



## COMHAIRLE NAN EILEAN SIAR

Sandwick Road, Stornoway, Isle of Lewis HS1 2BW

Email: [planning@cne-siar.gov.uk](mailto:planning@cne-siar.gov.uk)

Dated: 23 December 2024

Mowi Scotland Ltd  
Farms Office Glen Nevis Business Park,  
Fort William  
PH33 6RX

By email only to: [stephen.macintyre@mowi.com](mailto:stephen.macintyre@mowi.com)

Dear Sir/Madam

### **APPROVAL OF PLANNING PERMISSION (DETAILED) - EIA DEVELOPMENT**

APPLICATION REFERENCE NO: **23/00104/FFPAES**

TYPE OF APPLICATION: **Fish Farm Planning Permission – Environmental Assessment**

LOCATION OF DEVELOPMENT: **Stulaigh Island South Fish Farm, Locheynort, Isle of South Uist**

PROPOSAL: **Install a new marine Atlantic salmon farm to operate at a maximum standing biomass of 3,000t, including the installation of 6 circular pens (measuring 200m circumference) configured in 1(2x3) group, and held in a 120m mooring matrix with associated mooring lines. Install 600t feed barge.**

Please find attached the EIA Decision Notice relating to the above proposal. Section 123(1) of the Town and Country Planning (Scotland) Act 1997 provides that a 'Notice of Initiation of Development' must be submitted prior to commencement of development. Failure to provide this information is a breach of planning control.

If you wish to clarify any matter relating to the planning permission, please contact the Planning Service by telephone or by email to [planning@cne-siar.gov.uk](mailto:planning@cne-siar.gov.uk).

Yours faithfully

*MC Ferguson*

Morag Ferguson  
Planning Manager (Development Management)  
Chief Executive's Department

**COMHAIRLE NAN EILEAN SIAR**  
**GRANT OF PLANNING PERMISSION**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED**

|                             |   |
|-----------------------------|---|
| APPLICATION REFERENCE NO:   | <b>23/00104/FFPAES</b>  |
| TYPE OF APPLICATION:        | <b>Fish Farm Planning Permission – Environmental Impact Assessment Development</b>  |
| VALID APPLICATION RECEIVED: | <b>01 March 2023</b>  |
| DEVELOPMENT:                | <b>Install a new marine Atlantic salmon farm to operate at a maximum standing biomass of 3,000t, including the installation of 6 circular pens (measuring 200m circumference) configured in 1(2x3) group, and held in a 120m mooring matrix with associated mooring lines. Install 600t feed barge.</b> |
| LOCATION OF DEVELOPMENT:    | <b>Stulaigh Island South Fish Farm, Locheynort, Isle of South Uist</b>  |
| APPLICANT:                  | <b>Mowi Scotland Ltd</b>  |

Comhairle nan Eilean Siar having examined the relevant Environmental Information and taken into account the results of the consultations and information gathered, has prepared a Report on Handling dated 18 December 2024 which sets out the findings of its examination and its reasoned conclusion of the significant effects of the development on the environment.

Comhairle nan Eilean Siar is satisfied, having regard to current knowledge and methods of assessment, that the reasoned conclusion addresses the likely significant effects of the development on the environment and remains up to date at the date of issue of this Notice.

Comhairle nan Eilean Siar grants Planning Permission subject to the development being undertaken in accordance with:

- a) the **Conditions** detailed in **Schedule 1** to this Notice.
- b) the application details submitted, subject to the **plans approved** and **any approved variation(s)** to the application, detailed on **Schedule 2** to this Notice.
- c) any **Environmental Mitigation or Monitoring measures** identified in **Schedule 3** to this Notice

Date: 23 December 2024 Signed:



Planning Manager (Development Management)

## SCHEDULE 1: CONDITIONS

APPLICATION REFERENCE NO: **23/00104/FFPAES**

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

- 1. The development to which this planning permission relates must be commenced not later than the expiration of three years beginning with the date on which this permission is granted.**

