

GRANT PLANNING PERMISSION
COUNCIL or COMMITTEE DECISION



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

Ref: 21/411/MAR

Scottish Sea Farms
C/o Mrs Amanda Tresise
Barcaldine Hatchery
Barcaldine
Argyll
PA37 1SE

With reference to your application registered on 28th October 2021 for planning permission for the following development:-

PROPOSAL: Create salmon farming site comprising of 12 x 120 metre circumference circular cages arranged in a 2 x 6 formation in a 70 metre mooring grid, with pole mounted top nets, underwater lighting, and 420 tonne capacity semi-automated feed barge (replacement of existing equipment)

LOCATION: Bring Head Fish Farm, Hoy, Scapa Flow, Orkney

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: The support of the Orkney Local Development Plan 2017 and National Marine Plan for sustainable growth of aquaculture in principle is a material consideration of significant weight in support of this application. The proposed development is acceptable subject to mitigation and would, on balance, comply with Policies 1, 2, 4, 8, 9, 12 and 14 of the Orkney Local Development Plan 2017, Supplementary Guidance: Aquaculture and the aims of the National Marine Plan.

(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: 18th July 2022

Jamie Macvie 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. No other development shall commence until an adaptive site specific Environmental Management Plan (EMP) for monitoring and managing the interactions between the operation of the farm and the wild fish environment within Scapa Flow is submitted to, and agreed in writing by, the Planning Authority in consultation with Marine Scotland Science and NatureScot. The EMP shall include the following information but not be limited to:

- Details of the monitoring scheme which shall report on the level of lice released into the environment to include both farmed fish numbers and adult female lice numbers.
- Identification of the likely area(s) of sea lice dispersal from the fish farm.
- Details of how and what monitoring will be collected to assess potential interaction with wild fish.
- Details on how this monitoring information will feed back to management practice.
- Detail of a regular review process to ensure that the EMP remains fit for purpose.
- Details of any changes proposed as a result of any collaboration with other fish farms operated with FMA 03.

Thereafter, the site shall be operated, monitored and managed thereafter in accordance with the duly approved EMP, or any subsequently approved variation thereof.

Reason: In the interests of conservation of wild salmonids.

Note: the applicant will require to obtain necessary permissions for the collection of wild salmonids

02. The adaptive EMP as required by condition 01 shall include a strategy for wildlife entanglement/entrapment management monitoring and reporting, which shall be subject to the same agreement in writing by the Planning Authority, in consultation with NatureScot. All agreed measures within this strategy shall be implemented no later than the date of installation of the pole mounted top nets. This strategy shall include, but not be limited to the following measures:

- Maintaining daily records of wildlife entanglement/entrapment using a standardised format and submitting six-monthly returns to the Planning Authority copied to NatureScot.
- Immediate notification to both the Planning Authority and NatureScot in the event of any significant entrapment or entanglement incidents (e.g., involving three or more birds of any named species on any one day and/or a total of ten or more birds in the space of any seven-day period and/or or repeat incidents involving one or more birds on four or more consecutive days). Monitoring and reporting of entanglement/entrapment data will help to develop a robust evidence base which can be used to improve understanding of the nature and extent of bird interactions with pole-mounted top nets.
- Details of future adaptive management to account for modifications to equipment to reduce or eliminate wildlife entanglement/entrapment, such as

alteration of the top net design, net type or mesh size and the triggers, thresholds and timescales for actions arising to be achieved together with the data management and recording associated with such actions.

Reason: In the interests of protecting shags, gannets and other aerial diving birds from entanglement in the nets and to limit impacts to the natural environment.

03. No development shall commence until details of cage top nets to be installed at this site, including mesh size and colour, are submitted to, and approved in writing by, the Planning Authority, in consultation with NatureScot. Thereafter, the development shall be carried out in accordance with those agreed details.

Reason: To ensure that birds do not become entangled in such nets and for the avoidance of doubt.

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

- The site should be marked with 2 lit yellow poles fitted with yellow 'X' topmarks.
- The lights should display a character of flashing group four yellow every twelve seconds (Fl (4) Y 12s) with a nominal range of 2 nautical miles and be installed above the 'X' topmark.
- The poles should be positioned at the North and East seaward corners of the cage group.
- Each light should be 1 metre above the site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- Poles should be ≥ 75 mm diameter, the 'X' topmark should be ≥ 75 cm 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.
- In addition:
- A weekly check of the site's marking equipment shall be performed and records kept of its 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 are strongly discouraged as this can cause serious safety implications for other mariners.
- On completion of the development the UK Hydrographic Office (sdr@ukho.gov.uk) must be notified and supplied with the mooring grid coordinates in order that the appropriate chart can be revised accordingly.

