

## Item: 3.1

**Planning Committee: 30 October 2019.**

### **Create Salmon Farming Site with Feed Barge at Bay of Holland, Stronsay.**

**Report by Executive Director of Development and Infrastructure.**

## **1. Summary**

### **1.1.**

This is a planning application with an Environmental Impact Assessment (EIA) for a new Atlantic salmon fish farming site within the Bay of Holland, Stronsay. As an EIA development, the planning application is accompanied by an Environmental Impact Assessment Report (EIAR). The proposed farm would comprise 16 circular cages, each with a 100 metre circumference, arranged in two groups of 2 x 4 formation, aligned on a NNW – SSE axis. Cages would be moored within 70 metre grids, with a 70 metre separation distance between the two cage groups. A 300 tonne semi-automated feed barge is to be installed to the south of the site. The mooring containment area would extend to 26.24 hectares with a total surface area of the cages and barge covering 1747 square metres. The maximum weight of fish held at the site at any time would not exceed 2038.3 tonnes. Letters of objection have been received from two non-statutory consultees. Three letters of objection have been received from the public. The development has been assessed in relation to all relevant policies of the Orkney Local Development Plan 2017 and other relevant material planning considerations. Where unacceptable impacts have been identified, mitigation has been provided. Accordingly, the application is recommended for approval.

Application Number	19/100/MAR.
Application Type	Marine Fish Farm.
Proposal	Create a salmon farming site comprising of 16 x 100m circumference cages, arranged 2 x (2 x4) formation in a 70m grid with a 300 tonne feed barge located centrally to west edge of the proposed mooring containment area.
Applicant	Cooke Aquaculture Scotland, Crowness Road, Hatston Industrial Estate, Kirkwall, KW15 1RG.

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

## **2. Statutory Consultations**

### **2.1.**

Statutory consultation bodies are listed below:

- Historic Environment Scotland.
- Marine Scotland (on behalf of Scottish Ministers).
- Scottish Water.
- Scottish Environment Protection Agency.
- Scottish Natural Heritage.

### **2.2.**

No objections have been received from any statutory consultation body. It is considered that matters included in consultation responses from statutory consultation bodies can be adequately addressed by mitigation and planning conditions.

## **3. Representations**

### **3.1.**

Two objections have been received from non-statutory consultees:

- Orkney Fisheries Association, 4 Ferry Terminal Buildings, Kirkwall Pier, Kirkwall KW15 1HU.
- The Royal Society for the Protection of Birds (RSPB) (Scotland), Orkney Office, 12-14 North End Road, Stromness, KW16 3AG.

### **3.2.**

Orkney Fisheries Association (OFA) have stated their appreciation of early contact with the developer in relation to the siting of the proposed development and the negotiated relocation to accommodate fishermen's activity and appreciate the need for employment in remote areas.

#### **3.2.1.**

OFA note the physical loss of area for fishing activity, interruption to navigation routes and drift diving for the site as general matters. OFA raise a number of wider issues with developments of this nature however and state that they are extremely concerned that sea lice treatment which are used on fish farms are lethal to other marine life which includes the larval, planktonic and juvenile stages of the commercial fishery species of crab and lobster. OFA would seek a deferral on the consideration of this application given the pending findings of the UK Technical Advisory Group (UK TAG) and its recommendations to Scottish Government on the use of sea lice medicines, and the outcome of new controls on aquaculture by SEPA. OFA believe it would be sensible to defer any decision on this development until the outcome of these decisions given that position, stocking density and sea lice

medicine use will be a factor of granting a site of this capacity and dimensions. This stance is considered as an objection given that the application has been presented to the Planning Authority for determination.

### **3.2.2.**

OFA state the following:

- Emamectin Benzoate is lethal to other marine life which includes the larval, planktonic and juvenile stages of the commercial fishery species of Crab and Lobster.
- Approval of any new aquaculture site is premature pending SEPA's finding on sea lice medicines.
- OFA has low confidence in the efficacy of wrasse as cleaner fish and note the lack of stock assessment or EIA into the removal and relocation of wild caught or genetically different stocks of wrasse.
- OFA objects to the use of azamethipos, Cypermethrin, deltamethrin, Hydrogen peroxide and emamectin benzoate, chemicals involved in the treatment of sea lice, owing to the effects of such chemicals in the wider marine environment.

### **3.2.3.**

OFA advise that they are unable to ascertain proposed Hydrogen Peroxide use but would point to the following:

- Use of hydrogen peroxide remains unmeasured or monitored and un-researched and may increase lice entering the environment impacting life nearer to the sea bed.
- H<sub>2</sub> O<sub>2</sub> destroys bacteria which may be planktonic commercial species (crab, lobster and scallop) at larval, spat or egg stages, or the feed on which commercial species in their juvenile and developmental stages depend.
- OFA would accept stocking levels that eliminate the use of sea lice medicine.

### **3.3.**

The Royal Society for the Protection of Birds, Scotland (RSPB Scotland) raises a generalised objection to any new marine fish farms using current 'open cage' practices. They wish this position to be held until the current failings in the regulation of the salmon farming industry and the environmental problems the industry causes, as identified by Environment, Climate Change and Land Reform (ECCLR) Committee, are understood and resolved. For the reasons outlined above, RSPB Scotland has concerns about any new fish farms in Orkney waters for the following reasons:

- Unsustainable.
- Risk to the natural environment.
- 'Significant knowledge gaps in data, monitoring and research around the adverse risk the sector poses to ecosystem functions, their resilience and the supply of ecosystem services.' With this lack of certainty in mind, the Committee has

identified that 'too little focus on the application of the precautionary principle' has been applied.

### **3.3.1.**

In relation to this specific proposal they have raised concerns in respect of the following:

- Impacts on the benthic environment, water column and potential predatory species (particularly seals).
- Impacts on the wider marine ecosystem.
- The possible use of Acoustic Deterrent Devices – due to the site's location within a designated seal haul-out area.

### **3.4.**

Three objections have been received from:

- Jean Stevenson and Elizabeth Stevenson, Mount Pleasant, Stronsay.
- Ms J G Gyskers and Mr W W Armstrong, Furrowend, Stronsay.
- Susanne Davidson and James Davidson, Greenfields, Stronsay.

### **3.5.**

Reasons for objections are as follows:

- Pollution resulting from fish farm activity, including water pollution impacting both human health and natural environment.
- Perception of pollution to the detriment of amenity regarding bathing in vicinity of proposed fish farm.
- Negative impact on tourism.
- Negative impacts arising from unforeseen circumstances such as mass mortality events and resultant issues arising at a local level through storage and disposal of mortalities.
- The socio-economic benefit is insufficiently detailed and robust in relation to job creation benefitting the island of Stronsay directly.
- Negative impact on landscape/seascape.
- Environmental damage, specifically the area/seabed in vicinity of proposed site.
- Impact upon wildlife and specifically, grey and harbour seals and disturbance to haul outs sites in proximity to the development site.
- Chemical usage and impact of such within the receiving environment in relation to sea lice therapeutants.
- Negative impacts to recreational amenity and/or watersports-related economic development.
- Impact to seaweed through uptake of chemicals from the development which may impact on the use of seaweed for consumption or as a natural fertiliser.
- Environmentally unsustainable development.