*Reason: To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.*
- 2. Except as otherwise required by the terms of this planning permission, or an amendment to the approved details is granted under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development shall be implemented in accordance with the site plan, moorings layout and site co-ordinates appended to this permission and also in accordance with the environmental mitigation detailed in the Environmental Impact Assessment Report.**

*Reason: To ensure that the Development is carried out in accordance with the approved details*
- 3. The finished surfaces of all equipment above the water surface associated with the development hereby approved (excluding the feed barge and those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour (black or grey) and feed pipes only in white or black, in accordance with the details provided in the Environmental Impact Assessment Report unless agreed otherwise in advance in writing by the Comhairle as Planning Authority.**

*Reason: In the interests of the visual, landscape and seascape amenity of the area.*
- 4. Throughout the life of the development to which this planning permission relates, no means of artificial illumination, other than that required for navigation shall be directed off site so that the spread of direct light from any source does not extend more than 100m from the site, without prior written approval from the Planning Authority.**

*Reason: To protect the visual, landscape and seascape amenity of the area.*
- 5. At least two months prior to the first installation of any equipment approved by this planning permission, the developer shall submit for the written approval of the Comhairle as Planning Authority a Fisheries Management and Mitigation Strategy (FMMS) to be developed by the developer in consultation with the Western Isles Fisherman's Association. The FMMS shall incorporate the following:**

  - Details of the proposed actions to appoint a Company Fisheries Liaison Officer (CFLO) with the remit to support ongoing liaison and ensure clear communication between Mowi and commercial fisheries;**
  - a Navigational Safety Plan to describe measures put in place by the project related to navigational safety (lighting, marking, notifications etc);**
  - Include a procedure for advanced warning and accurate location details of construction and maintenance operations, associated Safety Zones, and advisory passing distances;**
  - commit to log all infrastructure installed at the site, retrieve all redundant equipment where possible; to locate any equipment that cannot be retrieved**

and provide notification to fishermen of any equipment remaining on the seabed;

- state to the effect that any objects dropped on the seabed during works associated with the project will be reported and objects will be recovered where possible if they pose a hazard to other marine users;
- agree at installation and post-installation to review the moorings as approved together with fisheries stakeholders with a view to exploring options to open up fishing opportunities within the planning boundary whilst maintaining containment and structural site integrity; and
- to develop a structure to support sustainable fishing practices in connection with the development site.

For the avoidance of doubt any changes to the position of the equipment or mooring shall be subject to a prior notification seeking the approval of the Comhairle as Planning Authority.

Following Approval, the FMMS shall be implemented as agreed unless reviewed in conjunction with the Western Isles Fisherman's Association and an updated copy submitted for the written approval of the Comhairle as Planning Authority.

*Reason: To mitigate the significant effects of the proposed development on the local commercial fishing fleet.*

6. Following first stocking of the site to which this planning permission relates and throughout any production cycle for the growing of salmon, the developer shall monitor and record sea lice levels and implement mitigation and management levels in accordance with an Environmental Management Plan which shall be based on the Draft Environmental Management Plan for Loch Boisdale (including a proposed new site at Stulaigh Site) contained within Annex 13 - Appendix 13c Environmental Management Plan, to the Environmental Impact Assessment Report, until; in relation to wild salmon, regulation of the site has been assumed by SEPA under the national Sea Lice Regulatory Framework for managing sea lice and wild salmon interactions and; in relation to Sea Trout, regulation of the site has been assumed by SEPA under the national Sea Lice Regulatory Framework for managing sea lice and sea trout interactions.

*Reason: To ensure that best practices are undertaken to mitigate the potential impacts of sea lice loading from farmed fish on wild salmonids until such time as the site is regulated by SEPA under the Sea Lice Regulatory Framework, for wild salmon and for sea trout*

7. The Pole Mounted Top Net system shall comprise of Perimeter Pole supports to a maximum height of 8m above the water surface, with sidewall netting mesh size of between 25mm and 75mm and ceiling net panel of no more than 100mm mesh size.

