



T05/126

AQUACULTURE LICENCE

AQ1426

AQUACULTURE LAND BASED FINFISH

(FRESHWATER)

Coomhola Salmon Trust Limited

Mill Beag

Coomhola

Bantry

Co. Cork

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SCHEDULE 1

SCHEDULE 2

AQUACULTURE LICENCE NO. 1426

GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23 of 1997)

The Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister”), in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23 of 1997) (hereinafter referred to as the “Act”), grants an Aquaculture Licence to:

Coomhola Salmon Trust Limited,

Mill Beag,

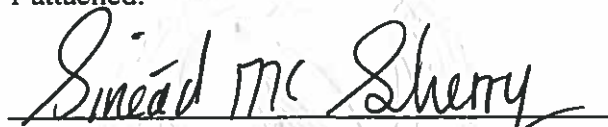
Coomhola,

Bantry,

Co. Cork.

(hereinafter referred to as the “Licensee”) for the cultivation of Salmon Smolts (*Salmo Salar*) and Brown Trout (*Salmo Trutta*), on a site at Mill Little, Coomhola, Bantry, Co. Cork as specified in Schedule 1 attached, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shall remain in force for a maximum period of ten (10) years commencing on 14th January 2021, and only so long as the fish farm complies with the planning permission granted by Cork County Council on 13th June 1980 (ref no. 1486/80) as specified in Schedule 1 attached.



A person authorised under Section 15(1) of the Ministers and Secretaries Act 1924 to authenticate the Seal of the Minister for Agriculture, Food and the Marine.

TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

1. Licensed Area

1.1. The area specified in *Schedule 1* attached.

2. Species, Cultivation and Method Licensed

2.1. Species to be farmed: Salmon Smolts (*Salmo Salar*), and Brown Trout (*Salmo Trutta*) and no fish other than Salmon and Trout shall be bred and handled at this site.

2.2. Method: Landbased subject to the stocking limits as specified in *Schedule 2* attached and in accordance with all other consents issued.

2.3. The introduction of fish/ova/fry and shellfish and other invertebrates to the site shall comply with the legislation relating to fish health.

3. Infrastructure and Site Management

Indemnity

3.1. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.

3.2. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.

Design, Arrangement and Maintenance of Structures

3.3. The Licensee shall ensure that the equipment is placed within the licensed area only. Storage or placement of equipment or stock outside the licensed area is not permitted under any circumstances.

3.4. The Licensee shall at all times for the duration of the licence keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister or other competent State authority.

Operational Conduct

3.5. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with lawful activity in the vicinity of the licensed area, and shall

comply with any lawful directions issued by the Minister and any other competent State authority in that regard.

- 3.6. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.7. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: <http://invasivespeciesireland.com/>.

Waste Management

- 3.8. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus, equipment), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of such material. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration.

Inspection

- 3.9. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act 1959) (No. 14 of 1959) (as amended by Fisheries Act 1980) (No. 1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.
- 3.10. The Licensee shall give all reasonable assistance to an authorised officer or a Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.11. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent

State authority and in any event not later than 24 hours from the making of that demand.

3.12. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

4. **Containment of Stock**

4.1. The Licensee shall take all steps necessary to prevent the escape of fish and all life stages of shellfish and other invertebrates from its landbased site and shall notify the Department of Agriculture, Food and the Marine, Clogheen, Clonakilty, Co. Cork, the Department's Marine Engineering Division, the Marine Institute (Salmon Management Services Division), Oranmore, Co. Galway, and Inland Fisheries Ireland within twenty four hours of any escapes of fish from the licensed area and shall keep records of the fish escaped, including numbers, types, origin and year classes and shall make these records available to the Department, the Marine Institute and Inland Fisheries Ireland.

4.2. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river into the fish farm, and also at a point as near as possible to the discharge of water, as will prevent the admission of wild fish into the fish farm, and shall make all necessary provisions to prevent the escape of fish from the fish farm as specified in.

