



COPY

COMHAIRLE NAN EILEAN SIAR

Sandwick Road, Stornoway, HS1 2BW

Rathad Shanndabhaig, Steornabhagh, HS1 2BW

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Writer Cathy Leary (01851 822690)

Our Reference CL/MM

Your Reference

Date 26 March 2014

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

Dear Applicant/Agent

APPROVAL OF PLANNING PERMISSION SUBJECT TO COMPLIANCE WITH CONDITIONS

APPLICATION REFERENCE NO: 14/00059

TYPE OF APPLICATION: Fish Farm Planning Application

LOCATION OF DEVELOPMENT: Sandavaig Fish Farm, South Ford, Lochcarnan, Isle Of South Uist

PROPOSAL: Addition of an automated 10.8m x 15.6m 20t capacity feed barge to existing salmon site

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 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]



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:	14/00059
TYPE OF APPLICATION:	Fish Farm Planning Application
VALID APPLICATION RECEIVED:	10 February 2014
PROPOSED DEVELOPMENT:	Addition of an automated 10.8m x 15.6m 20t capacity feed barge to existing salmon site
LOCATION OF DEVELOPMENT:	Sandavaig 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
- the plans approved and if applicable the terms of any Section 75 agreement or Direction all identified on **Schedule 2** to this Notice. [Redacted]

Date: 26 March 2014 Signed: _____

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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 Sonja Brown
Badcall Salmon House
Scourie
Sutherland
IV27 4TH

SCHEDULE 1: CONDITIONS

APPLICATION REFERENCE NO: 14/00059

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 10 February 2014 unless previously approved in writing by the Planning Authority:
- o Application;
 - o Admiralty Chart;
 - o Site Plan.

Reason To comply with Section 26A of the Town and Country Planning (Scotland) Act 1997.

- Condition 2** 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 a lit yellow pole, flashing group four yellow every twelve seconds, (F1(4) Y 12s) and fitted with a yellow multiplication cross topmark. The poles should be positioned at the most Easterly corner of the group of cages.

Reason In the interests of navigational safety.

- Condition 3** The poles referred to in Condition 2 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 pole should be positioned such that it 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 4** The feed barge 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 5** 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 6** 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 7** In the event that the barge and mooring 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 8 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 9 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 10 Should any noise monitoring undertaken in accordance with condition 9 above demonstrate that the noise thresholds in condition 8 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. Comhairle nan Eilean Siar in partnership with the Highlands and Islands Fire and Rescue Service recommend that consideration be given to the provision of enhanced fire safety measures in your premises.
5. Northern Lighthouse Board wish to discourage the practice of marking outlying anchor points with buoys (unless specifically requested by local users) 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.

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>

6. The Aquatic Animal Health (Scotland) Regulations 2009 requires 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

SCHEDULE 2: PLANS

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

APPLICATION REFERENCE NO:

