

## Item: 3.2

**Planning Committee: 30 October 2019.**

**Create Salmon Farming Site with Feed Barge at Mill Bay, Stronsay.**

**Report by Executive Director of Development and Infrastructure.**

### 1. Summary

#### 1.1.

This is a planning application with an Environmental Impact Assessment (EIA) Report for a new Atlantic salmon fish farming site, on a site within Mill Bay, Stronsay. The proposed farm would comprise 16 circular cages, each with a 100 metre circumference, configured in two groups of 2 x 4 formation, held in a 70 metre grid with an overall surface area of 1,747 square metres and a mooring area of 262,400 square metres, and a 300 tonne feed barge. Letters of objection have been received from two non-statutory consultees and one letter of objection from the public. The development has been assessed in relation to all relevant policies of the Orkney Local Development Plan 2017 and other relevant material planning considerations. The objections are not of sufficient weight to merit refusal. Where unacceptable impacts have been identified, adequate mitigation has been provided. Accordingly, the application is recommended for approval.

Application Number	19/124/MAR
Application Type	Marine Fish Farm.
Proposal	Create salmon farming site comprising of 16 x 100 metre circumference circular cages arranged in a 2 x (2 x 4) formation with a 70 metre grid, with a 300 tonne capacity semi-automated feed barge.
Applicant	Cooke Aquaculture Scotland, Crowness Road, Hatston Industrial Estate, Kirkwall, KW15 1RG.

#### 1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

[https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm)  
(then enter the application number given above).

### 2. Statutory Consultations

#### 2.1.

Statutory consultation bodies are listed below:

- Historic Environment Scotland.
- Marine Scotland (on behalf of Scottish Ministers).
- Scottish Water.
- Scottish Environment Protection Agency.
- Scottish Natural Heritage.

## **2.2.**

No objections have been received from any statutory consultation body. It is considered that matters included in consultation responses from statutory consultation bodies can be adequately addressed by mitigation and planning conditions.

## **3. Representations**

### **3.1.**

Two objections have been received from non-statutory consultees:

- Orkney Fisheries Association, 4 Ferry Terminal Buildings, Kirkwall Pier, Kirkwall KW15 1HU.
- The Royal Society for the Protection of Birds (RSPB) (Scotland), Orkney Office, 12-14 North End Road, Stromness, KW16 3AG.

### **3.2.**

RSPB raises a generalised objection to any new marine fish farms using current 'open cage' practices. They wish this position to be held until the current failings in the regulation of the salmon farming industry and the environmental problems the industry causes, as identified by Environment, Climate Change and Land Reform (ECCLR) Committee, are understood and resolved. For the reasons outlined above, RSPB Scotland has concerns about any new fish farms in Orkney waters for the following reasons:

- Unsustainable.
- Risk to the natural environment.
- 'Significant knowledge gaps in data, monitoring and research around the adverse risk the sector poses to ecosystem functions, their resilience and the supply of ecosystem services.' With this lack of certainty in mind, the Committee has identified that 'too little focus on the application of the precautionary principle' has been applied.

In relation to this specific proposal they have raised concerns with respect of:

- Impacts on the benthic environment, water column and potential predatory species (particularly seals).
- Impacts on the wider marine ecosystem.

- The possible use of Acoustic Deterrent Devices – due to the site’s location in close proximity to two designated seal haul-out areas.

### **3.3.**

Orkney Fisheries Association (OFA) state that they are extremely concerned that sea lice treatment which are used on fish farms are lethal to other marine life which includes the larval, planktonic and juvenile stages of the commercial fishery species of Crab and Lobster. OFA state that:

- Two in-feed sea lice treatments licenced by SEPA are toxic to crab and lobster during developmental stages of their life and during the process of recruitment to the commercial fishery prior to capture size and maturity, along with other marine life in addition to commercial species.
- Consented use of medicines is a factor in the size and density of commercial fish farms.
- Approval of any new aquaculture site is premature pending SEPA’s finding on sea lice medicines.
- Request conditions that no use of emamectin, teflubenzuron or azamethipos is consented.

OFA advise that they are unable to ascertain proposed Hydrogen Peroxide use but would point to the following:

- Use of hydrogen peroxide remains unmeasured or monitored and un-researched and may increase lice entering the environment impacting life nearer to the sea bed.
- H<sub>2</sub> O<sub>2</sub> destroys bacteria which may be planktonic commercial species (crab, lobster and scallop) at larval, spat or egg stages, or the feed on which commercial species in their juvenile and developmental stages depend.
- OFA would accept stocking levels that eliminate the use of sea lice medicine.

In respect of the pending findings of OFA believe it would be sensible to defer any decision on this development until the outcome of the finding from UKTAG and SEPA are available, where stocking density and sea lice medicine use may become a factor of granting a fish farm site.

### **3.3.**

One objection has been received from:

- Susanne and James Davidson, Greenfields, Stronsay.

### **3.4.**

Reasons for objections are as follows:

- Vicinity to designated seal haul-outs, negative impact on seals.
- Local economic benefit.
- Risk to human health.

- Environmental impacts.
- Detrimental impact on recreational use, particularly of Mill Bay.
- Insufficiently demonstrated local economic benefits which are expected to be outweighed by detrimental impact on other economic sectors.
- Lack of consultation.

#### 4. Recent Site History

Reference.	Proposal.	Location.	Decision.	Date.
17/477/MARSS	Screening and scoping request to create a salmon fish farm.	Mill Bay, Stronsay,	EIA required.	23.01.2018

#### 5. Relevant Planning Policy and Guidance

##### 5.1.

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 8 - Historic Environment and Cultural Heritage.
  - Policy 9 - Natural Heritage and Landscape.
  - Policy 12 - Coastal Development.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance Natural Environment (2017):
  - Policy 9A - Natural Heritage Designations: Internationally Designated Sites.
  - Policy 9B - Protected Species.
  - Policy 9C - Wider Biodiversity and Geodiversity.
  - Policy 9D - The Water Environment.
- Supplementary Guidance Aquaculture (2017):

- DC1 Landscape, coast, siting and design.
- DC2 Natural heritage designations, protected species and the wider biodiversity.
- DC3 Predator control and interaction with other species.
- DC4 Wild salmonid fish populations.
- DC5 Water quality and benthic impacts.
- DC6 Historic environment.
- DC7 Social and economic impacts.
- DC8 Other marine users.
- DC9 Construction and Operational Impacts.
- DC10 Decommissioning and Reinstatement.

