

Minute

Planning Committee

Wednesday, 30 October 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Robin W Crichton, John A R Scott, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Graham L Sinclair, Magnus O Thomson, Owen Tierney, 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.
- Donald Wilson, Roads Authority Officer.

Observing

- David Hartley, Communications Team Leader.
- David Barclay, Senior Planner (Development Management).

Apology

- Councillor Alexander G Cowie.

Chair

- Councillor Robin W Crichton.

1. Planning Application 19/100/MAR

Proposed Creation of Salmon Farming Site with Feed Barge at Bay of Holland, Stronsay

Ben Johnson and Chris Webb, representing the applicant, Cooke Aquaculture Scotland Limited, and Susanne Davidson, representing the objectors, Susanne and James Davidson, 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 Management), the Committee:

Noted:

1.1. That letters of objection relating to the application for planning permission in respect of the proposal for the creation of a salmon farming site with feed barge at Bay of Holland, Stronsay, had been received from the following:

- Orkney Fisheries Association, 4 Ferry Terminal Buildings, Kirkwall Pier, Kirkwall.
- Royal Society for the Protection of Birds (Scotland), Orkney Office, 12-14 North End Road, Stromness.
- Jean Stevenson and Elizabeth Stevenson, Mount Pleasant, Stronsay.
- Ms J G Gyskers and W Armstrong, Furrowend, Stronsay.
- Susanne Davidson and James Davidson, Greenfields, Stronsay.

After hearing representations from Susanne Davidson, representing the objectors, Susanne and James Davidson, and after hearing a statement from the Royal Society for the Protection of Birds (Scotland), which was read out by the Clerk, and after hearing representations from Ben Johnson and Chris Webb, representing the applicant, Cooke Aquaculture Scotland Limited, on the motion of Councillor Robin W Crichton, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

1.2. That planning permission be granted in respect of the proposal for the creation of a salmon farming site with feed barge at Bay of Holland, Stronsay, subject to the conditions attached as Appendix 1 to this Minute.

Councillor Stephen Sankey joined the meeting at this point.

2. Planning Application 19/124/MAR

Proposed Creation of Salmon Farming Site with Feed Barge at Mill Bay, Stronsay

Ben Johnson and Chris Webb, representing the applicant, Cooke Aquaculture Scotland Limited, and Susanne Davidson, representing the objectors, Susanne and James Davidson, 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 Management), the Committee:

Noted:

2.1. That letters of objection relating to the application for planning permission in respect of the proposal for the creation of a salmon farming site with feed barge at Mill Bay, Stronsay, had been received from the following:

- Orkney Fisheries Association, 4 Ferry Terminal Buildings, Kirkwall Pier, Kirkwall.
- Royal Society for the Protection of Birds (Scotland), Orkney Office, 12-14 North End Road, Stromness.
- Susanne and James Davidson, Greenfields, Stronsay.

After hearing representations from Susanne Davidson, representing the objectors, Susanne and James Davidson, and after hearing a statement from the Royal Society for the Protection of Birds (Scotland), which was read out by the Clerk, and after hearing representations from Chris Webb, representing the applicant, Cooke Aquaculture Scotland Limited, on the motion of Councillor Barbara Foulkes, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

2.2. That planning permission be granted in respect of the proposal for the creation of a salmon farming site with feed barge at Mill Bay, Stronsay, subject to the conditions attached as Appendix 2 to this Minute.

3. Planning Application 19/191/PP

Change of Use of Shed from Storage to Men's Shed and Extend (Part Retrospective) at Maitland Place, Finstown

Morgan Marcus, applicant, and Marie Nicolson, objector, 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 Management), the Committee:

Noted:

3.1. That letters of objection relating to the application for planning permission (part retrospective) in respect of the change of use of a shed from storage to a Men's Shed at Maitland Place, Finstown, had been received from the following:

- Marie Nicolson, Cruanbreck, Finstown.
- Steven and Mandy Ward, Laharna, Finstown.
- S De Rees, 2A Maitland Place, Finstown.

After hearing representations from Marie Nicolson, objector, and from Morgan Marcus, applicant, Councillor David Dawson, seconded by Councillor Kevin F Woodbridge, moved that the application for planning permission, part retrospective, in respect of the change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

Councillor Owen Tierney, seconded by Councillor Barbara Foulkes, moved an amendment that the application for planning permission, part retrospective, be granted in respect of the change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, as, in their opinion, although the potential road safety hazard that would result from intensification of use of the access to the development site was a legitimate consideration, there were no recorded accidents on the public road either side of the access resulting from vehicles entering/exiting the development site and any resulting intensification of the access arising from the change of use was not of such significance that it would create an unacceptable road safety hazard to merit refusal of the application, and was outweighed by other material considerations in favour of the development.

On a vote being taken 4 members voted for the amendment and 7 for the motion, and the Committee:

Resolved, in terms of delegated powers:

3.2. That consideration of the application, part retrospective, in respect of the change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

4. Planning Application 19/318/PP

Proposed Erection of House with Air Source Heat Pump and Outbuilding at Breckan, Rousay

Colin and Liz Lamond, applicants, and Shelagh Grieve, objector, 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 Management), the Committee:

Noted:

4.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of a house, with an air source heat pump, and an outbuilding at Breckan, Rousay, had been received from Shelagh Grieve, Furse, Wasbister, Rousay.

After hearing representations from Shelagh Grieve, objector, and from Colin Lamond, applicant, on the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the erection of a house, with an air source heat pump, and an outbuilding at Breckan, Rousay, subject to the conditions attached as Appendix 3 to this Minute.

5. Conclusion of Meeting

At 13:10 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Creation of Salmon Farming Site with Feed Barge at Bay of Holland, Stronsay (19/100/MAR)

Grant subject to the following 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 science, 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 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 and requirements shall be met/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 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.
- 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 to be avoided.
- The UK Hydrographic Office should be notified by Cooke Aquaculture Scotland and all information regarding the site positions forwarded in order that Chart 2250 can be correctly updated.

Reason: In the interests of navigation and marine safety.

04. All lighting above the water surface and not required for safe navigation or security purposes, shall 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 May inclusive 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 8), 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 Site Plan - OIC-03 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 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 Bay of Holland site shall not exceed 2038.3 tonnes with a maximum production biomass per cycle not exceeding 2547.8 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 (dated 5 March 2019) included as Appendix 8.9 and farm Containment 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 – Bay of Holland, 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 seal breeding/moulting periods 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 Farm Containment and Escape Response Plan included as Appendix 8.8, Bay of Holland 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 – Bay of Holland, 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 the approved details thereafter.

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 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.

Appendix 2.

Proposed Creation of Salmon Farming Site with Feed Barge at Mill Bay, Stronsay (19/124/MAR)

Grant subject to the following 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 ≥ 75 mm diameter, the 'X' topmark should be ≥ 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.

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 0300 244 5046.

Appendix 3.

Proposed Erection of House with Air Source Heat Pump and Outbuilding at Breckan, Rousay (19/318/PP)

Grant subject to the following conditions:

01. Total noise from the air source heat pump installed shall not exceed NR25 within any residential property outwith the development, where NR25 is the Noise Rating Curve at 25 (noise measurements to be made with a window of any residential property outwith the development open no more than 50 mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pumps.

02. The junction of the existing access road with the public road shall be upgraded to the Council's Roads Services standard 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to first occupation of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

03. Hours of work during any demolition or construction works related to the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.