

## **Minute**

### **Planning Committee**

Wednesday, 13 December 2017, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### **Present**

Councillors Owen Tierney, Stephen Sankey, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Barbara Foulkes, John A R Scott, Graham L Sinclair, Magnus O Thomson, Duncan A Tullock and Kevin F Woodbridge.

### **Clerk**

- Angela Kingston, Committees Officer.

### **In Attendance**

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Peter Trodden, Solicitor.
- Margaret Gillon, Senior Planner (for Item 1).
- James Green, Senior Policy Planner (Development and Marine Planning) (for Item 1).

### **Observing**

- Gavin Barr, Executive Director of Development and Infrastructure (for Item 1).
- Stuart West, Planning Manager (Development and Marine Planning).
- David Barclay, Senior Planner.
- Donald Wilson, Roads Authority Officer.

### **Declarations of Interest**

- Councillor David Dawson – Item 1.
- Councillor Graham L Sinclair – Item 1.
- Councillor Kevin F Woodbridge – Item 1.

### **Chair**

- Councillor Owen Tierney.

## **1. Planning Application 17/198/MAR**

### **Proposed Creation of Salmon Farming Site, including Feed Barge, on site North of Hunda, Scapa Flow**

Councillors David Dawson, Graham L Sinclair and Kevin F Woodbridge declared non-financial interests in this item, being members of the Harbour Authority Sub-committee, but concluded that their interest did not preclude their involvement in the discussion.

Sheena Warnock and Richard Darbyshire, representing the applicant, Scottish Sea Farms, and David Sawkins, representing the objector, Marine Services, Orkney Islands Council, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development and Marine Planning), the Committee:

Noted:

**1.1.** That letters of objection relating to the application for planning permission in respect of the proposal to create a salmon farming site, including a feed barge, on a site north of Hunda, Scapa Flow, had been received from the following:

- Michael McGee, 7 Cleat, South Parish, St Margaret's Hope.
- Wendy Witten, Crow's Nest, St Margaret's Hope.
- Ian Nelson, 9 Vincent Road, Cobham, Surrey.
- Jenny Rambridge, Longhouse, Dam of Hoxa, St Margaret's Hope.
- Tom Dowie, The Howe, Hoxa, St Margaret's Hope.
- Orkney Trout Fishing Association, Caolila, Heddle Road, Finstown.
- Marine Services, Orkney Islands Council, Harbour Authority Building, Scapa.
- Royal Society for the Protection of Birds Scotland, 12-14 North End Road, Stromness.

After hearing representations from David Sawkins, representing the objector, Marine Services, Orkney Islands Council, and from Richard Darbyshire, representing the applicant, Scottish Sea Farms, Councillor Robin W Crichton, seconded by Councillor David Dawson, moved that the application for planning permission in respect of the proposal for the creation of a salmon farming site, including a feed barge, on a site north of Hunda, Scapa Flow, be refused as, in their opinion:

(1) The proposed development would have an adverse impact on other marine users including constraining the use of an established anchorage in Scapa Flow, namely Anchorage 4, by making it unusable by larger vessels.

(2) The proposed development would have an adverse landscape, seascape and visual impact in an area of high landscape sensitivity which had no capacity to accommodate further aquaculture development, and therefore was not in accordance with the advice and conclusions on the Burray and South Ronaldsay Coastal Character Area contained in the Orkney Landscape Capacity Study for Aquaculture: Scapa Flow and Wide Firth, commissioned on behalf of Scottish Natural Heritage.

(3) The proposed development was likely to have a significant effect on the qualifying interests relating to breeding and non-breeding birds of the Scapa Flow proposed Special Protection Area and the environmental assessments, namely the Environmental Impact Assessment and the Habitats Regulations Appraisal, did not provide sufficient information to enable a conclusion to be reached as to whether the proposed development in isolation, or in combination with other developments in Scapa Flow, would have an adverse effect on the integrity of the Scapa Flow proposed Special Protection Area, or whether the mitigation methods proposed were adequate.

(4) The proposed development could have an adverse impact on water quality in Scapa Flow and there was a lack of sufficient information provided in the Environmental Impact Assessment to demonstrate that the proposal, in isolation or cumulatively with other developments in Scapa Flow, met environmental limits in regard to benthic and water column impacts and environmental carrying capacity.

And, accordingly, the proposed development was contrary to the following:

- The Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development, parts (iii), (iv) and (ix).
  - Policy 9 – Natural Heritage and Landscape, section A1 parts (i) and (ii) (Natural Heritage Designations) and section D parts (i)(a) and (b) (The Water Environment).
  - Policy 12 – Coastal Development, section D parts (i)(a) and (b) (Aquaculture).
- Supplementary Guidance Aquaculture 2017:
  - Development Criterion 1 – Landscape, Coast, Siting and Design.
  - Development Criterion 2 – Natural Heritage Designations, Protected Species and the wider Biodiversity and Geodiversity.
  - Development Criterion 5 – Water Quality and Benthic Impacts.
  - Development Criterion 7 – Social and Economic Impacts.
  - Development Criterion 8 – Other Marine Users.
- Supplementary Guidance Natural Environment 2017:
  - Policy 9A – Natural Heritage Designations: Internationally Designated Sites.
  - Policy 9D – The Water Environment.
- National Marine Plan:
  - Policy Aquaculture 1.

