

FRESHWATER CAGE FISH FARM TEMPLATE

NOTES WHEN WORKING WITH ELECTRONIC PRODUCTION OF THIS LICENCE:

<<F11 to go through these fields>> Wherever this highlighted box appears within the document, press the F11 key and the cursor will run through these fields as a prompt to either insert or delete information.

NOTE:- As per Quality Manager's Instructions, the quality reference Information has been inserted into the footer as 'hidden text'. To view this information click the ¶ button from the toolbar.

CONTENTS

INTERPRETATION OF TERMS	2
--------------------------------------	----------

SCHEDULES

1 SCHEDULE 1: CONTROLLED ACTIVITIES	4
1.1 Controlled Activities Description	4
1.2 Controlled Activity Locations	4
2 SCHEDULE 2: GENERAL CONDITIONS	5
2.1 Responsible Person	5
2.2 Records	5
2.3 Reporting	5
2.4 Incidents	5
2.5 Environmental Harm.....	5
3 SCHEDULE 3: DESCRIPTION OF PREMISES	7
3.1 Restriction on departure from the application and information submitted	7
3.2 Maximum weight of stock	7
3.3 Maximum annual production.....	7
4 SCHEDULE 4: CONTROL OF THE DISCHARGE OF SOLID WASTE MATTER AND EFFLUENT AND ANY OTHER POLLUTING MATTER INTO THE WATER ENVIRONMENT	8
4.1 Type of discharge and fish species to be cultured	8
4.2 General condition controlling the discharge of polluting matter and effluent.....	8
4.3 Feeding method.....	8
4.4 Cage construction.....	8
4.5 Restriction on discharge of dead fish	8
4.6 Limitation on discharge period to allow following	8
4.7 Requirement to notify SEPA of the commencement and cessation of the discharge.....	8
4.8 Limitation on the administration and discharge of medicines and chemicals	8
4.9 Treatment method	8
5 SCHEDULE 5: SAMPLING AND ANALYSIS	9
5.1 Requirement to carry out monitoring	9
5.2 Requirement to carry out monitoring	9
5.3 Modification of the Monitoring Protocol	9
6 SCHEDULE 6: RECORDS AND PROVISION OF INFORMATION	10
6.1 Requirements regarding the keeping of records	10
6.2 Maintenance of records	10
6.3 Availability of records.....	11
6.4 Provision of records to SEPA	11
7 APPENDIX 1 - LIMITATIONS ON THE USE AND DISCHARGE OF MEDICINES AND CHEMICALS FROM THE PREMISES	12
7.1 Medicines and chemicals	12

INTERPRETATION OF TERMS

For the purposes of this Licence, and unless the context requires otherwise, the following definitions shall apply:

Generic

“the Act” means The Water Environment and Water Services (Scotland) Act 2003

“controlled activity” means an activity to which the Regulations apply, in accordance with regulation 3(1) of the Regulations;

“incident” means:

- any accident which has had or could have an adverse impact on the water environment; or
- any malfunction, breakdown or failure of plant or techniques which has had or could have an adverse impact on the water environment; or
- any event, such as force majeure or action taken to save human life or limb, which results, or is likely to result, in a breach of any condition of this licence;

“responsible person” means the person who is responsible for securing compliance with the terms of this licence and has been identified as such by SEPA in accordance with regulation 8(6) of the Regulations, and in this context ‘person’ includes a body corporate, limited liability partnership and Scottish partnership;

“SEPA” means the Scottish Environment Protection Agency;

“SEPA officer” means a person authorised by SEPA under regulation 31(4) of the Regulations or, pursuant to paragraph 6(c) of Schedule 10 of the Regulations, under regulation 27(4) of the Water Environment (Controlled Activities) (Scotland) Regulations 2005;

“the Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011;

“the water environment” means all surface water, groundwater and wetlands; and “surface water”, “groundwater” and “wetlands” shall have the same meaning as in the Act;

Any reference to a numbered Condition, group of Conditions, Schedule, Table, Appendix, Figure or Paragraph is a reference to the condition, group of conditions, schedule, table, appendix, figure or paragraph bearing that number in this licence;

