

Minute

Planning Committee

Wednesday, 3 March 2021, 10:30.

Microsoft Teams.



Present

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

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Georgette Herd, Solicitor.

Observing

- Susan Shearer, Planning Manager (Development and Marine Planning).
- David Barclay, Senior Planner (Development Management).
- Donald Wilson, Roads Authority Officer.
- Dean Campbell, Graduate Planner (Development Management) (for Items 1 to 5).
- Rebecca McAuliffe, Press Officer.

Declarations of Interest

- Councillor Barbara Foulkes – Item 5.
- Councillor John A R Scott – Item 5.

Chair

- Councillor Robin W Crichton.

1. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

2. Form of Voting

The Committee resolved that, should a vote be required in respect of the planning applications to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the role or recorded vote.

3. Planning Application 17/433/PP

Construction of Tarred Car Parking, Enlargement of Detention Basin and Culvert Works (Retrospective) at Evie Primary School, Evie

The Committee noted that this item had been withdrawn.

4. Planning Application 20/231/MAR

Proposed Creation of Salmon Farm with Feed Barge at Chalmers Hope, Scapa Flow

Naomi Dempsey and Ben Johnson, representing the applicant, Cooke Aquaculture Scotland, Malcolm Thomson, representing the objector, Orkney Trout Fishing Association, and Hannah Fennell, representing the objector, Orkney Fisheries Association, 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 letters of objection relating to the application for planning permission in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, had been received from the following:

- Orkney Trout Fishing Association.
- Orkney Fisheries Association.
- Dennis Archer, Sealladh Breagha, Gallanach Road, Oban.

After hearing representations from Hannah Fennell, representing the objector, Orkney Fisheries Association, and Malcolm Thomson, representing the objector, Orkney Trout Fishing Association, and from Ben Johnson, representing the applicant, Cooke Aquaculture Scotland, Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, moved that planning permission be granted in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, subject to conditions.

Councillor David Dawson moved an amendment that the application for planning permission in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, be refused, as, in his opinion, the proposed development could have a significant effect on wild salmonid fish populations, in particular sea trout, which was a UK Biodiversity Action Plan priority species, and there was insufficient data available to suggest there would be no significant adverse cumulative impact in respect of biodiversity in Scapa Flow and insufficient information had been provided to assess what impact the proposed development would have on sea trout populations/sea trout spawning burns, and therefore the proposed development did not accord with Policy 9C, part (ii) –

Natural Heritage and Landscape, Wider Biodiversity and Geodiversity of the Orkney Local Development Plan 2017, or Supplementary Guidance: Aquaculture (2017) Development Criteria 4 – Wild Salmonid Fish Populations.

On receiving no seconder, his amendment fell.

The Committee resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, subject to conditions.

Councillor Stephen Sankey, seconded by Councillor Robin W Crichton, moved that condition 16 be amended to read as follows:

“No Acoustic Deterrent Devices (ADDs) shall be deployed at this site, unless full details of the ADDs are submitted to, and agreed in writing and in advance, with the Planning Authority. These details shall include information regarding the specifics of the ADD system and any mitigation measures to be implemented on site. The Planning Authority, in consultation with NatureScot, 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. For the avoidance of doubt this planning condition is without prejudice to whether additional licence requirements require to be addressed for the deployment of ADDs, such as European Protected Species licensing, which is considered under separate legislation.”

Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, moved an amendment that condition 16 remain as proposed by officers.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Barbara Foulkes and Duncan A Tullock (2).

For the Motion:

Councillors Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Stephen Sankey, John A R Scott, Magnus O Thomson, Owen Tierney and Heather N Woodbridge (9).

The motion was therefore carried.

The Committee thereafter resolved, in terms of delegated powers:

4.3. That the conditions, attached as Appendix 1 to this Minute, should form part of the decision to grant planning permission for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, referred to at paragraph 4.2 above.

5. Planning Application 20/421/LB

Proposed Alterations to Paving and Steps at West Entrance and Installation of Handrails at St Magnus Cathedral, Broad Street, Kirkwall

Councillor Barbara Foulkes declared a non-financial interest in this item, being a member of St Magnus Cathedral Sub-committee, but concluded that her interest did not preclude her involvement in the discussion.

Councillor John A R Scott declared a non-financial interest in this item, being a Council-appointed representative on the Society of Friends of St Magnus Cathedral, Depute Front-of-House for St Magnus Festival and that his views on the issue had been reported locally and nationally, and was not present during discussion thereof.

