

**GRANT PLANNING PERMISSION**  
**DELEGATED DECISION**



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")**

**Ref: 16/482/MAR**

Cooke Aquaculture Scotland Ltd  
C/o Naomi Dempsey  
Crowness Road  
Hatston  
Kirkwall  
Orkney  
KW15 1RG

With reference to your application registered on 10th October 2016 for planning permission for the following development:-

**PROPOSAL:** Increase cage size from 90m to 100m.

**LOCATION:** Bay Of Vady, Rousay Sound, Rousay

Orkney Islands Council in exercise of its powers under the above Act, hereby **Grants Planning Permission subject to the attached terms and conditions and subject to the development hereby permitted commencing within three years of the date of this permission.**

**The Council's reasoning for this decision is:** It is considered that's the proposal would not have a significant detrimental impact upon the existing landscape, ecology or biodiversity of the area, and is therefore acceptable when assessed against the National Marine Plan, The Pentland Firth and Orkney Waters Marine Spatial Plan and the Orkney Development Plan policies SD1, N2, N3, N4, SD7, N5, HE2, SD8 and the Supplementary Guidance 'Aquaculture'

(For further detail you may view the Report of Handling for this case by following the Online Planning link on the Council's web page and entering the reference number for this application).

**Please read carefully the Terms and Conditions on the following pages as failure to comply may result in enforcement action.**

Decision date: 4th January 2017

Fiona Mullen, MRTPI, Planning Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

## TERMS AND CONDITIONS

### TERMS

- A. The development hereby approved must be carried out in accordance with the terms and conditions attached to this planning permission and with the approved plans and details identified in Schedule 1.
- B. Failure to implement the permission in accordance with the approved details and attached planning conditions may render the development unauthorised and may result in enforcement action.
- C. No development shall commence on the development hereby approved until the developer has formally advised the Planning Authority in writing of the intended start date. This should be done as soon as practicable. Take note that **failure to submit such a Notice would be a breach of planning control** under section 123(1) of the Act and could result in enforcement action.
- D. To accord with the provisions of Section 27B of the Act, once the development hereby approved is completed, and prior to the development being brought into use, the developer shall submit a completion notice to the Planning Authority.

(To comply with C & D above please use and submit the attached forms to ensure compliance with all of the statutory requirements in this regard. These forms are also available from the planning page on the Council's web site.)

- E. If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the Planning Authority in advance of implementing any changes to establish whether the proposed changes require any further planning approval.
- F. It should be understood that this permission does not carry with it or supersede the need for any necessary consent or approval for the proposed development under any other statutory enactments, for example the Building (Scotland) Act, the Roads (Scotland) Act 1984, the Water (Scotland) Act 1980, and the Environmental Protection Act 1990.
- G. It is the responsibility of the developer to ensure that services including telephone and electricity lines, water mains and sewers are protected. You should contact the relevant service providers to check whether such services would be affected.

## CONDITIONS

01. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

Reason: To minimise visual impact and to protect dark skies.

02. 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 carrying out all measures necessary for lighting, buoys, raising, repairing, moving or destroying the whole or any part of the equipment as agreed in writing with the Planning Authority.

Reason: To ensure that the development does not cause a danger to other users of the area.

03. At all times when equipment is on site the following navigational marks shall be provided:

- The site should be marked with a lit yellow pole fitted with a yellow 'X' topmark.
- The light should display a character of flash yellow one every five seconds (Fl Y 5s) with a nominal range of 2 nautical miles and be installed on the top of the pole above the 'X' topmark.
- The pole should be positioned at the mid-point of the most seaward side of the group of cages.
- The light should be 1 metre above site equipment handrails and installed as to be clearly seen by vessels approaching from all navigable directions.
- Poles should be >75mm diameter, 'X' topmark; 75cm length by 15cm width.
- The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.
- A weekly check of the site's marking equipment shall be performed and records kept of their physical and working status for audit purposes.
- Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.
- Loose floating lines around site equipment is also strongly discouraged as this can cause serious safety implications for other mariners.

Reason: In the interest of navigational safety

04. 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 otherwise agreed in writing by the Planning Authority.

Reason: To ensure the development is removed, in full, from the site once operation

use has ceased ensuring the development will not adversely affect the area.

05. 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 interest of visual amenity.

06. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified on the Planning Application, the approved mooring containment area being:

	Latitude	Longitude
NE	59° 08.084'N	02° 56.103'W
SE	59° 07.867'N	02° 55.784'W
SW	59° 07.791'N	02°56.076'W
NW	59° 07.006'N	02°56.380'W

Reason: To ensure the development is moored in accordance with the submitted co-ordinates.

