

AQUACULTURE LICENCE NO. 560

GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO.23)

The Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23), hereby grants an Aquaculture Licence to:

**MR ADRIAN FLYNN,
DONAGHMORE,
KILKERLEY,
DUNDALK,
CO. LOUTH.**

for the cultivation of barramundi at Donaghmore, Kilkerley, Dundalk, Co. Louth, subject to the provisions of the Act referred to and the terms and conditions set out in the Schedule attached.

Subject as aforesaid, this Aquaculture Licence shall remain in force for a maximum period of six (6) years commencing on *7 October 2009*



A person authorised under Section 15(1) of the Ministers and Secretaries Act, 1924 to authenticate the Seal of the Minister for Agriculture, Fisheries and Food.

T1/86

AQ No. 560

SCHEDULE

TERMS AND CONDITIONS TO APPLY TO 6 YEAR AQUACULTURE LICENCE GRANTED TO MR ADRIAN FLYNN TO CULTIVATE BARRAMUNDI AT DONAGHMORE, KILKERLEY, DUNDALK CO. LOUTH

1. This Licence shall remain in force only so long as the fish farm complies with the planning permission granted by Louth County Council on 11 November 2005 (ref 05/178), the Local Government (Water Pollution) Acts licence to discharge effluent granted by Louth County Council on 10 November 2005 (ref 67-1) (or a further such Licence granted by the said Council or by the Environmental Protection Agency) and also for as long as the licensee continues to hold a valid Fish Health Authorisation issued by the Marine Institute in accordance with Statutory Instrument No. 261 of 2008 – European Communities (Health of Aquaculture Animals and Products) Regulations 2008.

2. Duration of Licence

The licence is for a period of six (6) years, subject to review or revocation, in accordance with the provisions of the Fisheries (Amendment) Act, 1997, by the Minister for Agriculture, Fisheries and Food in the light of performance.

3. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper operation and control of all fish culture activities at the fish farm, including in particular instructions issued in relation to any of the matters referred to in the following paragraphs.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, claims, damages, costs, expenses or demands arising in any manner whatsoever in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in the exercise of the rights granted under this Licence and the Licensee shall take all steps specified in order to ensure compliance with this condition.
5. This Licence is not to be construed as authorising the Licensee to interfere with or infringe in any way the rights of any other person.

6. The Minister shall be at liberty at any time to revoke or amend the Licence if he considers that it is in the public interest to do so, or if he is satisfied that there has been a breach of any condition specified in this Licence, or in the Local Government (Water Pollution) Acts Licence to discharge, or in the event of the general performance of the fish farm not meeting the standards set by the Department of Agriculture, Fisheries and Food (hereinafter referred to as the Department). Any such revocation or amendment shall be subject to the provisions of the Fisheries (Amendment) Act, 1997, or any amendment thereto.

7. Cultivation Licensed

- a. The cultivation of barramundi only. Annual production shall not exceed 95 tonnes. Maximum standing stock shall not exceed 20 tonnes.
- b. Expansion of annual production at the fish farm shall be on a closely monitored and phased basis and shall not exceed the following maxima: -----

YEAR	MAXIMUM PRODUCTION (TONNES)
1	0
2	47
3	95
4	95
5	95
6	95

Provided that:

If the results of monitoring at any stage provide sufficient grounds for concern, appropriate action will have to be taken either in capping or reducing production levels as the Minister for Agriculture, Fisheries and Food may direct in writing.

- c. Such precautions shall be taken as the Minister may specify from time to time, in relation to:
- the introduction of fish for stocking the fish farm, including disease-free certification, and
 - the adaptation of methods of operation or type of installation.
- d. No barramundi, (or the brood or spawn thereof) shall be introduced into the aquaculture unit except barramundi (or the brood or spawn thereof) certified by a veterinary surgeon, as specified in Statutory Instrument No. 261 of 2008 – European Communities (Health of Aquaculture Animals and Products) Regulations 2008, as having come from a disease-free hatchery within the State or from another Member State of the European Union, or in the case of barramundi (or the brood or spawn thereof) imported from outside the European Union, so certified by the relevant competent authority.

8. Inspections, Reports and Returns

- a. 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 the Fisheries Act, 1980), other than a private water keeper), a sea fisheries protection officer (within the meaning of Section 220 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) or any other person appointed in that regard by the Minister for Agriculture, Fisheries and Food.
- b. The Licensee shall furnish to the Coastal Zone Management Division, Department of Agriculture, Fisheries and Food, Clogheen, Clonakilty, Co. Cork, such returns from the records kept at the fish farm as may be required from time to time.
- c. The Licensee shall provide an annual report (or as otherwise directed) to the Coastal Zone Management Division, Department of Agriculture, Fisheries and Food, at the above address, indicating in particular:
 - i. Growth Rates
 - ii. Water Quality (fortnightly BOD and SS)
 - In river
 - In effluent from rearing unit
 - In effluent prior to discharge to river
 - iii. Flow measurements (daily or otherwise as directed by the Minister)
 - In river
 - Abstracted from river
 - Abstracted from wells
 - Used from other supply
 - iv. Incident log book report
 - To record any quality control issues, plant and machinery failures, and any occurrence of problems or difficulties in the operation or management of the unit.

9. Hygiene, Fish Health & Monitoring of Water Quality

- a. The Licensee shall make arrangements for the disposal of dead fish in accordance with the applicable statutory provisions and requirements.
- b. Where applicable, 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 effectually prevent the admission of fish into the fish farm, and shall make all necessary provisions to prevent the escape of fish from the fish farm.
- c. The Licensee shall generally conduct his operations with due regard for other persons in the area and for the environment. The Licensee shall ensure that his operations are not injurious to adjacent lands or the public interest. The Licensee shall comply with any directions issued by the Minister from time to time in that regard.

General

- 10. Prior to commencement of development a complete final set of construction drawings for the unit shall be submitted to, and approved by, the Department. These drawings shall be certified by a Chartered Engineer along the following lines "*I certify that the works as shown in Drawings No: _____ are fit for purpose and have been designed in accordance with relevant Irish, British or European Standard Specification or Codes of Practice taking into account current building regulations and safety legislation.*".
- 11. This licence is valid only so long as the lay out of the fish farm conforms to plans submitted to, and approved by the Minister.

12. Without prejudice to the generality of the above, the licensed area to which this aquaculture licence relates must be operated at all times under and in accordance with an authorisation issued by the Marine Institute pursuant to Statutory Instrument No. 261 of 2008 – European Communities (Health of Aquaculture Animals and Products) Regulations 2008. As provided for under Regulation 17 (10) of this Statutory Instrument, if the Marine Institute revokes a fish health authorisation (or refuses an application), this aquaculture licence relating to the premises to which the fish health authorisation (or application) formerly related, has no effect.
13. This licence may not be assigned or transferred for a period of 3 years from the date thereof.