



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

An Roinn
**Talmhaíochta,
Bia agus Mara**

T24/3

AQUACULTURE LICENCE

1084

AQUACULTURE LAND BASED FINFISH
(FRESHWATER)

INLAND FISHERIES IRELAND

3044 LAKE DRIVE

CITYWEST BUSINESS CAMPUS

DUBLIN 24

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AQUACULTURE LICENCE NO.1084


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:

INLAND FISHERIES IRELAND
3044 LAKE DRIVE
CITYWEST BUSINESS CAMPUS
DUBLIN 24

(hereinafter referred to as the “Licensee”) for the cultivation of Brown Trout, Rainbow Trout and Salmon at Cullionmore, Mullingar, Co. Westmeath 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 years commencing on 14th December 2017, and only so long as the fish farm complies with Local Government (Water Pollution) Acts licence to discharge effluent granted by Westmeath County Council on 19th September 2013 (ref ENV/W06/2013) (or a further such licence granted by the said Council or by the Environmental Protection Agency) 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: Brown Trout, Rainbow Trout and Salmon and no fish other than Brown Trout, Rainbow Trout and Salmon shall be bred and handled at this site.

2.2 Method: Pond, Raceway and Circular Tank 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.

2.4 *Schedule 3* Special requirements on Chemical Usage.

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.

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.

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 land based site and shall notify the Department of Agriculture, Food and the Marine, The National Seafood Centre, 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.

7 Animal Remedies and Dangerous Substances

Authorised Remedies

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

Authorised Substances

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

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

Records of Use and Withdrawal Periods

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

7.5. The Licensee shall maintain the following:-

7.5.1. Records of a receipt of a dangerous substance.

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

7.5.3. Records of storage of a dangerous substance,

7.5.4. Records of use of a dangerous substance, and

7.5.5. Such other record as the Minister may specify.

Storage Requirements

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

8 Emergency Plans

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

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

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

Duration, Cessation

9.1 This Licence shall remain in force until 13th December 2027 and only so long as the fish farm complies with the Local Government (Water Pollution) Acts licence to discharge effluent granted by Westmeath County Council on 19th September 2013 (ref ENV/W06/2013) (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:

- **copies of the effluent discharge licences granted for the premises**
- **a map of the licensed area**

WESTMEATH COUNTY COUNCIL

LOCAL GOVERNMENT (WATER POLLUTION) ACT 1977 AS AMENDED.

LICENCE TO DISCHARGE

TRADE EFFLUENT TO WATERS

Westmeath County Council
ENV/W06/2013.

Ref: No.

To : **Inland Fisheries,
Cullion Fish Farm,
Cullion,
Mullingar,
Co. Westmeath.**

Westmeath County Council, in exercise of the powers conferred on it by the Local Government (Water Pollution) Acts 1977 as amended hereby grants a Licence to:

Cullion Fish Farm, Cullion, Mullingar, Co. Westmeath
in respect of the Discharge of Trade effluent directly to the River Brosna from

Inland Fisheries, Cullion Fish Farm, Mullingar, Co. Westmeath.

subject to the following conditions :

- 1.0 General Layout and Operation.**
- 1.1 This licence shall be in respect of the discharge of trade effluent generated at Cullion Fish Farm, Cullion, Mullingar, Co Westmeath.**
- 1.2 The Licensee's development shall be laid out, operated and maintained in such a manner as to prevent the discharge of any polluting effluent other than in accordance with quality standards as set out in conditions 2.4.**
- 1.3 Authorised Officers of the Licensing Authority or it's agents, or any other person authorised under section 28 of the Local Government (Water Pollution) Amendment Act 1990, shall have access to the Licensee's discharge point at all reasonable times, including if necessary, times other than normal working hours, and shall also have access to the site in general at all times in the event of an emergency.**

2.0 Effluent Volume and Characteristics.

- 2.1 In the event of pollution of the receiving water arising from the Licensee's activities, due to accidental discharge other than in accordance with the terms and conditions of this licence, the licensee shall make good all damages resulting from such pollution, including, if necessary:
- the replacement of fish stocks,
 - the restoration of spawning grounds,
 - the modification of its effluent treatment or discharge regime to prevent a recurrence, or
 - such other measures as may be directed by Licensing Authority.
- 2.2 Effluent shall not be discharged to River Brosna in such a manner, or at such a concentration which following initial dilution causes tainting of fish / shellfish, interferes with the normal pattern of fish migration or the accumulation in sediments or biological tissues to the detriment of fish or other wildlife.
- 2.3 Effluent as discharged to the River Brosna shall comply with the quality standards set out hereunder in respect of the following determinants.

