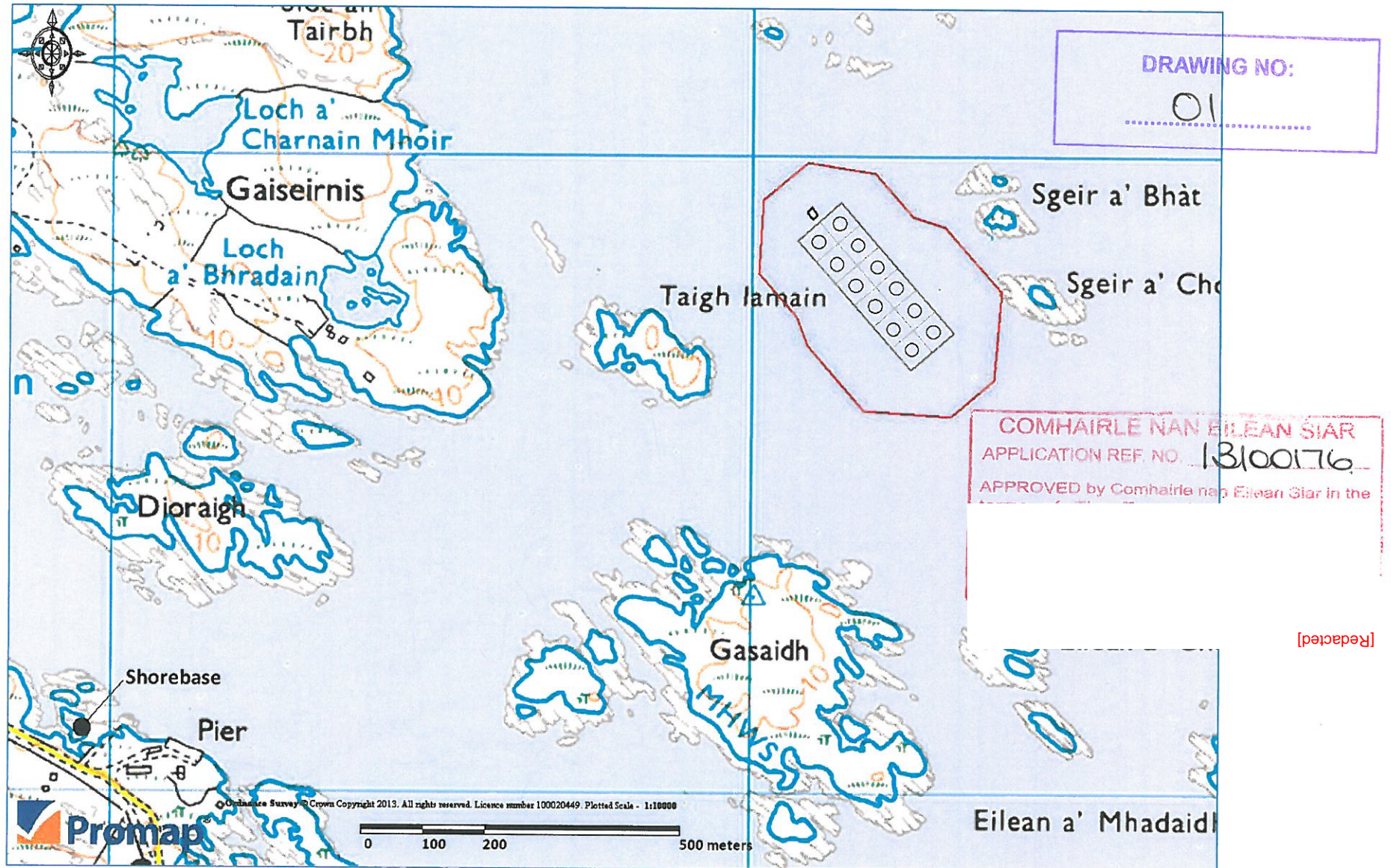
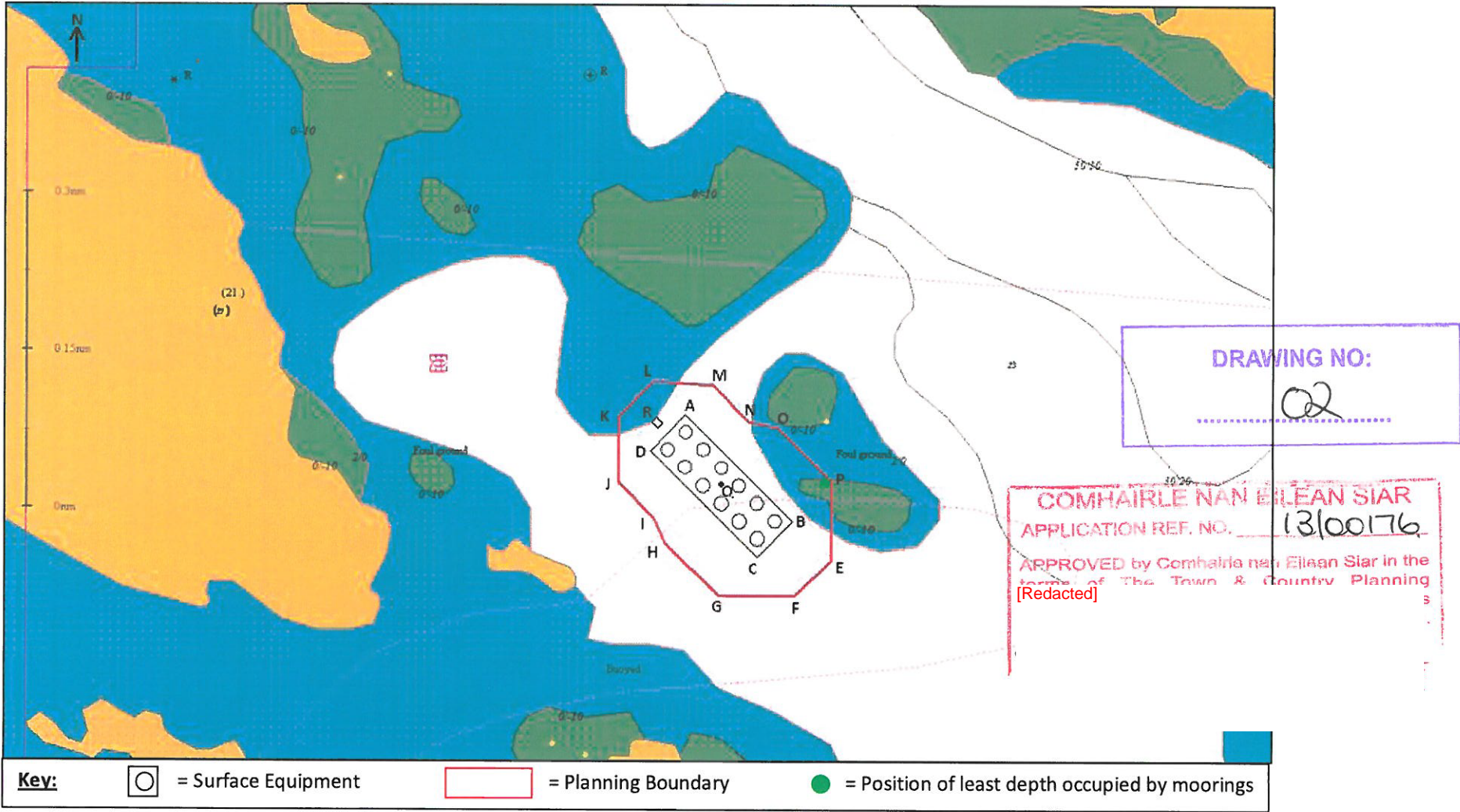




