



T06/499

AQUACULTURE LICENCE

AQ1470

AQUACULTURE LAND-BASED SHELLFISH
(FRESHWATER/SEAWATER) AND OTHER
INVERTEBRATES (SEAWATER)

Michael O'Shea
T/a Lucey and Sons,
Cliff Road,
Waterville,
Co. Kerry

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AQUACULTURE LICENCE NO. 1470

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:

Michael O’Shea,
T/a Lucey and Sons,
Cliff Road,
Waterville,
Co. Kerry

(hereinafter referred to as the “Licensee”) for the cultivation of Sea Urchin (*Parcentrotus Lividus*) Scallops (*Pecten Maximus*) and Flat Oysters (*Ostrea edulis*) on a site at Cliff Road, Murreagh, Waterville, Co. Kerry as specified in Schedule 2 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 13th July 2022, provided for so long as the facility complies with the planning permission granted by Kerry County Council on 13th February 2018 (ref 17/1044) as specified in Schedule 1 attached, and the Local Government (Water Pollution) Acts licence to discharge effluent granted by Kerry County Council on 28th March 2018 (ref W/199) and amended on 17th September 2018 (or a further such licence granted by the said Council or by the Environmental Protection Agency).



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: Sea Urchin (*Paracentrotus Lividus*) Scallops (*Pecten Maximus*) and Flat Oysters (*Ostrea edulis*)

2.2. Method: Landbased using Conical and flat Circular plastic tanks, Concrete tanks subject to the stocking limits as specified in Schedule 2 attached and in accordance with all other consents issued.

2.3. The introduction of 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.

Design, Arrangement and Maintenance of Structures

3.2. 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

3.3. 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 any other 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.

3.4. 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 areas have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.

- 3.5. 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/>.
- 3.6. The Licensee shall ensure that the abstraction of water by the facility shall be so regulated that sufficient water will be maintained at all times in the natural water courses adjoining the facility to ensure the free passage of migratory fish past the facility.
- 3.7. Such precautions shall be taken by the Licensee as the Minister may specify from time to time, in relation to the adaptation of methods of operation or type of installation at the facility.

Waste Management

- 3.8. The Licensee shall ensure that the licensed and adjoining areas shall be kept clear of all redundant structures (including apparatus, equipment and/or uncontained stock), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of such material.

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 all life stages of shellfish and other invertebrates from its landbased site and shall notify the Department of Agriculture, Food and the Marine, National Seafood Centre, Clonakilty, Co. Cork, the Department's Regional Engineering Division and the Marine Institute, Oranmore, Co. Galway within twenty four hours of any escapes of shellfish and other invertebrates 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 and the Marine Institute.
- 4.2. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction, and also at a point as near as possible to the discharge of water, as will prevent the admission of wild fish into the facility, and shall make all necessary provisions to prevent the escape of shellfish and other invertebrates from the facility as specified in Schedule 3.
- 4.3. The Licensee shall fit adequate anti-predator netting or a barrier on external facility structures so as to prevent predation and the possible spread of disease by predators.

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.
- 5.2. The Licensee shall carry out regularly water quality monitoring at the facility and provide the results of such monitoring to the Department of Agriculture, Food and the Marine on request.

6. **Fish Health / Mortality Management / Movement of Shellfish and other Invertebrates**

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 shellfish and other invertebrates in accordance with the applicable statutory provisions and requirements.

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

Duration, Cessation

7.1. This Licence shall remain in force until 12th July 2032 and only so long as the facility complies with the planning permission granted by Kerry County Council on 13th February 2018 (ref 17/1044) and the Local Government (Water Pollution) Acts licence to discharge effluent granted by Kerry County Council on 28th March 2018 (ref W/199) and amended on 17th September 2018 (or a further such licence granted by the said Council or by the Environmental Protection Agency).

Review

7.2. 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

7.3. 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

7.4. 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 of the licence, unless the Minister determines that it may be assigned under condition 7(5) or the condition set out in 7(6) applies.

7.5. 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.

7.6. 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.

7.7. 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.

8. **Fees**

- 8.1. 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.
- 8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

9. **General Terms and Conditions**

- 9.1. The Licensee shall at all times comply with all laws applicable to aquaculture operations.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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

- 9.5. 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.
- 9.6. 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.
- 9.7. 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

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

Companies and Co-operatives

- 9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control or ownership of the licensee company shall not change in any respect from the control or the ownership 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.
- 9.10. 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.
- 9.11. 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.
- 9.12. 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:-
- 9.12.1. 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;
- 9.12.2. 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
- 9.12.3. 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 facility
- A copy of the Effluent Discharge Licence granted for the premises
- Maps and Drawings of the Licensed Area



KERRY COUNTY COUNCIL
NOTIFICATION OF A GRANT OF PERMISSION
Planning & Development Acts, 2000 to 2017

TO: MICHAEL O'SHEA
CLIFF ROAD,
WATERVILLE,
CO. KERRY

Planning Register Number: 17/1044

Application by MICHAEL O'SHEA, CLIFF ROAD WATERVILLE CO KERRY for PERMISSION to CHANGE USE OF EXISTING DOMESTIC SHED TO A MICRO AQUACULTURE HATCHERY FACILITY. THE DEVELOPMENT ALSO INCLUDES THE PROVISION OF SALTWATER INTAKE/OUTLET PIPE. A RECIRCULATING AQUACULTURE SYSTEM INCLUDING WATER FILTRATION AND UV TREATMENT AND CONICAL SHELLFISH HOLDING TANKS WILL BE INSTALLED WITH EXISTING SHED at MURREAGH WATERVILLE CO KERRY

A PERMISSION has been granted for the development described above, subject to the conditions set out in the Notification of Decision of PERMISSION, by Kerry County Council, dated 10/01/2018.

