



Attachment I

Guidance on drafting a Licence

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1. Introduction

The intention of this section is to provide guidance on drafting a site specific licence for a Marine Cage Fish Farm starting from the standard licence template. It is intended that this template will be maintained as a "SMART" Template as an Attachment to the procedures manual and will be available through QWeb. The template and this accompanying guidance will be modified as appropriate. Any problems or suggestions for improving the document should be mailed to the Secretary of Aquaculture Project Management Group (APMG) who will then ensure that the template document is updated as necessary. It is therefore important that copies are not kept separately which could allow differences in format to develop between offices.

This document also provides the justification for the template conditions which have been agreed by APMG and provides a consistent approach to fish farm licensing. However, as each licence is site specific, it will always be necessary to customise the template conditions. This may involve the removal of sets of conditions or the addition of new conditions. It is essential that all such changes to the template are audit-trailed. An explanatory memorandum should be drafted by the reporting officer which lists all those aspects where the proposed licence differs from the template together with an explanation of the change. This should be included as part of the report to the relevant Area Licensing Team to ensure that they are aware of the extent to which the licence differs from the template.

EPI Management Teams or the Area Licensing Teams may consider that any significant changes from the fish farm template should be forwarded to APMG for information.

2. Imposition of conditions

This guidance section labels the template conditions into three categories: essential, recommended and optional. The template conditions should be applied to all new fish farm applications or reviews of licences for existing sites. However, the extent to which it will be reasonable to apply the template conditions to existing farms will vary between sites. At existing farms, where it is not reasonable to apply certain template conditions immediately, then a timetable for their inclusion should be defined following discussions with the operator and included in the licence.

SEPA aims to include all essential and most recommended conditions within all marine cage fish farm licences by the end of 2005. Typically this should allow up to three years for existing farms to adjust to the requirements.

3. Format

The licence will be accompanied by an introductory letter. It allows SEPA an opportunity to give additional advice to the responsible person. For example, there are 2 optional paragraphs included covering the coincidental release of Salmosan and Excis in the same water body. Inclusion of these conditions within the licence schedules may be *ultra vires* and difficult to enforce, but inclusion within the accompanying letter provides us with a means of highlighting the need to prevent plumes coinciding and having an enhanced effect. There is also a paragraph

providing further information on the conditions governing the use of Calicide (active ingredient Teflubenzuron) and also for the use of Slice (active ingredient emamectin benzoate). Guidance relating to these compounds has been moved into appendices at the end of the document.

Further site specific guidance can be added to the letter as necessary.

The actual licence template has a new first page which is now standard throughout SEPA for all CAR licences. To assist the rapid customising, much of the variable information is identified as merged fields.

The template also contains a list of contents (labelled "Index of Schedules"). This can be up-dated easily once a licence has been customised by clicking once within the list (it will turn grey), then clicking right mouse button and choose up-date field. Then choose "up-date entire table" and click OK. This will remove all reference to deleted conditions but if any non- standard conditions have been added they must be given a title which must be labelled as a "heading 2" before you carry out the up-date. If in doubt, ask your admin. section for help.

SCHEDULE 1 : CONTROLLED ACTIVITIES

1.1 *Controlled Activities Description*

Essential:- This identifies the primary activity category based on the levels of authorisation.

1.2 *Controlled Activities Locations*

Essential:- The licence should identify the location of the farm by reference to a plan provided as part of the application. This plan should identify the area covered by the lease provided by the Crown Estate Commissioners or other relevant authorities and the proposed cage layout within it. There may be circumstances where the proximity to land, water depth or the relative degree of dispersion would restrict the extent to which the leased area can be utilised. Consequently, the licence should define that part of the leased area within which a discharge of trade effluent would be acceptable.

