

TXX/XXX

AQUACULTURE LICENCE

AQUACULTURE MARINE FINFISH

Licensee Name and Address

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TXX/XXX

AQUACULTURE LICENCE NO. XXXX

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:

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(hereinafter referred to as the “Licensee”) for the cultivation of **XXXXXXXXXX** on a site in **XXXXXXXXXX**, Co. **XXXXXXXXXX** as specified in Schedule 1 attached (numbered **TXX/XXXX**) and indicated by a red line on the attached map in accordance with the plans and drawing(s) in Schedule 2 attached as approved of by the Minister, 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 **XXX (XX)** years commencing on **XX XXXXXXXXXXXX 20XX**, provided for so long as the Foreshore Licence granted on **XX XXXXXXXXXXXX 20XX**, under Section 3(1) of the Foreshore Act 1933 (No.12 of 1933) in respect of the same site for the purpose referred to is in force.

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 (XXX hectares) (labelled TXX/XXX) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: XXXXXXXXXXXX
- 2.2. Method: Cages/Pens subject to the stocking and/or deployment limits as specified in *Schedule 4* attached.
- 2.3. The introduction of fish 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 (including nets, all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Licensee shall confirm to the Department of Agriculture, Food and the Marine (hereinafter referred to as “the Department”), by way of written confirmation by a Chartered Engineer that the marine finfish farm to be used in the licensed site has been designed with skill, care, diligence and professional conduct reasonably to be expected from a designer with the qualifications and experience suitable for the design work involved. Any proposed material change to the equipment to be used during the licensing period will require written confirmation by a Chartered Engineer that the proposed change to equipment to be used in the licensed site has been designed in the same manner as aforementioned.

- 3.5. The Licensee shall ensure that the structural design of the finfish farm is in accordance with the most up to date requirements of the Protocol for Structural Design of Marine Finfish Farms, as may be revised from time to time (this protocol is available for viewing on the Department's website).
- 3.6. The Licensee shall retain up to date design record information for the farm structures. This design record information shall include preliminary design details and drawings, detailed design details and drawings and where appropriate, design review details and drawings. The design record information shall be maintained by the Licensee in a Design Record File which shall be made available for inspection by authorised persons.
- 3.7. The Minister may direct as to the deployment of apparatus and flotation devices and their colour, within the site.
- 3.8. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.
- 3.9. 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.
- 3.10. The Licensee shall ensure that each cage/pen and all flotation and mooring devices in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

Operational Conduct

- 3.11. 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 navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.12. 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.
- 3.13. The Licensee shall ensure that best practise is employed to keep structures 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.

Waste Management

3.14. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus and 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

3.15. 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.

3.16. 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.

3.17. 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.

3.18. 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 cages/pens 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 comply with the most up to date guidelines on fish containment developed by the North Atlantic Salmon Farming Industry and the North Atlantic Salmon Conservation Organisation (NASCO) Liaison Group. These guidelines can be viewed on the web link: <http://www.nasco.int/aquaculture.html> - see Annex 3 to the Williamsburg resolution (CNL (06)48 of 2003). The reference is as follows: *Guidelines on Containment of Farm Salmon, CNL (01)5*.

5. **Navigation and Safety**

- 5.1. The Licensee shall ensure that Statutory Sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation. Statutory Sanction forms are available at <http://www.cil.ie/safety-navigation/statutory-sanction.aspx>.
- 5.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in ***Schedule 3***.
The navigation marking detail is also illustrated in *Schedule 3*.
- 5.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices supporting/marking posts/poles, as required by the Minister or any other competent State authority.
- 5.4. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email sdr@ukho.gov.uk and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

6. **Environmental Monitoring / Requirements**

Monitoring

- 6.1. The Licensee shall undertake and/or partake in monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.
- 6.2. The Licensee shall undertake Benthic Monitoring of the licensed area in accordance with the most up to date detailed specifications of Monitoring Protocol No. 1 for Offshore Finfish Farms – Benthic Monitoring, as may be revised from time to time, and promptly prepare and implement a Benthic Amelioration Plan if permitted parameters are breached (this protocol is available for viewing on the Department's website).
- 6.3. The Licensee shall undertake Water Column Monitoring of the licensed area in accordance with the most up to date detailed specifications of Monitoring Protocol No. 2 for Offshore Finfish Farms – Water Column Monitoring, as may be revised from time to time, and promptly take any required follow-up action in the light of the

results of that monitoring (this protocol is available for viewing on the Department's website).