5. **Environmental Monitoring**

Monitoring

5.1. The Licensee shall undertake and/or partake in monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.

6. **Fish Health / Mortality Management / Movement of Fish**

Fish Health Regulations

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products, and on the prevention and control of certain diseases in aquatic animals, is in place.

Disposal of Mortalities

6.2. The Licensee shall dispose of dead fish, shellfish and other invertebrates in accordance with the applicable statutory provisions and requirements.

Movement of Fish

6.3. The Licensee shall comply with any regulations in force governing the movement of fish.

7. **Animal Remedies and Dangerous Substances**

Authorised Remedies

7.1. The Licensee shall only use those animal remedies approved by the Department or other competent State authority for the purpose of maintaining the health of the fish stocked. The Licensee shall only use those chemicals and animal remedies in the licensed area in accordance with instructions issued by the Minister, the Marine Institute or other competent State authority from time to time and in accordance with the prescribing instructions set by the veterinarian.

Authorised Substances

7.2. The Licensee shall not use a "Priority Hazardous Substance" as may be defined from time to time in legislation concerning water quality.

7.3. The Licensee shall not use any substance or thing or do anything, which has a deleterious effect on the environment of the licensed area and shall make adequate arrangements for the hygienic and disease free operation of the licensed area and shall comply with any directions issued by the Minister, the Marine Institute or other competent State authority from time to time in that regard.

Records of Use and Withdrawal Periods

7.4. The Licensee shall keep full records, at the place of business, of all chemicals and animal remedies with which the fish have been treated, including quantities and times of use. All chemical and animal remedies used in the licensed area shall be used in accordance with instructions issued by the Minister, the Marine Institute or other competent State authority from time to time.

7.5. The Licensee shall maintain the following:-

7.5.1. Records of a receipt of a dangerous substance.

7.5.2. Each prescription issued in respect of an animal remedy which consists of or contains a dangerous substance.

7.5.3. Records of storage of a dangerous substance,

7.5.4. Records of use of a dangerous substance, and

7.5.5. Such other record as the Minister may specify.

Storage Requirements

7.6. The Licensee shall ensure that all dangerous substances within the meaning of List II of Annex I to Directive 2006/11/EC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community are stored in a manner so as to prevent any discharge, accidental or otherwise.

8. **Emergency Plans**

8.1 The Licensee shall regularly maintain and update its Comprehensive Emergency Plan, providing in particular for an appropriate response to, unexplained mortalities

significantly above the level of what is considered to be normal for the farm area in question under prevailing conditions, fish escapes, fish disease, chemical spills and other significant matters arising in the course of its aquaculture operations.

9. **Duration, Cessation, Review, Revocation, Amendment, Assignment**

Duration, Cessation

9.1. This Licence shall remain in force until 13th January 2031 and only so long as the fish farm complies with the planning permission granted by Cork County Council on 13th June 1980 (ref. no. 1486/80).

Review

9.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

Revocation, Amendment

9.3. Subject to the Act, the Minister may revoke or amend the licence if:-

- (a) he considers that it is in the public interest to do so,
- (b) he is satisfied that there has been a breach of any condition specified in the licence,
- (c) the licensed area to which the licence relates is not being properly maintained,
- (d) water quality results or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

Assignment

9.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 9(5) or the condition set out in 9(6) applies.

9.5. A Licensee, who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.

9.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

9.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

10. **Fees**

10.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270 of 1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act. .

10.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

11. **General Terms and Conditions**

11.1. The Licensee shall at all times comply with all laws and Departmental Protocols applicable to aquaculture operations.

11.2. Any reference to a statute or an act of an institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, issued or given effect under such legislation shall remain valid.

11.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.

11.4. The Licensee shall at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

Notification

11.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the Licensee is in breach of any obligation under this licence, the Minister may, by notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.

11.6. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee.

11.7. The Licensee shall notify the Minister within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

11.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

Companies and Co-operatives

11.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect

from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.

