

## Minute

### Planning Committee

Wednesday, 6 July 2022, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

### Present via remote link (Microsoft Teams)

Councillor P Lindsay Hall.

Councillor Mellissa-Louise Thomson (for Items 2 to 6).

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Jamie Macvie, Service Manager (Development Management).
- Susan Shearer, Service Manager (Development and Marine Planning).
- James Green, Senior Policy Planner (Development and Marine Planning) (for Items 1 to 3).
- Paul Maxton, Solicitor (for Items 1 to 4).
- Peter Trodden, Solicitor (for Items 4 to 6).
- Donald Wilson, Roads Authority Officer.

### Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- David Barclay, Senior Planner (Development Management) (for Items 1 to 3).
- Hazel Flett, Team Manager (Committees).
- Kirsty Groundwater, Communications Team Leader (for Items 1 and 2 and 4 to 6).

### Declarations of Interest

- Councillor John A R Scott – Item 4.
- Councillor Owen Tierney – Item 2.

### Chair

- Councillor Owen Tierney.

## **1. Suspension of Standing Orders**

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

## **2. Planning Application 21/410/MAR**

### **Proposed Creation of Salmon Farming Site with Feed Barge at Toyness, Orphir, Scapa Flow**

Councillor Owen Tierney declared a non-financial interest in this item, in that one of the objectors was a close family member, and was not present during discussion thereof.

Signed: Owen Tierney.

Councillor Kristopher D Leask took the Chair for this item.

Amanda Tresise, Mark Steward and Richard Darbyshire, representing the applicant, Scottish Sea Farms, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

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

- Iain Talbot, Creel Cottage, Orphir.
- Kathleen Dinsdale, Norn's Cottage, Orphir.
- Orkney Trout Fishing Association.
- The Royal Society for the Protection of Birds.

After hearing a statement from Orkney Trout Fishing Association, which was read out by the Clerk, and after hearing representations from Richard Darbyshire, representing the applicant, Scottish Sea Farms, on the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

**2.2.** That planning permission be granted in respect of the proposal for the creation of a salmon farming site with feed barge at Toyness, Orphir, Scapa Flow, subject to the conditions attached as Appendix 1 to this Minute.

Signed: Kristopher D Leask.

Councillor Mellissa-Louise Thomson left the meeting during this item, and as she was not present throughout consideration of the whole item of business, in terms of Standing Order 8.6 she could not, and did not, participate in the determination of the application.

Councillor Mellissa-Louise Thomson rejoined the meeting at this point via remote link (Microsoft Teams).

### **3. Planning Application 21/411/MAR**

#### **Proposed Creation of Salmon Farming Site with Feed Barge at Bring Head, Hoy, Scapa Flow**

Amanda Tresise, Mark Steward and Richard Darbyshire, representing the application, Scottish Sea Farms, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**3.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the creation of a salmon farming site with feed barge at Toyness, Orphir, Scapa Flow, had been received from the following:

- Orkney Trout Fishing Association.
- The Royal Society for the Protection of Birds.

After hearing a statement from Orkney Trout Fishing Association, which was read out by the Clerk, and after hearing representations from Richard Darbyshire, representing the applicant, Scottish Sea Farms, on the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

**3.2.** That planning permission be granted in respect of the proposal for the creation of a salmon farming site with feed barge at Bring Head, Hoy, Scapa Flow, subject to the conditions attached as Appendix 2 to this Minute.

### **4. Planning Application 22/043/PP**

#### **Proposed Conversion of Redundant Buildings to House, Alter and Extend, and Change of Use of Self-Catering Unit and Agricultural Shed to Domestic at Gerraquoy, South Ronaldsay**

Councillor John A R Scott declared a non-financial interest in this item, in that the applicant was known to him and had also shared details of the application with Councillor Scott, and was not present during discussion thereof.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**4.1.** That, as the application for planning permission in respect of the proposal for the conversion of redundant buildings to a house, including alterations and extension, and the change of use of a self-catering unit and agricultural shed to domestic at Gerraquoy, South Ronaldsay, was made by an elected member of Orkney Islands Council at the time of submission, in accordance with the Scheme of Administration, the application required to be reported to the Planning Committee for determination.

