

**GRANT PLANNING PERMISSION**  
**COUNCIL or COMMITTEE DECISION**



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")**  
**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

**Ref: 14/021/MAR**

Meridian Salmon Farms Ltd  
C/o Mr Ben Johnson  
Crowness Road  
Hatston Industrial Estate  
Kirkwall  
KW15 1RG

With reference to your application registered on 28 January 2014 for planning permission for the following development:-

**PROPOSAL:** Change existing 12 x 70m circumference cages to 12 x 100m circumference cages and reposition

**LOCATION:** Carness Bay, St Ola, Orkney

Orkney Islands Council in exercise of its powers under the above Act and Regulations, 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 plans to which this decision relates are those identified in Schedule 1 attached.

**The Council's reasoning for this decision is:** The proposed development is located largely within the Broad Area of Search for aquaculture development as identified in the Aquaculture Supplementary Guidance Spatial Policy 1 states that aquaculture developments within the Broad Area of Search will be supported in principle subject to proposals complying with Development Criteria 1-9. It is considered that, on balance, the proposed development is acceptable and would comply with relevant development plan policies SD1, N2, N3, N4, SD7, N5, HE2 & SD8 and the Aquaculture Supplementary Guidance. It is not considered that the objections would justify refusal of the application.

(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: 17th July 2014

Signed:  
[Redacted]

Alastair Banks BA (Hons), MRTPI, Planning Manager (Development Management),  
Orkney Islands Council. Council Offices, School Place, Kirkwall, Orkney, KW15 1NY  
[Redacted]

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

This site should be marked by means of a lit yellow pole, flashing group four yellow every twelve seconds, (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark.

The pole should be positioned at the most Northerly corner of the group of cages. The pole used 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 of the light 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 navigational safety.

02. The finished surfaces of all equipment above the water surface, including surface floats and buoys associated with the development hereby permitted, but excluding those required to comply with navigational requirements, shall be non-reflective and finished in a dark muted grey unless otherwise agreed, in writing, in advance with the Planning Authority.

Reason: To minimise the visual impact of the development

03. 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, 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.

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

05. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified on the Admiralty Chart received as part of the Planning Application submission, the approved mooring containment area being:

NE extremity: 59°00.714 N 02°55.153 W  
SE extremity: 59°00.500 N 02°55.396 W  
SW extremity: 59°00.560 N 02°55.593 W  
NW extremity: 59°00.774 N 02°55.355 W

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

06. The development shall be constructed and implemented in accordance with the 'Escape Prevention and Recapture Strategy' and the 'Predator Control Plan' and 'mitigation strategies', 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.

07. Details of the location of the on-land construction site for the cages and equipment shall be submitted to, and agreed in writing by, the Planning Authority within 3 months of the date of this approval.

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

08. The feeders and associated equipment hereby approved shall be finished in a dark grey colour or brushed aluminium, and thereafter shall be retained in accordance with the approved details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the visual amenity of the area

09. As a subsea cable crosses Carness By, full details of the measures proposed to protect the cable shall be submitted to, and agreed in writing by, the Planning Authority prior to fish farm hereby approved being established on site.

Reason: To protect the subsea cable.

#### *Informatives*

01. 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](mailto:ms.fishhealth@scotland.gsi.gov.uk)

02. If any potential archaeological features/materials are uncovered whilst carrying out the works hereby approved, then you should contact the County Archaeologist on 01856 569 341 for advice.

**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
Existing Site Plan	OIC-02	1
Site Plan	OIC-03	1
Elevations	OIC-04	1
Other	OIC-05	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 Law and Administration.

## RIGHT TO LODGE AN APPEAL

If you are unhappy with the terms of this decision you have a right to lodge an appeal by following the procedure specified below.

