



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

An Roinn  
**Talmhaíochta,  
Bia agus Mara**

**T25/5**

**AQUACULTURE LICENCE**

**AQUACULTURE LAND BASED FINFISH**  
**(FRESHWATER)**

**1133**

**Bord na Móna PLC**

**Main Street,**

**Newbridge,**

**Co Kildare**

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**AQUACULTURE LICENCE NO. 1133**

**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:

**Bord na Móna PLC**  
**Main Street,**  
**Newbridge,**  
**Co Kildare**

(hereinafter referred to as the “Licensee”) for the cultivation of Rainbow Trout, Brown Trout, Perch and Common Duckweed on a site at Drumcaw or Mountlucas, Derrycricket, Brackagh, Tullamore, Co. Offaly 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 1<sup>st</sup> May 2018, and only so long as the fish farm complies with the planning permission granted by Offaly County Council on 13<sup>th</sup> July 2016 (ref PL2/16/66) as specified in Schedule 1 attached, the Local Government (Water Pollution) Acts licence to discharge effluent granted by Offaly County Council on 26<sup>th</sup> September 2016 (ref WP/W43/16) (or a further such licence granted by the said Council or by the Environmental Protection Agency).



A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to be 'John C. J. ...'.

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: Rainbow Trout, Brown Trout, Perch and Common Duckweed and no fish other than Rainbow Trout, Brown Trout, Perch and Common Duckweed 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 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 from its landbased site 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 as specified in *Schedule 3*.

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.

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 30<sup>th</sup> April 2028 and only so long as the fish farm complies with the planning permission granted by Offaly County Council on 13<sup>th</sup> July 2016 (ref PL2/16/66), the Local Government (Water Pollution) Acts licence to discharge effluent granted by Offaly County Council on 26<sup>th</sup> September 2016 (ref WP/43/16) (or a further such licence granted by the said Council or by the Environmental Protection Agency).

**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:**

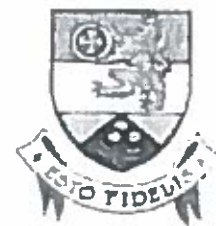
- **a copy of planning permission granted for the premises**
  - **a copy of the effluent discharge licence granted for the premises**
  - **a map of the licensed area**
-

## Offaly County Council

Áras an Chontae, Charleville Road,  
Tullamore, Co. Offaly, R35 F893

## Comhairle Chontae Uíbh Fhailí

Áras an Chontae, Bóthar Charleville,  
An Tulach Mhór, Contae Uíbh Fhailí, R35 F893.



057 9346800 057 9346868 [www.offaly.ie](http://www.offaly.ie) [customerservices@offalycoco.ie](mailto:customerservices@offalycoco.ie)

BORD NA MONA PLC  
C/O MATTHEW GREENE  
BORD NA MONA  
LEABEG  
TULLAMORE, CO. OFFALY

14/07/2016

Re: PL2/16/66

Dear Sir / Madam,

I enclose herewith, Grant of Planning Permission in the above.

Where applicable, a Copy of Chief Fire Officers's report is also enclosed.

Please be aware of your obligation to submit a Commencement Notice. More information regarding this process can be found on the Local Government Services website at [www.localgov.ie/en/link-type/bcms](http://www.localgov.ie/en/link-type/bcms)

To avail of the most up to date information regarding Building Control compliance, please refer to the information provided by the Department of the Environment and Local Government on their website at <http://www.environment.ie/en/Legislation/DevelopmentandHousing/BuildingStandards/FileDownload,42563.en.pdf>


For guidance for homeowners undertaking construction work, please refer to the Health and Safety Authority website at [www.hsa.ie](http://www.hsa.ie)

Please also note:

- (a) All Development Contributions must be paid before development commences, otherwise development will be unauthorised.
- (b) A Waste Permit may be required for certain developments. Further information in relation to this is available from the Environment Section of Offaly County Council on (057) 9346895.