- 11.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.
- 11.11. Where the licensee is a company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.
- 11.12. In the event of the licence being granted to a society (within the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall apply:-
 - 11.12.1. The rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;
 - 11.12.2. The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and
 - 11.12.3. The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society, and the Licensee shall amend the rules in accordance with that direction.

SCHEDULE 1

Schedule 1 contains:

- **a copy of planning permission granted for the premises**
- **maps and drawings of the licensed area**

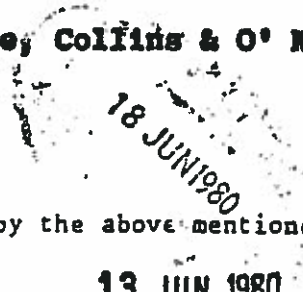
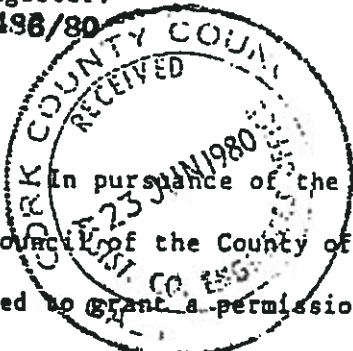
Mr Castleman
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963-1976.

Notification of Decision to Grant a Permission/~~Approval~~ (Subject to Conditions).

12260.

Reference No.
in Planning
Register.
1496/80

To/ **Coomhola Trout Farms,
c/o Eugene Carey, Wolfe, Collins & O' Keefe,
Solicitors,
Bantry.**



In pursuance of the powers conferred upon them by the above mentioned Acts the Council of the County of Cork have by order dated **13 JUN 1980** decided to grant a permission/~~approval~~ for the development of land namely:-

Fish Hatchery at Mill Little, Coomhola, Bantry

In accordance with the plans and particulars submitted by the applicant on **18/4/80** as amended on ~~-----~~ and subject to the conditions set out in Column 1 of the Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the Schedule.

If there is no appeal against the said decision, a grant of Permission/~~Approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See footnote).

It should be noted that until a grant of permission/~~approval~~ has been issued, the development in question is NOT AUTHORISED.

Planning Dept.
County Hall,
Cork.

Signed on behalf of the said Council.

M. J. O'Mara

Date:

13 JUN 1980

NOTE:

An appeal against a decision of a Planning Authority under Section 26 of the Act of 1963 may be made to An Bord Pleanala. THE APPLICANT FOR PERMISSION may appeal within ONE MONTH beginning on the date of receipt by him of the decision. ANY OTHER PERSON may appeal to An Bord Pleanala within THREE WEEKS beginning on the date of the decision.

Appeals should be addressed to the SECRETARY, AN BORD PLEANALA, FLOOR 3, IRISH LIFE CENTRE, LOWER ABBEY STREET, DUBLIN 1. and will be invalid unless accompanied by a deposit of £10.

An appeal by the applicant for permission SHOULD BE ACCOMPANIED BY THIS FORM. In the case of an appeal by any other person the name of the applicant, particulars of the proposed development of the structure to be retained and the date of the decision of the Planning Authority should be stated.

537 sq. ft.