Reason: In the interests of navigational safety.

05. All lighting above the water surface and not required for safe navigation or security purposes, should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site. The maturing lights on site shall only be used between 1 December and 31 March each year, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

06. If lighting is required for security purposes on site, only infra-red lights and cameras shall be used, unless otherwise agreed, in writing, in advance of installation by the Planning Authority.

Reason: To avoid unnecessary lighting in the interests of visual amenity and to limit impacts to the natural environment.

07. The finished surface of all equipment above the water surface, including surface floats and buoys associated with the development, but excluding those required to comply with navigational requirements, shall be non-reflective and finished in black or a dark muted grey (except for the feed barge controlled by condition 09), unless otherwise agreed, in writing, by the Planning Authority.

Reason: To minimise the visual impact of the development.

08. All equipment and associated moorings hereby approved shall be wholly contained within the area identified within the Location Plan (OIC-01) attached to and forming part of this decision notice which confirms the mooring containment area, cage grid, site centre and barge. On first installation, the position of the corners of the cage group, corner anchors of the development and the location of the feed barge shall be recorded using Global Positioning System. These positions should be re-measured and recorded regularly, at least once every six months, and immediately following storm events. A record of all positional information must be maintained and made available on request to the Planning Authority.

Reason: To prevent the equipment moving beyond the location approved by this planning permission and to ensure the safety of maritime traffic.

09. Prior to the feed barge being brought onto site, details of the colours the feed barge shall be painted shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter the barge shall be installed and retained throughout the lifetime of the development in accordance with agreed details, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

10. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the Bring Head fish farm shall not exceed 2,500 tonnes, with a maximum production biomass per cycle not exceeding 3,750 tonnes.

Reason: To ensure that the development is operated in accordance with the parameters as applied for and in the interests of the marine environment, to ensure that no unacceptable burden is placed on existing infrastructure.

11. The development shall be constructed, implemented and managed in accordance with the following documents, all forming part of the Environmental Impact Assessment Report:

- Predator Exclusion Plan.
- Escapes Prevention and Contingency Strategy.
- Containment Plan.
- Emergency Plan for Storms.

- Waste Management Plan Marine Production Toyness/ Bring Head.
- Non-native Species Biosecurity Plan.
- Salmon Husbandry Manual.
- Sea Lice Management Strategy - Scapa Flow, Orkney.
- Sea Lice Efficacy Statement.
- Sea Lice Attestation.

The development shall thereafter be operated and maintained in accordance with these documents throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

For the avoidance of doubt all modifications, amendments or revocations of these Policies and Plans shall be submitted to, and agreed in writing by, the Planning Authority in advance of any such changes occurring on site.

Reason: To safeguard the natural heritage and biodiversity interests in the area and to protect the health of wild fish.

12. If any use of Acoustic Deterrent Devices (ADDs) is proposed at this site, prior consultation shall be carried out with the Planning Authority. This consultation shall include the submission of information regarding the specifics of the ADD system and any mitigation measures to be implemented on site. The Planning Authority, in consultation with NatureScot, will review the information supplied to determine the significance of any issues affecting natural heritage interests which may arise due to the ADD deployment at this site. Written guidance through site protocols and ADD usage shall be agreed, in writing, by the Planning Authority. The use of ADDs shall be carried out only in accordance with approved details.

For the avoidance of doubt this planning condition has no bearing on whether additional licence requirements require to be addressed for the deployment of ADDs, such as European Protected Species licensing, which is considered under separate legislation.

Reason: To protect internationally and nationally important natural heritage interests.

13. Static gill nets should not be deployed at this site, unless otherwise agreed, in writing, by the Planning Authority in conjunction with NatureScot.

Reason: To reduce the chance of entanglement of wildlife.

14. 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, by the Planning Authority.

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

15. Not less than three months prior to cessation of use of the site for fish farming, a scheme for the decommissioning and removal of all equipment shall be submitted to, and agreed in writing by, the Planning Authority. Upon cessation the approved scheme shall be implemented within an agreed timescale.

Reason: To ensure that decommissioning of the site takes place in an orderly manner and to ensure proper storage and disposal of redundant equipment in the interest of amenity and navigational safety.