### PROCEDURE FOR APPEAL TO THE SCOTTISH MINISTERS

1. If the applicant is aggrieved by the decision of the planning authority 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.
2. Any notice of appeal should be sent to or submitted on line at <https://eplanning.scotland.gov.uk/WAM/> - or addressed to:

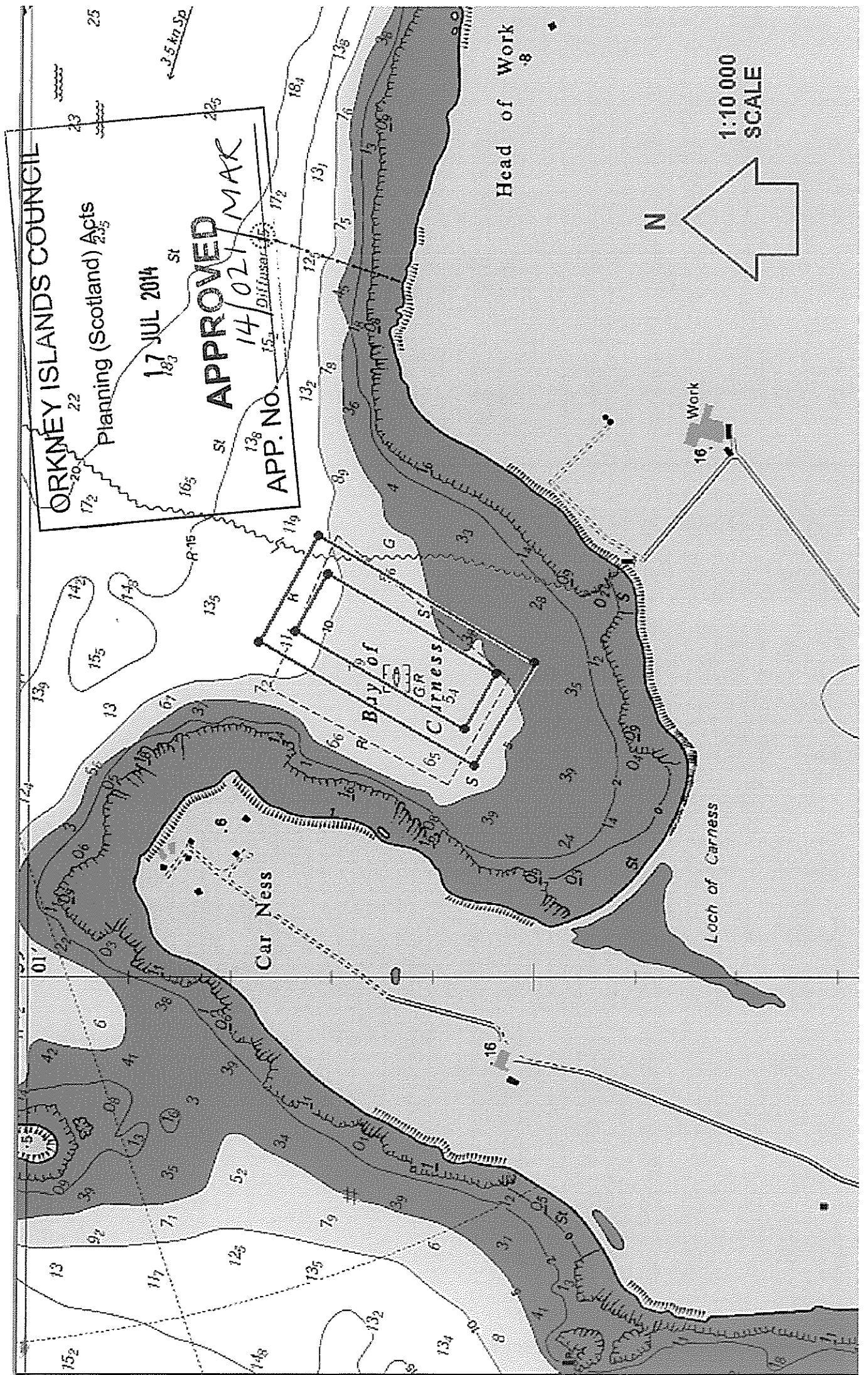
The Directorate of Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
FALKIRK  
FK1 1XR

and at the same time a copy of the notice of appeal and **all** supporting documents should be sent to:

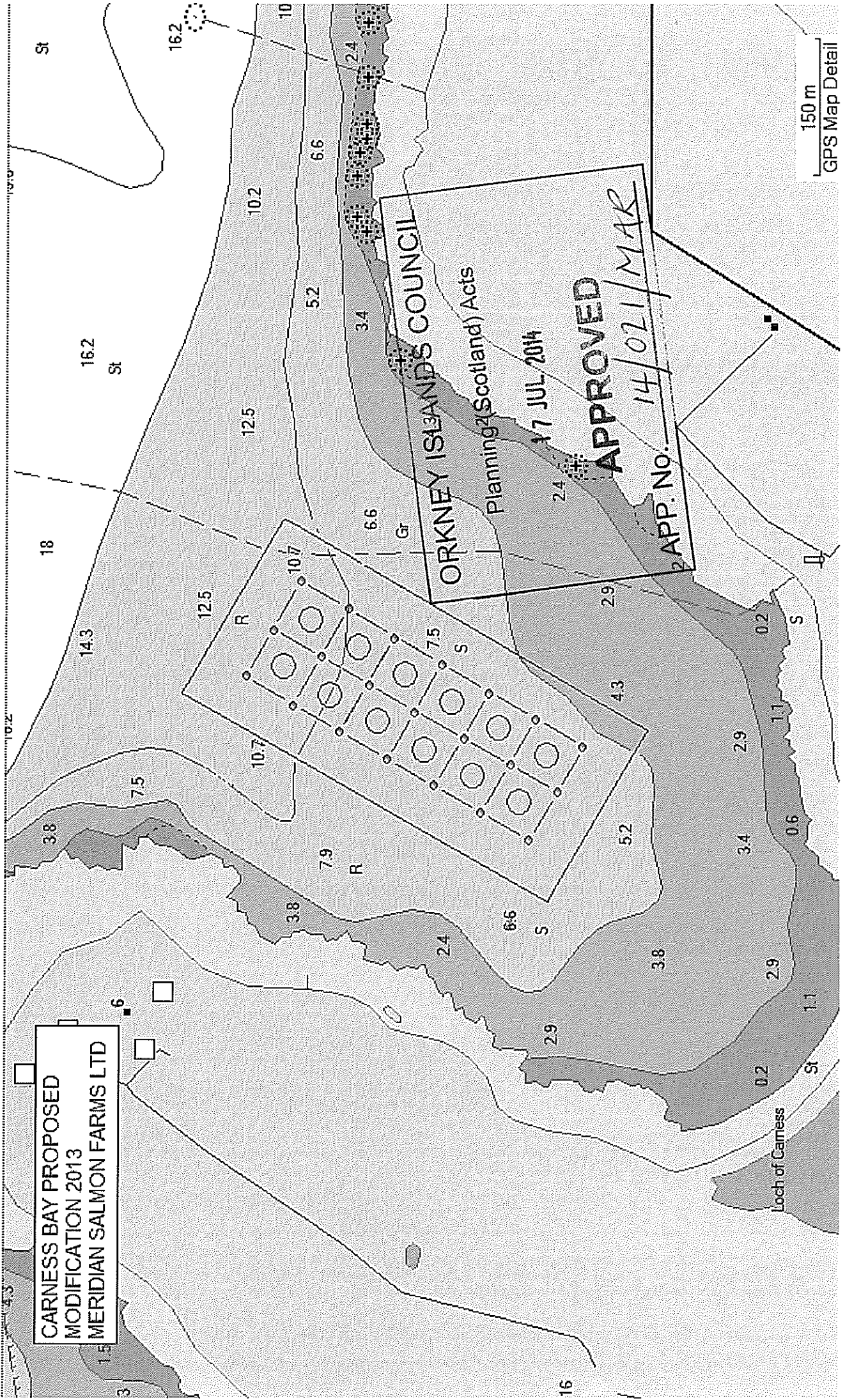
Planning Manager (Development Management)  
Development and Infrastructure  
Orkney Islands Council  
Council Offices  
School Place  
KIRKWALL  
Orkney  
KW15 1NY