14/00059

Details of Approved Plans

01, 02A, 02B, 03, 04

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

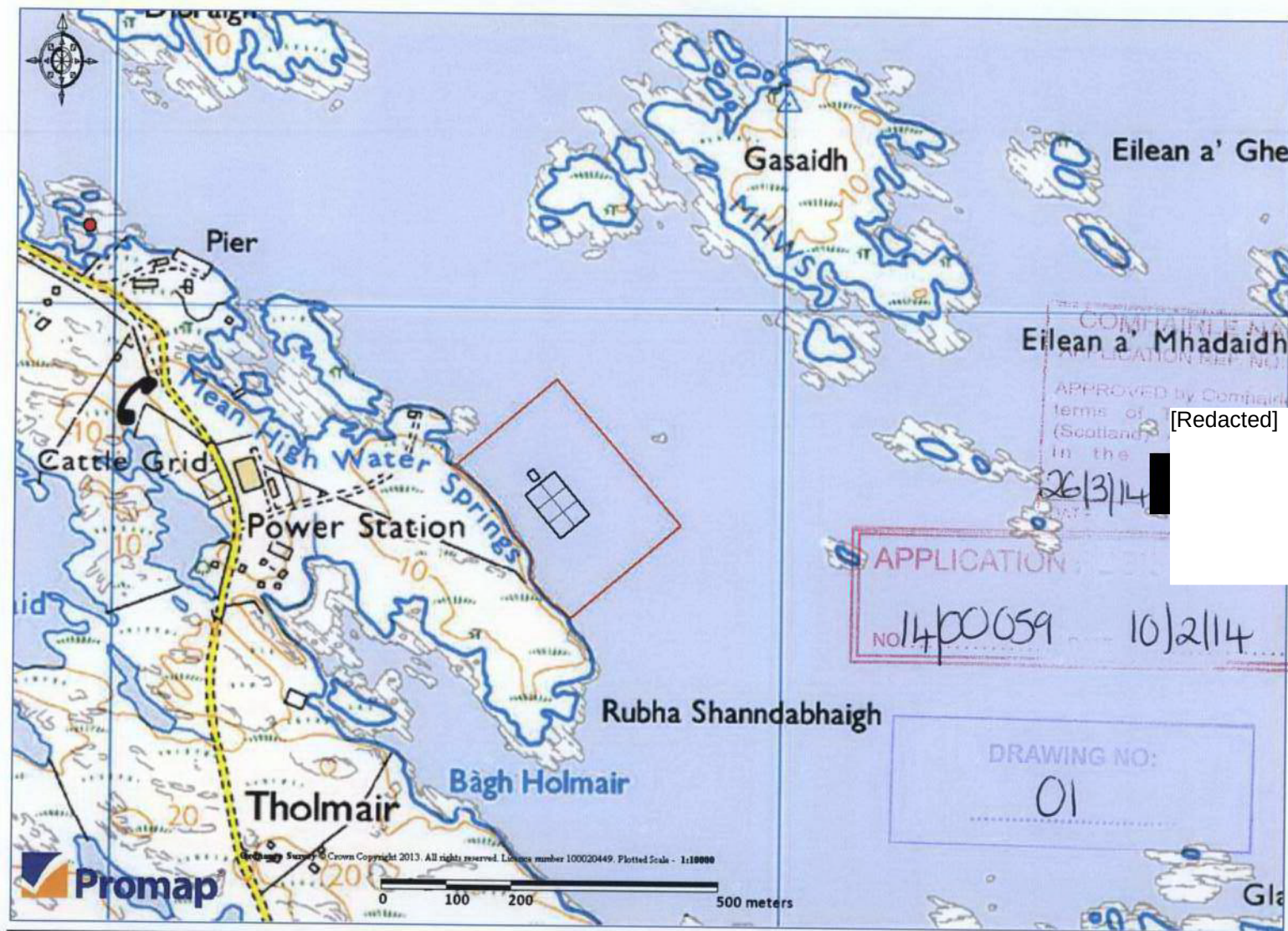
E-mail: [Redacted]