Chart Extract



Location	Label	Position				Depth /m (CD)
		Lat/Long		OSGB Grid Ref		
Grid corners	A	N 57° 22.408	W 07° 15.300	NF 84249	43664	14.5
	B	N 57° 22.444	W 07° 15.239	NF 84315	43725	16.9
	C	N 57° 22.410	W 07° 15.302	NF 84247	43666	20.7
	D	N 57° 22.510	W 07° 15.491	NF 84072	43868	16.2
Mooring extents	E	N 57° 22.406	W 07° 15.168	NF 84381	43649	20.4
	F	N 57° 22.372	W 07° 15.231	NF 84313	43590	20.0
	G	N 57° 22.371	W 07° 15.368	NF 84175	43600	20.1
	H	N 57° 22.422	W 07° 15.464	NF 84087	43702	19.9
	I	N 57° 22.446	W 07° 15.484	NF 84070	43747	19.1
	J	N 57° 22.480	W 07° 15.548	NF 84011	43815	15.7
	K	N 57° 22.542	W 07° 15.549	NF 84018	43930	10.9
	L	N 57° 22.576	W 07° 15.487	NF 84086	43989	10.5
	M	N 57° 22.572	W 07° 15.379	NF 84193	43973	10.4
	N	N 57° 22.538	W 07° 15.316	NF 84252	43905	12.4
	O	N 57° 22.532	W 07° 15.264	NF 84303	43889	9.8
	P	N 57° 22.481	W 07° 15.168	NF 84391	43787	5.4
Site mid-point	Q	N 57° 22.477	W 07° 15.364	NF 84194	43795	19.5
Feed barge mid-point	R	N 57° 22.533	W 07° 15.471	NF 84095	43907	10.6
Position of least depth occupied by moorings	P	N 57° 22.481	W 07° 15.168	NF 84391	43787	5.4

