Item: 5.2

Planning Committee: 3 March 2021.

Create Salmon Farming Site, with Semi-Automated Feed Barge (Replacement of Existing Equipment) at Chalmers Hope, Scapa Flow, Orkney.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

A planning application with an Environmental Impact Assessment (EIA) Report is submitted for an enlarged and repositioned Atlantic salmon fish farming site, approximately 250 metres north east of an existing fish farm at Chalmers Hope, off the east coast of Hoy. The proposal includes removal of the presently consented equipment at Chalmers Hope. The proposed fish farm would comprise 12 cages with a 120 metre circumference, configured in two groups of 2 x 6 formation, held in a 70 metre grid with an overall surface area of 14,226 square metres and a mooring area of 316,800 square metres, and a 300 tonne feed barge. An annual production tonnage of 2,500 tonnes is proposed. Letters of objection have been received from two non-statutory consultation bodies and one letter of objection has been received from a member of 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. On balance the objections are not considered to be of sufficient weight to merit refusal. Where unacceptable impacts have been identified, adequate mitigation has been provided. Accordingly, the application is recommended for approval.

Application Number	20/231/MAR.
Application Type	Marine Fish Farm.
Proposal	Create salmon farming site comprising 12 x 120 metre circumference circular cages arranged in a 2 x 6 formation within a 70 metre grid, with a 300 tonne capacity semi-automated feed barge (replacement of existing equipment).
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 (then enter the application number given above).

2. Consultations

2.1. Statutory Consultation Bodies

2.1.1.

Statutory consultation bodies are as follows:

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

2.1.2.

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.

2.2. Other Consultation Bodies

Consultation responses were provided by other non-statutory consultation bodies. None of these responses raised any issues that could not be addressed by mitigation or planning conditions. Development and Marine Planning raised concerns but did not object. Objections from non-statutory consultation bodies are addressed in detail in section 3.1. below.

3. Representations

3.1.

Objections have been received from two non-statutory consultation bodies:

- Orkney Trout Fishing Association.
- Orkney Fisheries Association.

3.1.1.

Orkney Fisheries Association (OFA) states that the development may have a “significant effect on the under 10 m fleet that rely on this fishery particularly as a safe winter fishery within Scapa Flow” for local boats. Comment is also provided regarding impediment caused by fixed development sites which can have a wider impact on mobile fishing techniques, leading to deviations to avoid the fixed development or the loss of the area from normal fishing patterns. OFA has recognised that the issue of intensity of fishing pressure in the area was raised relatively late in the planning process, noting that “under normal circumstance this applicant has accommodated changes to other sites during that process for which we are very appreciative”.

3.1.2.

Orkney Trout Fishing Association (OTFA) has submitted two comments, both in objection to the proposed development. OTFA states that this is “due to the high risk that this development poses to wild sea trout populations in Orkney”. Points raised address matters of concern in relation to sea trout, and the potential for negative impacts in relation to the environment, habit and health of the local sea trout populations together with consideration of the purpose, value and management of an appropriate Environmental Management Plan (EMP) for the site. It is also stated that should the application be approved, whilst OTFA would maintain its objection, the EMP process should be both meaningful and adequate and that the EMP currently proposed by the applicant “should be substantially fleshed out”. OTFA has offered its involvement, expertise and knowledge of Orkney’s wild salmonid populations.

3.2.

The consultation response received from RSPB Scotland raises concerns on a range of matters including the risk of entrapment and entanglement of diving birds, the increased scale of the proposed fish farm within an internationally important site, Scapa flow pSPA, together with proximity to the Hoy SPA. Given the tone and content, clarification was sought on whether the response was an objection. RSPB Scotland subsequently confirmed in writing that the concerns are not an objection.

3.3.

One objection (which has been part resolved) has been received from:

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

3.4.

The objection is based on arrangements for predator control including use of Acoustic Deterrent Devices (ADD) and humane control of seals.

3.5.

During consideration of the application, the applicant has amended the Predator Defence and Mitigation Policy with removal of the option of humane dispatch of seals under licence, and altered the top net mesh sizes from an initially proposed 200 millimetre ceiling mesh and 150 millimetre skirt sides, to an all over 75 millimetre mesh for both net ceiling and skirt sides, to address matters raised by consultation bodies. The option of use of ADDs remains, although would be subject to European Protected Species (EPS) licensing. It is, however, noted that the use of ADDs within Scapa Flow is generally prohibited due to the effect on non-target species such as cetaceans.

4. Relevant Planning and Site History

Reference.	Proposal.	Location.	Decision.	Date.
19/312/MAR	Install feed barge	Chalmers Hope, Scapa Flow.	Grant subject to conditions.	17.12.2019.
19/210/MARSS	Screening and scoping request to create a salmon fish farm.	Chalmers Hope, Scapa Flow.	EIA required.	03.09.2019.
18/110/MARSS	Install an 80t feed barge.	Chalmers Hope, Scapa Flow	EIA not required.	07.06.2018.
14/477/MARREV	Review by Scottish Government on marine fish farm at Chalmers Hope.	Chalmers Hope (Near Hoy), Scapa Flow.	Observations made.	15.01.2015.
13/243/MARREV	Review by Scottish Government on marine finfish farm on site at Chalmers Hope (consent by Crown Estates - prior to 2007).	Chalmers Hope, Scapa Flow.	Observations made.	12.08.2013.

5. Relevant Planning Policy and Guidance

5.1.

The full text of the Orkney Local Development Plan 2017 (OLDP 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 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-Marine Scotland Science - Scottish Government (2018.)

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

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

7.2.

The proposal falls within the definition of 'Schedule 2 development' of ‘The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, in that it meets and/or exceeds the criteria for Aquaculture, 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 development and the characteristics of the potential impact as set out in Schedule 3 to the 2017 Regulations, the Council issued a Screening/Scoping Opinion on 3 September 2019, reference 19/210/MARSS, stating that, in its opinion, the proposed development is considered likely to have a significant impact on the receiving environment and that the submission of an Environmental Impact Assessment Report (EIAR) was required.

7.4.

Accordingly, this application is accompanied by an EIA Report in accordance with the 2017 Regulations. The EIA Report addresses all expected environmental effects associated with the proposed development and any proposed mitigation. The EIA Report includes the undernoted matters, which fall within the regulatory control of other bodies, therefore limited weight can be given to those matters as part of any planning decision.

- Benthic (seabed) impacts due to feed and faeces falling to the sea floor are covered by the CAR licensing regime and with ecological advice provided by NatureScot. Any impacts on seabed protected species are a material planning consideration but are part of the CAR assessment first and foremost. Biomass and quantities of sea-lice therapeutants will be considered as part of the CAR application process.
- Water column impacts from nutrient enrichment and use of medicinal chemicals are also part of SEPA’s CAR licensing regime.

