

Item: 4.1

Planning Committee: 8 September 2022.

Create Salmon Farming Site with Feed Barge near East Moclett, Papa Westray.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Summary

1.1.

A planning application with an Environmental Impact Assessment (EIA) Report is submitted for the installation of an Atlantic salmon fish farming site, approximately 3.55 kilometres south-south-east of East Moclett, Papa Westray, and lying in the area known as the North Sound. The fish farm would comprise six cages with a 160-metre circumference, configured in two groups of 3 x 2 formation, held in a 110 metre grid with an overall surface area of cages of 12,223 square metres and a mooring area of 452,600 square metres, and a 600 tonne feed barge. A biomass of 3,850 tonnes is proposed. Eighty-two valid objections have been received, including one from the No East Moclett Group from Papa Westray. A further six letters of comment were received from members of the public. The recommendation on this application has been guided by the conclusions of the EIA Report (EIAR), and the proposal has been assessed against all relevant policies of the Orkney Local Development Plan 2017 and other relevant material planning considerations. On balance the objections are not of sufficient weight to merit refusal. Where unacceptable impacts have been identified, adequate mitigation has been provided. Accordingly, the application is **recommended for approval**.

Application Number	21/495/MAR.
Application Type	Marine Fish Farm.
Proposal	Create salmon farming site comprising of 6 x 160 metre circumference circular cages arranged in a 2 x 3 formation in a 110 metre mooring grid, with pole mounted top nets, underwater lighting, and 600 tonne capacity feed barge.
Site	East Moclett, North Sound, Papa Westray, Orkney.
Applicant	Cooke Aquaculture Scotland Ltd (CAS).

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1. Statutory Consultation Bodies

2.1.1.

Statutory consultation bodies are as follows:

- Historic Environment Scotland.
- Marine Scotland (on behalf of Scottish Ministers).
- Scottish Water.
- Scottish Environment Protection Agency.
- NatureScot (formerly Scottish Natural Heritage).
- Papa Westray Community Council.

2.1.2.

No objections have been received from any statutory consultation body. Although Papa Westray Community Council did express some concerns, it is considered that all other matters included in consultation responses from statutory consultation bodies can be adequately addressed by mitigation and planning conditions. Concerns from Papa Westray Community Council are addressed in detail in section 3 below.

2.2. Other Consultation Bodies

Consultation responses were provided by other non-statutory consultation bodies. No objections have been received from any non-statutory consultation body.

3. Representations

3.1.

Concerns received from Papa Westray Community Council are based on the following:

- Light pollution – extensive array of lights on fish farm could impact on the natural sky.
- Debris washing ashore on Papa Westray.
- Further development around Papa Westray – impacts on tourism through spoilt views, littered beaches, light and noise pollution.
- Environment concerns – possible impacts on natural environment and lasting effects on sea life.
- Tidal movements – strong tidal movement may mean any spoils from fish farm would be forced into preservation area.
- Employment and housing – seeking opportunities for Papa Westray.

3.2.

As a non-statutory consultation body with an interest in sea trout conservation, support was received from the Orkney Trout Fishing Association (OTFA), but included concerns for wider sealice and disease issues in Orkney waters.

3.2.1.

OTFA welcomes attempts by the salmon farm industry to develop sites that are more remote and further offshore. The East Moclett site is relatively distant from known sea trout spawning burns, the majority of which are located on Hoy and Mainland.

However, OTFA raises the following points:

- The environmental benefits of developing such sites cannot be fully realised if existing sites that are very poorly located are left in place.
- The dramatic increase in lice and disease seen recently in Orkney's salmon farms.
- The need to decrease tonnage in enclosed areas like Scapa Flow.
- The need to reduce development pressure include synchronous production, semi-closed and closed containment.
- The current approach to salmon farm development is failing to protect Orkney's marine environment.

3.2.2.

The consultation response received from OTFA does not object to the proposed development, and recommends that if the application be approved, it should view the development of remote/offshore sites as an opportunity to close down other salmon farms located in environmentally sensitive locations.

3.3.

3.3.1.

102 individual letters of objection have been received. Many are multiple from individual addresses; with regards the definition of a Valid Representation and multiple letters from a single postal address being regarded as a single representation, 82 valid objections have been received, including one from the No East Moclett Group from Papa Westray. A further six letters of comment were received. A full list of the objectors is attached as Appendix 1 to this report.

3.3.2.

Due to the number and size of the content of some of the objections, a summary of the issues raised is noted below; however, this should not be considered as an exhaustive list of all the issues. Objections can be viewed in full following the details included in section 1.2 above.

- Accordance with required policies and guidance.

- Potential negative impact on the landscape/seascape, including impact on seascapes, panoramic views, unspoiled views, and manmade structures will detract from the feelings of wildness and tranquillity.
- Impacts on quality of life in the area and tourism.
- Significant negative visual impact on residential property, coastal footpath, coast, listed buildings, scheduled monument, seascape and wider landscape.
- Design and layout will dominate the adjacent coast and coastal landscape.
- Night time impact, light pollution associated with the pens, barge associated vessel traffic.
- Lighting has been found to affect the behaviour of native fauna in the surrounding area, for example increasing the number of aquatic invertebrates, and in turn their consumers surrounding the pens.
- Local community on Papa Westray would derive no benefit.
- Impact on local fishing industry.
- ADDs impact upon the marine mammals.
- Generator noise from the feed barge.
- Issues with impacts on benthic habitats and water columns impacting on marine environment (species and habitat) and Marine Protected Areas (MPA).
- Impacts on Priority Marine Features.
- Chemicals move with the tides and currents, so will travel northwards with the prevailing flow into the MPA.
- MPA supports populations of black guillemot, including the habitat that they require for feeding and living in. The MPA also hosts kelp forest and seagrass areas.
- Environmental impacts of industry on the seabed locally along with wider environmental issues associated with fish feed.
- Impact from escapes, which will compete with wild fish populations.
- Lice from farm fishing can cause risk to wild salmon and sea trout.
- Waste detritus and rubbish affecting sea birds, wild fish and the seabed.
- Pollution, large amounts of waste produced will result in unfavourable water conditions for both farmed fish and the natural environment, with unconsumed feed, faeces and chemicals falling through nets, killing marine life below and changing the local ecology. There are reports that nutrients released from the farms stimulate large algae blooms.
- Chemicals caused irreparable damage to the sea environment.
- Chemotherapeutants, used to eliminate sea lice, accumulate in marine sediment and negatively affect the other organisms in the ecosystem.
- Chemotherapeutics are proven to kill the stage 1 and stage 2 lobster and crab larvae as well as shellfish – these species are extremely important to local livelihoods.
- Biodiversity impacts, depleting the oceans of sand eels, removed from the ecosystem in unsustainable quantities for the production of salmon feed pellets is an ecological disaster.

- Size and scale of farm, overwhelming to the area, and near to a historic place.
- Reduce water quality for sea swimming.
- Impact on RSPB reserve.
- Scale of feed barge and impacts of regular vessel movements.
- Impacts of largest fish farm in Scotland, with associated greater impacts.
- NewDepomod modelling does not consider solid waste will be deposited beyond one kilometre from farm.
- Modelling questioned, in respect of chemical dispersal.
- Organic title misleading.
- Size of area enables the farm to be enlarged in the future.
- Precautionary principle not applied.
- Adequacy for a 50 year storm.
- Risk of toxic antifoulant that are copper based being washed into the sea.
- Mortality rate on existing organic sites managed by the applicant.
- Cumulative impacts not seriously investigated.
- Availability of hydrolicer given the number of farms run by company.
- Assessment of important species of fish within Orkney. Such species include but are not limited to Critically Endangered species of skate – The Blue Skate (*Dipturus batis*) and the Flapper Skate (*Dipturus intermedius*) – both species now considered distinct species that formally made up the common skate species complex. The Blue skate has only recently been discovered in Orkney by research undertaken by the Orkney Skate Trust, and the same research has proven Orkney waters to be important habitat for the Flapper Skate – as such the species is listed under the Orkney Local Biodiversity Action Plan with a specific Species Action Plan.

3.4.

One letter of support has been received, which references relevant Local Development Plan policies, Supplementary Guidance, and socio economic benefits.

4. Relevant Planning and Site History

Reference.	Proposal.	Location.	Decision.	Date.
20/137/MARSS	Screening and scoping request to create a salmon fish farm	East Moclett, North Sound, Orkney	EIA required.	18.08.2020
19/222/MARSS	Screening and scoping request to create a salmon fish farm	Moclett East, North Sound, Papa Westray, Orkney	EIA required.	05.11.2019

5. Relevant Planning Policy and Guidance

5.1.

The full text of the Orkney Local Development Plan 2017 (OLDP) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application.

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 12 – Coastal Development.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance Natural Environment (2017):
 - Policy 9A – Natural Heritage Designations: Internationally Designated Sites.
 - Policy 9B – Protected Species.
 - Policy 9C – Wider Biodiversity and Geodiversity.
 - Policy 9D – The Water Environment.
- Supplementary Guidance Aquaculture (2017):
 - DC1 Landscape, coast, siting and design.
 - DC2 Natural heritage designations, protected species and the wider biodiversity.
 - DC3 Predator control and interaction with other species.
 - DC4 Wild salmonid fish populations.
 - DC5 Water quality and benthic impacts.
 - DC6 Historic environment.
 - DC7 Social and economic impacts.
 - DC8 Other marine users.
 - DC9 Construction and Operational Impacts.
 - DC10 Decommissioning and Reinstatement.

5.2. Scotland's National Marine Plan (2015)

5.2.1.

The National Marine Plan states: "Aquaculture contributes to sustainable economic growth in rural and coastal communities, especially in the Highlands and Islands. Many communities depend on the employment and revenue it provides and, as a growing industry, it has potential to contribute to future community cohesion by providing quality jobs in rural areas and helping to maintain community infrastructures such as schools, ferries and other services subject to the continued management of risk".

5.2.2.

The National Marine Plan contains 14 Policies related specifically to Aquaculture:

- **AQUACULTURE 1:** Marine planners and decision makers should seek to identify appropriate locations for future aquaculture development and use, including the potential use of development planning briefs as appropriate. System carrying capacity (at the scale of a water body or loch system) should be a key consideration.
- **AQUACULTURE 2:** Marine and terrestrial development plans should jointly identify areas which are potentially suitable and sensitive areas which are unlikely to be appropriate for such development, reflecting Scottish Planning Policy and any Scottish Government guidance on the issue. There is a continuing presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.
- **AQUACULTURE 3:** In relation to nutrient enhancement and benthic impacts, as set out under Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters, fish farm development is likely to be acceptable in Category 3 areas, subject to other criteria being satisfied. A degree of precaution should be applied to consideration of further fish farming development in Category 2 areas and there will be a presumption against further fish farm development in Category 1 areas.
- **AQUACULTURE 4:** There is a presumption that further sustainable expansion of shellfish farms should be located in designated shellfish waters these have sufficient capacity to support such development.
- **AQUACULTURE 5:** Aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape and visual amenity of an area, following SNH guidance on the siting and design of aquaculture.
- **AQUACULTURE 6:** New aquaculture sites should not bridge Disease Management Areas although boundaries may be revised by Marine Scotland to take account of any changes in fish farm location, subject to the continued management of risk.
- **AQUACULTURE 7:** Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish.
- **AQUACULTURE 8:** Guidance on harassment at designated seal haul out sites should be taken into account and seal conservation areas should also be taken

into account in site selection and operation. Seal licences will only be granted where other management options are precluded or have proven unsuccessful in deterrence.

- AQUACULTURE 9: Consenting and licensing authorities should be satisfied that appropriate emergency response plans are in place.
- AQUACULTURE 10: Operators should carry out pre-application discussion and consultation, and engage with local communities and others who may be affected, to identify and, where possible, address any concerns in advance of submitting an application.
- AQUACULTURE 11: Aquaculture equipment, including but not limited to installations, facilities, moorings, pens and nets must be fit for purpose for the site conditions, subject to future climate change. Any statutory technical standard must be adhered to. Equipment and activities should be optimised in order to reduce greenhouse gas emissions.
- AQUACULTURE 12: Applications which promote the use of sustainable biological controls for sea lice (such as farmed wrasse) will be encouraged.
- AQUACULTURE 13: Proposals that contribute to the diversification of farmed species will be supported, subject to other objectives and policies being satisfied.
- AQUACULTURE 14: The Scottish Government, aquaculture companies and Local Authorities should work together to maximise benefit to communities from aquaculture development.