Except where specified otherwise in this Licence:

- “day” means any period of 24 consecutive hours,
- “week” means any period of 7 consecutive days,
- “month” means a calendar month,
- “quarter” means a calendar quarter,
- “year” means any period of 12 consecutive months;

and any derived words (e.g. “monthly”, “quarterly”) shall be interpreted accordingly;

Except where specified otherwise in this licence, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this licence) and to any other enactment, which may, after the date of this licence, directly or indirectly replace it, with or without amendment;

Point Source

“parameter” means any defined chemical constituent or measurable physico-chemical characteristic of a sample;

“point source discharge” means a discharge of an effluent or other matter to the water environment or land by a fixed installation, pipe, outlet or otherwise;

“pollution”, in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm, and “harm” shall have the same meaning as in the Act;

Any reference to “fish produced” or “annual fish production” shall be construed as the weight of fish at the end of any 12 month period plus the weight of fish removed during that period due to mortality, culling or slaughter less the weight of fish at the beginning of that period.

1 SCHEDULE 1: CONTROLLED ACTIVITIES

1.1 Controlled Activities Description

1.1.1 The controlled activity(ies) is for the primary purpose of <<use based on activity category>>

1.2 Controlled Activity Locations

1.2.1 The following controlled activity(ies) described in <<Table x>> are authorised under licence and as <<shown on plan ref attached as Appendix x or as submitted with the application for this licence>>

<<Table x>>

NGR	Name/Reference	Associated Waters	Activity
<<XX YYYY YYYY>>	<<Point A>>	Name of <<named watercourse/lade/offlin e storage pond or aquifer/strata type>>	<<Abstraction/Imp oundment/dischar ge/engineering activity>>
For example NN 1234 5678	Discharge 1	Loch Mhor	Discharge of effluent from fish farm cages

2 SCHEDULE 2: GENERAL CONDITIONS

2.1 Responsible Person

2.1.1 The responsible person to whom this licence is issued shall secure compliance with the conditions contained within this licence.

2.2 Records

2.2.1 A copy of this licence shall be kept at <<state the agreed location>> and shall be made readily accessible for examination by all relevant staff.

2.2.2 Unless otherwise specified in a condition of this licence, every record made in compliance with a condition of this Licence shall be preserved for not less than five years from the date of its being made. Every such record shall be kept on the site specified in <<condition x>> above for not less than one year from the date of its being made and thereafter preserved at a location, previously notified to SEPA in writing, if that location is not the above site.

2.2.3 All records shall be legible, and any amendment made to any record made in compliance with a condition of this licence shall be made in such a way as to leave the original entry clear and legible. The reason for each amendment shall be explained in the said record.

2.3 Reporting

2.3.1 Where any condition of this licence requires information to be reported, a report shall be forwarded in a format agreed with SEPA, to SEPA at the address specified in the explanatory notes attached to this licence, on the date(s) or within the period or at the frequency specified in Schedule 6. All such reports shall include the Licence number and the name of the responsible person.

2.3.2 Where the controlled activity(ies) <<has/have>> not operated for the duration of any reporting period specified in Schedule 6 the responsible person shall provide written notification to SEPA. This shall confirm that no reports have been made in terms of <<condition x>> because the controlled activity has not operated during said period. Notifications shall be submitted within one month of the end of the reporting period concerned.

2.4 Incidents

2.4.1 In the event of an incident, the responsible person shall notify SEPA without delay and in any case by the next working day after identification of the incident, using the contact details in the explanatory notes. This notification shall include: the time and duration of the incident, a description of the cause of the incident, any effect on the environment as a result of the incident and any measures taken to minimise or mitigate the effect and prevent a recurrence.

2.4.2 Where requested by SEPA, written report following any incident notified to SEPA should be sent to SEPA at the contact address in the explanatory notes within 14 days of the occurrence of the incident.

2.5 Environmental Harm

2.5.1 Other than as specifically permitted or limited by any condition of this authorisation, the authorised activities shall not have a significant adverse impact on, or cause pollution of, the water environment.