- The health, handling and medicinal treatment of the farmed fish, control of predators and physical quality of nets and moorings are all matters regulated by Marine Scotland.
- Depositions from fish farms, to enable monitoring of benthic impacts is covered by SEPA under 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.

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

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 NatureScot. This proposed development is situated within the bounds of the Hoy Special Protection Area (SPA) classified for the breeding birds Arctic skua, Fulmar, Great skua, Great-black backed gull, Guillemot, Kittiwake, Peregrine, Puffin, Red-throated diver and seabird assemblage. The proposal could also affect the Sule Skerry and Sule Stack SPA classified for its breeding Gannets and Guillemots. The proposal also lies within the Scapa Flow proposed SPA (pSPA) classified for its aggregations of breeding Red-throated diver and aggregations of non-breeding wintering waterfowl, including Black-throated diver, Eider, Goldeneye, Great northern diver, long-tailed duck, Red-breasted merganser, Shag and Slavonian grebe. In this case NatureScot has stated that the proposal is likely to have a significant effect on breeding Gannets from Sule Skerry and Sule Stack SPA, Great skuas, Great black-backed gulls, European shags and divers from the Scapa Flow pSPA, and breeding Red-throated divers from the Hoy SPA.

8.2.

The Council, as competent authority, is required to carry out an Appropriate Assessment in view of the site's conservation objectives for its qualifying interest(s). Following advice from NatureScot, the Council has carried out this Assessment. In consideration of the Habitats Regulations Appraisal, it is concluded that, if the development ('the project') is undertaken in accordance with revised details, including the use of smaller ceiling mesh sizes for the pole mounted top nets,

appropriate wildlife entanglement/entrapment record keeping and reporting and avoidance of disturbance during decommissioning of the existing site and construction of the new site, the proposal would not adversely affect the integrity of the SPA or pSPA. These matters can be secured by appropriate planning condition were the application to be subject to approval. The Council's HRA is attached as Appendix 1 to this report.

8.3.

The EIAR confirms no Priority Marine Features (PMFs) were found within the application site boundary, although records had previously indicated that Ocean Quahog (Arctica islandica) may be found in the vicinity. NatureScot has acknowledged this in its response dated 21 September 2020, which notes the receipt of the seabed survey associated with the proposed development.

9. Assessment

9.1. Proposal

9.1.1.

It is proposed to install a new Atlantic salmon fish farming site at Chalmers Hope, Scapa Flow. Whilst there is partial overlap in application site with a currently operating site, the development would see a relocation of equipment approximately 250 metres from the current application, as indicated on the Location Plan, attached as Appendix 2 to this report. The development is larger than the existing site, comprising 12 cages, with a 120 metre circumference, arranged in two groups of six cages set within a 70 metre grid. A 300 tonne feed barge (semi-automated) would be moored centrally and to the west of the cages. The total surface area of installed equipment would cover 14,226 square metres, with a Mooring Containment Area (MCA) measuring 720 metres x 440 metres, 316,800 square metres total. The increase in size and proposed relocation of the operation to the deeper waters of Bring Deeps is expected to resolve the issues of underperformance in relation to annual environmental and monitoring surveys; these surveys are conducted as part of the sites Water Environment (Controlled Activities) (Scotland) Regulations (CAR) licence and are used by SEPA (as the regulator) to monitor the effects of production at the site. Results of environmental surveys are publicly available via the Scotland Aquaculture online resource available at http://aquaculture.scotland.gov.uk/

9.1.2.

The proposed maximum biomass of Atlantic salmon for the site is 2,500 tonnes, compared to the existing site maximum of 1,000 tonnes, with a production biomass of 3,125 tonnes per cycle, and a stocking density of less than 15 kilogrammes per cubic metre. The production plan is 22 months with a fallow period of two months between production cycles.

9.1.3.

No onshore facilities are proposed, with a continuation of current arrangements to service the site by boat from Stromness proposed, in conjunction with the proposed feed barge and shore-based facilities at Lyness, Hoy. If additional shore-based

facilities are required beyond those currently approved, such development would be subject to separate consideration and planning application as necessary.

9.1.4.

The site would operate 08:00 to 17:00 daily, including weekends, which would generally be one return trip per day to service the site from Stromness. However, occasional out of hours working may be necessary at harvesting, fish movements or other unforeseen events. Smolts would be delivered directly to the site using a well boat. Fish would be harvested using a dedicated harvesting vessel and landed as dead haul at Stromness where they would be transferred to tankers and taken by road to the Cooke Aquaculture Scotland processing plant at Hatston, Kirkwall.

9.1.5.

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

9.2. Interaction with predators

9.2.1.

Management measures to minimise risk of predation by diving birds, seals and other marine mammals are included within the site-specific Predator Defence and Mitigation Strategy. This includes well maintained tensioning of nets, regular monitoring and inspection of cages and nets both by underwater cameras and by divers, efficient husbandry and frequent removal of mortalities and anti-predator nets.

9.2.2.

As is stated within the EIAR, seals are the most prevalent predatory species within this sector of aquaculture in terms of numbers of fish predated and associated financial damage. Stock mortalities attributed to predatory seal activity has been stated as 15% of total mortalities at the extant Chalmers Hope site during the last production cycle studied by the EIAR (2019). This level of seal interaction is considered low by the site operator in terms of their fish farm sites in Orkney.

9.2.3.

The site is in proximity to several recorded seal breeding colonies and many known haul-out sites as identified by Marine Scotland with support from the Sea Mammal Research Unit (SMRU) and as reproduced within Supplementary Guidance: Aquaculture. This is recognised and considered by the applicant in the EIAR, and the amended site specific Predator Defence and Mitigation Policy. Predator defence and mitigation is pursued following a hierarchical approach of control measures from the now established use of cage nets made of ‘Sapphire’ type netting which integrates strands of marine grade stainless steel and has a high cut and bite resistance to the tensioning of such through the use of an appropriately weighted Froyer ring and centre weight to eliminate net bagging. Appropriate cage nets and tensioning are considered the first line of defence against predatory seal attacks. The next level of

defence is through the deployment of subsurface anti-predator nets, which would be deployed at this site in the event that seal predation becomes problematic: above 1% cumulative, or greater than 0.25% monthly mortalities in association with seal predation.

9.2.4.