- Noise pollution.
- Light pollution.
- Disease risk.

### 3.6.

A procedural matter of objection was also raised by an objector, who was concerned at the lack of comprehensive publicly accessible information about the application and allied Environmental Impact Assessment, citing such as ‘neither fair nor transparent’. Both the application and the EIA process are considered to have been undertaken in full accordance with legislation. This application was subject to advertisement as a Marine Fish Farm Development on 2 May 2019, and as a development subject to Environmental Impact Assessment on 5 April 2019.

## 4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
17/476/MARSS	Screening and scoping request to create a salmon fish farm.	Bay of Holland, Stronsay,	EIA required.	23.01.2018

## 5. Relevant Planning Policy and Guidance

### 5.1.

The full text of the Orkney Local Development Plan 2017 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, supplementary guidance and planning policy advice 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 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).
- 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 Framework. Marine Scotland Science, The Scottish Government.

## **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.**

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.

### **6.3.**

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 development has been subject to consideration in accordance with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

### **7.2.**

The proposed development is a Schedule 2 Development – Category: 1(d) Intensive fish farming as defined in the 2017 Regulations, specifically “(a) the proposed development is designed to hold a biomass of 100 tonnes or greater”.

### **7.3.**

Having assessed the characteristics and location of the proposed development and the characteristics of the potential impact as set out in Schedule 3 to the 2017 Regulations, the Council adopted a Screening and Scoping Opinion on 23 January 2018, application reference 17/476/MARSS, stating that, in its opinion, the proposed development is considered likely to have a significant impact on the 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 the matters listed below, 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 CAR license regime and with ecological advice provided by SNH. 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 the SEPA’s CAR licence regime.
- The health, handling and medicinal treatment of the farmed fish, the control of predators and the 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 the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).
- Registration, authorisation and elements of operational regulation is undertaken / 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.

## **7.5.**

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.

## **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, 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 SNH. The development is identified as potentially impacting qualifying features of the Sanday Special Area of Conservation (SAC) and Faray and Holm of Faray Special Area of Conservation (SAC) designated for its Harbour seals and Grey seals respectively. In this case SNH has stated that "In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required." Following that advice from SNH, the Council as competent authority, has carried out an assessment in view of the site's conservation objectives for its qualifying interest(s). In consideration of Habitats Regulations Appraisal, it is concluded the project would have no likely significant effect on any qualifying interests either directly or indirectly. The Council's HRA is attached as Appendix 1 to this report.

### **8.2.**

SNH further confirms that view, stating 'The proposed measures listed within the Predator Defence & Mitigation Plan, including the use of steel enhanced Sapphire netting and high tensioning, will serve as a deterrent for seals trying to access fish stocks. These measures along with the strict regulations on licensing will ensure no significant effects on the seal populations of the SACs (SSSIs)'.

### **8.3.**

There are no marine sites, designated under the Conservation (Natural Habitats etc.) Regulations 1994 (as amended), the Nature Conservation (Scotland) Act 2004, the Conservation of Habitats and Species Regulations 2010, or the Marine (Scotland) Act 2010, with features of concern within a 3km search radius of the proposed site. The following Priority Marine Features (PMFs) have been recorded within a 3km radius, though none are known to be of national importance in this area:

- Common skate (*Dipturus intermedia*).
- Harbour seal (*Phoca vitulina*).
- Grey seal (*Halichoerus grypus*).

## **8.4.**

Where crossover exists with local planning authority regulation, to the extent that these matters and associated measures could have an impact on protected species in the wider environment, the matters are assessed below.

# **9. Assessment**

## **9.1. Proposal**

### **9.1.1.**

The proposed development involves the creation of a new fish farm site within Bay of Holland, Stronsay, as shown on the location plan attached as Appendix 2 to this report. The mooring containment area lies in excess of 500 metres at its closest point to the shoreline by Latan to the west of the site in a near central position within the Bay of Holland. The site lies approximately 1750 metres from the mean low water springs on the sands of Rothiesholm beach at the head of the Bay. The proposed fish farm comprises 16 circular cages, each with a 100 metre circumference, arranged in 2 groups of 8 aligned on NNW - SSE axis. Cages will be moored within 70 metre grids, with a 70 metre separation distance between the two cage groups. A 300 tonne semi-automated feed barge will be installed to the west of the site, centrally, between the two cage groups. The total surface area of equipment equates to 1747 square metres. All equipment would be situated within the proposed mooring containment area of 320 metres by 820 metres, totalling 262 400 square metres or 26.24 hectares. The application also includes the use of underwater lights, used to slow the maturing process and increase yields, suspended below the surface of each cage. Maturation lighting would typically be used during the months October to May.

### **9.1.2.**

The indicated maximum stocked biomass is 2038.3 tonnes with a maximum production biomass per cycle stated as 2547.8 tonnes per cycle. The production plan is 22 months with a fallow period of two months between production cycles. The proposed stocking density is less than 20 kilogrammes per cubic metre.

### **9.1.3.**

On shore facilities are advised however no detail other than a desire to establish such facilities in Stronsay are stated, should planning permission be granted. This would be achieved initially through temporary rental of suitable facilities on the island with plans to establish a permanent base thereafter. This matter would be addressed through further planning application as necessary. Smolts would be delivered via well boat with harvesting and dead-haul being landed directly at Kirkwall for processing to the existing processing plant at Hatston.

### **9.1.4.**

The proposed fish farm would be manned by three to four full-time members of staff. The applicant states that there is a desire to recruit locally.

### **9.1.5.**

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

## **9.2. Interaction with predators and natural heritage impacts**

### **9.2.1.**

Both grey seals (*Halichoerus grypus*) and harbour (or common) seals (*Phocina vitulina*) are likely to be encountered at the site. The proposal sits within a designated seal haul-out area, Greenli Ness, and approximately 0.92 kilometres east of the Bay of Holland east and Torness haul out. A further eight seal haul-out sites and nine additional grey seal breeding colony haul out sites are within 20 kilometres of the site.

### **9.2.2.**

The proposed fish farm site lies close to the Sanday SAC (and East Sanday Coast Site of Special Scientific Interest SSSI) of which harbour seal is a qualifying interest. Harbour (or Common) seals are loyal to their haul-outs spending significant amounts of their time there and foraging routinely around 40 to 50 kilometres from the area. The proposed fish farm also lies around 20 kilometres from the Faray and Holm of Faray SAC (and Faray and Holm of Faray SSSI) of which grey seal is a qualifying interest.

### **9.2.3.**

The conservation objectives of Sanday Special Area of Conservation qualifying species (harbour seal) and the Faray and Holm of Faray Special Area of Conservation qualifying species (grey seal) are to ensure 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.

Advice provided by SNH indicates that the proposed measures listed within the Predator Defence and Mitigation Plan, including the use of steel enhanced Sapphire netting and high tensioning, will serve as a deterrent for seals trying to access fish stocks. SNH also notes that these measures along with the strict regulations on licensing will ensure no significant effects on the seal populations of the SACs (SSSIs).