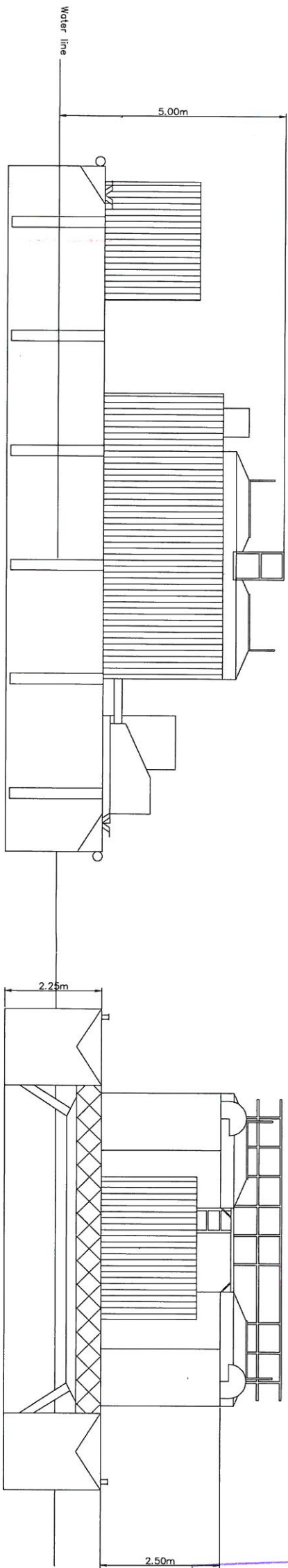
DRAWING NO:

03

COMHAIRLE NAN EILEAN SIAR  
 APPLICATION REF. NO. 13/00176  
 APPROVED by Comhairle nan Eilean Siar in the  
 name of The Town & Country Planning  
 [Redacted]



Proposed feed barge



DRAWING NO:

04

COMHAIRLE NAN EILEAN SIAR  
APPLICATION REF. NO. 13/00176

APPROVED by Comhairle nan Eilean Siar in the  
terms of The Town & Country Planning  
(Scotland) [Redacted]  
in the s

22/1/13

General Notes

Firm Name and Address

No.