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

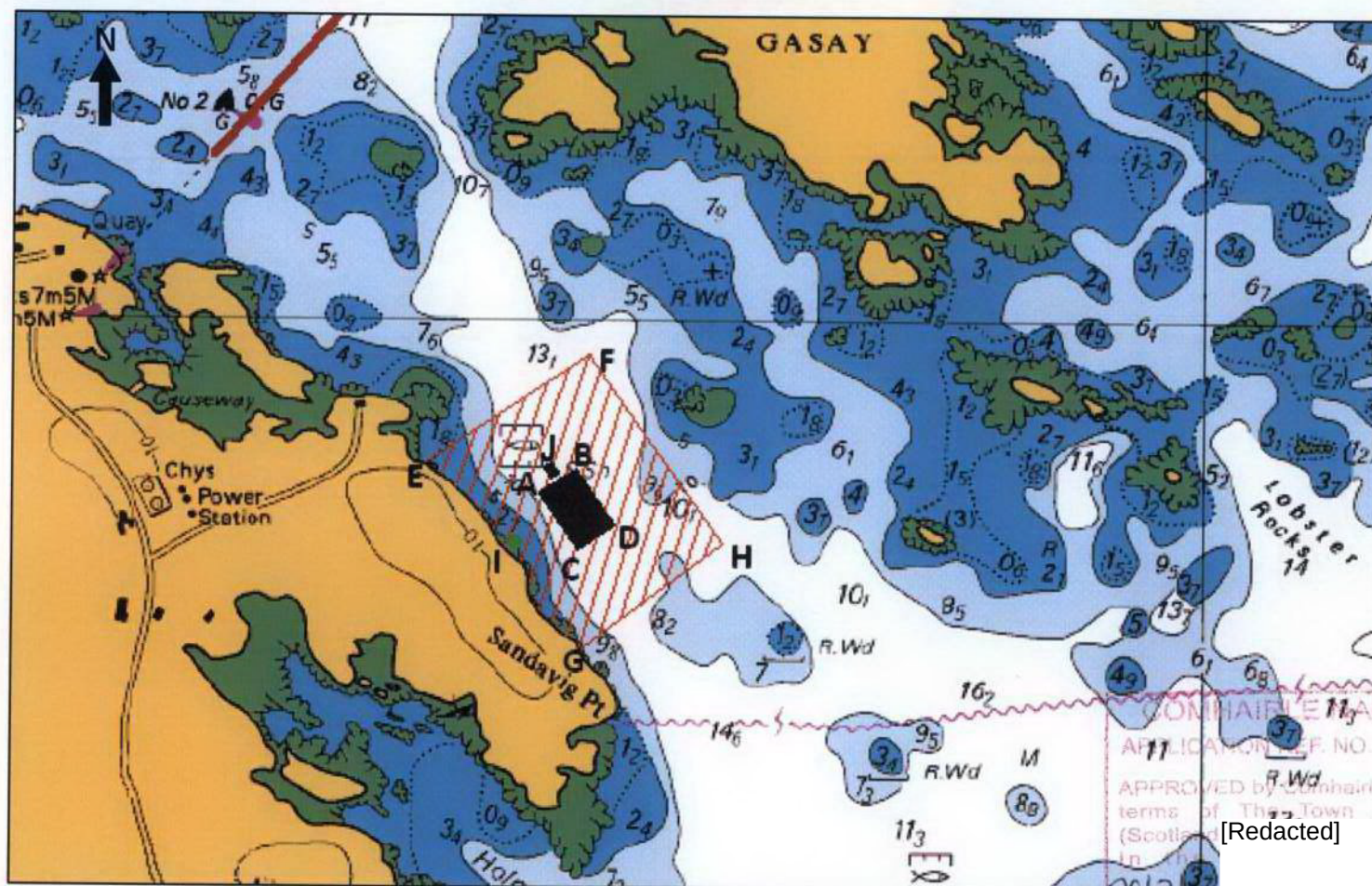
**Key:**

□ = Existing pen equipment & proposed feed barge

□ = Site boundary

● = Existing shore base

Admiralty Chart



Key: = Surface equipment = Mooring containment area = Position of least depth occupied

COMHAIR EILEAN SIAR
APPLICATION NO. 14/00059
APPROVED by Comhairle nan Eilean Siar in the
terms of The Town & Country Planning
(Scotland) Act 1972
26/3/14

[Redacted]

APPLICATION REGISTERED
NO. 14/00059 DATE 10/12/14

DRAWING NO:
02(a)