5.2.3.

The National Marine Policy also contains seven policies related specifically to shipping, Ports, Harbours and Ferries.

5.3. Scottish Planning Policy (2014)

5.3.1. Supporting Aquaculture: Policy Principles

The planning system should:

- Play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable.
- Guide development to coastal locations that best suit industry needs with due regard to the marine environment.
- Maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

5.3.2. Development Management

Applications should be supported, where necessary, by sufficient information to demonstrate:

- Operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place.

- The siting and design of cages, lines and associated facilities are appropriate for the location.

This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation (CARS) licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

5.4. Other Relevant Policy and Guidance

- Circular 6/1995 'European Protected Species, Development Sites and the Planning.
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- Circular 1/2007 'Planning Controls for Marine Fish Farming' 'Marine Fish Farming and the Environment' (SEERAD 2003).
- Planning Advice Note (PAN) 51- 'Planning, Environmental Protection and Regulation'.
- Scottish Executive – 'Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters' (2003 and updated June 2009 and December 2012).
- 'A Fresh Start – the Renewed Strategic Framework for Scottish Aquaculture' (2009).
- 'Guidance on Landscape/Seascape Capacity for Aquaculture' (SNH 2008).
- 'Siting and Design of Marine Aquaculture Developments in the Landscape' (SNH 2011).
- Orkney Harbours Masterplan.
- NPF3 highlights the Scottish Governments support the sustainable growth of the aquaculture sector and the significant contribution it makes to the Scottish economy, particularly for coastal and island communities.
- Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (2016).

5.5. Other Matters

- UK Technical Advisory Group (UK TAG) consideration of recommendations on new environmental standards for Emamectin Benzoate.
- SEPA Fish Farm Survey Report – 'Evaluation of a New Seabed Monitoring Approach to Investigate the Impacts of Marine Cage Fish Farms'.
- Rural Economy and Connectivity (REC) Committee conclusions and recommendations arising from the Committee's inquiry into the current state of the salmon farming industry in Scotland.

- Scotland's 10 Year Farmed Fish Health-Marine Scotland Science - Scottish Government (2018.)

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan..."

6.2.

Annex A of Planning Circular 3/2013: 'development management procedures' provides advice on defining a material consideration, and following a House of Lord's judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: "If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted."

6.3.

Annex A continues as follows:

- The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision.
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal.
 - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so

something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy and UK Government policy on reserved matters.
 - The National Planning Framework.
 - Policy in the Scottish Planning Policy and Designing Streets.
 - Scottish Government planning advice and circulars.
 - EU policy.
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance.
 - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act.
 - Community plans.
 - The environmental impact of the proposal.
 - The design of the proposed development and its relationship to its surroundings.
 - Access, provision of infrastructure and planning history of the site.
 - Views of statutory and other consultees.
 - Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

6.4.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.

- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.5.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Environmental Impact Assessment

7.1.

The current proposal was assessed against The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

7.2.

The proposal falls within the definition of 'Schedule 2 development' of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, in that the proposed development exceeds the criteria for Aquaculture, in that the proposed development is 'designed to hold a biomass of 100 tonnes or greater'.

7.3.

Having assessed the characteristics and location of the development and the characteristics of the potential impact as set out in Schedule 3 to the 2017 Regulations, the Council adopted a Screening/Scoping Opinion reference 20/137/MARSS on 18 August 2020 stating that, in its opinion, the proposed development is considered likely to have a significant impact on the receiving environment and that submission of an Environmental Impact Assessment Report (EIAR) was required.

7.4.

Accordingly, this application is accompanied by an EIAR in accordance with the 2017 Regulations. The EIAR addresses all expected environmental effects associated with the proposed development and any proposed mitigation. The EIAR includes information on the alternative sites, locations, farm technology and layouts considered.

7.5.

The EIAR includes the undernoted matters, which fall within the regulatory control of other bodies, therefore limited weight can be given to those matters as part of any planning decision.

- Benthic (seabed) impacts due to feed and faeces falling to the sea floor are covered by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) licensing regime and with ecological advice provided by NatureScot. Any impacts on seabed protected species are a material planning consideration but are part of the CAR assessment first and foremost. Biomass

and quantities of sea-lice therapeutants will be considered as part of the CAR application process.

- Water column impacts from nutrient enrichment and use of medicinal chemicals are also part of SEPA's CAR licensing regime.
- The health, handling and medicinal treatment of the farmed fish, control of predators and physical quality of nets and moorings are all matters regulated by Marine Scotland.
- Depositions from fish farms, to enable monitoring of benthic impacts is covered by SEPA under CAR.
- Registration, authorisation and elements of operational regulation is undertaken by / required from Marine Scotland under The Aquatic Animal Health (Scotland) Regulations 2009 and the Marine Scotland Act 2010, covering fish health standards and containment, including power to monitor for sea lice infestation.

7.6.

However, there is some important crossover with local planning authority regulation to the extent that, where these matters and associated measures have an impact upon protected species in the wider environment, the matters are assessed below.

7.7.

The EIAR submitted was subject to peer review by an independent and suitably qualified environmental consultant on behalf of the Planning Authority, and it was found to comply with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

8. Habitats Regulations and Natural Heritage

8.1.

As competent authority, the Council must consider whether any plan or project would have a 'likely significant effect' on a Natura site before it can be consented, and if so carry out an Appropriate Assessment. That process is known as Habitats Regulations Appraisal (HRA). In considering likely significant effects alone or in combination, Revised Circular 6/1995 advises that HRA can be based on the information submitted in support of the application and informed by the appraisal on the appropriate nature conservation body, in this case NatureScot.

8.2.

The development is not situated within a protected area. However, there are a number of Special Protection Areas (SPA) elsewhere in Orkney which are classified for diving marine birds on which this proposal is likely to have a significant effect. In addition to these international designations are national nature designations and Priority Marine Features (PMFs), which are habitats and species considered to be nature conservation priorities in Scottish waters.

8.3.

Advice from NatureScot is that the proposal is likely to have a significant effect on diving marine birds and that the Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

8.4.

Following the advice from NatureScot, the Council has carried out the Habitats Regulations Appraisal, attached as Appendix 2 to this report. In consideration of the Habitats Regulations Appraisal, it is concluded that, were the development undertaken in accordance with the proposed details, mitigation as proposed and appropriate planning conditions, the impacts arising from the operation of the development, as proposed, will not have a significant impact upon qualifying interests, and will not adversely affect the integrity of the SPAs.

9. Assessment

9.1. Proposal

9.1.1.

The application site is located in an area known as the North Sound which lies to the east and southeast of Papa Westray. Under the proposal 'East Moclett', the proposal is to install a new open pen fish farm, as indicated on the Location Plan attached as Appendix 3 to this report. The centre of the proposed farm lies 2.93 kilometres off Papa Westray, being aligned north to south. The proposal is to install 6 x 160 metre circumference cages, arranged in a 2 x 3 format in a 110-metre mooring grid. A 600-tonne feed barge is also proposed off the centre of the cage group on the south side of the grouping of cages. The total surface area of the site would be 12,879.53 square metres, with the wider area including moorings measuring 452,600 square metres. The proposed cages would be black low profile using non reflective material, the net depth of the cages on the site would be 21 metres. The top nets proposed are pole-mounted; these would be mounted on 6 metre poles at approximately 8 metre centres around the cages, and grey in colour.

9.1.2.

The proposed maximum biomass of Atlantic salmon for the site is 3,850 tonnes, with a proposed stocking density of 10 kilogrammes or less per cubic metre (organic) and proposed stocking density of 15 kilogrammes or less per cubic metre (non organic), which equates to a maximum production biomass per cycle of 5,525 tonnes (conventional) and 3,751 tonnes (organic). The production plan is 22 months with a fallow period of two months within the 24-month cycle.

9.1.3.

The applicant proposes to operate the site in accordance with the Soil Association accredited organic standards. Existing fish farms run by Cooke Aquaculture in the Westray area are all run in accordance with these organic standards, which require:

- Lower Stocking Density: Organic salmon standards require fish to be provided with more space than in conventional production. 15 kg/m³ for conventional, ≤ 10 kg/m³ for organic.
- Organic/Natural Diet: Feed must come from trimmings of fish already caught for human consumption in sustainable fisheries, organic feed materials of plant or animal origin, or products derived from whole fish caught in fisheries certified as sustainable.
- Restrictions on Medicinal Treatments: Medicinal treatments for the removal of sea lice are restricted to a maximum of two treatments per year. Priority must be given to non-medicinal treatments in the first instance (eg freshwater treatment).
- Focus on High Welfare Standards: Farm Animal Welfare Committee guidelines identify practices to minimise stress through best practice and system design.

9.1.4.

However, the EIAR has been assessed on a worst-case scenario which covers the fish farm being run at a conventional standard as well as at the organic standard. It should be noted that, as the EIAR has been assessed on the worst case scenario, there would be no need to obtain any further planning consent for any change from the organic standard to a conventional standard. The equipment on site is designed for a maximum biomass of 15kg/m³.

9.1.5.

Onshore facilities are proposed at the existing facility in Pierowall, Westray. It is proposed to service the site by boat daily from Gill Pier, Pierowall. A well boat is used to harvest and transport live fish for processing; the company's processing facilities are at Hatston, Kirkwall. Well boats may also be used for fresh water or medical bath treatments or for other veterinary treatment at the fish farm.

9.1.6.

The site would operate 08:00 to 17:00 daily, including weekends. Occasional out of hours may be necessary at harvesting, fish movements or other unforeseen events. These matters are further detailed within the proposed vessel management plan for the site and within the supporting EIAR. Well boats would be used to stock the site with smolts at the start of production cycle from the hatchery. Through the harvest period the well boat may be in use several times a week at the site.

9.1.7.

A site maintenance vessel would be used for installation activities, and it is proposed to transport the constructed cages to the site from Rapness, Westray, where the cages will be constructed on land. Fish harvesting would take place over a number of months throughout the year; during this seven month period, the vessel will visit the site one to two times per week. Harvesting may not occur every year. A specialised harvesting vessel is used; this vessel then transports the harvested fish to the North Pier, Kirkwall, for transport to the company's facility at Hatston, Kirkwall.

9.1.8.

The applicant has provided a non-technical summary forming part of the EIAR which sets out the basis for the development, the assessment of alternative sites and a range of scenarios for the size, configuration and types of cages of the proposed fish farm.

9.2. Interaction with predators

9.2.1.

The proposed site does not lie within a designated site; however, there are several Special Protection Areas (SPAs) within sufficient proximity of this site that the development could impact on, including the qualifying interest of birds which forage within the area. NatureScot advises that the development would have a likely significant effect on diving marine birds from SPAs including Calf of Eday, West Westray, Fair Isle, Sule Skerry and Sule Stack. In addition to European designations, there are several national and local designations within the range of the proposed site. The EIAR identifies the designations within a 20 kilometre radius of the site and any potential effects and impacts. Other species are mobile and protected through legislation. The applicant has produced a Site-specific Predator Defence and Mitigation Policy (PDMP); this document stipulates that this will be subject to review in light of changes to legislation and best practice. The PDMP sets out the management actions that would be undertaken to reduce the risk of predators targeting the site, including diving birds that are qualifying species within a number of SPAs in the area and wider area, and the PDMP would be secured by planning condition.

9.2.2.

The EIAR identifies the primary species likely to engage in predatory interaction with stock in fish farms, which are: seal, both grey and common seals, a range of sea birds identified by NatureScot including gannet, herring gulls, lesser black backed gulls, great black backed gulls, European shags and great cormorants and otters. There are two Special Areas of Conservation (SACs) within 20 kilometres of the proposed site which have seals as qualifying features: Faray and Holm of Faray (grey seal), and Sanday (common seal). The EIAR notes that the distance the proposed site is from the coast and the depth of water in which the cages sit is such that otters are not considered a potential predator.