Signed on behalf of
KERRY COUNTY COUNCIL: *G. Noonan*

Date: 13/02/2018

NOTE:

1. This PERMISSION will expire five years after the date of this Grant of Permission.
2. Please refer to Part II of the Building Control Regulations 1997 to 2014 to determine if you are required to submit a Commencement Notice before the commencement of works or a material change of use. Please find attached for your information the Building Control Authority's Guide to Commencement Notices. In the event that you are required to submit a Commencement Notice then please refer to the website www.localgov.ie to complete the electronic submission of said Commencement Notice. Further information is also available from the Building Control Authority, Fire Station, Balloonagh, Tralee at buildingcontrol@kerrycoco.ie.
3. Where the proposed development is to be connected to a public network, either water or waste water, you should make an application in the first instance to Kerry County Council. Please see attached Information Note.
4. Any financial contributions payable under the Council's Development Contribution Scheme must be paid prior to the commencement of development.



PLANNING AND DEVELOPMENT ACTS, 2000 - 2017
NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS)
UNDER SECTION 34 OF THE ACT
KERRY COUNTY COUNCIL

Ref. No. in
Planning Register: 17/1044

Applicant:
Michael O'Shea,
Cliff Road,
Waterville,
Co. Kerry.

Documents Recd.: 20/10/17 and 08/12/17

In pursuance of the powers, conferred upon them by the above named Acts, Kerry County Council have by Order dated 10th January, 2018 decided for the reasons set out in the first schedule to grant a Permission for the development of land namely:-

In respect of Permission to change use of existing domestic shed to a micro aquaculture hatchery facility. The development also includes the provision of saltwater intake/outlet pipe. A recirculating aquaculture system including water filtration and UV treatment and conical shellfish holding tanks will be installed within existing shed at Murreagh, Waterville, Co. Kerry as outlined in plans and particulars received on 20/10/17 and further information received on 08/12/17

SUBJECT to the conditions set out in the Second Schedule hereto. (Eight Conditions)

If there is no appeal against the said decision, a grant of Permission in accordance with the decision will be issued as soon as possible after the expiration of the period of four weeks (see footnote).

It should be noted that until a **Grant of Permission** has been issued the development in question is **NOT AUTHORISED.**

SIGNED ON BEHALF OF
THE SAID COUNCIL:


A. O. Planning

DATE: 10th January, 2018

SCHEDULE CONTINUED OVERLEAF

NOTE: An Appeal against a decision of a Planning Authority under Section 34 or Section 35 of the Act of 2000 may be made to An Bord Pleanala within *four weeks* beginning on the date of the making of the decision by the Planning Authority. *An Appeal to An Bord Pleanala will be invalid unless it is accompanied by the appropriate fee. (Please refer to the attached guide for fees payable to An Bord Pleanala).* Appeals should be addressed to: *An Bord Pleanala, 64 Marlborough Street, Dublin 1.* 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 or structure proposed to be retained and the date of the decision of the Planning Authority should be stated. The acknowledgement of receipt of a valid submission/objection as issued by the Planning Authority should also be submitted with the appeal.

SCHEDULE (Continued)

SCHEDULE (1)

Having regard to the nature, extent and location of the proposed development, the planning history on site and to any submissions received in relation to the application, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.

SCHEDULE (2)

Permission to change use of existing domestic shed to a micro aquaculture hatchery facility. The development also includes the provision of saltwater intake/outlet pipe. A recirculating aquaculture system including water filtration and UV treatment and conical shellfish holding tanks will be installed within existing shed

1. The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 20/10/17 & 08/12/17 except for any alterations and/or modifications specified in this decision.

Reason: To regulate and control the layout of the development.

2. Prior to the commencement of development, the developer shall pay a contribution of €225 to Kerry County Council (Planning Authority) in respect of Roads & Transport and Community & Amenity infrastructure benefiting the development.

This contribution is broken down as follows:

Roads & Transport	-	€116.25
Community & Amenity	-	€108.75

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and may be increased from January 1st 2019 and annually thereafter (unless previously discharged) in line with the Wholesale Price Indices – Building and Construction (Capital Goods) as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

3. Proposed development shall be in accordance with the design drawing received on 20/10/17

Reason: To integrate the structure into the surrounding area.