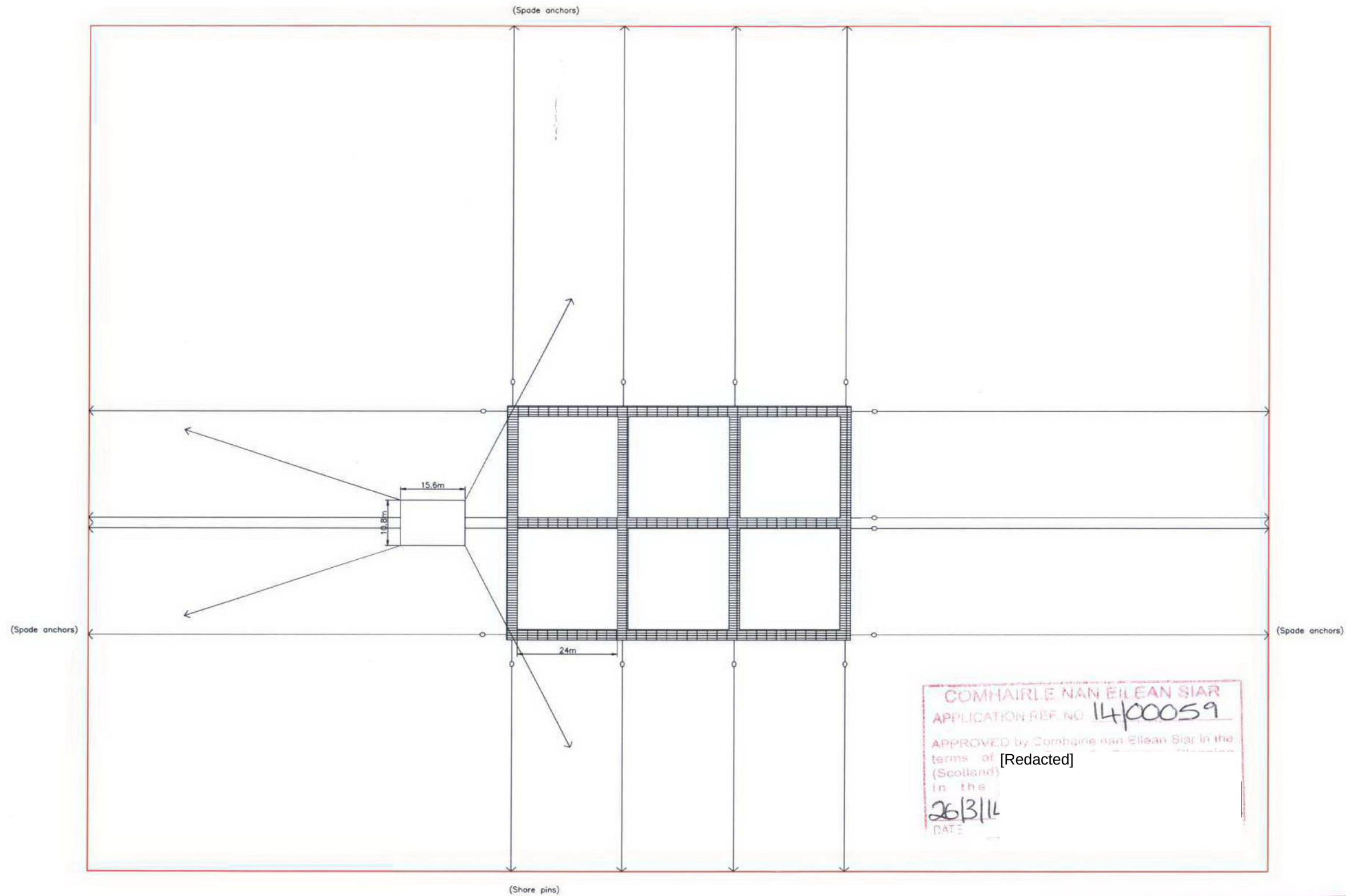
Point	Label	Position			Depth /m (CD)
		Lat	Long	Grid Reference	
Pen Group Co-ordinates	A	57 21.877 N	07 15.854 W	NF 8361 4272	13.3
	B	57 21.898 N	07 15.814 W	NF 8366 4275	13.6
	C	57 21.846 N	07 15.798 W	NF 8367 4266	14.2
	D	57 21.867 N	07 15.758 W	NF 8371 4269	14.4
Mooring Containment Area Co-ordinates	E	57 21.896 N	07 15.964 W	NF 8351 4276	0.1
	F	57 21.973 N	07 15.822 W	NF 8366 4289	12.9
	G	57 21.782 N	07 15.773 W	NF 8368 4254	0.1
	H	57 21.864 N	07 15.622 W	NF 8384 4268	12.5
Position of Least Depth	I	57 21.850 N	07 15.866 W	NF 8360 4267	0 (shore pin)
Centre Point of Proposed Feed Barge	J	57 21.894 N	07 15.845 W	NF 8362 4275	13.1
Centre Point of Pen Group	-	57 21.872 N	07 15.806 W	NF 8366 4270	13.9

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 terms of The Town & Country Planning
 (Scotland) Act 1972
 in the s [Redacted]
 26/3/14
 DATE

APPLICATION REGISTERED
 NO. 14/00059 DATE 10/2/14

DRAWING
 02(b)

Site Plan Sandavaig



COMHAIRLE NAN EILEAN SIAR
APPLICATION REF NO 14/00059
APPROVED by Comhairle nan Eilean Siar in the
terms of [Redacted]
in the
26/3/14
DATE