The applicant has indicated that the use of Acoustic Deterrent Devices (ADDs) would not typically be deployed unless other measures proposed within the 'Predator Defence and Mitigation Policy' to deter seals are proven not successful. The applicant has indicated the use of the 'silent scrammer' type to prevent disturbance to non-target species. Concerns exist regarding the use of ADDs due to the risk of disturbance and disorientation posed to cetacean species. The applicant has confirmed that ADDs would only be deployed at the site in consultation with the Council, NatureScot and Marine Scotland for a European Protected Species licence to disturb. Licence to disturb would be required from Marine Scotland and a condition would control any deployment of ADDs.

9.2.5.

During consideration of the application, the applicant has amended the Predator Defence and Mitigation Policy with the removal of the option of humane dispatch of seals under licence. At the time of completing the EIAR, the applicant noted the intention of Scottish Ministers to cease issuing licences for such purposes at the end of the licencing round on 31 January 2021. Lethal control of seals will therefore no longer be possible. This also addresses a component of the single objection to the development.

9.2.6.

The proposed top net arrangement has been subject to significant discussion and was subject to amendment, as noted in section 3.5 above. Both NatureScot and RSPB Scotland note uncertainties of effects and potential risks, specifically in relation to diving marine birds. This is of heightened concern given the possible effect on qualifying features of the Hoy SPA, Sule Skerry and Sule Stack SPA and Scapa Flow pSPA. Given this potential impact on a qualifying feature of the SPAs and pSPA, an HRA screening has been undertaken. This concluded that, based on the mitigation of using a 75mm ceiling mesh, the potential for Likely Significant Effect (LSE) was reduced and the smaller ceiling mesh size, particularly of 100mm or less, theoretically reduced the risk to gannets.

9.2.7.

Given the uncertainties regarding potential risks to diving seabirds in particular and the general need to improve empirical evidence base, NatureScot advises use of planning conditions to address aspects of wildlife entanglement or entrapment record-keeping, the notification process in the event of any significant entrapment or entanglement of gannets or other birds, and that an adaptive management approach be agreed to ensure compliance with the Habitats Regulations. Such matters are also raised within the consultation response from RSPB Scotland. This can be secured by appropriate condition.

9.2.8.

The EIAR and additional information identifies the impacts and risks to natural heritage interests. The applicant 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.

9.2.9.

A Vessel Management Plan has been provided, which has been reviewed and updated from that existing for the current Chalmers Hope site, setting out 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 routes should be adjusted to avoid disturbance and agreed measures to undertake if a vessel is approached by protected species.

9.2.10.

Potential disturbance may arise due to decommissioning works related to the existing site and construction of the new site. This is again a matter of potential concern from natural heritage interests and potential impacts on the directly related SPA and pSPA. It has been assessed by NatureScot that assuming a relatively short overall works duration (cumulative two weeks or less), the only feature of potential concern would be the breeding red-throated diver interests of both the Scapa Flow pSPA and Hoy SPA. Due to potential for frequent disturbance at important foraging areas impacting breeding adults' ability to feed chicks, such works should be scheduled to occur outwith the most sensitive period of July and August.

9.2.11.

It is concluded that the mitigation measures proposed within the revised Predator Defence and Mitigation Plan together with appropriate planning condition(s) would ensure no significant effects on the local seal population and qualifying interests of the SPAs and pSPA. The decommissioning of the existing site and construction of the proposed site is considered to have temporary impacts in relation to additional vessel movements and seaborne activity in the area. NatureScot has no objection to the proposed development in relation to natural heritage interests subject to the mitigation proposed by the applicant, use of appropriate planning conditions and the other regulatory regimes in place.

9.2.12.

Orkney Trout Fishing Association (OTFA) (a non-statutory consultee) objects to the proposal in relation to environmental concerns, with reference made to a range of matters and statements from the Scottish Government's Rural Economy and Connectivity (REC) Committee's Inquiry report into Salmon Farming in Scotland. Whilst this position is noted, Nature Scot, SEPA and Marine Scotland, as statutory

consultation bodies in relation to such matters, have not raised any objection to the development as proposed. Noting that the current Chalmers Hope site under performs in its annual environmental and monitoring surveys, it is considered that the new site, albeit at a larger scale and production, may introduce an element of betterment whilst also allowing the controlled dismantling and removal of the existing site. Given the results of annual environmental and monitoring surveys, consideration was given to a temporary consent, in order to assess environmental impacts of the development in the currently proposed location; however, this approach was not pursued given existing regulatory controls, coupled with appropriate planning conditions and use of an Environmental Management Plan (EMP).

9.2.13.

The development 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, it is considered that this development would have no unacceptable impact on the natural heritage interests of the area.

9.3. Carrying capacity and cumulative benthic and water column impacts

9.3.1.

Key to the site selection process is that the existing Chalmers Hope site “is located in shallower, less energetic waters, and under performs in its annual environmental and monitoring surveys”, as is stated in the submitted EIAR with reference to surveys conducted as part of the existing site’s Water Environment (Controlled Activities) (Scotland) Regulations (CAR) licence. The EIAR indicates that the current site is “less well-suited to production for a variety of reasons” which the applicant seeks to address through the repositioning of the fish farm into deeper water with higher energy water flows, with benefits accruing in relation to fish health issues and reducing environmental impact. This is in conjunction with the desire to develop a higher capacity site. Noting that the results of environmental surveys are publicly available via the Scotland Aquaculture online resource, the cited environmental under-performance of the existing site is stated as a matter of concern to consultation bodies, including OTFA and Development and Marine Planning.

9.3.2.

Fish farms have an impact on the seabed through the settlement of waste fish feed, faeces, and possibly chemical residue from licensed treatments collected beneath the cages. The submitted EIAR accepts that the seabed beneath and surrounding the cages will be impacted from this waste; modelling suggests that this impact would be localised to an area in the immediate vicinity of the cages, with greatest concentration towards the North North East corner of the cage group. The level of loading is generally considered low. This would have a direct effect on the marine flora and fauna in this area. A benthic baseline visual survey was undertaken to

establish the seabed habitat as part of the EIAR, appendix 11. The video footage of the seabed found it was mostly medium/fine sand and patches of seaweed cover. NatureScot has acknowledged the content of the seabed survey and notes that no Priority Marine Features (PMFs) were found in the proposed site area.

9.3.3.

Mitigation proposed to reduce effects on the seabed and water column include monitoring fish feeding and terminating this when the fish are sated, site fallowing, equipment used and chemical use strategy.

9.3.4.