### **9.2.4.**

In excess of the routine operation of the development the construction period has been raised of potential concern by SNH. Construction of the site may have temporary impacts of short-term duration in relation to additional vessel movements and activity on site. SNH advise that a reduction in risk of disturbance during the construction phase of the cages could be mitigated by towing the cages to site outwith the seal breeding/moulting periods.

#### **9.2.5.**

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

- Disturbance along vessel transit route.
- Direct displacement from cage area.
- Entanglement.
- Loss of, or damage to, supporting habitats.

With regards potential predation by birds and mammals including Cetaceans and Otters, mitigation has been provided within the EIAR and supporting information including:

- Good operation procedures.
- Nature and design of netting including tensioning and mesh size.
- Monitoring.
- Inspection of cages and nets both by underwater cameras and by divers.
- Efficient husbandry and frequent removal of mortalities.
- Anti-predator net.
- Vessel management plan (VMP).

Entanglement data collected at other active fish farm sites in Orkney indicate that current practice and appropriate anti predator strategies including approved netting systems have been effective in avoiding seal entanglement. SNH also advise that the smaller mesh size proposed should ensure no entanglement of otters, a European Protected Species (EPS) whilst the use of any acoustic deterrent devices (ADD's) in an embayment, with reference to both cetaceans and basking shark, could cause disorientation and distress whilst vessel speeds should be reduced when such species are present. It is also concluded within the EIAR that the mitigation measures would minimise the risk of bird attack, entanglement, disturbance and displacement. Cage top nets can be further safeguarded by planning condition to ensure a satisfactory colour and mesh size to address the possible risk of bird entanglement. Subject to appropriate net mesh, layout and tensioning, entanglement risk is considered insignificant given experience from other sites.

#### **9.2.6.**

The applicant has indicated that Acoustic Deterrent Devices (ADDs) would only be deployed at the site in consultation with the Council, SNH and Marine Scotland for a European Protected Species licence to disturb. The applicant notes the potential use of such devices is controlled through a licencing procedure and as a form of deterrence of latter resort. SNH have clarified that the use of ADD's within and in such close proximity to seal haul outs may be deemed as intentional disturbance or harassment. A measure of last resort would be to use lethal control on a persistent seal which is not deterred by the primary predator control measures; that would be subject to obtaining the appropriate licence and observance of both legal requirements and company protocols.

#### **9.2.7.**

SNH is a statutory consultation body and has a remit to provide advice in respect of impacts on natural heritage. SNH have also considered priority marine features (PMF), noting the findings of benthic marine footage provided by the applicant and that whilst PMF habitat kelp and seaweed communities may be represented the impacts of the proposal is not considered to result in a significant impact on the national status of the PMF.

#### **9.2.8.**

RSPB Scotland (a non-statutory consultee) objects owing to its national position of being in objection to marine fish farms using current 'open cage' practices, with reference made to the findings of the Environment, Climate Change and Land Reform (ECCLR) Committee of the Scottish Government. Whilst this position is noted, SNH is the statutory consultee in relation to natural heritage interests. SNH has no objection to the proposed development in relation to natural heritage interests subject to the mitigation proposed by the developer and the regulatory regimes in place in respect of protected species.

#### **9.2.9.**

A Vessel Management Plan (VMP) has been provided and sets out objectives and measures to minimise disturbance to natural heritage interests. These include restricting vessel speeds, using the same routes, monitoring routes and if found to be where aggregations of mammals/birds are observed vessel's routes should be adjusted to avoid disturbance, a buffer zone around seal haul out areas and agreed measures to undertake if vessel is approached by protected species.

#### **9.2.10.**

The proposal has been fully assessed individually and cumulatively, taking account of statutory consultation body advice in relation to present designations, policy considerations, relevant supplementary guidance criteria relating to nature conservation designations (DC2), and potential effects on protected species (DC2 and DC3). With the mitigation measures proposed and as can be secured by condition, it is considered that this development would not have an unacceptable impact on the natural heritage interests of the area.

### **9.3. Carrying capacity and cumulative benthic and water column impacts**

#### **9.3.1.**

Fish farms have an impact on the seabed through the settlement of fish feed and faeces; however, 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) Scotland Regulations 2011 (as amended) (CAR). Under the CAR 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. Impacts arising to the receiving environment in terms of such sources of pollution are therefore a matter for other regulatory bodies with no indication provided by consultees that the development would have a negative impact on occasional recreational foraging along the shoreline for shellfish or seaweed as noted by objectors. The fish farm at this proposed site had not been subject to CAR licence application at date of SEPA response, 18 April 2019.

#### **9.3.2.**

Modelling and visual surveys of the site were undertaken, the information from which predict that this site would be suitable to hold the proposed maximum stocking biomass of 2038 tonnes, with a maximum stocking density of 20kg/m<sup>3</sup>. The CAR licence process shall control the discharge of and licensed medicines for the site noting that SEPA has an interim position statement on the use of Emamectin Benzoate which is the active ingredient in Slice® which is used to control sea lice. With further reference to CAR, SEPA also has the ability in relation to deposition of waste from the cages, if there is significant environmental stress arising from the biomass level on the site, to require the situation to be improved, through mitigation or reduction in biomass. It is noted that the use of chemicals in the aquaculture industry and the nature of interaction of such chemicals in the environment and the possible impacts arising are key elements in the objection from Orkney Fisheries Association.

#### **9.3.3.**

SEPA controls the maximum biomass for the site and discharges of licensed medicines through CAR, as such, it is recognised that these matters are controlled under separate regulation, however planning conditions relating to these aspects are deemed as appropriate given that increases to biomass can lead to impacts beyond CAR licensing control. SEPA has no objection to the application from a planning perspective.

#### **9.3.4.**

The Equilibrium Concentration Enhancement (ECE) assessment for this site has estimated the input of dissolved inorganic nitrogen from the proposed fish farm, as well as cumulative inputs from the other fish farms with active CAR licences in the water body. The proposed fish farm would be located in the Water Framework Directive water body Burgh Head to Mull Head (water body 200229), which has been classified as “Good” status in the 2017 classification year. SEPA are satisfied that



that nutrient inputs from this proposal will be unlikely to result in a downgrade to the status of the water body under the Water Framework Directive.

### **9.3.5.**

Following analysis of benthic video footage, the seabed in the vicinity of the proposed development is coarse sand and pebbles, with red and brown algae. SNH has identified this may represent the Priority Marine Feature (PMF) habitat; kelp and seaweed communities on sublittoral sediments. However, SNH has considered that the projected impacts of the proposed development 'will not result in a significant impact on the national status of the PMF'. The submitted EIAR confirms that there are no pre-existing records of PMFs within the proposed site or within the Bay of Holland. There are no Shellfish Water Protected Areas (SWPA) or Shellfish Harvesting Areas (SHA) within a 3 km search radius of the proposed site. SEPA advise that there is limited infrastructure on the island for waste management and recycling. SEPA recommends that the applicant considers this at an early stage to ensure they can comply with the relevant regulations. This can be secured by appropriate planning condition.