On the motion of Councillor Kristopher D Leask, seconded by Councillor Graham A Bevan, the Committee resolved, in terms of delegated powers:

**4.2.** That planning permission be granted in respect of the proposal for the conversion of redundant buildings to a house, including alterations and extension, and the change of use of a self-catering unit and agricultural shed to domestic at Gerraquoy, South Ronaldsay, subject to the conditions attached as Appendix 3 to this Minute.

## **5. Planning Application 22/119/PP**

### **Proposed Conversion of Shop, Gallery and Music Venue to 14 Residential Units and Associated Works at 8 Laing Street, Kirkwall**

Neil Stevenson, applicant, and Stephen Omand, agent for the applicant, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**5.1.** That Roads Services had objected to the application for planning permission in respect of the proposal for the conversion of a shop, gallery and music venue to 14 residential units and associated works at 8 Laing Street, Kirkwall, on the grounds that the proposed parking provision was inadequate and failed to comply with the National Roads Development Guide.

**5.2.** That, given the implications of the position of Roads Services on the potential redevelopment of other town centre sites, in combination with the importance of the building at 8 Laing Street, Kirkwall, in a town centre and historic cultural perspective, the Corporate Director for Neighbourhood Services and Infrastructure had opted not to exercise delegated powers, and the application was therefore submitted to the Planning Committee for determination.

**5.3.** The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for planning permission in respect of the proposal for the conversion of a shop, gallery and music venue to 14 residential units and associated works at 8 Laing Street, Kirkwall, should be refused, as the development was contrary to Policy 14B(iii) of the Orkney Local Development Plan 2017.

After hearing representations from Stephen Omand, agent for the applicant, on the motion of Councillor Graham A Bevan, seconded by Councillor Duncan A Tullock, the Committee:

Resolved, in terms of delegated powers:

**5.4.** That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, planning permission be granted in respect of the proposal for the conversion of a shop, gallery and music venue to 14 residential units and associated works at 8 Laing Street, Kirkwall.

**5.5.** That the Committee's reasons for granting planning permission against the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure were that, in the Committee's opinion:

- Taking cognisance of the requirement that developments must accord with the car parking standards that were set out in the National Roads Development Guide, which had been adopted as Planning Policy Advice, there were other material planning considerations in determining the application for the proposed development which outweighed the requirement to adhere to policy with regards to parking provision, as follows:
- .
- The proposed development would secure a new use for a currently vacant historical property for which there was currently no other viable use and would ensure that the building would not fall into disrepair.
- The proposed development would improve the vitality and viability of the town centre by providing new residential development and extending the type of housing available to meet housing needs by providing accommodation for smaller households.

And, accordingly, the proposed development complied with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts (i) to (iv).
- Policy 2 – Design, parts (i), (ii), (iii) and (v).
- Policy 5 – Housing, Section B: Affordable Housing.
- Policy 14 – Transport, Travel and Road Network Infrastructure, Section B: Sustainable Travel, part (ii).

**5.6.** That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to determine appropriate conditions and thereafter issue the consent in respect of the permission referred to at paragraph 5.4 above.

## **6. Conclusion of Meeting**

At 12:27 the Chair declared the meeting concluded.

Signed: Owen Tierney.

## Appendix 1.

### **Proposed Creation of Salmon Farming Site with Feed Barge at Toyness, Orphir, Scapa Flow (21/410/MAR)**

#### **Grant subject to the following conditions:**

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 within Scapa Flow is submitted to, and agreed in writing by, the Planning Authority in consultation with Marine Scotland Science and NatureScot. The EMP shall include the following information but not be limited to:

- 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 03.

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

Reason: In the interests of conservation of wild salmonids.