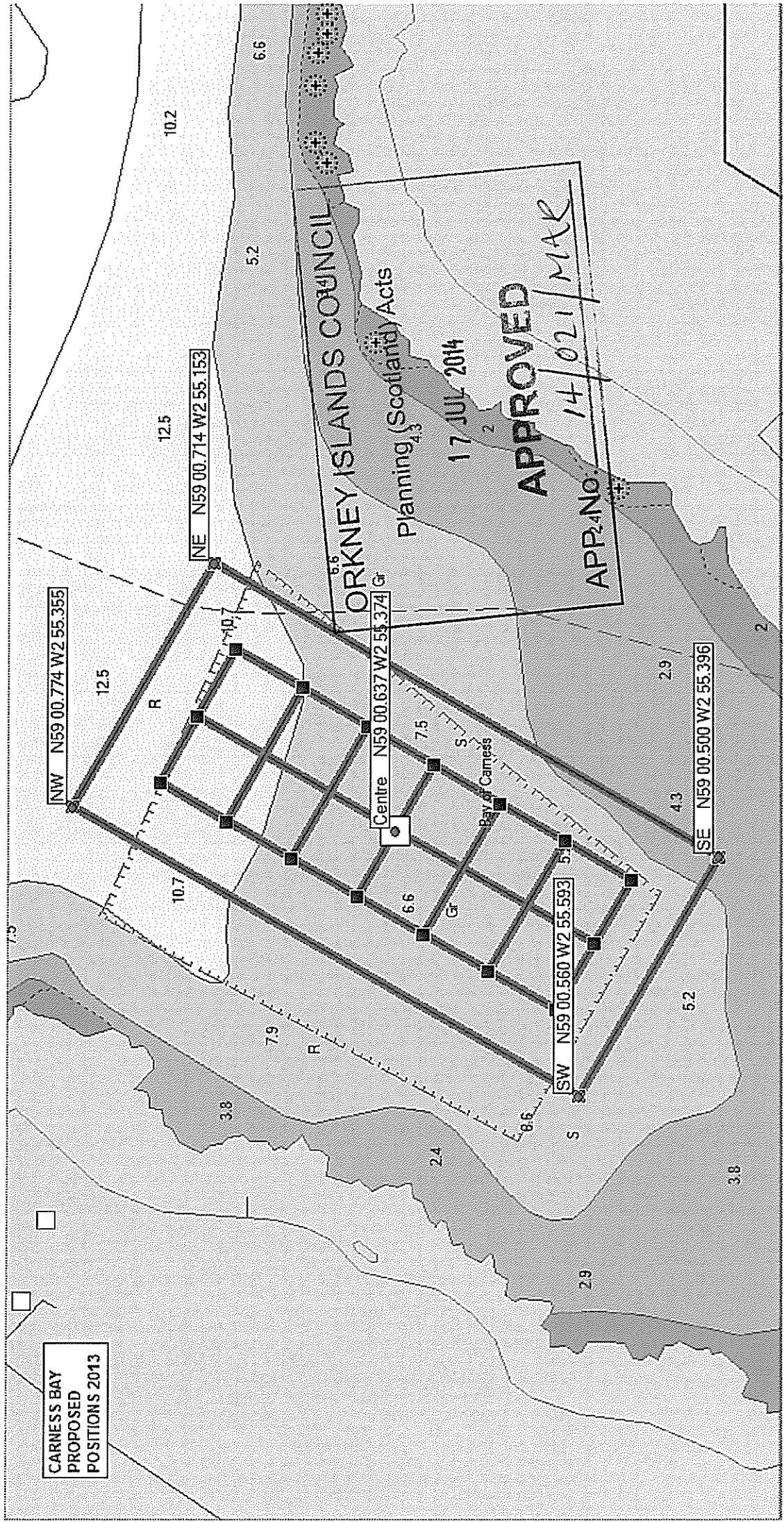
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

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 Town and Country Planning (Scotland) Act 1997 as amended.