4.
 - (i) The discharges of the sea water used in the hatchery process require a discharge license. The applicant shall obtain same prior to the commencement of any development on site

PLANNING AND DEVELOPMENT ACT, 2000 - 2017

Reference No. in
Planning Reg. 17/1044

SCHEDULE (Continued)

- (ii) Suitable measures shall be implemented in advance of any development works commencing on site to ensure that polluting matter of any type including materials during ground works, excavations and pipe laying are not discharged to any watercourses.
- (iii) Any fuels, lubricants and hydraulic fluids for equipment used on site shall be stored within bunded storage areas and away from any watercourses.
- (iv) Particular care shall be taken with regard to **noise sensitive locations** in the area during the construction and development stage. All relevant noise and safety regulations shall be complied with. The operations on site shall not give rise to any noise nuisance at the nearest or any other NSLs (noise sensitive locations) in the area. In the event of complaints being received regarding alleged noise or nuisance from the development, upon investigation, such complaints are found to be justifiable; the applicant shall be liable for all costs incurred by the Planning Authority in investigation of the complaint.
- (v) Upon receipt of a written notification from the Planning Authority, the applicant shall retain the services of an acoustic specialist or engineer to establish the cause of the noise or nuisance and the remediation measures required in order to abate said nuisance and details of the measures proposed shall be provided to the Planning Authority for approval. The applicant shall ensure that all such measures are complied with and shall be liable for all costs incurred therein.
- (vi) In the event of concerns regarding the quality of the waters adjacent to any of the proposed location works, the developer shall arrange to have **physical, chemical and biological monitoring** of the surface water carried out as agreed in advance by Kerry County Council Environmental Department

Reason: In the interest of public health and to prevent pollution.

5. Under no circumstances shall the applicant/developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening licence.

Reason: In order to protect public property.

6. No water from the proposed development shall be allowed to flow onto the public road surface, but shall be collected and diverted to discharge to existing watercourse or to a soak pit within the site.

Reason: To avoid a traffic hazard and protect public property.

7. Any external lighting shall be properly cowled and directed away from the public roadway, and shall also not be visible from any point more than 100 metres away from the light.

Reason: In the interests of traffic safety and to control light pollution in the rural environment.

8. The existing dwelling house and subject shed/garage shall remain as one integral unit under one ownership and neither property shall be disposed of as a separate entity.

Reason: To regulate and control the density of development on this site in the interest of orderly development.



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Registered Post

Ref: LOD/CD

28th March, 2018

Michael O'Shea,
Cliff Road,
Murreigh,
Waterville,
Co. Kerry

Re: Local Government (Water Pollution) Acts 1977 to 2007 – Licence No. W199

Dear Mr. O'Shea,

I refer to the application submitted by you for a licence under Section 4 of the Local Government (Water Pollution) Acts, 1977 and 1990 for the discharge of trade effluent from an aquaculture hatchery premises at Murreagh, Waterville following treatment (filtration and uv disinfection) to waters at Ballinskelligs Bay.

Following consideration of the review, Licence No. W199 has been granted to permit the discharge of treated effluent in respect of which the application was submitted, in accordance with the conditions attached to the licence, and is enclosed herewith. It should be noted that the conditions attached to the licence are binding on any person discharging or causing or permitting the discharge of effluent to which the licence relates.

It should further be noted that any person may appeal against the decision on the application to An Bord Pleanála under Section 8 of the Local Government (Water Pollution) Act, 1977 as substituted in 1990, within one month beginning on the date of the grant of the licence which herein is 27th March, 2018. An appeal to the Board will be invalid unless it is accompanied by the prescribed fee which is available from An Bord Pleanála. The appropriate address to which an appeal should be forwarded is An Bord Pleanála, 64 Marlborough St., Dublin 1.

Yours sincerely,

Liz O'Donnell,
Administrative Officer,
Environmental Services

FORM NO. 1

ARTICLE 12

LOCAL GOVERNMENT (WATER POLLUTION) ACTS 1977 - 2007
LICENCE TO DISCHARGE TRADE OR SEWAGE
EFFLUENT TO WATERS

KERRY COUNTY COUNCIL

Reference No. in Register: -

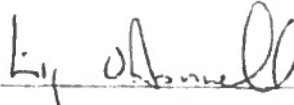
W199

TO: Michael O'Shea,
Cliff Road,
Murreagh,
Waterville,
Co. Kerry

The Kerry County Council in exercise of the powers conferred on it by the Local Government (Water Pollution) Act, 1977 grants a licence dated the 27th March, 2018 Reference No. W199 to discharge of trade effluent from an aquaculture hatchery premises at Murreagh, Waterville following treatment (filtration and uv disinfection) to waters at Ballinskelligs Bay.: -

Schedule of Conditions Attached

Dated this 28th day of March 2018


Administrative Officer

W199: Michael O'Shea, Cliff Road, Murreagh, Waterville, Co. Kerry

SCHEDULE OF CONDITIONS – Native Purple Sea Urchin Hatchery

1. The re-circulated waters generated during the Sea Urchin Hatchery process shall be discharged from the Re-circulating Aquaculture System (RAS) reservoir to the piped drain as outlined in the application form submitted on the 23rd January 2018 (Drawing number 1004 dated 13/09/2017).
2. This re-circulated salt water/waste water shall be discharged to the existing surface water drain via a 100 mm diameter uPVC pipe.
3. The Licensee shall maintain a register of all waste by-products from the process removed off-site. The register shall include details of the quantities of waste by-products removed, the dates on which it was removed and details of the contractor(s) engaged in its removal including the final destination and treatment.
4. The Licensee is at all times responsible for the management of the discharges from the premises.
5. The final discharges from the hatchery shall pass through a sampling station. The construction details of the station, and its location, shall be agreed with the Licensing Authority in advance of the commencement of the discharge.
6. During the peak processing season, the licensee shall arrange for sampling and analysis of the discharge to be carried out on 2 occasions to determine the quality of the process waters discharged. This sampling and analysis shall be carried out by an independent and experienced person or company. This company shall be adequately equipped to carry out the required monitoring, and be competent in this monitoring either by experience or by qualification. The result of this analysis shall be forwarded to our office.
7. The discharge waters when sampled at the sampling location referred to in Condition 5 above shall not breach the following Emission Limit Value (E.L.V.) standards.