Please remove the site notice erected in respect of the above planning application.

Yours faithfully,

  
\_\_\_\_\_  
Administrative Officer  
Planning

**OFFALY COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED**  
**PLANNING AND DEVELOPMENT REGULATIONS 2001, AS AMENDED**

**NOTIFICATION OF GRANT**

Planning Section  
Áras an Chontae  
Charleville Road  
Tullamore  
Co. Offaly

**TO:** BORD NA MONA PLC  
C/O MATTHEW GREENE  
BORD NA MONA  
LEABEG  
TULLAMORE, CO. OFFALY

**Planning Register Number:** 16/66  
**Application Receipt Date:** 11/03/2016  
**Further Information Received Date:** 09/05/2016

Notice is hereby given that in pursuance of the powers conferred upon them by the above-mentioned Acts, Offaly County Council has by order dated 03/06/2016 **GRANTED PERMISSION** to the above named, for the development of land, in accordance with the documents lodged, namely:-

A SMALL TRIAL AQUACULTURE FARM INCORPORATING FOUR FISH PONDS, AQUAPONICS POND ALL CONNECTED USING INTERLINKING OPEN CHANNELS. THE DEVELOPMENT WILL ALSO INCLUDE A SMALL CABIN TO HOUSE MONITORING EQUIPMENT, WATER WELL, PUMP HOUSE, LANDSCAPING AND ASSOCIATED SITE DEVELOPMENT WORKS AT DRUMCAW OR MOUNTLUCAS, DERRYCRICKET, BRACKAGH, TULLAMORE, CO. OFFALY

**Subject to the 9 conditions set out in the Schedule attached.**

In deciding the planning application, the Planning Authority had regard to submissions or observations received in accordance with the Regulations.

Signed on behalf of said Council

Date: 13/7/16

Sky  
ADMINISTRATIVE OFFICER

**OUTLINE PERMISSION** is subject to the permission consequent on the grant of outline permission of the Planning Authority. Until such permission has been obtained to the detailed plans, the proposed development is not authorised.

**NOTE:** The permission herein granted shall expire on the expiration of the period of **FIVE YEARS** beginning on the date of the granting of permission.

**File Reference: PL2/16/66**

Application for permission for a small trial aquaculture farm incorporating four fish ponds, aquaponics pond all connected using interlinking open channels. The development will also include a small cabin to house monitoring equipment, water well, pump house, landscaping and associated site development works at Drumcaw or Mountlucas, Derrycricket, Brackagh, Tullamore, Co. Offaly – Bord Na Mona PLC.

**FIRST SCHEDULE**

Having regard to the nature and scale and use of the proposed development, the policies, objectives and standards of the current Development Plan, the issues raised in the planning assessments, referral reports, site inspection and the existing pattern of development in the vicinity, it is considered that, subject to the conditions in the Second Schedule, that the development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise accord with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

1. The development shall be carried out in accordance with plans and particulars submitted to the Planning Authority on the 11/03/2016 and amended by revised details submitted on 9/05/2016, except where altered or amended by conditions in this permission.

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

2. The aquaculture fish farm shall be removed within five years of the grant of this planning permission, and the site shall be returned to its previous condition, unless before that date a further permission is obtained for the retention of the development.

**Reason:** In the interest of proper development.

3. During the course of construction work the developer shall comply with the following:
  - a. Advance notice shall be given by the developer to Inland Fisheries Ireland of the proposed commencement of site works.
  - b. All watercourses within the subject site which have to be traversed during the construction process shall be effectively bridged prior to commencement of works.
  - c. When cast-in-place concrete is required, all works shall be undertaken in the dry and effectively isolated from entering any receiving surface water drains, streams or watercourses for an appropriate period sufficient to cure the concrete.
  - d. Concrete delivery vehicles shall be precluded from washing out at locations that could result in a discharge to surface waters.