9.2.3.

Marine Protected Areas (MPAs) protect a wide range of habitats, species, geology and undersea landforms in Scottish waters. The site is within close proximity to a Marine Protected Area (MPA) designation. Objections raise concerns regarding the MPAs supporting populations of black guillemot, including the habitat that they require for feeding and living. No issues have been raised by statutory consultation bodies that have not been addressed through mitigation.

9.2.4.

The EIAR and additional information identifies the impacts and risks to predatory species. The applicant has assessed that there are no significantly adverse impacts resulting from the proposed development in consideration of the following:

- Entanglement in containment and anti-predation netting.
- Disturbance by Acoustic Deterrent Devices (ADDs).

9.2.5.

Mitigation has been provided within the EIAR including:

- Predator Defence and Mitigation Policy (Avian, Seal and other marine mammals) – Adaptive Management Approach (entanglement – pole mounted top nets, tensioned nets; monitoring).
- Good husbandry practices.
- Vessel management plan (VMP).

9.2.6.

The proposed site at East Moclett will utilise two main types of netting: pen nets to contain stock, and anti-predator nets to deter predatory interactions. The EIAR advises that the risk of predator entanglement varies depending on species, mesh size and nature of netting systems. It is assessed within the EIAR that the mitigation measures would minimise the risk of bird attack, entanglement, disturbance and displacement. Management measures would be in place to minimise risk of predation by diving birds, seals and other marine mammals. This includes net design, pole mounted top nets and tensioning of cage nets, and the availability of sub surface predator netting for deployment should they be necessary. There would be regular inspection of cages and nets both by underwater cameras and by divers. Efficient husbandry and frequent removal of mortalities is also used to minimise risk of predation.

9.2.7.

The applicant has included the use of low frequency RT1 type Acoustic Deterrent Devices (ADDs) within the site specific Predator Defence and Mitigation Policy. Some cetacean species are known to visit Orkney waters, and this area is known to be used. Cetaceans are classed as European Protected Species which means it is an offence to kill, injure, disturb or harass them. ADDs can cause disturbance or displacement to cetaceans. The developer has included these in the details of the hierarchy of predatory control measures. However, if the use of ADDs is considered necessary in the future, a licence may be required due to this location and the species that frequent the area. Any use of ADDs would require to be assessed by MSS and NatureScot. Objectors have raised the impacts of ADDs on marine mammals. NatureScot has advised that mitigation measures provided by the applicant are satisfactory, and it is considered that the proposed development would have no adverse effects on natural heritage interests.

9.2.8.

To minimise the risk of potential entanglement/entrapment, the proposal includes the use of pole mounted top nets along with a number of mitigation proposals within the original PDMP. NatureScot has provided site-specific mitigation which differs from the general advice provided regarding the use of pole-mounted top nets. In this case, NatureScot advises the following conditions be attached to any consent and PDMP, which reflects the specific considerations for this site:

- There will be no associated use of gill or other static or drift nets in the water column.
- Operators to maintain daily records of wildlife entanglement / entrapment using a standardised NatureScot proforma and to submit regular (typically six-monthly) returns of these records to the relevant LPA, and copied to NatureScot.
- Immediate notification by the site operator to both the LPA and NatureScot in the event of any significant entrapment or entanglement in any infrastructure, including cage, top and sub-surface anti-predator nets, of great black-backed gulls, gannets, auks (any species), cormorants or other single bird species. Specifically for this site, significant should be interpreted as:
 - involving three or more birds of any one or more species on any one day and/or
 - a total of six or more birds of any one or more species in the space of any seven day period and/or
 - repeat incidents involving one or more birds of any one or more species on three or more consecutive days) and/or
 - a cumulative total of three or more great black-backed gulls over any period from commencement of site operation.
- Should an event or events be notified in accordance with the above conditions, the LPA should consult with NatureScot and the applicant to agree any mitigation measures required and any such mitigation measures to be implemented within a timescale determined by the LPA and to be retained throughout the life of the top nets unless agreed otherwise in writing by the LPA.

9.2.9.

These proposed mitigation measures have been included in the PDMP. NatureScot considered within its consultation response the risk of mortality/injury through entanglement/entrapment associated with pole mounted top nets and is now satisfied, based on the use of the mitigation measures proposed above, and advises there would be no adverse effect on the site integrity of any SPA.

9.2.10.

A Vessel Management Plan (VMP) has been provided within the EIAR which provides a range of mitigation measures to minimise disturbance to sensitive species along the vessel transit routes (VTR). Although the VTR does not pass through any designated areas for the protection of marine mammals, it does pass close the Spo Ness/Ness of Brough seal haulout site protected under The Protection of Seals

(Designation of Haul-Out Sites) (Scotland) Order 2014. The closest part of the proposed VTR passes approximately 0.6 kilometres to the south. The applicant advises vessels would avoid disturbance by maintaining a 500-metre buffer distance from the shoreline of all designated seal haul-out sites with the exception of a small area at the northern extent of the seal haul out site at Spo Ness/Ness of Brough. Papa Westray MPA designated for black guillemot also lies close to the transit route, 0.6 kilometres north of the VTR and 0.1 kilometres from the 500 metre buffer zone from the transit route.

9.2.11.

The vessel management guidelines set out measures to minimise disturbance to natural heritage interests. These include using a qualified skipper, restricting vessel speeds, using the same routes as existing, monitoring routes and if found to be where aggregations of mammals/birds are observed, vessel routes should be adjusted to avoid disturbance and reducing speed if a vessel is approached by protected species and on board contingency plans for chemical or diesel spills.

9.2.12.

There is also potential for additional disturbance to arise due to construction of the new site on natural heritage interests. However, it should be noted that the construction duration would be relatively short (three to seven days) with limited associated vessel movements and relatively low sound emissions. As such, no significant effects on protected species or habitats are anticipated as a result of the construction of the proposed development. Pierowall is already a busy harbour, including commercial and recreational vessel movements. The additional movements created on a daily basis would normally be only one return trip which is not considered to be significant if carried out in accordance with the VMP.

9.2.13.

NatureScot has raised no objection to the development in relation to the potential disturbance during the construction, operation of the site in relation to natural heritage interests.

9.2.14.

The development has been fully assessed individually and cumulatively, with regards interaction with predators, taking account of consultation responses and objections. With the mitigation measures proposed, NatureScot advise that detailed information provided by the applicant has led to the conclusion that the proposal will not adversely affect the integrity of designated sites. The appraisal which NatureScot carried out considered the impact of the proposals on the conservation objectives of the SPA and the mitigation measures provided by the applicant in their supporting information. It is considered that this development would not have a significant adverse impact on the natural heritage interests of the area. The proposals would be consistent with the requirements of Policy 9 and relevant Supplementary Guidance criteria relating to nature conservation designations (DC2) and potential effects on protected species (DC2 and DC3).

9.3. Carrying capacity and cumulative benthic and water column impacts

9.3.1.

The site is located within 'uncategorised' waters under Marine Scotland's Locational Guidelines, which indicates better prospects of fish farm developments being acceptable in environmental terms given the open situation, and the depth of water with unconstrained water exchange. SEPA is responsible for controlling water column impacts via its CAR licensing process under the Water Environment (Controlled Activities) Scotland Regulation 2011 (as amended). Under this licence, SEPA has the ability, if there is significant environmental stress from the biomass level on the site, to require the situation to be improved, through mitigation or reduction in biomass. The benthic impacts are assessed to protect the marine environment; the quantity of wastes and chemical treatments released from fish farms must be appropriately matched to the sea's capacity to disperse and assimilate them so that they do not reach levels that would result in adverse effects on, or harm to, marine life.

9.3.2.

The proposal is accompanied by modelling and calculations which demonstrate the benthic and water column impacts of the proposed fish farm. Fish farms have an impact on the seabed through the settlement of waste fish feed, faeces and possible chemical residue from licensed treatments collected beneath the cages.

9.3.3.

The proposed fish farm at East Moclett is situated in waters approximately 53 metres deep. Surveys and grab samples were taken across the site to inform the CAR Licence and EIAR. Benthic habitats recorded were sand and gravel/stone; however, the EIAR reports that no benthic habitats or species of significant conservation importance were identified from the information collected and visual baseline survey.

9.3.4.

The information within the EIAR benthic modelling (New DEPOMOD) predicts the deposition of organic solids in a north-west direction which is aligned with the residual current direction at the proposed site. This indicates the proposed biomass of 3,850 tonnes is considered to be well within the assimilative capacity of the receiving water therefore the development should not have any impacts at the site.

9.3.5.

At the time of responding to this application, SEPA had not received the CAR application; however SEPA has advised from the information submitted as part of the planning application that the site is likely to be consentable under CAR. SEPA states that the maximum sustainable biomass and level of chemical usage would be set once the CAR application has passed through SEPA's determination process. As part of the CAR control, SEPA advises that as far as their remit covers, indicated discharge from the fish farm is unlikely to have a significant effect on bird species or carbonated production area. SEPA has raised no objection. NatureScot advises that,

from the information provided, Priority Marine Feature habitats are unlikely to be present in this location.

9.3.6.

A public representation has been received in respect of assessment of species including but not limited to critically endangered species of skate, Blue Skate (*Dipturus batis*) and the Flapper Skate (*Dipturus intermedius*) – advising that research has proven Orkney waters to be an important habitat for the Flapper Skate. As such, the species is listed under the Orkney Local Biodiversity Action Plan with a specific Species Action Plan. Neither NatureScot nor MMS has raised comments on impacts on these species by this proposal.

9.3.7.

Mitigation proposed to reduce effects on the seabed and water column include monitoring fish feeding, involving cameras fitted to the bottom of each cage allowing feed uptake to be monitored from the shore base and stopped when not being consumed. Further measures include site fallowing, equipment used and a hierarchy of lice control measures utilising non-chemical treatments as the first options and site monitoring. Although the applicant models for chemical treatments, their preference is to use a non-medicinal treatment option in the first instance, such as freshwater immersion or hydrolicing. The proposed treatment strategy removes the use of bath chemotherapeutants into the surrounding waters. In addition, the applicant advises that the use of emamectin benzoate (SLICE) on the site is not a viable treatment option.

9.3.8.

The applicant advises that the site is to operate in accordance with the Soil Association accredited organic standard; however the EIAR is covering the environmental matter in respect of non-organic status along with organic status. The organic status restricts the use of medicinal treatments for the removal of sea lice and priority must be given to non-medicinal treatments in the first instance; medical treatments are restricted to two per year.

9.3.9.

Following discussions and in light of the consultation response received regarding the potential for interactions with Blue skate and Flapper skate, the applicant advise that, as part of the application process, extensive visual baseline surveys of the proposed development footprint were undertaken. This survey showed there was no evidence that the proposed development area is of significant importance to either species, and no issues have been raised by NatureScot. Both Flapper skate (*Dipturus intermedius*) and Common Skate (*Dipturus batis*) are known to exhibit a preference for deep (100 to 600 metres) areas of seabed with muddy habitats typically being preferred (NatureScot). The substrate at East Moclett is significantly shallower at approximately 50 metres depth and comprises sandy and rocky substrates. The applicant therefore considers that the proposed development is not anticipated to have any significant effect on either species. Nevertheless, the applicant have recognised the vulnerability of skate and are happy to explore collaboration with the Orkney Skate Trust to ensure there are no significant effects

on skate as a result of the proposed development. It is recommended that, should consent be granted, a condition is attached to bring forward collaboration with the Orkney Skate Trust to ensure there are no significant effects on skate as a result of the proposed development.

9.3.10.