Where a large leased area has been defined, it may be appropriate to agree with the discharger the optimum sites for the location of the cages. There may be an option to define the location of two or more sites which would be occupied in rotation allowing the fallowing of each site following one or two growth cycles. The output from the AutoDEPOMOD modelling package is dependant, amongst other factors, upon the layout of the cages and the stocking density. It is important therefore that the operator maintains a similar cage layout to that set out in the application, particularly when the site is at or near peak biomass. During the early stages of the growth cycle, a lesser number of cages may be used with no environmental consequences however, as the full biomass is reached, it is important that a similar cage arrangement to that described in the application and used to run modelling simulations is adopted by the operator.

SCHEDULE 2 : GENERAL CONDITIONS

2.1 *Responsible Person*

Essential:- This states that the responsible person identified in the application is responsible for licence compliance.

2.2 *Records*

Essential:- Requires that the licence is held and available to staff and the maintenance and keeping of legible records. If possible the location (e.g. farm office) should be specified in the licence.

2.3 *Reporting*

Essential:- Requires copies of the records to be sent to SEPA in an agreed format at the frequency specified in Schedule 6. The second part of the condition requires that SEPA is notified if no reports are to be submitted due to the activity not being carried out during a given period.

2.4 Incidents

Essential:- Requires notification of any incidents. The second condition requires a written report of an incident if considered necessary.

2.5 Environmental Harm

Essential:- If the conditions of a licence are complied with, the document will represent a statutory defence against the offence provisions of CAR. The purpose of this condition is to allow enforcement action to be taken (even if all other licence conditions are complied with) against discharges that cause pollution or have a significant adverse impact on the water environment.

SCHEDULE 3 : DESCRIPTION OF PREMISES

3.1 Restriction on departure from application and supporting information

Essential:- This prevents the discharger from deviating from the details of either the application or provisions imposed by the licence and may be used to back up a request for a new application where changes are proposed.

3.2 Maximum weight of stock

Essential:- This is the primary condition which limits the scale of the discharge. In addition, SEPA's CAR charging scheme requires the definition of the maximum biomass which can be held at a site. The proposed biomass limit for the site is supplied as an output in the modelling reports submitted by the applicant. This proposal is audited and may be amended by Marine Science staff. A recommendation as to the suitable biomass for this site will be supplied by Marine Science in the Marine Summary Sheet (Marine_sum.xls). This limit should be inserted into the blank field within this condition on the template. The second condition in this section relates to the stocking density of the fish held at the site. Variations in the density, expressed as kg of fish per cubic metre of water can significantly change the impacts observed upon the seabed at the cage fish farm site and therefore the presence of a condition limiting density is seen as an important means of protecting the environment. The Marine Summary Sheet as well as specifying a biomass, specifies a stocking density and the value set out in the sheet should be inserted into the blank field in this condition.

Schedule 4: Control Of The Discharge Of Solid Waste Matter and Polluting Matter And Effluent Into Controlled Waters

4.1 Type of discharge and fish species to be cultured

Essential :- This specifies that the discharge is trade effluent and solid waste matter from the culture of fish. The character of the discharge will vary according to species cultured. The default condition now allows the site to be used for the culture of Atlantic Salmon, Cod, Haddock or Halibut and should be customised accordingly. A change to the species will inevitably involve a change to the operation of the site and will depart from the details submitted with the original application. It can therefore be dealt with by a review of licence provided the environmental implications are minor or alternatively by a new application. Mixed species sites are not ideal from a fish diseases perspective and further guidance is likely to be available to the industry via the Aquaculture Health Joint Working Group, lead by the Fisheries Research Service. Licensing such sites will also lead to complications with regard to the limits for in-feed sea lice treatments. This is because the metabolism and release of in-feed treatments may vary from species to species and thus should a licence for such a site be granted then only bath treatments should be available for the treatment of fish other than Atlantic Salmon. (If in doubt on this issue, seek advice via the Help Desk).

4.2 General condition controlling the discharge of polluting matter

Essential:- If the conditions of a licence are complied with, the document will represent a statutory defence against the offence provisions of CAR. The purpose of this condition is to allow enforcement action to be taken (even if all other licence conditions are complied with) against discharges that contain unauthorised components, which cause environmental damage.