Contd/...

Contd/...

**File Reference:** PL2/16/66

- e. Where cement or lime is stored on site, it shall be held in a dry secure area.
- f. No deleterious or polluting matter shall be held in any areas likely to flood, and likewise, all earthmoving and construction activities shall be controlled so as to ensure no loss or washout of any deleterious or polluting matter to waters.
- g. All oils and fuels used on or within the site shall be stored in secure bunded areas.
- h. Servicing including refuelling of plant and equipment shall only be undertaken on impermeable hard standing areas.
- i. All plant and equipment used within the subject site shall carry spill clean-up kits and not be allowed to operate if there is evidence of leakage or damaged oil seals.
- j. Where temporary diesel or petrol driven pumps are used within the site, they shall be positioned within portable bunded units.
- k. All stock piles of materials to be used or arising in the construction works shall be covered with sheeting to prevent washout during rainfall of fines to the surface waters.
- l. Construction plant, vehicles, pumping equipment, etc. likely to be used at or adjacent to waters during the construction process shall be subjected to high pressure steam cleaning prior to usage so as to prevent the spread of hazardous invasive species and pathogens.
- m. Safe and secure access to inspect the site and associated lands and facilities shall be provided to officers of Inland Fisheries Ireland, the National Parks and Wildlife Service and Offaly County Council.
- n. No discharges of environmental significance shall be made during the construction stage from the development to surface waters or to groundwater.

**Reason:** To avoid environmental pollution in the interests of public health and orderly development.

4. During the course of operation of the site the developer shall comply with the following:
  - a. No introduction of fish or duckweed to the unit shall take place until the applicant has obtained from Offaly County Council a licence under Section 4 of the Local Government (Water Pollution) Act, 1977 as amended.
  - b. No introduction of fish or duckweed to the unit shall take place until the applicant has obtained an Aquaculture Licence from the Department of Agriculture, Food and the Marine. A copy of this licence shall be submitted to Offaly County Council and Inland Fisheries Ireland prior to the introduction of fish or duckweed to the unit.

Contd/...



Contd/...

**File Reference:** PL2/16/66

- c. All waste including therapeutic and antibiotic residues shall be securely stored and removed off-site by a licensed waste disposal operator, details of which shall receive the written approval of Offaly County Council.
- d. Notwithstanding such conditions as may be imposed by the Department of Agriculture, Food and the Marine, the applicant shall notify Offaly County Council and Inland Fisheries Ireland in the event of any outbreak of disease, loss of stock or mortality at the unit.
- e. A flow meter capable of providing an instantaneous rate of flow, total daily flow and annual daily mean flow shall be positioned so as to allow for the continuous measurement of discharges from the unit.

**Reason:** To avoid environmental pollution in the interests of public health and orderly development.

5. Any consequential damage to the public road and/or footpath shall be made good to the satisfaction of the Planning Authority prior to the completion of the development.

**Reason:** In the interest of orderly development.

6. a) The vehicular access to the site shall be restricted to the location as shown on site layout plan.  
b) The 150m sightlines taken from a point 2.4m back from the near edge of the public road to the near side road edge shall be maintained at all times at the entrance to this site. Nothing shall be planted or sown in front of these sightlines without prior written permission from the local authority to ensure preservation of sight distances at all times.

**Reason:** To preserve the rural amenities of the area and in the interests of traffic safety.

7. Prior to commencement of development, a contribution shall be payable to Offaly County Council, in accordance with the Council's Development Contribution Scheme, in respect of public infrastructure and facilities benefiting development in County Offaly, that is provided or that is intended will be provided by, or on behalf of, the Council.

The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

Contd/...

Contd/...

**File Reference:** PL2/16/66

**Class of Infrastructure:**

<b>Industrial/Commercial Development</b>	<b>Amount of Contribution</b>
A (Amenities)	€112.32
B (Roads)	<u>€223.68</u>
<b>Total</b>	<b>€336.00</b>

**Reason:** It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Offaly County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.

