

Item: 4.2

Planning Committee: 30 May 2018.

Increase Cage Size at Existing Salmon Farming Site at Pegal Bay, Scapa Flow.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

This is a planning application to replace 70 metre circumference circular cages with 90 metre circumference circular cages at an existing Atlantic salmon fish farming site at Pegal Bay, on the east coast of Hoy in Scapa Flow, between Hoy and Rysa Little. The total number of cages, eight, and the 2 x 4 parallel arrangement would be retained. It is not proposed to increase the consented biomass, 400 tonnes, at the site, with current production to continue. One objection has been received from a non-statutory consultee. The development has been assessed in relation to all relevant policies of the Orkney Local Development Plan 2017 and other relevant material planning considerations. Where unacceptable impacts have been identified, mitigation has been provided.

Application Number	18/058/MAR.
Application Type	Marine Fish Farm (Alteration of Cage Size).
Proposal	Increase consented cage size from 8 x 70 metre to 8 x 90 metre circumference cages.
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:

http://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.

Consultation responses have been received from all statutory consultation bodies and no objections have been received. Matters included in those responses can be adequately addressed by mitigation and planning conditions.

3. Representations

3.1.

One objection was received from a non-statutory consultee:

- The Royal Society for the Protection of Birds Scotland, Orkney Office, 12-14 North End Road, Stromness, KW16 3AG.

3.2.

RSPB objects on the basis that an Appropriate Assessment has not been undertaken 'to demonstrate the proposal, alone or in combination, would not adversely affect the integrity of the Scapa Flow proposed Special Protection Area'. Habitats Regulation Appraisal (HRA) is considered in section 7.2 below.

4. Site History

Reference.	Proposal.	Location.	Decision.	Date.
01/472/MAR.	Renewal of works licence.	Pegal Bay, Hoy.	Grant.	29.03.2007.
13/070/MARREV.	Marine Review.	Pegal Bay, Scapa Flow.	Officer Observations.	03.04.2013.
17/211/MARSS.	70m circumference circular cages removed and replaced with 90m circumference cages.	Pegal Bay, Scapa Flow.	EIA not required.	15/08/2017.

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:

<http://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 8 Historic Environment and Cultural Heritage.
 - Policy 9 Natural Heritage and Landscape.
 - Policy 12 Coastal Development .
- 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).
- 'The Orkney landscape capacity for Aquaculture: Scapa Flow and Wide Firth' (SNH 2011).
- '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)

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the 3 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 Legislation

7.1. Environmental Impact Assessment

The proposed replacement of 8 x 70 metre circumference cages with 8 x 90 metre circumference cages at this location was subject to EIA screening. The Planning Authority subsequently adopted a screening opinion that an Environmental Impact Assessment was not required. Key to that decision was the limited nature of the proposed works to the increase in cage size, with no other significant alteration to the operation of the existing fish farm at Pegal Bay. The increase in cage size was not considered to have a significant direct effect on the environment nor on the visual impact on the environment, either individually or cumulatively with other sites in the area.

7.2. Habitats Regulations

7.2.1.

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. 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 by SNH. In this case SNH has stated 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.'. The Council's HRA, attached as Appendix 1 to this report, concludes that Appropriate Assessment is not required.

7.2.2.

SNH further confirms that view, stating 'The proposed changes to this established site are confined to cage dimensions and netting type, with no alterations in cage grid and mooring areas or biomass. Given this, and in light of the information provided by the applicant with respect to Predator Defence and Mitigation Policy and Vessel Management Plan, both of which should be adhered to, we do not consider that this proposal will have significant effects on natural heritage interests of national or international importance.'

8. Assessment

8.1. Proposal

8.1.1.

The proposed development involves the replacement of the current 70 metre circumference circular cages at Pegal Bay, located off the east coast of Hoy lying in the south of Scapa Flow, as indicated in the location plan attached as Appendix 2 to this report. The existing farm is made up of 8 x 70 metre circumference cages, set in a single group with a 2 x 4 parallel layout. The existing cage grid, mooring containment area and consented biomass at the site would be unchanged. The proposal would not alter the consented lighting, comprising two 400 watt lights per cage suspended below the surface of each cage. Lighting is used during the months December to April. There is no feed barge on site. The proposal is to remove the current 70 metre circumference circular cages to be replaced with 90 metre circumference cages in the same layout. The depth of the cages would be unchanged. The increase in cage circumference would result in increases in both surface area and volume. For the site as a whole, that would increase the surface area from 3120 square metres to 5160 square metres. The mooring grid dimensions would be unaltered from the existing 50 x 50 metre dimensions. All equipment would be situated within the existing mooring containment area of 300 x 200 metres (60,000 square metres).

8.1.2.