## **5.2. Scotland's National Marine Plan (2015)**

### **5.2.1.**

The National Marine Plan states: "Aquaculture contributes to sustainable economic growth in rural and coastal communities, especially in the Highlands and Islands. Many communities depend on the employment and revenue it provides and, as a growing industry, it has potential to contribute to future community cohesion by providing quality jobs in rural areas and helping to maintain community infrastructures such as schools, ferries and other services subject to the continued management of risk".

### **5.2.2.**

The National Marine Plan contains 14 Policies related specifically to Aquaculture:

- AQUACULTURE 1: Marine planners and decision makers should seek to identify appropriate locations for future aquaculture development and use, including the potential use of development planning briefs as appropriate. System carrying capacity (at the scale of a water body or loch system) should be a key consideration.
- AQUACULTURE 2: Marine and terrestrial development plans should jointly identify areas which are potentially suitable and sensitive areas which are unlikely to be appropriate for such development, reflecting Scottish Planning Policy and any Scottish Government guidance on the issue. There is a continuing presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.
- AQUACULTURE 3: In relation to nutrient enhancement and benthic impacts, as set out under Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters, fish farm development is likely to be acceptable in Category 3 areas, subject to other criteria being satisfied. A degree of precaution should be applied to consideration of further fish farming development in Category 2 areas and there will be a presumption against further fish farm development in Category 1 areas.

- AQUACULTURE 4: There is a presumption that further sustainable expansion of shellfish farms should be located in designated shellfish waters these have sufficient capacity to support such development.
- AQUACULTURE 5: Aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape and visual amenity of an area, following SNH guidance on the siting and design of aquaculture.
- AQUACULTURE 6: New aquaculture sites should not bridge Disease Management Areas although boundaries may be revised by Marine Scotland to take account of any changes in fish farm location, subject to the continued management of risk.
- AQUACULTURE 7: Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish.
- AQUACULTURE 8: Guidance on harassment at designated seal haul out sites should be taken into account and seal conservation areas should also be taken into account in site selection and operation. Seal licences will only be granted where other management options are precluded or have proven unsuccessful in deterrence.
- AQUACULTURE 9: Consenting and licensing authorities should be satisfied that appropriate emergency response plans are in place.
- AQUACULTURE 10: Operators should carry out pre-application discussion and consultation, and engage with local communities and others who may be affected, to identify and, where possible, address any concerns in advance of submitting an application.
- AQUACULTURE 11: Aquaculture equipment, including but not limited to installations, facilities, moorings, pens and nets must be fit for purpose for the site conditions, subject to future climate change. Any statutory technical standard must be adhered to. Equipment and activities should be optimised in order to reduce greenhouse gas emissions.
- AQUACULTURE 12: Applications which promote the use of sustainable biological controls for sea lice (such as farmed wrasse) will be encouraged.
- AQUACULTURE 13: Proposals that contribute to the diversification of farmed species will be supported, subject to other objectives and policies being satisfied.
- AQUACULTURE 14: The Scottish Government, aquaculture companies and Local Authorities should work together to maximise benefit to communities from aquaculture development.

### **5.2.3.**

The National Marine Policy also contains seven policies related specifically to shipping, Ports, Harbours and Ferries.

## **5.3. Scottish Planning Policy (2014)**

### **5.3.1. Supporting Aquaculture: Policy Principles**

The planning system should:

- Play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable.
- Guide development to coastal locations that best suit industry needs with due regard to the marine environment.
- Maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

### **5.3.2. Development Management**

Applications should be supported, where necessary, by sufficient information to demonstrate:

- Operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place.
- The siting and design of cages, lines and associated facilities are appropriate for the location.

This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

### **5.3.3.**

The current application is to change in the consented cage circumferences only, from 70 metres to 90 metres circumference, with no additional changes to biomass, cage layout, cage number or the consented mooring containment area.

## **5.4. Other Relevant Policy and Guidance**

- Circular 6/1995 'European Protected Species, Development Sites and the Planning.
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- Circular 1/2007 'Planning Controls for Marine Fish Farming' 'Marine Fish Farming and the Environment' (SEERAD 2003).
- Planning Advice Note (PAN) 51- 'Planning, Environmental Protection and Regulation'.
- Scottish Executive – 'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters' (2003 and updated June 2009 and December 2012).
- 'A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture' (2009).

- ‘Guidance on Landscape/Seascape Capacity for Aquaculture’ (SNH 2008).
- ‘Siting and Design of Marine Aquaculture Developments in the Landscape’ (SNH 2011).
- NPF3 highlights the Scottish Governments support the sustainable growth of the aquaculture sector and the significant contribution it makes to the Scottish economy, particularly for coastal and island communities.
- Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (2016).

## **5.5. Other Matters**

- UK Technical Advisory Group (UK TAG) consideration of recommendations on new environmental standards for Emamectin Benzoate.
- SEPA Fish Farm Survey Report – ‘Evaluation of a New Seabed Monitoring Approach to Investigate the Impacts of Marine Cage Fish Farms’.
- Rural Economy and Connectivity (REC) Committee conclusions and recommendations arising from the Committee’s inquiry into the current state of the salmon farming industry in Scotland.
- Scotland’s 10 Year Farmed Fish Health-Marine Scotland Science - Scottish Government (2018.)

## **6. Legal Aspects**

### **6.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

### **6.2.**

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party’s conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

### **6.3.**

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.



## **7. Environmental Impact Assessment**

### **7.1.**

The current proposal was assessed in terms of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

### **7.2.**

The proposal falls within the definition of 'Schedule 2 development' of the 'The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, in that it meets and/or exceeds the criteria for Aquaculture, specifically (a) the proposed development is designed to hold a biomass of 100 tonnes or greater'.

### **7.3.**

Having assessed the characteristics and location of the development and the characteristics of the potential impact as set out in Schedule 3 to the 2017 Regulations, the Council issued a Screening/Scoping Opinion on 23 January 2018, application reference 17/477/MARSS stating that, in its opinion, the proposed development is considered likely to have a significant impact on the receiving environment and that the submission of an Environmental Impact Assessment Report (EIA Report) was required.

### **7.4.**

Accordingly, this application is accompanied by an EIA Report in accordance with the 2017 Regulations. The EIA Report addresses all expected environmental effects associated with the proposed development and any proposed mitigation. The EIA Report includes matters, listed below, which fall within the regulatory control of other bodies therefore limited weight can be given to those matters as part of any planning decision.