8. All wastes arising from/at this development shall be managed in accordance with the Waste Management Acts 1996 as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.

**Reason:** In the interest of public health and orderly development.

9. a) Noise emissions from construction activity shall not exceed at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) the following:

L <sub>Aeq</sub> (60 minutes)	55dB(A)	8.00 to 20.00.
L <sub>Aeq</sub> (15 minutes)	45dB(A)	20.00 to 8.00.

- b) Noise emissions from construction activity shall not exceed at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) the following:

L <sub>Aeq</sub> (60 minutes)	55dB(A)	8.00 to 20.00.
L <sub>Aeq</sub> (15 minutes)	45dB(A)	20.00 to 8.00.

- c) Audible tonal or impulsive components shall be minimised at any noise sensitive location.

- d) The developer shall take all reasonable measures to mitigate any environmental nuisance (e.g. noise and dust) which may arise during construction. Construction shall take place during working hours 07.00 to 18.30 Monday to Friday and 08.00 to 13.30 Saturday only unless otherwise authorised by the Planning Authority.

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**File Reference:** PL2/16/66

- e) Total dust deposition at the site boundaries shall not exceed 350 mg/m<sup>2</sup>/day averaged over a thirty day period.
- f) In dry weather conditions dust abatement measures during construction stage shall be applied to all loads leaving the site:- dampening the load, covering the load or other appropriate measures. Water spraying of roads shall be carried out as necessary.

**Reason:** In the interests of environmental protection and orderly development.

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## OFFALY COUNTY COUNCIL



### SECTION 4 LICENCE TO DISCHARGE TRADE EFFLUENT TO WATERS LOCAL GOVERNMENT (WATER POLLUTION) ACT 1977, AS AMENDED 1990

**LICENCE NO:** WP/W43/16

**REVIEW DUE:** 2019

**LICENSEE:** Bord Na Móna PLC

**LOCATION OF ACTIVITY:** Mount Lucas Fish Farm, Drumcaw or Mountlucas,  
Derrycricket, Brackagh,  
Tullamore, Co. Offaly

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**GLOSSARY OF TERMS**

Agreement	Agreement in writing
Annually	At least one measurement in any one year
Bi-monthly	Once every two months
Biannually	All or part of a period of six consecutive months
Biennially	Once every two years
CBOD	5 day Carbonaceous Biochemical Oxygen Demand (with nitrification suppression)
COD	Chemical Oxygen Demand
Daily	During all days of plant operation, and in the case of emissions, when emissions are taking place; with no more than 1 measurement on any one day.
Day	Any 24 hour period
Discharge Limits	Those limits specified for a particular parameter in Schedule 1: Discharges of this Licence
Discharge Point	The point from which the discharge occurs.
DO	Dissolved oxygen
Documentation	Any report, record, result, data, drawing, proposal, interpretation or other document, in written or electronic form, that is required by this licence
Incident	The following shall constitute an incident for the purpose of this licence: (i) any discharge that does not comply with the requirements of this licence; (ii) any incident with the potential for environmental contamination of surface water or groundwater, or posing an environmental threat to land, or requiring an emergency response by the Local Authority
The Licensee	Bord Na Móna Fuels PLC
Licensing Regulations	Local Government (Water Pollution) Act, 1977 as amended 1990. Water Policy Regulations, 2003 and amendments. European Communities Environmental Objectives (Surface Waters) Regulations, 2009 as amended 2012.
Local Authority	Offaly County Council