Requirements

6.4. The Licensee shall take all necessary action to ensure the minimisation of azoic conditions and ammoniacal nitrogen levels under and adjacent to cages/pens.

6.5. The Licensee shall ensure the fallowing of each licensed area for at least 30 continuous days before restocking with fish of a different generation, in accordance with the most up to date requirements of the Protocol for Fallowing at Offshore Finfish Farms, as may be revised from time to time (this protocol is available for viewing on the Department's website).

Discharges to Sea

6.6. The Licensee (or its agent) is prohibited from discharging into the sea or other waters untreated blood or other matter from harvesting, or of contaminated effluent from washing of nets or equipment, from the licensed area.

7. **Fish Health / Mortality Management / Sea-Lice Monitoring / Movement of Fish**

Fish Health Regulations

7.1. 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

7.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

Sea-Lice Monitoring Protocol

7.3. The Licensee shall comply with the most up to date detailed specifications of Monitoring Protocol No. 3 for Offshore Finfish Farms – Sea Lice Monitoring and Control, as may be revised from time to time, for sea lice monitoring and control in the licensed area (this protocol is available for viewing on the Department's website).

Movement of Fish

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

8. **Animal Remedies and Dangerous Substances**

Authorised Remedies

8.1. 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

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

8.3. The Licensee shall not use any substance or thing or do anything, which has a deleterious effect on the environment of the licensed area including the use of organotin based anti-foulants 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

8.4. 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.

8.5. The Licensee shall maintain the following:-

8.5.1. Records of a receipt of a dangerous substance.

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

8.5.3. Records of storage of a dangerous substance,

8.5.4. Records of use of a dangerous substance, and

8.5.5. Such other record as the Minister may specify.

Storage Requirements

8.6. 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.

9. Emergency Plans

9.1 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. Additionally, the plan shall provide for proper site clearance in due course (i.e., before expiry of this Licence) and for restoration of the site in the event of any

storm damage to or disturbance of the cages/pens (or moorings and ancillary equipment) in the meantime.

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

Duration, Cessation

10.1. This Licence shall remain in force until **XX XXXXXXXXXXXX, 20XX** and as long as the accompanying Foreshore Licence remains in force.

Review

10.2. 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

10.3. 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, e.g. operating outside the licensed area
- (c) the licensed area to which the licence relates is not being properly maintained,
- (d) water quality results, benthic impact or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

Assignment

10.4. 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 10(5) or the condition set out in 10(6) applies.

10.5. 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.

10.6. 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.

10.7. 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.

11. **Fees**

- 11.1. 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.
- 11.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

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12. **General Terms and Conditions**

- 12.1. The Licensee shall at all times comply with all laws and Protocols applicable to aquaculture operations.
- 12.2. 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.
- 12.3. 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.
- 12.4. 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.
- 12.5. The Licensee shall co-operate in the audit from time to time of its aquaculture operations and licensed area and facilities and premises in accordance with the most up to date detailed specifications of Monitoring Protocol No. 4 for Offshore Finfish Farms – Audit of Operations, as may be revised from time to time (this protocol is available for viewing on the Department's website).

Notification

- 12.6. 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.
- 12.7. 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.
- 12.8. 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

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

Companies and Co-operatives

- 12.10. 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.

- 12.11. 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.
- 12.12. 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.
- 12.13. 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:-
- 12.13.1. 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;
- 12.13.2. 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
- 12.13.3. 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.

Clearance of Site

- 12.14. The Licensee shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any other thing to the satisfaction of the Minister. 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. The Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

SCHEDULE 1

Schedule 1 contains:

- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s)**
- **a chart showing the location of the site in relation to the surrounding area.**

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SCHEDULE 2

Schedule 2 contains:

- **the approved plans and drawing(s)**

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SCHEDULE 3

Schedule 3 contains:

- requirements of the MSO and/or CIL
- the navigation marking detail.

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SCHEDULE 4

Schedule 4 contains:

- **the stocking and/or equipment deployment conditions.**

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