4.3 Feeding method

Essential:- It is in the discharger's and SEPA's interest to minimise the loss of food to the environment.

4.4 Cage construction

Essential:- Cage designs involving unprotected polystyrene pieces as floatation blocks have resulted in significant littering of shore-lines due to lumps breaking off and being carried away by wind and tide.

4.5 Restriction on discharge of dead fish

Essential:- This condition is necessary to prevent disposal of morts into the sea rather than disposing of them in a manner required by the Animal By-products Regulations 2003 (enforced by the Local Authority).

4.6 Limitation on discharge period to allow fallowing

Optional for new sites:- SEPA may wish to promote fallowing at poorly flushed sites in order to allow the recovery of the sea bed and to break the cycle of sea lice infestation at all sites if possible. Reducing the risks of sea lice infestation should

minimise the need for repetitive use of chemical therapeutants. Fallow periods should be required at all new farms in areas of intermediate or poor water exchange, which operate in rotation with other sites. Where sites are located in well flushed areas, it is not essential to include this condition (with regard to seabed recovery). Ideally, however, SEPA's objective is to match biomass with the capacity of the receiving environment to assimilate the discharge, without the need to resort to fallowing routinely.

In the case of existing farms, a pragmatic approach must be taken, which takes account of the limitations of the leased areas available to operators. In some cases a break in the production cycle may not be a practical option particularly at sites operated by small companies with limited access to alternative sites and this should be taken into account when setting the maximum biomass (condition 1.4).

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

Recommended for new sites or sites where 4.6 is used:- This provides the necessary notification for SEPA staff to place the site on the annual monitoring programme and to notify Corporate Office of the need to invoice the operator in accordance with the CAR charging scheme. It also allows SEPA to ensure that any fallowing requirement set out in Condition 4.6 is complied with.

4.8 Limitation on the discharge of medicines and chemicals

Essential:- This condition together with the associated annex defines the constraints on the use of chemical therapeutants. It prohibits discharge of any other chemical therapeutant without SEPA's written permission (this must be via a reviewed or new licence).

4.9 Treatment Method

Essential:- this condition in conjunction with the specific conditions relating to each medicine will aid in the reduction of the quantities of chemicals discharged to the environment.

Schedule 5 : sampling and analysis

5.1 Requirement to carry out monitoring

Essential:- This requires the discharger to carry out a monitoring programme which is specified in the Monitoring Protocol Specification supplied by SEPA to the discharger. It also requires the discharger to inform SEPA when the monitoring will be carried out, allowing SEPA staff to be present if required.

5.2 Modification of the Monitoring Protocol

Essential:- This permits SEPA to vary the self monitoring programme to take account of the results of previous monitoring and could result in an increase or decrease in the programme content or frequency. The protocol may be modified without a requirement to review the licence, achieved through discussion and written agreement with the operator. Where there is a failure to agree a revised protocol, the operator should be made aware that a lack of the required monitoring data may hamper forthcoming decisions should there be a proposal to expand operations at the site.

Schedule 6 : records and provision of information

6.1 Requirements regarding the keeping of records

Essential:- Requires that the responsible person ensures the maintenance of accurate and legible records.

6.2 Maintenance of records

Essential:- Requires that the responsible person keeps appropriate records, as follows;

Condition 6.2.1.1 location

Essential:- Allows compliance with condition 1.2 and 3.1 to be assessed.

Condition 6.2.1.2 biomass

Essential:- Allows compliance with condition 3.2 to be assessed.

Condition 6.2.1.3 production

Essential :- Allows a check to be made to assess food conversion ratio and biomass figures.

Condition 6.2.1.4 food use and conversion ratio

Essential :- Provides records of food input and its efficiency of use. Also allows the calculation of the N, P and carbon input.

Condition 6.2.1.5 record of N & P content of food

Essential:- Allows manufacturer's data on food content to be available for inspection or reports as necessary. Also allows the calculation of the N, P and carbon input.