The maximum stocking biomass of the site is 400 tonnes with a production biomass of 500 tonnes per cycle, with a production plan of 24 months and a fallow period of 2 months between production cycles, all of which would be unchanged. The proposed increase in cage circumference results in a reduction of stocking density from the existing 12.82 kilogrammes per cubic metre to 7.76 kilogrammes per cubic metre due to the larger cage size.

8.1.3.

The site would continue to be serviced from Lyness, with regular vessel movements between the existing Lyrawa Bay and Pegal Bay sites, on the basis both sites are serviced by the same site operatives and work boat. Operational activities during stocking and harvesting would be unchanged.

8.1.4.

The developer has provided a non-technical summary which sets out the basis for the development, noting that the proposed increase in cage circumference would:

- Reduce stocking density of the site.
- Reduce intensity of organic loading to the benthic environment in the area immediately beneath the site.
- Upgrade cage equipment to meet future industry standards.
- Improve working conditions for staff.
- Aid sustainability in working practices.

8.2. Interaction with predators

8.2.1.

The site is situated approximately 2 kilometres south of the Hoy Special Protection Area (SPA), which includes a marine element. The qualifying species are: Arctic skua, Fulmar, Great black-backed gull, Great skua, Guillemot, Kittiwake, Peregrine, Puffin, Red-throated diver and a Seabird assemblage. The conservation objectives are to ensure that the qualifying species are maintained in the long term, taking the following into account:

- 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.

8.2.2.

Scapa Flow is a proposed Special Protection Area (pSPA), identified as an important area for marine birds including a number of wintering and breeding populations. These qualifying species include breeding Red-throated diver and aggregations of non-breeding wintering waterfowl, including Black-throated diver, Common eider, Common goldeneye, Great northern diver, Long-tailed duck, Red-breasted merganser, European shag and Slavonian grebe. Scapa Flow, including areas in proximity to the site, is a foraging area for avian species, such as Red-throated divers which are the qualifying interests of the Hoy SPA. Seabird species from the Hoy SPA and SPAs further afield may also use this area.

8.2.3.

Risks to the qualifying interests of the Scapa Flow pSPA, the Hoy SPA and those further afield have been identified. The most significant are noted as:

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

- Loss of or damage to supporting habitats.

8.2.4.

Mitigation has been provided within the information submitted which follows established practice at the site: good operation procedures; design of top nets; tensioned nets; monitoring; and a Vessel Management Plan. It is concluded that the mitigation measures proposed would minimise the risk of bird attack, entanglement, disturbance and displacement. In relation to the proposed scale of the development, as the redevelopment of an existing site, the additional impact is in relation to the increase in circumference of the cages with an increase in surface area across the site from 3120 square metres to 5160 square metres. The removal of the current cages and replacement with enlarged cages is considered to have temporary impacts of short term duration in relation to additional vessel movements and activity on site.

8.2.5.

SNH notes the likely disturbance during the reconfiguration and construction phase of the development, of 2 to 4 days, resulting in approximately 8 return trips and a further 2 to 3 days for installation. Mitigation is provided to avoid disturbance to the Red-throated diver in peak chick rearing period, namely 1 July to 31 August. Evidence from entanglement data supplied by the applicant shows no incidents of entanglement at Pegal Bay from 2015 onwards. The mesh size for both cage nets and top nets would match that currently used. High tensioning through use of Froyer ring and robust Sapphire nets is considered to further reduce risk of entanglement.

8.2.6.

RSPB Scotland has objected to the development on the basis that the environmental information does not adequately address the isolated and in-combination effects on the integrity of the pSPA/SPA and has not adequately enabled a robust Appropriate Assessment to be carried out. SNH as statutory consultation body has indicated that is unlikely that the proposal would have a significant effect on any qualifying interests of the pSPA/SPA either directly or indirectly. As detailed in section 7.2.1 above, the Council's consideration of likely significant effects concludes that Appropriate Assessment is not required.

8.2.7.

RSPB Scotland also raise findings from the Scottish Parliament's Environment, Climate Change and Land Reform Committee, noting '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' and that there is 'too little focus on the application of the precautionary principle'. These points relate to the aquaculture industry generally, and are not specific to this application to change cage dimensions and netting type.

8.2.8.

Common and grey seals, and otters, are present in and around Pegal Bay and the wider area of Scapa Flow. Seals are listed in Annex II of the Habitats Directive, and

protected under that designation. The nearby island of Cava is a designated seal haul out site, which is protected from intentional or reckless harassment of seals. Ten designated seal haul out sites are located within Scapa Flow. The entanglement data collected at the Pegal Bay site shows no record of seal entanglement from 2015 onwards. The mesh size for both cage nets and top nets would match that currently used. High tensioning through use of Froyer ring and robust Sapphire nets is considered to further reduce risk of entanglement.

