

AQUACULTURE LICENCES APPEALS BOARD

IN THE MATTER OF:

THE FISHERIES (AMENDMENT) ACT, 1997 (AS AMENDED)

IN THE MATTER AN APPLICATION BY:

NIELS TRUELSEN

Applicant

ADDRESS:

**Ballyare Fish Farm
Ramelton
Co. Donegal**

- AND -

IN THE MATTER OF AN APPEAL BY:

NIELS TRUELSEN

Appellant

ADDRESS:

**Ballyare Fish Farm
Ramelton
Co. Donegal**

TAKE NOTICE THAT:

The Aquaculture Licences Appeals Board hereby grants to the aforesaid Applicant (also hereinafter referred to as "the Licensee"), an Aquaculture Licence for the cultivation of rainbow trout at Ballyare Fish Farm, Ramelton, County Donegal, in accordance with the terms and conditions in the Schedule attached hereto .

LOCATION OF LICENSED OPERATIONS:

Ballyare Fish Farm, Ramelton, County Donegal.

**AQUACULTURE TO WHICH
DECISION RELATES TO:**

Cultivation of
Rainbow Trout at
Ballyare Fish Farm
Ramelton, Co. Donegal

DURATION OF LICENCE:

10 years from the date hereof

**CONDITIONS ATTACHED
TO LICENCE:**

See Schedule attached

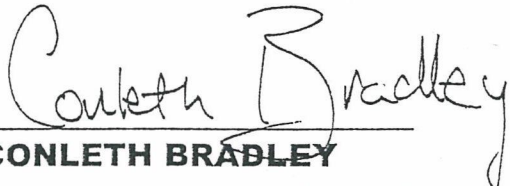
FILE REFERENCE:

AP14/04
(Department File Ref:T12/68)

DATED this

1st

day of February, 2005



CONLETH BRADLEY

Chairman, Aquaculture Licences Appeals Board

BOARD SEAL:

Schedule

TERMS AND CONDITIONS OF 10 YEAR AQUACULTURE LICENCE GRANTED TO NIELS TRUELSEN TO CULTIVATE RAINBOW TROUT AT BALLYARE FISH FARM, RAMELTON, COUNTY DONEGAL

General

1. 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.
2. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper operation of the fish farm, including in particular, instructions issued in relation to any of the matters referred to in the following paragraphs.
3. 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 conditions.
- 4(a) The Licensee shall ensure that no derelict or redundant structure, 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.
- (b) In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit (including revocation of this Licence or the disposal of any fish or any structure, apparatus, equipment or thing there) and the Licensee shall be liable to reimburse the Minister in respect of the expense involved in so doing.
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 the Licence, or in the event of water quality results or general performance at the fish farm not meeting the standards set by the Department of Communications, Marine and Natural Resources (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.

Stocking etc., restrictions

7. No fish other than rainbow trout shall be bred and handled at the fish farm.
8. The standing stock of rainbow trout shall not exceed 40 tonnes.
9. Such precautions shall be taken by the Licensee as the Minister may specify from time to time in relation to the introduction of rainbow trout (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.
10. No live rainbow trout (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 to which paragraph 16 refers) save in accordance with the prior written permission of the Department.

Hygiene, Fish Health & Monitoring of Water Quality

11. 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).
12. The Licensee shall make arrangements for the disposal of dead fish in accordance with the applicable statutory provisions and requirements.
13. The Licensee shall carry out from May to October monthly monitoring of water quality at the fish farm and provide results of such monitoring to the Department and Donegal County Council.
14. 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.

15. The Licensee shall ensure fish passage over obstructions on the depleted natural channel and the maintenance of headrace and tailrace screening.
16. The Licensee shall notify the Department (Coastal Zone management Division, Leeson Lane, Dublin 2) and the Fish Health Unit, Marine Institute, Snugborough Road, Abbotstown, Dublin 15, 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 Department including the treatment, disposal or destruction of stocks of fish at the fish farm in the interests of safeguarding the stocks of fish in the State.
17. 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

18. 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

19. The fish farm and all equipment or premises used in connection with operations carried on at the fish farm and the records referred to in condition 20 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.

20. 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.

21. 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.
22. In the event of the benefit of the Licence being granted to a company (within the meaning of the Companies Acts, 1963 to 1999) the following condition shall apply, namely, the Licensees shall obtain the consent of the Minister to any proposed major change in the shareholding or control of the licensees where such change substantially alters the identity of the Licensees.