2.4 **Effluent discharged to River Brosna. Grid Reference E 242958 N 255645.**

<u>Determinant.</u>	<u>Maximum Limit.</u>	<u>Frequency of Monitoring.</u>
Flow	None	Daily
BOD ₅	3 mg/l	Quarterly
PH	6 – 8 pH units	Quarterly
Total Phosphorus	1 mg/l	Quarterly
Orthophosphate	0.05 mg/l	Quarterly
Nitrate	1 mg/l	Quarterly
Malachite green	0.06 mg/l	Annually
Formaldehyde	1.1 mg/l	Annually

3.0 Monitoring.

- 3.1 The Licensee shall take a grab sample 30 m upstream and 30m downstream of the discharge and test for the parameters set out in Condition 2.4.
- 3.2 Copies of the analysis results shall be furnished to the Licensing Authority on a quarterly basis. The results will include details of date and time of sampling, and the name of the laboratory carrying out the sample analysis. The results will be available for inspection at the Licensee's premises by an Authorised Officer of the Licensing Authority during normal working hours.
- 3.3 A non-compliance with any of the limits set in Condition 2.4 above will be notified to the licencing authority within three days of the discovery of the non-compliance, together with reasons for the non-compliance and details of

measures taken to correct the non-compliance.

- 3.4 The licensee shall ensure that there is safe and free access for sampling at the discharge prior to discharge to the River Brosna by authorised personnel at all times.

4.0 General Chemical Usage.

- 4.1 Any chemicals used on the fish farm will be stored in suitably bunded areas capable of containing any spillage that may reasonably occur. Drainage from bunded areas shall be diverted for safe collection and safe disposal. Any empty chemical containers arising from the management of the fish farm will be disposed of in an environmentally friendly manner in accordance with the Waste Management Act 1996 as amended.
- 4.2 Batch dosing where practicable shall be used to administer chemicals and shall only be administered by trained authorised employees.
- 4.3 A record of all chemicals used shall be maintained and submitted to the licensing Authority on an annual basis.
- 4.4 The Licensee must obtain approval from Licensing Authority if they intend to change the type of chemicals used on the fish farm.

5.0 Emergency Response Procedure (E.R.P.).

- 5.1 The licensee shall ensure that an E.R.P. is in place, which shall address any emergency situations which may originate on site. This procedure will include provision for minimising the effect of any emergency on the environment. The E.R.P. shall be submitted to the licensing authority for its approval within two months of the date of grant of this licence.
- 5.2 Within one month of the date of grant of this licence, details of contact personnel, including addresses and telephone numbers shall be made available to the Licencing Authority for contact in the event of an emergency. At least one such person shall be made available for contact at all times.

6.0 Contribution to Licensing Authority.

- 6.1 The Licensee shall pay to Westmeath County Council, an annual contribution of €150 or such sums as the Council determines having regard to the costs incurred in monitoring the licence activity, including inspection, auditing, sampling and analysis as necessary for the performance of its statutory functions under the Local Government (Water Pollution) Acts 1977 and amendments.

Table 1: A general breakdown of the costing categories.

Criteria.	Cost.
Assessment of reports and monitoring returns.	€150
Inspections and auditing.	Cost shall be based on the number of inspections carried out by Westmeath County Council
Sampling and analysis of emissions.	Cost based on the number of samples taken and analysed by Westmeath County Council

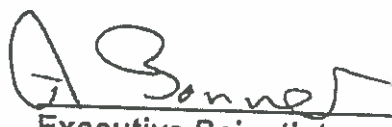
This charge will be reviewed annually and the new charge will be notified to the licence holder in writing.

7.0. Change of Use of Premises.

7.1 The licensee shall notify the licencing authority of any proposed changes in operation of the premises, which would cause, or be likely to cause an alteration in the volume or composition of the effluent discharge.

8.0 Review of Licence.

8.1 This licence may be reviewed when the licensing authority has reasonable grounds to do so, on request of the licensee, or otherwise every three years.


Executive Scientist.

Dated this 19 day of Sept (Year) 2015.

SCHEDULE 2 – Stocking Biomass

The annual production of fish at the farm shall not exceed such quantity as may be specified by the Minister from time to time and will not in any event exceed

- (a) 24 tonnes of brown or rainbow trout or any combination thereof; and
- (b) 1 tonne of salmon.

In the absence of salmon the production limit of trout at (a) may be increased to 25 tonnes.

SCHEDULE 3 Special requirements on Chemical Usage

Special requirements on chemical usage

- a) On receipt of advance notification from Westmeath County Council of an intended recirculation of waters to Lough Owel, there shall be a "ZERO" discharge of chemicals from the fish ponds during the entire period of recirculation activities and no chemicals shall be administered at the fish farm during the 48 hours period immediately preceding the pumping/ recirculation start up time.
- b) Clearance and written notification from Westmeath County Council shall be obtained to certify that "recirculation has ceased" before chemicals are used again on the farm.
- c) During any periods when recirculation of waters occurs or is likely to occur the applicant shall conform to the requirements of the County Council.