07. The development shall be constructed and implemented in accordance with the 'Predator Defence and Mitigation Policy - Bay of Vady, Rousay Sound', and the 'Predator Control (11/2015)', and thereafter operated and maintained in accordance with these strategies and plan throughout the lifetime of the development, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to safeguard the natural heritage and biodiversity interests in the area.

08. Prior to work commencing on the construction of the proposed cages for the development hereby approved full details shall be submitted to the Planning Authority of the construction site location, and details of the number of vehicles and plant and the gross weight of all vehicles and plant required to access the site to enable the construction of the cages to be carried out. Thereafter all work shall be carried out in accordance with these agreed details.

Reason: To ensure any on-land work is appropriately controlled.

09. Monitoring, data collection and deployment of ADDs shall be undertaken in accordance with the letter of the 17th November 2016 from Cooke Aquaculture Scotland submitted to and forming part of the planning application.

To reduce the potential risk to wildlife and the environment

### *Informatives*

01. If the site does not hold an up to date Marine Licence from the Scottish Government, Northern Lighthouse Board would encourage Cooke Aquaculture Scotland 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>

02. 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, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 01224 295525; Email: [ms.fishhealth@gov.scot](mailto:ms.fishhealth@gov.scot)
03. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 - Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot); or calling 01224 295 579.
04. Prior to any new feed barge being brought onto site details of the colour the barge shall be painted shall be agreed with the Planning Authority.

**SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**

**1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Location Plan	OIC-01	1
Location Plan	OIC-02	1
Site Plan	OIC-03	1

**2. Variations**

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

**3. Legal Obligation**

Has any obligation been entered into under section 75 of the Act? – N

If such an obligation has been entered into, the terms of such obligation or a summary of such terms may be inspected by contacting Legal Services.

## RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

### PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
  - a. Refuse any application, or
  - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

2. Forms to request a review are available from either address below, or from <http://www.orkney.gov.uk/Service-Directory/D/appeal-a-decision.htm>.

Completed forms to request a review should be submitted to the address below:

Committee Services  
Chief Executive's Service  
Orkney Islands Council  
Council Offices  
School Place  
KIRKWALL  
Orkney  
KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Planning Manager (Development Management)  
Development and Infrastructure  
Orkney Islands Council  
Council Offices  
School Place  
KIRKWALL  
Orkney  
KW15 1NY

Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

3. 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 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 Act.

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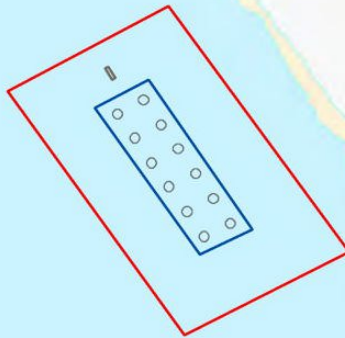
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**ORKNEY ISLANDS COUNCIL**  
Town & Country Planning  
Planning (Scotland) Acts