SCHEDULE

Conditions subject to which this licence is granted

1. No fish other than salmon and rainbow trout shall be bred and handled at the said fish farm.
2. The licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and make adequate arrangements to ensure the safe passage past the farm of migratory fish and shall make all necessary provisions to prevent the escape of salmon and rainbow trout from the ponds and water course of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister for the Marine.
3. Abstraction of water shall be so regulated that sufficient water will be maintained at all time in the natural water courses adjoining the farm to ensure the free passage of migratory fish past the farm. The licensee shall comply with any directions issued in that connection by the Minister for the Marine from time to time.
4. The stock of fish held in the farm shall not exceed such quantity as may be specified by the Minister for the Marine from time to time and will not in any event exceed 100,000 salmon smolts and 5 tonnes of rainbow trout.

5. Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of Part X of the Fisheries (Consolidation) Act, 1959.
6. The Licensee shall furnish to the Secretary, Department of the Marine such returns from the records kept at the said fish farm as may be required from time to time by the Minister for the Marine.
7. Live salmon, salmon smolts, rainbow trout or the ova, fry or fingerlings thereof shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the written permission of the Minister for the Marine.
8. The said fish farm and all premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
- 9(a) The Licensee shall provide general water quality data to be carried out monthly from May to October, the frequency to be subject to revision by the Minister for the Marine in the light of analysis and results.
 - (b) The following conditions shall be adhered to by the Licensee:
 - (i) B.O.D. levels do not increase by more than 1 mg/l in the receiving water.
 - (ii) Suspended solid levels do not increase by more than 15 mg/l in the receiving water.
 - (iii) Unionised ammonia in the receiving water must not exceed 0.02 mg/l.
 - (iv) Total phosphorus levels shall not exceed 0.2 mg/l in the receiving water.

The sampling points shall be:

- (i) immediately upstream of the intake pipe;
- (ii) at the point of discharge;
- (iii) downstream of the point of discharge into the receiving water.

Data should be submitted to the Department at monthly intervals.

10. The Licensee shall notify the Secretary, Department of the Marine within forty-eight hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the Fish Pathology Unit, Abbotstown, Castleknock, Co. Dublin, in a prescribed manner as and when requested to do so and shall comply with any directions as to the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.
11. The Licensee shall make arrangements for the provision of a lime pit for the disposal of dead fish.
12. The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister for the Marine.
13. Such precautions shall be taken as the Minister for the Marine may specify from time to time, in relation to (a) introduction of salmon and rainbow trout ova or fry for stocking the farm, including disease free certification, in appropriate terms, and (b) the adaptation of methods of operation or type of installation (e.g. use of concrete ponds).
14. In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit to dispose of the fish including revocation of licence.

15. Should the licensee fail to comply with any or all of the conditions in the licence the Minister shall revoke the licence if he thinks fit.
16. The licence will be subject to review and or amendment four (4) years from the date of issue.

Dated this 30th day of NOVEMBER 1988
For the Minister for the Marine

Romy Boyd.

An Officer of the Department of the Marine
duly authorised in that behalf.

- N.B. (1) This licence is valid only so long as the layout of the fish farm conforms to the plans duly approved in Paragraph 1 of this licence.
- (2) This licence may be amended or revoked as provided by Section 15 of the Fisheries (Consolidation) Act, 1959.
- (3) This licence is not to be construed as authorising the licensee in any way to interfere with or infringe the rights of any other person.

Smaller Link Salmon Licence

An Roinn Iascaigh agus Foraoiseachta
(Department of Fisheries and Forestry)
Fisheries (Consolidation) Act, 1959

Fish Culture Licence

The Minister for Tourism, Fisheries and Forestry by this licence authorises, subject to the conditions set out in the Schedule to this licence Mr. John Gallagher, Ballyare Fish Farm, Ramelton, Co Donegal (hereinafter referred to as "the licensee").

1. To carry on at or in connection with the fish farm situate in the townland of Ballyare, in the Barony of Kilmacrenan, County Donegal the plans of which have been submitted to and approved by the Minister for Fisheries and Forestry all necessary operations in relation to the culture of salmon and rainbow trout.
2. To purchase and have in possession salmon, salmon smolts, rainbow trout and the ova and fry of salmon and rainbow trout, the acquisition of which has been approved by the Minister for Fisheries and Forestry.
3. To capture and have in possession within the confines of the said fish farm live salmon, salmon smolts, rainbow trout and the ova, fry and fingerlings thereof at any time of the year.
4. To have in possession and to sell at any time of the year salmon and rainbow trout for table use.
5. For the purpose of capture of fish as aforesaid to have in possession and use nets, traps or such other engines as may be approved from time to time by the Minister for Fisheries and Forestry.

