



Department of
**Agriculture,
Food and the Marine**

An Roinn
**Talmhaíochta,
Bia agus Mara**

T01/64/1

AQUACULTURE LICENCE

1028

AQUACULTURE LAND BASED FINFISH
(FRESHWATER)

Dundalk Salmon Anglers Association

19 Waterview

Lower Point Road

Dundalk

Co Louth

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T01/64/1

AQUACULTURE LICENCE NO. 1028

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:

Dundalk Salmon Anglers Association

19 Waterview

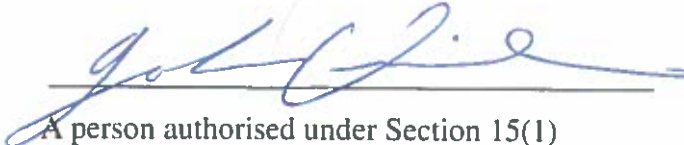
Lower Point Road

Dundalk

Co Louth

(hereinafter referred to as the "Licensee") for the cultivation of unfed salmon fry and unfed sea trout on a site at Stephenstown, Knockbridge, Co. Louth 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 30th August 2017, and only so long as the fish farm complies with the planning permission granted by Louth County Council on 27 November 1999 (ref 99653) 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: Unfed Sea Trout and unfed Salmon fry from the river Fane and no fish other than Unfed Sea Trout and unfed Salmon fry from the river Fane shall be bred and handled at this site.

2.2. Method: Land based 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 to the site shall comply with the legislation relating to fish health.

Such precautions shall be taken by the Licensee as the Minister may specify from time to time in relation to the introduction of sea trout and salmon (including ova) into the hatchery, including disease free certification and any adaption of methods of operation or type of installation at the hatchery.

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.

The fish farm shall continue to be operated in a sustainable manner.

- 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.

Waste Management

- 3.7. 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.

No poor quality water is to be discharged into the nearby watercourse.

Inspection

- 3.8. 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.
- 3.9. 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.
- 3.10. 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.

3.11. 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 from its site at Stephenstown, Knockbridge, Co. Louth and shall notify the Department of Agriculture, Food and the Marine, Clogheen, Clonakilty, Co. Cork, the Department's Regional 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.

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 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. The Licensee shall notify the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division) National Seafood Centre, Clonakilty Co. Cork and the Fish Pathology Unit, of the Marine Institute, within twenty-four hours of the appearance or suspected appearance of any disease

or abnormal losses or mortalities at the hatchery and shall send samples to the Fish Pathology Unit in as and when requested to do so and shall comply with any directions issued by the Marine Institute including the treatment, disposal or destruction of stocks of fish at the hatchery in the interests of safeguarding the stocks of fish in the State.

No sea trout or salmon (including ova or fry thereof) shall be sold or disposed of to any person or in any way transferred outside the hatchery save in accordance with the prior written consent of the Marine Institute.

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 29th August, 2027 and only so long as the fish farm complies with the planning permission granted by Louth County Council on 27 November 1999 (Ref: 99653).

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**
- **Map of Licensed site**

LOUTH COUNTY COUNCIL

To: DUNDALK SALMON ANGLERS
C/O HUBERT SMITH
GREEN ROAD
DROMISKIN
DUNDALK

Planning Section,
County Offices,
The Crescent,
Dundalk.

Tel: 042/35457
Fax: 042/30680

Date: 27/11/99

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 - '93

(Notification of Grant of Permission)

Register Reference No. 99653
D. Application Received 16/06/99
Type of Application Permission
Description of Development HATCHERY & CAR PARK

Name and address of Applicant
DUNDALK SALMON ANGLERS
C/O HUBERT SMITH
GREEN ROAD
DROMISKIN
DUNDALK

Location Address
STEPHENSTOWN
KNOCKBRIDGE
DUNDALK

Permission is hereby granted for the development described above, subject to the conditions set out in the Schedule attached hereto number 1 - 4 incl.


K. Lawless,
Staff Officer.

NOTES

- (1) An outline permission does not authorise the carrying out of any development until approval to detailed plans has been obtained.
- (2) Unless otherwise specified in the decision and subject to certain exceptions, a permission (including an outline permission) will, on the expiration of the period of 5 years beginning on the date of grant, cease to have effect as regards -
- in case the development is not commenced during that period, the entire development, and
 - in case the development is commenced during that period, so much thereof as is not completed within that period.

LOUTH COUNTY COUNCIL

To: DUNDALK SALMON ANGLERS
C/O HUBERT SMITH
GREEN ROAD
DROMISKIN
DUNDALK

Planning Section,
County Offices,
The Crescent,
Dundalk.

Tel: 042/35457
Fax: 042/30680

Date: 27/10/99

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 - 1993

(Decision to Grant)

Register Reference No. 99653
Date Application Received 16/06/99 Validation Received 12/07/99
Type of Application Permission
Description of Development HATCHERY & CAR PARK

Name and address of Applicant
DUNDALK SALMON ANGLERS
C/O HUBERT SMITH
GREEN ROAD
DROMISKIN
DUNDALK

Location Address
STEPHENSTOWN
KNOCKBRIDGE
DUNDALK

Date of Decision 27/10/99

In pursuance of the powers conferred upon it by the above mentioned Acts, the Council of The County of Louth, being the Planning Authority for the County of Louth, has decided to grant Permission for the development described above, subject to the conditions set out in the Schedule attached numbered 1 - 4 (incl.)

An Appeal against this decision may be made to An Bord Pleanála by any person in accordance with the instructions set out on the attached sheet within the time limits specified.