Parameter	E.L.V
B.O.D. ₅	5 mg/l
Nitrate as mg/l N	<0.035
Suspended Solids	25mg/l
Temperature	Not greater than 1.5°C of ambient temperature of receiving waters
pH	6.0 – 9.0 pH units

8. The outfall will be positioned 20 metres above Mean High Water Spring Tide and 25 metres above Mean Low Water Spring Tide
9. In the event that the Licensing authority deems that additional UV Filtration or disinfection of the final discharge is required, then the licensee shall, on receipt of such instruction, install and operate the necessary apparatus at the licensee expense.
10. Any mortalities occurring within the system shall be disposed of in an environmentally safe manner and in accordance with the requirements of all relevant legislation.
11. The discharge shall be free of any or all veterinary or therapeutic products.
12. The Licensing Authority, its servants, employees and/or agents shall have free and unhindered access to the site at all times for the purpose of taking samples, making notes, taking photographs and any other functions necessary to determine compliance or otherwise by the licensee with the condition of this licence. The Licensing Authority shall be provided with any/all keys necessary for free and unhindered access by the licensing authority, its servants, employees and/or agents to undertake any of these functions
13. The Licensee shall keep a record of all complaints relating to emissions from the activity in the form of a complaint log which should be maintained on-site for review by the Licensing Authority. Each record shall give details of the date and time of the complaint, the name of the complainant and the exact nature of the complaint in a complaint log maintained on the site. A record shall also be kept of the response (if any) to each complaint.
14. The Licensee shall pay to the Licensing Authority, on demand, an annual contribution towards any costs that may be incurred by the Licensing Authority in monitoring the discharge (including inspection, sampling/analysis, auditing, assessing monitoring reports etc.)
15. Should the Licensing Authority deem it necessary to carry out its own monitoring of the discharge, or retain the service of an independent company to carry out monitoring on its behalf, the Licensee shall contribute such sums as determined by the Licensing Authority to defray the Licensing Authority's costs.
16. If deemed necessary by the licensing authority, the licensee shall arrange to have biological and chemical monitoring carried out on the Receiving water course at a location/locations stipulated by the licensing authority and the interpretive report prepared and submitted to the authority within the required timeline. The licensee shall be liable for any and all costs associated with the carrying out of such monitoring.

Séirbhísí Comhshaoil

Sráid na Mainge,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Environmental Services

Maine Street,
Tralee, Co. Kerry.

Guthán | Tel 066 7162000 Facs | Fax 066 7162001 Rphost | Email environ@kerrycoco.ie | reportlitteroffences@kerrycoco.ie Sulomh | Web www.kerrycoco.ie

17 September 2018

Michael O'Shea
Cliff Road
Waterville
Co. Kerry

Re: Additional Species – Discharge License Reference W199

Dear Michael

Discharge License Reference W199 was issued by Kerry County Council on 27th March 2018 to you for a premise at Cliff Road, Waterville, Co. Kerry. The license was granted with respect to the discharge of treated re-circulated sea waters used in a hatchery process.

I refer to your letter dated 14th September 2018. The additional species you outlined of Native Flat Oyster & Scallop have now been included to your discharge license.

There shall be no changes to the organic loading or discharge rate from the addition of these species.

If you have any queries regarding the above please don't hesitate to contact me at 066 7162000 or email stuart.roche@kerrycoco.ie

Yours sincerely,

Stuart Roche
Enforcement Officer
Environmental Services
Kerry County Council



GAEILGE AGUS FÁILTE



Surveyed 1841
Revised 1896
Levelled

Record PLACE Map



448301
567810



565994



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

Plot Ref. No. 19754720_1
Plot Date 02-AUG-2017

ITM CENTRE PT COORDS
449531.566902

DESCRIPTION

MAP SHEETS

6 inch
KY097 KY098



Area shown on and below is based on Ordnance Survey data. The data is the property of Ordnance Survey and is reproduced here by permission of Ordnance Survey. All rights reserved. No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