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Maintain	Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to perform its function.
Monthly	At least 12 times per year at approximately monthly intervals
MSDS	Material Safety Data Sheets
Quarterly	All or part of a period of three consecutive months beginning on the first day of January, April, July or October.
Specified discharges	Those discharges listed in Schedule 1: Discharges of this licence.
Standard Method	As detailed in "Standard Methods for the Examination of Water or Wastewater", (prepared and published jointly by A.P.H.A., A.W.W.A & W.E.F.) 20 <sup>th</sup> Edition 1995, American Public Health Association.
Trade Effluent	Effluent from any works, plant or drainage pipe used for the disposal to waters or to a sewer of any liquid (whether treated or untreated), either with particles of matter in suspension therein, which is discharged from premises used for carrying on any trade or industry (including mining), but does not include domestic sewage or stormwater.
Weekly	During all weeks of plant operation, and in the case of emissions, when emissions are taking place; with no more than one measurement in any one week.
WWTP	Wastewater Treatment Plant



### REASONS FOR THE DECISION

Offaly County Council is satisfied, on the basis of information available that, subject to compliance with the conditions of this licence, discharges will not impede the objectives of River Basin Management Plans from being achieved.

In reaching this decision Offaly County Council has considered the application and supporting documentation received from the Applicant.

### ACTIVITIES LICENSED

Pursuant to the powers conferred on it by the Local Government (Water Pollution) Act 1977 as amended 1990, this Local Authority hereby grants a licence to:

**Bord Na Móna PLC, Main Street, Newbridge, Co. Kildare**

under Section 4 of the Act to discharge the following:

Effluent from Aquaculture activities via a tributary to the Philipstown River.

The proposed farm will utilise a recirculation system to reuse water, discharge will only occur intermittently when rainfall exceeds what can be attenuated by the ponds and reservoir, and therefore will occur more regularly in winter than in summer.

**Subject to the following conditions, and associated schedules.**

### APPEALS

An appeal against a decision of a Local Authority is provided for by Section 8 of the Water Pollution Act, 1977 as amended 1990. The period for the purpose of an Appeal under Section 8 shall be:-

- (a) in the case of an appeal relating to the grant or refusal of a licence the period of one month beginning on the date of the grant or refusal of the licence;
- (b) in the case of the appeal relating to the decision of a Local Authority on a review of a licence, the period of one month beginning on the date of the Local Authority's decision.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.  
An Appeal shall:-

- (i) be made in writing;
- (ii) state the subject matter of the appeal;
- (iii) state the grounds of appeal;
- (iv) be accompanied by €126 deposit.

**CONDITIONS****Condition 1: Scope**

- 1.1 The discharges shall be controlled and equipment operated and maintained as set out in this Trade Effluent Discharge Licence. All programmes required to be carried out under the terms of this licence become part of this licence.
- 1.2 No alteration to the discharge or any part of the discharge which would, or is likely to, result in a material change or increase in the nature, volume or quantity of the emission shall be carried out or commenced without prior notice to, and without the prior agreement of Offaly County Council.
- 1.3 This licence is for the purpose of Trade Effluent Discharge Licensing under the Water Pollution Act, 1977 as amended 1990 only and nothing in this licence shall be construed as negating the Licensee's statutory obligations or requirements under any other enactments or regulations.
- 1.4 Any reference in this licence to 'site / facility' shall mean the plan area outlined on the site location map included with the application form.

**REASON: Clarify the Scope of this Licence****Condition 2: Management of the Activity****2.1 Documentation**

- 2.1.1 The Licensee shall issue a copy of this licence to all relevant personnel whose duties relate to any condition of this licence.
- 2.1.2 The Licensee shall maintain records of monitoring results, maintenance records, and all other correspondence relating to the requirements of this licence.

**2.2 Corrective Actions**

- 2.2.1 The Licensee shall establish procedures to ensure that corrective actions are taken in the event of a breach of the requirements of this licence. The responsibility and authority for initiating further investigation and corrective action in the event of a reported non-conformity with this licence shall be with Offaly County Council.

**2.3 Awareness and Training**

- 2.3.1 The Licensee shall establish and maintain procedures for identifying training needs, and for providing appropriate training, for all personnel whose work can have a significant effect upon the discharge quality. Appropriate records of training shall be maintained.

