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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE SCOTTISH MARINE AREA – CHEMICALS OR AGENTS FROM WELLBOATS

Licence Number: 06853/20/0 Reference Number: 06853

The Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

Scalpay Multi-Trophic Aquaculture Limited
15 Atholl Crescent
Edinburgh
Midlothian
EH3 8HA

to deposit in the Scottish marine area the chemical(s) or agent(s) particulars of which are described in Part 1 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 2 of the said Schedule.

This licence is valid from 17 January 2020 until 16 January 2023.

[Redacted]

Signed: ....

Anni Mäkelä

For and on behalf of the licensing authority

Date: 17 January 2020

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

SCHEDULE TO LICENCE NUMBER: 06853/20/0 DATED: 17 January 2020

Part 1 – Particulars

1. Name and address of the person(s) depositing the chemical(s) or agent(s):

   The licensee will deposit the chemical(s) or agent(s)

2. Name and address of any other agents acting on behalf of the licensee (if appropriate):

   Mowi Scotland Limited,
   Farms Office
   Glen Nevis Business Park,
   Fort William,
   PH33 6RX

3. Name(s) of the vessel(s) to be employed to undertake the deposit activity:

   See Annex One of this licence to deposit for a list of authorised vessels.

   The agent or licensee must notify the licensing authority immediately if a vessel not listed on annex one of the licence is to be used for the deposit of chemical(s) or agent(s). The information required by the licensing authority regarding the additional vessel(s) will be the same as the information already provided for the vessels on the existing licence. **Deposit operations using any additional vessel(s) may only commence if a revised annex one, including details of the additional vessel(s), is issued by the licensing authority.**

4. Location of deposit of the chemical(s) or agent(s):

   Isle Of Scalpay, Isle of Skye, Highlands at a point alongside any cage at the fish farm located by the coordinates:

   57° 17.204' N, 005° 54.919' W.

   As shown in Annex Two.

5. Description of the chemical(s) or agent(s):

   Excis (1% w/v cypermethrin – cis 40 : trans 60)
   ALPHA MAX or AMX (1% deltamethrin)
   Salmosan or Salmosan Vet or Azasure (50% w/w azamethiphos)
   Hydrogen peroxide

   As described in the application dated 30 November 2018 and supporting documentation.

6. Quantity for deposit within the period of validity of the licence:

   As described in Condition 12, Condition 13, Condition 14 and Condition 15 in Part 2 of the licence.

SCHEDULE TO LICENCE NUMBER: 06853/20/0 DATED: 17 January 2020

Part 2 - Conditions

1. The licensee must notify the licensing authority, at least two working days in advance of starting the licensed activity, with the date and time of commencement of all activities undertaken under the authority of this licence and the product name and quantity of chemical(s) or agent(s) intended for deposit. Details of chemical(s) or agent(s) deposited must also be recorded and reported in accordance with Condition 11 of the licence.

2. The treatment of fish must be carried out in such a way as to minimise the deposit of chemical(s) or agent(s).

3. "*Force majeure*" may apply when, due to stress of weather or any other cause, it is necessary to deposit the chemical(s) or agent(s) at a location other than that specified in Part 1 of the Schedule because the safety of human life, or a vessel or vehicle, is threatened. If chemical(s) or agent(s) are deposited in an unauthorised area, full details of the circumstances must be immediately notified to the licensing authority (see also notes appended to the Schedule).

4. Under the authority of this licence, the deposit of chemical(s) or agent(s) is only permitted if the location described in Part 1, section 4 of the Schedule is an operational and stocked fish farm. Furthermore, the said deposit is only permitted in respect of the treatment of fish being reared at the fish farm site at the location described in Part 1, section 4 of the Schedule, at the time of deposit.

5. The licensee must ensure that no dead fish are deposited to the water environment at any time. Any dead fish must be disposed of above the Mean High Water Springs in an appropriate manner.

6. The licensee must ensure that deposits will only be carried out in accordance with the Treatment Procedure (dated 24 May 2016) as provided with the application. Marine Scotland - Licensing Operations Team ("MS-LOT") must be informed if alterations are made to the treatment procedure. Copies of the treatment procedure must be kept with copies of the licence.

7. Only those chemical(s) or agent(s) described in Part 1, section 5 of the Schedule (the authorised deposits) shall be deposited under authority of the licence and all associated tank/hopper washings must be deposited at the location specified in Part 1, section 4 of the Schedule.

8. The method of deposit must be:

   Pumped discharge via pipe/hatches from wellboat at a depth of surface to 5 metres below sea surface.

9. Only those persons acting on behalf of, and authorised by, the agent or the licensee shall undertake the deposit activities.