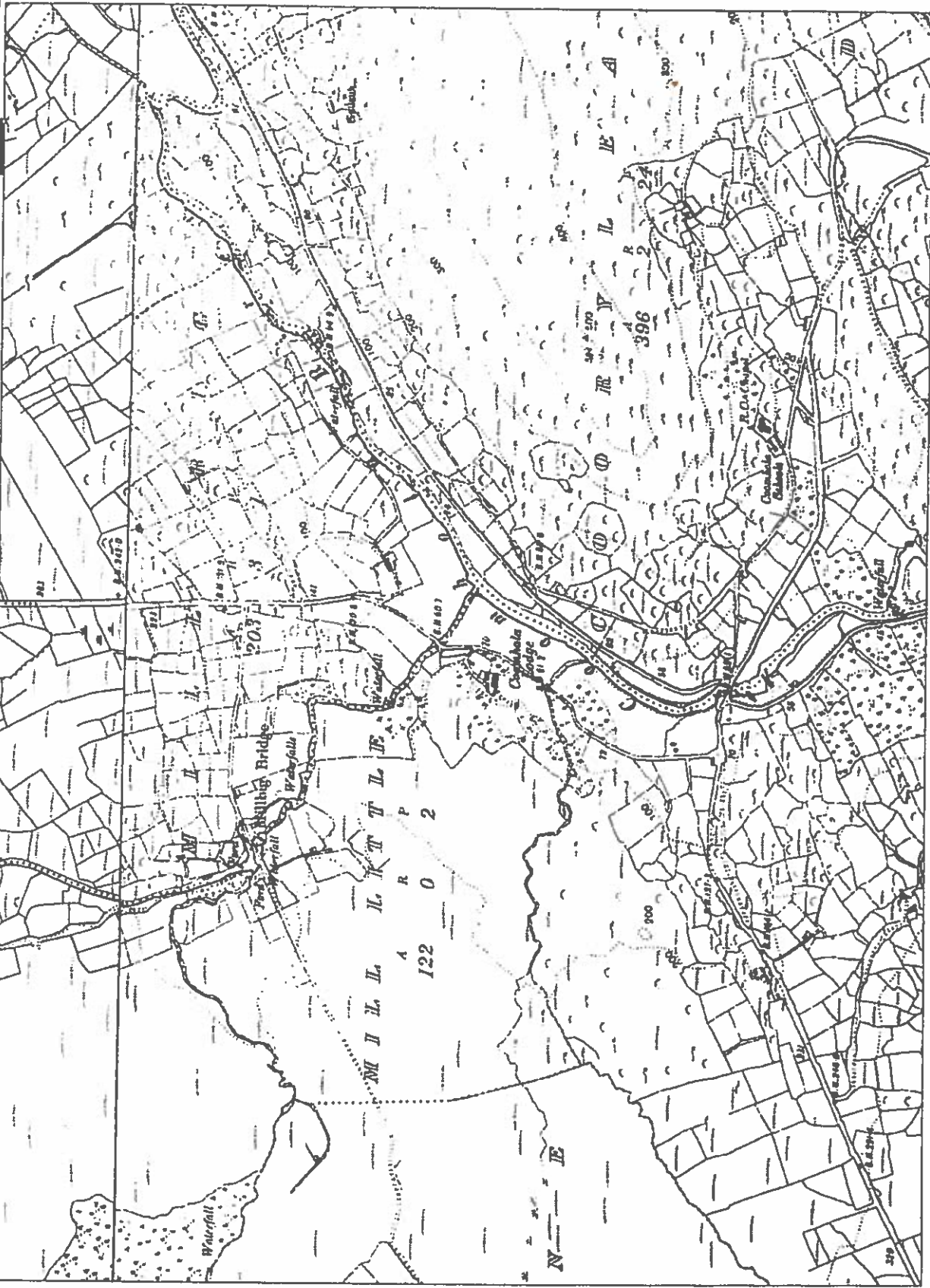
SCHEDULE

Reference Number in
Planning Register: 1486/80

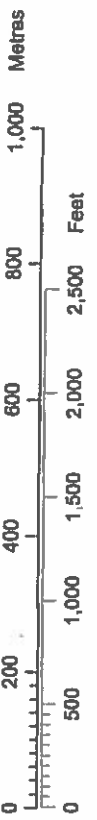
Column 1 - Condition	Column 2 - Reason
<p>Provided that:</p> <p>(1) The minimum flow in the River Cooleenlemaun immediately downstream of the proposed intake point shall, at all times, be not less than two thirds of the flow in the river immediately up-stream of the intake point.</p> <p>(2) The quality of water returned to the River Cooleenlemaun shall, before admixture with the main river flow, comply with the following standards:</p> <p>(a) Dissolved Oxygen Content - not less than .6 mg/litre.</p> <p>(b) Ammonia and Ammonium Compounds (as Nitrogen) not exceeding 0.2 mg/litre.</p> <p>(c) Phosphates (as P) - not exceeding 0.1 mg/litre.</p> <p>(d) Nitrates (as N) - not exceeding 10 mg/litre.</p> <p>(e) Chlorides - not exceeding 100 mg/litre.</p> <p>(f) Suspended Solids - not exceeding 30 mg/litre.</p> <p>(g) Biochemical Oxygen Demand - not to exceed by more than 1 ppm the Biochemical Oxygen Demand of the abstracted water.</p>	<p>To maintain continuity of flow in the River Cooleenlemaun.</p> <p>To minimise pollution of the River Cooleenlemaun.</p>