Ian Rushbrook, representing the applicant, Orkney Islands Council, and Andrew Boyce, Ferrey and Mennim Limited, agent for the applicant, 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), and after hearing representations from Ian Rushbrook, representing the applicant, Orkney Islands Council, and from Andrew Boyce, Ferrey and Mennim Limited, agent for the applicant, on the motion of Councillor Owen Tierney, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers, that the application for listed building consent in respect of the proposal for alterations to paving and steps at the west entrance and the installation of handrails at St Magnus Cathedral, Broad Street, Kirkwall, be refused for the following reasons:

- The development would not protect or enhance Orkney's cultural heritage, would not reinforce the distinctive identity of Orkney's built environment and would have a negative impact on the appearance of the area.
- Historic Environment Scotland had stated that the development would have an adverse impact on the significance of the building, which would not be mitigated by other considerations. The loss of significance could not be outweighed by social, economic or safety benefits and would harm the special architectural and historic interest of the category A listed building by impacting its appearance, setting and features.

And, accordingly, the proposed development was contrary to the following policies of the Orkney Local Development Plan 2017:

- Policy 1 (i and x) – Criteria for All Development.
- Policy 2 (ii) – Design.
- Policy 8 – Historic Environment and Cultural Heritage.

6. Planning Application 20/423/PP

Proposed Installation of Water and Drainage Pipes (Part Retrospective) on land near West Links, Burray

Leo Kerr, applicant, and John Orr, 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:

6.1. That letters of objection relating to the application for part retrospective planning permission in respect of the proposal for the installation of water and drainage pipes on land near West Links, Burray, had been received from the following:

- Mark Lawrence, Links View, Burray.
- John Orr, Skalivoe, Burray.
- Alistair Holmes, Lynburn, Burray
- Alison Wallhead, Lynburn, Burray.

After hearing representations from John Orr, objector, and from Leo Kerr, applicant, on the motion of Councillor Barbara Foulkes, seconded by Councillor Stephen Sankey, the Committee:

Resolved, in terms of delegated powers:

6.2. That part retrospective planning permission be granted in respect of the proposal for the installation of water and drainage pipes on land near West Links, Burray, subject to the conditions attached as Appendix 2 to this Minute.

7. Planning Application 20/427/HH

Proposed Erection of Domestic Shed at Warrenfield, Bignold Park Road, Kirkwall

Andrew Hamilton, applicant, was 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:

7.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, had been received from Walter Cormack, Hestigeo, Kirkwall.

After hearing representations from Andrew Hamilton, applicant, Councillor Magnus Thomson, seconded by Councillor Barbara Foulkes, moved that planning permission be granted in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, subject to conditions.

Councillor Owen Tierney moved an amendment that the application for planning permission in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, be refused, as, in his opinion, the large scale and steel clad design of the proposed development was not appropriate in a residential area and did not reflect the existing character of the surrounding area, resulting in an adverse impact on the appearance of the area, and therefore did not accord with Policy 1 – Criteria for All Development and Policy 2 – Design of the Orkney Local Development Plan 2017.

On receiving no seconder, his amendment fell.

The Committee resolved, in terms of delegated powers:

7.2. That planning permission be granted in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, subject to the following condition:

- Hours of construction work on site 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 only take place between the hours of 07:30 and 19:00 Mondays to Fridays, 09:00 to 17:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

8. Planning Application 20/458/PP

Removal of Trees, Installation of Sewer Pipe and Associated Landscaping (Retrospective) at Stromness Millennium Woodland, Cairston Road, Stromness

Stephen Kemp, representing the applicant, Orkney Builders Limited, was 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), and after hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Limited, the Committee:

Resolved, in terms of delegated powers, that retrospective planning permission be granted for the removal of trees, installation of a sewer pipe and associated landscaping at Stromness Millennium Woodland, Cairston Road, Stromness, subject to the conditions attached as Appendix 3 to this Minute.

9. Conclusion of Meeting

At 14:00 the Chair declared the meeting concluded.

Signed: Rob W Crichton.

Appendix 1.

Proposed Creation of Salmon Farm with Feed Barge at Chalmers Hope, Scapa Flow (20/231/MAR)

Grant subject to the following conditions:

01. No other development shall commence until a scheme for the decommissioning and removal of all equipment associated with the existing Chalmers Hope site, with which the development hereby approved overlaps, has been submitted to, and agreed in writing by, the Planning Authority. The approved scheme shall be implemented within an agreed timescale prior to the initiation of development of the new Chalmers Hope site hereby approved.