## 2.4 Responsibilities

- 2.4.1 The Licensee shall nominate a person at management level who is responsible for the supervision and control of the trade effluent discharge, and is available to meet with authorised persons of the Offaly County Council at all reasonable times.

## 2.5 Food Stuff and Other Substances

- 2.5.1 The Licensee shall notify Offaly County Council of any changes proposed to Foodstuff, Chemical or Medical reagents used in the activities.
- 2.5.2 All chemicals used on site must be stored as per MSDS and manufacturer's recommendations.

## 2.6 Flow Measurement

- 2.6.1 The Licensee shall within 6 months of initiation of activities on the site, install appropriate flow measurement equipment as outlined in further information submitted to Offaly County Council on the 15th July 2016 to be positioned at the sampling chamber of the discharge.

## 2.7 Investigative Boreholes

- 2.6.1 The Licensee shall within 6 months of initiation of activities submit details/ proposals for the installation of investigative boreholes in the area of the fish ponds to confirm retention capabilities and facilitation of groundwater monitoring.

## 2.8 Sampling

- 2.8.1 The proposed farm will utilise a recirculation system to reuse water. Discharge will only occur intermittently when rainfall exceeds what can be attenuated by the ponds and reservoir. The Licensee shall agree with Offaly County Council, within 6 months of initiation of activities on site, a monitoring and sampling programme for any discharge from the site, accompanied by monitoring of agreed upstream and downstream locations. The Licensee may be requested to provide the following:
- (i) A time or flow proportional composite sampler at the discharge sampling point. Grab samples of discharges are not considered representative of the quality of final discharges.
  - (ii) Records of the total effluent volume discharged over the 24 hour period in which any composite samples are collected from the sampling chamber.
  - (iii) The composite sampler must be available for use by Offaly County Council for monitoring purposes.

## 2.9 Local Authority Monitoring and Sampling

- 2.9.1 Offaly County Council is required to undertake its own monitoring programme and will do so from the outset of initiation of activities on site to include site investigation and sampling.
- 2.9.2 The results of this monitoring programme will determine the requirement of the Licence for the monitoring and sampling programme as per condition 2.8.
- 2.9.3 The Licensee shall provide access to the site to Offaly County Council staff at any time.

## 2.10 Sludge Management

- 2.10.1 Accumulated sludge if it arises must be managed in accordance with the Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998, as amended, the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014 and the Waste Management Act 1996, as amended. Any de-sludging shall be recorded in a de-sludging report which shall be included with the Emission Monitoring Report and a copy retained on site for inspection purposes.

**REASON: To make provisions for management of the Licence.**

### Condition 3: Interpretation

- 3.1 In this licence monitoring of discharge to the river shall be interpreted in the following way:-
  - 3.1.1 Composite Monitoring
    - (i) Any composite sampling shall be programmed to take a time or flow proportional sample over a 24 hour period;
    - (ii) Each parameter listed in Schedule 1 shall be monitored in accordance with the monitoring programme agreed with Offaly County Council as outlined in Condition 2.8.
  - 3.1.2 Ambient Monitoring
    - (i) Each parameter listed in Schedule 2 shall be monitored in accordance with the ambient monitoring programme agreed with Offaly County Council as outlined in Condition 2.8.
- 3.2 The reporting of the specified discharge parameters in this licence shall be expressed in the following way:-
  - 3.2.1 Reporting

- (ii) temperature shall be reported as °C;
- (iii) pH shall be reported as pH units;
- (iv) the concentration of each parameter shall be reported in mg/l;
- (v) the concentration of specific pollutants shall be reported in ug/l.