### **9.3.6.**

SEPA, SNH and MSS have all indicated satisfaction with the information provided in relation to the water column and benthic impacts. This was a matter of concern and reason for objection within representations against the proposal. It is considered that the proposal would comply with Development Criterion 5 (Water Quality and Benthic Impacts) of Supplementary Guidance: Aquaculture.

### **9.3.7.**

Direct and cumulative impacts on water quality and the benthic environment are already routinely assessed by SEPA and MSS, and in this case, there are no objections. SEPA did however note at the time of consultation that a CAR license had not been applied for and could not as a consequence state the acceptability of the development with reference to The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended). It is therefore considered that matters raised by objectors in respect of water quality, pollution and carrying capacity has been addressed, based on available information at this time. The development is therefore considered to be in accordance with DC5 of Supplementary Guidance: Aquaculture, in relation to the water quality and benthic impacts.

## **9.4. Navigation and Subsea Infrastructure**

### **9.4.1.**

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 Scotland is satisfied that the cages and moorings meet the technical standard and are suitable for the conditions at this specific site as far as can reasonably be foreseen. No response to consultation has been received from Marine Services, noting that the site is situated outwith a designated harbour area.

#### **9.4.2.**

Clarification was sought in relation to subsea cables in vicinity of the proposed development given the indication of such on Map DC8d of Supplementary Guidance: Aquaculture. The developer has clarified that the proposed development does not impinge upon this infrastructure noting that the active power cable has been relocated south of its marked position and that other cables noted on map DC8d are historic/legacy cables that are not in use although have not been removed from the seabed. It is incumbent upon the developer to ensure that no impacts accrue from the proposed development to existing subsea infrastructure.

#### **9.4.3.**

Taking account of the information supplied within the EIAR and associated appendices, it is considered that the development would accord with Orkney Local Development Plan 2017 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 is a UK Biodiversity Action Plan (UKBAP) priority species and included within the draft Marine Priority Species.

#### **9.5.2.**

The Bay of Holland lies to the south of Stronsay. There is currently no active fin fish farm on Stronsay, the nearest fish farm is at Noust Geo (10.74 km NW) and Kirk Taing (13.14 km NW) in the Sound of Eday on Eday, however a further finfish farm is being proposed and is subject to a planning application 19/124/MAR at Mill Bay, Stronsay, which may bring cumulative impact factors.

#### **9.5.3.**

The fish farm site is remote from known sea trout spawning burns, the nearest such being on Rousay, with no such sites identified on Stronsay. There are further trout spawning burn on the along the east coast of Orkney, although these are all over 18 km from the proposed site.

#### **9.5.4.**

There is a lack of information about the habit or migratory use of near shore environment on Stronsay by sea trout and salmon, with no consultee nor source being available to aid the consideration of this element of the application. It is however recognised that there is a possibility of transfer of sea lice between farmed and wild salmonids and that escapes of farmed fish may also be detrimental to wild fish through lice and/or potential of disease transfer. No consultee has indicated any significant issue with the proposed cage nets and tensioning, nor management and maintenance strategies proposed by the developer with respect to such. The development is therefore considered to employ appropriate equipment and

methodologies to prevent escapes noting the current advice from Marine Scotland Science that an Environmental Management Plan (EMP) is delivered as a condition for any consents for marine aquaculture planning applications when there is/ or there is potential for a wild/farmed fish interaction.

#### **9.5.5.**

In respect of interactions with wild fish, MSS highlights scientific evidence from Norway and Ireland indicating a detrimental effect of sea lice on sea trout and salmon populations. Information presently available from the west coast of Scotland suggests lice from fish farming may cause a risk to local salmon and sea trout. Although it appears likely that numbers of sea lice in open water are likely to have an adverse effect on populations of wild salmonids in some circumstances. Mitigation can be achieved by factors such as appropriate siting of the farm and its ability to effectively control sea lice. MSS advises that there is no history of sea lice affecting the health of the fish in this area. This site lies out-with any current Fish Farm Management Area (FMA), however the developer has indicated that this site and the other proposed fish farm at Mill Bay if permission is granted would be taken into the FMA 0-2, noting MSS also indicates this as likely. MSS notes that this is an area of asynchronous stocking and fallowing, for which the applicant has provided an updated non-synchronous stocking and fallowing risk assessment in the course of consideration of the application which MSS is satisfied with.

#### **9.5.6.**

The applicant is aware of the potential impacts of sea lice on wild salmonids and identifies this within a suite of site specific strategies and operational and management plans in association with the EIAR. These documents detail a range of sea lice preventative measures and have been subject to review by consultees. Matters covered include:

- Bay of Holland Sea Lice Management Plan and Flowchart detailing actions in the event of a potential lice outbreak.
- Veterinary Health and Welfare Plan.
- Farm Containment and Escapes Response Procedure.

#### **9.5.7.**

These measures are reviewed in association with the following documentation all submitted with and forming part of this application:

- Bay of Holland Sea Lice Management Plan 2019.
- Risk Assessment for Non-Synchronous Fallowing/Stocking.
- Veterinary Health and Welfare Plan.
- Biomass and Chemotherapeutant Technical Modelling Report.
- Predator Control.
- Predator Defence and Mitigation Policy.
- Net Records and Servicing Crowding, Grading, Transfer, Harvest and Fish Handling.

- Feed, Tarp and Wellboat Treatments.
- Hydrogen Peroxide (H<sub>2</sub>O<sub>2</sub>) Tarp Treatments.
- Mortality Removal and Disposal.
- Smolt delivery.
- Waste Management and Disposal.

#### **9.5.8.**

The applicant has submitted a site-specific Veterinary Health Plan (VHP) and Sea Lice Management Plan, stating the parameters and actions in the event that sea lice interventions are required. Marine Scotland's revised sea lice policy, The Regulation of Sea Lice in Scotland (2017), introduced a new enforcement regime through MSS's Fish Health Inspectorate (FHI), which triggers enforcement action. In the interim between validation of the application and this report Marine Scotland has established the minimum criteria expected for EMP's associated with planning applications and any monitoring scheme to report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose. As stated by Marine Scotland Science, an Environmental Management Plan (EMP) should be delivered as a condition in the event that the application is subject to planning approval.

#### **9.5.9.**

During the consultation process on this application with MSS in response to the RECC Report established a minimum criterion expected for Environmental Management Plan (EMP) associated with new planning applications. Marine Scotland advise that:

- Marine Scotland expects that as a minimum any monitoring scheme will be able to report on the level of lice released into the environment (i.e. both farmed fish numbers and adult female lice numbers); identify the likely area(s) of sea lice dispersal from the farm; details how and what monitoring data will be collected to assess potential interaction with wild fish; and details how this monitoring information will feed back to management practice. This plan should also include a regular review process to ensure that it remains fit for purpose.