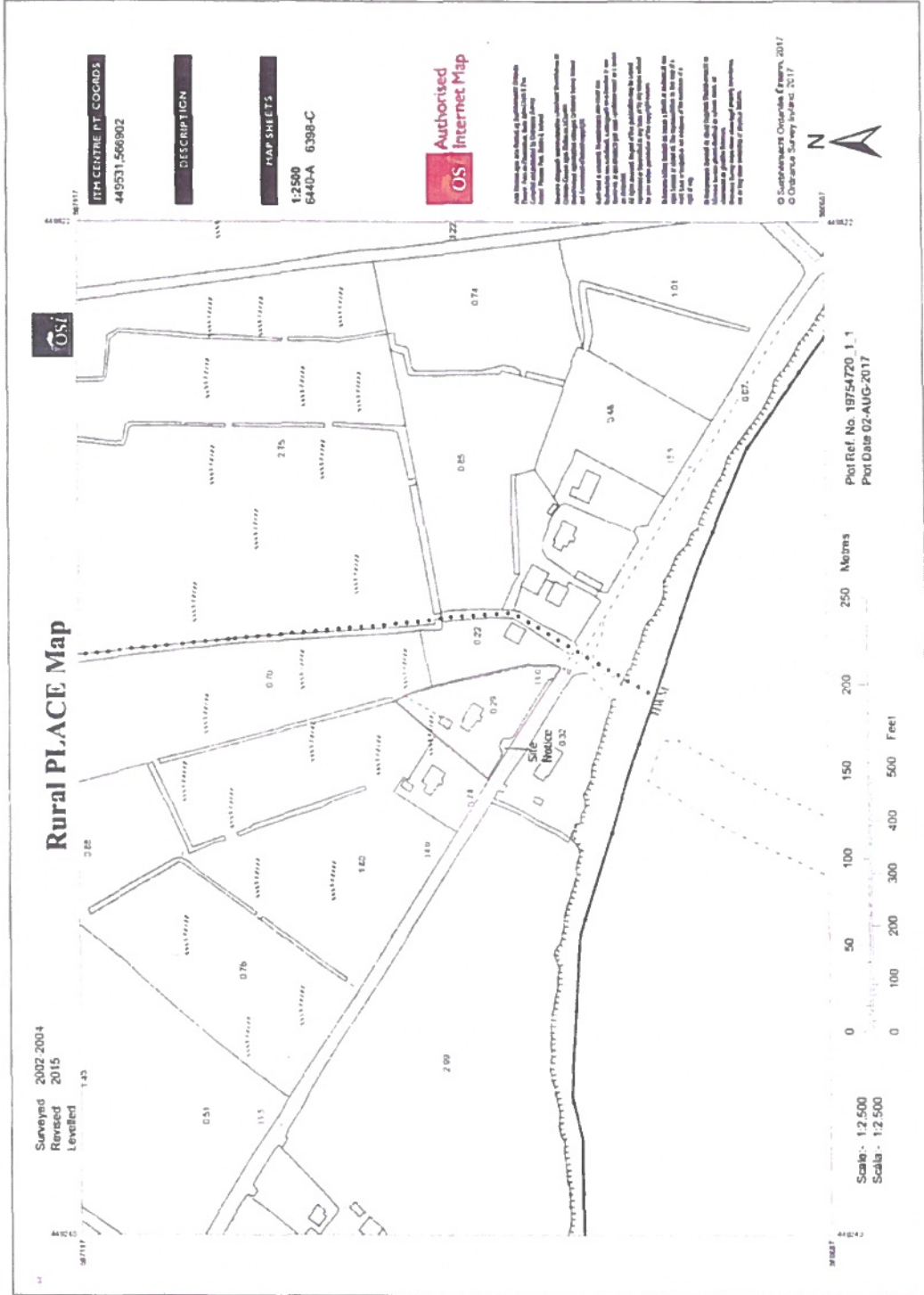
Each inch of contour is 10 metres. The contour interval is 10 metres. The map is a plan view and does not show any relief. The map is a plan view and does not show any relief. The map is a plan view and does not show any relief.