Concerns have been expressed through numerous objections regarding the impacts of waste produced from the proposed development. These include benthic impacts, nutrient impacts, chemical impacts from medicines used on the site, the effects these may have on wildlife, marine mammals, fish, avian species, eco systems, biodiversity species and habitats, commercial fishing, commercial fished/creeled species and recreational activities such as sea swimming. Questions have also been raised by objectors on the dispersal modelling; it is felt that, due to the dispersal by currents, the Holm of Papay and the area to the east between Papa Westray and the Holm of Papay have the potential to be impacted negatively. The proposed fish farm site is within close proximity to an area designated as an MPA. These objections therefore relate to the potential impact of waste, nutrients and chemicals from the fish farm on the currently pristine seabed and the surrounding ecology and supported species and habitats. The fish farm would have an impact on the seabed and water column through the settlement of fish feed and faeces, nutrients and chemicals from the fish farm. The details of this deposition are a matter for wider assessment by SEPA in relation to an application for a CAR licence under the Water Environment (Controlled Activities) Regulations.

9.3.11.

Following concerns raised through objections and local meetings, the applicant has proposed additional voluntary monitoring, and is confident there would be no significant effects beyond the statutory monitoring zone specified by SEPA. In order to evidence this, the applicant proposes to carry out additional baseline sampling to ascertain the condition of the seabed pre-development. Should the development be consented, the same locations would be sampled following the first production cycle to ascertain whether there has been a notable change in the benthic environment. In addition to this, it is proposed to monitor annually potential effects of the proposed development on a newly discovered seagrass bed off the west coast of Papa Westray.

9.3.12.

Under Statutory Benthic Monitoring, the regulatory framework for the site would require that seabed impact is monitored with a benthic survey every time the site reaches its maximum biomass to ensure that the benthic impacts do not exceed Environmental Quality Standard.

9.3.13.

SEPA, NatureScot and Marine Scotland Science have no objections in relation to water quality, water column and benthic impacts. A significant number of objections have been received on the potential impacts including impacts on the MPA. Subject to securing a CAR licence from SEPA, it is not considered that the proposal would conflict with relevant policies of the OLDP and guidance. It is therefore considered

that the proposal would comply with Development Criterion 5 (Water Quality and Benthic Impacts) of Supplementary Guidance: Aquaculture.

9.4. Navigation

9.4.1.

No issues associated with navigation have been raised. The Northern Lighthouse Board has provided specifications for the lighting requirements at this site and raises no objections provided the site is marked accordingly. Marine Services has no objection but highlighted concerns that the vessels servicing this site would use Gill Pier, Westray. The capacity of this pier is limited for any larger vessels than already use this facility. The applicant has subsequently proposed to continue to use smaller vessels to service this site.

9.4.2.

Marine Scotland Science advises that the 160 metre circumference cages are the largest cages presently used in Scottish waters and presently only used on one other site by another operator. MSS acknowledges information obtained from the nearby site at Skelwick Skerry which has used 130 metre circumference cages since 2017, and the knowledge gained and the proficiency in scaling of operations associated with larger equipment. MSS is satisfied from the information provided that all equipment would meet the design requirements specified by "A Technical Standard for Scottish Finfish Aquaculture". In addition, MSS advises that the attestation provided states that the moorings system and the nets will be able to withstand the environmental conditions at East Moclett. The installation would be undertaken by staff with knowledge of the area and using larger cages and moorings. MSS advises that, from the information provided, this is deemed satisfactory.

9.4.3.

Development and Marine Planning raised issues in respect of contingency in case of severe storm where a cage/cages became detached from the mooring group. Should this development be approved, a condition would be attached requiring further details to be provided over and above the present information on post storm inspections to include cage/cages becoming detached from mooring group.

9.4.4.

Taking account of the information supplied, it is considered that the development would accord with OLDP Policy 12 and Supplementary Guidance: Aquaculture, criteria DC7 and DC8.

9.5. Interaction with Wild Salmonids

9.5.1.

The Planning Authority has a duty in the conservation of biodiversity which includes interaction with wild fish. Sea trout are a UK Biodiversity Action Plan (UKBAP) PMF and, having regard to the division of regulatory responsibilities acknowledged in the National Marine Plan, and as part of its biodiversity duty, the Council, in its capacity as planning authority, must assume responsibility for consideration of the

implications of aquaculture development for the conservation of these species. In considering aquaculture development, the Council must be satisfied that there is an effective sea lice strategy in place, which includes measures to ensure that necessary steps are taken in the event that sea lice levels prove not to be capable of being controlled in a satisfactory manner using the measures identified at the application stage. Similarly, the Council must be satisfied that proposed containment is adequate in order to minimise the risk of escape events. Consultation responses from Development and Marine Planning, Marine Scotland Science, NatureScot and OTFA raised matters in relation to wild salmonids, and specifically in relation to sea trout.

9.5.2.

Marine Scotland's Fish Health Inspectorate (FHI) has the responsibility for regulating the health of fish on the farm, however, this responsibility does not extend to the consideration of the effects of fish farming upon wild fish. Marine Scotland does nevertheless provide wild fish interaction advice to inform decision-making. SEPA is the regulatory body responsible for licensing biomass permitted to be held on farms and for the permitted use of chemicals, but the spread of sea lice into the wider environment from within farms is not construed to be 'pollution', and therefore wild fish impacts are not at present considered as part of their licensing process.

9.5.3.

The site lies within farm management area (FMA) (0-1), and MSS has advised that there is no history of sea lice affecting the health of the aquaculture animals in this farm management area FMA (0-1) to the knowledge of the FHI. Nevertheless MMS acknowledges that there was a rise of female sea lice numbers above that of the Code of Good Practice (CoGP) suggested criteria for a week or several weeks at a time during 2021. However, information from published numbers of lice counts show in the preceding production cycles falling right back to, at or around 0 adult female sealice within the farms in FMA (0-1) which covers Pierowall Bay, Papay Sound and some of the North Sound. There are six fish farm sites within this area; Scarfhall point is not stocked at present and the applicant indicates there are no plans to stock it at present. The issues of sea lice and treatments with impacts on wider biodiversity and marine environment have been raised as part of a significant number of the objectors.

9.5.4.

The applicant has provided a site specific Sea Lice Management Plan which includes a sea lice efficacy statement. Salmon farms in the FMA do not follow a synchronous fallow period nor the same pattern of stocking but are managed on a single year class basis. A risk assessment is required as set out in the CoGP for the non-synchronous production farms within an FMA; the risk assessment as submitted was satisfactory to MSS. It is noted that the farms within this FMA, which are all within the ownership of Cooke Aquaculture, have been operating with non-synchronous production.

9.5.5.

MSS advises that scientific evidence from Norway and Ireland indicates a detrimental impact on sea trout and salmon populations from sea lice. Salmon fish farm operations can result in elevated numbers of sea lice in open water and as such has the potential to have an adverse effect on populations of wild salmonids in some circumstances. Information presently available from the west coast of Scotland suggests lice from fish farming may cause a risk to local salmon and sea trout.

9.5.6.

This information can be used to give an idea of the relative risk to salmon and sea trout, and measures to mitigate, and there are a number of factors:

- The siting of the farm and its ability to effectively control sea lice.
- The greater the number of lice on the farm the greater the risk to wild salmon and sea trout.

9.5.7.

While it is highlighted that, although it is not possible to accurately predict the future lice levels on a farm, the performance of existing farms within the area could act as a guide for future performance. This development has the potential to increase the risks to wild salmonids. However, it is noted that the developer is aware of the potential impacts on salmon and sea trout and has indicated that they intend to manage the site as part of the local FMA (0-1). They have undertaken to follow the industry CoGP recommended in regard to sea lice control and containment. MSS suggests that strict control of sea lice should be practiced throughout the year, although it should be noted that may not necessarily prevent release of substantial numbers of lice from aquaculture installations.

9.5.8.

MSS has considered the sea lice management plan which outlines monitoring and reporting procedures: sea lice counts are conducted weekly from each pen and reported to MSS in line with mandatory requirements. Interventions are considered when CoGP suggested criteria are reached and a flow chart is provided illustrating this. Interventions that could be used on site are as follows:

- Use of stocks with improved resistance.
- Single year class sites.
- Fallow periods and end of production cycle.
- Lice counts weekly.
- Thermolicer or hydrolicer or freshwater treatment.
- Bath treatments(chemotherapeutants).

9.5.9.

With regard to reactive interventions, MSS advises that the applicant has access to a hydrolicer and is in the process of acquiring a hydrolicer with double the throughput capacity reducing the treatment times. The applicant has advised that they have

vessels capable of serving a site with 160 metre cages through bath treatment with a tarpaulin. In-feed treatment is not proposed on this site as modelling has shown it is too low to be efficacious. MSS has considered the details of preventative sea lice management measures and are satisfied the application meets their requirements.

9.5.10.

In addition to the sea lice management plan, the applicant has submitted an Environmental Management Plan (EMP) and a Numerical Modelling of Sea Lice Dispersion for East Moclett. An EMP ensures that appropriate environmental management practices are adhered to during the construction and operation of the development. Marine Scotland has set minimum requirements for the content of these EMPs and advises the planning authority if they consider that a particular EMP meets these requirements. MSS expects that as a minimum EMPs should be able to:

- Report on the level of lice released into the environment (ie both farmed fish and adult female lice numbers).
- Identify the likely area(s) of sea lice dispersal from the farm.
- Detail how and what monitoring data will be collected to assess potential interaction with wild fish.
- Detail how this monitoring information will feed back to management practice.

9.5.11.

This plan should also include a regular review process to ensure that it remains fit for purpose. MSS has confirmed that they are satisfied with the information which includes the EMP submitted in support of this application.

9.5.12.

OTFA welcomes attempts by the salmon farm industry to develop sites that are more remote and further offshore. The East Moclett site is relatively distant from known sea trout spawning burns. However, OTFA expresses concerns with the increase in sea lice and disease seen recently in Orkney's salmon farms, the need to reduce development pressure include synchronous production, semi-closed and closed containment and the current approach to salmon farm development is failing to protect Orkney's marine environment.

9.5.13.

There are objections on the impacts of sea lice on wild salmon and sea trout through wild fish being infected by sea lice. Concerns have been expressed regarding Chemotherapeutants, used to eliminate sea lice, which accumulate in marine sediment and negatively affect other organisms in the ecosystem, marine habitats and larvae. The objectors also highlight that alternative methods of fish farming should be used, such as close containment and land based farms, emphasising that many countries have stopped open cage farming. SEPA is responsible for controlling water column impacts via its CAR licensing process and have confirmed that compliance with the CAR permit should ensure that the production of fish at this farm will not breach SEPA's environmental standards for protection of the surrounding seabed and water column.

9.5.14.

SEPA has no objections to the development, with neither NatureScot nor MSS raising any concerns. In support of this application, the planning authority received expert advice from Marine Scotland Science on the acceptability of proposed EMP. Taking account of the above, it is considered that the proposal would accord with relevant policies of the OLDP and Supplementary Guidance: Aquaculture.

9.5.15.

The planning authority must be satisfied that proposed mitigation would establish a robust control mechanism to ensure sea lice numbers remain low throughout the lifetime of the permission, thereby ensuring that any consent would not conflict with relevant planning policies and biodiversity duties as set out in the Nature Conservation (Scotland) Act 2004. The inclusion of an appropriate Environmental Management Plan (EMP), along with the other mitigation proposed, provides sufficient assurance that greater understanding of impacts will be established, as a result of monitoring of wild fish interactions, and that action would be taken should trigger levels on sea lice be reached.

9.5.16.

Whilst generally considered in accordance with minimum requirements, the proposed adaptive EMP can also add value in monitoring and improving knowledge of the interaction of wild salmonids with farmed salmon, and this monitoring could be secured by planning condition. The proposed development is therefore considered acceptable in relation to relevant policy considerations and criterion DC4 of Supplementary Guidance: Aquaculture.

9.5.17. Containment and risk of escapes

Containment and Escape Response Procedures have been submitted in support of this application. It is acknowledged that the 160 metre circumference cages proposed for this site are some of the largest used in Scotland. The applicant advises that larger pens, in the 160 to 200 metre circumference size range, are considered to be more capable of withstanding exposed locations than smaller pens. In addition, it is indicated that the flotation and structural resilience of the pens would resist adverse weather conditions better than smaller equipment. It is stated that this is primarily due to larger pens being more able to 'bridge' long period swells which minimises abrupt movements. It is advised that this will serve to reduce the likelihood of containment breaches leading to escapes.

9.6. Landscape and Visual Impact

9.6.1.

