

MARINE CAGE FISH FARM TEMPLATE – ATTACHMENT II

REPLACE THIS PAGE WITH FRONT SHEET

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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;

"premises" includes any land, vehicle vessel or mobile plant;

"land" includes land covered by water, and any works, plant or fixed machinery, building or other structure in, on or over land;

“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

“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” shall be construed as the weight of fish at the end of any 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.

Any reference to “weight of fish” means the weight of fish in the cages including stomach contents and body fluids. This shall not be after any period of starvation.

1 SCHEDULE 1: CONTROLLED ACTIVITIES

1.1 Controlled Activities Description

1.1.1 The controlled activity(ies) is for the primary purpose of marine cage fish farming <50 **OR**>50 tonnes.

1.2 Controlled Activity Locations

1.2.1 The following controlled activity(ies) described in Table 1 is/are authorised under this Licence in the cage configuration and position described and shown on the location plan in Appendix 2.

TABLE 1

National Grid Reference	Name/Reference	Associated Waters	Activity	Species of Fish
An area bounded by a line drawn from NGR (1) to NGR (2) then to NGR (3) then to NGR (4) and then to NGR (1) ("the premises")			Discharge of trade effluent and solid waste matter from fish farm cages moored in the cage configuration and position specified on location plan reference CAR/L/ attached as Appendix 2	Atlantic Salmon Rainbow Trout Cod HaddockHalibut Other

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 and, subject to Condition 2.2.2 below, of every record made in compliance with a condition of this Licence shall be kept such that they are readily accessible for examination by all relevant staff and shall be made available to a SEPA officer on request.

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.

2.2.3 All records shall be true, accurate, comprehensible and legible, and should be recorded as soon as reasonably practicable after each relevant operation. 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 and Notifications

2.3.1 Where any Condition of this Licence requires information to be reported or notified to SEPA, this shall be to the address(es) specified in the explanatory notes attached to this Licence. Reports shall be in a format agreed with SEPA (or, failing such agreement, as specified in writing by SEPA acting reasonably), on the date(s) or within the period or at the frequency specified in Schedule 6. All reports and notifications 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 2.3.1 because the controlled activity has not operated during said period. Notifications shall be reported within one month of the end of the reporting period concerned.

2.4 Incidents

2.4.1 In the event of an incident, SEPA shall be notified without delay and in any case by the next working day after identification of the incident. 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, a written report following any incident notified to SEPA should be sent to SEPA 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 Licence, the authorised activities shall not have a significant adverse impact on, or cause pollution of, the water environment.

3 SCHEDULE 3: DESCRIPTION OF ACTIVITY

3.1 Restriction on Departure from Application and Supporting Information

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 Fish

3.2.1 The maximum weight of fish held at the premises at any time shall not exceed tonnes.

3.2.2 The fish shall be held at the premises in cages at a stocking density not exceeding kg of fish per cubic metre of water enclosed within the stocked cage nets.

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 Rainbow Trout Cod Haddock Halibut Other in cages at the premises.

4.2 Feeding Method

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

4.3 Limitation on Discharge Period to Allow Fallowing Prior to Restocking

4.3.1 There shall be a minimum fallow period of 42 consecutive days in every 24 months, during which time there shall be no discharge from the premises.

4.4 Requirement to Notify SEPA of the Commencement and Cessation of the Discharge

4.4.1 The responsible person shall notify SEPA within 14 days of the discharge commencing, or recommencing following a fallow period or temporary cessation. The notification shall include the species of fish from which the discharge arises.

4.4.2 The responsible person shall notify SEPA within 14 days of the beginning of any fallow period, temporary cessation or of the permanent cessation of the discharge.