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567810

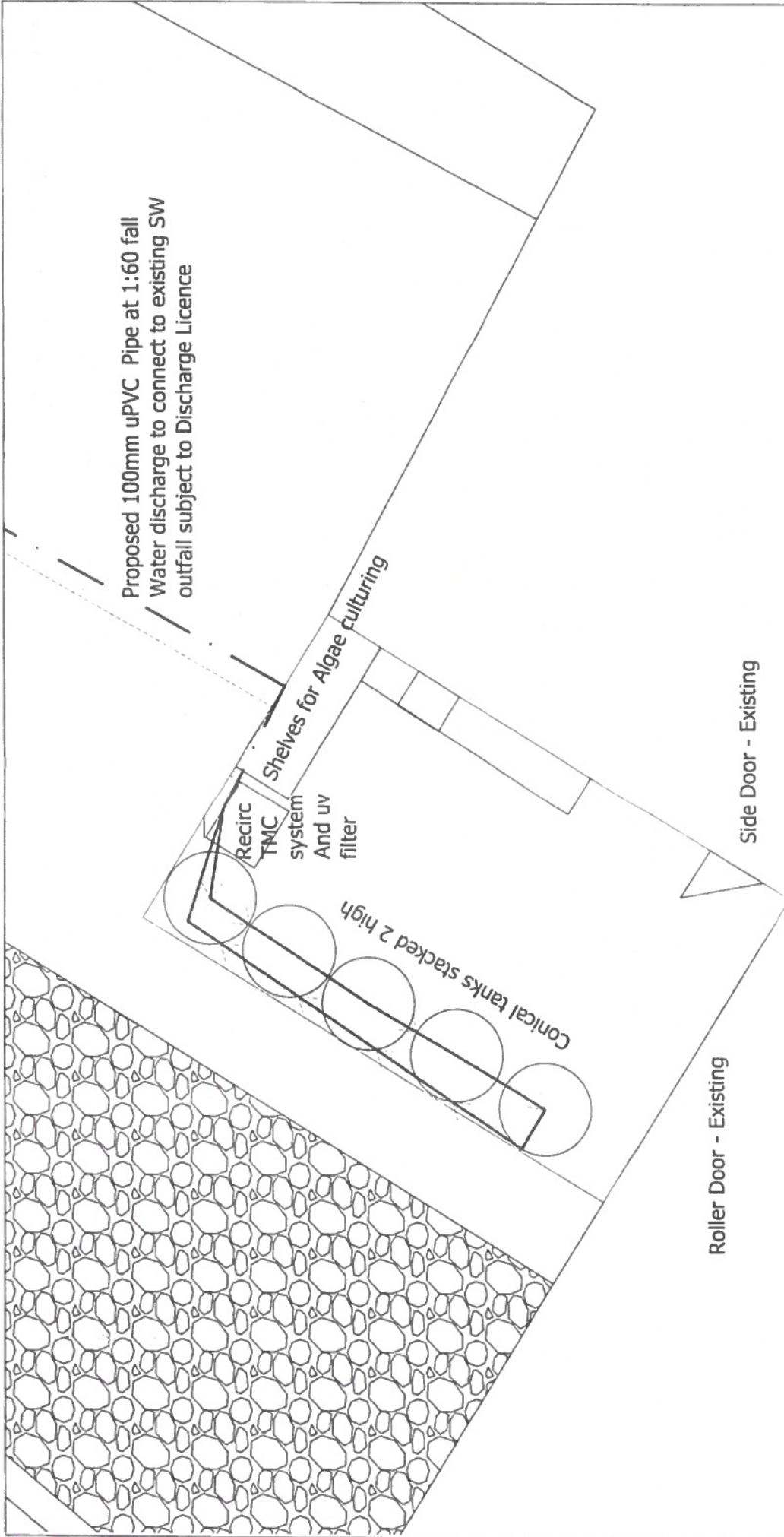


Client	Michael D'Shea
Project	Cliff Road
Draw No	1001
Revision	B
By	MDS
Issue For	Planning
Date	07/12/2017
M. D'Shea Chartered Engineer, C. Eng B. Eng., M. EngSc., PhD	

Site Location Map

Scale(A3) : 1:2500

- Notes:
- All units are in m (UNO).
 - Site Ownership in Blue Outline
 - Planning Boundary in Red Outline
 - Site Location Co-ords ITM 449531.566902



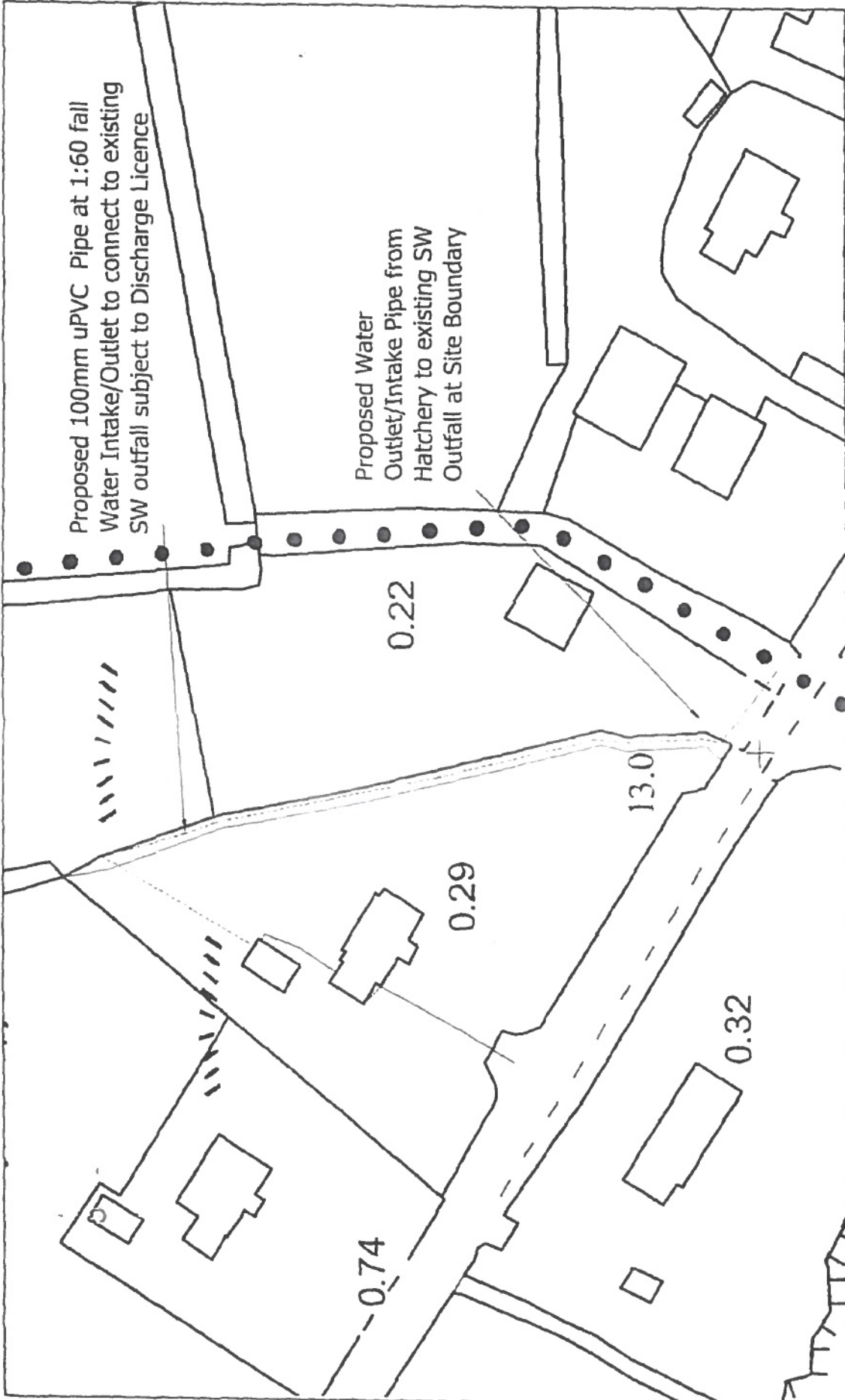
Notes:
1. All units are in m (UNO)

