

PLANNING PERMISSION

Reference No: 23/05816/FUL

To:
Mowi Scotland
Per: Connie Fairbairn
Mowi Farms Office
Glen Nevis Business Park
Forth William
PH53 6RX

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

DECISION NOTICE

**Marine Fish Farm - Atlantic Salmon: Relocation of existing feed barge and installation of 1 x 160m circumference pen to the center of the existing pen group
Cairidh, Loch Ainort, Sconser**

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
General Plan	APPENDIX 1 - DLULGK SITE CHARTS		26.04.2024
General Plan	APPENDIX 2 - EQUIPMENT PLANS & ELEVATIONS		26.04.2024
Location Plan	000001		26.04.2024
Site Layout Plan	000002		26.04.2024
Site Layout Plan	000003		26.04.2024

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).

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- 2. All surface equipment with the exception of the navigational markers, shall be finished in a dark, matt neutral colour to match the existing equipment unless alternative finishes are agreed in advance in writing with the planning authority. Pipes between the automated feed barge and the pens shall be neatly bundled to minimise clutter.

Reason: To ensure the landscape and visual impact of the development is minimised.

- 3. The external lighting system shall be designed and installed in accordance with the best practice contained in the institute of Lighting Professionals document "Guidance Notes for the Reduction of Obtrusive Light"
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 was installed. If lighting is required for security purposes, infra-red lights and cameras.

Reason: To ensure the landscape and visual impact of the development is minimised.

- 4. In the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause 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 interest of amenity and navigational safety.

- 5. The fish farm shall continue to be operated in accordance with the with following wildlife entanglement/entrapment monitoring and reporting requirements.

1) Operators to maintain daily records of wildlife entanglement / entrapment using a standardised NatureScot proforma (which can be downloaded at

<https://www.nature.scot/sites/default/files/2021-02/NatureScot%20-%20Entanglement%20and%20entrapment%20-%20Standardised%20Proforma.xlsx>)

and to submit regular (typically six-monthly) returns of these records to The Highland Council, copied to NatureScot.

2) Immediate notification should be made by the site operator to both The Highland Council and NatureScot in the event of any significant entrapment or entanglement of gannets (i.e. involving three or more birds on any one day and/or a total of ten or more birds in the space of any seven day period and/or repeat incidents involving one or more birds on four or more consecutive days).

3) Should an event or events be notified in accordance with the notification requirement above, The Highland Council is to consult with NatureScot and the applicant to agree any mitigation measures required, and any such mitigation measures are to be implemented within a timescale determined by The Highland Council and such mitigation measures are to be retained throughout the life of the top nets unless

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agreed otherwise in writing by The Highland Council.

Reason: To continue to mitigate potential impacts of the top nets on seabirds (particularly gannets) and ensure accordance with Habitats Regulations and the planning Authority's biodiversity duty.

Variations

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

In response to the correspondence from the Highland Council dated 20th December 2023 the following documents were submitted;

- Location plan
- Site Layout Plan
- Dlugk Site Charts
- Equipment plans and elevations
- Predator mitigation plans
- Equipment Installation

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.

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.

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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.

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RIGHT OF REVIEW

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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