Licence Number:

3 SCHEDULE 3: DESCRIPTION OF PREMISES

3.1 Restriction on departure from the application and information submitted

3.1.1 There shall be no departure from the provisions of the <<submitted application or from any information or plans accompanying or supplementing the application>> except insofar as this licence makes conflicting provision, in which case the licence provision shall apply.

3.2 Maximum weight of stock

3.2.1 The maximum weight of fish held at the premises at any time from which the discharge arises shall not exceed <<--->> tonnes.

3.3 Maximum annual production

3.3.1 The annual fish production giving rise to the discharge shall not exceed <<--->> tonnes.

4 SCHEDULE 4: CONTROL OF THE DISCHARGE OF SOLID WASTE MATTER AND EFFLUENT AND ANY OTHER POLLUTING MATTER INTO THE WATER ENVIRONMENT

4.1 Type of discharge and fish species to be cultured

4.1.1 The discharge shall be of trade effluent and solid waste matter arising from the farming of **Atlantic Salmon /Trout/ Other** in cages at the premises.

4.2 General condition controlling the discharge of polluting matter and effluent

4.2.1 The discharge shall not contain any matter, other than matter specifically authorised or limited by a condition in this licence. Any discharge authorised by this licence shall protect the water environment and in particular shall not be poisonous, noxious or injurious to the water environment including its flora and fauna nor shall it cause damage to the water environment.

4.3 Feeding method

4.3.1 The fish shall be fed by methods that minimise the discharge of waste food.

4.4 Cage construction

4.4.1 The cages shall be maintained in good repair and flotation blocks made of polystyrene or other materials shall be enclosed to prevent all or part of them breaking away and being discharged to the water environment.

4.5 Restriction on discharge of dead fish

4.5.1 No dead fish arising from the premises shall be discharged to the water environment at any time.

4.6 Limitation on discharge period to allow fallowing

4.6.1 The discharge shall only be made for **<<--->** months in any **<<--->** month period.

4.7 Requirement to notify SEPA of the commencement and cessation of the discharge

4.7.1 The responsible person shall notify SEPA of the commencement of the discharge no later than 14 days after it commences.

4.7.2 The responsible person shall notify SEPA of the cessation of the discharge no later than 14 days after it ceases.

4.8 Limitation on the administration and discharge of medicines and chemicals

4.8.1 The medicines/chemicals specified in Table 1 in Appendix 1 may be administered and discharged only in accordance with the conditions specified in that Appendix.

4.9 Treatment method

4.9.1 The fish shall be treated by methods that minimise the discharge of medicines and chemicals.

5 SCHEDULE 5: SAMPLING AND ANALYSIS

EITHER - [where a monitoring protocol is not to be applied straight away but to facilitate future negotiations]

5.1 Requirement to carry out monitoring

- 5.1.1 If required by SEPA, the responsible person shall carry out monitoring at the premises, in accordance with a Monitoring Protocol Specification to be agreed in writing between the responsible person and SEPA, to assess the effect of the fish farm discharge on the sediment, the water chemistry and biology of the water environment in the vicinity of the premises.
- 5.1.2 The responsible person shall give not less than 5 working days notice in writing to SEPA advising when the monitoring work is to commence.

OR - [Where a monitoring protocol is to be applied straight away]

5.2 Requirement to carry out monitoring

- 5.2.1 The responsible person shall carry out monitoring at the premises in accordance with Monitoring Protocol Specification reference number <<MPS xxxxxx >>, to assess the effect of the fish farm discharge on the sediment, the water chemistry and biology of the water environment in the vicinity of the premises.
- 5.2.2 The responsible person shall give not less than 5 working days notice in writing to SEPA advising when the monitoring work is to commence.

5.3 Modification of the Monitoring Protocol

- 5.3.1 The Monitoring Protocol Specification may be modified annually only with the written agreement of SEPA. The modified Monitoring Protocol Specification must be dated and shall clearly state that it replaces and supersedes the previous version.