*Reason: To ensure the top net specification accords with that specified in the environmental statement and in the Habitats Regulation Appropriate Assessment to minimise the risk to all bird species and 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 through no significant effects on the gannet qualifying interests.*

8. 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 – 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.*

9. If the daily recording required by Condition 8 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.*

10. Should an event be notified in accordance with Condition 9 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. Reference NatureScot: Interim Technical Briefing Note on Pole mounted Top Nets and Birds at Finfish Farms, issued November 2020.*

11. The Development shall be carried out in accordance with the measures in the Predator Mitigation Plan identified within the Environmental Impact Assessment Report as Annex 12- Appendix 12a Predator Mitigation Plan.

*Reason: In the interests of nature conservation.*

12. 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 the visual, landscape and seascape amenity of the area and of the safety of marine traffic in the area.*

- 13. No Development shall commence until a biodiversity enhancement plan has been submitted to and approved in writing by the Comhairle as Planning Authority. The plan shall include details of biodiversity enhancement proposals and shall include a timetable for their implementation. Thereafter these shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Planning Authority. Note – in the event of enhancement proposals being off-site, confirmation requires to be included as to how these proposals will be secured.**

*Reason: In order to protect and enhance biodiversity, in accordance with the requirements of NPF 4 Policy 3.*

- 14. No Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.**

*Reason: In the interests of nature conservation. Note: This planning application has been assessed on the basis that ADDs will not be used.*

- 15. In the event that the fish cages or associated equipment approved by this permission cease to be used for the growing of finfish for a period exceeding three years, the operator shall: Notify the Comhairle as Planning Authority in writing that the fish cages or associated equipment has not been in operational use for the specified period; Within one month of the notification being given, submit to the Comhairle as Planning Authority, for their written approval, a scheme for the restoration of the site; Within four months of the Comhairle giving their written approval, fully implement the scheme as approved.**

*Reason: To prevent degradation of the site in the event of cessation of operations in the interests of the visual landscape and seascape amenity of the area and of the safety of marine traffic in the area.*

- 16. Prior to first stocking of the site to which this planning permission relates the developer shall submit for the written approval of the Comhairle as Planning Authority, a finalised Waste Management Plan for dealing with Fish Mortality waste. The Plan shall include a statement of Regulatory requirements and measures to deal with the transportation, handling, storage and disposal routes and likely destinations of both routine mortalities and mortalities in the event of a mass mortality event. Following approval, the development shall be operated in accordance with the Plan unless a revised version is first submitted to and has been approved in writing by the Comhairle as Planning Authority.**

*Reason: In order to ensure that fish mortality waste from the operation of the development is recovered, stored, handled, transported, and disposed of in a manner that will minimise adverse impacts on the environment and human receptors.*

- 17. The development to which this planning permission relates shall be operated in adherence to the Boat Traffic Protocol as set out in the Environmental Impact Assessment Report – Annex 14 - Appendix 14a – ‘Stulaigh South Boat Protocol’ or as updated and agreed in writing with the Planning Authority in consultation with NatureScot.**

*Reason: In the interests of nature conservation.*

## NOTES FOR THE INFORMATION OF THE APPLICANT

**1. Notification of initiation of development** – Under section 27A of the Act, any person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of the Act, which may result in enforcement action.

**2. Notification of completion of development** - As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Act to give the planning authority written notice of that position.

**3. Protected Species** – Many species are protected by domestic and international legislation. If there is reasonable evidence that a protected species is present on site or may be affected by a proposal, you should not proceed with works without first considering the measures necessary to avoid disturbance or harm. Contact NatureScot or employ the services of an ecologist. General guidance is available at [Planning and development: protected species | NatureScot](#)

**4. Biodiversity** - In Scotland, biodiversity has declined dramatically in recent decades. All development should avoid damage to and loss of nature and where possible help to restore it. Developers are encouraged to apply the principles and measures set out in the [NatureScot – Developing with Nature guidance](#) and incorporate features and measures that will be of benefit to nature.

