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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR MARINE FARM WORKS

Licence Number: 06833/19/0

Reference Number: 06833

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

**Jack MacGregor & Sons**  
**Riviera**  
**Corran Esplande**  
**Oban**  
**Argyll and Bute**  
**PA34 5PS**

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 25 March 2019 until 24 March 2025.

Redacted

Signed:

For and on behalf of the licensing authority

Date: 25 March 2019

Part 1 - Particulars

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

Argyll Aquaculture  
Tigh air Oisean  
Cnoc a Chaltuinn  
Clachan Seil  
Argyll and Bute  
PA34 4TR

2. Location of works:

East Balvicar Bay, Seil Island within the area bounded by joining the points:

56° 17.683' N	005° 35.441' W
56° 17.667' N	005° 35.325' W
56° 17.350' N	005° 35.598' W
56° 17.337' N	005° 35.451' W

3. Description of works:

Existing Shellfish and Algal Farm - East Balvicar Bay, Seil Island, Argyll and Bute.

As described in application dated 05 November 2018, and correspondence submitted in support of the application.

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

Permanent Deposits

The Marine Farm shall consist of:

- a) The number of total permitted rafts shall be: 6
- b) The number of total permitted moorings shall be: 0
- c) The number of total permitted longlines shall be: 2
- d) The number of total permitted jetties/pontoons shall be: 0

Part 2 - Conditions

1. The licensee must notify the licensing authority of the date of commencement and the date of completion of all operations relating to the licence. Separate notifications are required at the times of commencement and completion.
2. 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.
3. 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.
4. The licensee must, within 28 days of completion of the works or within 28 days of the date of expiry of the licence, whichever is the sooner, submit a written report to the licensing authority stating the nature and quantity of all substances and articles deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns must be provided.
5. The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 337900) 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.
6. The licensee must ensure that the local mariners' and fishermen's organisations are made aware of the activity through local notice to mariners or any other appropriate means.
7. The licensee must ensure that the site is marked by the following means;
  - a. The site should be marked with 2 lit yellow buoys fitted with yellow 'X' topmarks,
  - b. Each light should display a character of flash one every 5 seconds (Fl Y 5s) with nominal range of 2 nautical miles and be installed on the top of the buoy with the 'X' below,
  - c. The buoys should be positioned at the most Northwesterly and Southwesterly extremities of the site,
  - d. Each buoy diameter should be approximately 1 metre at the waterline with the focal plane of the light 2 metres above that level,
  - e. The 'X' topmark should be at least 50cm in length by 7.5cm in diameter.
8. The licensee must ensure that the navigation marking and lighting given in condition 7 are installed at the same time as the site equipment and continued unless and until the licensing authority rescind this direction
9. 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
10. 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.

11. The licensee must ensure that no construction or installation works take place during shellfish harvesting periods.
12. The licensee must adopt measures to prevent the introduction and spread of invasive non-native species at the proposed site.
13. The licensee must ensure that the marine environment is not artificially enriched to aid production or for any other reason.
14. The licensee must ensure that locally sourced stocks are utilised for seeding of the cultivation systems and that mitigation measures to reduce impacts on the collection site are included in any procedures for this operation.
15. The licensee must ensure that any future expansion is subject to further assessment.
16. The works must be maintained at all times in good repair.
17. 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.
18. 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.
19. If in the opinion of the Scottish Ministers 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 owner of the works shall be liable for any expenses incurred in securing such assistance.
20. 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.
21. 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.
22. Any person authorised by the licensing authority shall be permitted to inspect the works at any reasonable time.
23. 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; and

SCHEDULE TO LICENCE NUMBER: 06833/19/0      DATED: 25 March 2019

24. 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 shall be immediately notified of the details.
25. If a new licence is required, the licensee shall 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 24 March 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. All correspondence or communications relating to the licence should be addressed to:

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

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