A Seascape, Landscape and Visual Impact Assessment (SLVIA) accompanied by a number of visualisations was submitted as part of the EIAR and planning application which identifies the visual impacts of the development. Landscape/Seascape impact assessments consider potential changes to the character of the landscape which can include physical alterations to the landscape and coastal edge.

9.6.2.

The proposed fish farm would comprise:

- 6 cages groups of 3 x 2 formation with a 160-metre circumference with 1.2 metre high pen handrail 6 metre high top nets – grey mesh.
- 110 metre grid with an overall surface area of cages are 12,223 square metres – marker buoys grey.
- 600 tonne feed barge 69.1 metres long, 9.5 metres wide, unladen heights – Waterline to masthead – 14.5 metres, Waterline to top of "wheelhouse" – 9.3 metres, Waterline to top of feed hoppers – 6.5 metres; these heights will be 2 metres less when fully laden. The feed barge will be finished with a teal hull and off white super structure.

9.6.3.

The proposed farm lies 2.93 kilometres from the nearest point on Papa Westray to the centre point of the nearest cage, 4.47 kilometres from Westray, 8.65 kilometres from Eday and 12.48 kilometres from Sanday. The fish farm is in an area of open water known as the North Sound. The existing fish farm at East of Skelwick lies within this area and is situated 3.55 kilometres to the SSW of this proposed fish farm.

9.6.4.

In order to reduce the effects of the development on landscape/seascape character and visual amenity the proposed fish farm will incorporate the following mitigation measures:

- Cages, top nets and the main body of the feed barge are dark matt colours.
- All cage equipment is low profile.
- Pole mounted top nets of an appropriate mesh size and colour (grey).
- Baffels or guard can be installed to reduce light pollution on all but the essential navigational lighting.

9.6.5.

In the full Seascape, Landscape and Visual Impact Assessment (SLVIA), the Zone of Theoretical Visibility (ZTV) is 5 kilometres given the scale of the development. No formal landscape designations have been identified within the study area. The potential seascape/ landscape visual impacts consider the changes associated with the farm; a key to the consideration is therefore the magnitude of change. The fish farm would result in a large surface area covered by cages, buoys, associated equipment, railings, top nest, navigational lighting, seasonal maturation lighting and a large capacity feed barge.

9.6.6.

Papa Westray is mainly a 'Ridgeline Island Landscape' identified by the narrow island with a single ridge along the length of the island which slopes down to the coast providing open views to the sea as set out in Scottish Natural Heritage's

Orkney Landscape Character Assessment 1998. Other landscape character types that may be affected are Low Moorland at North Hill, Papa Westray.

9.6.7.

The closest land-based receptors for this development would be from the Papay Coastal Circular Route path which includes a stretch along the south and east at Moclett which will be the closest land to the proposed fish farm; this area is largely undeveloped. Further along the east coast there are scatter farmstead, St Tredwell's Chapel (scheduled monument), and in the centre of the island at Roadside are residential properties, including a grouping of buildings (post office, shop, museum etc). The listed buildings of Holland Farm sit on the central ridge of the island. The views towards the proposed site are open and largely uninterrupted from much of the east and central ridge of the island and roadside. There would also be views of the site from passing boat traffic including recreational marine traffic.

9.6.8.

Landscape and visual impacts of the proposed fish farm during the hours of darkness must also be assessed. The artificial sources of light include the navigational lighting to be installed on the fish farm for navigational safety. As part of the production cycle, underwater lights (maturation lights) may be used; these would only be in use during the winter months of December to April. The lights are submerged within the pens and directed downwards into the pens. LED lights are proposed for this purpose, installed at a depth of three to six metres and are said to have a faint glow at the water surface. Surface lighting would be used only in accordance with the Northern Lighthouse Board recommendations. The EIAR concludes that though some effects have been identified from the proposed lighting associated with the fish farm, these impacts would not have a significant adverse effect from a visual perspective.

9.6.9.

The height and colour of the proposed pens are designed to provide a low profile appearance. The feed barge would be the most prominent visual element within the development. The EIAR advises that the design of the barge is not dissimilar to other larger marine traffic and that it is not unusual to see this form of vessel at sea off Papa Westray.

9.6.10.

The EIAR identifies the key receptors both on land and at sea. In total seven viewpoints were selected based on an initial desk assessment following consultation with NatureScot, the County Archaeologist and Development Management, and selected to be representative of the type of receptor likely to be affected by the proposed development. These were used to assist the appraisal of the effects on landscape and visual resources. Receptors include local residents' sites, road users and recreational users on land and water.

9.6.11.

The SLVIA is based on a combination of visual receptor sensitivity and magnitude of change. This shows the effects being classified as very major, major, moderate, moderate, minor and negligible, with none considered in the EIAR to be significant: the magnitude of change and impact significance is identified as minor or negligible even at the high landscape sensitivity at St Tredwell's Chapel. Ultimately this is a matter of judgment, and the conclusions are not accepted by a significant number of objectors both from Papa Westray and outwith Papa Westray, from both locals and visitors alike.

9.6.12.

Objections have been received in respect of the visual impacts of the proposed development, stating that the fish farm would not integrate into the local landscape/ seascape and would dominate the local seascape impacting on the amenity of the area. Concerns and questions are raised by an objector on the findings of the SLVIA. It is accepted with the EIAR and the SLVIA that landscape impacts have a degree of subjectivity. There are strong views from the majority of objectors highlighting the impacts of a large scale fish farm of this design (cages and feed barge) being visually intrusive, affecting wild seascapes, panoramic views, unspoiled views of the landscape and sea, and that manmade structures would detract from the feelings of wildness and tranquility, noting that these issues would impact on quality of life in the area and tourism. Although these matters, together with all those raised within the objections, have been fully considered, it is not assessed that they justify not accepting the conclusions of the EIA report with regard to landscape and visual effects.

9.6.13.

In reaching its conclusion the EIAR notes the following embedded mitigation in the proposed development, based on the muted colour scheme; the configuration of the site allowing the development to be absorbed into the landscape/seascape with minimal effect.

9.6.14.

In terms of Development Criterion 1 of Supplementary Guidance: Aquaculture, and the conclusion of the EIAR, it is considered that the proposal does not individually or cumulatively dominate its setting or become the main feature within the area known as the North Sound. The magnitude of landscape or visual change that would occur in the context of the landscape/seascape would not warrant refusal. The application is therefore considered to accord with Policies 9 and 12 of OLDP 2017, and Supplementary Guidance: Aquaculture, Criteria DC1 and DC9.

9.7. Socio Economic Impact

9.7.1.

The Scottish Government's National Marine Plan and Scottish Planning Policy together recognise the contribution of the aquaculture sector to the rural economy and seek to support sustainable economic development. The National Marine Plan

and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located and where it does not give rise to significant adverse effects upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

9.7.2.

The proposed development is expected to provide up to six new jobs; there is indication of indirect employment opportunities in the form of support, processing staff and indirect supply chain benefits being increased.

9.7.3.

Many of those objecting to the application highlight the fragile nature of the economy of Papa Westray and the value of tourism to its economy; it is claimed that the proposal would have an adverse impact on tourism. The applicant advises that there is limited research on the effects of aquaculture on tourism but did provide data from a 2011 research paper where tourists were interviewed across some of the west coast of Scotland, the Western Isles and Shetland, where 78% advised that they would not be less likely to visit those places where fish farms were sited, and 10% indicated that they would be less likely to visit these locations. However, the largest negative response was given to the impact on the scenery and the natural environment, with 32% scoring these negatively. The conclusion was that this research has found no evidence to suggest that current levels or future expansion of aquaculture impacts tourist visits or willingness to carry out recreational activities at the three case study locations. Given the period of this study and the limited nature, limited weight can be put on these findings.

9.7.4.

The applicant acknowledges the importance of tourism to Papa Westray but indicates that it has five long-established fish farms all closer to Papa Westray than the proposed site and indicates that no evidence exists that these sites have had any negative impacts on the tourism industry, indicating that the East Moclett site was selected to mitigate against any perceived visual and cumulative impacts.

9.7.5.

Given the limited present use of the area for marine recreational purposes, the proposed development is considered to have limited impacts on the perceived enjoyment or use of the area in relation to recreation and/or amenity. The EIAR concludes no likely significant effects on recreation or tourism are anticipated.

9.7.6.

With regards impacts in terms of commercial fishing, the EIAR identifies that there would be a loss of access to fishing grounds due to the mooring containment area. However, it is concluded within the EIAR that due to “activities of a low number of fishing vessels, the development is unlikely to have a significant adverse impact on commercial fishery in the district as a whole”. Therefore, the EIAR concludes that, with mitigation, no likely significant effects are anticipated.

9.7.7.

The EIAR assesses the potential adverse and beneficial effect of the development to the local economy. The EIAR does not identify any significant impacts on commercial fishing or marine recreation, notwithstanding objections that raise concerns regarding the impact on the economy of Papa Westary with respect of tourism through impacts on the quality of the landscape and visitor experience. The EIAR identifies a minor loss or change to landscape quality and availability is anticipated at any viewpoint where direct views of the proposed site occur. However, this is not anticipated to have any effect on the frequency of visitors or the visitor experience.

9.7.8.

In considering competing socio-economic impacts, the benefits created by the development in the local area and wider Orkney are considered to outweigh any impact caused by change to the area.

9.8. Noise pollution

9.8.1.

The development would have minimal noise producing operations and practices and these would normally be confined to daily working hours. The proposed site lies 2.93 kilometres from the closest landfall with the nearest residential property being at a greater distance. In addition, the feed barge lies to the south of the site furthest away from Papa Westray. Main sources of noise at the site would be from vessel activity and the operation of machinery on the feed barge. Vessel activity associated with the operations include work boat movements for staff transfer and occasional larger vessels (deliveries to and collections from the feed barge; and well-boats for stocking, harvest or treatment). Noise sources on vessels include boat engines, hydraulic power-packs and associated machinery. On board pumps on well-boats and other equipment used in non-medicinal treatment of fish also produce noise. Effects of noise from vessel activity are transient and variable in nature and therefore not anticipated to result in nuisance noise. The primary fixed source of noise is the operation of machinery on the feed barge. This would include cranes, generators and associated hydraulic systems, all of which sound like diesel engines and feed blowers, comparable to a large air conditioning unit. Construction activities would be temporary.

9.8.2.

Several objections raise noise pollution, with some highlighting noise from existing fish farming activities in the area and potential cumulative issues with the proposed fish farm. It is considered unlikely that the proposed fish farm would be a nuisance to sensitive receptors along the coast taking into consideration distance. Environmental Health had no adverse comments to make on the development.

9.8.3.

It is considered that the noise associated with the activities of the fish farm would not be significant. The proposal is considered acceptable in terms of Policy 1 of OLDP 2017 and Criterion DC9 of Supplementary Guidance: Aquaculture.

9.9. Cultural Heritage and Historic Environment

9.9.1.

Historic Environment Scotland (HES) has advised no comments to make on this proposal. The nearest on land cultural heritage interest relative to the proposed site is on Papa Westray (scheduled monuments and listed buildings) and the Holm of Papa Westray (Scheduled Monument), the closest being the chambered cairn on the Holm of Papa Westray which is a scheduled monument and lies 3.78 kilometres northwest of the proposed fish farm site. The EIAR concludes that the location of the proposed site and the design of the fish farm and the colours used, is considered unlikely to affect the setting and experience of local cultural heritage interests and as such, no likely significant effects are expected.

9.9.2.

The EIAR, following a combination of desk based assessment and remote operated vehicle survey undertaken across the proposed site, identifies no marine archaeology, with the nearest identified archaeological feature to the North East of the mooring containment area. The depositional footprint from the proposed farm shows that any deposition would not spread to the known identified archaeological feature. The potential for unknown marine archaeology within the site area remains and to mitigate that risk, an ROV will be used for anchor placements, and should any marine archaeology be identified during this process, the County Archaeologist would be advised and further assessments undertaken.

9.9.3.

