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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE SCOTTISH MARINE AREA – MARINE FARM

Licence Number: 06337/19/0 Reference Number: 06337

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

Mowi Scotland Ltd.
Farms Office
Glen Nevis Business Park
Fort William
PH33 6RX

to deposit in the Scottish marine area the substances or objects (except for dredge spoil) used in the execution of the licensed activity 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 23 December 2019 until 29 August 2023.

Signed: _____

Fiona Munro

For and on behalf of the licensing authority

Date: 23 December 2019

SCHEDULE TO LICENCE NUMBER: 06337/19/0 DATED: 23 December 2019

Part 1 - Particulars

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

   As per licensee

2. Location of the licensed activity (hereinafter referred to as “the site”):

   Moorings area within the area bounded by joining the points:

   57° 08.400' N 007° 15.264' W
   57° 08.298' N 007° 14.492' W
   57° 08.133' N 007° 14.569' W
   57° 08.233' N 007° 15.334' W

   Feed barge at a point located by the coordinates:

   57° 08.291' N 007° 15.232' W

   As shown in Annex One.

3. Description of licensed activity:

   Existing Finfish Farm at An Camas, Loch Boisdale, Island of Calvay

   As described in application dated 30 March 2017, the application for a variation dated 19 February 2019 and correspondence submitted in support of those applications.

4. Nature and quantity of all substances or objects deposited below Mean High Water Springs (hereinafter referred to as “the licensed objects”):

   The Marine Farm must consist of:

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

   b) The total number of permitted grid moorings must be: **24**

   c) The total number of permitted marked buoys must be: **0**

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

   e) The total number of permitted pontoons must be: **0**

   f) The total number of permitted feed barges must be: **1**

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Part 2 - Conditions

1. The licensee must ensure that only the licensed objects are deposited during the execution of the licensed activity and that all substances or objects deposited during the execution of the licensed activity 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 licensed activity are removed from the site 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 deposit of the licensed objects 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 licensed activity 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 licensed activity in order that they are clear about the extent of the licensed activity 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 licensed activity.

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 licensed objects do not encroach on any recognised anchorage, either charted or noted in nautical publications.

9. The licensee must ensure that:

   a) The site is marked by means of 2 lit yellow poles fitted with yellow ‘X’ topmarks.

   b) Each light displays a character of flashing group four yellow every twelve seconds (Fl (4) Y 12s with a nominal range of 2 nautical miles and is installed above the ‘X’ topmark.

   c) The poles must be positioned at the East and Western seaward corners of the cage group.

   d) Each light is 1 metre above the site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.

   e) Poles are ≥75mm diameter and the ‘X’ topmark is ≥75cm length by 15cm width.

f) The feed barge must 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.

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

11. The licensee must ensure that a weekly check of the 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 licensed objects 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 approval of the licensing authority.

15. 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 licensed objects as required by licence.
b) The maintenance of the licensed objects.
c) The drifting or wreck of the licensed objects.

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

16. In the event of the licensed activity being discontinued the licensed objects must be removed and the site cleared to the satisfaction of the licensing authority.

17. The licensee must remove the licensed objects 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 approval of the licensing authority. The licensee shall be liable for any expense incurred.

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

19. 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
c) the site of the licensed activity. (leave in for finfish farms)

20. 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.

21. 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 29 August 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 licensing 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 licensing 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