**APPROVED**

**ORKNEY**  
ISLANDS COUNCIL

Application Number: 16/482/MAR

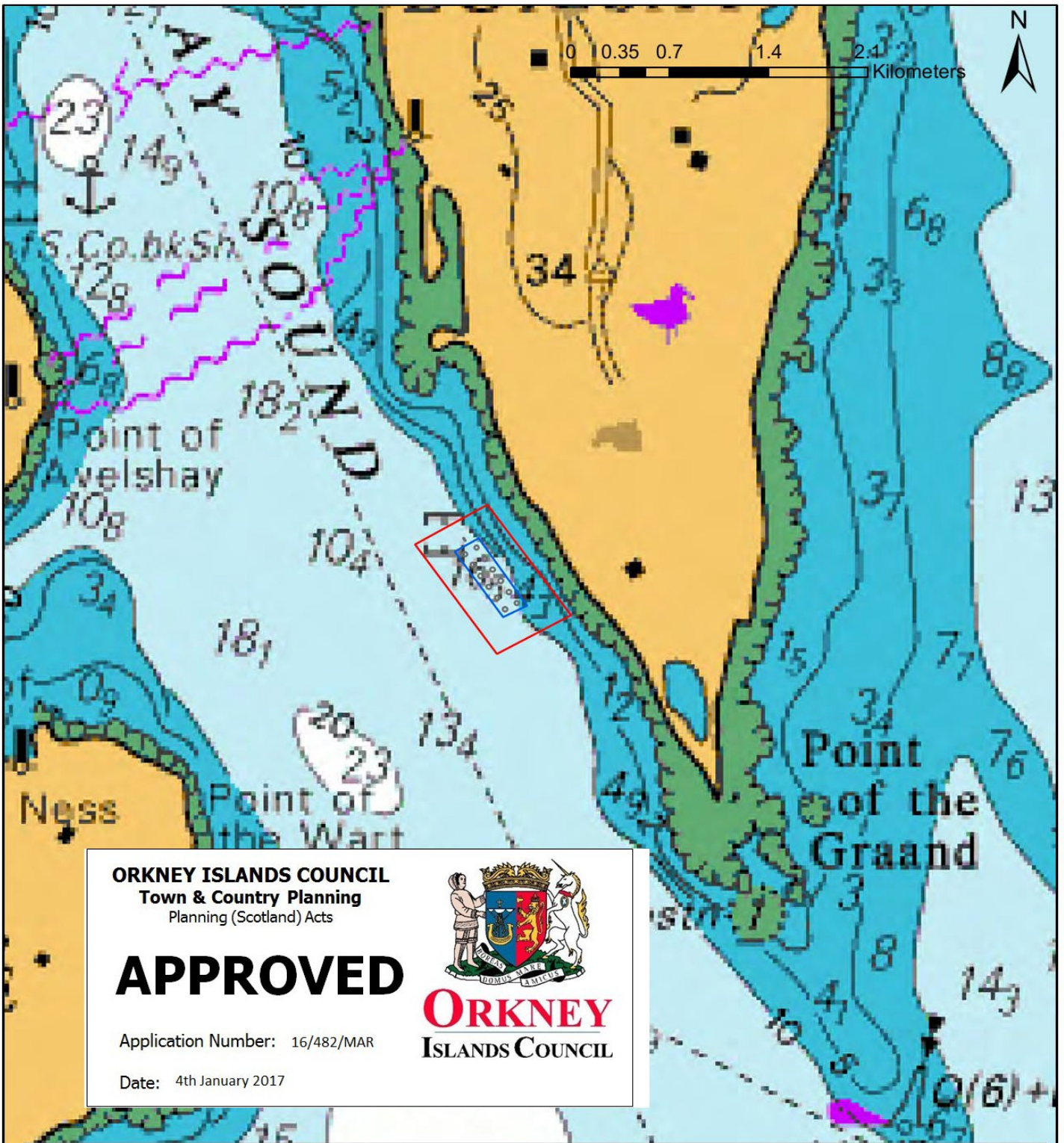
Date: 4th January 2017

**Bay of Vady, Rousay Sound, Orkney**

-  Cages 100m
-  Cage Grid
-  Mooring Containment Area
-  Barge



*Refusing to go with the flow*



**ORKNEY ISLANDS COUNCIL**  
 Town & Country Planning  
 Planning (Scotland) Acts







**APPROVED**


Application Number: 16/482/MAR

Date: 4th January 2017

**ORKNEY ISLANDS COUNCIL**

**Bay of Vady,  
 Rousay Sound, Orkney**

-  Mooring Containment Area
-  Cage Grid
-  Cages 100m
-  Barge



*Refusing to go with the flow*

Mooring Containment Area				
WGS1984		OSGB 1986		
	Latitude	Longitude	Easting	Northing
NE	59° 08.084 N	02° 56.103 W	346588.98	1027922.33
SE	59° 07.867 N	02° 55.784 W	346887.62	1027515.37
SW	59° 07.791 N	02° 56.067 W	346615.7	1027378.1
NW	59° 08.006 N	02° 56.380 W	346322.75	1027781.29

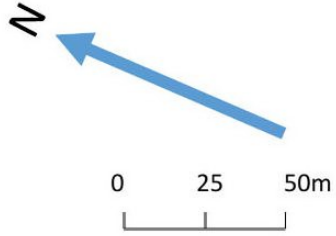
Cage Grid				
WGS 1984		OSGB 1986		
	Latitude	Longitude	Easting	Northing
NE	59°08.018 N	02°56.136 W	346555.79	1027800.3
NW	59°07.992 N	02°56.228 W	346467.36	1027753.3
SE	59°07.886 N	02°55.952 W	346727.86	1027552.9
SW	59°07.863 N	02°56.043 W	346640.47	1027511.4