4.5 Treatment Method

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

5 SCHEDULE 5: SAMPLING AND ANALYSIS

5.1 Requirement to Carry Out Monitoring

- 5.1.1 The responsible person shall carry out monitoring at the premises as specified by SEPA in the Monitoring Protocol Specification reference number MPS/CAR/L/ Version dated .
- 5.1.2 The results of the monitoring will be assessed against standards set by SEPA to confirm that 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 is considered to be Satisfactory.
- 5.1.3 The responsible person shall at the earliest opportunity and in any case not less than 14 days in advance, notify SEPA when monitoring work is to commence.
- 5.1.4 The responsible person shall report the location of monitoring by submitting completed survey cover sheets to SEPA within 14 days of the commencement of monitoring.

6 SCHEDULE 6: RECORDS AND PROVISION OF INFORMATION

6.1 Maintenance of Records

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

6.1.1.1 The location of the cages, the dates when the cages were installed at each location, the dates of any commencement or cessation of the discharge and the beginning and end dates of any fallow period.

6.1.1.2 The maximum weight of fish held on the premises (in tonnes per month), the number of cages stocked (per month), the particular stock and the density of fish in the stocked cages each month.

6.1.1.3 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.

6.1.1.4 The quantity of matter used to feed the fish in tonnes per month and the calculated food conversion ratio over this period.

6.1.1.5 The phosphorus and nitrogen content of the matter referred to in condition 6.1.1.4 above used to feed the fish.

6.1.1.6 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;
- weight of the product and active ingredient in grams;
- date and the period of its use;
- number of cages and the particular stock treated;
- weight of stock treated; and
- treated volume relative to the cage volume (for bath treatments only).

6.1.1.7 Details of the methods used to prevent fouling growths on nets. This shall specify the:

- method, date and location of net cleaning;
- product name and quantity of any applied antifoulant chemical (this must include products applied to new nets as well as any subsequent re-application);
- name of the net supplier;
- date and location of antifoulant application; and
- date and location when the net was brought into use.

6.1.1.8 The results of all monitoring carried out in accordance with Schedule 5 and the dates when and locations where the monitoring was carried out.

6.2 Reporting of Records to SEPA

6.2.1 The responsible person shall report to SEPA within 28 days of the end of each reporting period a copy of all records required to be maintained under Conditions 6.1.1.1 to 6.1.1.7 above. The reporting periods are 1 January to 31

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March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December.

- 6.2.2 The responsible person shall report to SEPA, within a period of 16 weeks from the date that the monitoring was carried out, the results of all monitoring carried out in accordance with Schedule 5 and required to be recorded in terms of Condition 6.1.1.8 above.

7 SCHEDULE 7: 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 medicines and chemicals specified in Table 2 only when discharged in accordance with the Conditions of this Schedule specified in Table 2 below:

Medicine/Chemical Type	Corresponding Abbreviation
Anti-parasitic	AP
Anti-microbial	AM
Anaesthetics	AN
Disinfectants	DN
Anti-foulants	AF

TABLE 2

Medicine/Chemical Type	Trade Name/Medicine	Active Ingredient/Chemical	Refer to Conditions of this Schedule
AP	Salmosan, Salmosan Vet or Azasure	Azamethiphos	A1.1, A1.3, A1.5
AP	Excis	Cypermethrin	A1.1, A1.3, A1.6
AP	Slice or Quinafish	Emamectin benzoate	A1.4, A1.7
AP	AMX or ALPHAMAX	Deltamethrin	A1.1, A1.3, A1.8

7.2 Permitted Substances Working Plan

7.2.1 In addition to the medicines and chemicals set out in Table 2 above, the discharge may contain the medicines and chemicals set out in the Permitted Substances Working Plan reference number PSWP/CAR/L/ accompanying this Licence, or in the Permitted Substances Working Plan issued and maintained in an electronic format by SEPA, provided that the discharge of these medicines and chemicals occurs in accordance with the Conditions specified in that plan.

7.3 Modification of the Permitted Substances Working Plan

7.3.1 The Permitted Substances Working Plan reference number PSWP/CAR/L/ may be modified by SEPA or with the written agreement of SEPA. Any modified Permitted Substances Working Plan must be dated and shall clearly state that it replaces and supersedes the previous version.