8.2.9.

The applicant has indicated that Acoustic Deterrent Devices (ADDs) would only be deployed at the Pegal Bay site in consultation with the Council, SNH and Marine Scotland for a European Protected Species licence to disturb, with acknowledgement that the use of ADDs in Scapa Flow is generally prohibited due to cetacean presence. The applicant notes the potential use of such devices is controlled through a licencing procedure and as a form of deterrence of last resort.

8.2.10.

A Vessel Management Plan has been provided, setting out objectives and measures to minimise disturbance to natural heritage interests and other marine users during both the construction and operational phases of the proposed development.

8.2.11.

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 Policy. 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.

8.2.12.

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.

8.3. Carrying capacity and cumulative benthic and water column impacts

8.3.1.

Fish farms have an impact on the seabed through the settlement of fish feed and faeces; however the details of this 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 has a CAR licence, noting that the increase in case size in this instance would not require a variation to that licence. The CAR license also controls the discharges of licensed medicines for the site.

8.3.2.

Seabed survey reports and two benthic audit reports for the site for surveys, carried out from 1998 to 2016, classified (within CAR) conditions as satisfactory 'with occasional patches of fungus and waste feed noted below the cages only'. SEPA notes that the larger cages would allow a reduction in stocking density which in turn aids in minimising the deposition of solid material onto the seabed.

8.3.3.

Priority Marine Features (PMF) have been identified within 5 kilometres of the site, namely: Horse mussel beds, Maerl beds and Flame shells. SEPA considers that the proposed increased cage size is 'minor enough such that significant effects on the designated features are unlikely and it is unlikely that the integrity of the SPAs will be adversely affected' noting that advice should be sought from SNH.

8.3.4.

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 the Aquaculture supplementary guidance.

8.3.5.

The Council is carrying out modelling of water quality and benthic impacts, including nutrient enrichment, in Scapa Flow, to assess the potential impact of aquaculture and other development. That process currently has no status in planning decisions, but it anticipated to be reported to the Development and Infrastructure Committee in September 2018. It should be noted that the anticipated impacts of development are already routinely assessed by SEPA and MSS, including cumulative impact where necessary.

8.4. Navigation

8.4.1.

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 cages and moorings meet the technical standard and are suitable for the conditions at this specific site. Marine Services has no objections.

8.4.2.

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.

8.5. Interaction with Wild Salmonids

8.5.1.

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.

8.5.2.

Pegal Bay lies in the southwest of Scapa Flow. The fish farm site is located within 1500 metres of the nearest sea trout spawning burn, Lyrawa Burn, feeding into the head of Lyrawa Bay to the north of the site. Pegal Burn which feeds into Pegal Bay is noted by Orkney Trout Fishing Association as having resident Brown Trout with more than two age groups, with comment that 'evidence of migratory trout may yet be found'. The use of robust Sapphire nets is considered to reduce the likelihood of escapes to almost negligible levels thereby avoiding introduction of farmed fish to the natural environment. A continuing risk of transfer of lice to wild salmonids would remain although it is noted that no increase in biomass is proposed. There are 5 known trout spawning burns along the north coast of Hoy and a further 5 on the mainland which run into Scapa Flow. MSS advises that there is no history of sea lice affecting the health of the fish on this site or within the relevant farm management area, 03. In respect of interactions with wild fish, MSS highlights scientific evidence from Norway and Ireland, but cannot provide clear scientific information for Scottish waters as similar research is yet to be completed in Scottish waters. However, 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.

8.5.3.

In relation to the potential impacts of sea lice on wild salmonids a 'Pegal Bay Sea Lice Management Plan 2018' has been submitted, detailing a range of sea lice preventative measures, as listed below:

- Farm Management Statement (FMS).
- Fallowing.
- Lice Counts.
- Treatment Strategy.
- Treatment Monitoring.
- Lice Management Flowchart detailing actions in the event of a potential lice outbreak.

8.5.4.

Current management and operations with respect to sea lice would be maintained. Those measures are included within the Pegal Bay Sea Lice Management Plan (SLMP) as well as a set of Standard Operating Procedures for the site submitted with and forming part of this application. The site is also part of the existing Orkney

Farm Management Agreement, incorporating Area 03, between Cooke Aquaculture and Scottish Sea Farms. This agreement co-ordinates fish movements, year class stocking, disease management and lice control.

8.5.5.