If no appeal is taken against this decision, a grant of Permission will be made on the expiration of the period for making of an appeal by the applicant. If an appeal/appeals is/are taken, the grant shall not be made unless the appeal or, as the case may be, each appeal is either

- a) withdrawn
- b) dismissed by the Board or
- c) is subject to a Direction by the Board

I.B. UNTIL THE GRANT IS MADE THE DEVELOPMENT IN QUESTION IS NOT AUTHORISED

No development may be carried out on foot of an Outline Permission until an approval has been obtained)

Lawless,
Staff Officer.

LOUTH COUNTY COUNCIL

REFERENCE: NO. 99653

CONDITIONS

1. The proposed toilet block shall be omitted from the proposed development and shall therefore not be put in place.

Reason: In the interests of the proper planning and development of the area.

2. (a) The proposed vehicular entrance shall not be put in place and shall therefore be omitted from this development.

Reason: In the interests of the proper planning and development of the area.

(b) Entrance to the proposed hatchery and car park shall be by way of the existing vehicular entrance in the control of Dundalk Urban District Council, prior to the commencement of development.

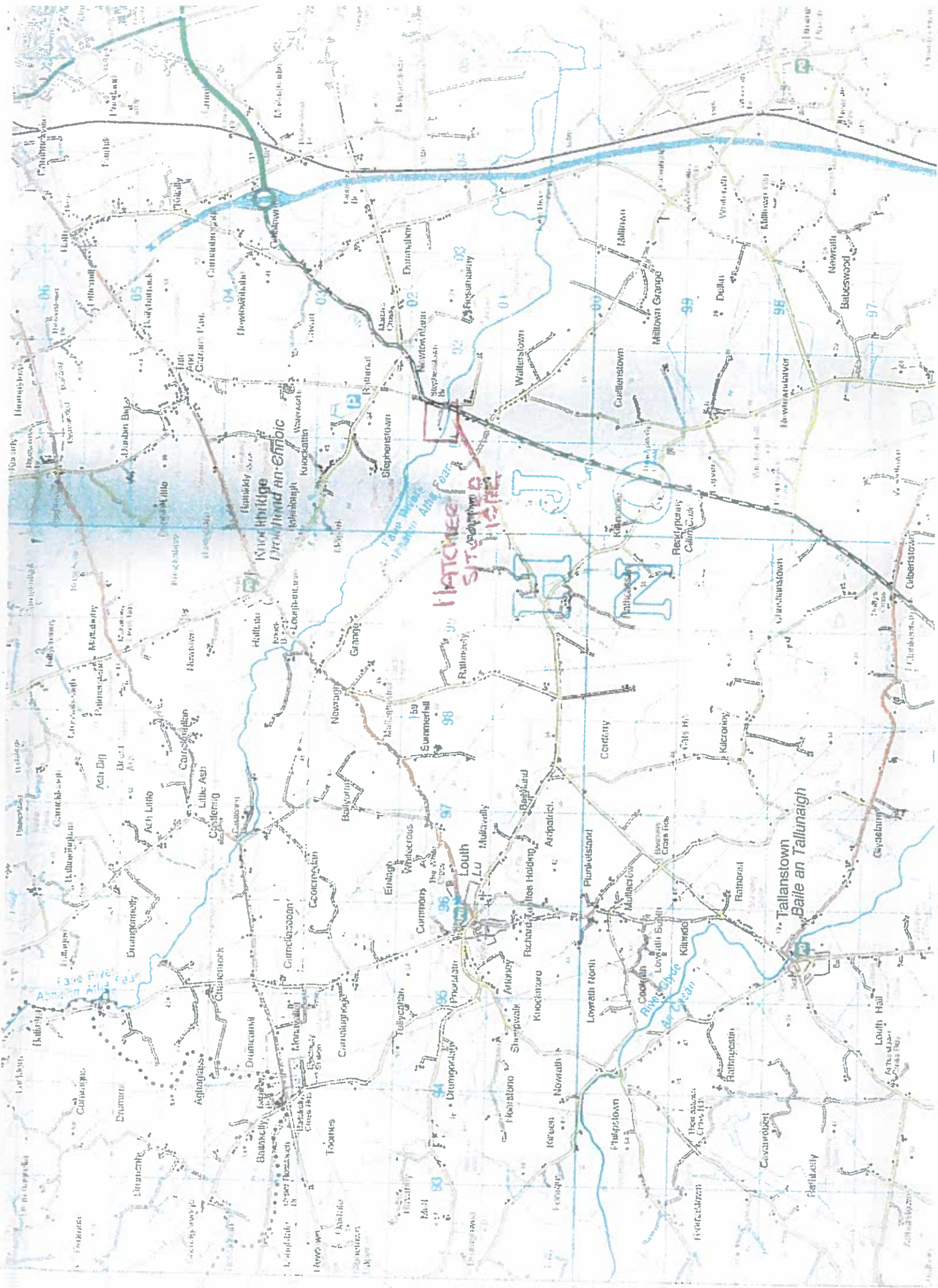
Reason: In the interests of the proper use of this entrance which is not in the control of the applicants.

3. Contaminated surface water shall not discharge to the River Fane. A petrol/oil interceptor shall be placed to serve the car parking areas. Surface water shall be discharged to soakpits/soakaways.

Reason: In order to prevent pollution.

4. During the course of construction work the developer shall provide on site a covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

Reason: In the interests of the visual amenity of the area.



NEW BRIDGE
DRUMAHIRE AN ERIBIC

HATCHES
STITCHES

IN

Tallinn
Baile an Tallnigh

Schedule 2

- The annual production for this site shall not exceed 100,000 unfed sea trout and salmon fry. The production of unfed salmon fry may not exceed 50,000.
- Fish produced at the hatchery shall be used only for restocking the river Fane.