The EIAR advised that there is no evidence of recorded or unrecorded marine archaeological features within the operational footprint of the proposed site or the mooring containment area. It goes on to state that the proposed development is therefore not considered likely to result in significant effects on marine cultural heritage interests. Therefore, the proposal is considered acceptable in terms of Policy 8 of the OLDP, and Criterion DC6 of Supplementary Guidance: Aquaculture.

9.10. Roads and Transportation

9.10.1.

The site is serviced daily from Gill Pier, Pierowall, Westray. Following concerns raised by Marine Services in respect of the capacity of Gill Pier to accommodate the proposed larger vessel, the developer proposed the site be serviced by a smaller vessel than originally submitted. The revised proposal is for a catamaran of 15 metres length and 7.5 metres beam. This size of vessel, whilst smaller, is still capable of servicing the proposed site at East Moclett daily. The vessel would have a similar transit speed, will follow the same vessel transit route, and will abide by all

requirements of the proposed Vessel Management Plan in terms of minimisation of disturbance. This revised vessel therefore accommodates the request from Marine Services for a smaller vessel to be used.

9.10.2.

It is proposed that the pens will be constructed on land at Rapness Quarry, Westray. The site is close to Rapness Pier therefore providing easy access for delivery of material and onward transportation. Once construction is complete, cages are launched into the sea at Rapness and would be towed to site at a speed not exceeding 3 knots. Towage routes and dates of movements will be advised to the Harbour Authority in advance and navigational warnings will be issued to ensure other marine users are aware of the potential hazard.

9.10.3.

Harvested fish would be landed at Kirkwall Pier and transported to the operator's processing plant at Hatston.

9.10.4.

Neither Roads Services nor Marine Services has raised any objection to the development. Therefore, the proposal is considered acceptable in terms of Policy 13 of the OLDP and Criterion DC7 of Supplementary Guidance: Aquaculture.

9.11. Waste Management

9.11.1.

A Waste Management Plan is contained as an appendix to the EIA, which details the different types of waste encountered on the fish farm together with the proposed waste collection and disposal methods. Further information from the applicant regarding marine litter was submitted in light of a number of objections raising the issue of existing marine litter around the coast of Papa Westray. The applicant has undertaken removal of material which has collected on the coast of Papa Westray adjacent to their fish farm at Vestness. As part of this process, the applicant separated the waste collected for recycling and disposal, and assessed that approximately 95% of the waste was not fish farm waste.

9.11.2.

The applicant has committed to undertake a bi-annual clean-up of the Vestness beach in order to ensure it remains pristine for locals and visitors alike. It is recommended that a condition be attached to the consent to cover this. In addition, a contingency plan would be provided for any waste from damaged cages or associated equipment washing up onshore. The waste management plan has been considered as a component of the submitted EIA with no significant comment provided by consultation bodies as to any deficiencies arising, noting that mortalities and moribunds arising are ultimately processed by Pelagia in Shetland.

10. Conclusion and Recommendation

10.1.

The Orkney Local Development Plan 2017 supports finfish development where it can be demonstrated, “with regard to SG and through appropriate mitigation where necessary, that there will not be unacceptable effects, directly, indirectly or cumulatively”. Supplementary Guidance: Aquaculture, Spatial Policy 1, sets out the spatial sensitivities that have the potential to be affected by aquaculture developments, as well as the 10 development criteria that all aquaculture development will be assessed against. In addition, the National Marine Plan supports sustainable growth of aquaculture, subject to the proposal complying with the relevant policies of the NMP and the 14 Policies which relate specifically to Aquaculture.

10.2.

In relation to the findings and outcomes of the Environment, Climate Change and Land Reform (ECCLR) Committee and Rural Economy and Connectivity Committee report, MSS and SEPA have made recommendations and actions relevant to their statutory remits. The inclusion of an Environmental Management Plan is welcomed in relation to planning function, including the understanding of interaction of this type of development and wild salmonids. NatureScot has provided clear advice on the impacts on natural heritage and concludes that the proposed development is acceptable, subject to the mitigation proposed.

10.3.

SEPA considers matters in relation to the receiving environment through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). MSS considers environmental impacts and aquaculture animal health and, in common with NatureScot, SEPA has not raised any matters that have not been addressed within the submission or are otherwise ordinarily controlled by planning condition, whilst noting the requirement for an agreed and appropriate EMP.

10.4.

The proposed location is considered suitable from an aquaculture perspective. The Council’s Habitats Regulations Appraisal and Appropriate Assessment support the conclusion that the proposal would not have an adverse effect on the integrity of any sites of international or national importance for their habitats or species.

10.5.

This proposal is an EIA Development; Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, prohibits the granting of permission for EIA development unless an Environmental Impact Assessment has been carried out and that information has been taken into account when undertaking an assessment of the proposal. There is a requirement to examine the environmental information submitted and reach a reasoned conclusion on the

significant environmental effects of the proposal. In this respect the following have been taken into account when reaching a recommendation:

- The EIA report and appendices submitted.
- The consultation responses.
- All objections and representations received.

10.6. EIA Report Reasoned Conclusion

The Council's assessment of the information presented within the EIA Report and other environmental information in relation to the development is contained within this report. Environmental issues are addressed in this report and it is considered that, subject to the mitigation measures which are set out in the EIA Report and reflected in the planning conditions attached to this permission, no likely significant effects are anticipated as a result of the proposed development. The Council is satisfied that this reasoned conclusion is up-to-date at the time of this decision. An Environmental Management Plan (EMP) has been submitted in support of this application. A planning condition requires the development to be operated, monitored and managed in accordance with this EMP or any subsequently approved variation.

10.7.

The recommendation on this application has been guided by the conclusions of the EIAR and the proposal has been assessed against the policies of the Orkney Local Development Plan 2017 and Supplementary Guidance: Aquaculture, as well as other material considerations.

10.8.

The support of the Orkney Local Development Plan 2017 and National Marine Plan for sustainable growth of aquaculture in principle is a material consideration of significant weight in support of this application. The proposed development is acceptable subject to mitigation and would comply with Policies 1, 2, 4, 8, 9, 12 and 14 of the Orkney Local Development Plan 2017, Supplementary Guidance: Aquaculture and the aims of the National Marine Plan. It is considered that the objections do not carry sufficient weight to justify refusal of the application. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 4 to this report.

11. Contact Officers

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12. Appendices

Appendix 1: Representations.

Appendix 2: Habitats Regulations Appraisal.

Appendix 3: Location Plan.

Appendix 4: Planning Conditions.

Appendix 1

Objections

Ms Cheryl Abraham, 1 Cape View Drive, Wolfville, B4P 1M3

Dr Nicola Abraham, Lagganbeag House, Kilninver, Oban, PA34 4UU

Mrs Kate Rogers, 258 Forest Drive, Oriental, North Carolina, USA, 28571

Daniel and Wendy Elves, Vestness, Papa Westray, KW17 2BU

Mrs Sheila Pledger, Holm View, Papa Westray, KW17 2BU

Mr John Harper, Nouster, Papa Westray, KW17 2BU

Mr Maximilian Campbell, Kelvin House, Kelvinhead, Glasgow, G65 0QJ

Mr James Finlayson, 43 Maryknowe, Gauldry

Taya, Tim and Cassia Dodman, Hundland, Papa Westray, Orkney, KW17 2BU

Miss Laurel Renton, 65/2 Spottiswoode Street, Edinburgh, EH9 1DL

Miss Rebecca Crawford, 46 Meadowbank, Kirkwall, KW15 1QJ

Karen Edwards, Summer Hill, Halesowen, B63 3BU

Ms Owens Emer, 15 Cassels Lane, Edinburgh, EH6 5EU

Mrs Sophie Etheridge, 8 Manor Barns, The Street, Little Snoring, NR21 0fFD

Kathy Baker, 1825 Riddlesworth Dr, Virginia Beach, Virginia 23456, USA

Christopher and Mara Bell, South Rendall, Central Road, Papa Westray, KW17 2BU

Mr Christopher Rutterford, 50 Croft Street, Dalkeith, EH22 3BA

Ms Christiana Walcher, Hunoldgraben 50, Augsburg, Germany, 86150

Dr Joanne Porter, 1 Suleskerry Shorestation, Ness Road, Stromness, KW16 3DL

Angela Williamson, Rosemay Cottage. Leadburn, West Linton, EH46 7BE

Mr Brian Lewis, 76 Holme Lane, Sheffield, S6 4JW

Ms Gina Breck, 16, Soulisquoy Place, Kirkwall, KW15 1TJ

L and A Sharp, Ness, Papa Westray, KW17 2BU

Mrs Ann Lopeman, 28 Beauty Bank, Old Hill, Cradley Heath, B64 7HZ

Gerald McKillop, 93 Kings Road, Kings Heath, Birmingham, B14 6TN

Mr David Shepherdson, 8 Springfield Crescent, Stromness, KW16 3AS

Orkney Marine Mammal Research Initiative, C/o Mrs Imogen Sawyer, Little Isegarth, Sanday, Orkney, KW17 2BL

Dennis Archer, Sealladh Breagha, Gallanach Road, Oban, PA34 4PD

Ms Lubica Bystricka, Gowrie, Papa Westray, KW17 2BU

Mike and Susan Rutterford, 22/14 Kinellan Road, Murrayfield, Edinburgh, EH12 6ES

Dr Simon Rudland, 15 Ipswich Road, Woodbridge, IP12 4BS

Jane Jones, 15 Devonshire Road, Aberdeen, AB10 6XN

Neill and Gillian Renton, The Green, Roadside, Papa Westray, KW17 2BU

Susan and Tony Curtis, Links, Papa Westray, Orkney, KW17 2BU

Melanie Gardner, 560 N St., SW #N403, Washington, DC, 20024

Dr Samantha Clark, Hunto, Birsay, KW17 2LS

Brian McClave and Olive Carr, 78 Denmark Villas, Hove, BN3 3TJ

Ms Lucy Carr-McClave, 19 Estcourt Terrace, Leeds, LS6 3EX

I and M Cursiter, Charleston, Papa Westray, KW17 2BU

Mr Jim Aird, 11 Skeltiemuir Grove, Bonnyrigg, EH19 3QL

Mrs Verity Branscombe, Lenteverne Cottage, St Mary's, Isles of Scilly, TR21 0NS

David and Niki Smith, 76 Compton Road, Brighton, BN1 5AN

Mrs Karen Johnson, Little Logaston, Hereford, HR3 6QH

Ms Susan Kinnear, 1, Netherwells Farm Cottages, Netherwells, Jedburgh, TD8 6QU

Jo Koszel, 33 Potterton Lane, Barwick in Elmet, Leeds, LS15 4DU

Joanne Mitchinson, 2 Picton Grove, Wavertree, Liverpool, L15 1HL

Margaret Leplar, Flat 1, Falls View Apartments, North Connel, PA371QX

Mr Michael Hannam, 8 Flat 3, Piershill Terrace, Piershill Terrace, Edinburgh, EH8 7EU

Mr Paul Baker, Clestrain, Papa Westray, Orkney, KW17 2BU

Dr Sarah Fennell, 100 Westover Road, Bristol, BS9 3LP

Miss Jade Jones-Elves, 138, Fore Hamlet, Ipswich, IP3 8AF

Miss Francesca Woolley, 38 Thornhill Square, London, N1 1BE

Miss Roise Blaney, 1/2 3 Caird Drive, Glasgow, G11 5DZ

Ms Rosey Priestman, 4 Stove, Sanday, KW17 2BA

Mr Paul Geiffiths, Breckaskaill, Papa Westray, Orkney, KW17 2BU

Mr Filip Esau, Kleine Helle 42-43, Bremen, Germany, D-28195

Mrs Elizabeth Rachel Bond, 50 City Road, Norwich, NR1 2HS

A and R Wakeham, North Rendall, Papa Westray, KW17 2BU

Ms Sarsh Cox, 1 Cussies Row, Petersfield Road, Midhurst, GU29 9JH

Mr Jonathan Ford, Ms Saoirse Higgins and No East Moclett Group, Midhouse, Papa Westray, KW17 2BU

Mr Bruce Cheney, 402 Freemason Street PO Box 461, St Thomas Episcopal Church, Oriental, North Carolina, USA, 28571

