

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 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 most Northeasterly and Southeasterly corners of the 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 ≥ 75 mm diameter, the 'X' topmark should be ≥ 75 cm length by 15cm width.
- 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.

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 finished in a dark, matt, neutral colour unless alternative finishes or colours are agreed in advance in writing with 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. 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.

06. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within development description and shall accord with the approved site plan within the following mooring containment area:

- MCA NW N 58° 51.766 W 3° 12.631.
- MCA NE N 58° 51.765 W 3° 12.422.
- MCA SW N 58° 51.604 W 3° 12.630.
- MCA SE N 58° 51.604 W 3° 12.421.

On first installation, the position of the corners of the cage group, corner anchors of the development 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

07. The development shall be constructed, implemented and managed in accordance with the following Policies and Plans:

- 'Predator Defence and Mitigation Policy – Applicable to Pegal Bay, Scapa Flow, Orkney'.
- 'Escape Prevention and Emergency Response Plan, Site: Pegal (dated January 2018)'.
- 'Pegal Bay Sea Lice Management Plan 2018'.

The development shall thereafter be 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. 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.

08. Access to the site shall be undertaken in accordance with the 'Vessel Management Plan – Pegal Bay, Scapa Flow, Orkney', which states that 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.

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

09. 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

10. No anti-predator or static gill nets shall be deployed at this site, unless otherwise agreed, in writing, with the Planning Authority in conjunction with Scottish Natural Heritage.

Reason: To ensure that qualifying interests do not become entangled in such nets in the interests of protecting the qualifying interests of the Hoy SPA and Scapa Flow pSPA in order to comply with Habitats Regulations requirements.

11. If lighting is required for security purposes on site, infra-red lights and cameras shall be used. The maturing lights on site shall only be used between the period 1 October and 31 March, unless otherwise agreed, 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.

12. 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 species.

13. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the Pegal Bay site shall not exceed 400 tonnes with a maximum production biomass per cycle not exceeding 500 tonnes, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that the development is operated in accordance with the parameters as applied for and in the interests of the marine environment.