Condition 6.2.1.6 chemical therapeutants

Essential:- Allows compliance with the relevant conditions in Appendix 1 and the associated Permitted Substances Working Plan to be assessed. Provides information on trends in therapeutant use.

Condition 6.2.1.7 net cleaning and anti-foulants

Recommended :- This condition provides information on the release of EC Dangerous Substances Directive List 2 substances and will be used in subsequent reviews in the light of policy decisions following the outcome of research on the effects of anti-foulant coatings used in aquaculture. The compound used therefore may not necessarily be authorised as an approved biocide in the UK by the HSE (see table A-3 in Annex A).

Condition 6.2.1.8 monitoring reports

Essential :- Requires the self monitoring data to be available for inspection and to be sent to SEPA when required by condition 6.4.

6.3 Availability of records

Essential:- Requires that records are available for inspection. If possible the location (e.g. farm office) should be specified in the licence.

6.4 Provision of records to SEPA

Essential:- Requires copies of the records to be sent to SEPA when specified. The opportunity should be taken to specify any special reporting requirements in the letter accompanying the licence. SEPA operates a database requiring records to be collected monthly and reported to SEPA on a quarterly basis. This information is important as it allows SEPA to fulfil reporting requirements under European Directives. The second part of the condition specifies a time limit for the submission of monitoring data to reduce the delay between sampling and reporting.

Appendix 1

Appendix 1 and the associated Permitted Substances Working Plan (PSWP) are where staff must list the chemicals permitted for use on site together with reference to a series of conditions to be allocated to each chemical specified.

When controlling the use of any particular chemical, it is imperative, where applicable, to specify only product names which are authorised by the VMD otherwise inappropriate formulations may be used by less scrupulous operators. Further details of medicines approved by the VMD for use in aquaculture are provided in Annex A of this Procedures Manual.

Exclusion from Table 1 or the PSWP means a medicine is not permitted by virtue of condition 4.8 of schedule 4 (unless in the unlikely event that it is so innocuous as to meet the requirements of condition 4.2).

7.1 Medicines and Chemicals

Table 1

Table 1 must be used to specify medicines may be used at the site and should include all substances not set out in the Permitted Substances Working Plan. In general Table 1 should be used to define conditions relating to the use of higher risk substances such as sea lice medicines, the use of such medicines is limited by numeric conditions. Table 1 can also be used to permit the discharge of other substances not included in the Permitted Substances Working Plan. For each substance included in Table 1 an appropriate condition should be selected from the list of conditions, guidance on which conditions should be selected are set out below. Normally, only those conditions required should be listed in the annex.

When filling in column 2 of the table, there may be several trade products licensed for the same active ingredient. In such a case it is recommended that the entry in column 2 should specify "Various approved products".

Specifying Conditions In Column 4 of table 1

Although site specific conditions may dictate otherwise, in general we should strive to be consistent in the choice of conditions we specify in column 4. It is essential to specify one of A1.3, A1.4 or A1.5 for each Medicine or chemical. The condition chosen to apply to each substance will reflect the degree of perceived risk in each case.

7.2 Permitted Substances Working Plan

Essential:- each licence issued for a marine cage fish farm includes a Permitted Substance Working Plan (PSWP). The PSWP sets out a range of substances that may be used at the site in addition to the chemicals set out in Table 1 of Appendix 1. The substances included in the PSWP are those whose use will pose a lower risk to the water environment including anaesthetics, antibiotics and disinfectants. The standard PSWP template includes a wide range of the conventional substances used by fish farmers and limits their use to that set out in the manufacturer's instructions. Additional substances may be added to the PSWP but only where there is a low risk of harm to the water environment from the inclusion of the substance, advice should be sought from an Aquaculture Specialist as required.