SEPA has no objection to the planning application. Details of 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 Regulation 2011 (as amended). Under this licence, SEPA has the ability, if there is significant environmental stress from the biomass level on the site, to require the situation to be improved, through mitigation or reduction in biomass. SEPA notes implementation of a new regulatory framework for fin fish farms which requires more intensive modelling and monitoring which will be required in support of CAR applications submitted to SEPA. At the time of the response from SEPA, a pre-application proposal had been submitted for their consideration to which a Screening Modelling and Risk Identification Report has been provided to the applicant. SEPA has sought further information to support the CAR application and has made the Planning Authority aware within its response that to inform the CAR process, SEPA has sought the following from the applicant:

- 2D marine modelling is recommended to predict the extent of any benthic deposition further afield, taking into consideration cumulative effects from the other fish farms in the waterbody particularly into areas of known Priority Marine Features.
- A site suitability assessment of the area predicted to be impacted by deposition from the proposed fish farm is recommended; this may or may not consider the baseline surveys already carried out to be sufficient

9.3.5.

SEPA has noted that the baseline survey report indicates no issues; however, actual visual survey footage had yet to be considered and that NewDepomod modelling had yet to be submitted. SEPA states that the maximum sustainable biomass and level of chemical usage would be set once the CAR application has passed through SEPA's determination process (together with additional modelling that may be required). As this can be controlled though SEPA's regulatory function, SEPA has confirmed no objection.

9.3.6.

The letter of objection from OFTA and comments from Development and Marine Planning raise matters of water quality and deposition which to a larger extent are considered via CAR authorisation. CAR authorisation is intended to control impacts on the water environment, including mitigating any pertinent effects arising. Care is

required to ensure that planning conditions that simply duplicate the effect of other legislation are avoided. It is however pertinent to consider the application in relation to the given production outputs, mindful that these directly inform the EIAR and that environmental impacts arising may otherwise be matters of material planning concern.

9.3.7.

Marine Services, SEPA, NatureScot and Marine Scotland Science have no objections in relation to water quality, water column and benthic impacts. It is considered that the proposal would comply with Development Criterion 5 (Water Quality and Benthic Impacts) of Supplementary Guidance: Aquaculture.

9.4. Navigation

9.4.1.

No issues associated with navigation have been raised. The Northern Lighthouse Board has provided specifications for the lighting requirements at this site and raises no objections provided the site is marked accordingly. Marine Services has no comment as it is replacing an existing site. Marine Scotland Science is generally satisfied that the equipment, cages and moorings are suitable for the location based on the environmental data supplied. Marine Scotland Science advises that, subject to the applicant providing accurate environmental data, this is deemed satisfactory.

9.4.2.

Taking account of the information supplied, 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. Consultation responses from Development and Marine Planning, Marine Scotland Science, NatureScot and OTFA have all raised matters in relation to wild salmonids, and specifically in relation to sea trout.

9.5.2.

The EIAR states “In summary, there is a lack of substantive research concerning wild salmonids in Orkney. This makes the assessment of population densities, distributions, or seasonal movement patterns within the vicinity of the proposed development problematic”. This is a recurrent theme in relation to consideration of aquaculture development in Orkney. 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.

9.5.3.

OTFA states within its consultation response that “ten of Orkney’s 24 known sea trout populations are located around Scapa Flow and thousands of wild smolts migrate into Scapa Flow each spring. Each population depends on a clean and healthy marine environment to thrive, survive and sustain itself” and that “this development is located a short distance from five spawning burns on Hoy, which are among the most pristine in Orkney.” OTFA notes that the prevalence, proximity and scale of salmon farms is cited as having a negative effect on nearby sea trout populations due to the risk of the spread of sea lice and also that “the hazard posed by sea lice is greatest for small fish, so smolts entering the sea each spring are particularly susceptible.”

9.5.4.

Marine Scotland Science advises that scientific evidence from Norway and Ireland indicates a detrimental impact on sea trout and salmon populations from sea lice. Salmon fish farm operations can result in elevated numbers of sea lice in open water and as such has the potential to have an adverse effect on populations of wild salmonids in some circumstances. Information presently available from the west coast of Scotland suggests lice from fish farming may cause a risk to local salmon and sea trout. 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, the impact on overall mortality in Orkney waters is still not known.

9.5.5.

This site is located within Fish Farm Management Area (FMA) 0-3. MSS advises that there is no history of sea lice affecting the health of farmed salmon at Chalmers Hope or in this FMA. In consideration of the two significant caligid copepod sea lice species, levels of *Lepeophtheirus salmonis* are very low in the Orkney area, and the applicant confirms only one treatment at its Orkney sites in over ten years. *Caligus elongatus* levels are higher and were treated in the last production cycle with the product ‘Slice’ at Chalmers Hope.

9.5.6.

In relation to the potential impacts of sea lice on wild salmonids, a site-specific ‘Sea Lice Management Plan and Treatment Efficacy Statement’ has been submitted, detailing a range of sea lice preventative measures, in association with allied appendices contained within the EIAR, as listed below:

- Farm Management Statement (FMA).
- Fallowing.
- Lice Counts.
- Treatment Strategy.
- Treatment Monitoring.
- Lice Management Flowchart detailing actions in the event of a potential lice outbreak.
- Veterinary Health and Welfare Plan.
- Seawater Farm Containment and Escape Response Procedure

9.5.7.

MSS has considered the sea lice management strategies that would be used on the modified site as included in the EIAR and the Sea Lice Management Plan and Treatment Efficacy Statement. The matter of non-synchronous stocking and fallowing within FMA 0-3 has been subject to risk assessment, including consideration of the increased biomass proposed within this FMA. MSS has stated that this "satisfactorily addresses concerns relating to disease and parasite control between sites in the FMA and in adjacent FMAs, including those operated by the applicant and other operators" and that "the risks from non-synchronous fallowing have been satisfactorily assessed as far as can reasonably be foreseen". MSS recommends that the applicant continues to monitor disease and parasite control by updating the risk assessment as new sites are added to the FMA, which would add to the biomass in the area, and to communicate any changes with the other aquaculture operator in the FMA.

9.5.8.

The applicant has advised that the preferred treatment for sea lice would be use of a hydrolicer, with chemical treatment to supplement if necessary. Proposed permitted quantities of chemotherapeutants allow bath treatment of the hole site within 2-3 days with deltamethrin or 5-6 days with azamethiphos if using a wellboat. Hydrogen peroxide bath treatments may also be utilised. The methodology for administering bath treatments for chemotherapeutants would be in fully enclosed tarpaulins or by wellboat, which is deemed to be satisfactory by MSS as can reasonably be foreseen. In-feed treatments with 'Slice' are noted as unlikely to be used. The use of cleaner fish for the site, although authorised by MSS currently at the site, has not been proposed as part of the sea lice treatment strategy at this time.

9.5.9.

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

9.5.10.

An EMP requires as a minimum that any monitoring scheme will be able to:

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

9.5.11.