Surveyed 1842
Revised 1897
Levelled

Rural PLACE Map



Scale:- 1:10,560
Scala:- 1:10,560



Plot Ref. No. 25276198_1_1
Plot Date 06-OCT-2016

ITM CENTRE PT COORDS
499483.556129

DESCRIPTION

MAP SHEETS

6 inch
CK091 CK105



Ordnance
Survey
Ireland

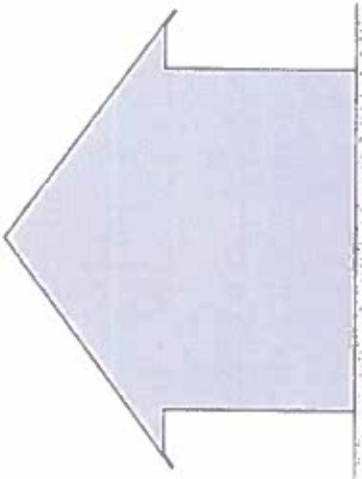
These maps are made by a combination of ground and aerial photography, and are subject to the usual errors of such surveys. The maps are not to be used for navigation or for any other purpose where accuracy is essential. The maps are not to be used for any other purpose where accuracy is essential. The maps are not to be used for any other purpose where accuracy is essential.

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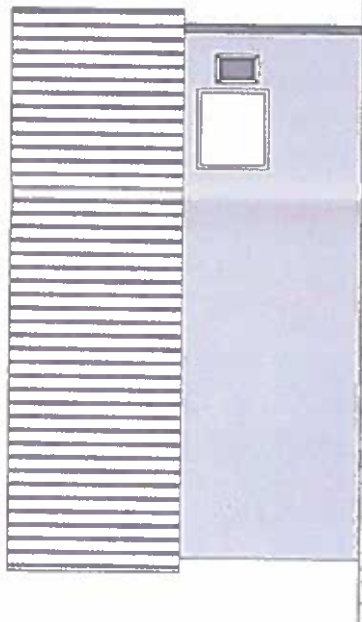


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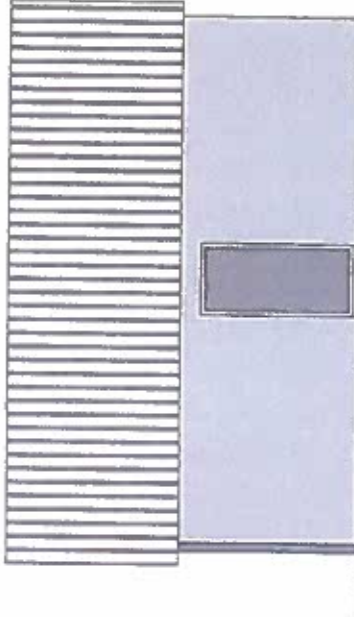
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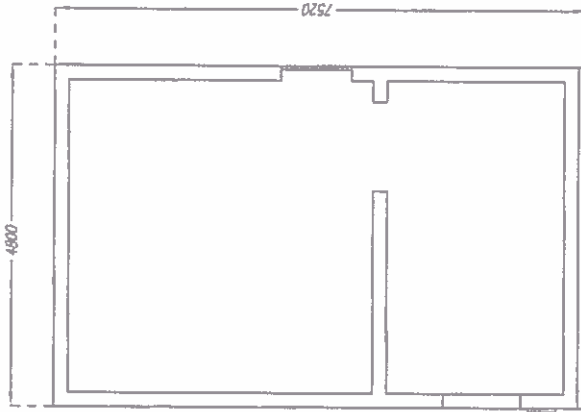
SITE BUILDING SOUTHERN ELEVATION