A site-specific SLMP is submitted including the parameters determining when sea lice interventions will be undertaken. 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 has stated that these measures are deemed satisfactory as far as can reasonably be foreseen. Marine Scotland's 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). The applicant acknowledges the importance of adherence to strict sea lice control and within the SLMP the applicant indicates that it is intended to maintain sea lice numbers at or below the CoGP suggested criteria. The applicant has confirmed that chemical sea lice treatments have not been used in Orkney since 2009 and have never been used at this site. Chemotherapeutants have not been previously consented for use at this site however, should planning be granted, an application is intimated to SEPA to amend the existing CAR licences to reflect the changes and, based on current best practices, chemotherapeutants will be added to the consents in the event that they are required for use to provide a greater range of treatment methods to allow the scope to treat lice infestation with the most appropriate method at any given level of infestation, type of lice and environmental concerns. Data provided by the applicant shows that sea lice data for the site within farm management area 03 has been consistently low.

8.5.6.

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 advice received and mitigation proposed provide sufficient assurance that action would be taken should trigger levels be reached.

8.5.7.

SEPA and SNH have raised no objections to the development and Marine Scotland 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 the supplementary guidance Aquaculture.

8.6. Landscape and Visual Impact

8.6.1.

The main impact is the magnitude of visual change between what is currently on site and what is proposed. In appearance, other than the proposed increase in cage

circumference and width of walkways, the cages would match those on the site. The site does not have a barge facility and that is not proposed to change. Given that a barge is often the most obvious vertical structure on a finfish site, the absence of such significantly reduces visual impacts.

8.6.2

Terrestrial views from Hoy are locally significant, as would be expected from a cage site within the setting of a small bay, overlooked, in part, by the public road. Views of the site for marine users is typically curtailed by the location, as the site is set between Hoy and Rysa Little largely remove any longer views of the cage site from the wider extent of Scapa Flow. However, there are views of the site in proximity, such as the recreational marine users and commercial marine users in the narrow confines of Rysa Sound, between Rysa Little and Hoy. These views would typically be in-transit passing the site. Landscape and visual impacts require consideration in the context that there is an existing cage site at the location and that the relative increase in cage size will result in a negligible visual change and as such the magnitude of change is not considered to be significant.

8.6.3.

The application site is not itself subject to any landscape designation, and within the terms of the SNH document 'The Orkney Landscape Capacity for Aquaculture' it is stated that the area has capacity for small to medium scale aquaculture development. The back drop of the islands and the nature of the harbour area of Scapa Flow mean that the seascape in this area is regularly changing, therefore the proposed form of development is considered acceptable.

8.6.4.

Overall, the magnitude of visual change that would occur to the existing fish farm due to an increase in cage size is not considered to be significant, either in its own right or cumulatively with other existing development, particularly in context of the landscape/seascape of Scapa Flow and the activities that take place within the area.

8.7. Socio Economic Impact

8.7.1.

There is no change proposed to the biomass, cage grids, cage numbers or the consented mooring containment area as part of the proposed development. It is considered that existing commercial fishing near the site would not be affected as a result of the development. No significant impacts on commercial fishing or diving grounds are anticipated, in terms of displacement, employment or loss of fishing or diving grounds.

8.7.2.

The applicant has confirmed that the development would maintain the three existing full-time positions required for the operation of this site.

8.7.3.

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.

8.7.4.

In considering the competing socio-economic impacts, the benefits created by the development would outweigh any impact caused by change to the area, which is considered insignificant.

8.8. Noise and light pollution

8.8.1.

As the proposal is a redevelopment and extension to an existing fish farm, there is noise already associated with the existing operations and practices. The development would have minimal impact on noise producing operations and practices, therefore the main concerns result from removal of the existing cages and installation of the proposed new cages only. It is considered that the noise associated with the activities of the fish farm would have no significant effect on the interests of the Hoy SPA and Scapa Flow pSPA.

8.8.2.

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 October to April and be consistent with current practice at the site. 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. When seen in context with the general activities in Scapa Flow and the existing activities on the site, it is considered that the noise and lighting associated with this development will be acceptable and in accordance with criterion DC9 of supplementary guidance Aquaculture.

8.9. Historic Environment

It has been assessed by Historic Environment Scotland that the proposed development would have no significant adverse impacts on the historic environment. Therefore, the proposal is considered acceptable in terms of Orkney Local Development Plan 2017 policy 8, and criterion DC6 of supplementary guidance Aquaculture.

9. Conclusion and Recommendation

9.1.

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 10 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.

9.2.

The objection submitted has 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.

9.3.

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 increase of cage size is acceptable subject to mitigation and would comply with relevant policies 1, 8, 9 and 12 of the Orkney Local Development Plan 2017, Supplementary Guidance Aquaculture, and the aims of the National Marine Plan. It is considered that the objection does not carry sufficient weight to justify refusal of the application and accordingly the application is **recommended for approval**, subject to the conditions listed in Appendix 3.

10. Contact Officer

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11. Appendices

Appendix 1: Habitats Regulations Appraisal.

Appendix 2: Location Plan.

Appendix 3: Planning Conditions.