Reason: To ensure that decommissioning of the existing 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.

02. No other development shall commence until a site specific Environmental Management Plan (EMP) for monitoring and managing the interactions between the operation of the farm and the wild fish environment within Scapa Flow is submitted to, and agreed in writing by, the Planning Authority in consultation with Marine Scotland Science and SNH/NatureScot. 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 fish 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.

Thereafter, 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.

03. No development shall commence until a strategy with regard to wildlife entanglement/entrapment management has been submitted to, and agreed in writing by, the Planning Authority, in consultation with SNH/NatureScot. This strategy shall include, but not be limited to:

- Details of who will be responsible for daily monitoring of wildlife entanglement/entrapment.
- Details of the record management system to be employed.
- Submission of routine six monthly updates of findings to the Planning Authority, copied to SNH/NatureScot.

- Notification to both the Planning Authority and SNH/NatureScot no later than 24 hours following any significant entrapment or entanglement of gannets or other bird species (ie an incident involving three or more gannets in any single 24-hour period, ten or more birds of any species in any seven day period, or repeated incidents involving one or more gannets on four consecutive days).
- Details of future adaptive management to account for modifications to equipment to reduce or eliminate wildlife entanglement/entrapment, such as alteration of the net type or mesh size and the triggers, thresholds and timescales for actions arising to be achieved together with the data management and recording associated with such actions.

Reason: In the interests of protecting gannets and other aerial diving birds from entanglement in the nets and to limit impacts to the natural environment.

04. No development shall commence until details of cage top nets to be installed at this site, including mesh size and colour, are submitted to, and approved in writing by, the Planning Authority in consultation with SNH/NatureScot. 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.

05. 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 12 seconds (Fl (4) Y 12s) with a nominal range of two nautical miles and be installed above the 'X' topmark.
- The poles should be positioned at the Northern and Eastern seaward corners of the cage group.
- The lights should be one metre above site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- The 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.

In addition:

- 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.

06. 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.

07. If lighting is required for security purposes on site, only 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.

08. 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 controlled by condition 10), unless otherwise agreed, in writing, by the Planning Authority.

Reason: To minimise the visual impact of the development.

09. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within the Location Plan (OIC-02) attached to and forming part of this application which confirms the mooring containment area, cage grid, site centre and barge. 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.

10. Prior to the feed barge being brought onto site, the colours the feed barge will be painted shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter the barge shall be installed and retained throughout the lifetime of the development in accordance with agreed details, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

11. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the Chalmers Hope site shall not exceed 2,500 tonnes, with a maximum production biomass per cycle not exceeding 3,125 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.

12. The development shall be constructed, implemented and managed in accordance with the Predator Defence and Mitigation Policy, Planning Revision 2, ND Oct 2020, Appendix 3, notwithstanding the requirements of Condition 02, including monitoring of wildlife entanglements and Seawater Farm Containments and Escape Response Procedure (dated 25/10/2019) included as Appendix 17, 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 all modifications, amendments or revocations of these Policies and Plans shall be submitted to, and agreed in writing by, the Planning Authority in advance of any such changes occurring on site.

Reason: To safeguard the natural heritage and biodiversity interests in the area.

13. Access to the site shall be undertaken in accordance with the Vessel Management Plan – Chalmers Hope, Scapa Flow, Orkney, included as Appendix 12 to the Environmental Impact Assessment Report. No development shall commence until full details for the construction phase are submitted to, and agreed in writing by, the Planning Authority, in consultation with SNH/NatureScot, including towing of cages to the site outside the breeding/moulting periods of seals, to minimise the risk of disturbance to natural heritage interests in the area. Thereafter, the construction phase shall be carried out in accordance with agreed details.

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

14. The fish farm shall operate in accordance with the Seawater Farm Containment and Escape Response Procedure, included as Appendix 17 of the Environmental Impact Assessment Report, and the Standard Operating Procedures, including cage preparation, smolt delivery, daily and weekly cage and barge checks, net records and servicing, cage net cleaning, feeding, treatment procedures, crowding, grading, transfer and harvest and mortality removal, as detailed in Appendices 18 to 26 of the Environmental Impact Assessment Report, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the health of wild fish and water quality.