#### **9.5.10.**

The Planning Authority must be satisfied that proposed mitigation would establish a robust control mechanism within a planning consent to ensure sea lice numbers remain low throughout the lifetime of the permission, thereby ensuring that any consent would not conflict with the Planning Authority's development plan policies and biodiversity duty as set out in the Nature Conservation (Scotland) Act 2004. The inclusion of an adaptive EMP along with the other mitigation proposed provide sufficient assurance that a greater understanding of the impacts from monitoring on

the wild fish interactions will be established and that action would be taken should trigger levels on sea lice be reached.

#### **9.5.11.**

Given the above concerns and existing triggers for enforcement action, when considering planning applications for fish farms the planning authority must be satisfied that the mitigation would establish a robust control mechanism within the planning consent to ensure sea lice numbers remain low throughout the lifetime of the permission, thereby ensuring that any consent would not conflict with the planning authority's development plan policies and biodiversity duty as set out in the Nature Conservation (Scotland) Act 2004.

#### **9.5.12.**

The advice received and mitigation proposed provide sufficient assurance that measures put in place would be sufficient to ensure that action would be taken should the operations of the farm be considered to be causing material harm to wild salmonids aided by the separation of the site from known sea trout spawning burns.

#### **9.5.13.**

SEPA and SNH have raised no objections to the development and MSS has stated that it considers the measures to be satisfactory as far as can reasonably be foreseen. It is therefore considered acceptable in relation to relevant policy considerations and criterion DC4 of Supplementary Guidance: Aquaculture.

### **9.6. Landscape and Visual Impact**

#### **9.6.1.**

The EIAR for the development included a Landscape and Visual Impact Assessment (LVIA) which considers the visual impacts of development in relation to landscape character, sensitivity of the landscape to change and the magnitude of change. This has been assessed through the selection of ten viewpoints selected from within a Zone of Theoretical Visibility (ZTV) radius of 5 kilometres. Viewpoints chosen cover a range of key receptors such as public roads such as the B9060/B9062, settlement features including Stronsay Junior High School, nearby residential properties and places of visitor or amenity interest such as Sands of Rothiesholm, the core path on the route to the Vat of Kirbister and on the maritime approach to the Bay of Holland. There are no landscape designations for visual amenity within the immediate area of the Bay of Holland.

#### **9.6.2.**

The general landscape/seascape baseline is characterised as an embayment which is classed as a 'seascape' – a meeting point between the land and the sea. The Bay of Holland is a large, asymmetrically shaped Bay with a long, sandy beach known as the Sand of Rothiesholm, backing on to dunes, coastal pastures and rough grasslands with rocky shorelines to the peripheries of the bay.

### **9.6.3.**

Stronsay is generally low lying of rural character typically used for extensive agricultural purpose. There are a number of landscape character types however its principle characterisation is as a 'ridgeline island landscape' (Land Use Consultants 1998), characterised by a central ridge running the length of the island. The island can be described as having three limbs pinched at the centre by three large bays; Bay of Holland, Mill Bay and St Catherine's Bay. The B9060/B9062 runs along the ridge of the island, which follows the central, typically elevated 'spine' of the island, which will offer views of the proposed fish farm on various sections of this road. The submitted LVIA recognises that prolonged and unobscured views of the Bay of Holland are a regular feature within the landscape.

### **9.6.4.**

The main impact is the magnitude of visual change between the open undeveloped bay and what is proposed. Marine development in Stronsay is currently restricted to the pier facilities at Whitehall with no aquaculture development immediately related to the island or otherwise visible from the proposed site, mindful of the sister application currently being considered for a salmon farm in Mill Bay. The proposed fish farm would therefore be a new feature in the seascape/landscape with direct views from surrounding the bay. The closest views would be from the surrounding coastline with more distant views being from the public roads in elevated locations. Given the low level of seaborne activity within the Bay of Holland currently, the proposed development will undoubtedly introduce significant change in terms of a fixed, albeit low and dark to the sea in profile facility with attendant daily commercial activity.

### **9.6.5.**

The feed barge would be the most significant structure above water, as the low-lying and dark colour of the cages would have the backdrop of Stronsay, except when viewing the site from within the bay looking out to sea. This may arguably be the most significant view given the popularity of the Sand of Rothiesholm for recreation by both visitors and locals alike. The barge would have the appearance of a boat on the water. The introduction of a new fish farm site will result in visual change both as a moored static installation and because of activities involved in the operation of the site, including vessel movements and lighting.

### **9.6.6.**

The application site is not subject to any landscape designation and is not considered within the terms of the SNH document 'Orkney Landscape Capacity for Aquaculture: Scapa Flow and Wide Firth'. SNH has considered landscape impacts and have commented that 'this is a large scale development within a previously undeveloped seascape. The Landscape and Visual Impact Assessment (LVIA) correctly identifies visual impacts of the development.' SNH agrees with the summary of the LVIA and consider the layout and alignment of the proposed development to be appropriate for this location. It is considered therefore that the magnitude of landscape or visual change that would occur is not so significant, in relation to the development and in the context of the landscape/seascape of the Bay of Holland and the activities that take place within the area as would warrant refusal.

The application is therefore considered to accord with Orkney Local Development Plan 2017 policy 9 and 12, and supplementary guidance 'Aquaculture', criteria DC1 and DC9.

## **9.7 Socio Economic Impact**

### **9.7.1.**

Commercial fishing occurs within the Bay of Holland, with hand dived scallop fishery to the SSW of the site being a reason cited for the slight change in position of the proposed development to accommodate and safeguard this use from the site originally identified through initial EIA scoping. Orkney Fisheries Association (OFA) note the physical loss of area, interruption to navigation routes and drift diving as general issues however raise several matters of wider concern in protecting the commercial fishery from harm including the use of fish and sea lice medicines, impacts to the receiving environment arising therefrom, environmental monitoring and low confidence in the efficacy of wrasse as cleaner fish. OFA's position is that, whilst they appreciate early liaison with the developer and the relocation of the proposed farm to accommodate fishermen's activity, they would request deferral of a planning permission until such time that current actions under consideration by the Scottish Government and regulators including SEPA, including a possible revised regulatory regime is in place, given that 'position, stocking density and sea lice medicine use will be a factor of granting a site of this capacity and dimensions'.

### **9.7.2.**

There are no Shellfish Water Protected Areas (SWPA) or Shellfish Harvesting Areas (SHA) within a 3 kilometre search radius of the proposed site according to SEPA. The area taken up by development of the fish farm site is small and has not been raised as overly impinging on current activities, mindful of the slight repositioning of the proposed farm between EIA scoping and application to account for fishery interests, therefore the impact on commercial fishing and diving grounds in terms of displacement, employment and loss of fishing/diving grounds is not considered to be significant.

### **9.7.3.**

The applicant has stated that the development would result in the recruitment of three to four full time members of staff.

### **9.7.4.**

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. Objectors including RSPB Scotland have concerns regarding sustainability within the sector, however the Ten Year Farmed Fish Health Framework, developed by the aquaculture sector and Scottish Government and its agencies includes measures to improve fish health, protect the marine environment, and ensure this sector can develop sustainably. 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.