CARNESS BAY PROPOSED  
MODIFICATION 2013  
MERIDIAN SALMON FARMS LTD

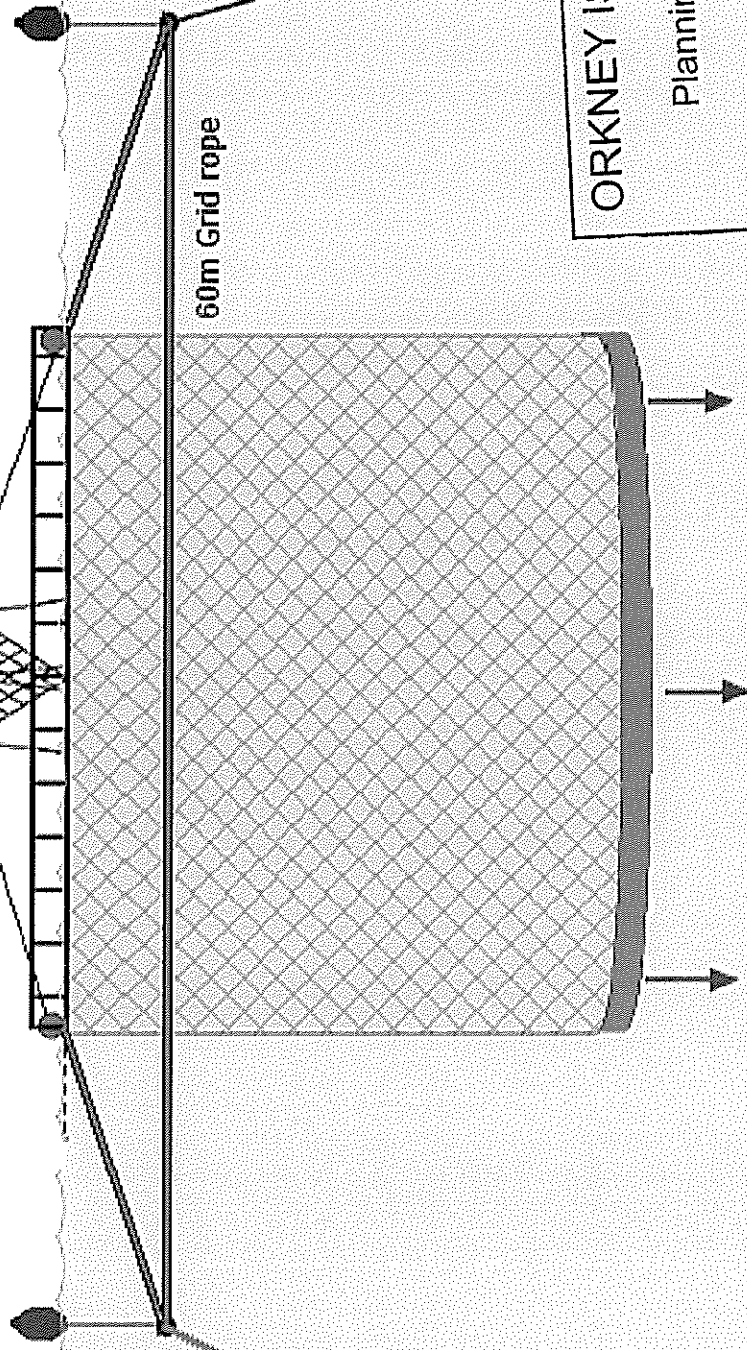




CARNESSE BAY  
PROPOSED  
POSITIONS 2013

# Vertical transect view of the cages to be used at Carness Bay

Top net



60m Grid rope

Mooring rope

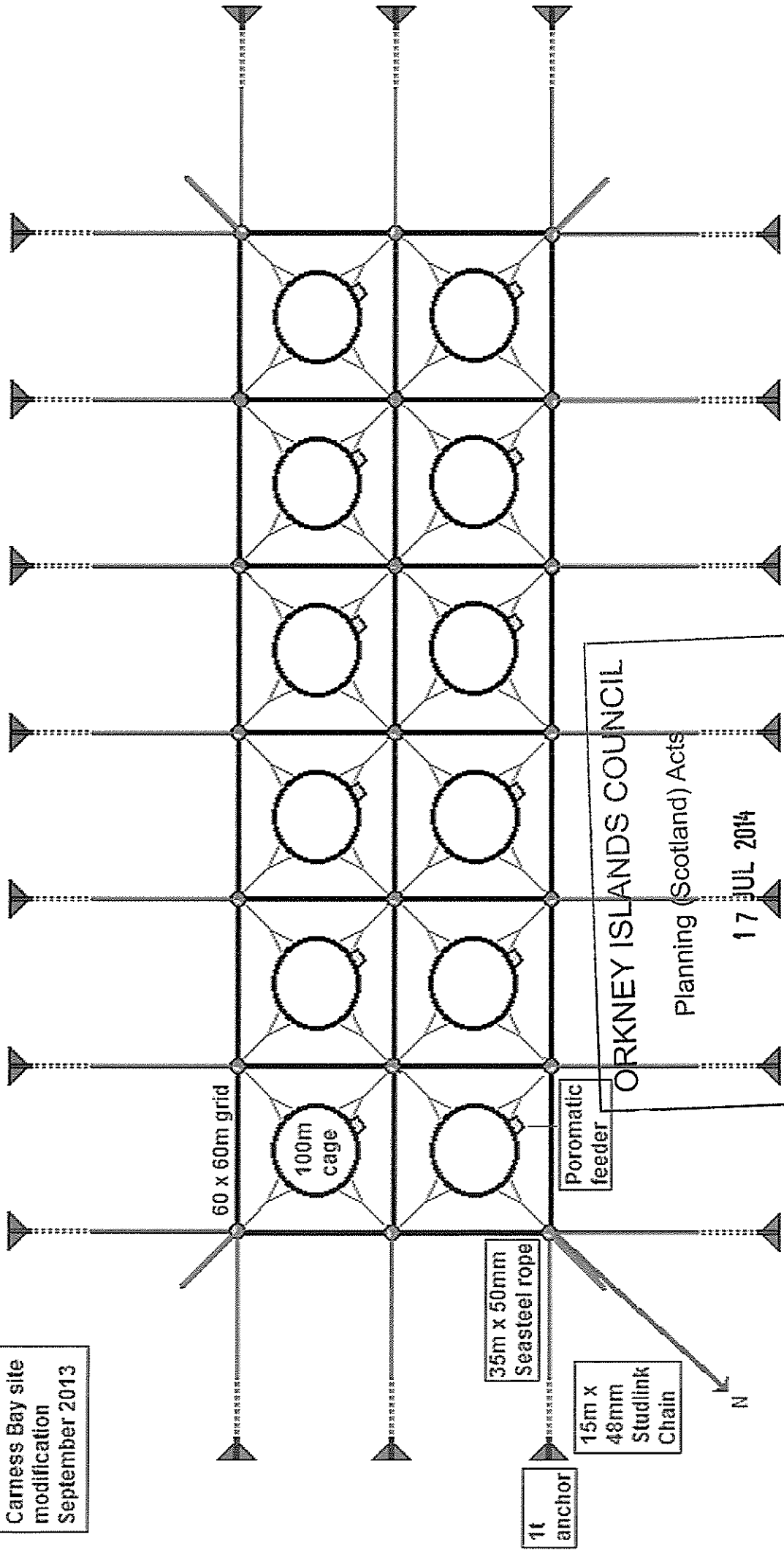
Tensioning weights

Stud link chain

anchor

ORKNEY ISLANDS COUNCIL  
Planning (Scotland) Acts  
17 JUL 2014  
**APPROVED**  
APP. No. 14/02/MAC

Carness Bay site  
modification  
September 2013



ORKNEY ISLANDS COUNCIL

Planning (Scotland) Acts

17 JUL 2014

**APPROVED**

APP. No. 14/021/MAR