Councillor Graham L Sinclair, seconded by Councillor John A R Scott, moved an amendment that planning permission be granted in respect of the proposal to create a salmon farming site, including a feed barge, on a site north of Hunda, Scapa Flow, subject to conditions as proposed by officers.

On a vote being taken 4 members voted for the amendment and 8 for the motion, and the Committee:

Resolved, in terms of delegated powers:

**1.2.** That the application for planning permission in respect of the proposal to create a salmon farming site, including a feed barge, on a site north of Hunda, Scapa Flow, be refused.

**1.3.** That the Committee's reasons for refusing planning permission against the recommendation of the Executive Director of Development and Infrastructure were that, in the Committee's opinion:

- The proposed development would have an adverse impact on other marine users including constraining the use of an established anchorage in Scapa Flow, namely Anchorage 4, by making it unusable by larger vessels.
- The proposed development would have an adverse landscape, seascape and visual impact in an area of high landscape sensitivity which had no capacity to accommodate further aquaculture development, and was therefore not in accordance with the advice and conclusions on the Burray and South Ronaldsay Coastal Character Area contained in the Orkney Landscape Capacity Study for Aquaculture: Scapa Flow and Wide Firth, commissioned on behalf of Scottish Natural Heritage.
- The proposed development was likely to have a significant effect on the qualifying interests relating to breeding and non-breeding birds of the Scapa Flow proposed Special Protection Area and the environmental assessments, namely the Environmental Impact Assessment and the Habitats Regulations Appraisal, did not provide sufficient information to enable a conclusion to be reached as to whether the proposed development in isolation, or in combination with other developments in Scapa Flow, would have an adverse effect on the integrity of the Scapa Flow proposed Special Protection Area, or whether the mitigation methods proposed were adequate.
- The proposed development could have an adverse impact on water quality in Scapa Flow and there was a lack of sufficient information provided in the Environmental Impact Assessment to demonstrate that the proposal, in isolation or cumulatively with other developments in Scapa Flow, met environmental limits in regard to benthic and water column impacts and environmental carrying capacity.

And, accordingly, the proposed development was contrary to the following:

- The Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development, parts (iii), (iv) and (ix).
  - Policy 9 – Natural Heritage and Landscape, section A1 parts (i) and (ii) (Natural Heritage Designations) and section D parts (i)(a) and (b) (The Water Environment).
  - Policy 12 – Coastal Development, section D parts (i)(a) and (b) (Aquaculture).
- Supplementary Guidance Aquaculture 2017:
  - Development Criterion 1 – Landscape, Coast, Siting and Design.
  - Development Criterion 2 – Natural Heritage Designations, Protected Species and the wider Biodiversity and Geodiversity.
  - Development Criterion 5 – Water Quality and Benthic Impacts.
  - Development Criterion 7 – Social and Economic Impact.

- Development Criterion 8 – Other Marine Users.
- Supplementary Guidance Natural Environment 2017:
  - Policy 9A – Natural Heritage Designations: Internationally Designated Sites.
  - Policy 9D – The Water Environment.
- National Marine Plan:
  - Policy Aquaculture 1.

## **2. Planning Application 17/311/PP**

### **Proposed Erection of House with Integral Garage and Air Source Heat Pump, Erection of General Purpose Shed and Creation of Access at Briarlea, Bigswell Road, Stenness**

Martin Marcus and Steven Wick, representing the applicants, Martin Marcus and Kayleigh Wick, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development and Marine Planning), the Committee:

Noted:

**2.1.** That, on 26 April 2017, the Local Review Committee granted planning permission in principle in respect of the siting of a replacement house and creation of an access on land near Briarlea, Bigswell Road, Stenness.

**2.2.** That, when making the decision referred to at paragraph 2.1 above, the Local Review Committee resolved that, in order to ensure appropriate siting and design of the proposed house, the planning application should be determined by the Planning Committee, irrespective of whether or not it attracted any objection(s).

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Committee resolved, in terms of delegated powers:

**2.3.** That planning permission be granted in respect of the proposal to erect a house with integral garage and air source heat pump, erect a general purpose shed and create an access at Briarlea, Bigswell Road, Stenness, subject to the conditions attached as Appendix 1 to this Minute.

## **3. Planning Application 17/428/PP**

### **Proposed Erection of House with Integral Garage and Air Source Heat Pump and Creation of Access at Fea House, Tankerness Hall Road, Tankerness**

The Committee noted that this item had been withdrawn.

#### **4. Conclusion of Meeting**

At 12:30 the Chair declared the meeting concluded.

Signed: Owen Tierney.