- Benthic (seabed) impacts due to feed and faeces falling to the sea floor are covered by the CAR license regime and with ecological advice provided by SNH. Any impacts on seabed protected species are a material planning consideration but are part of the CAR assessment first and foremost. biomass and quantities of sea-lice therapeutants will be considered as part of the CAR application process.
- Water column impacts from nutrient enrichment and use of medicinal chemicals are also part of the SEPA's CAR license regime.
- The health, handling and medicinal treatment of the farmed fish, the control of predators and the physical quality of nets and moorings are all matters regulated by Marine Scotland.
- Depositions from fish farms, to enable monitoring of benthic impacts is covered by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).
- Registration, authorisation and elements of operational regulation is undertaken / required from Marine Scotland under The Aquatic Animal Health (Scotland) Regulations 2009 and the Marine Scotland Act 2010, covering fish health standards and containment, including power to monitor for sea lice infestation.

## **7.5.**

However, there is some important crossover with local planning authority regulation to the extent that where these matters and associated measures have an impact upon protected species in the wider environment, the matters are assessed below.

## **8. Habitats Regulations and Natural Heritage**

### **8.1.**

As Competent Authority, the Council must consider whether any plan or project would have a 'likely significant effect' on a Natura site before it can be consented, and if so carry out an Appropriate Assessment. That process is known as Habitats Regulations Appraisal (HRA). In considering likely significant effects, Revised Circular 6/1995 advises that HRA can be based on the information submitted in support of the application and informed by the appraisal on the appropriate nature conservation body, in this case SNH. This proposed development is close to the Sanday Special Area of Conservation (SAC) and Faray and Holm of Faray Special Area of Conservation (SAC) designated for its Harbour seals and Grey seals respectively. In this case SNH has stated that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly and that an appropriate assessment is therefore not required. Following advice from SNH, the Council as competent authority, has carried out an assessment in view of the site's conservation objectives for its qualifying interest(s). In consideration of Habitats Regulations Appraisal, it is concluded the project would have no likely significant effect on any qualifying interests either directly or indirectly. The Council's HRA is attached as Appendix 1 to this report.

### **8.2.**

There are no marine sites, designated under the Conservation (Natural Habitats etc.) Regulations 1994 (as amended), the Nature Conservation (Scotland) Act 2004, the Conservation of Habitats and Species Regulations 2010, or the Marine (Scotland) Act 2010, with features of concern within a 3km search radius of the proposed site. The following Priority Marine Features (PMFs) have been recorded within a 3km radius, though none are known to be of national importance in this area:

- Common skate (*Dipturus intermedia*).
- Harbour seal (*Phoca vitulina*).
- Grey seal (*Halichoerus grypus*).

### **8.3.**

SNH further confirms that view, stating 'The proposed measures listed within the Predator Defence & Mitigation Plan, including the use of steel enhanced Sapphire netting and high tensioning, will serve as a deterrent for seals trying to access fish stocks. These measures along with the strict regulations on licensing will ensure no significant effects on the seal populations of the SACs (SSSIs).'

## **8.4.**

Where crossover exists with local planning authority regulation, to the extent that these matters and associated measures could have an impact on protected species in the wider environment, the matters are assessed below.

# **9. Assessment**

## **9.1. Proposal**

### **9.1.1.**

The proposed development involves the development of a new fish farm (Atlantic salmon) at Mill Bay, Stronsay, as shown on the location plan attached as Appendix 2 to this report. The site will comprise 16 cages, each with a 100 metre circumference, arranged in two groups of eight cages set within 70 metre grids. The two groups of cages are 70 metres apart. A 300 tonne feed barge(semi-automated) will be moored to the south of the site, centrally, between the two cage groups. The total surface area of installed equipment will cover 1747 square metres, with a Mooring Containment Area (MCA) measuring 320m x 820m, equivalent to 262,400 square metres. The proposed maximum biomass of Atlantic salmon for the site is 2038.3 tonnes.

### **9.1.2.**

The maximum stocking biomass of the site is 2038.3 tonnes with a production biomass of 2547.5 tonnes per cycle, and a stocking density of less than 20 kilogrammes per cubic metre. The production plan is 22 months with a fallow period of two months between production cycles.

### **9.1.3.**

On shore facilities are proposed, however no detail of the facilities on Stronsay are included. They would form part of a separate application if this development is consented.

### **9.1.4.**

The site would operate 08:00 to 17:00 Monday to Friday and would be serviced from Whitehall Pier on Stronsay, which would generally be one return trip per day to service the site. However, occasional out of hours working may be necessary at harvesting, fish movements or other unforeseen events. A shore-based facility is proposed on the island should planning consent be granted. Smolts will be delivered via well boat. Fish will be harvested as dead-haul and landed directly at Kirkwall pier for transfer to the existing processing plant at Hatston.

### **9.1.5.**

The developer has provided a non-technical summary which sets out the basis for the development, and the assessment of alternative sites and a range of scenarios for the size, cages, configuration and types of cages of the proposed fish farm.

## **9.2. Interaction with predators**

### **9.2.1.**

The proposal sits close to designated seal haul out area. Both grey seals and harbour seals are likely to be encountered at the site whether from use of the haul outs and lifestyle or owing to extensive foraging areas. Cetaceans are known to frequent the area and otters are present on Stronsay. There is also the potential of predation from various bird species.

### **9.2.2.**

The proposed fish farm site is situated approximately 8.5km from to the Sanday SAC (and East Sanday Coast Site of Special Scientific Interest SSSI) of which Harbour seal (*Phocina vitulina*) is a qualifying interest. Harbour (or Common) seals are loyal to their haul outs spending significant amounts of their time there and foraging routinely around 40 to 50 kilometres from the area. The proposed fish farm also lies around 17km from the Faray and Holm of Faray SAC (and Faray and Holm of Faray SSSI) of which Grey seal (*Halichoerus grypus*) is a qualifying interest.

### **9.2.3.**

The conservation objectives of the Sanday Special Area of Conservation qualifying species (Common seal) and the Faray and Holm of Faray Special Area of Conservation qualifying species (Grey seal) are to ensure the following are maintained in the long term:

- Population of the species as a viable component of the site.
- Distribution of the species within site.
- Distribution and extent of habitats supporting the species.
- Structure, function and supporting processes of habitats supporting the species.
- No significant disturbance of the species.