6 SCHEDULE 6: RECORDS AND PROVISION OF INFORMATION

6.1 Requirements regarding the keeping of records

6.1.1 The responsible person shall ensure that the records required by this licence are:

- 6.1.1.1 true and accurate;
- 6.1.1.2 comprehensible and legible;
- 6.1.1.3 recorded as soon as reasonably practicable after each relevant operation;
- 6.1.1.4 if amended, amended in such a way as to leave the original entry clear and legible;
- 6.1.1.5 preserved for 5 years, or such other period as SEPA may specify.

6.2 Maintenance of records

6.2.1 The responsible person shall maintain records of the following information:

- 6.2.1.1 the location of the cages, the dates when the cages were established at each location and the dates of any commencement or cessation of the discharge;
- 6.2.1.2 the maximum weight (in tonnes) of fish held on the premises each month;
- 6.2.1.3 the weight of fish produced, in tonnes per month, including a note of the weight of fish removed from the cages due to mortality, culling or any other reason;
- 6.2.1.4 the quantity of matter used to feed the fish in tonnes per month and the calculated food conversion ratio over this period;
- 6.2.1.5 the phosphorus and nitrogen content of the matter used to feed the fish;
- 6.2.1.6 details of the use of all medicines and chemicals used to treat the fish (including bath and in-feed application), specifying for each occasion of use:
 - the name of the product and its active ingredient;
 - the quantity of product used;
 - the date and the period of its use;
 - the number of cages and the particular stock treated; and
 - the treated volume relative to the cage volume (for bath treatments only);
- 6.2.1.7 details of the methods used to prevent fouling growths on nets. This shall specify:
 - the method, date, and location of net cleaning;
 - the product name and quantity of any antifoulant chemical applied (this must include products applied to new nets and any subsequent re-application);
 - the name of the net supplier;
 - the date and location of antifoulant application;
 - the date and location when the net was brought into use.
- 6.2.1.8 the results of any surveys or monitoring carried out in accordance with Schedule 5 and the dates when and locations where the said surveys or

monitoring were carried out.

6.3 Availability of records

- 6.3.1 The responsible person shall ensure that the information specified in condition 6.2 above is available for inspection by SEPA at all reasonable hours at <<name of premises>>or a location to be agreed by SEPA.

6.4 Provision of records to SEPA

- 6.4.1 A copy of all or any part (as specified separately by SEPA) of the records required under condition 6.2 above shall be provided to SEPA at three month intervals or on request.
- 6.4.2 The responsible person shall submit to SEPA within a period of <<insert number of weeks>> from the date that the surveys or monitoring were carried out, the results of surveys or monitoring carried out in accordance with Schedule 5.

7 APPENDIX 1 - LIMITATIONS ON THE USE AND DISCHARGE OF MEDICINES AND CHEMICALS FROM THE PREMISES

7.1 Medicines and chemicals

7.1.1 The discharge may contain the following types of medicine and chemical only where specified in Table 1 and in accordance with the conditions following:

Medicine/Chemical Type	Abbreviation
Anti-parasitic	AP
Anti-microbial	AM
Anaesthetic	AN
Disinfectant	DN
Anti-foulant	AF

TABLE 1

Medicine/ Chemical Type	Trade Name	Active Ingredient	Refer to Conditions of this Annex

CONDITIONS REFERRED TO IN TABLE 1

Condition A2.1

This medicine/chemical shall only be administered to fish within a contained enclosure separated from the water environment. The treatment volume administered within the contained enclosure shall be no more than <<percentage>>% of the full cage volume. The medicine/chemical may only be discharged following such administration. This is in order to minimise the quantity of medicine/chemical discharged following the treatment.

The medicine/chemical shall only be used in accordance with the then current version of the manufacturer's guidance, or as prescribed by a qualified veterinary surgeon, and details of its use shall be recorded and reported in accordance with Schedule 6 of this licence.