Site Boundary Co-ordinates	57° 21.782' N	07° 15.773' W
	57° 21.864' N	07° 15.622' W
	57° 21.973' N	07° 15.822' W
	57° 21.896' N	07° 15.964' W
Site centre NF 8366 4270		

DRAWING NO:

03

APPLICATION REGISTERED

NO. 14/00059 DATE 10/2/14

NB scale 1:1000 when printed on ISO A3

General Notes

No.	Revision/Issue	Date
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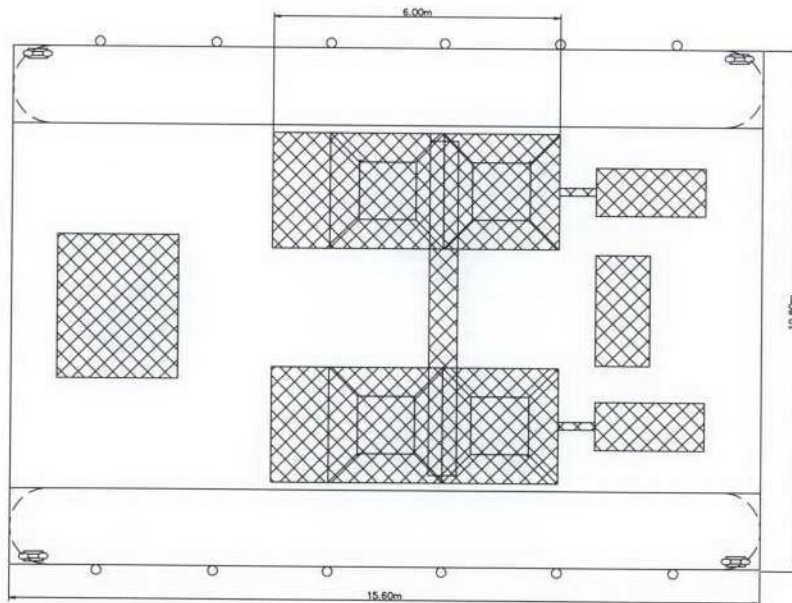
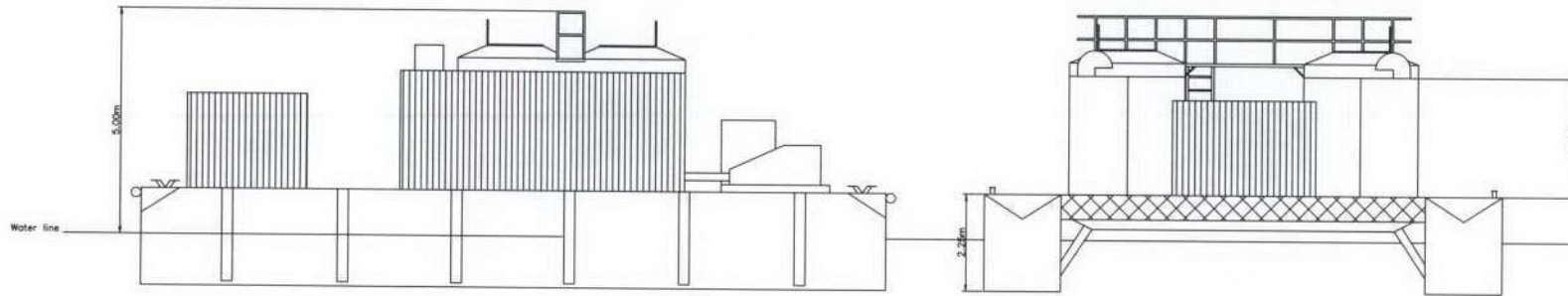
Firm Name and Address

Project Name and Address

Sandavaig Modification
N of Sandavaig Point
Loch Carnan
Isle of South Uist

Project	Site Plan	Sheet
Date	05/08/2013	1
Scale	1:1000	

Proposed feed barge



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[Redacted]
26/3/14
DATE

DRAWING NO:
04

APPLICATION REGISTERED
NO. 14/00059 DATE 10/2/14

General Notes

No.	Revision/Issue	Date

Draw Name and Address

Project Name and Address
Sandavaig
North of Sandavaig Point
Loch Carnan
Isle of South Uist

Project Feed barge	Sheet 1
Date 20/03/2013	
Scale As Noted	

ATTACHMENT 5