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 to 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:

- Maintaining daily records of wildlife entanglement/entrapment using a standardised format and submitting six-monthly returns to the Planning Authority copied to NatureScot.
- Immediate notification to both the Planning Authority and NatureScot in the event of any significant entrapment or entanglement incidents (e.g., 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 or repeat incidents involving one or more birds on four or more consecutive days). Monitoring and reporting of

entanglement/entrapment data will help to develop a robust evidence base which can be used to improve understanding of the nature and extent of bird interactions with pole-mounted top nets.

- Details of future adaptive management to account for modifications to equipment to reduce or eliminate wildlife entanglement/entrapment, such as alteration of the top net design, net type or mesh size and the triggers, thresholds and timescales for actions arising to be achieved together with the data management and recording associated with such actions.

Reason: In the interests of protecting 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 flash one yellow 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 South and East seaward corners of the cage group.
- Each light should be 1 metre above the site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- Poles should be  $\geq 75$ mm diameter, the 'X' topmark should be  $\geq 75$ 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](mailto:sdr@ukho.gov.uk)) must be notified and supplied with the mooring grid co-ordinates 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, with 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 (OIC-01) 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, with 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 Toyness fish farm shall not exceed 2,500 tonnes, with a maximum production biomass per cycle not exceeding 3,750 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 Exclusion Plan.
- Escapes Prevention and Contingency Strategy.
- Containment Plan.
- Emergency Plan for Storms.
- Waste Management Plan Marine Production Toyness/ Bring Head.
- Non-native Species Biosecurity Plan.
- Salmon Husbandry Manual
- Sea Lice Management Strategy – Scapa Flow, Orkney.
- Sea Lice Efficacy Statement.
- Sea Lice Attestation.

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. In the event that HGV movements within Burray are required in relation to construction of infrastructure, and/or waste management or decommissioning works relating to redundant infrastructure, a condition / dilapidation survey shall be carried out jointly between the developer / developer's representative and Roads Services, prior to any such HGV movements occurring and again upon completion of the above stated works, on the existing public road infrastructure that will be used to access and egress the Burray Boatyard site. The applicant shall be responsible for funding the condition / dilapidation survey and the cost of any repairs following any damage to the public road which is attributed to this development which may have been caused by vehicles or plant related to the development. Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion of works. The developer will also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

18. The "Rating Noise Level" generated by the development and associated operations, including sea going vessels, when measured at any noise sensitive dwelling in accordance with the requirements of 8S4142: 1997 -"Method for rating industrial noise affecting mixed residential and industrial areas", shall not exceed the background noise level by five or more decibels.

It is assumed that the "Rating Noise Level" includes an acoustic feature correction of five decibels.

Reason: In the interest of residential amenity.

19. Should any complaints be received in respect of noise levels, the developer shall fully investigate these complaints and, to establish noise levels at any affected property, shall undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Planning Authority and which shall be carried out in accordance with 8S4142: 1997 -"Method for rating industrial noise affecting mixed residential and industrial areas".

Reason: In the interest of residential amenity.

20. Should any noise monitoring undertaken in accordance with condition 19 above demonstrate that the noise thresholds in condition 18 are being exceeded, the developer shall submit a scheme of mitigating measures to the Planning Authority for written agreement within three months of the breach being identified. The agreed mitigating measures shall be implemented within three months of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of residential amenity.

## **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](mailto:ms.fishhealth@gov.scot).

02. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto: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.

## Appendix 2.

### **Proposed Creation of Salmon Farming Site with Feed Barge at Bring Head, Hoy, Scapa Flow (21/411/MAR)**

#### **Grant subject to the following conditions:**

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 within Scapa Flow is submitted to, and agreed in writing by, the Planning Authority in consultation with Marine Scotland Science and NatureScot. The EMP shall include the following information but not be limited to:

- 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 03.

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

Reason: In the interests of conservation of wild salmonids.

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:

- Maintaining daily records of wildlife entanglement/entrapment using a standardised format and submitting six-monthly returns to the Planning Authority copied to NatureScot.
- Immediate notification to both the Planning Authority and NatureScot in the event of any significant entrapment or entanglement incidents (e.g., 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 or repeat incidents involving one or more birds on four or more consecutive days). Monitoring and reporting of

entanglement/entrapment data will help to develop a robust evidence base which can be used to improve understanding of the nature and extent of bird interactions with pole-mounted top nets.