CONDITIONS REFERRED TO IN TABLE 2

Condition A1.1

This medicine or chemical shall only be discharged following treatment of the fish within an enclosure fully separated from the sea. This medicine or chemical shall only be discharged if the treatment volume provided within the contained enclosure is reduced to less than 30% <<30% is standard although up to 50% may be justifiable>> of the full cage volume in order to minimise the quantity of medicine or

chemical discharged following the treatment.

Condition A1.2

This medicine or chemical may be discharged at any time provided that the discharge is in accordance with the Conditions of the Licence and its actual use is recorded and reported in accordance with Schedule 6.

Condition A1.3

This medicine or chemical shall not be discharged from the premises unless the responsible person has given SEPA not less than 2 full working days' notice of its intended use. Such notification shall include the date of treatment, the time period over which the treatment is to be carried out and the quantity of medicine or chemical proposed to be used. Details of its actual use shall be recorded and reported in accordance with Schedule 6.

Condition A1.4

This medicine or chemical shall not be discharged from the premises unless the responsible person has given SEPA not less than 2 full working days' notice of its intended use and has received approval in writing from SEPA for each specific use or course of treatment. Such notification shall include the proposed date of treatment, the time period over which the treatment is to be carried out, the biomass of fish to be treated, the quantity of medicine or chemical proposed to be used. Details of its actual use shall be recorded and reported in accordance with Schedule 6.

Condition A1.5

- (i) The total quantity of azamethiphos, as contained in the trade product Salmosan, Salmosan Vet or Azasure discharged in any 3 hour period beginning at the time of the first release of Salmosan, Salmosan Vet or Azasure as part of any specific treatment, shall not exceed <<X>> grams (this is equivalent to <<X>> grams of Salmosan, Salmosan Vet or Azasure). <<The following sentence is to be included if the 3 hour modelled limit is less than 24 hour modelled limit>> [The total quantity of azamethiphos discharged in any 24 hour period, beginning at the time of the first release of Salmosan, Salmosan Vet or Azasure as part of any specific treatment, shall not exceed <<X>> grams (this is equivalent to <<X>> grams of Salmosan, Salmosan Vet or Azasure)].
- (ii) Azamethiphos, as contained in the trade product Salmosan, Salmosan Vet or Azasure shall not be discharged if azamethiphos has been discharged at the premises in the previous 24 hours from a vessel.

Condition A1.6

- (i) Subject to paragraphs A1.6(ii) to A1.6(iii), the total quantity of cypermethrin, as contained in the trade product Excis, discharged in any 3 hour period beginning at the time of the first release of Excis as part of any specific treatment, shall not exceed <<X>> grams (this is equivalent to <<X>> millilitres of Excis).
- (ii) Cypermethrin, as contained in the trade product Excis, shall not be discharged if deltamethrin, formulated as AMX 10mg/ml concentrate solution for fish treatment or as ALPHA MAX marketed by Pharmaq AS, has been discharged at the premises in the previous 3 hours.
- (iii) Cypermethrin, as contained in the trade product Excis, shall not be discharged if either cypermethrin or deltamethrin, formulated as AMX 10mg/ml concentrate solution for fish treatment or as ALPHA MAX marketed by Pharmaq AS, has been discharged at the premises in the previous 3 hours from a vessel.