Although the content of the EMP is broadly welcomed, Development and Marine Planning and OTFA suggested the scope of the EMP could be widened. MSS has confirmed that the review process for the EMP as stated by the applicant would ensure that the EMP remains fit for purpose and relevant. Given that the scope of the EMP could be supplemented and broadened, it is considered reasonable to secure by planning condition that further detail within the EMP be secured.

9.5.12.

The site is located within disease management area 8c and as such would have an impact on or be impacted upon by sites within the Scapa Flow disease management area as currently defined in Marine Scotland Science's disease management area maps. The proposed development in relation to the existing Chalmers Hope fish farm is not considered to alter the current disease management area considerations according to MSS.

9.5.13.

The proposed contingency plan for dealing with an escape or suspected escape event is satisfactory as far as can reasonably be foreseen according to MSS, which is also satisfied in relation to equipment proposed for use on the site, noting clarification provided by the applicant in relation to moorings supplier and manufacturer.

9.5.14.

SEPA has no objections to the development with neither NatureScot nor MSS also not objecting subject to appropriate conditions to secure necessary safeguards. Whilst generally considered in accordance with minimum requirements, the proposed EMP may benefit from further refinement to address consultation body concerns, most notably from Development and Marine Planning and OTFA, which could be secured by planning condition. The proposed development is therefore considered acceptable in relation to relevant policy considerations and criterion DC4 of Supplementary Guidance: Aquaculture.

9.6. Landscape and Visual Impact

9.6.1.

The site sits within the Hoy and West Mainland National Scenic Area (NSA). A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the EIAR which identifies the visual impacts of the development. Landscape and visual impacts require consideration in the context that there is an existing cage site at the location. Key to the consideration is therefore the magnitude of change which would result from the enlargement and altered positioning of the proposed fish farm.

9.6.2.

The SNH-commissioned report 'Orkney landscape capacity study for aquaculture: Scapa Flow and Wide Firth' (2011) locates the development within the North East Hoy Coastal Character Area. The existing fish farm at Chalmers Hope was extant at the time of the above report which considered that, "This particular fish farm would be improved if it were located closer to or extended in towards the promontory". In consideration of landscape and visual constraints, both low lying and elevated views can be gained from distant northern, mainland shores and eastern extents of Graemsay, and the popular viewpoint on Lyrawa Hill. The coastline is currently classed as 'isolated'. Further development would create cumulative issues resulting in development as a whole appearing more prominent. It should also be noted that a core footpath leads directly down to Chalmers Hope.

9.6.3.

Of the considered viewpoints within the LVIA, the most immediate is at the wartime remains of Scad Head coastal battery, camp and railway, which is a scheduled monument and which directly overlooks the site. This area is of increased visitor interest given the wartime remains accessed via the Scad Head core path. The LVIA concludes that views of the current site are long established and that the proposed development would not escalate or increase negative effects to the NSA whilst any significant impacts to the setting of the scheduled remains at Scad Head are deemed unlikely. HES offered no additional comment on the impact on the setting of the scheduled monument in its consultation response. The LVIA indicates that the greatest magnitude of change from any selected viewpoint would be 'minor'.

9.6.4.

Given the NSA landscape designation NatureScot has advised that the development should seek to blend in with the local, coastal cliff surroundings and not detract from the natural landscape. To achieve this, muted colours on the feed barge, as the most significant structure above water, would be considered necessary. As the low-lying and dark colour of the cages would be largely viewed looking out to sea, the barge would have the appearance of a boat at sea. Visually, it is considered that the development would be partly perceived as a repositioning and enlargement of an existing fish farm rather than introduction of a fish farm feature in the seascape, although the proposed pole and top net system would be more visible compared to the existing style of low support top nets. Development and Marine Planning has commented that "cumulative impacts with the other fish farms, some recently expanded, could start to erode the qualities of the NSA, but in this instance, is not likely to have a significant impact". As a moored static installation and based on the proposed activities involved in the operation, including vessel movements and lighting, on balance the level of visual change is not considered to be significantly detrimental to the special quality of 'spectacular coastal scenery' of the Hoy and West Mainland National Scenic Area.

9.6.5.

Landscape and visual impacts of the proposed fish farm during the hours of darkness must also be assessed. The artificial sources of light include the navigational lighting to be installed on the fish farm for navigational safety. There

would also be underwater maturation lights fitted to each cage. These would only be in use during the winter months of December to April when required. 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. Given the experience of maturation lighting on fish farms to date, this matter is not considered to have a significantly adverse effect. It is however recognised that, in an area which presently has low levels of artificial lighting, the faint glow at the water surface, has the potential to impact on the character of the area at night time.

9.6.6.

The LVIA identifies the visual impacts of the development. No significantly adverse effects are identified within the submitted LVIA, with little conflicting comment provided by consultation bodies. The existing fish farming operation at this site helps to allow some other, larger development to be established in public views. The magnitude of landscape or visual change that would occur in the context of the landscape/seascape of Scad Head/Chalmers Hope would not warrant refusal. The application is therefore considered to accord with Orkney Local Development Plan 2017 Policies 9 and 12, and Supplementary Guidance: Aquaculture, criteria DC1 and DC9.

9.7. Socio Economic Impact

9.7.1.

The proposed development is a replacement for the existing Chalmers Hope finfish site. Should the application be approved, five permanent full time jobs (four site operatives and one site manager) would be maintained as would the existing supply chain. It has been identified that there is commercial fishing interest in the area and Orkney Fisheries Association (OFA) has objected with regard to possible disruption to mobile fishing practices, particularly for smaller local vessels.

9.7.2.

As per the submitted LVIA, the development is not considered to be significantly detrimental in terms of visual impacts. Given the limited extent of the area occupied by the development, no significant loss of physical recreation area is considered to result. 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.

9.7.3.

The Scottish Government's National Marine Plan and Scottish Planning Policy together recognise the contribution of the aquaculture sector to the rural economy and seek to support sustainable economic development. The National Marine Plan and Scottish Planning Policy both support the expansion of marine fish farming where it can take place in environmentally sustainable locations, where it does not exceed the carrying capacity of the water body within which it is to be located, and where it does not give rise to significant adverse effects upon nature conservation, wild fish, historic environment or other commercial or recreational water users.

9.7.4.

Significant adverse effects to socio-economic and recreational receptors are not anticipated. However, it is recognised although not currently defined, that impact on the under-10 metre local fishing fleet may arise given the submitted comments and objection from OFA. No other significant impacts on commercial fishing or diving grounds are anticipated, in terms of displacement, employment or loss of fishing or diving grounds. In considering the competing socio-economic impacts, the benefits created by the development, on balance, are considered to outweigh any impact caused by change to the area.