16. 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, those cages and associated equipment shall be wholly removed, and the site restored to the satisfaction of the Planning Authority, within four months of being notified 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.

17. In the event that HGV movements within Burray are required in relation to construction of infrastructure, and/or waste management or decommissioning works relating to redundant infrastructure, a condition / dilapidation survey shall be carried out jointly between the developer / developer's representative and Roads Services, prior to any such HGV movements occurring and again upon completion of the above stated works, on the existing public road infrastructure that will be used to access and egress the Burray Boatyard site. The applicant shall be responsible for funding the condition / dilapidation survey and the cost of any repairs following any damage to the public road which is attributed to this development which may have been caused by vehicles or plant related to the development. Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority in conjunction with Roads Services within three months of completion of works. The developer will also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

Informatives

01. The developer shall liaise directly with Scottish and Southern Electricity Networks (SHEPD) in relation to SHEPD infrastructure, noting that SHEPD requires the developer to enter into a proximity agreement with SHEPD. SHEPD can be contacted at; Scottish and Southern Electricity Networks, Henderson Road, Inverness IV1 1SN. T: +44 (0)1738 342470 [REDACTED]
[REDACTED]
02. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) 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: 0131 244 3498; Email: 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 or calling 0300 244 5046.
04. It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible. Any damage caused to the existing road infrastructure during construction of the development shall be repaired to the satisfaction of the Planning Authority, in conjunction with Roads Services. It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**1. Plans and Drawings**

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

Other	OIC-03	2
Location Plan	OIC-01	2
Site Plan	OIC-02	2
Other	OIC-04	2
Elevations	OIC-05	1
Other	OIC-06	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 BY 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:

Planning and Environmental Appeals Division
Hadrian House
Callendar Business Park
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)
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

Email: 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.

DEVELOPMENT AND INFRASTRUCTURE

Head of Planning, Development and Regulatory Services: Roddy MacKay, Council
Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



NOTIFICATION OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997
Section 27B Planning etc (Scotland) Act 2006

It is important that Development and Infrastructure are informed as soon as practicable upon completion of the works. To enable you to do this, please complete and return this form.

Planning Application Reference Number:

Address of Development:

.....

Name (Block Caps):.....

Contact Address:.....

.....

I hereby confirm that works as detailed under the above planning application are now complete.

Signed:.....

Date:.....

Please return this form, duly completed, to

Development Management
Council Offices
School Place
Kirkwall
Orkney
KW15 1NY

DEVELOPMENT AND INFRASTRUCTURE

Head of Planning, Development and Regulatory Services: Roddy MacKay
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



ORKNEY
ISLANDS COUNCIL

NOTIFICATION OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997 (as amended)
Regulations 40 and 41 of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013

IMPORTANT - It is a requirement of your planning consent to inform Development & Infrastructure when you propose to start work. Please complete and return this form. Failure to do so would constitute a breach of planning control under section 123 (1) The Town and Country Planning (Scotland) Act 1997

Planning Application Reference Number: Date Issued:

Address of Development:

.....

Name of Person intending to carry out development (Block Caps):

Contact Address:

.....

Is the person named above the owner of the land on which the development is taking place: YES/NO?

If NO then please provide the full name and address of the landowner below:

.....

.....

Contractor/Agent (If Applicable)(Block Caps):

Contact Details:

.....

Date work to commence (or date work commenced):

Signed: Dated:

Please return this form, duly completed to:

Development Management
Council Offices
School Place
Kirkwall
Orkney
KW15 1NY or via email: planning@orkney.gov.uk

See **NOTE TO APPLICANT** overleaf

NOTE TO APPLICANT

Further to the submission of your recent planning application to Orkney Islands Council, please find enclosed the formal decision notice duly granting planning permission, together with a set of approved plans.

Your attention is drawn in particular to the planning conditions imposed on the enclosed decision notice, which should be read carefully and fully complied with. Such planning conditions are imposed as an integral part of the grant of planning permission. You are advised that any development carried out in breach of pre development conditions (requiring details to be submitted and approved before any development starts) is unauthorised development.

Once development commences the planning authority's enforcement officer will ensure that all planning conditions are observed. In the event that planning conditions are not complied with this may result in Legal Action in the form of an Enforcement Action or a Breach of Condition Notice to rectify any breach established.

Should you envisage any particular problems in this regard you should contact the department (tel. 01856 873535), in the first instance to discuss the matter further, quoting the planning reference number stipulated on the decision notice.