The proposal site is located in the bay between two designated seal haul-outs, North End Mill Bay and Odness, a further eight seal haul-out sites and ten additional grey seal breeding colony haul out sites within 20km of the site. Seal haul outs are locations on land where seals come ashore to rest, moult or breed. Harassing a seal (intentionally or recklessly) at a haul-out site is an offence.

### **9.2.4.**

The EIAR and additional information identifies the impacts and risks to natural heritage interests. The developer has assessed that there are no significantly adverse impacts resulting from the proposed development in consideration of the following:

- Disturbance along vessel transit route.
- Direct displacement from cage area.
- Entanglement.

- Loss of, or damage to, supporting habitats.

#### **9.2.5.**

A Vessel Management Plan has been provided, setting out measures to minimise disturbance to natural heritage interests. These include restricting vessel speeds, using the same routes, monitoring routes and if found to be where aggregations of mammals/birds are observed vessel's routes should be adjusted to avoid disturbance, a buffer zone around seal haul out areas and agreed measures to undertake if vessel is approached by protected species.

#### **9.2.6.**

Mitigation has been provided within the information submitted which follows established practice at the site: good operation procedures; design of top nets; tensioned cage nets; tensioned Sub surface anti predator nets monitoring; and a Vessel Management Plan (VMP). It is concluded that the mitigation measures proposed within the Predator Defence and Mitigation Plan including the use of steel enhanced Sapphire netting and high tensioning will minimise the risks along with strict regulation on licensing will ensure no significant effects on the seal populations of the SACs and SSSI. The construction of the site is considered to have temporary impacts of short-term duration in relation to additional vessel movements and activity on site. However, to reduce the risk of disturbance during the construction phase the cages should be towed to site outwith the seal breeding/moulting periods.

#### **9.2.7.**

The applicant has indicated that the use of Acoustic Deterrent Devices (ADDs) would not typically be deployed unless the other measure proposed within the 'Predator Defence and Mitigation Policy' to deter seals such as tensioned cage nets and anti-predator nets have not been successful. Concerns exist regarding the use of ADDs due to the risk of disturbance and disorientation posed to cetacean species which is a European Protected Species. The applicant has indicated that Acoustic Deterrent Devices (ADDs) would only be deployed at the site in consultation with the Council, SNH and Marine Scotland for a European Protected Species licence to disturb. Licence to disturb would be required from Marine Scotland and a condition would be attached requiring agreement from the Council and SNH for any deployment of ADDs, were such to be considered in the future, on this farm.

#### **9.2.8.**

RSPB Scotland (a non-statutory consultee) objects to marine fish farms using current 'open cage' practices, with reference made to the findings of the Environment, Climate Change and Land Reform (ECCLR) Committee of the Scottish Government. Whilst this position is noted, SNH is the statutory consultee in relation to natural heritage interests. SNH has no objection to the proposed development in relation to natural heritage interests subject to the mitigation proposed by the developer and the other regulatory regimes in place.

### **9.2.9.**

Management measures to minimise risk of predation by aerial birds, diving birds, seals and other marine mammals are included within the site-specific Predator Defence and Mitigation Strategy. This includes well maintained tensioning of nets, regular monitoring and inspection of cages and nets both by underwater cameras and by divers, efficient husbandry and frequent removal of mortalities, and anti-predator nets. The Predator Defence and Mitigation Strategy also proposes an adaptive management approach which proposes the monitoring of wildlife entanglement, this would facilitate future adaptive management (e.g. adjustments to cage net tensioning) to ensure adequate safeguard of (inter)nationally important natural heritage interests in the event of unanticipated levels of entanglement.

### **9.2.10.**

SNH advise that the smaller mesh size proposed should ensure no entanglement of otters, a European Protected Species (EPS) whilst the use of any acoustic deterrent devices (ADD's) in an embayment, with reference to both cetaceans and basking shark, could cause disorientation and distress whilst vessel speeds should be reduced when such species are present. It is also concluded within the EIAR that the mitigation measures would minimise the risk of bird attack, entanglement, disturbance and displacement. Cage top nets can be further safeguarded by planning condition to ensure a satisfactory colour and mesh size to address the possible risk of bird entanglement. Subject to appropriate net mesh, layout and tensioning, entanglement risk is considered insignificant given experience from other sites.

### **9.2.11.**

The proposal has been fully assessed individually and cumulatively taking account of statutory consultation body advice, in relation to present designations, policy considerations, relevant Supplementary Guidance criteria relating to nature conservation designations (DC2), and potential effects on protected species (DC2 and DC3). With the mitigation measures proposed, it is considered that this development would have no unacceptable impact on the natural heritage interests of the area.

## **9.3. Carrying capacity and cumulative benthic and water column impacts**

### **9.3.1.**

Fish farms have an impact on the seabed through the settlement of waste fish feed, faeces, and possibly chemical residue from licenced treatments collected beneath the cages. The EIAR accepts that the seabed beneath and surrounding the cages will be impacted from this waste, and that this will have a direct effect on the marine flora and fauna in this area. Surveys were undertaken to establish the seabed habitat at and surrounding the as part of the EIAR, the survey did not find any designated benthic habitats in the immediate vicinity of the site. The video footage of the seabed found the seabed was mainly coarse sand and pebbles with red and brown algae along with kelp and seaweed, kelp and seaweed communities are both

PMF, however SNH have advised that the likely impacts of the development should not impact on the national status of either of these PMF.

### **9.3.2.**

Mitigation proposed to reduce effects on the seabed and water column including monitoring fish feeding and terminating this when the fish are satiated, site following equipment used and chemical use strategy.

### **9.3.3.**

SEPA has no objection to the application from a planning perspective. Details of deposition are a matter for wider assessment by SEPA in relation to an application for a CAR licence under the Water Environment (Controlled Activities) Scotland Regulation 2011. Under this licence, SEPA has the ability, if there is significant environmental stress from the biomass level on the site, to require the situation to be improved, through mitigation or reduction in biomass. The site does not have a CAR licence, however there is a CAR license within Mill Bay which was granted to another company but no planning consent for this licenced site exists.

### **9.3.4.**

Priority Marine Features (PMF) have been identified within 3 km of the site, namely Common skate, Harbour seal and Grey seal. There are no Shellfish Water Protected Areas (SWPA) or Shellfish Harvesting Areas (SHA) within a 3km of the proposed site. SEPA advise that a site waste management plan should be including the applicant has submitted a waste management plan as part of the EIA however this should be specific to the site, this will require to be cover by condition should the applicant be granted.

