

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

NOTIFICATION CONCERNING TEMPORARY VARIATION OF LICENCES TO DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE SCOTTISH MARINE AREA IN RELATION TO CHEMICALS OR AGENTS FROM WELLBOATS

The Scottish Ministers hereby notify:

**Cooke Aquaculture Scotland Limited
Crowness Road
Hatston Industrial Estate
Kirkwall
Orkney
KW15 1RG**

of the variation in accordance with section 30(3)(a) of the Marine (Scotland) Act 2010 (“The Act”) of the relevant licences (“The Licences”): See Annex 1.

The Scottish Ministers recognise that, as a consequence of the COVID-19 outbreak, the holders of The Licences (“Licensees”) may face challenges in resourcing activities performed under the licences. There is the potential for licensed activities to be compromised by a lack of available staff or due to the need to protect staff through social distancing measures in response to COVID-19. This in turn could have implications for fish health and welfare.

The Licensees must remain in compliance with the terms of The Licences and all relevant legislation, including environmental laws. The Licensees should also prepare for the challenges of the COVID-19 outbreak to ensure that impacts on the environment, human health and legitimate use of the sea are minimised.

Mindful of the challenges posed by the COVID-19 outbreak, the Scottish Ministers propose to vary The Licences, on a temporary basis, in accordance with section 30(3)(a) of The Act because of a change in circumstances relating to human health.

The Scottish Ministers consider that there is an urgent need to vary The Licences. Therefore, in accordance with section 31(6) of The Act, they are varying The Licences without providing for a period during which representations can be made.

In making this variation, the Scottish Ministers have taken account the position statement issued by the Scottish Environment Protection Agency (“SEPA”) entitled ‘Temporary Regulatory Position – Response to Covid-19’ on 7 April 2020, and this variation is consistent with that position as it refers to bath treatments of fish.

This variation is valid from 16 April 2020 until either 30 June 2020 or such other date as the Scottish Ministers specify in any subsequent notification of variation (whichever is the shortest) and supersedes the previous marine licence variation, issued on 08 April 2020.

The particulars and conditions of the variation are described in Part 1 of the attached Schedule.

Signed:	
	Michael Bland
For and on behalf of the Scottish Ministers	
Date:	16 April 2020

Part 1 – Particulars and Conditions

The Licences specify certain chemical(s) or agent(s) which can be deposited in the Scottish marine area in accordance with the terms of The Licences. The Licences contain time limitations upon the quantity of the specified chemical(s) or agent(s) that can be discharged in 3-hour periods and 24-hour periods.

For the purposes of this variation, a “Treatment Cycle” means a single cycle of treatment of fish, using chemical(s) or agent(s) as specified within The Licences, during which all fish from each stocked pen on a fish farm site are treated once with the relevant chemical(s) or agent(s).

The time limitations contained in The Licences concerning the quantity of the chemical or agent, azamethiphos¹ that can be discharged in 24-hour periods are varied as follows, subject to the following conditions, for the duration of this variation:

- (a) Licensees must ensure that the total quantity of azamethiphos released during a Treatment Cycle does not exceed the amount specified in the most recent version of the Bath Auto modelling spreadsheet for the relevant site approved by SEPA²;
- (b) Licensees must ensure that the total quantity of azamethiphos released in any 24-hour period does not exceed a quantity which is three times the individual amount listed in The Licences as being permitted for discharge within a 24-hour period³;
- (c) Licensees must ensure that the cumulative quantity of azamethiphos released during a Treatment Cycle at the site, from both wellboats and from net pens, remains within the limits set in the conditions specified in (a) and (b) above;
- (d) This variation does not apply to licences for wellboat discharge at fish farm sites within 2.5 km of sites where there is growing for production taking place in [shellfish harvesting areas](#)⁴;
- (e) Licensees must ensure that there is a minimum period of 8 days⁵ between the end of a Treatment Cycle on a fish farm site and the start of a further Treatment Cycle on that fish farm site;
- (f) Licensees must ensure that action to control sea lice must be coordinated across suitable areas of sea, such as the relevant [disease management area](#), insofar as possible, and keep a record of such actions;
- (g) Licensees must give consideration to how efficacious the treatment with azamethiphos is likely to be and must keep records of these considerations; and

¹ The licensed discharge limits for the bath treatment medicine, deltamethrin, are all in the form of 3-hour limits.

² This information is part of the information that was submitted by licensees to SEPA when they applied for the authorisation to discharge azamethiphos.

³ Condition (b) allows the peak concentrations of chemical or agent residues in the environment around the fish farm site to be temporarily higher than normal in the hours immediately following the discharge. Under condition (a), by 96 hours after discharge, environmental concentrations are expected to be at, or approaching, the concentrations expected under compliance with the conditions of the licence.

⁴ This condition is designed to ensure that the waters immediately around active shellfish harvesting areas are not exposed to elevated concentrations of chemical or agent residues as a result of this variation. The distance of 2.5 km is the average tidal excursion radius from a range of existing Scottish fish farms plus 500 m.

⁵ 8 days is half-life of azamethiphos in the environment used by SEPA in modelling bath treatments.

(h) Licensees must:

- (i) Notify the Marine Scotland - Licensing Operations Team (“MS-LOT”) 2 working days in advance of each instance in which the 24-hour quantity limit as originally provided in the licence is going to be exceeded;
- (ii) Provide an explanation, specifically related to the effects of the COVID-19 outbreak, as to why it was necessary to exceed the 24-hour time limitation; and
- (iii) Provide confirmation that there is no growing of shellfish for production taking place within 2.5 km of the site at any shellfish harvesting areas.

Provided condition (c) above is met, conditions relating to restriction on simultaneous discharges of azamethiphos at the fish farm site are removed for duration of this variation.

Notifications are to be submitted to: ms.marinelicensing@gov.scot.

The information referred to in condition h (ii) and (iii) should be reported to MS-LOT at the above email address at the time of the notification referred to in h (i).

Annex 1. The Licences to which this variation applies.

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