

AQUACULTURE LICENCES APPEALS BOARD

AQUACULTURE LICENCE

IN THE MATTER OF THE FISHERIES (AMENDMENT) ACT 1997 (AS
AMENDED AND SUBSTITUTED)

IN THE MATTER OF AN APPLICATION BY A COMPANY KNOWN AS

COMHLUCHT IASCAIREACHTA FANAD TEORANTA
T/A MARINE HARVEST IRELAND

APPLICANT

REGISTERED OFFICE: KINDRUM, LETTERKENNY, COUNTY DONEGAL

ADDRESS: KINDRUM, LETTERKENNY, COUNTY DONEGAL

- AND -

IN THE MATTER OF APPEAL BY CLOGHANEELY ANGLING
ASSOCIATION

APPELLANT

ADDRESS: FALCARRAGH, COUNTY DONGEAL

TAKE NOTICE THAT:

The Aquaculture Licences Appeals Board hereby grants to the aforesaid Applicant, Comhlucht Iascaireachta Fanad Teoranta t/a Marine Harvest Ireland (also hereinafter referred to as "the licensee") an Aquaculture Licence for the cultivation of Atlantic salmon smolts at a site at Prockliss, Falcarragh, County Donegal in accordance with the terms and conditions in the Schedule attached hereto.

LOCATION OF LICENSED OPERATIONS:

Prockliss, Falcarragh, County Donegal.

AQUACULTURE TO WHICH DECISION RELATES TO:

The cultivation of Atlantic salmon

DURATION OF LICENCE:

10 years from the date hereof.

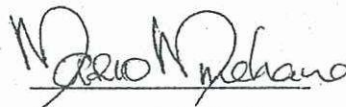
CONDITIONS ATTACHED TO THE LICENCE:

See Schedule attached.

FILE REFERENCE:

AP1/1/06 (Department File Ref: T12/93/3)

DATED this 4th day of September 2007



Mario Minehane

Deputy Chairperson

For and on behalf of the

Aquaculture Licences Appeals Board

BOARD SEAL:

SCHEDULE

TERMS AND CONDITIONS OF 10 YEAR AQUACULTURE LICENCE GRANTED TO COMHLUCHT IASCAIREACHTA FANAD TEORANTA T/A MARINE HARVEST IRELAND, TO CULTIVATE ATLANTIC SALMON SMOLTS ON A SITE AT PROCKLISS, FALCARRAGH, COUNTY DONEGAL

General

1. This licence shall remain in force only for so long as the fish farm complies with the planning permission granted by An Bord Pleanála on 28th August 2002 and subsequent planning permissions granted by Donegal County Council on 4th June 2002, 5th June 2002, 13th January 2003 and the Effluent Discharge Licence granted by Donegal County Council on 30th January 2004 (or a further such Licence granted by the said Council or by the Environmental Protection Agency).
2. This licence shall be reviewed, by the Minister for Communications, Marine and Natural Resources (hereafter also referred to as The Minister), not later than 3 years after the date of the start of the Licence.
3. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper operation of the fish farm.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all action, 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.

- new
5. The Licensee shall ensure that no derelict or redundant structures, apparatus, equipment or thing associated with the fish farm is allowed to remain on the licensed area or on adjoining land and that any such structure, apparatus, equipment or thing is properly removed for proper disposal elsewhere.
 6. The Licensee shall, at the expense of the Licensee, if so required by the Minister, and within three weeks after receipt of such notice or on determination of the licence from any other cause, remove the said structures, apparatus, equipment or other thing to the satisfaction of the Minister and if the Licensee refuse or fail 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, and the Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.
 7. This Licensee shall generally conduct his operations with full regard for other persons in the area and the environment and shall ensure that they are not injurious to adjacent lands or the public interest.
 8. Subject to the provisions of the Fisheries (Amendment) Act 1997 (as amended and substituted), the Minister may 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 the Licence, or that the licensed area to which the Licence relates is not being properly maintained or in the event of water quality results or general performance at the licensed area not meeting the standards set by the said Minister and / or the Department of Communications, Marine and Natural Resources (hereinafter referred to as the Department).
 9. The Licensee shall notify the Minister of any proposed change in the shareholding or control of the Licensee.
- new

Stocking etc. restrictions

10. No fish other than salmon shall be bred and handled at the fish farm
11. The annual production of salmon smolts shall not exceed 2.5 million smolts
12. Such precautions shall be taken by the Licensee as the Minister may specify from time to time in relation to the introduction of salmon (including ova and fry) into the fish farm, including disease-free certification and any adaptation of methods of operation or type of installation at the fish farm.
13. No salmon (including ova and fry thereof) shall be sold or disposed of to any person or in any way transferred outside the fish farm (except in any case which paragraph 18 refers) save in accordance with the prior written permission of the Department.

Hygiene, Fish Health & Monitoring of Water Quality

14. The Licensee shall make arrangements for the disposal of dead fish in accordance with the applicable statutory provisions and requirements.
15. The Licensee shall make adequate arrangements for the hygienic operation of the fish farm (including proper selection and preparation of food, and proper treatment and disposal of wastes).
16. The Licensee shall carry out regular monitoring of water quality at the fish farm and provide results of such monitoring to the Department and Donegal County Council
17. The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible introduction of disease by predators.