Revision/Issue

Date

Project Name and Address

Gashernish East  
(South Ford East)  
Loch Carnan  
Isle of South Uist

Project Feed barge

Sheet

Date 12/03/2013

Scale

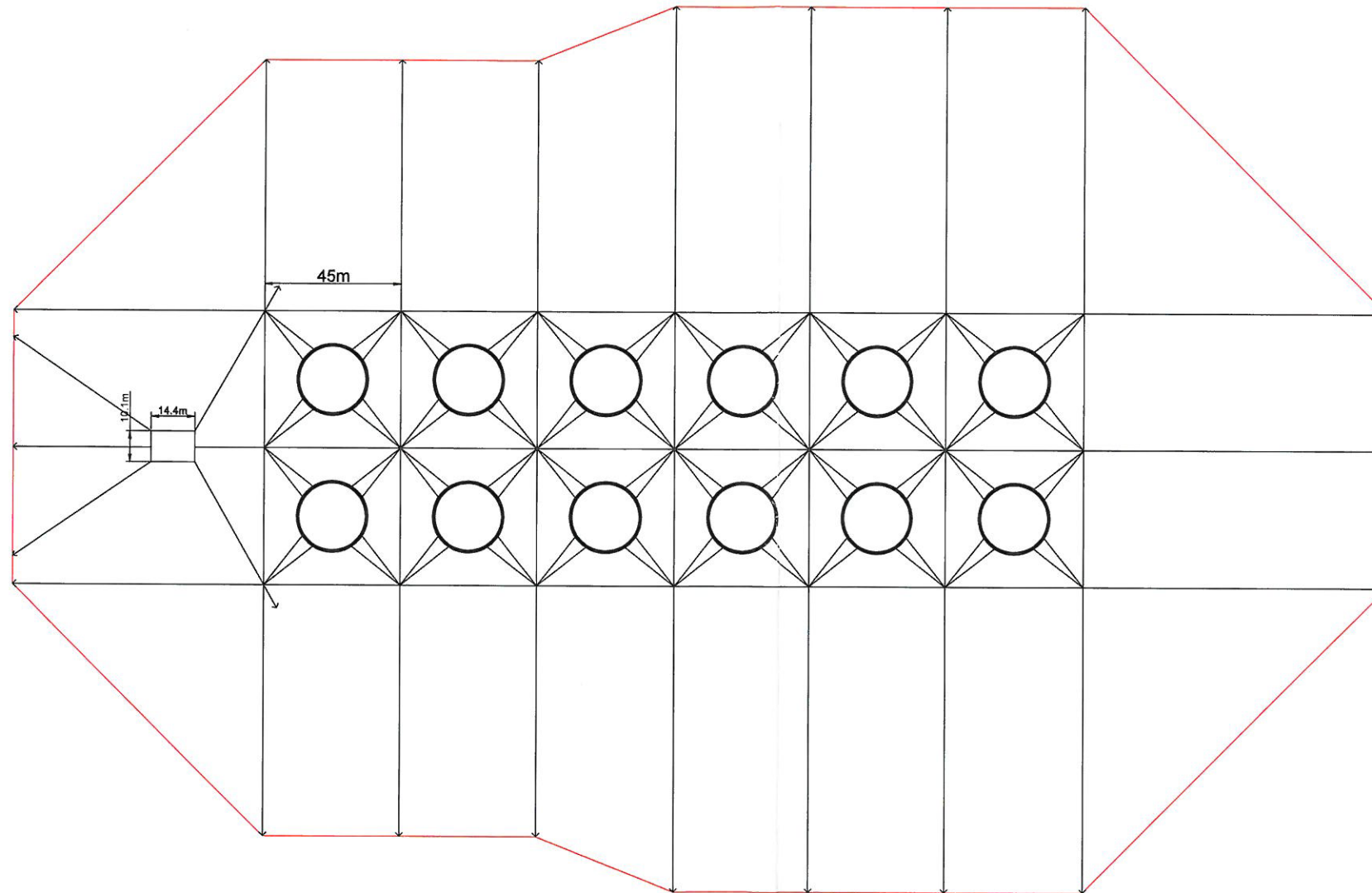
As Noted

1



# Proposed Gashernish East site layout

Proposed site layout of twelve 70m circular pens arranged 2 x 6 in a 45m x 45m mooring grid plus automated feed system positioned at NW end of pen group



Site Centre OS Grid Ref: NF 841 437

EXTERNAL EDGE COORDINATES	
LAT	LONG
57° 22.406' N	07° 15.168' W
57° 22.372' N	07° 15.231' W
57° 22.371' N	07° 15.368' W
57° 22.422' N	07° 15.464' W
57° 22.446' N	07° 15.484' W
57° 22.480' N	07° 15.548' W
57° 22.542' N	07° 15.549' W
57° 22.576' N	07° 15.487' W
57° 22.572' N	07° 15.379' W
57° 22.538' N	07° 15.315' W
57° 22.532' N	07° 15.264' W
57° 22.481' N	07° 15.168' W

DRAWING NO:  
05

COMHAIRLE NAN EILEAN SIAR  
APPLICATION REF. NO. 13/00176

General Notes

[Redacted]

No.	Revision/Issue	Date
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Firm Name and Address