SCHEDULE

Conditions subject to which this licence is granted

1. No fish other than salmon and rainbow trout shall be bred and handled at the said fish farm.
2. The licence shall provide and maintain such gratings or other devices in the intake and discharge channels as will effectually prevent the admission of migratory fish into other water courses and ponds of the fish farm, and make adequate arrangements to ensure the safe passage past the farm of migratory fish and shall make all necessary provisions to prevent the escape of rainbow trout from the ponds and water courses of the farm and shall carry out any instructions issued in this connection from time to time by the Minister for Fisheries and Forestry.
3. Abstraction of water shall be so regulated that sufficient water will be maintained at all times in the natural water courses adjoining the farm to ensure the free passage of migratory fish past the farm. The licensee shall comply with any directions issued in that connection by the Minister for Fisheries and Forestry from time to time.
4. The stock of fish held in the farm shall not exceed such quantity as may be specified by the Minister for Fisheries and Forestry from time to time.
5. Records shall be kept as the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish farm it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of Part X of the Fisheries (Consolidation) Act, 1959.
6. The licensee shall furnish to the Secretary, Department of Fisheries and Forestry (Fisheries Division) such returns from the records kept at the said fish farm as may be required from time to time by the Minister for Fisheries and Forestry.

7. Live salmon, salmon smolts, rainbow trout or the ova or fry or fingerlings thereof shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the written permission of the Minister for Fisheries and Forestry.
8. The said fish farm and all premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
9. The licensee shall notify the Secretary, Department of Fisheries and Forestry (Fisheries Division) within forty-eight hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the Fish Pathology Unit, Abbotstown, Castleknock, Co. Dublin in a prescribed manner as and when requested to do so and shall comply with any directions as to the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.
10. The licensee shall make arrangements for the provision of a line pit for the disposal of dead fish.
11. The licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister for Fisheries and Forestry.
12. Such precautions shall be taken as the Minister for Fisheries and Forestry may specify from time to time, in relation to (a) introduction of salmon and rainbow trout ova or fry for stocking the farm, including disease free certification, in appropriate terms, and (b) the adaptation of methods of operation or type of installation (e.g. use of concrete ponds).
13. In the event of neglect or abandonment of the fish at the fish farm, the Minister shall take such action as he thinks fit to dispose of the fish including revocation of the licence.

14. The licence is valid for the period ending 31 July 1987.

Dated this 27th day of January, 1987
for the Minister for Fisheries and Forestry

John Norton

An Officer of the Department of Fisheries and
Forestry duly authorised in that behalf.

N.B.

- (1) This licence is valid only so long as the layout of the fish farm conforms to the plans duly approved as provided in Paragraph 1 of this licence.
- (2) This licence may be amended or revoked as provided by Section 15 of the Fisheries (Consolidation Act, 1959.
- (3) This licence is not to be constructed as authorising the licensee in any way to interfere with or infringe the rights of any other person.
- (4) This licence shall be subject to review and/or amendment on or before 31 March 1987.

An Roinn Iascaigh agus Foraoiseachta

(Department of Fisheries and Forestry)

Fisheries (Consolidation) Act, 1959

Fish Culture Licence

The Minister for Fisheries and Forestry in exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978), hereby by this licence authorises, subject to the conditions set out in the Schedule to this licence:

Mr. John Gallagher, Ballyare Fish Farm, Ramelton, Co. Donegal

1. To carry on at or in connection with the fish farm situate in the townland of Ballyare, in the Barony of Kilmacrenan, County Donegal the plans of which have been submitted to and approved by the Minister for Fisheries and Forestry all necessary operations in relation to the culture of rainbow trout.
2. To purchase and have in possession rainbow trout and the ova and fry of rainbow trout, the acquisition of which has been approved by the Minister for Fisheries and Forestry.
3. To capture and have in possession within the confines of the said fish farm live rainbow trout and the fry thereof at any time of the year.
4. To have in possession and to sell at any time of the year rainbow trout for table use.
5. For the purpose of capture of fish as aforesaid to have in possession and use nets, traps, or such other engines as may be approved from time to time by the Minister for Fisheries and Forestry.