**REASON: To clarify the Interpretation of the emission limits specified in this licence.**

**Condition 4: Notification**

- 4.1 The Licensee shall notify Offaly County Council by telephone 057 9357403 or email, [environandwaterservices@offalycoco.ie](mailto:environandwaterservices@offalycoco.ie) and in writing to Environment & Water Services Section, Áras an Chontae, Charleville Road, Tullamore, as soon as practicable after the occurrence of any of the following:
- 4.1.1 Any discharge which does not comply with the requirements of this licence.
  - 4.1.3 Any incident with a potential for environmental contamination of surface or groundwater.
- 4.2 The Licensee shall take all reasonable steps to mitigate the effects of such an incident.
- 4.3 The Licensee shall make a record of any incident as set out in condition 4.1 above, and the notification given shall include details of the circumstances giving rise to the incident and all actions taken to mitigate the effect on the environment.

**REASON: To provide a notification procedure for exceedances of emission limit values of this licence and for other occurrences giving rise to pollution of waters.**

**Condition 5: Discharge to Surface Water**

- 5.1 No specified discharge to the river shall exceed the emission limit values set out in the schedules of this license. There shall be no other discharge from the activity to the river other than that identified in the submitted application.
- 5.2 Monitoring and analyses of the discharge shall be carried out as agreed with Offaly County Council and as specified in the schedules of the license. A report on the results of this monitoring shall be submitted to Offaly County Council at this address, Environment and Water Services, Áras an Chontae, Charleville Road, Tullamore, Co. Offaly following agreement with Offaly County Council.
- 5.3 The Licensee shall permit authorised officers of Offaly County Council, to inspect, examine and test, at all reasonable times, any works and apparatus installed in connection with the trade effluent and to take samples of the trade effluent.

- 5.4 Trade effluent wastewater, such as firewater, or accidental spillage, which occurs on site, shall not be discharged to waters without the prior authorisation of Offaly County Council.

**REASON:** To provide for the protection of the environment by the monitoring of emissions.

**Condition 6: Monitoring**

- 6.1 The Licensee shall carry out such sampling, analyses, examinations, maintenance, and calibrations as set out and agreed with Offaly County Council and in the Schedules of this licence:-

Schedule 1	Emissions to Surface Water
Schedule 2	Ambient monitoring
Schedule 3	Recording & Reporting to Offaly County Offaly County Council

- 6.2 All automatic monitors and samplers shall be functioning at all times necessary (except during calibrations and maintenance) unless alternative sampling and monitoring have been approved by Offaly County Council.
- 6.3 Monitoring and analysis equipment shall be operated and maintained as necessary so that monitoring accurately reflects the discharges.
- 6.4 The frequency, methods and scope of monitoring, sampling, and analyses, as set out in this licence and agreed with Offaly County Council, may be amended with the written agreement of Offaly County Council, following evaluation of results.
- 6.5 Specific Pollutants
- 6.5.1 Within 6 months of initiation of activities, agreement must be made with Offaly County Council in relation to the representative sample of any discharge to be tested for the presence of specific pollutants, priority substances and priority hazardous substances. The parameters to be measured are listed in Schedule 1a of the licence.

The results from this monitoring are to be submitted to Offaly County Council. Further testing shall be carried out if requested by the Offaly County Council.

**REASON:** To ensure compliance with the requirements of other conditions of this licence by provision of a satisfactory system of measurement and monitoring of emissions.

**Condition 7: Recording and Reporting to Offaly County Council**

- 7.1 The Licensee shall record all sampling, analyses, measurements, examinations, calibrations and maintenance, in accordance with an agreement with Offaly County Council and the requirements of this licence.

