



MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00009429**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

Bakkafrost Scotland Limited
28 Drumsheugh Gardens
Edinburgh
EH3 7RN

to deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **08 July, 2022** until **07 July, 2047**

Signed:

Thomas Inglis

For and on behalf of the Licensing Authority

Date of issue: 07 July, 2022

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Bakkafrøst Scotland Limited
- d) "**Mean high water springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act.

Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a

licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

as per Licensee

2.2 Location of the Licensed Activity

RAINEACH, EAST LOCH TARBERT, HARRIS,

Feed barge located at the point:

57° 52.674' N 06° 44.265' W

Moorings area in the area bounded by joining the points:

57° 52.897' N 06° 44.048' W

57° 52.730' N 06° 43.493' W

57° 52.543' N 06° 43.698' W

57° 52.709' N 06° 44.253' W

2.3 Description of the Licensed Activity

Deposit of Existing Finfish Farm - Raineach, East Loch Tarbert, Harris

As described in the application dated 31 July, 2018 and correspondence submitted in support of the application.

2.4 Descriptions of the substances or objects to be deposited

The licence authorises the deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

8 Ring Cages 120 m;

1 Feed Barge;

30 Grid Moorings;

18 Marked Buoys

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 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.

3.1.2 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.

3.1.3 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 objects deposited below Mean High Water Springs under authority of the licence. Where appropriate, nil returns must be provided.

3.1.4 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.

3.1.5 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.

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

3.1.7 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.

3.1.8 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.

3.1.9 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.

3.1.10 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.

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

3.1.12 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 works.

3.1.13 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.

3.1.14 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 07 July 2047.

3.1.15 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.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 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.

3.2.2 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.

3.2.3 The licensee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.

3.3 During the Licensed Activity

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

3.3.2 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.

3.3.3 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.

3.3.4 The licensee must ensure that:

a) If the Eilean Raineach site equipment is installed and the Scotasay site is left vacant then the Eilean Raineach site cage group must be marked by means of 2 lit yellow poles, flashing group four yellow every twelve seconds, (FI (4) Y 12s) and fitted with a yellow 'X' topmark. One pole must be positioned at the most Easterly corner of the group of cages and the remaining pole at the Northerly corner of the group of cages.

b) If the Eilean Raineach and Scotasay sites equipment are both installed then the Eilean Raineach site must be

marked by means of a lit yellow pole, flashing group four yellow every twelve seconds, (Fl(4) Y 12s) and fitted with a yellow 'X' topmark. The pole must be positioned at the most Easterly corner of the group of cages.

The following apply to both of the above situations:

- d) Each light must be 1 metre above site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- e) Poles must be 75mm diameter, the 'X' topmark must be 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.

3.3.5 The licensee must ensure that the navigation marking and lighting given in 3.3.4 are installed at the same time as the site equipment and continued unless and until the licensing authority rescind this direction.

3.4 Upon Completion of the Licensed Activity

3.4.1 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

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.