

Appendix 3.

Grant subject to the following conditions:

01. 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 flash yellow one every five seconds (Fl Y 5s) with a nominal range of 2 nautical miles and be installed on the top of the pole above the 'X' topmark.
- The poles should be positioned at the most Easterly and Southerly corners of the cage group.
- Each light should be 1 metre above site equipment handrails and installed as to be clearly seen by vessels approaching from all navigable directions.
- Poles should be ≥ 75 mm diameter, 'X' topmark ≥ 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 their 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.

Reason: In the interests of navigational safety.

02. 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 09), unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the visual impact of the development.

03. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out, or make suitable arrangements for the carrying out of, all measures necessary for lighting, buoying, raising, repairing, moving or destroying, the whole or any part of the equipment, as agreed in writing with the Planning Authority.

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

04. In the event that the fish cages or associated equipment approved by this permission cease to be in operational use for the growing of finfish for a period exceeding three years, 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.

05. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within development description South Cava MCA Co-ordinates – table 4, and South Cava cage group co-ordinates – table 5, 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.

06. The development shall be constructed, implemented and managed in accordance with the 'Predator Defence and Mitigation Policy – South Cava' and 'Escapes Response Plan – Escape Prevention and Emergency Response Plan – Cava' (dated 09/16), and 'Sea Lice Management Strategy – South Cava, Scapa Flow', and thereafter operated and maintained in accordance with these Policies and Plans throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

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

07. Access to the site shall be undertaken in accordance with the 'Vessel Management Plan – South Cava, Scapa Flow', which includes:

- For the period 1 July to 31 August inclusive, vessel movements to the site shall avoid the transit route to the west of the island of Cava.
- No transportation of equipment, including the removal of existing equipment or installation of new infrastructure, shall take place on site during the period 1 July to 31 August inclusive.
- 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.

08. Details of the location of the on-land construction site for the cages and equipment shall be submitted to, and approved in writing by, the Planning Authority prior to work commencing on site. Thereafter, on-land construction shall be carried out in accordance with those agreed details.

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

09. 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.

10. Wildlife and entanglement records shall be collected on site in accordance with the recording and reporting procedure and protocol already undertaken at the South Cava Site, and agreed in August 2015. Any changes to the procedure and the adaptive management measures and mitigation shall be agreed, in writing, with the Planning Authority, in conjunction with Scottish Natural Heritage, prior to the site being brought into use.

Reason: To understand the level of entanglement, and adapt the fish farm if required, to minimise risk to key receptors in the vicinity of this proposed development.

11. 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.

12. All lighting above the water surface and not required for safe navigation 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 October and 31 March, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

13. 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.

Informatives

01. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal

health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Telephone 01224 295525. Email 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 or calling 01224 295 579.

03. If the site does not hold an up to date Marine Licence from the Scottish Government, Northern Lighthouse Board would encourage Cooke Aquaculture Scotland Ltd to rectify this situation. This consent is concerned solely with the safety of navigation and would include the information given above. For further information and application forms please go to the web site link given below.
<http://www.scotland.gov.uk/Topics/marine/Licensing/marine>

04. Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.

05. The UK Hydrographic Office should be notified by Cooke Aquaculture Scotland, and all information regarding the site positions forwarded.

06. The developer should ensure that divers area aware of the potential for archaeology on or around the sea bed of the site and make them aware of good practice regarding reporting etc.