9.8. Noise pollution

The development would have minimal noise producing operations and practices and these would normally be confined to daily working hours. The site is also removed from any residential property. The EIAR notes that “the residual risk of impact relating to noise emissions is considered negligible and unlikely to result in any significant effect.” No counter view to this conclusion has been asserted by consultation bodies or third parties and no record of noise complaint is noted in relation to the existing site. During construction and activities such as harvesting and fish movements, noise producing activities may occur outwith standard hours; however, these are likely to be very occasional. It is considered that the noise associated with the activities of the fish farm would not be significant.

9.9. Cultural Heritage and Historic Environment

This matter has been assessed within the EIAR and through the consultation process and no significant effect on the cultural heritage or on archaeology has been identified. The applicant has advised should any archaeology be encountered during the process of construction, both Historic Environment Scotland and the County Archaeologist would be notified directly by the applicant for further comment/advice. Therefore, the proposal 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 Stromness, in conjunction with a feed barge on site and with established shore-based facilities at Lyness, Hoy. There are no planned changes or increases anticipated to the daily operational use of pier facilities beyond those required for the operation of the existing site.

9.10.2.

Harvested fish would be landed at Stromness, transferred to tankers from the harvest vessel and transported by road to the operator’s primary processing plant in Kirkwall. The nature and frequency of harvest events is not anticipated to result in a significant effect on the road network. The EIAR considers that the “risk of negative

effects to traffic and transport are considered negligible and are not anticipated to be significant."

9.10.3.

Roads Services acknowledges that the overall tonnage of fish production would increase, resulting in a corresponding increase in vehicle movements. However, it is deemed this increase would be within acceptable limits and therefore no adverse comment is offered.

9.11. Cessation of Use of Existing Site

9.11.1.

The application as submitted includes removal of the presently consented equipment at the existing Chalmers Hope site. It is noted that the operational site areas, of the existing fish farm and the proposed site overlap. It is also recognised that the existing fish farm at Chalmers Hope was subject to an earlier approval regime, and whilst the planning history illustrates various developments at the existing site, the original consent is historic in nature dating to 2005. It is apparent from the EIAR, in relation to the existing site, that such a site in shallower/less energetic waters is less well suited to current expectations from both production and environmental perspectives.

9.11.2.

It is recognised that the current application provides an opportunity to remove an under-performing site, to be replaced with a larger site in deeper and more energetic waters which, based on information provided, and noting no objections from statutory consultation bodies, would improve the environmental performance of the operation, whilst providing scope for appropriate control of the removal of redundant equipment. However, this is balanced against the significant enlargement of operations at the new site, with an increase in pen sizes from 12 x 100 metre to 12 x 120 metre circumference circular cages and production biomass from 1,000 to 2,500 tonnes, and associated infrastructure. On balance, the development is considered acceptable. It is also recognised that additional environmental control would exist through provision of an EMP.

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 10 development criteria that all aquaculture development will be assessed against. In addition, the National Marine Plan supports sustainable growth of aquaculture, subject to the proposal complying with the relevant policies of the NMP and the 14 Policies which relate specifically to Aquaculture.

10.2.

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

10.3.

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

10.4.

The application provides an opportunity to address environmental and condition monitoring under-performance at the existing fish farm at the Chalmers Hope site, through re-positioning of the operation to more energetic and deeper waters, approximately 250 metres from the presently consented site. This has to be balanced with the enlarged nature of the development as proposed with a significant increase in production biomass from 1,000 to 2,500 tonnes, cage size and above surface infrastructure, including pole mounted top nets and a 300 tonne feed barge. It is recognised that the site is in a sensitive location in relation to both landscape and natural heritage interests, as it is situated within the bounds of the Hoy and West Mainland National Scenic Area, Hoy Special Protection Area (SPA) and the Scapa Flow proposed SPA.

10.5.

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.

Appendix 2: Location Plan.

Appendix 3: Planning Conditions.

Appendix 1

Create a Salmon Farming Site Comprising 12 x 120 Metre Circumference Circular Cages Arranged in a 2 x 6 Formation With a 70 Metre Read, and 300 Tonne Capacity Semi-Automated Feed Barge (Replacement of Existing Equipment) at Chalmers Hope, Scapa Flow, Orkney.

Planning Reference: 20/213/MAR.

Consideration of Proposals affecting European Sites

The proposal lies within Hoy Special Protection Area (SPA) and may also affect the Sule Skerry and Sule Stack SPA. The proposal also lies within Scapa Flow proposed SPA (pSPA). The requirements of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 therefore apply. The Scottish Government has a policy of protecting proposed SPAs (e.g. Scapa Flow pSPA) as if they were classified, and as set out in Scottish Planning Policy. Consequently, Orkney Islands Council is required to consider the effect of the proposal on both SPA's identified and the pSPA before it can be consented, (commonly known as a Habitats Regulations Appraisal).

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

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

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

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

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

Appraisal

Natura interests – Hoy SPA, Sule Skerry and Sule Stack SPA and Scapa Flow pSPA.

The proposal lies within the Hoy Special Protection Area (SPA) classified for its breeding birds Arctic skua, Fulmar, Great skua, Great-black backed gull, Guillemot, Kittiwake, Peregrine, Puffin, Red-throated diver and seabird assemblage. The proposal also lies within Scapa Flow proposed SPA (pSPA) classified for its aggregations of breeding Red-throated diver and aggregations of non-breeding wintering waterfowl, including Black-throated diver, Eider, Goldeneye, Great northern diver, long-tailed duck, Red-breasted merganser, Shag and Slavonian grebe. The proposal could also affect the Sule Skerry and Sule Stack SPA classified for its breeding Gannets and Guillemots. In its response to the Council, SNH/NatureScot has provided an appraisal of the impact that the proposal is likely to have on the Hoy SPA, Sule Skerry and Sule Stack SPA and Scapa Flow pSPA.

