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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE FARM WORKS

Licence Number: 06924/19/0 Reference Number: 06924

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

S I SEAFARMS LIMITED
Sparl
Brae
Shetland
ZE2 9QJ

to deposit in the sea the substances or objects (except for dredge spoil) used in the execution of works 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 shall be valid from 04 July 2019 until 03 July 2025.

Signed: [redacted]

Louise Mslka

For and on behalf of the licensing authority

Date: 04 July 2019

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

SCHEDULE TO LICENCE NUMBER: 06924/19/0 DATED: 04 July 2019

Part 1 - Particulars

1. Name and address of agent acting on behalf of licensee (if appropriate):

   As per licensee

2. Location of works:

   The Firth South, Bixter, Shetland, within the area bounded by joining the points:

   60° 14.471' N : 001° 23.105' W
   60° 14.413' N : 001° 22.869' W
   60° 14.363' N : 001° 22.923' W
   60° 14.421' N : 001° 23.159' W.

   As shown in Annex One.

3. Description of works:

   Marine Farm, The Firth South, Bixter, Shetland

   As described in application dated 29 January 2019, and correspondence submitted in support of the application.

4. Nature and quantity of all deposits below Mean High Water Springs:

   a) The total number of permitted longlines must be: **7**

   b) The total number of permitted grid moorings must be: **14**

   c) The total number of permitted marked buoys must be: **2**

   d) The total number of permitted associated boat moorings must be: **0**

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Part 2 - Conditions

1. The licensee must ensure that only the deposits listed in Part 1 of the licence are deposited during the execution of the works and that all substances or objects deposited during the execution of the works are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

2. The licensee must ensure that any debris or waste materials arising during the course of the works are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.

3. The licensee must submit a written report regarding the correct placement of the deposits to the Licensing Authority. The written report must be submitted on the forms provided by the Licensing Authority no later than 31 July 2020.

4. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of both progress and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

5. The licensee must ensure that a copy of this licence is given to each contractor appointed to carry out part or all of the works in order that they are clear about the extent of the works for which the licence has been given and the conditions that are attached to the licence.

6. The licensee must ensure appropriate steps are taken to minimise damage to the seabed by the works.

7. The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.

8. The licensee must ensure that the works do not encroach on any recognised anchorage, either charted or noted in nautical publications, within the proposed consent area.

9. The licensee must ensure that:

   a) The site must be marked with two lit yellow buoys fitted with yellow 'X' topmarks.

   b) These lights must display a character of group flash four every twelve seconds (Fl(4). Y. 12s) with a nominal range of 2 nautical miles and be installed on the top of the buoy above the 'X' topmark.

   c) The buoys must have a diameter of approximately 1 metre at the waterline with the focal plane of the light some 2 metres above that level. The nominal range of the light must be 2 nautical miles. The multiplication crosses must measure a minimum of 50cm in length by 7.5cm in width

   d) One buoy must be positioned at the most Northerly extremity of the site. The second buoy must be positioned at the most Easterly extremity of the site.

10. The licensee must ensure that the navigation marking and lighting given in condition 9 are installed at the same time as the site equipment and continued unless and until the licensing authority rescind this direction.

11. The licensee must ensure that a weekly check of the sites marking and lighting equipment is made and records kept of its physical state for audit purposes.

12. If it is desired to display any marks or lights not required by this licence then details must be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.

13. The licensee must ensure that the works are maintained at all times in good repair.

14. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.

15. The licensee must ensure that no radio beacon or radar beacon operating in the marine frequency bands is installed or used on the works without the prior written approval by the licensing authority.

16. If in the opinion of the licensing authority the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:

    a) The failure to mark and light the works as required by licence.
    b) The maintenance of the works.
    c) The drifting or wreck of the works.

    The licensee shall be liable for any expenses incurred in securing such assistance.

17. In the event of the licensed operations being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.

18. The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee shall be liable for any expense incurred.

19. Any person authorised by the licensing authority must be permitted to inspect the works at any reasonable time.

20. The licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

    a) the premises of the licensee;
    b) the premises of any agent acting on behalf of the licensee;

21. In the event of the licensee becoming aware that any of the information on which the issue of the licence was based has changed, the licensing authority must be immediately notified of the details.

22. 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 03 July 2025**.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. 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

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Email: ms.marinelicensing@gov.scot