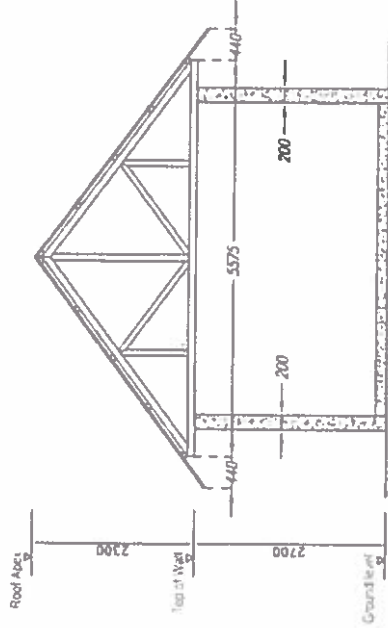
SITE BUILDING WESTERN ELEVATION



SITE BUILDING EASTERN ELEVATION



SITE BUILDING PLAN



SITE BUILDING PLAN

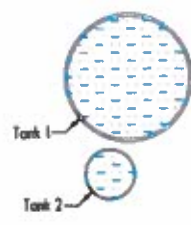
GENERAL NOTES:

1. DRAWING HAS BEEN PREPARED FROM INFORMATION RECEIVED FROM CLIENT AND SITE SURVEY
2. DRAWING TO BE USED ONLY AS REPRESENTATION OF LAYOUT AND STRUCTURES. DRAWING NOT TO BE USED FOR CONSTRUCTION
3. ALL UNITS IN MILLIMETERS

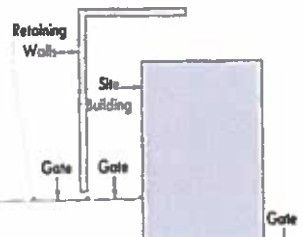
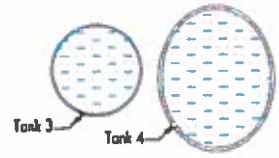
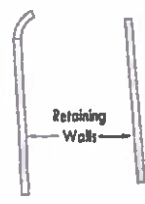
PRELIMINARY		DATE		PK	
A		28/01/18		14	
Paul Lynch Permaculture Survey & Design Middle Square Mierboom C.S. Clark Mob: 087 255 3006 Email: paul@permasp@gmail.com					
Site Building					
Mark Boyden					
Coonah Salmon Trust Saury Co. Cork					
15007 - 03					
DW/2018					
PL					
1:100 @ A4					
PRELIMINARY					
A					



Gate



Site
Perimeter
Fence



Car Park

Access Driveway

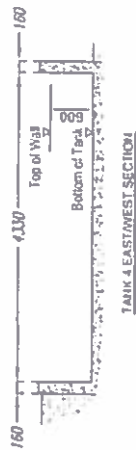
River

Road

GENERAL NOTES

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- 3 ALL UNITS IN MILLIMETERS