The Conservation Objectives for Hoy SPA are noted as follows:

- To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.
- To ensure for the qualifying species that the following are maintained in the long term:
    - Population of the species as a viable component of the site
    - Distribution of the species within site
    - Distribution and extent of habitats supporting the species
    - Structure, function and supporting processes of habitats supporting the species
    - No significant disturbance of the species

Qualifying Species:

- Arctic skua (Stercorarius parasiticus)*
- Fulmar (Fulmarus glacialis)*
- Great black-backed gull (Larus marinus)*
- Great skua (Catharacta skua)
- Guillemot (Uria aalge)*
- Kittiwake (Rissa tridactyla)*
- Peregine (Falco peregrinus)
- Puffin (Fratecula arctica)*
- Red-throated diver (Gavia stellata)
- Seabird assemblage

* indicates assemblage qualifier only

The site overlaps with Hoy Special Area of Conservation

The Conservation Objectives for Sule Skerry and Sule Stack SPA are noted as follows:

- To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species that the following are maintained in the long term:
    - Population of the species as a viable component of the site
    - Distribution of the species within site
    - Distribution and extent of habitats supporting the species
    - Structure, function and supporting processes of habitats supporting the species
    - No significant disturbance of the species

Qualifying Species:

- Gannet (Morus bassanus)
- Guillemot (Uria aalge)*
- Leach's petrel (Oceanodroma leucorhoa)
- Puffin (Fratercula arctica)
- Shag (Phalocrocorax aristotelis)*
- Storm petrel (Hydrobates pelagicus)
- Seabird assemblage

* indicates assemblage qualifier only

The Conservation Objectives for Scapa Flow pSPA are noted as follows:

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, subject to natural change, thus ensuring that the integrity of the site is maintained in the long-term and it continues to make an appropriate contribution to achieving the aims of the Birds Directive for each of the qualifying species.

This contribution will be achieved through delivering the following objectives for each of the site's qualifying features:

- Avoid significant mortality, injury and disturbance of the qualifying features, so that the distribution of the species and ability to use the site are maintained in the long-term.
- To maintain the habitats and food resources of the qualifying features in

favourable condition.

Qualifying Interest:

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

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

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

Appropriate Assessment

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by SNH/NatureScot.

In the view of SNH/NatureScot the proposal is likely to have a significant effect on breeding Gannets from Sule Skerry and Sule Stack SPA, Great skuas, Great black-backed gulls, European shags and divers from the Scapa Flow pSPA, and breeding Red-throated divers from Hoy SPA. Consequently, Orkney Islands Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

Based on the information provided, if the proposal is undertaken strictly in accordance with the following changes then the proposal will not adversely affect

the integrity of the site.

Use of pole-mounted top nets

Northern gannets are large seabirds that feed by plunge diving from height into the sea in pursuit of shoaling pelagic fish and because of this, can become entangled in top nets or dive through them and become entrapped in the cages.

SNH/NatureScot are aware of two incidences of gannets becoming entrapped/entangled at fish farms using pole-mounted top net systems, both with 200mm ceiling nets, after plunge-diving into cages. Gannets from the Sule Skerry and Sule Stack SPA population, based on limited tracking data indicates that birds from this colony may also forage in waters around Orkney. Migratory birds from various colonies may also pass through Orkney waters.

SNH/NatureScot acknowledge the lack of systemic data on potential impacts of the pole mounted top nets systems on gannets and other birds. It is however stated that 'on theoretical grounds, we anticipate that smaller ceiling mesh sizes, particularly of 100mm or less, may reduce risk to gannets.' SNH/NatureScot recognise that there is a lack of empirical evidence on how mesh sizes may affect potential risk to gannets and to birds, such as gulls, skuas and shags that may attempt to access cages by perching on nets or rails.

For reasons as outlined above any permissions for use of pole-mounted top net systems, irrespective of mesh sizes, should be subject to review, underpinned by systematic monitoring and by requirements for immediate notification in event of emergence of patterns of entanglement or entrapment of marine birds that might ultimately result in adverse effect on site integrity (AESI).

This matter can be addressed by suitable planning condition noting that such a condition is also relevant to the identified potential risks to great skuas, great black-backed gulls and European shags with respect to entanglement in top nets and to European shags, red-throated divers, black-throated divers and great northern divers with respect to use of sub-surface antipredator nets. This condition should be adaptive due to the unknown effects of using the pole-mounted nets to allow the change of equipment where the equipment being used demonstrates effect on the above species.

Disturbance during decommissioning of existing site & construction of new site

Depending on the timing and duration of these works, and associated vessel routes, there could be potential for repeated disturbance of sensitive bird species associated with vessel movements. No details are provided against which to assess this, but assuming a relatively short overall works duration (cumulative two weeks or less), the only feature of potential concern would be the breeding red-throated diver interests of both the Scapa Flow pSPA and Hoy SPA. Frequent disturbance from important foraging areas could impact breeding adults' ability to feed chicks. Should proposed vessel routes pass through important foraging areas, this risk could be avoided by scheduling works to occur outwith the most

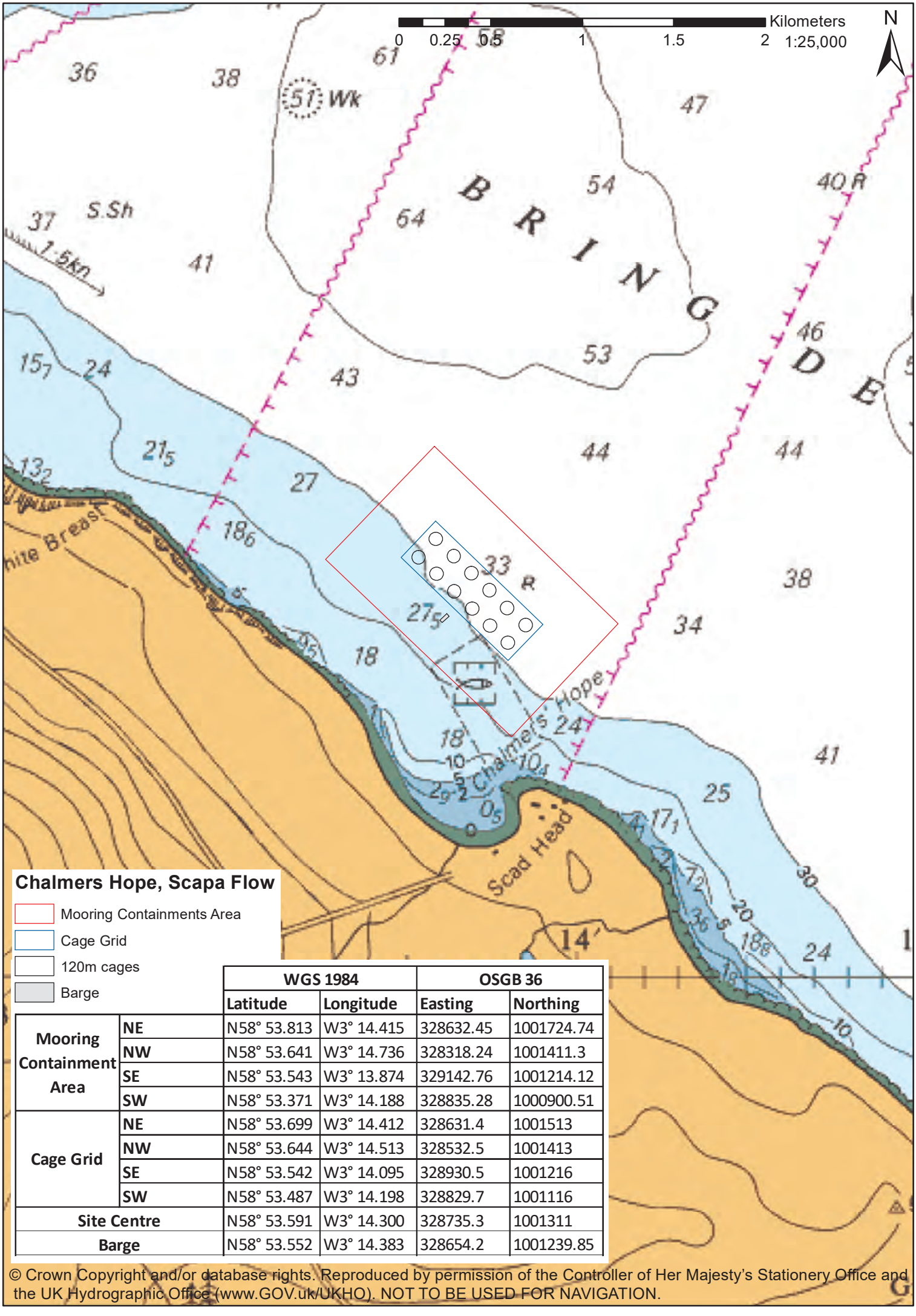
sensitive period of July and August, when birds are provisioning growing young birds.