Condition A1.7

- (i) Subject to paragraphs A1.7(ii) to A1.7(vi), emamectin benzoate is permitted to be discharged from the premises provided that its discharge results from the treatment of Atlantic Salmon Rainbow Trout held on the premises with the trade product Slice or Quinafish and used as a result of the prescription of a registered Veterinarian and administered either in accordance with the version of the manufacturer's product data sheet current at the time of the treatment or as otherwise prescribed.
- (ii) Emamectin benzoate discharged from the premises as a result of treatment of Atlantic salmon held on the premises shall arise from the administration of a quantity of emamectin benzoate not exceeding the lesser of:
 - a. _____ grams (this is equivalent to _____ grams of the veterinary medicine "Slice or Quinafish" and is known as the "Maximum Treatment Quantity"); or
 - b. 50 micrograms (this is equivalent to 25 milligrams of the veterinary medicine "Slice or Quinafish") per kilogram of fish treated, per day, for a maximum of 7 days.
- (iii) The quantity specified in (ii) above may be exceeded where a registered Veterinarian considers it necessary to amend the details of administration by prescription on the grounds that this is essential to ensure an efficacious treatment of the farmed stock. The exceedance of the quantity specified in (ii) above shall be limited to a maximum of 20%. The responsible person shall give SEPA not less than 2 full working days' notice of their intention to exceed the quantity specified in (ii) above, detailing the quantity to be administered in each case and the reasons for exceedance. In relation to treatments other than the first 7-day treatment, the responsible person must submit to SEPA the completed Slice Retreatment Calculator (SRC) contained within the disk provided as an integral part of this Licence reference CAR/L/_____/SRC.

FOR APPLICATIONS FOR NEW LICENCES OR VARIATIONS TO EXISTING LICENCES WHERE NEW OR INCREASED DISCHARGES OF EMAMECTIN BENZOATE ARE SOUGHT USE 40% OF MODELLED TAQ.

- (iv) The "Total Allowable Quantity" for the above named site has been calculated as: INSERT TAQ grams of emamectin benzoate, as detailed in Appendix 1 attached to this licence.

IN ORDER TO IDENTIFY THE RELEVANT FAR FIELD SEDIMENT QUALITY STANDARD TO BE USED IN THIS SECTION, REFER TO WAT-PS-17-03 AND THE FRAMEWORK FOR THE APPLICATION OF SEPA'S INTERIM POSITION ON THE USE OF EMAMECTIN BENZOATE IN FIN FISH FARMS. FOR APPLICATIONS WHICH FALL WITHIN THE SCOPE OF THE POSITION STATEMENT, USE THE FIGURE 12NGKG⁻¹(DRY WEIGHT). FOR ALL OTHER APPLICATIONS USE THE FIGURE OF 763NGKG⁻¹(WET WEIGHT). CONTACT MARINE ECOLOGY AQUACULTURE ADVICE TEAM FOR ASSISTANCE

- (v) For this premises, SEPA has calculated a far field sediment quality standard of 763 ngkg⁻¹(wet weight) OR 12ngkg⁻¹(dry weight) of sediment. This standard should not be exceeded anywhere outwith the Allowable Zone of Effects (AZE) which is assessed as part of the application of the predictive model DEPOMOD at the above named site.
- (vi) Under no circumstances may (ii) or (iii) above result in a cumulative mass of emamectin benzoate exceeding the "Total Allowable Quantity" specified in (iv) above.

Condition A1.8

- (i) Subject to paragraphs A1.8(ii) to A1.8(iii), the total quantity of deltamethrin, formulated as AMX10mg/ml concentrate solution for fish treatment or as ALPHA MAX marketed by Pharmaq AS, discharged in any consecutive 3 hour period beginning at the time of the first release of deltamethrin, formulated as AMX10mg/ml concentrate solution for fish treatment or as ALPHA MAX marketed by Pharmaq AS, as part of any specific treatment, shall not exceed <<X>> grams (this is equivalent to <<X>> millilitres of AMX or ALPHA MAX).
- (ii) Deltamethrin, formulated as AMX 10mg/ml concentrate solution for fish treatment or as ALPHA MAX marketed by Pharmaq AS, shall not be discharged if cypermethrin, as contained in the trade product Excis, has been discharged at the premises in the previous 3 hours.
- (iii) Deltamethrin, formulated as AMX 10mg/ml concentrate solution for fish treatment or as ALPHA MAX marketed by Pharmaq AS, shall not be discharged if either deltamethrin or cypermethrin, as contained in the trade product Excis, has been discharged at the premises in the previous 3 hours from a vessel.