- 7.2 The Licensee shall record all incidents which affect the normal discharge quality and volume, or which may create an environmental risk.
- 7.3 The format of all records required by this licence shall be to the satisfaction of Offaly County Council. Records shall be retained on-site for a period of not less than three years and shall be available for inspection by Offaly County Council at all reasonable times.
- 7.4 Reports of all recording, sampling, analyses, measurements, examinations, calibrations, and maintenance as set out in Schedule 3 Recording & Reporting to Offaly County Council of this licence, shall be submitted to Environment & Water Services Section of Offaly County Council. The formats of these reports shall be to the satisfaction of Offaly County Council;
- 7.5 Provisions shall also be made for the transfer of such environmental information, in relation to this licence, in electronic format, as may be requested by Offaly County Council.
- 7.6 All written procedures controlling operations affecting this licence shall be available on-site for inspection by Offaly County Council at all reasonable times.
- 7.7 The frequency and scope of reporting, as set out in this licence, may be amended where written agreement has been issued by Offaly County Council.

**REASON:** To provide for the collection and reporting of adequate information regarding the emission to water.

#### Condition 8: Financial Contributions

##### 8.1 Licence Fees

- 8.1.1 The Licensee shall pay to Offaly County Council an annual licence fee of €500 for the cost of monitoring any discharges from the facility and administering this licence. This fee shall be paid within one month of initiation of activities on the site. The licence fee will be reviewed annually and adjusted as appropriate.

**REASON:** To provide for adequate financing for the administration of this license in accordance with Local Government (Water Pollution) Act, 1977 as amended 1990.

Report By: Catherine Magee  
Catherine Magee

Date: 23/09/16

Checked By: Jean Ryan  
Jean Ryan

Date: 23/9/16

Approved By: Tom Shanahan  
Tom Shanahan

Date: 26/9/16



## Schedule 1: Monitoring of Emissions to Surface Water

Parameter	Emission Limit (mg/l)
Temperature	< 20 °C
pH	6 – 9
Biochemical Oxygen Demand – (BOD)	2.6
Suspended Solids	35
Ammonia (as N)	0.14
Orthophosphate (as P)	0.075
Dissolved Oxygen	≥80% ≤120%

## Schedule 1a: Specific Pollutants / Priority Substances

Parameter
Benzene
Lead (and its compounds)
Naphthalene
Anthracene
Cadmium (and its compounds)
Mercury (and its compounds)
PAH
Arsenic
Chromium (and its compounds)
Copper
Cyanide
Toluene
Xylene
Zinc

**Schedule 2: Ambient monitoring (receiving water monitoring upstream and downstream of the discharge, to be agreed with Offaly County Council)**

Parameter
Temperature
pH
Biochemical Oxygen Demand – (BOD)
Suspended Solids
Orthophosphate (as P)
Ammonia (as N)

**Schedule 3: Recording and Reporting to Offaly County Council**

Completed reports shall be submitted to:

Environment & Water Services Section  
Offaly County Council  
Áras an Chontae  
Charleville Road  
Tullamore  
County Offaly

Tel: 057 9357403

[environmentwaterservices@offalycoco.ie](mailto:environmentwaterservices@offalycoco.ie)

or Any other address as may be specified by Offaly County Council

Report	Reporting Frequency	Report Submission Date
Emission Monitoring	To be agreed with Offaly County Council as per Condition 2.8	To be agreed with Offaly County Council as per Condition 2.8
Ambient Monitoring	To be agreed with Offaly County Council as per Condition 2.8	To be agreed with Offaly County Council as per Condition 2.8
Reported incidents	As the event occurs	As soon as Management are made aware of the incident
Specific Pollutants	To be agreed with Offaly County Council as per Condition 2.8	To be agreed with Offaly County Council as per Condition 2.8







## **SCHEDULE 2**

**Schedule 2 contains:**

- **the total annual production of Rainbow Trout, Brown Trout and Perch shall not exceed 35 tonnes**

## **SCHEDULE 3 Special Conditions**

**The Licensee shall ensure that the development has planning permission and will submit a copy of any planning permission granted to operate beyond 13 July 2021.**

On completion of the initial production cycle at the site the Licensee is required to submit a report to the Department of Agriculture, Food and the Marine detailing, *inter alia*, the growth of fish and pondweed at the site and evaluating the sustainability of the system.