### **9.3.5.**

SEPA, SNH and Marine Scotland Science (MSS) have no objections in relation to water column and benthic impacts. It is considered that the proposal would comply with Development Criterion 5 (Water Quality and Benthic Impacts) of Supplementary Guidance: Aquaculture.

## **9.4. Navigation**

### **9.4.1.**

No issues associated with navigation have been raised. The Northern Lighthouse Board has provided specifications for the lighting requirements at this site and raises no objections provided the site is marked accordingly. Marine Scotland is satisfied that the equipment, cages and moorings are suitable for the location based on the environmental data supplied. Marine Scotland advise that, provided that the applicant provides accurate environmental data and installation is as per recommendation, this is deemed satisfactory as far as can reasonably be foreseen.

#### **9.4.2.**

Taking account of the information supplied, it is considered that the development would accord with Orkney Local Development Plan 2017 policy 12, and Supplementary Guidance: Aquaculture, criteria DC7 and DC8.

### **9.5. Interaction with Wild Salmonids**

#### **9.5.1.**

The Planning Authority has a duty in the conservation of biodiversity, which includes interaction with wild fish. Sea trout is a UK Biodiversity Action Plan (UKBAP) priority species and included within the draft Marine Priority Species.

#### **9.5.2.**

Mill Bay lies to the east of Stronsay. There is currently no active fin fish farm on Stronsay, the nearest fish farm is on Eday, however a further finfish farm is being proposed and is subject to a planning application 19/100/MAR at the Bay of Holland, Stronsay, which may bring cumulative impact factors.

#### **9.5.3.**

The nearest sea trout spawning burn, is over 23km away in Rousay. There are further trout spawning burn on the along the east coast of Orkney these are all over 26 km from the proposed site. MSS advises that there is no history of sea lice affecting the health of the fish in this area.

#### **9.5.4.**

A lack of information about the habit or migratory use of near shore environment on Stronsay by sea trout and salmon exists. It is however recognised that there is a possibility of transfer of sea lice between farmed and wild salmonids and that escapes of farmed fish may also be detrimental to wild fish through lice and/or potential of disease transfer. No consultee has indicated any significant issue with the proposed cage nets and tensioning, nor management and maintenance strategies proposed by the developer with respect to such. The development is therefore considered to employ appropriate equipment and methodologies to prevent escapes noting the current advice from Marine Scotland Science that an Environmental Management Plan (EMP) is delivered as a condition for any consents for marine aquaculture planning applications when there is/or there is potential for a wild/farmed fish interaction.

#### **9.5.5.**

MSS advice that scientific evidence from Norway and Ireland indicate a detrimental impact on sea trout and salmon populations from sea lice. Aquaculture results in elevated number of sea lice as such has the potential to have an adverse impact on wild salmonids in some circumstances. Information presently available from the west coast of Scotland suggests lice from fish farming may cause a risk to local salmon and sea trout. Although it appears likely that numbers of sea lice in open water are likely to have an adverse effect on populations of wild salmonids in some circumstances, the impact on overall mortality in these waters is still not known.



#### **9.5.6.**

This site lies outwith any current Fish Farm Management Area (FMA); however, the developer has indicated that this site and the other proposed fish farm if consented would be taken into the FMA 0-2, and initiate discussion with Scottish Sea Farms to agree a Farm Management Area.

#### **9.5.7.**

In relation to the potential impacts of sea lice on wild salmonids a site specific 'Sea Lice Management Strategy (SLMS) & Treatment Efficacy Statement (TES)' has been submitted, detailing a range of sea lice preventative measures, as listed below:

- Farm Management Statement (FMA).
- Following.
- Lice Counts.
- Treatment Strategy.
- Treatment Monitoring.
- Lice Management Flowchart detailing actions in the event of a potential lice outbreak.
- Veterinary Health and Welfare Plan.
- Escapes Response Plan.

#### **9.5.8.**

The developer has advised that preferred treatment for sea lice would be the use of a hydrolicer, with chemical treatment only being to supplement if necessary. Marine Scotland Science (MSS) has stated that these measures are deemed satisfactory as far as can reasonably be foreseen. Marine Scotland Science revised sea lice policy 'The Regulation of Sea Lice in Scotland' (2017) introduced a new enforcement regime through MSS's Fish Health Inspectorate (FHI), which triggers enforcement action. It should be noted that these trigger levels are higher than those required under the industry Code of Good Practice (CoGP).

#### **9.5.9.**

During the consultation process on this application with MSS in response to the RECC Report established a minimum criterion expected for Environmental Management Plan (EMP) associated with new planning applications. Marine Scotland advise that:

- Marine Scotland expects that as a minimum any monitoring scheme will be able to report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose.

#### **9.5.10.**

The Planning Authority must be satisfied that proposed mitigation would establish a robust control mechanism within a planning consent to ensure sea lice numbers remain low throughout the lifetime of the permission, thereby ensuring that any consent would not conflict with the Planning Authority's development plan policies and biodiversity duty as set out in the Nature Conservation (Scotland) Act 2004. The inclusion of an adaptive EMP along with the other mitigation proposed provide sufficient assurance that a greater understanding of the impacts from monitoring on the wild fish interactions will be established and that action would be taken should trigger levels on sea lice be reached.

#### **9.5.11.**

SEPA and SNH have raised no objections to the development and MSS has stated that it considers the measures to be satisfactory as far as can reasonably be foreseen. It is therefore considered acceptable in relation to relevant policy considerations and criterion DC4 of Supplementary Guidance: Aquaculture.

### **9.6. Landscape and Visual Impact**

#### **9.6.1.**

A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the EIAR which identifies the visual impacts of the development, this not only considers the impact of the proposed development in its own right but also any cumulative visual impacts of the development.

#### **9.6.2.**

Stronsay is generally low lying which is made up of a number of landscape character types, around Mill Bay it is mainly a 'Ridgeline Island Landscape' characterised by a central ridge running the length of the island. The island is described as having three limbs pinched at the centre by three large bays. Mill Bay is a large and relatively shallow bay which lies to the east and is open to the North Sea. The site lies at its closed approximately 900m of the coast of the bay and at its greatest 2km.

#### **9.6.3.**

The B9060 runs along the ridge of the island, which is elevated, therefore the proposed fish farm would be visible from various sections of the road, and direct views would be visible from most of the area surrounding the bay.

#### **9.6.4.**

The main impact is the magnitude of visual change between the open undeveloped bay and what is proposed. The proposed fish farm would be a new feature in the seascape/landscape with direct views from surrounding the bay. The closest views would be from the surrounding coastline with more distant views being from the B9060 which is in an elevated location.