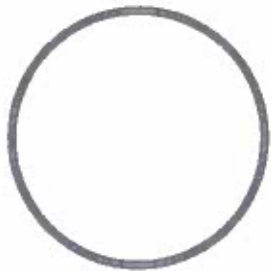
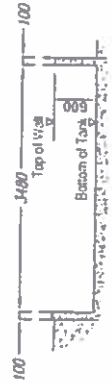
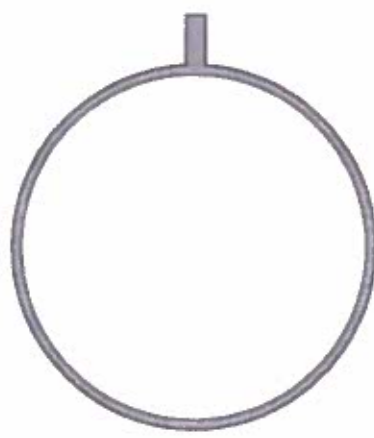
▲ PRELIMINARY	08.10.16	PL
Paul Lynch Permaculture survey & design Middle Square Macroom Co. Cork. Mob: 089 2563098 Email: paullynchdesign@gmail.com		
Title:	Site Layout Sketch	
Client:	Mark Boyden	
Project:	Coomhole Salmon Trust Bantry Co. Cork	
Proj. No:	16007 - 01	A
Date:	08/10/2016	
Drawn by:	PL	
Scale:	1:200 @ A3	
Status:	PRELIMINARY	



TANK 4 SOUTHERN ELEVATION



TANK 4 PLAN



- GENERAL NOTES:**
1. DRAWING HAS BEEN PREPARED FROM INFORMATION RECEIVED FROM CLIENT AND SITE SURVEY
 2. DRAWING TO BE USED ONLY AS REPRESENTATION OF LAYOUT AND STRUCTURES, DRAWING NOT TO BE USED FOR CONSTRUCTION
 3. ALL UNITS IN MILLIMETERS

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Client	Tanks	
Designer	Mark Boyden	
Client Ref	Coimide Salmon Trust	
Client Ref	Bantry	
Client Ref	Co. Cork	
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Date	08/10/2016	
Drawn	PL	
Check	1:100 @ A4	
Status	PRELIMINARY	
A		



coomhola salmon trust, ltd.

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14 October 2016

Aquaculture Licensing
Aquaculture & Foreshore Management Division
Department of Agriculture, Food, and the Marine
National Seafood Centre
Clonakilty, Co. Cork

Attn: Patricia Buss (Patricia.Buss@agriculture.gov.ie)

Ref/ Aquaculture Licence Renewal Application: Explanatory Note on Tank Drawings

Dear Patricia,

Thank you for your phone call of this morning. Further to that conversation, and your query regarding drawings of tanks accompanying our Aquaculture Licence Renewal Application:

The drawings submitted on the 12th inst consist of the fixed tanks on the site; in the original Application submitted earlier this year we were proposing to utilise portable tanks of 1.5m and 2.0m diameter. However in a phone call received from the Division last week I understood that I was being directed to only submit drawings of existing tanks and, as we have not yet procured the portable tanks (and would not in lieu of Application approval due to their significant cost) that these drawings could not be admitted. The previous submission therefore only suggested their indicative placement, should this be approved.

I much regret any confusion arising and sincerely hope that this clarifies the matter.

Finally, I wish to reiterate that our operation here is semi-commercial insomuch as the chief purpose of holding salmonids on site over the last 36 years (first site licence issued circa 1980) is that these live exhibits act in support of our 'StreamScapes' Aquatic & Biodiversity Education initiative. For further information on these activities please refer to:

http://www.apa.ie/pubs/reports/research/water/qa/research/155/publicengagement/integrated_documentation/05_mcoi.html

I thank you for your attention and look forward to hearing from you.