15. The fish farm shall operate in accordance with the Waste Management and Disposal, SW Standard Operating Procedure (SOP) Number 26, revised May 2020 Plan, included as Appendix 4 of 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, by the Planning Authority.

Reason: To protect internationally and nationally important natural heritage interests and to ensure marine navigational safety.

16. No Acoustic Deterrent Devices (ADDs) shall be deployed at this site, unless full details of the ADDs are submitted to, and agreed in writing and in advance, with the Planning Authority. These details shall include information regarding the specifics of the ADD system and any mitigation measures to be implemented on site. The Planning Authority, in consultation with NatureScot, 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. For the avoidance of doubt this planning condition is without prejudice to whether additional licence requirements require to be addressed for the deployment of ADDs, such as European Protected Species licensing, which is considered under separate legislation.

Reason: To protect internationally and nationally important natural heritage interests.

17. Static gill nets should not be deployed at this site, unless otherwise agreed, in writing, by the Planning Authority in conjunction with SNH/NatureScot.

Reason: To reduce the chance of entanglement of wildlife.

18. 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, by the Planning Authority.

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

19. 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.

20. 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 (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. 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 2.

Proposed Installation of Water and Drainage Pipes (Part Retrospective) on land near West Links, Burray (20/423/PP)

Grant subject to the following conditions:

01. Throughout the construction phase of the development, all works shall be confined to the planning application site, and no dumping of spoil or tools or materials, temporarily or permanently, in the Sutherland Links Local Nature Conservation Site (LNCS) or the margins of the Burn of Sutherland.

Reason: In the interests of the protection of the biodiversity and flower rich grassland of the Sutherland Links (West Links) LNCS, and to accord with Orkney Local Development Plan 2017 policies 9A – Natural Heritage Designations, 9B – Protected Species and 9C – Wider Biodiversity and Geodiversity.

02. Excavated turf, which is currently stored alongside the track, should be carefully replaced with vegetation facing upwards as quickly as possible, to enable the flower-rich vegetation to re-establish. During early spring, any significant bare patches of soil remaining should be lightly sown with an appropriate grass seed mix, to be agreed in advance, in writing, with the Planning Authority, to minimise the risk of colonisation by invasive species such as docks, hogweed, nettles.

Reason: In the interests of the protection of the biodiversity and flower rich grassland of the Sutherland Links (West Links) LNCS, and to accord with Orkney Local Development Plan Policy 9C – Wider Biodiversity and Geodiversity.

Note: A standard wildflower seed mix should not be used, as these often contain species that are not native to Orkney. In Scotland it is an offence to plant, or otherwise cause to grow, a plant in the wild (in natural or semi-natural habitat) at a location outside its native range. The law on non-native species is covered by the Wildlife and Countryside Act 1981 (as amended by the Wildlife and Natural Environment (Scotland) Act 2012).

03. Prior to the commencement of development (ie recommencement following the date of the decision notice), an otter survey shall be carried out along the length of the burn. This otter survey shall be carried out at a time when the vegetation growth is low. The otter survey report shall be submitted to the Planning Authority for assessment and approved in writing prior to (re)commencement of works on the site.

Reason: In the interests of the protection of otters, and to accord with Policy 9B – Protected Species of the Orkney Local Development Plan 2017.

04. Throughout the construction phase of the development:

- Access to open-water habitats should be safeguarded at all times and impacts to traditional routes between such areas (such as drainage ditches) should be minimised.
- Any temporarily exposed open pipe system should be capped in such a way as to prevent otters gaining access, as may happen when contractors are off-site.

- Open pits should be covered at night and exit ramps provided in steep-sided trenches. All excavations should be checked daily to ensure that no wildlife has become trapped.
- All personnel involved in the development should be made aware that otters may be present in the area, and of the requirement to follow the measures listed above in order to avoid disturbance to the species.

Reason: In the interests of the protection of otters, a Protected Species, as the development site is located adjacent to the Sutherland Links LNCS, an area of known otter activity, and to accord with Policy 9B – Protected Species of the Orkney Local Development Plan 2017.

05. The pipework which will cross the Burn of Sutherland shall be designed and constructed to maintain access for otters to the marine and freshwater environments of the Burn of Sutherland and the coast.

Reason: In the interests of the protection of otters and to maintain their access to the marine and freshwater environments of the Burn of Sutherland and the coast, and to accord with Policy 9B – Protected Species of the Orkney Local Development Plan 2017.