Condition A1.1

Optional:- This condition should be included in most circumstances to ensure that no bath treatment chemicals are discharged without having been applied within a fully contained enclosure. Treatment without full enclosure of the cage would normally result in the use of larger quantities of chemical to achieve working concentration within a "skirt" tarpaulin compensating for the higher treatment volume and dilution due to water exchange through the opening. This condition should be applied to all new licences unless, in exceptional circumstances, where the applicant can clearly demonstrate that a more efficient treatment can be achieved, thus avoiding repetitive treatments and achieving an overall reduction in compound use while still adhering to licence conditions limiting rate of release to meet the EQS.

Condition A1.2

(Essential only where A1.1 is invoked):- Represents a definition of best practice which minimises the quantity of chemical therapeutant discharged to the marine environment. The aim should be to ensure that the treated volume is reduced to at least 50% of the cage volume and up to about 30 % where possible. However, physical constraints and some cage designs may prevent this scale of reduction being achieved and the actual %age reduction figure should be calculated from the shallowed treatment depth specified in the application or as agreed with the discharger.

Condition A1.3

This condition should be used for other substances where pre-notification is not necessary. This should apply to lower risk substance such as any anaesthetics, and most and anti-microbials where these are not included in the PSWP (if in doubt seek advice).

Condition A1.4

This condition should normally apply to Excis; and for Salmosan at farms well separated from neighbouring farms where there is no risk of a release of Salmosan coinciding with a plume from another site. It provides SEPA staff with an opportunity to attend and inspect a treatment to check licence compliance.

Condition A1.5

This condition should be chosen only for Salmosan and only used where 2 or more sites are in close proximity and there is a need to control releases to prevent plumes coinciding. Bear in mind that inclusion of this clause involves SEPA in a significant amount of administration, as each farm treatment must be approved in writing taking

into account whether a neighbouring site has had recent approval to use a chemical. Use this condition only where there is considered to be a significant risk of coincidental plumes combining.

It is hoped that, either by management agreement or as part of the industry's strategic sea lice control plan, treatments will be organised with farm operators by a co-ordinator nominated by the relevant association who will be aware of the terms of the licences within his area. Our approval can be simplified to sending a standard letter or fax message upon receipt of an agreed plan for the loch / voe.

This clause will not normally be necessary for Excis as it is removed fairly rapidly from solution.

Condition A1.6

This condition applies only to Calicide. If not relevant, this condition should be deleted from the annex (and the conditions following it should be re-numbered accordingly, again remembering to correct your entries in col. 4 of the table).

You must customise condition (iii) by adding the total allowable quantity (TAQ) figure supplied by the applicant and validated by the tidal waters section following the results of running the DEPOMOD model for the site in question.

The template specifies the amount of teflubenzuron in grams. The equivalent quantity as the medicated feed product "Calicide" is also now included. As this is a formulation containing 0.2% w/w teflubenzuron, simply multiply the modelled teflubenzuron amount by 500 to obtain this.

Condition A1.7

This condition applies only to Salmosan and requires information from;

- a) the 3-hour model for the first two entries **(unless the 72-hour model output requires a more restrictive regime)**, and
- b) the 72-hour model for the third (this assumes that the whole farm will be treated and provides a maximum amount of azamethiphos to be released in 24 hrs).

These values will be supplied by the applicant and validated by tidal waters staff.

As a starting point, the output from the 3-hour model is used as the first regime fed into the 72-hour model. If this regime passes the EQS and acceptable area of impact tests, the first time period can be set at 3 hours with the first amount of azamethiphos set as specified by the output from the 3 hour model. The third entry is then based on the 72-hr model output converted to a daily rate (this makes checking compliance on site an easier task).

Where the 72-hour model predicts this regime will breach the criteria, the quantity of azamethiphos must be reduced to meet the requirements of the 72-hour model (obtained by repetition of the 72-hour model using progressively smaller cage volumes until the criteria can be met), the first time period should then be extended to 24 hours to restrict the rate of treatment releases and the second sentence of condition A1.7 should be deleted. Where the amount permitted is not sufficient to carry out a treatment of even 1 cage in 24 hours allowing for a reduction to 8% of the total cage volume (as may be the case with very large cages) then Salmosan cannot be safely used at the site in question and it should be removed from the table, thus prohibiting its use.