Sincerely yours,

Mark Boyden
StreamScapes Project Director

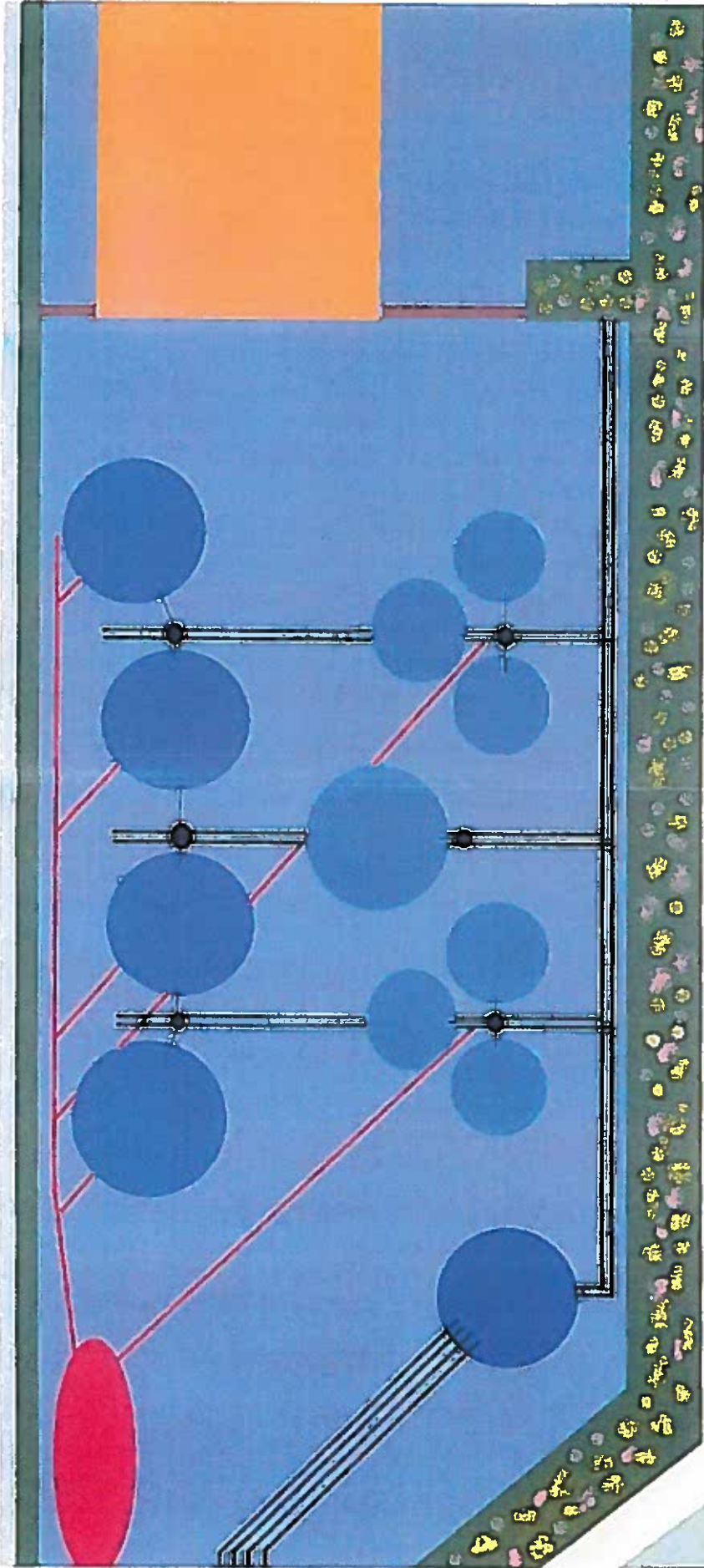


streamscapes

the waters & the wilds

Producers of the StreamScapes Aquatic & Biodiversity Education Programme

coomhola salmon trust, ltd. registered in dublin no. 198873 directors p. Kearney, m. boyden



Prepared & submitted
by
Coombala Salmon Trust, Ltd.
Mill Road, Coombala
Dumfries, Co. Wick

- Existing Feed Tanks
- New Portable Tanks
- Discharge Settling
- Initials Handoff/venting
- Newly roofed site office
- Supply pipes
- Discharge pipes
- New accessible
- Level Handstand throughout

SCHEDULE 2

The annual production of **Salmon Smolts (*Salmo Salar*)** and **Brown Trout (*Salmo Trutta*)** will not exceed 1 tonne with a maximum of 25,000 Smolts.