Condition A2.2

This medicine/chemical may be used at any time provided that it is used in accordance with the then current version of the manufacturer's guidance, or as prescribed by a qualified veterinary surgeon, and details of its use are recorded and reported in accordance with Schedule 6 of this licence.

Condition A2.3

This medicine/chemical shall not be discharged from the fish farm cages unless the responsible person has given SEPA not less than 2 working days notice of its intended use.

Condition A2.4

This medicine/chemical shall not be discharged from the fish farm cages unless the responsible person has given SEPA not less than 2 working days notice of its intended use

and received approval in writing from SEPA of each specific use or course of treatment.

Condition A2.5

The total quantity of Bronopol discharged in any one hour shall not exceed <<amount>> grams. The total quantity of Bronopol discharged in any period of 24 consecutive hours shall not exceed <<amount>> grams.

Condition A2.6

The total quantity of formaldehyde discharged in any one hour shall not exceed <<amount>> grams. The total quantity of formaldehyde discharged in any period of 24 consecutive hours shall not exceed <<amount>> grams.

Condition A2.7

The total quantity of Chloramine T discharged in any one hour shall not exceed <<amount>> grams. The total quantity of Chloramine T discharged in any period of 24 consecutive hours shall not exceed <<amount>> grams.

EXPLANATORY NOTES

(These explanatory notes do not form part of the licence)

1. THE WATER FRAMEWORK DIRECTIVE

The Water Framework Directive (WFD) is a wide-ranging piece of European environmental legislation which became law in Scotland at the end of 2003 through the Water Environment and Water Services (Scotland) Act 2003 and in April 2006 through the Water Environment (Controlled Activities) (Scotland) Regulations 2005. In March 2011, the Water Environment (Controlled Activities) (Scotland) Regulations 2005 were replaced with the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (“the Regulations”, also known as CAR).

The WFD establishes a legal framework for the protection, improvement and sustainable use of the water environment across Europe by requiring member states to:

- Prevent deterioration and enhance status of aquatic ecosystems, including groundwater;
- Promote sustainable water use;
- Reduce pollution; and
- Contribute to the mitigation of floods and droughts.

The Regulations set out the regulatory framework for achieving some of the aims of the WFD in Scotland, through a regime for authorising “controlled activities”, e.g. point source discharges, abstractions, impoundments and engineering activities. They provide for three levels of authorisation, dependent on the risks associated with a controlled activity. A licence is the highest level of authorisation.

Having differing levels of authorisation allows for proportionate and cost-effective controls, so that environmental protection can be achieved whilst minimising the regulatory burden.

2. WATER EFFICIENCY

Regulation 5 of the Regulations imposes a general duty to use water efficiently:

“It is the duty of any person carrying out a controlled activity authorised under these Regulations to take all reasonable steps to secure efficient and sustainable water use.”

For example, water efficiency could be the management of the total quantity of water abstracted from a source of supply using measures to minimise wastage, optimise use and reduce consumption.

The means of achieving this can be varied but may include good housekeeping, management systems and procedures, reusing and recycling water and the redesign of operations.

Water audits are the first step to using water efficiently. Water audits develop an understanding of the water system, enable detection of leakages and areas of water wastage and are a means of identifying opportunities for reduced water use.

3. APPEALS

If you are aggrieved by any of the conditions of the licence or the level of authorisation, you may appeal to the Scottish Ministers. Further information on your right of appeal and the appeals procedure is contained in regulations 50 to 53 and Schedule 9 of the Regulations.

Formal notice of appeal under regulation 50(b) or (c) is to be given within three months of the date that the licence is issued. Paragraph 2 of Schedule 9 lists the documents that the appellant has to submit to the Scottish Ministers.

4. SUBSISTENCE CHARGES

An annual subsistence charge may be payable in respect of the licence in terms of the current Water Environment (Controlled Activities) Fees and Charges (Scotland) Scheme, copies of which are available from SEPA. Where a subsistence charge is payable, an invoice will be sent to you.

The charging scheme provides that it is a condition of every authorisation that the fees and charges prescribed in the scheme are paid in accordance with the scheme. Failure to pay such charges may therefore constitute an offence.