**SCHEDULE 2: MAIN CONSIDERATIONS, DEVELOPMENT PLAN COMPLIANCE AND REASONED CONCLUSION; APPROVED PLANS, APPROVED VARIATIONS, PLANNING OBLIGATIONS, PUBLIC PARTICIPATION ARRANGEMENTS AND SUMMARY OF CONSULTATIONS.**

**APPLICATION REFERENCE NO:**

**23/00104/FFPAES**

**Main Considerations**

The proposal is to install a new fish farm comprised of six circular pens of 200m circumference ((63.67m in diameter) in a 2x3 formation) held in a 120m<sup>2</sup> submerged mooring grid, all for the farming of Atlantic Salmon. An Akva AC600PV feed barge with capacity to store 600t of feed would be installed shoreside of the pens for the storage and distribution of feed. The proposal is to enable farming of a maximum standing biomass of 3,000t of Atlantic Salmon.

The planning application is an application for Environmental Impact Assessment (EIA) development, as set out in Regulation 6(2)(c) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and this decision was informed by an Environmental Impact Assessment (EIA) Report.

The EIA Report assessed five topics as having potential for significant effects. These are Seascape, Landscape and Visual amenity, Impacts and effects on Benthic environment and species it supports including Priority Marine Features, impacts and effects on wild salmonids, impacts upon and effects of the proposed development on commercial fisheries and a socio-economic impact assessment.

The examination of the EIA, aided by the advice of consultees has concluded that the assessment of each topic, mitigation and monitoring proposals and the residual effects are fair as follows:

**Benthic environment and species** - Having considered the EIAR, the supporting information and advice of consultees it is assessed that there would be no residual significant effects on the benthic environment or species of conservation concern including PMF, subject to compliance with SEPA's CAR licence conditions and maintenance of standards of good practice as cited in the application.

**Seascape, Landscape and Visual amenity** - It is accepted that based on the findings of the EIA Report and the advice of NatureScot that effects on the integrity of the South Uist Wild Land Area are not significant and that while significant residual visual effects have been identified that these would be limited in extent, localised, and likely to be transient to what is likely to be small number of receptors.



**Wild Salmonids** - the introduction of the SEPA led National Sea Lice Regulatory Framework for managing sea lice and wild salmon interactions, the inbuilt design mitigation in terms of containment standards, operational farming practices including medicinal treatments and use of biological clean fish and the commitment to the terms of an Environmental Management Plan (EMP), are collectively likely to reducing the potential effects from potentially significant to non-significant. It is proposed that a condition requiring the implementation of the submitted EMP be applied, the EMP to be in place until such time as the site is regulated under the national Sea Lice Regulatory Framework initially for interactions with wild Salmon and subsequently (expected March 2025) for interactions with sea trout.

**Commercial fisheries** - The impacts upon and residual effects of the proposed development on commercial fisheries were assessed and concluded a potential for a moderate (significant) effect on a local scallop processor and local scallop fleet who would be displaced from the scallop grounds in and around the site. The applicant proposes to prepare and implement a Fisheries Management and Mitigation Strategy (FMMS) in consultation with WIFA. The proposed FMMS offers mitigation to the localised but moderate (significant) effects on the local scallop producer and scallop fleet, such that the residual effects would be less than significant. A Condition is proposed to secure the FMMS and its commitments.

**Socio-economic impacts** - The economic benefits of the proposed farm including the potential effects of displacement are assessed through the EIA Report and demonstrate that overall displacement would not be a significant factor, and subject to the proposed mitigation measures the economic benefits would overall be beneficial at both a local and Scottish level.