2.

Micro Hatchery Plan

Scale(A3) : 1:100

Client	Michael D'Shea
Project	Cliff Road
Drw No	1003
Revision	A
By	MDS
Issue For	Planning
Date	13.09.2017
M. D'Shea Chartered Engineer, C. Eng B. Eng, H. Eng.Sc., Ph.D.	

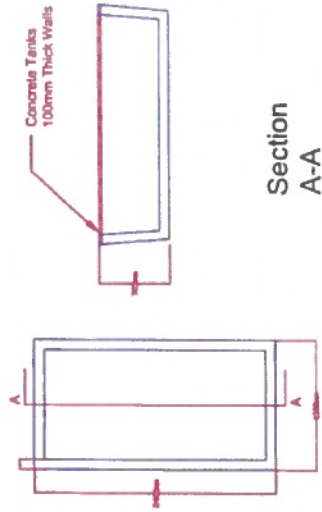


Client	Michael O'Shea
Project	Cliff Road
Dwg No	1004
Revision	A
By	MIS
Issue For	Planning
Date	13/09/2017
H. O'Shea Registered Engineer, C. Eng B. Eng, H. Cons., Phil.	

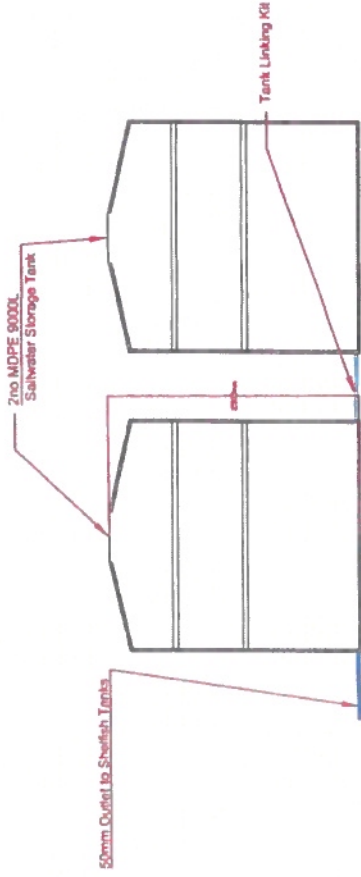
Services Plan

Scale(A3) : 1:500

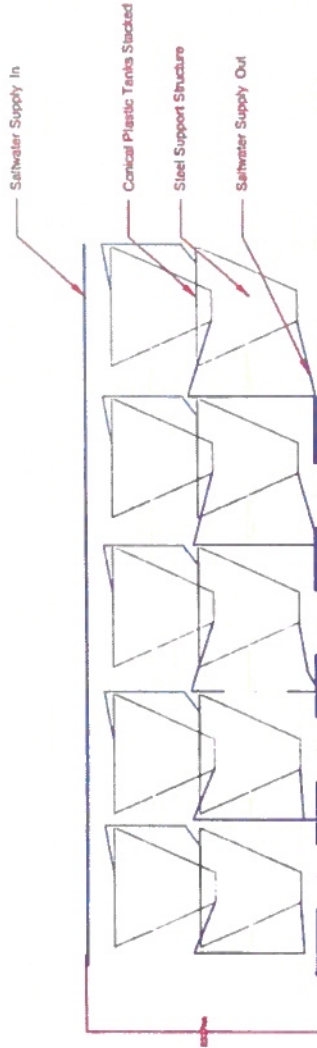
Existing LV Mains Power	---
Existing Water Supply	---
Existing SW Drainage Ditch	---
Existing SW Culvert	---
Proposed Salt Water Intake/Discharge	---



External Tank Concrete (10no. total)
Elevation



Salt Water Storage
Elevation



Conical Tank Elevation

Notes:

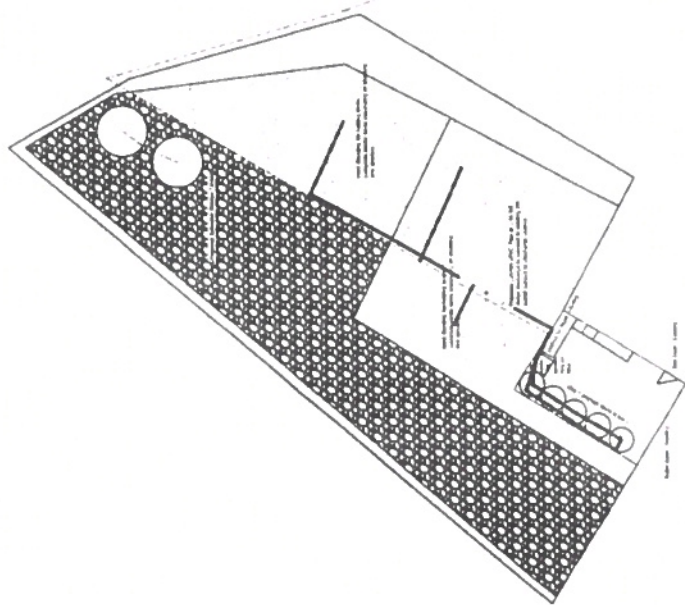
1. All units are in m (UNO).

2.

Micro Hatchery Tank Details

Scale(A3) : 1:100

Client	Michael O'Shea
Project	Cliff Road
Draw No	1005
Revision	A
By	MOS
Issue For	License
Date	02.03.2018
M. O'Shea Chartered Engineer, C. Eng B. Eng, M. Eng.Sc., Ph.D.	



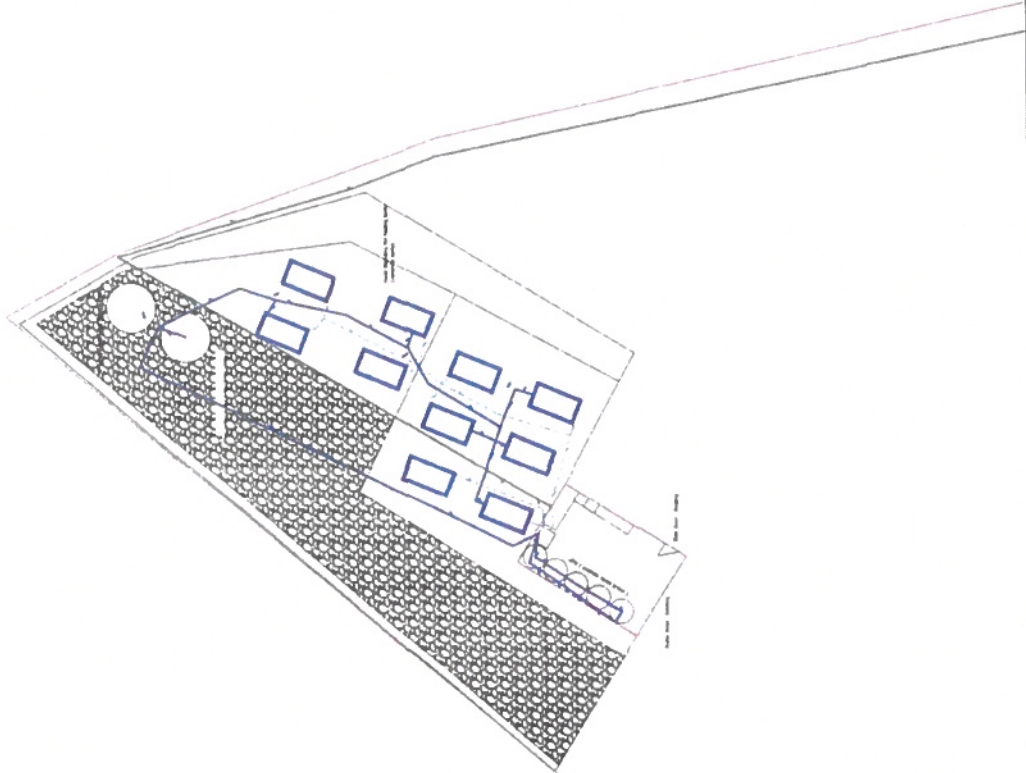
Site Plan

Scale(A3) : 1:250

Client	Michael D'Shea
Project	Cliff Road
Draw No	1006
Revision	A
By	MDS
Issue For	License
Date	13.09.2017
M. D'Shea Professional Engineer, C. Eng B. Eng, M. EngSc, PhD.	

Legend

Existing LV Mains Power	—
Existing Water Supply	—
Existing SW Drainage Ditch	—
Existing SW Culvert	—
Proposed Salt Water Intake/Discharge	—



Legend

- Salt Water Supply
- Salt Water Return
- Salt Water Discharge

Site Plan

Scale(A3) : 1:250

Client	Michael D. Shea
Project	Cliff Road
Draw No	1006
Revision	B
By	MDS
Issue For	License
Date	02/05/2018
Michael D. Shea, Engineer, C. Eng. B. Eng., M. EngSc., PhD.	

SCHEDULE 2

Schedule 2 contains:

- The annual production of Sea Urchin (*Parcentrotus Lividus*) Scallops (*Pectin Maximus*) and Flat Oysters (*Ostrea edulis*) shall not exceed 100,000 Juveniles at various gradings.

SCHEDULE 3

Specific Condition:

In order to be able to assess and manage the potential risk of the introduction of invasive non-native species the Marine Institute recommends that the initial source of seed and other sources which may be used at any point in the future should be approved by the Minister.