Ms Margaret Rinder, 23 Howard Park, Greystoke, Penrith, CA11 0TU

Catherine, Frederick, Laurie and Sophie Chattington, Skennist, Papa Westray, KW17 2BU

Mr David Roche, Aalsker, Papa Westray, Orkney, KW17 2BU

Miss Amy Harrison, 1 Basset Street, Redruth, TR15 2EA

Ariane Burgess MSP C/o Claire Filer, The Scottish Parliament, Edinburgh, EH99 1SP

Sylvan and Stephane Jenaer, Quoys, Papa Westray, KW17 2BU

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Rob Parry and Annie Greent, Y Fron, Tanysgafell, Bethesda, LL57 4AJ

Ms Amy Liptrot, Hebden Bridge, West Yorkshire, HX7 8DF

Mr Osian Jenaer, 24b, Gowlett Road, Gowlett Road, London, SE15 4HY

Mr Joseph Gilman, 9 Hermaness, Kirkwall, Kw15 1XA

Mr Jamie Murphy, 7 Rupert Street, Glasgow, G4 9AP

Miss Frances Scott, Flat 2/2, 28 Mansionhouse Road, Glasgow, G41 3DN

H Owens, The Grove, Pembridge, Leominster, HR6 9HP

Gabriel Smith and Hannah Renton, 12/7 Dean Park Street, Edinburgh, EH4 1JW

Ms Rebecca Cottrell, 13 Holland Street, Brighton, BN2 9WB

Daisy Mayers and Joseph Lawrence, 388 Great Western Road, Flat 2/1, Glasgow, G4 9HZ

Mrs Margit Fassbender, Daybreak, Papa Westray, KW17 2BU

Mr Fin Renton, 30 Belgrave Terrace, Aberdeen, AB25 2NS

Mr Alan Dawson, Sun Cottage, Scar Hill, Minchinhampton, Stroud, GL6 9AH

Kamila Kaniski and Sarah McKinnon, East Bank House, Kirkwall, KW15 1LX

Comments

Mr Derek Harper, Marstone, Cricketfield Road, Torquay, TQ2 7NP

Mr Daniel Wise, 14 Hillside Road, Stromness, KW16 3AH

Mrs Gillian Jamieson, 18 Woodcroft Street, Rawtenstall, Rissendale, BB4 8LG

Mr David Gabra, 521 Duke Street, Glasgow, G31 1DL

Gordon William Aitken, 11 Northcrofts Road, Biggar, ML12 6EL

Miss Abbie Cameron, 2/1 15 Willowbank Street, Glasgow, G3 6LY

Support

Mr Leslie Sinclair, 31A Broad Street, Kirkwall, KW15 1DH

Appendix 2

Create a salmon farming site comprising of 6 x 160 metre circumference circular cages arranged in a 2 x 3 formation in a 110 metre mooring grid, with pole mounted top nets, underwater lighting, and 600 tonne capacity feed barge at East Moclett, The North Sound, off Papa Westray, Orkney.

Planning Reference: 21/495/MAR.

Consideration of Proposals affecting European Sites

The proposal is likely to have a significant effect on diving marine birds from a number of Special Protection Areas (SPAs) including Calf of Eday, West Westray, Fair Isle, Sule Skerry and Sule Stack SPA. Which are conservation objectives for qualifying interest(s) of these site. The requirements of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 therefore apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

Appraisal

Natura interests – Scapa Flow SPA.

The proposal lies within Scapa Flow SPA classified for its aggregations of breeding Red-throated diver and aggregations of non-breeding wintering waterfowl, including Black-throated diver, Eider, Goldeneye, Great northern diver, long-tailed duck, Red-breasted merganser, Shag and Slavonian grebe. In its response to the Council, NatureScot has provided an appraisal of the impact that the proposal is likely to have on the Scapa Flow SPA and other impacted SPAs.

The Conservation Objectives* for Scapa Flow SPA are noted as follows:

1. To ensure that the qualifying features of the Scapa Flow SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.
2. To ensure that the integrity of the Scapa Flow SPA is maintained in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:
 - 2a. The populations of qualifying features are viable components of the site.
 - 2b. The distribution of the qualifying features is maintained throughout the site by avoiding significant disturbance of the species.
 - 2c. The supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained.

Qualifying Interest:

- Great northern diver (*Gavia immer*)
- Red-throated diver (*Gavia stellata*)
- Black-throated diver (*Gavia arctica*)
- Slavonian grebe (*Podiceps auritus*)
- European shag (*Gulosus aristotelis*)
- Common eider (*Somateria mollissima mollissima*)
- Long-tailed duck (*Clangula hyemalis*)
- Red-breasted merganser (*Mergus serrator*)

The Scapa Flow Special Protection Area (SPA) qualifies under Article 4.1 by regularly supporting a non-breeding population of European importance of the following Annex 1 species: great northern diver *Gavia immer* (a mean peak annual non-breeding population of 506 birds (20.2% of the GB population) for the years 1998/99-2006/7), black-throated diver *Gavia arctica* (a mean peak annual nonbreeding population of 57 birds (9.5% of the GB population) for the years 1998/99- 2006/7) and Slavonian grebe *Podiceps auritus* (a mean peak annual non-breeding population of 135 birds (12.3% of the GB population) for the years 1998/99-2006/7).

The site also qualifies under Article 4.1 by regularly supporting a population of European importance of the following Annex 1 species during the breeding season: red-throated diver *Gavia stellata* (up to 81 pairs (7.6% of the GB population) in 2006).

The site further qualifies under Article 4.2 by regularly supporting populations of European importance of the following migratory species: common eider *Somateria mollissima* (a mean peak annual non-breeding population of 1994 birds (3.3% of the GB population) for the years of 1998/99 to 2006/07), long-tailed duck *Clangula hyemalis* (a mean peak annual non-breeding population of 1,393 birds (12.7% of the GB population) for the years of 1998/99 to 2006/07), common goldeneye *Bucephala clangula* (a mean peak annual non-breeding population of 219 birds (1.1% of the GB population) for the years 1998/99 to 2006/07), red-breasted merganser *Mergus serrator* (a mean peak annual non-breeding population of 539 birds (6.4% of the GB population) for the years of 1998/99 to 2006/07), and European shag *Phalacrocorax aristotelis* (a mean peak annual non-breeding population of 2929 birds (1.5% of the biogeographic population) for the years of 1998/99 to 2006/07).

*The Conservation Objectives for Scapa Flow are currently in draft form. NatureScot has advised that these draft high-level Conservation Objectives should be used for Habitats Regulations Appraisals of plans or projects.

Appropriate Assessment

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot. It is also acknowledged that the developer has provided dedicated information to inform the HRA process for the application under consideration which is welcomed and has been considered together with all other relevant information as submitted.

In the view of NatureScot the proposal is likely to have a significant effect on the wintering waterfowl and breeding Red-throated diver of the Scapa Flow Special Protection Area (SPA). Consequently, Orkney Islands Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

Based on the information provided, if the proposal is undertaken strictly in accordance with the details submitted including the mitigation measures will not adversely affect the integrity of the site.

The proposal is assessed against the conservation objectives of the SPAs identified.

The proposal is assessed against SPA conservation objectives.

Conservation objectives;

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is

maintained; and to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

We have considered the following impacts:

Mortality through the use of Gill nets

Gill nets are mentioned in the containment & escapee policy when considering re-capture. The developer would have to apply to Marine Scotland to use these in the case of an emergency. NatureScot do not advocate the use of gill nets, drift nets or similar where there is possible impact on diving birds from SPAs. MS should contact NS in the event of such a licence being requested, however, as we would object to the use of these nets there would be no point in any reference to the use of gill nets at this site. A revised predator control plan has been received with all reference to gill nets removed. We can therefore now conclude No AESI.

Mortality/injury through entanglement/entrapment risks associated with polemounted top nets

Breeding gannets have a mean foraging range of 120.4km (± 50.0 km) and a mean maximum foraging range of 315.2km (± 194.2 km) (Woodward et al, 2019). Consequently, there is potential connectivity between gannets from SPAs and all marine waters across Scotland suitable for finfish aquaculture. In this specific instance, the SPA colonies at Fair Isle, Noss and Sule Skerry and Sule Stack are within mean (± 1 SD) foraging range of the proposed farm location. Hence there is potential for LSE arising from incidental entanglement or entrapment of gannets at finfish farms deploying pole-mounted top nets.

However, the adoption of ceiling mesh dimensions of 100mm or less is considered, on both theoretical grounds and in light of the currently available empirical evidence, to pose minimal risk of damaging interactions with gannets. In addition, all SPA gannet populations in Scotland are in favourable condition and the overall gannet population is increasing and expanding its range.

Other species

Other marine birds, in particular herring gulls, lesser black-backed gulls, great black backed gulls, European shags and great cormorants may also potentially be attracted to finfish farms in the vicinity of their breeding colonies or roost sites and we are aware of some instances of herring gull entanglement or entrapment associated with pole-mounted top nets.

Recent entanglement returns (for January to December 2021) at the applicant's nearby sites (off east coast of Westray) at Bay of Cleat North, Bay of Cleat South

and Ouseness, with 50mm top nets mounted on floating (“hamster wheel”) supports, recorded zero bird entanglements. The nearer Skelwick Skerry site, which has pole-mounted top nets with a 50mm ceiling and 50mm side panel configuration, also reported zero entanglements in this period.

These returns suggest low levels of interaction of such birds with fishfarm top nets in this general area. However, the larger (75mm side and 100mm ceiling) top net mesh sizes proposed for the East Moclett site would increase potential entanglement risk and the site lies within typical (mean ± 1 SD) foraging ranges of breeding cormorant and great black-backed gull features of the Calf of Eday SPA.

There is potential for LSE arising from incidental entanglement or entrapment of cormorants or great black-backed gulls in the proposed top nets. In addition, the great black-backed gull population at Calf of Eday SPA is small (fewer than 70 pairs in 2016) and in Unfavourable Condition, due to a decline of c.95% since 1996. This means that any repeated incidental mortality of great black-backed gulls at the proposed fishfarm would be of particular concern with respect to potential for cumulative AESI. Hence the need for different thresholds at this site.

Cooke Aquaculture has included standard mitigation measures which includes:

- Maintain daily records of wildlife entanglement/entrapment using a standardised proforma provided by NatureScot and submit six-monthly returns to Orkney Islands Council, copied to NatureScot.
- Immediate notification to both Orkney Islands Council, and NatureScot in the event of any significant entrapment or entanglement of gannets. Significant entrapment is defined as involving three or more birds of any named species on any one day and/or a total of ten or more birds in the space of any seven day period and/or repeat incidents involving one or more birds on four or more consecutive days; and
- Adaptive management approaches will be agreed between Orkney Islands Council, and Cooke Aquaculture in consultation with NatureScot, such measures may include:
 - Review of entanglement records and if bird entanglements occur then consider appropriate alterations to the top net design including changes in mesh size, net colour and marking the top nets to make them more visible to birds; and
 - If bird entanglement continues despite alterations, top net design could be changed to the traditional ‘hamster wheel’ system.

Our marine ornithologist has provided mitigation more suited to this specific location as follows:

Specifically, any planning permission granted for this proposal should include the following conditions. Note that the notification condition is different to the wording in our generic advice around use of pole-mounted top nets; this reflects the specific considerations for this site as detailed above.

- There will be no associated use of gill or other static or drift nets in the water column.
- Operators to maintain daily records of wildlife entanglement / entrapment using a standardised NatureScot proforma and to submit regular (typically six-monthly) returns of these records to the relevant LPA, copied to NatureScot;
- Immediate notification by the site operator to both the LPA and NatureScot in event of any significant entrapment or entanglement in any infrastructure, including cage, top and sub-surface anti-predator nets, of great black-backed gulls, gannets, auks (any species) cormorants, or other single bird species. Specifically for this site, significant should be interpreted as: involving three or more birds of any one or more species on any one day and/or a total of six or more birds of any one or more species in the space of any seven day period and/or repeat incidents involving one or more birds of any one or more species on three or more consecutive days) and/or a cumulative total of three or more great black-backed gulls over any period from commencement of site operation;
- Should an event or events be notified in accordance with the above conditions, the LPA to consult with NatureScot and the applicant to agree any mitigation measures required and any such mitigation measures to be implemented within a timescale determined by the LPA and to be retained throughout the life of the top nets unless agreed otherwise in writing by the LPA.