### **Development Plan Compliance and Reasoned Conclusion**

**Development Plan** - The development has been assessed against the Development Plan comprised of National Planning Framework 4, The Outer Hebrides Local Development Plan, its Supplementary Guidance for Marine Fish Farming, and the National Marine Plan.

Following assessment of the proposal for its Seascape, Landscape and Visual effects, impacts upon water column and benthic environment, impacts on species and habitats of conservation concern interaction with predators, interaction with wild salmonids, impacts on commercial fisheries and other marine users, socio economic impacts and other issues including noise and lighting, waste management, traffic and transport, population and human health, cultural heritage and climate change, it is concluded that subject to the development being implemented in accordance with the practices and commitments set out in the EIA Report and management and monitoring of mitigation and monitoring plans by condition, that the application would accord with the Development Plan and the relevant parts of the National Marine Plan.

As such the development is assessed to accord with the Spatial Strategy of the Outer Hebrides and the Principle of Development of the site is assessed as acceptable.

No material planning considerations of significance have been identified that indicate that the Development Plan should not be accorded priority.

The proposal is therefore recommended for approval subject to conditions to manage the development through implementation, operation and decommissioning.

**Details of Approved Plans**

Approved Plans 1 to 8 - Location, Site Plans, Charts, Coordinates  
Approved Plans 9 to 18 Equipment, Barge and Moorings

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

None - Clarification provided in response to Marine Scotland Science requests.

**Terms of Section 75 Planning Obligation (if applicable)**

Not Applicable

**Public Participation Arrangements**

The EIA planning application was advertised for public comment in the public notices section of the Stornoway Gazette and the Edinburgh Gazette, in the publications dated 09th March 2023 and 10 March 2023, respectively.

The documentation was available to view online on the planning pages of the Comhairle website. There was opportunity to comment by online form on the website, by email, or by post.

The documents were available for inspection in person at the offices of Comhairle Offices in Sandwick Road, Stornoway during the period for public comment.

**Summary of Consultation Advice**

Refer to Report on Handling

**SCHEDULE 3: ENVIRONMENTAL MITIGATION MEASURES AND MEASURES FOR MONITORING THE SIGNIFICANT ADVERSE EFFECTS OF THE DEVELOPMENT ON THE ENVIRONMENT**

'Mitigation measures' mean "any features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment..."

Embedded mitigation in the form of siting, water depth and equipment design is described within the Report on Handling.

The mitigation and monitoring measures to be secured by the Planning Conditions detailed in Schedule 1 to this permission are a:

- Fisheries Management and Mitigation Strategy (FMMS)
- Predator Mitigation Plan
- Environmental Management Plan for Lochboisdale (Sea Lice interactions) pending regulation by SEPA under the Sea Lice Risk Framework
- Daily monitoring and bi-annual submission of records of incidence of entanglement/entrapment of gannets or other birds in nets

Other

- SEPA CAR Licence Conditions

## SCHEDULE 4:

### PROCEDURE IF YOU FEEL AGGRIEVED

#### NOTICE OF REVIEW OR APPEAL

##### Applicant:

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or 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.

[Review forms can be downloaded from or submitted online at ePlanning.scot](http://ePlanning.scot)

If you do not submit the Notice online, the completed [notice of review](#) should be sent to:

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

or by email to [dmackay@cne-siar.gov.uk](mailto:dmackay@cne-siar.gov.uk)

##### Landowner:

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.

##### Interested parties:

There is no right of appeal for interested parties as to the decision of a planning authority. However, a court action for Judicial Review may be raised in the Outer House of the Court of Session in Edinburgh, as a means to challenge unlawful decisions, acts and failures to act by a public authority.

The Court Action must ordinarily be raised within three months of the date of the decision which gives rise to the grounds for challenge and then only by a person with sufficient interest in the matter.

Judicial Review is a complex and highly specialised legal process, and interested parties are advised to seek further advice and information through the Scottish Courts Service or through the Citizens Advice Bureau.