06. The works to connect the pipework to the Scottish Water sewer and outfall shall be as indicated in the letter from Breck Designs dated 8 February 2021 and on the Site Plan OIC-01(3) stamped approved and attached to the decision notice.

The temporary stopping of the flow of the Burn of Sutherland will be undertaken during the period when there is least flow (June to September).

On completion of the works to install the pipework, the banks, sides and base of the burn and the Burn of Sutherland shall be fully restored to the previous condition.

Reason: In the interests of the protection of the Burn of Sutherland, to prevent any impact that would affect its stability, function and ability to drain, and to accord with Policy 9D – The Water Environment of the Orkney Local Development Plan 2017.

07. No development shall commence until a baseline condition survey of the core path is submitted to, and agreed in writing by, the Planning Authority, to determine any works necessary during, and at the end of, the construction phase of the development. At the reasonable request of the Planning Authority, interim works shall be carried out to the path.

Throughout the lifetime of the development, the developer shall maintain unobstructed and without unreasonable damage, the stretch of the adjacent B6 – Burray Village Core Path network. Public access along the Core Path adjacent to the application site shall at no time be obstructed or deterred by construction-related activities or by the development, unless otherwise approved, in writing, by the Council's Access Officer.

During the excavation of the trench for the pipework and cable to Site 5 West Links that crosses the Burray Village Core Path (BV6), the developer shall ensure that the unhindered passage by vehicles and pedestrians is maintained at all times along the core path, by providing the temporary means of passage over works whenever required.

Prior to the first use of the development, the core path shall be returned to a standard at least equal to that prior to the commencement of any works on the development site.

Reason: To maintain the core path network and in order to safeguard public access during the construction phase and the occupation of the development.

08. Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to the development being brought into use, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

09. Hours of work during the construction of 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 Monday to Friday, 08:00 to 13:00 Saturdays and not at all on Sundays, Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

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.

10. Within three months of the date of this decision notice, full details of the location and construction of an artificial otter holt within the application site boundary, or adjacent land within the control of the applicant, in the vicinity of the watercourse, and/or additional or alternative habitat enhancement measures shall be submitted to and agreed, in writing, by the Planning Authority. All details shall be as identified in the otter survey required by condition 03, and/or as provided by the accepted qualified expert commissioned to carry out the otter survey. Submitted details shall include a timescale for the implementation of the otter holt and/or other enhancement works, and full details of maintenance and management measures and responsibilities in perpetuity.

Thereafter, the development shall be carried out wholly in accordance with approved details.

Reason: To minimise the risk to otters, which are a European Protected Species, and to accord with Policy 9B – Protected Species of the Orkney Local Development Plan 2017.

Appendix 3.

Removal of Trees, Installation of Sewer Pipe and Associated Landscaping (Retrospective) at Stromness Millennium Woodland, Cairston Road, Stromness (20/458/PP)

Grant subject to the following conditions:

01. Hours of construction work on site 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 only take place between the hours of 07:30 and 19:00 Mondays to Fridays, 09:00 to 17:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

02. No development shall commence until a Mitigation Plan is submitted to, and approved in writing by, the Planning Authority. This Mitigation Plan shall include a site plan and written strategy for all site mitigation, including but not limited to:

- Excavation and backfilling of the pipe trench, temporary storage of materials, and measures to limit the area of all plant movement associated with the excavation.
- Full details of the specification and location of the root barrier, including a wayleave strip of maximum width 4 metres.
- Pruning works to make good all damage to trees which have been retained and are still alive.
- The planting location, species, height and stem circumference of not less than 10 'standard' trees.
- The planting location, species, height and location of not less than 40 trees.
- Timing/schedule of all tree planting, not later than the first winter following commencement of works.
- Full details of methods of planting, aftercare/protection and remedial measures should any trees die or be damaged.
- Measures to monitor, treat and eradicate salmonberry from the woodland, including completion point.
- Measures to make good all ground habitat.
- Confirmation of all parties who will enter Council land to carry out the works.

Thereafter, all mitigation shall be carried out in accordance with the terms and details of the approved Mitigation Plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure adequate mitigation measures are submitted and subsequently carried out as approved, to make the overall impact of the development acceptable.

NOTE: No plant shall enter the application site, or any works carried out until all the above details are submitted and approved.