The above site specific mitigation has been adopted in to a revised predator defence and mitigation policy, consequently it may be concluded that there is no AESI with respect to gannets with permitting the use of pole-mounted top nets with ceiling mesh of 100mm at this site. No AESI

Wider matters including consideration of Priority Marine Features (PMF) and European Protected Species (EPS) have also been considered, noting that no PMFs species of significance identified in the area of the proposal, whilst the potential use of Acoustic Deterrent Devices (ADDs) is noted and may be subject to further consideration through potential EPS licensing and appropriate planning condition. The licensed shooting of seals is discounted as this is now illegal in relation to the proposed development.

Conclusion

Whilst it is concluded that there are likely significant effects on diving marine birds from a number of Special Protection Areas (SPAs) including Calf of Eday, West Westray, Fair Isle, Sule Skerry and Sule Stack SPA, subject to the identified mitigation as detailed in the supporting EIAR and appendices therein, coupled with appropriate additional safeguards through the application and adherence to appropriate planning conditions, it can be concluded that there would be no adverse effect on site integrity of the SPAs.

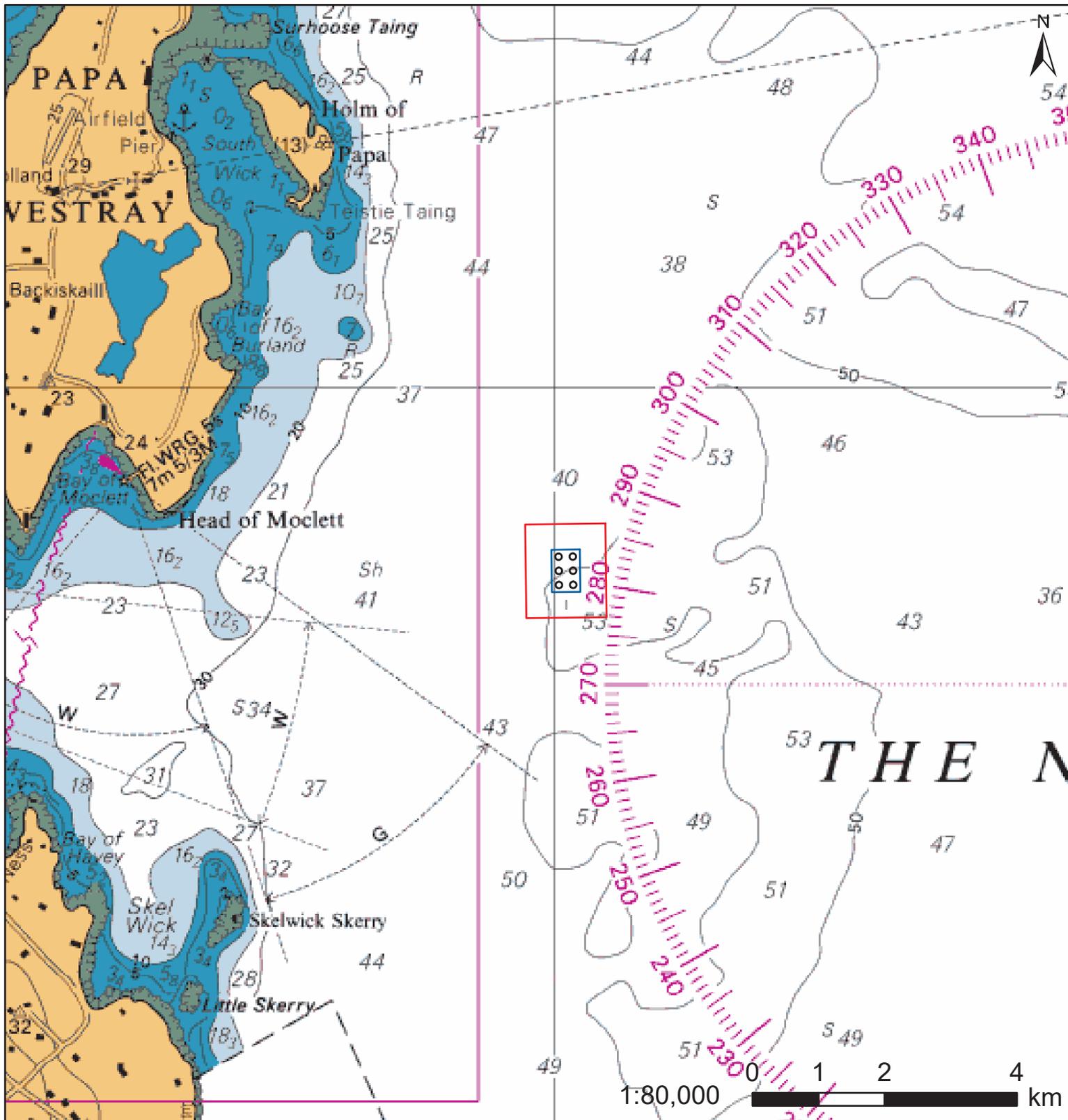
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East Moclett, The North Sound

- Mooring Containment Area
- Mooring Grid
- Pens (160m)
- Barge

	WGS 84		OSGB	
	Latitude	Longitude	Easting	Northing
MCA NE	59° 19.421' N	2° 49.585' W	353066.5	1048880
MCA SE	59° 19.028' N	2° 49.576' W	353066.5	1048150
MCA SW	59° 19.023' N	2° 50.229' W	352446.5	1048150
MCA NW	59° 19.417' N	2° 50.239' W	352446.5	1048880
Grid NE	59° 19.312' N	2° 49.793' W	352866.5	1048680
Grid SE	59° 19.134' N	2° 49.789' W	352866.5	1048350
Grid SW	59° 19.133' N	2° 50.021' W	352646.5	1048350
Grid NW	59° 19.310' N	2° 50.025' W	352646.5	1048680
Site Centre	59° 19.222' N	2° 49.907' W	352756.5	1048515
Feed Barge	59° 19.079' N	2° 49.904' W	352756.5	1048250

Appendix 4.

01. No other development shall commence until an adaptive site specific Environmental Management Plan (EMP) for monitoring and managing the interactions between the operation of the farm and the wild fish environment is submitted to, and agreed in writing by, the Planning Authority, in consultation with Marine Scotland Science and NatureScot. The EMP shall include, but not be limited to, 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.
- Details of any changes proposed as a result of any collaboration with other fish farms operated with FMA 01.

Thereafter, the site shall be operated, monitored and managed in accordance with the duly approved EMP, or any subsequently approved variation thereof.

Reason: In the interests of conservation of wild salmonids.

Note: The applicant will require to obtain necessary permissions for the collection of wild salmonids.

02. The adaptive EMP as required by condition 01 shall include a strategy for wildlife entanglement/entrapment management, monitoring and reporting, which shall be subject to the same agreement, in writing, by the Planning Authority, in consultation with NatureScot. All agreed measures within this strategy shall be implemented no later than the date of installation of the pole mounted top nets. This strategy shall include, but not be limited to, the following measures:

- There will be no associated use of gill or other static or drift nets in the water column.
- Operators to maintain daily records of wildlife entanglement / entrapment using a standardised NatureScot proforma and to submit regular (typically six-monthly) returns of these records to the relevant Planning Authority, copied to NatureScot.
- Immediate notification by the site operator to both the Planning Authority and NatureScot in event of any significant entrapment or entanglement in any infrastructure, including cage, top and sub-surface anti-predator nets, of great black-backed gulls, gannets, auks (any species) cormorants, or other single bird species. Specifically for this site, significant should be interpreted as involving:
 - three or more birds of any one or more species on any one day and/or
 - a total of six or more birds of any one or more species in the space of any seven day period and/or

- repeat incidents involving one or more birds of any one or more species on three or more consecutive days) and/or
- a cumulative total of three or more great black-backed gulls over any period from commencement of site operation.

Should an event or events be notified in accordance with the above conditions, the Planning Authority should consult with NatureScot and the applicant to agree any mitigation measures required, and any such mitigation measures should be implemented within a timescale determined by the Planning Authority and be retained throughout the life of the top nets unless otherwise agreed, in writing, by the Planning Authority.

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

03. 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 NatureScot. Thereafter, the development 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.

04. 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.
- The lights should display a character of one yellow flash every five seconds (Fl Y 5s) with a nominal range of 2 nautical miles and be installed above the 'X' topmark.
- The poles should be positioned at the Northeast and Southwest corners of the cage group.
- Each light should be 1 metre above the site equipment handrails and installed so as 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.

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.
- On completion of the development the UK Hydrographic Office (sdr@ukho.gov.uk) must be notified and supplied with the mooring grid coordinates in order that the appropriate chart can be revised accordingly.

Reason: In the interests of navigational safety.

05. 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, by the Planning Authority. Details of light shielding or baffels shall be submitted to, and agreed in writing by, the Planning Authority prior to being installed, and thereafter retained throughout the lifetime of the development in accordance with agreed details, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interest of visual amenity.

06. If lighting is required for security purposes on site, only infra-red lights and cameras shall be used, unless otherwise agreed, in writing, in advance of installation, by the Planning Authority.

Reason: To avoid unnecessary lighting in the interests of visual amenity and to limit impacts to the natural environment.

07. 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 black or a dark muted grey (except for the feed barge controlled by condition 09), unless otherwise agreed, in writing, by the Planning Authority.

Reason: To minimise the visual impact of the development.

08. All equipment and associated moorings hereby approved shall be wholly contained within the area identified within the Location Plan attached to and forming part of this decision notice 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.

09. Prior to the feed barge being brought onto site, details of the colours the feed barge shall 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, by the Planning Authority.

Reason: In the interest of visual amenity.

10. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the East Moclett fish farm shall not exceed 3,850 tonnes, with a maximum production biomass per cycle not exceeding 5,571 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.

11. The development shall be constructed, implemented and managed in accordance with the following documents, all forming part of the Environmental Impact Assessment Report:

- Predator Defence and Mitigation Policy.
- Containment and Escape Response.
- Sea Lice Management Plan.
- Vessel Management Plan.
- Fish Health and Welfare Manual.
- Daily and Weekly Cage and Barge Checks.
- Work Instruction Routine Mort Removal and Disposal.
- Mass Mortality Procedure.
- Equipment Attestation.
- Fish Health and Welfare Manual.

The development shall thereafter be operated and maintained in accordance with these documents throughout the lifetime of the development, unless otherwise agreed, in writing, by 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 and to protect the health of wild fish.

12. If any use of Acoustic Deterrent Devices (ADDs) is proposed at this site, prior consultation shall be carried out with the Planning Authority. 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 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 has no bearing on 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.

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

Reason: To reduce the chance of entanglement of wildlife.

14. 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.

15. Not less than 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.

16. 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.

17. No development shall commence until the Waste Management Plan is updated to include a biannual shore clean-up of waste materials, with full details of the extent of the clean-up to be submitted to, and approved in writing by, the Planning Authority. In addition, the Plan shall include details of measures to clear any equipment or cages that are damaged or displaced due to storm damage.

Reason: To ensure waste is minimised in the interest of public health and visual amenity.

18. Additional voluntary environmental monitoring to inform far-field or indirect effects on species and habitats of conservation concern from the hereby approved site at East Moclett shall be carried out, and results provided, by the applicant in relation to:

- Far field benthic monitoring.
- Vestness Sea Grass Bed Monitoring.
- Skate Monitoring.

No development shall commence until full details of the monitoring strategies, including reporting results, are submitted to, and approved in writing by, the Planning Authority. These details shall include evidence of correspondence with the Orkney Skate Trust in relation to the methodology of monitoring.

Reason: To further inform potential impacts on far-field or indirect significant effects on species and habitats of conservation concern, as confirmed in email correspondence from the applicant dated 22 August 2022.

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](#) 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.

03. It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the Roads Authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible. Any damage caused to the existing road infrastructure during construction of the development shall be repaired to the satisfaction of the Planning Authority, in conjunction with Roads Services. It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.