10. The licensee must provide the Master(s) of the vessel(s) employed to undertake the deposit activities with a copy of the licence. The licensee must also ensure that copies of the licence and all other relevant documents, including the treatment procedure (dated 24 May 2016) are available for inspection by any authorised Enforcement Officer at:

a) the premises of the licensee; and

b) on board the vessel(s) employed to undertake the deposit activities.

11. The licensee must ensure that a log of operations is maintained and kept on board the deposit vessel(s) throughout each deposit activity, and be available for inspection by an authorised Enforcement Officer. The logs must be retained for a period of six calendar months following expiry of the licence.

    For each deposit activity, the following information must be recorded:

    a) the name of the vessel;

    b) the name of the product and its active ingredient;

    c) the quantity (volume) of the product scheduled for deposit;

    d) the date, time and position of each deposit activity;

    e) the weather, including wind strength and direction, sea and tidal state throughout each deposit activity;

    f) the rate of discharge during each deposit activity, if appropriate, and the duration of each deposit activity if the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);

    g) report on each deposit activity, including details of any problems; and an explanation for any delays; and

    h) the signature of the Master at the foot of each page of each record.

    The above information can be entered on the deposit vessel log of operation form. The licensee must provide to MS-LOT at three monthly intervals or on request from MS-LOT, a copy of all or any part of the records specified above.

12. The licensee must ensure that:

    a) subject to condition 12 b), the total quantity of cypermethrin as contained in the trade product Excis, deposited in any consecutive 3 hour period beginning at the time of the first release of Excis as part of any specific treatment, must not exceed 48.7 grams (this is equivalent to 4870 millilitres of Excis).

    b) Cypermethrin, as contained in the trade product Excis, must not be deposited if cypermethrin or deltamethrin, formulated as AMX™ 10mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, has been deposited at the site, from any source, in the previous 3 hours.

13. The licensee must ensure that:

    a) subject to condition 13 b), the total quantity of azamethiphos, as contained in the trade product Salmosan or Salmosan Vet or Azasure, deposited in any consecutive 3 hour period beginning at the time of the first release of Salmosan or Salmosan Vet or Azasure as part of any specific treatment, must not exceed 269.3 grams (this is

equivalent to 538.6 grams of Salmosan or Salmosan Vet or Azasure). The licensee must also ensure that the total quantity of azamethiphos, deposited in any consecutive 24 hour period beginning at the time of the first release of Salmosan or Salmosan Vet or Azasure as part of any specific treatment, must not exceed 687.7 grams (this is equivalent to 1375.4 grams of Salmosan or Salmosan Vet or Azasure).

b) Azamethiphos, as contained in the trade product Salmosan or Salmosan Vet or Azasure must not be deposited from a vessel simultaneously to any deposit of azamethiphos at the premises.

14. The licensee must ensure that:

a) subject to condition 14 b), the total quantity of deltamethrin, formulated as AMX™ 10mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, deposited in any consecutive 3 hour period beginning at the time of the first release of deltamethrin, formulated as AMX™ 10 mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, as part of any specific treatment must not exceed 18.3 grams (this is equivalent to 1830 millilitres of AMX™ or ALPHA MAX™).

b) Deltamethrin, formulated as AMX™ 10mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, must not be deposited if cypermethrin or deltamethrin, as contained in the trade product Excis, has been deposited at the site, from any source, in the previous 3 hours.

15. Hydrogen peroxide may be deposited at any time provided its actual use is recorded and reported in accordance with Part 2, section 11 of this licence.

16. In the event of the licensee becoming aware of any changes to the information on which the issue of the licence was based, the licensing authority must be immediately notified of the details.

17. The licensee must ensure that where any of the chemical(s) or agent(s) listed in Condition 12, 13 and 14 are also authorised for deposit to the water environment following bath treatment at the fish holding cages at the site described in Part 1, section 4 under an authorisation granted by Scottish Environment Protection Agency then the quantity of that chemical or agent deposited over the time period specified in the relevant condition by the method specified in Condition 8 and from the cages over the same time period must not exceed the total quantity specified in the relevant condition.

18. The licensee must ensure that the chemical(s) or agent(s) listed above must only be deposited following treatment of fish within the vessel(s) listed in Part 1, section 3.

19. If a new licence is required, the licensee must make an application at least fourteen weeks before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 16 January 2023**.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.

2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.

4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).

5. <u>All correspondence or communications relating to the licence should be addressed to</u>:

Licensing Operations Team
Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Tel: +44 (0)300 244 5046
Email: ms.marinelicensing@gov.scot