### **9.6.5.**

The feed barge would be the most significant structure above water, as the low-lying and dark colour of the cages, farm will be largely viewed looking out to sea. The barge would have the appearance of a boat on the water. The introduction of a new fish farm site will result in visual change both as a moored static installation and because of activities involved in the operation of the site, including vessel movements and lighting.

### **9.6.6.**

Landscape and visual impacts of the proposed fish farm during the hours of darkness also require to be assessed. The artificial sources of light include the navigational lighting to be installed on the fish farm for navigational safety. There would also be underwater maturation lights fitted to each cage. These would only be in use during the winter months of December to April when required. The effects of maturation lighting associated with the proposed farm would be localised, given that the submerged artificial lights are mainly confined to the cage structures. However, it is recognised that, in an area which presently has low level of artificial lighting and the faint glow at the water surface, the development has the potential to impact on the character of the area at night time.

### **9.6.7.**

The application site is not itself subject to any landscape designation, SNH advise that this proposal is a large-scale development within a previously undeveloped seascape and shoreline and are satisfied that the LVIA correctly identifies the visual impacts of the development. SNH agree with the finding of the LVIA and consider the layout and alignment of the proposed development to be appropriate for this location

### **9.6.8.**

The LVIA identifies the visual impacts of the development.' SNH agrees with the summary of the LVIA and consider the layout and alignment of the proposed development to be appropriate for this location. It is therefore considered that the magnitude of landscape or visual change that would occur is not so significant, in relation to the development and in the context of the landscape/seascape of Mill Bay as would warrant refusal. The application is therefore considered to accord with Orkney Local Development Plan 2017 policy 9 and 12, and Supplementary Guidance: Aquaculture, criteria DC1 and DC9.

## **9.7. Socio Economic Impact**

### **9.7.1.**

It has been identified that there is commercial fishing interest in the area which mainly focuses shellfish fishing along with creel boats and scallop diving. However, it is indicated that the commercial fishing activity is often seasonal and dynamic and mobile in nature. It is therefore hard to predict precisely where activity will take place from year to year. Orkney Fisheries Association (OFA) raise several matters of concern regarding protecting the commercial fishery from harm from the use of fish and sea lice medicines which they state are toxic to other marine life in addition to

commercial species (during their development stages). OFA request deferral of planning permission until such time that current actions under consideration by the Scottish Government and regulators including SEPA, including a possible revised regulatory regime, is in place given that 'position, stocking density and sea lice medicine use will be a factor of granting a site of this capacity and dimensions'.

#### **9.7.2.**

It is assessed within the EIAR that the proposed development has the potential to provide "positive beneficial impacts". This includes direct employment of up to four permanent positions. In addition, local contractors and suppliers will be used in the supply chain for the fish farm.

#### **9.7.3.**

Objectors have raised a number of issues in relationship to impact on other sectors such as tourism and the loss of the recreational facilities, stating Mill Bay has the only beach on Stronsay which offer safe swimming and other water sports opportunities.

#### **9.7.4.**

As per the submitted LVIA, the development is not considered to be significantly detrimental in terms of visual impacts arising. Given the limited extent of the area occupied by the development no significant loss of physical recreation area is considered to accrue. The proposed development is therefore considered to have limited impacts on the perceived enjoyment or use of the area in relation to recreation and/or amenity.

#### **9.7.5.**

The Scottish Government's National Marine Plan and Scottish Planning Policy together recognise the contribution of the aquaculture sector to the rural economy and seek to support sustainable economic development. The National Marine Plan and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located, and where it does not give rise to significant adverse effects upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

#### **9.7.6.**

Significant adverse effects to socioeconomic and recreational receptors are not anticipated. No significant impacts on commercial fishing or diving grounds are anticipated, in terms of displacement, employment or loss of fishing or diving grounds. In considering the competing socio-economic impacts, the benefits created by the development would outweigh any impact caused by change to the area.

### **9.8. Noise pollution**

The development would have minimal noise producing operations and practices and these would normally be confined to daily working hours. The feed barge runs an internal diesel generator which is housed within a sound proof compartment within the barge, the other main noise production would relate to vessel use. During

construction and during activities such as harvesting and fish movements noise producing activities may occur out with standard hours, however these are likely to be very occasional. It is considered that the noise associated with the activities of the fish farm would not have a significant effect.

## **9.9. Cultural Heritage and Historic Environment**

It has been assessed within the EIAR and through the consultation process and no significant effect on the cultural heritage or on archaeology has been identified. The developer has advised should any archaeology be encountered during the process of construction the OIC archaeologist would be notified immediately. Therefore, the proposal is considered acceptable in terms of Orkney Local Development Plan 2017 policy 8, and criterion DC6 of Supplementary Guidance: Aquaculture.

## **9.10. Roads and Transportation**

### **9.10.1.**

It is proposed that the fish farm will be largely service from the feed barge, which will be serviced on a daily basis using work boat from Whitehall.

### **9.10.2.**

All fish produced from the site will be processed in Kirkwall. The harvested fish will be landed at Kirkwall pier, transferred to tankers from the harvest vessel and transported by road to the CAS primary processing plant in Kirkwall. The nature and frequency of the distribution of harvest events is not anticipated to result in a significant effect to the road network in Kirkwall. The EIAR does not do not consider that the development will have any significant effect.

### **9.10.3.**

Although the Roads Authority do not have any significant issues with respect on the proposal on the road networks, they have raised concerns with the capacity at the processing facility in Kirkwall to accommodate the tonnage through put without creating problems with the parking of tankers and vehicles out with the grounds of the processing plant onto the public road can be used to secure an appropriate traffic management plan.

## **10. Conclusion and Recommendation**

### **10.1.**

The Orkney Local Development Plan 2017 supports finfish development where it can be demonstrated, “with regard to SG and through appropriate mitigation where necessary, that there will not be unacceptable effects, directly, indirectly or cumulatively”. Supplementary Guidance: Aquaculture, Spatial Policy 1, sets out the spatial sensitivities that have potential to be affected by aquaculture developments, as well as the ten development criteria that all aquaculture development will be assessed against. In addition, the National Marine Plan supports sustainable growth of aquaculture subject to the proposal complying with the relevant policies of the NMP and the 14 Policies which relate specifically to Aquaculture.