5. GENERAL STATUTORY REQUIREMENTS

A licence under the Regulations does not disapply any other statutory requirements applicable to the licence holder or his/her operations, such as any need to obtain planning permission or a building warrant, or any responsibilities under legislation for health, safety and welfare in the workplace.

6. ADDRESS AND TELEPHONE NUMBERS

The contact address and telephone number for all information to be reported in terms of the licence, is as follows:

Scottish Environment Protection Agency

<<Local Office Address_1>>

<<Local Office Address_2>>

<<Local Office Address_3>>

<<Local Office Address_4>>

During office hours

Tel No: <<Local Office Tel. No.>>

Fax No: <<Local Office Fax No.>>

Out of office hours and public holidays

Tel No: 0800 80 70 60

7. SEPA REVIEW AND VARIATION OF CONDITIONS

The conditions of the licence will be periodically reviewed by SEPA and may be varied under regulation 22 of the Regulations as a result of that review.

8. OPERATOR-INITIATED VARIATION OF CONDITIONS

The responsible person may apply to SEPA under regulation 24 for a variation of the conditions of the licence.

9. TRANSFER OF AUTHORISATION

A responsible person may apply to transfer the licence to another person under regulation 25 by making a joint application with the other person.

10. SURRENDER OF AUTHORISATION

Where the controlled activities authorised by the licence have ceased, or it is intended that the controlled activities will cease, the responsible person may apply to SEPA to surrender the licence under regulation 27.

11. SUSPENSION AND REVOCATION OF AUTHORISATION

SEPA may at any time suspend or revoke an authorisation (in whole or in part) by serving a notice on the responsible person under regulation 29.

12. ENFORCEMENT NOTICES

Where SEPA is of the opinion that an activity

- a) has contravened, is contravening or is likely to contravene any condition of the licence or
- b) has caused, is causing or is likely to cause significant adverse impacts on the water environment or
- c) has caused, is causing or is likely to cause a direct or indirect discharge into groundwater of any hazardous substance (as determined pursuant to Schedule 2 of the Regulations) or any other pollutant

SEPA may serve an enforcement notice on the responsible person under regulation 32.

This notice will specify the steps to be taken by the responsible person which SEPA considers to be necessary or appropriate to prevent, mitigate or remedy the contravention, the impact on the environment or the discharge into groundwater.

13. OFFENCES

It is an offence to carry on, or cause or permit others to carry on, any controlled activity except insofar as it is authorised under the Regulations and carried on in accordance with that authorisation.

It is an offence to fail to comply with or contravene, or cause or permit others to fail to comply with or contravene, a water use licence, including any condition imposed.

It is an offence to fail to comply with, or cause or permit others to fail to comply with, the requirements of an enforcement notice.

It is an offence to intentionally make, or cause or permit others to make, a false entry in any record required to be kept under a condition of an authorisation.

Further details on these and other offences and on penalties liable to be imposed upon conviction for an offence are provided in regulation 44 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any condition of the licence should be made aware of these facts.

Please note that your licence authorises you to carry out the activity or activities outlined in your application to SEPA in accordance with the licence and its conditions. Be aware, however, that any activity outwith the terms of the licence is prohibited under regulation 4 of the Regulations. Should you undertake any activity which does not conform to the terms of your licence, you may be subject to criminal proceedings in accordance with regulation 44(1)(a) and/or (d) of the Regulations. This prohibition encompasses any activity which is liable to cause pollution of the water environment. Section 20 of the Water Environment and Water Services (Scotland) Act 2003 includes definitions of “pollution” and “water environment”.

The statutory definition of pollution, as set out in that section, is as follows:-

“Pollution”, in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm, and “harm” means –

- (a) harm to the health of human beings or other living organisms,*
- (b) harm to the quality of the water environment, including-*
 - (i) harm to the water environment taken as a whole,*
 - (ii) other impairment of or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,*
- (c) offence to the senses of human beings,*
- (d) damage to property, or*
- (e) impairment of, or interference with, amenities or other legitimate uses of the water environment.’*