18. The Licensee shall notify the Minister and/or the Department of Communications, Marine and Natural Resources (Coastal Zone Management Division, Leeson Lane, Dublin 2) and the Fish Health Unit, Marine Institute, Rinville, Oranmore, County Galway within twenty-four hours of the appearance or suspected appearance of any disease or abnormal losses or mortalities at the fish farm and shall send samples to the Fish Health Unit at the above address in a prescribed manner as, and when, requested to do so and shall comply with any directions issued by the Minister and/or the Department including the treatment, disposal, destruction of stocks at the fish farm in the interests of safeguarding the stocks of the fish of the State.

19. The Licensee shall notify the Department (Coastal Zone Management Division) and the Fish Health Unit, Marine Institute, at the above addresses, within twenty-four hours of any escapes of fish from the fish farm and shall keep records of fish escaped, including numbers, origin, species and year classes and shall make these records available to the Department, the Fish Health Unit and Northern Regional Fisheries Board on request.

Special Requirements on chemical usage

20. All chemicals, antibiotics and disinfectants used at the fish farm shall be used in accordance with instructions issued by the Veterinary Surgeon to the fish farm.

Inspections, records and returns

21. The fish farm and all equipment or premises used in connection with operations carried on at fish farm and the records referred to in condition 19 shall be open to inspection at any time by any authorised officer (within the meaning of the Fisheries Acts), or any other person appointed by the Minister for the purpose. 

22. Records shall be kept at the fish farm of

- all fish stripped, bred, held and handled at the fish farm;
- the types and quantities of fish foods used (including their phosphate content) and the times of use;
- all chemicals, antibiotics and disinfectants with which the fish have been treated, including types, quantities and times of use; and
- the results of regular monitoring of water quality at the fish farm

23. The Licensee shall furnish to the Department (Coastal Zone Management Division, Leeson Lane, Dublin 2) such returns from the records kept at the fish farm as may be required from time to time by the Department.

Special Condition

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24. A residual flow of at least 60 litres per second shall be maintained at all times in the channel of the Tullaghobelgey River between the exit point from Lough Altan to the point of discharge from Lough Altan Smolt Unit.

AQUACULTURE LICENCES APPEALS BOARD
FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED & SUBSTITUTED)

WHEREAS an appeal having been made to the Aquaculture Licences Appeals Board (hereinafter also referred to as "the Board") pursuant to section 40 of the Fisheries (Amendment) Act 1997 (as amended and substituted) by an organisation with the name Cloghaneely Angling Association (hereinafter referred to as "the Appellant") against the decision in the Notice of Decision dated the 27th June 2006 issued by the Minister of State at the Department of Communications, Marine and Natural Resources to grant, subject to conditions an Aquaculture Licence to Comhlucht Iascaireachta Fanad Teoranta t/a Marine Harvest Ireland (hereinafter referred to as "the Applicant" for the cultivation of salmon smolts on a site at Prockliss, Falcarragh, County Donegal. (Department reference T12/93/3)(Board reference AP1/1/06)

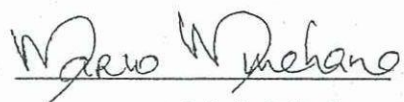
AND WHEREAS the Board, having regard to the appeal and *inter alia* the provisions of the Fisheries (Amendment) Act 1997 (as amended and substituted) decided to determine the appeal by determining the application for the licence as if the application had been made to the Board in the first instance pursuant to section 40(4)(b) of the Fisheries (Amendment) Act 1997 (as amended and substituted)

AND WHEREAS the Board, in considering the appeal took account of the matters referred to in section 61 of the Fisheries (Amendment) Act 1997 (as amended and substituted) and having regard to the aforementioned, the appeal file and reports of the Board's technical adviser and being satisfied that it is in the public interest to do so

the Board determined at its meeting on the 4th September 2007 to grant to Comhlucht Iascaireachta Fanad Teoranta t/a Marine Harvest Ireland an Aquaculture Licence for the cultivation of Atlantic salmon smolts located on a site at Prockliss, Falcarragh, County Donegal in accordance with the terms and conditions in the schedule attached to the said licence.

In addition to the aforementioned matters, including the consideration of the appeal file and reports of the Board's technical adviser, the reasons and considerations of the Board for its decision were that it considered that the licence could be granted without giving rise to a threat to the environmental status of the area, or negatively affecting the wild fish and shellfish populations of the area or affect the economy of angling tourism, so long as (1) a residual flow of at least 60 litres per second is maintained in the river channel between the exit point from Lough Altan to the point of discharge from the Lough Altan Smolt Unit, and (2) that the frequency of water sampling is strictly adhered to.

Dated this 4th day of September 2007



Mario Minehane

Deputy Chairperson

For and on the behalf of the
Aquaculture Licences Appeals Board

BOARD SEAL