## 10.2.

In relation to the findings and outcomes of the Environment, Climate Change and Land Reform (ECCLR) Committee and REC report, MSS and SEPA are bringing forward recommendations and actions relevant to their statutory duties. There is also awareness UK Technical Advisory Group (UK TAG) consideration of recommendations on new environmental standards for the use of Emamectin Benzoate. The inclusion of an Environmental Management Plan has been recommended by MSS in relation to Planning function and the understanding of interaction of this type of development and wild salmonids. SNH has provided clear advice on the impacts on natural environment and concludes that the proposed development is acceptable, subject to the mitigation proposed.

## 10.3.

SEPA considers matters in relation to the receiving environment through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As amended) (CAR). MSS considers environmental impacts and aquaculture animal health and, in common with SNH and SEPA, has not raised any matters that have not been addressed within the submission or are otherwise ordinarily controlled by planning condition noting the introduction of requirement for an agreed Environmental Management Plan (EMP).

## 10.4.

Objectors including RSPB Scotland have concerns regarding sustainability within the sector, however Scotland's Ten Year Farmed Fish Health Framework, developed by the aquaculture sector and Scottish Government and its agencies, includes measures to improve fish health, protect the marine environment and ensure this sector can develop sustainably.

## 10.5.

The objections submitted have been considered in conjunction with the assessments undertaken by the statutory consultation bodies. SNH has provided clear advice on the impacts on natural environment and concludes that the proposed development is acceptable, subject to the mitigation proposed.

## 10.6.

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 comply with relevant 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. It is considered that the objections do not carry sufficient weight to justify refusal of the application. Accordingly, the application is **recommended for approval**, subject to the conditions listed in Appendix 3.

## **11. Contact Officer**

Margaret Gillon, Senior Planner, extension 2505, Email:  
[margaret.gillon@orkney.gov.uk](mailto:margaret.gillon@orkney.gov.uk)

## **12. Appendices**

Appendix 1: Habitats Regulations Appraisal.

Appendix 2: Location Plan.

Appendix 3: Planning Conditions.

## **Appendix 1.**

**Create Salmon Farming Site Comprising of 16 x 100 metre Circumference Circular Cages Arrange in a 2 x (2 x 4) Formation with a 70 metre Grid, with a 300 tonne Capacity Semi-Automated Feed Barge at Mill Bay, Stronsay, Orkney**

### **Consideration of Projects Affecting European Sites**

#### **Habitats Regulations Appraisal**

Proximity to the Sanday Special Area of Conservation (SAC) and Faray and Holm of Faray SAC means that the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Orkney Islands Council (OIC) is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as a Habitats Regulations Appraisal).

This means that where the conclusion reached by OIC on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

OIC is required to undertake an assessment of the implications of the proposal for both the Sanday Special Area of Conservation (SAC), appendix 1 and Faray and Holm of Faray SAC, appendix 2, in view of the sites' conservation objectives.

The proposal is not connected with or necessary to site management for conservation.

#### **Appraisal**

Whilst responsibility to carry out HRA rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies including the appropriate nature conservation body, in this case SNH. In its response to the Council, SNH has advised, "There are natural heritage

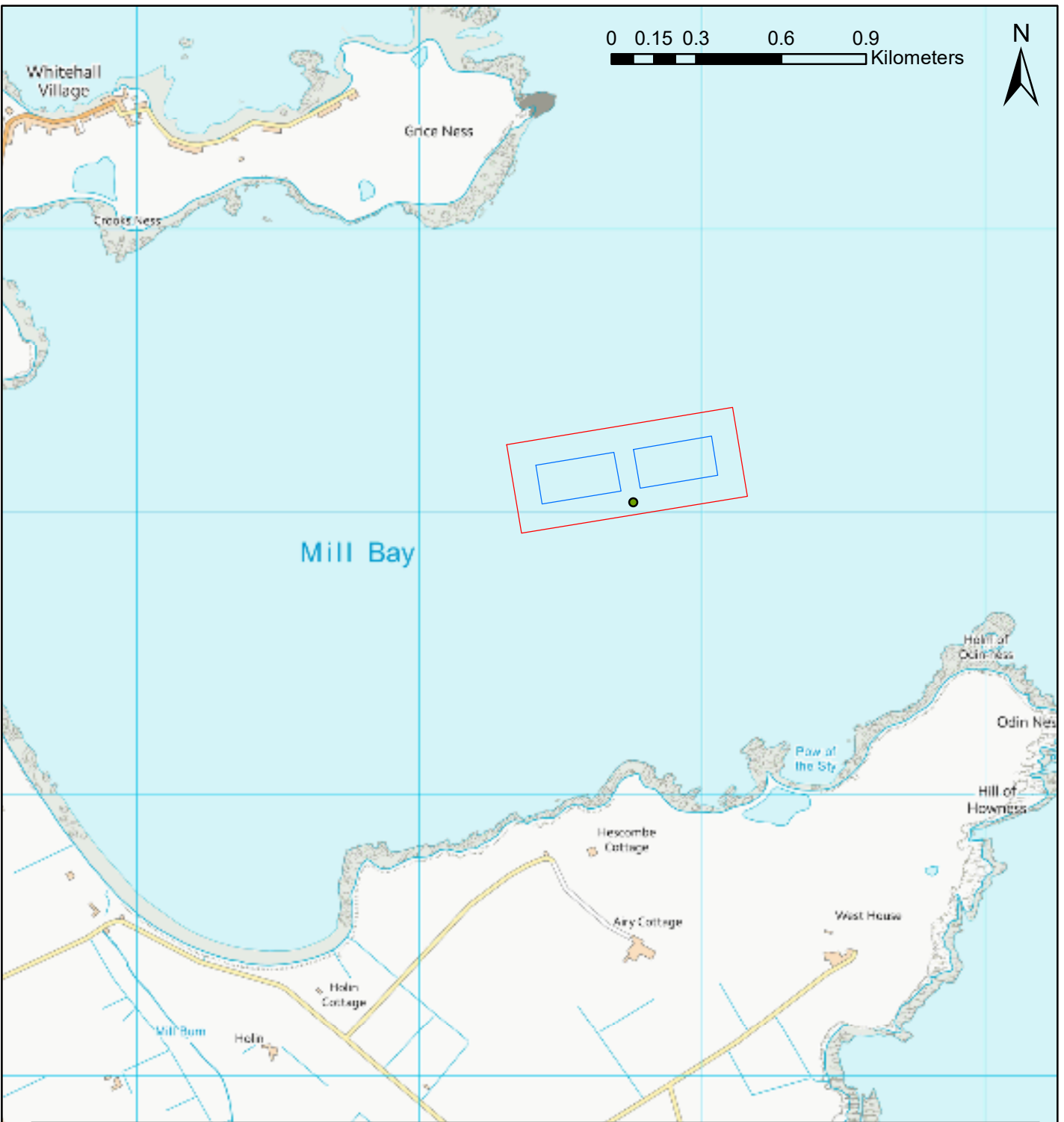


interests of international importance close to the site, but in our view, these will not be adversely affected by this proposal.”