#### **9.7.5.**

Objectors have cited that the development may negatively impact on the appreciation and recreational use of the bay which is currently free from any fixed seaborne development. The Bay of Holland and particularly the Sand of Rothiesholm, the beach at the head of the bay, is highly regarded and particularly prized location for finding seashells. As per the submitted LVIA the development is not considered to be significantly detrimental in terms of visual impacts arising. Given the limited extent of the area occupied by the development no significant loss of physical recreation area is considered to accrue. The proposed development is therefore considered to have limited impacts on the perceived enjoyment or use of the area in relation to recreation and/or amenity.

#### **9.7.6.**

In considering the competing socio-economic impacts, the benefits created by the development would outweigh any impact caused by change to the area, which is not considered as significantly detrimental.

### **9.8. Noise and light pollution**

#### **9.8.1.**

As a new fish farm site, the development would introduce a new commercial activity to the location, including noise and light associated with operational requirements. From experience of other fish farm operations in Orkney the development is considered to have minimal impact from noise and light producing operations and practices. The developer has submitted a site-specific Vessel Management Plan (VMP). The day-to-day vessel route to and from the site is from Whitehall Harbour, a distance of approximately 18 kilometres, minimum sea distance, with a typical routine stated as one return trip per day with a workboat. It is noted that there may be additional boat movements between this location and that proposed at Mill Bay, application 19/124/MAR. Other occasional vessel movements would include a net washing vessel and a site maintenance vessel, both 14 metre catamarans together with the larger wellboat, 40 metres in length, for harvesting purposes. These vessels would visit the site when required and as detailed in the supporting vessel management plan (VMP). Vessel transit routes are likewise detailed within the VMP and have taken into account environmental sensitivities. Installation and maintenance through the construction phase has been raised as a potential matter of consideration by SNH in relation to disturbance of the nearby seal haul out sites indicating that such activity should avoid breeding/moulting periods. The proposed development is considered to give rise to a significant increase in seaward activity in the context of the Bay of Holland in comparison to current information which indicates a typically low level of use.



### **9.8.2.**

There will be other noise from the fish farm operations; however this will generally be during normal working hours of 08:00 to 17:00. Outwith these times noise would result from the equipment on the feed barge and occasional work that is required to take place during these hours such as harvesting. With regards noise associated with fixed equipment on site, the generator used to power systems is located within the body of the feed barge within a sound insulated room, therefore the on-board generator should not be audible beyond the immediate vicinity of the barge. When considered with the mitigation, including the VMP, it is considered that the noise associated with the activities of the fish farm would not have a significant effect on the wider area nor the dispersed properties around the Bay of Holland given the significant distance of separation from properties and locations such as the Sand of Rothiesholm where noise may intrude upon amenity.

### **9.8.3.**

Artificial sources of light include the navigational lighting which will be installed on the fish farm and required for navigational safety, and also when work is being undertaken on the feed barge during hours of darkness. Underwater maturation lighting may also be used, affixed to the cages. These maturation lights are stated as required between the hours of 16:00 to 09:00 from December to May. Mitigation is proposed through utilisation of the lowest power ratings, used on the green/blue light spectrum and be positioned downward facing to reduce impacts. Lighting has been cited by several objectors as a concern as detracting from their experience of the area. Experience of maturation lights in use elsewhere is that they appear as a subtle underwater glow in closer views. Maturation lighting is used to slow down the maturation process and increase yields and is a recognised methodology within the production cycle as stated within the Council's Supplementary Guidance: Aquaculture. The effects of maturation lighting associated with the proposed farm would be localised, given that the submerged artificial lights are mainly confined to the cage structures. It is considered that the noise and lighting associated with this development will be acceptable and in accordance with criterion DC9 of Supplementary Guidance: Aquaculture.

## **9.9. Cultural Heritage and Historic Environment**

It has been assessed within the EIAR and through the consultation process, with no significant effect on the cultural heritage or on archaeology being identified. Historic Environment Scotland has concluded that they do not have any comments to make on the application. No comment has been received from the County Archaeologist. No negative comment has been received from Development and Marine Planning on this matter. Whilst it is accepted that additional commercial activity within the bay will add to movement, noise and light seaward, these impacts are not considered to be significant with respect to the low historic environment sensitivities. Therefore, the development is considered acceptable in terms of Orkney Local Development Plan 2017 policy 8, and criterion DC6 of Supplementary Guidance: Aquaculture.

## **9.10. Roads and Transportation**

### **9.10.1.**

It is proposed that the fish farm would be largely serviced from the feed barge, which in turn would be serviced on a daily basis using a work boat from Whitehall.

### **9.10.2.**

All fish produced from the site will be processed in Kirkwall. The harvested fish landed at Kirkwall pier, transferred to tankers from the harvest vessel, and transported by road to the CAS primary processing plant in Kirkwall. The nature and frequency of the distribution of harvest events is not anticipated to result in a significant effect to the road network in Kirkwall. The EIAR does not do not consider that the development will have any significant effect.

### **9.10.3.**

Although the Roads Authority do not have any significant issues with respect on the proposal on the road networks, they have raised concerns with the capacity at the processing facility in Kirkwall to accommodate the tonnage through put without creating problems with the parking of tankers and vehicles outwith the grounds of the processing plant onto the public road. A planning condition can be used to secure an appropriate traffic management plan.

## **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 potential to be affected by aquaculture developments, as well as the ten 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.**

The Planning Authority takes cognisance of the content of the EIAR submitted with the application, but that content can only influence its decision insofar as matters considered are material planning considerations. The submitted EIAR identifies and assesses the potential areas of interaction between the proposed development and the environment. It is concluded that the details contained in the EIAR and supporting information, cover the issues that could result in a significant effect on the environment in terms of the designations identified. In consideration of the application and with regard to supporting information and the submitted EIAR, it is noted that there are no objections from statutory consultees.

### 10.3.

Objections submitted have been considered in conjunction with the assessments undertaken by the statutory consultation bodies. In relation to the findings and outcomes of the Environment, Climate Change and Land Reform (ECCLR) Committee and REC report, MSS and SEPA are bringing forward recommendations and actions relevant to their statutory duties. There is also awareness UK Technical Advisory Group (UK TAG) consideration of recommendations on new environmental standards for the use of Emamectin Benzoate. At this time the inclusion of an Environmental Management Plan has been recommended by MSS in relation to Planning function and the understanding of interaction of this type of development and wild salmonids. SNH has provided clear advice on the impacts on natural environment and concludes that the proposed development is acceptable, subject to the mitigation proposed. SEPA has considered matters in relation to the receiving environment and through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As amended) (CAR). MSS has considered environmental impacts and aquaculture animal health and, in common with SNH and SEPA, has not raised any matters that have not been addressed within the submission or are otherwise ordinarily controlled by planning condition noting the introduction of requirement for an agreed Environmental Management Plan (EMP).

### 10.4.

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 relevant 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 listed in Appendix 3 to this report.

## 11. Contact Officer

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## 12. Appendices

Appendix 1: Habitats Regulations Appraisal and Appropriate Assessment.