- Details of future adaptive management to account for modifications to equipment to reduce or eliminate wildlife entanglement/entrapment, such as alteration of the top net design, net type or mesh size and the triggers, thresholds and timescales for actions arising to be achieved together with the data management and recording associated with such actions.

Reason: In the interests of protecting 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 flashing group four yellow every twelve seconds (FI (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 North and East seaward corners of the cage group.
- Each light should be 1 metre above the site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- Poles should be  $\geq 75$ mm diameter, the 'X' topmark should be  $\geq 75$ 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](mailto:sdr@ukho.gov.uk)) must be notified and supplied with the mooring grid co-ordinates 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, with 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 (OIC-01) 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, with 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 Bring Head fish farm shall not exceed 2,500 tonnes, with a maximum production biomass per cycle not exceeding 3,750 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 Exclusion Plan.
- Escapes Prevention and Contingency Strategy.
- Containment Plan.
- Emergency Plan for Storms.
- Waste Management Plan Marine Production Toyness/ Bring Head.
- Non-native Species Biosecurity Plan.
- Salmon Husbandry Manual.
- Sea Lice Management Strategy – Scapa Flow, Orkney.
- Sea Lice Efficacy Statement.
- Sea Lice Attestation.

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. In the event that HGV movements within Burray are required in relation to construction of infrastructure, and/or waste management or decommissioning works relating to redundant infrastructure, a condition / dilapidation survey shall be carried out jointly between the developer / developer's representative and Roads Services, prior to any such HGV movements occurring and again upon completion of the above stated works, on the existing public road infrastructure that will be used to access and egress the Burray Boatyard site. The applicant shall be responsible for funding the condition / dilapidation survey and the cost of any repairs following any damage to the public road which is attributed to this development which may have been caused by vehicles or plant related to the development. Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority in conjunction with Roads Services within three months of completion of works. The developer will also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

## Informatives

01. The developer shall liaise directly with Scottish and Southern Electricity Networks (SHEPD) in relation to SHEPD infrastructure, noting that SHEPD requires the developer to enter into a proximity agreement with SHEPD. SHEPD can be contacted at; Scottish and Southern Electricity Networks, Henderson Road, Inverness IV1 1SN. Tel: +44 (0)1738 342470 M: +44 (0)7384 80347.

02. 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](mailto:ms.fishhealth@gov.scot)

03. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively, you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot) or calling 0300 244 5046.

04. 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.

**Appendix 3.****Proposed Conversion of Redundant Buildings to House, Alter and Extend and Change of Use of Self-Catering Unit and Agricultural Shed to Domestic at Gerraquoy, South Ronaldsay (22/043/PP)****Grant subject to the following conditions:**

01. No other development shall commence on site until the site access with the public road has been constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

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

Reason: In the interests of road safety.

02. The three windows on the south-east elevation closest to the existing farmhouse shall be installed with obscure glazing as indicated in the hereby approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, or any subsequent superseding legislation, these windows shall remain obscure glazed for the lifetime of the development.

Reason: In the interest of residential amenity.

03. The new boundary wall attached to the existing greenhouse subdividing both properties hereby approved shall be constructed prior to first occupation of the new dwelling.

Reason: In the interest of residential amenity and to establish the boundary divide between the two properties.

04. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017, Scottish Planning Policy and in the interests of road safety.

05. Throughout the lifetime of the development, any external lighting used on the dwelling and any outbuildings shall be downward facing only and shall comply with the Council's requirements of Orkney Local Development Plan 2017, Policy 2 (principle vi) that all external lighting shall minimise light pollution. Lighting shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1 areas (Rural) and shall be turned off when not required either by automatic sensor or manually.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Orkney Local Development Plan 2017 Policy 2 – Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

06. Hours of construction (including conversion) work on site involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall only take place between the hours of 07:30 and 19:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

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

Reason: To safeguard the amenity of nearby residents.