APPENDIX 1: PROTOCOL ON THE CALCULATION OF THE MAXIMUM PERMITTED QUANTITIES IN REPEATED TREATMENTS OF EMAMECTIN BENZOATE

For site at:

Licence Reference: CAR/L/

Introduction

The purpose of this protocol is to provide further information to the responsible person regarding the Conditions in Schedule 7 of this Licence relating to the use and re-use of the sealice treatment medicine Slice or Quinafish (active ingredient - emamectin benzoate) and to provide the basis for the calculation of the maximum quantity which may be administered for any one 7-day repeat treatment so as to maintain compliance with those Conditions.

Please note that although the attached Licence permits the discharge of named medicinal chemicals subject to certain limitations, this does not exempt you from meeting the requirements of the Medicines Act and subordinate regulations. Further advice on this aspect may be obtained from the Veterinary Medicines Directorate. You should also note that Slice or Quinafish should only be used in accordance with the version of the manufacturer's product data sheet current at the time of the treatment or as otherwise specified by a registered veterinarian.

Total Allowable Quantity

The permitted quantity of the active ingredient emamectin benzoate available for use is determined from the results of a computer simulation of its deposition patterns in the sediment around your farm after treatment. The **Total Allowable Quantity (TAQ)** is a notional maximum quantity which, if discharged following a single 7-day treatment, will (according to the computer model) achieve compliance with the far-field sediment quality standard outwith the AZE.

FOR APPLICATIONS FOR NEW LICENCES OR VARIATIONS TO EXISTING LICENCES WHERE NEW OR INCREASED DISCHARGES OF EMAMECTIN BENZOATE ARE SOUGHT USE 40% OF MODELLED TAQ.

<p>The Total Allowable Quantity for the above named site has been calculated as: <u>insert TAQ grams of emamectin benzoate.</u></p>

Slice Retreatment Calculator

The Slice Retreatment Calculator contained within the disk provided as an integral part of this Licence reference CAR/L/ /SRC incorporates record keeping pertinent to the calculation of the quantities of emamectin benzoate dispensed. The responsible person shall make arrangements to record the other information identified in Schedule 6 which is not included in the Slice Retreatment Calculator.

Repeat Treatments (Re-treatments)

Over time the compound breaks down in the sediment and consequently the quantity

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permitted to be released during any re-treatment depends on the quantity used in the previous treatment(s) and the time lapse since the last treatment.

To allow operators maximum flexibility in using Slice a method has been devised which combines both recording of treatments and calculation of re-treatment quantities which would continue to ensure compliance with the far field sediment quality standard, i.e. not to exceed the TAQ.

The details of the method are contained within the disk reference CAR/L/ /SRC.