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

The matter of potential impacts upon elements of the food chain, notably as a consequence of the prevalence of sand eels recorded in the benthic visual survey; a key prey item for certain qualifying bird species of the SPA's and pSPA, was not commented upon by SNH/NatureScot. No adverse comment as to the potential impact of the development upon sand eels was noted and as such this matter as raised by Development and Marine Planning has not been subject to further assessment.

Conclusion

Whilst it is concluded that there is likely significant effects on some features of Hoy SPA, Sule Skerry and Sule Stack SPA and Scapa Flow pSPA were the development to proceed on the basis of the identified mitigation as detailed in the supporting EIAR and appendices therein coupled with appropriate additional safeguards through the application and adherence to appropriate planning condition(s) it can be concluded that there would be no adverse effect on site integrity.



Chalmers Hope, Scapa Flow

- Mooring Containments Area
- Cage Grid
- 120m cages
- Barge

		WGS 1984		OSGB 36	
		Latitude	Longitude	Easting	Northing
Mooring Containment Area	NE	N58° 53.813	W3° 14.415	328632.45	1001724.74
	NW	N58° 53.641	W3° 14.736	328318.24	1001411.3
	SE	N58° 53.543	W3° 13.874	329142.76	1001214.12
	SW	N58° 53.371	W3° 14.188	328835.28	1000900.51
Cage Grid	NE	N58° 53.699	W3° 14.412	328631.4	1001513
	NW	N58° 53.644	W3° 14.513	328532.5	1001413
	SE	N58° 53.542	W3° 14.095	328930.5	1001216
	SW	N58° 53.487	W3° 14.198	328829.7	1001116
Site Centre		N58° 53.591	W3° 14.300	328735.3	1001311
Barge		N58° 53.552	W3° 14.383	328654.2	1001239.85

Appendix 3.

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

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

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

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

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

Reason: In the interests of conservation of wild salmonids.

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

- Details of who will be responsible for daily monitoring of wildlife entanglement/entrapment.
- Details of the record management system to be employed.
- Submission of routine six monthly updates of findings to the Planning Authority, copied to SNH/NatureScot,
- Notification to both the Planning Authority and SNH/NatureScot no later than 24 hours following any significant entrapment or entanglement of gannets or other bird species (ie an incident involving three or more gannets in any single 24-hour period, ten or more birds of any species in any seven day period, or repeated incidents involving one or more gannets on four consecutive days).

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

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

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

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

05. At all times when equipment is on site, the following navigational marks shall be provided:

- The site should be marked with 2 lit yellow poles fitted with yellow 'X' topmarks.
- Each light should display a character of flashing group four yellow every 12 seconds (Fl (4) Y 12s) with a nominal range of two nautical miles and be installed above the 'X' topmark.
- The poles should be positioned at the Northern and Eastern seaward corners of the cage group.
- The lights should be one metre above site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- The poles should be ≥75mm diameter, the 'X' topmark should be ≥ 75cm length by 15cm width.
- The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.

In addition:

- A weekly check of the site's marking equipment shall be performed, and records kept of its physical and working status for audit purposes.
- Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.
- Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.

Reason: In the interests of navigational safety.

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

Reason: In the interest of visual amenity.

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

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

08. The finished surface of all equipment above the water surface, including surface floats and buoys associated with the development, but excluding those required to comply with navigational requirements, shall be non-reflective and finished in a dark muted grey (with the exception of the feed barge controlled by condition 10), unless otherwise agreed, in writing, by the Planning Authority.

Reason: To minimise the visual impact of the development.

09. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within the Location Plan (OIC-02) attached to and forming part of this application which confirms the mooring containment area, cage grid, site centre and barge. On first installation, the position of the corners of the cage group, corner anchors of the development and the location of the feed barge shall be recorded using Global Positioning System. These positions should be re-measured and recorded regularly, at least once every six months, and immediately following storm events. A record of all positional information must be maintained and made available on request to the Planning Authority.

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

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

Reason: In the interest of visual amenity.

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

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

12. The development shall be constructed, implemented and managed in accordance with the Predator Defence and Mitigation Policy, Planning Revision 2, ND Oct 2020, Appendix 3, notwithstanding the requirements of Condition 02, including monitoring of wildlife entanglements and Seawater Farm Containments and Escape Response Procedure (dated 25/10/2019) included as Appendix 17, both forming part of the Environmental Impact Assessment Report. The development

shall thereafter be operated and maintained in accordance with these documents throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority. For the avoidance of doubt all modifications, amendments or revocations of these Policies and Plans shall be submitted to, and agreed in writing by, the Planning Authority in advance of any such changes occurring on site.

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

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

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

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

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

15. The fish farm shall operate in accordance with the Waste Management and Disposal, SW Standard Operating Procedure (SOP) Number 26, revised May 2020 Plan, included as Appendix 4 of the Environmental Impact Assessment Report, and thereafter operated and maintained in accordance with this plan throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

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

16. 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.

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

Reason: To reduce the chance of entanglement of wildlife.

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

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

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

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

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

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

Informatives

01. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 0131 244 3498; Email: ms.fishhealth@gov.scot

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