Appendix 2: Location Plan.

Appendix 3: Planning Conditions.

## **Appendix 1.**

### **Create Salmon Farming Site Comprising of 16 x 100 metre Circumference Circular Cages Arranged in a 2 x (2 x 4) Formation with a 70 metre Grid, with a 300 tonne Capacity Semi-Automated Feed Barge at Bay of Holland, Stronsay, Orkney**

#### **Consideration of Projects Affecting European Sites**

##### **Habitats Regulations Appraisal**

Proximity to the Sanday Special Area of Conservation (SAC) and Faray and Holm of Faray SAC means that 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 apply. Orkney Islands Council (OIC) is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as a Habitats Regulations Appraisal).

This means that where the conclusion reached by OIC 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.

OIC is required to undertake an assessment of the implications of the proposal for both the Sanday Special Area of Conservation (SAC), appendix 1 and Faray and Holm of Faray SAC, appendix 2, in view of the sites' conservation objectives.

The proposal is not connected with or necessary to site management for conservation.

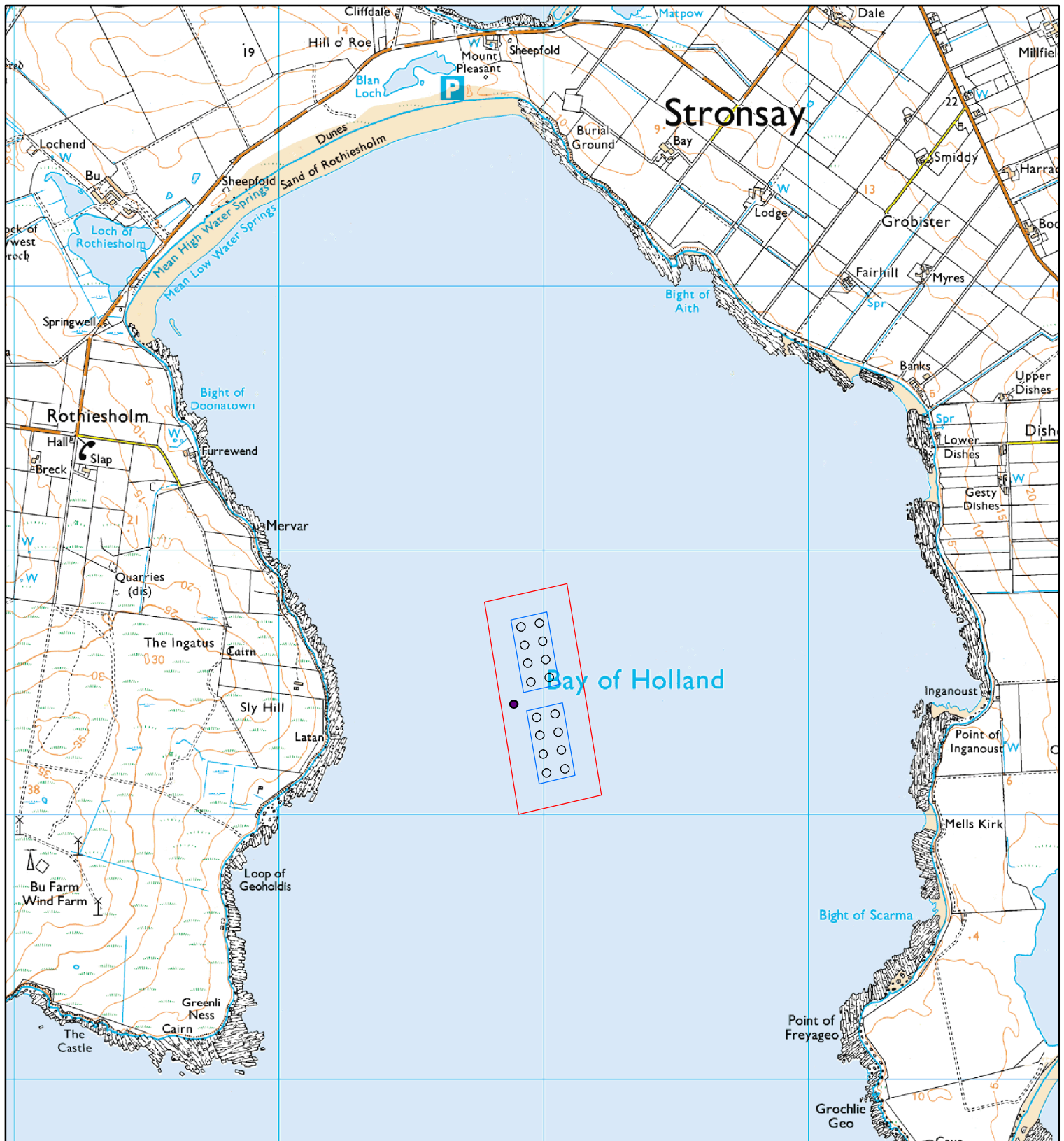
## **Appraisal**

Whilst responsibility to carry out HRA rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies including the appropriate nature conservation body, in this case SNH. In its response to the Council, SNH has advised, "There are natural heritage interests of international importance close to the site, but in our view, these will not be adversely affected by this proposal."

Critically, SNH advises that, "In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required."

## **Decision**

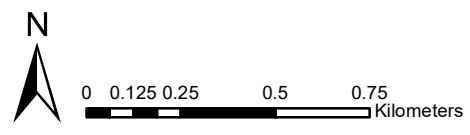
Based on this appraisal, it is concluded that the proposal would have no likely significant effect on any qualifying interests either directly or indirectly of either Sanday Special Area of Conservation (SAC) or Faray and Holm of Faray SAC.



MCA					
CORNER	WGS 1984		OSGB		
	LATITUDE	LONGITUDE	EASTING	NORTHING	
NE	N59° 05.475'	W2° 37.707'	364088.96	1022874.71	
SE	N59° 05.045'	W2° 37.563'	364218.99	1022075.40	
SW	N59° 05.004'	W2° 37.890'	363905.92	1022002.25	
NW	N59° 05.436'	W2° 38.033'	363776.94	1022805.28	
Cage Group 1	NE	N59° 05.417'	W2° 37.786'	364012.50	1022767.78
	SE	N59° 05.269'	W2° 37.733'	364060.52	1022492.64
	SW	N59° 05.252'	W2° 37.876'	363923.65	1022462.38
	NW	N59° 05.400'	W2° 37.928'	363876.58	1022737.51
Cage Group 2	NE	N59° 05.232'	W2° 37.720'	364072.29	1022423.85
	SE	N59° 05.084'	W2° 37.668'	364119.37	1022148.72
	SW	N59° 05.066'	W2° 37.810'	363983.42	1022116.59
	NW	N59° 05.215'	W2° 37.863'	363935.41	1022393.59
SITE CENTRE	N59° 05.242'	W2° 37.798'	363997.97	1022443.11	
BARGE	N59° 05.227'	W2° 37.912'	363888.82	1022416.31	

### Bay of Holland

- Mooring Containment Area
- Cage Grids
- 100m circumference cages
- Barge



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## **Appendix 3.**

### **Conditions and Informatives.**

01. No other development shall commence prior to the submission of a site specific Environmental Management Plan (EMP) for monitoring and managing the interactions between the operation of the farm and the wild fish environment to be approved in writing by the Planning Authority, in consultation with Marine Scotland Science. The EMP shall include the following information:

- Details of the monitoring scheme which shall report on the level of lice released into the environment to include both farmed fish numbers and adult female lice numbers.
- Identification of the likely area(s) of sea lice dispersal from the farm.
- Details of how and what monitoring will be collected to assess potential interaction with wild fish.
- Details on how this monitoring information will feed back to management practice.
- Detail of a regular review process to ensure that the EMP remains fit for purpose.