Project Name and Address

Gashernish East  
(South Ford East)  
Loch Carnan  
Isle of South Uist

Project  
Proposed site layout

Date  
12.12.2012

Scale  
1:2000 printed on ISO A3

Sheet

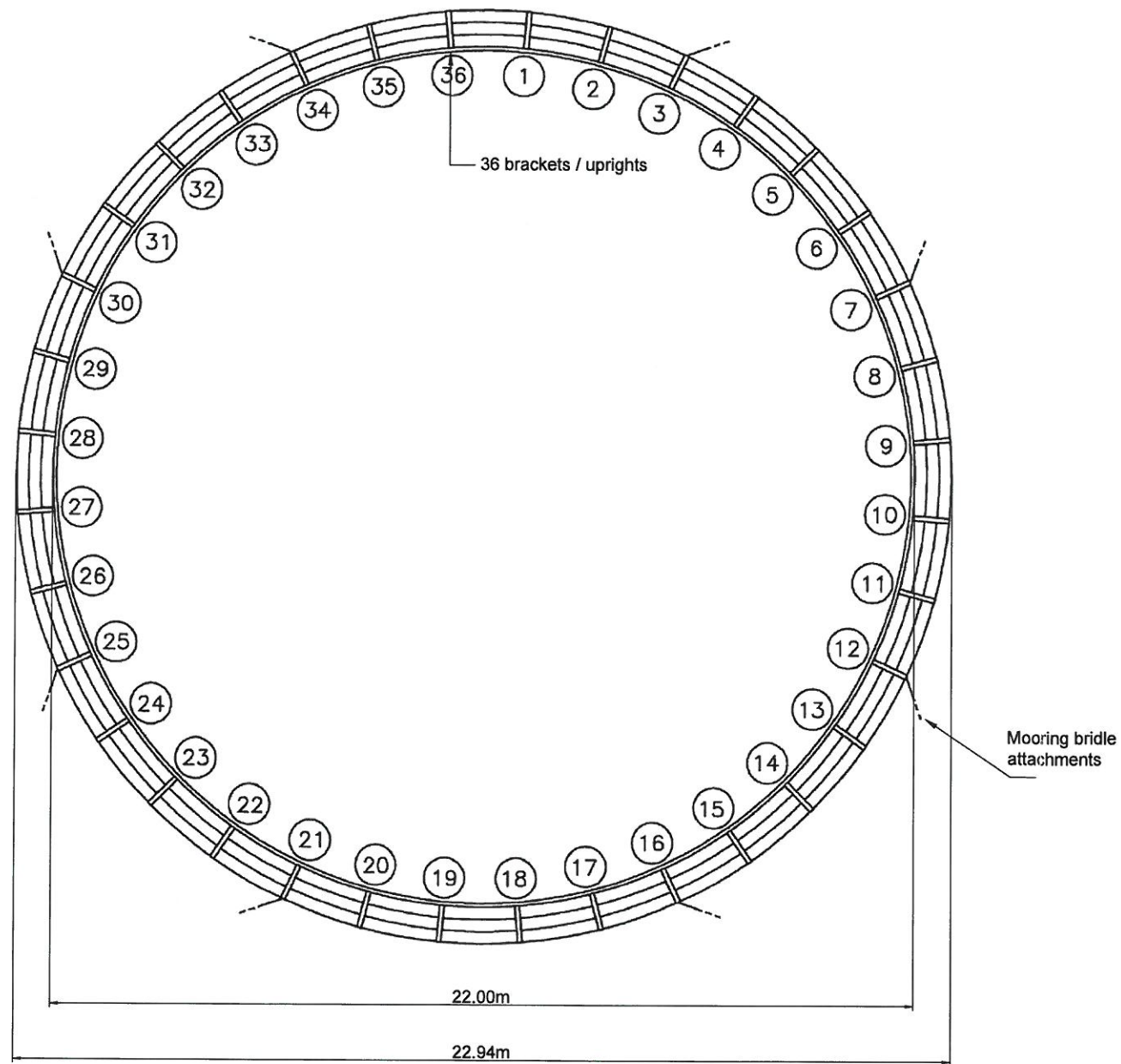
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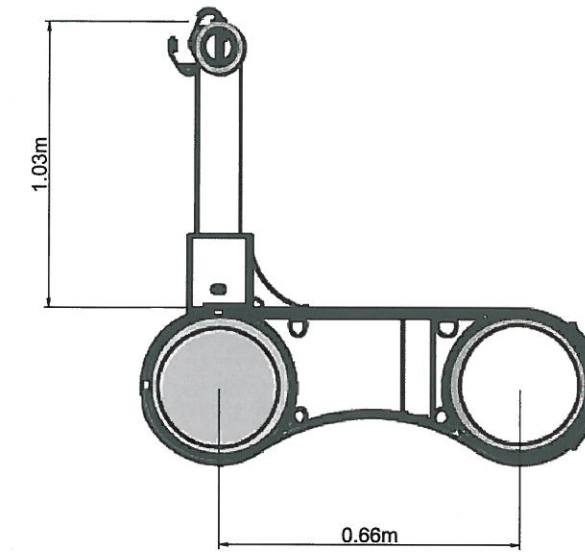


# Proposed pen equipment

Akva Polarcirkel 315mm 70m circumference circular pen



Plan view



Section view

DRAWING NO:

07

General Notes

COMHAIRLE NAN EILEAN SIAR  
APPLICATION REF. NO. 13/00176  
APPROVED by Comhairle nan Eilean Siar in the  
[Redacted]

No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address  
Gashernish East  
(South Ford East)  
Loch Carnan  
Isle of South Uist

Project Pen equipment	Sheet 1
Date 20/03/2013	
Scale As Noted	