This approach is adopted to provide sufficient restriction in achieving a controlled rate of release throughout a treatment to safeguard the EQS but to seek to minimise our imposition of a specific and impractical treatment regime on the operators and, in addition, not to licence an amount that is of no practical use to them.

The template specifies the amount of azamethiphos in grams. The equivalent quantity as Salmosan is also now included. As this is a 50% Wt/Wt powder preparation, simply multiply the modelled azamethiphos amount by 2 to obtain this.

Condition A1.8

Applies only to Excis and requires information from the 3-hour model. These values will be supplied by the applicant and validated by tidal waters staff.

The template specifies the amount of cypermethrin in grams. The equivalent quantity as Excis is also now included. As this is a 1% solution of cypermethrin, simply multiply the modelled cypermethrin amount by 100 to obtain the quantity in millilitres.

Condition A1.9

Applies only to Slice. If not relevant, this condition should be deleted from the appendix (and the conditions following it should be re-numbered accordingly, again remembering to correct your entries in col. 4 of the table).

You must customise condition (iii) by adding the maximum treatment quantity (MTQ) figure supplied by the applicant and validated by tidal waters staff following the results of running the DEPOMOD model for the site in question. Re-treatment quantities are dictated by calculations described in appendix 3 at the end of the licence.

The template specifies the amount of emamectin benzoate in grams. The equivalent quantity as the veterinary medicine "Slice Premix" is also now included. As this is a formulation containing 0.2% w/w emamectin benzoate, simply multiply the modelled emamectin benzoate amount by 500 to obtain this.

Appendix 2 Protocol On The Calculation Of The Maximum Permitted Quantities In Repeated Treatments Of Teflubenzuron

This appendix is self-explanatory to a large extent. Its inclusion goes with the inclusion of condition A1.6 and requires customisation by completing the form fields for the TAQ [also is specified in condition A1.6] should also be entered into the section calculating the MARQ. on the second page of the Appendix. The value for the TAQ will be supplied by the applicant and validated by tidal waters staff.

Following this, Calicide table 1 [and the Calicide repeat treatment quantity record sheet] must be produced by adding the same TAQ figure into the Excel Spread sheet labelled as Attachment IIA in the procedures manual (you do this by over-writing the default value of 30000 grams in the top left hand corner).

The page number in the header of each spreadsheet must then be customised to fit into Appendix 2 of the licence before printing off (you may need to come back to this once you have finished all other changes as you need to know the total

number of pages to do this). Once you have printed off the customised Calicide Table 1 and record sheet, substitute them into appendix 2 and discard the spacer pages as directed.

Please note that in most cases the TAQ figure will be expressed in grams. However, in the case of a large biomass where the model permits a figure in excess of 99000 grams, the table and condition (v) should both be entered as kilograms. The calculations are unaffected by this.

Appendix 3 Protocol On The Calculation Of The Maximum Permitted Quantities In Repeated Treatments Of Emamectin Benzoate.

This appendix is self-explanatory to a large extent. Its inclusion goes with the inclusion of condition A1.9. The values and information required for completion of this appendix will be supplied by the applicant and validated by tidal waters staff. This will allow the relevant ERI officer to draft the licence conditions [see A1.9] and customise the appendix text [TAQ and MTQ].

The applicant will produce a version of Slice table 1 which will be validated by Tidal Waters Staff. This is included into appendix 3 which is customised for the site in question. In the final licence, this will be 3 pages of A3 paper, printed by Tidal Waters and sent directly for Office Services/Registry to insert, [instead of the relevant spacer pages]. For the purposes of drafting a 21-day notice letter, Marine Science will forward a spread-sheet [or short-cut] to the ERI officer which prints the same table out on 3 pages of A4 [this is necessary as many area offices cannot print A3 pages] The font size is fairly small but will suffice for the purposes of these notice letters.

Finally, figure 1 should be printed and added instead of the relevant spacer page.