# Bay of Vady, Rousay, Orkney – Site Plan

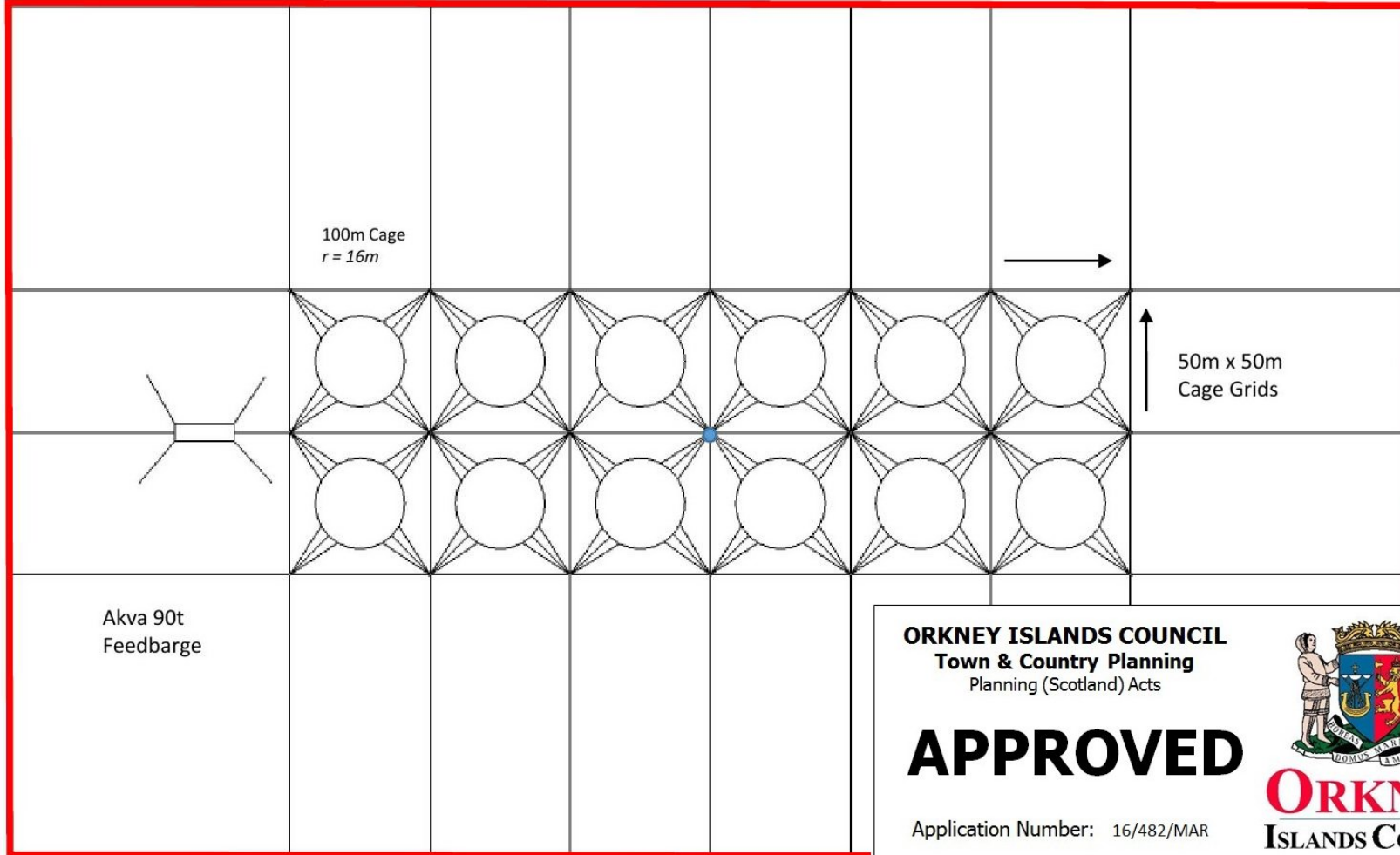
NE 59° 08.084'N 02° 56.103'W

East Moorings  
 Total Horizontal Length 104m  
 70m x 50mm Sea Steel rope +  
 32m x 40mm Studlink chain +  
 1 tonne anchor (2m)

SE 59° 07.867'N 02° 55.784'W



North Moorings  
 Total Horizontal Length 93m  
 61m x 50mm Sea Steel rope +  
 30m x 40mm Studlink chain +  
 1 tonne anchor (2m)



100m Cage  
 $r = 16m$

50m x 50m  
 Cage Grids

Akva 90t  
 Feedbarge

South Moorings  
 Total Horizontal Length 107m  
 71m x 50mm Sea Steel rope +  
 34m x 40mm Studlink chain +  
 1 tonne anchor (2m)

NW 59° 08.006'N 02° 56.380'W

West Moorings  
 Total Horizontal Length 96m  
 62m x 50mm Sea Steel rope +  
 32m x 40mm Studlink chain +  
 1 tonne anchor (2m)

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