

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

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

Licence Number: 05381/20/0

Reference Number: 05381

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

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

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 09 January 2020 until 02 February 2022.

Signed: [Redacted]

Anni Mäkelä

For and on behalf of the licensing authority

Date: 09 January 2020

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"):

Chalmers Hope, Scapa Flow, Orkney within the area bounded by joining the points:

**Mooring Area**

58° 53.422' N 003° 14.182' W  
58° 53.334' N 003° 14.378' W  
58° 53.524' N 003° 14.672' W  
58° 53.611' N 003° 14.474' W

**Feedbarge**

58° 53.449' N 003° 14.485' W

As shown in Annex One.

3. Description of licensed activity:

Existing Marine Finfish Farm, Chalmers Hope, Scapa Flow, Orkney

As described in application dated 03 November 2014, and correspondence submitted in support of the application and including the request for a variation of licence dated 11 September 2019 and documents in support of it.

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 shall consist of:

- a) The total number of permitted cages shall be: **12**
- b) The total number of permitted grid moorings shall be: **24**
- c) The total number of permitted marked buoys shall be: **0**
- d) The total number of permitted associated boat moorings shall be: **0**
- e) The total number of permitted pontoons shall be: **0**
- f) The total number of permitted feed barges shall be: **1**

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 shall 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 shall 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.
4. The licensee shall 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.
5. The licensee shall 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.
6. The licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the licensed activity.
7. The licensee shall ensure appropriate steps are taken to minimise damage to the beach, foreshore and seabed by the works.
8. The licensee shall 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.
9. The licensee shall ensure that the works do not encroach on any recognised anchorage, either charted or noted in nautical publications, within the proposed consent area.
10. The licensee must ensure that:
  - a) the site is marked by means of 2 lit yellow poles, flashing group four yellow every twelve seconds, (Fl(4) Y 12s) and fitted with a yellow multiplication cross topmark.
  - b) One pole must be positioned at the most Northerly corner of the group of cages and the remaining pole at the most Easterly corner of the group of cages .
  - c) The poles used must be at least 75mm in diameter and not less than 1 metre in height above the site equipment hand rails, the light should be installed on top of the pole. The multiplication cross should measure a minimum of 50cm in length by 7.5cm in width and be installed below the light. The poles should be positioned such that they can be clearly seen by vessels approaching from all navigable directions.
  - d) 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.



11. The licensee must ensure that the navigation marking and lighting given in condition 10 are installed at the same time as the licensed objects and continued unless and until the licensing authority rescind this direction.
12. 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.
13. If it is desired to display any marks or lights not required by this licence then details shall be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
14. The licensee must ensure that the licensed objects are maintained at all times in good repair.
15. The licensee shall ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.
16. The licensee must adopt measures to prevent the introduction and spread of invasive non-native species at and to the site.
17. The licensee shall 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.
18. 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.
19. In the event of the licensed operations being discontinued the works shall be removed and the site cleared to the satisfaction of the licensing authority.
20. The licensee shall 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.
21. Any person authorised by the licensing authority shall be permitted to inspect the works at any reasonable time.
22. The licensee shall 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.

23. 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.
24. If a new licence is required, the licensee shall make an application at least twelve weeks before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 02 February 2022.**

## 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 shall 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

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