Following the approval of the EMP by the Planning Authority, in consultation with Marine Scotland science, the site shall be operated, monitored and managed thereafter, in accordance with the duly approved EMP, or any subsequently approved variation thereof.

Reason: In the interests of conservation of wild Salmonids.

02. No other development shall commence until a Traffic Management Plan (including a routing plan and parking provision at processing plant) for the anticipated terrestrial vehicle movements related to this development has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place thereafter.

Reason: To ensure that an adequate level of management of existing facilities in relation to access are fully considered in relation to the development; in the interests of road safety and amenity.

03. At all times when equipment is on site the following navigational marks and requirements shall be met/provided:

- The site should be marked with 2 lit yellow poles fitted with yellow 'X' topmarks.
- Each light should display a character of flashing group four yellow every twelve seconds (Fl (4) Y 12s) with a nominal range of 2 nautical miles and be installed above the 'X' topmark.
- The poles should be positioned at the Northeasterly and Southeasterly corners of the cage group.
- Each light should be 1 metre above site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- Poles should be  $\geq 75\text{mm}$  diameter, the 'X' topmark should be  $\geq 75\text{cm}$  length by  $15\text{cm}$  width.

- The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.
- A weekly check of the site's marking equipment shall be performed, and records kept of its physical and working status for audit purposes.
- Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.
- Loose floating lines around site equipment are to be avoided.
- The UK Hydrographic Office should be notified by Cooke Aquaculture Scotland and all information regarding the site positions forwarded in order that Chart 2250 can be correctly updated.

Reason: In the interests of navigation and marine safety.

04. All lighting above the water surface and not required for safe navigation or security purposes, shall be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site. The maturing lights on site shall only be used between 1 December and 31 May inclusive each year, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

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

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

06. The finished surface of all equipment above the water surface, including surface floats and buoys associated with the development, but excluding those required to comply with navigational requirements, shall be non-reflective and finished in a dark muted grey (with the exception of the feed barge which is covered by condition 8), unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the visual impact of the development.

07. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within Site Plan - OIC-03 attached to and forming part of this application. On first installation, the position of the corners of the cage group, corner anchors of the development shall be recorded using Global Positioning System. These positions should be re-measured and recorded regularly, at least once every six months, and immediately following storm events. A record of all positional information must be maintained and made available on request to the Planning Authority.

Reason: To prevent the equipment moving beyond the location approved by this planning permission and to ensure the safety of maritime traffic.



08. Prior to the feed barge being brought onto site, the barge shall be painted in a colour or combination of colours agreed, in writing, by the Planning Authority. Thereafter the barge shall be retained in the agreed colour throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

09. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the Bay of Holland site shall not exceed 2038.3 tonnes with a maximum production biomass per cycle not exceeding 2547.8 tonnes.

Reason: To ensure that the development is operated in accordance with the parameters as applied for and in the interests of the marine environment, to ensure that no unacceptable burden is placed on existing infrastructure.

10. The development shall be constructed, implemented and managed in accordance with the Predator Defence and Mitigation Strategy (dated 5 March 2019) included as Appendix 8.9 and farm Containment and Escapes Response Plan (dated 26 June 2018) included as Appendix 8.8 both forming part of the Environmental Impact Assessment Report. The development shall thereafter be operated and maintained in accordance with these documents throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority. For the avoidance of doubt any and all modifications, amendments and revocations of these Policies and Plans require to be agreed in writing with the Planning Authority in advance of any such changes to the approved details occurring on site.

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

11. Access to the site shall be undertaken in accordance with the Vessel Management Plan – Bay of Holland, Stronsay included as Appendix 8.11 to the Environmental Impact Assessment Report, further detail for the construction phase including towing of cages to the site outside seal breeding/moulting periods shall be agreed in writing with the planning authority, in conjunction with Scottish Natural Heritage, to minimise the risk of disturbance to natural heritage interests in the area.

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

12. The fish farm shall be operated in accordance with the Farm Containment and Escape Response Plan included as Appendix 8.8, Bay of Holland Veterinary Health and Welfare Plan Appendix 8.5, and the Standard Operating Procedure 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23 of the Environmental Impact Assessment Report, unless otherwise agreed, in writing, with the Planning Authority.

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

13. The fish farm shall be constructed in accordance with the Waste Management Plan – Bay of Holland, Stronsay, included as Appendix 8.10 to the Environmental Impact Assessment Report, and thereafter operated and maintained in accordance

with this plan throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

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

14. If any use of Acoustic Deterrent Devices (ADDs) is proposed at this site, prior consultation with the Planning Authority shall be carried out. This consultation shall include the submission of information regarding the specifics of the ADD system and any mitigation measures to be implemented on site. The Planning Authority, in consultation with Scottish Natural Heritage, will review the information supplied to determine the significance of any issues affecting natural heritage interests which may arise due to the ADD deployment at this site. Written guidance through site protocols and ADD usage shall be agreed, in writing, by the planning authority. The use of ADDs shall be carried out only in accordance with the approved details thereafter.

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

15. Static gill nets should not be deployed at this site, unless otherwise agreed, in writing, with the Planning Authority in conjunction with Scottish Natural Heritage.

Reason: To reduce the chance of entanglement of wildlife.

16. The detail of cage top nets to be installed at this site, including mesh size and colour, shall be submitted to, and approved in writing by, the Planning Authority in conjunction with Scottish Natural Heritage, prior to work commencing on site. Thereafter the proposal shall be carried out in accordance with those agreed details.

Reason: To ensure that birds do not become entangled in such nets and for the avoidance of doubt.

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

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

18. At least three months prior to cessation of use of the site for fish farming, a scheme for the decommissioning and removal of all equipment shall be submitted to, and agreed in writing by, the Planning Authority. Upon cessation the approved scheme shall be implemented within an agreed timescale.

Reason: To ensure that decommissioning of the site takes place in an orderly manner and to ensure proper storage and disposal of redundant equipment in the interest of amenity and navigational safety.

19. In the event that the fish cages or associated equipment approved by this permission cease to be in operational use for the growing of finfish for a period exceeding three years, those cages and associated equipment shall be wholly removed, and the site restored to the satisfaction of the Planning Authority, within four months of being notified by the Planning Authority.

Reason: To ensure the development is removed, in full, from the site once operational use has ceased ensuring the development will not adversely affect the area.