Critically, SNH advises that, “In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.”

### **Decision**

Based on this appraisal, it is concluded that the proposal would have no likely significant effect on any qualifying interests either directly or indirectly of either Sanday Special Area of Conservation (SAC) or Faray and Holm of Faray SAC.



MCA					
CORNER	WGS 1984		OSGB		
	LATITUDE	LONGITUDE	EASTING	NORTHING	
NE	59° 07.918' N	2° 33.541' W	368105.49	1027373.2	
SE	59° 07.748' N	2° 33.484' W	368157.22	1027057.24	
SW	59° 07.674' N	2° 34.321' W	367357.58	1026926.68	
NW	59° 07.843' N	2° 34.379' W	367304.95	1027240.8	
CAGE GRID					
Cage Group 1	NE	59° 07.830' N	2° 33.980' W	367685.35	1027213.42
	SE	59° 07.756' N	2° 33.953' W	367709.94	1027075.86
	SW	59° 7.730' N	2° 34.244' W	367431.85	1027030.04
	NW	59° 7.804' N	2° 34.269' W	367409.23	1027168.14
Cage Group 2	NE	59° 7.862' N	2° 33.618' W	368031.02	1027269.97
	SE	59° 7.788' N	2° 33.593' W	368053.64	1027131.86
	SW	59° 07.762' N	2° 33.881' W	367778.72	1027086.42
	NW	59° 07.836' N	2° 33.907' W	367755.08	1027223.96
SITE CENTRE		59° 07.796' N	2° 33.931' W	367731.56	1027149.92
BARGE		59° 07.734' N	2° 33.905' W	367755.4	1027035

### Mill Bay, Stronsay

- Mooring Containment Area
- Cage Grid
- Barge

## **Appendix 3.**

### **Conditions**

01. No other development shall commence prior to the submission of a site specific Environmental Management Plan (EMP) for monitoring and managing the interactions between the operation of the farm and the wild fish environment to be approved in writing by the Planning Authority, in consultation with Marine Scotland Science. The EMP shall include the following information:

- 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 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.

Following the approval of the EMP by the Planning Authority in consultation with Marine Scotland, 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.

02. No other development shall commence on site until a Traffic Management Plan (including a routing plan and parking provision at processing plant) for the anticipated terrestrial vehicle movements related to this development has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place thereafter.

Reason: To ensure that an adequate level of management of existing facilities in relation to access are fully considered in relation to the development; in the interests of road safety and amenity.

03. 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.
- Each light 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 Northeastern corner of the Eastern cage group and the Northwestern corner of the Western cage group.
- Each light should be 1 metre above site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- Poles should be  $\geq 75$ mm diameter, the 'X' topmark should be  $\geq 75$ 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.
- 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.

Reason: In the interests of navigational safety.

04. 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.

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

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

06. 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 a dark muted grey (with the exception of the feed barge which is covered by condition 9), unless otherwise agreed, in writing, by the Planning Authority.

Reason: To minimise the visual impact of the development.

07. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within Location Plan - OIC-01 attached to and forming part of this application. 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.

08. Prior to the feed barge being brought onto site, the barge shall be painted in a colour or combination of colours agreed in writing by the Planning Authority. Thereafter the barge shall be retained in the agreed colour throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

09. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the Mill Bay site shall not exceed 2038.3 tonnes with a maximum production biomass per cycle not exceeding 2547.5 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.

10. The development shall be constructed, implemented and managed in accordance with the Predator Defence and Mitigation Strategy which includes monitoring of wildlife entanglements (dated 5 March 2019) included as Appendix 8.9 and Escapes Response Plan (dated 26 June 2018) included as Appendix 8.8 both forming part of the Environmental Impact Assessment Report. The development shall thereafter be operated and maintained in accordance with these documents throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority. For the avoidance of doubt any and all modifications, amendments and revocations of these Policies and Plans require to be agreed in writing with the Planning Authority in advance of any such changes to the approved details occurring on site.

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

11. Access to the site shall be undertaken in accordance with the Vessel Management Plan - Mill Bay, Stronsay, included as Appendix 8.11 to the Environmental Impact Assessment Report, further detail for the construction phase including towing of cages to the site outside the breeding/moulting periods of seals shall be agreed in writing with the Planning Authority, in conjunction with Scottish Natural Heritage, to minimise the risk of disturbance to natural heritage interests in the area.

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

12. The fish farm shall be operated in accordance with the Escape Response Plan included as Appendix 8.8, Mill Bay Veterinary Health and Welfare Plan Appendix 8.5, and the Standard Operating Procedure 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23 of the Environmental Impact Assessment Report unless otherwise agreed, in writing, with the Planning Authority.

Reason: To protect the health of wild fish and water quality.

13. The fish farm shall be constructed in accordance with the Waste Management Plan – Mill Bay, Stronsay, included as Appendix 8.10 to the Environmental Impact Assessment Report, and thereafter operated and maintained in accordance with this plan throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To protect internationally and nationally important natural heritage interests and to ensure marine navigational safety.

14. If any use of Acoustic Deterrent Devices (ADDs) is proposed at this site, prior consultation with the Planning Authority shall be carried out. 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 Scottish Natural Heritage, 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.

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

15. Static gill nets should not be deployed at this site, unless otherwise agreed, in writing, with the planning authority in conjunction with Scottish Natural Heritage.  
Reason: To minimise risk of key receptors in the vicinity of this proposed development.

Reason: To reduce the chance of entanglement of wildlife.

16. The detail of cage top nets to be installed at this site, including mesh size and colour, shall be submitted to, and approved in writing by, the Planning Authority in conjunction with Scottish Natural Heritage, prior to work commencing on site. Thereafter the proposal 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.

17. 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.

18. At least 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.

19. 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.

### **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, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 0131 244 3498; Email: [ms.fishhealth@gov.scot](mailto:ms.fishhealth@gov.scot).

02. 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 0300 244 5046.