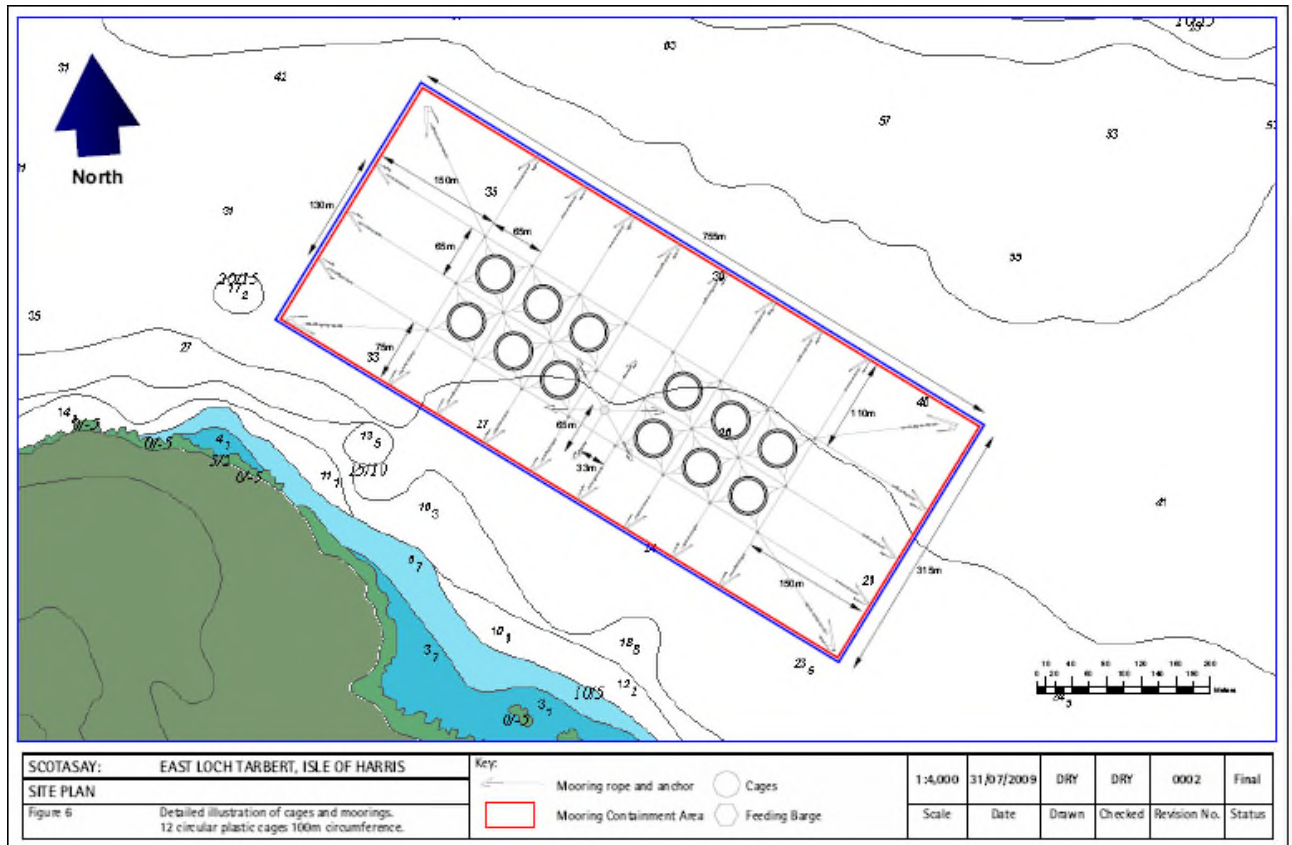
APPENDIX 2: CONTROLLED ACTIVITY(IES) LOCATION PLAN

PLAN REFERENCE CAR/L/

<<Description of cage configuration and mooring grid>>

An example is provided below:

Plan Reference: CAR/L/*****



Cages shall be positioned within an area bounded by a line drawn from NG 1804 9797 to NG 1837 9768; then to NG 1838 9756; then to NG 1802 9781; and then to NG 1804 9797.

Cage configuration shall consist of 12 x 100 m circumference circular cages with 12m deep nets. The cages shall be configured in 2 groups each of 6 cages (3 x 3) with a 65m gap between the two groups.

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 reports and notifications required under Condition 2.4, 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.>>

Email: <<insert local team mailbox address>>

Out of office hours and public holidays

Tel No: 0800 80 70 60

Other notifications should be made by email to the relevant mailbox as follows:

Quarterly returns, as required by Condition 6.2.1 and notification of non-operation of the site during the reporting period as required by Condition 2.3.2 should be sent to FFBiomass@sepa.org.uk and copied to RegistryDingwall@sepa.org.uk

Monitoring submissions, as required by Schedule 5 and Condition 6.2.2 should be sent to FFMonitoring@sepa.org.uk copied to RegistryDingwall@sepa.org.uk and <<insert local team mailbox address>>

Notifications relating to the commencement and cessation of the discharge as required by Condition 4.4 should be sent to RegistryDingwall@sepa.org.uk and <<insert local team mailbox address>>

Notifications relating to treatments as required under Condition A1.3 should be sent to RegistryDingwall@sepa.org.uk and <<insert local team mailbox address>>

Notifications relating to treatments as required under Condition A1.4 should be sent to SliceNotifications@sepa.org.uk, RegistryDingwall@sepa.org.uk and <<insert local team mailbox address>>

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 is required to 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.'*