



**AQUACULTURE - LICENSING UNDER  
FISHERIES (AMENDMENT) ACT, 1997 as amended  
AND FORESHORE ACT, 1933 as amended**

**Guidance Notes<sup>1</sup> for applicants for an  
Aquaculture Licence and Foreshore Licence for a single specific site.**

**If a Licence is required for more than one site a separate  
application form must be completed for each site.**

**Important Note**

**Section 4 of the Fisheries and Foreshore (Amendment) Act, 1998 (No. 54 of 1998) prohibits any person making an application for an Aquaculture Licence from commencing aquaculture operations until duly licensed under the Fisheries (Amendment) Act, 1997 (No. 23 of 1997), and provides that a breach of that prohibition will cause the application to fail.**

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**Revised May 2018**

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<sup>1</sup> Please note that this is only a guide and each application for an aquaculture licence, foreshore licence, or trial licence will be assessed and processed on its individual merits. Applicants are responsible for meeting the requirements of all applicable legislation and are advised to refer to the legislation directly. Aquaculture legislation changes from time to time. Aquaculture Licence holders and applicants should make themselves aware of the aquaculture legislation that relates to their activities.

# CONTENTS

SECTION 1 – INTRODUCTION .....	3
1.1 GENERAL .....	3
1.2 INSTRUCTIONS FOR FILLING OUT THE APPLICATION FORM: .....	4
1.3 CONTACT DETAILS .....	4
SECTION 2 -CRITERIA FOR LICENSING AUTHORITY IN ASSESSING LICENCE APPLICATIONS .....	5
SECTION 3 - APPLICATIONS FOR LICENCES .....	6
3.1 TYPE OF APPLICATION (Part 1- Preliminary Details) .....	6
3.2 TYPE OF AQUACULTURE (PART 1- PRELIMINARY DETAILS) .....	7
3.3 INFORMATION ON CONDITIONS AND DOCUMENTATION REQUIRED FOR LICENCE APPLICATIONS - (PART 2- DETAILS RELATING TO PROPOSED AQUACULTURE PROJECT) .....	7
3.3.1 GENERAL .....	7
3.3.2 REQUIREMENTS SPECIFIC TO MARINE-BASED AQUACULTURE ONLY .....	9
3.3.3 REQUIREMENTS SPECIFIC TO LAND-BASED AQUACULTURE ONLY.....	10
3.4 FINANCE & MARKETING.....	11
3.5 GUIDANCE ON DECLARATION AND SIGNING (Parts 3, 4 and 5) .....	11
SECTION 4 - GUIDANCE ON APPLICATION & ANNUAL AQUACULTURE AND FORESHORE LICENCE FEES.....	11
4.0 LICENCE APPLICATION FEES.....	11
4.1 ANNUAL AQUACULTURE AND FORESHORE LICENCE FEES.....	12
SECTION 5 - PROCESSING OF LICENCE APPLICATIONS.....	13
5.1 DEPARTMENTAL ACKNOWLEDGEMENT OF RECEIPT OF APPLICATIONS .....	13
5.2 DEPARTMENTAL REQUEST FOR FURTHER INFORMATION.....	13
5.3 PUBLIC NOTICE OF LICENCE APPLICATIONS .....	13
5.4 SUPPLY OF FURTHER INFORMATION IN CONNECTION WITH EIS .....	13
5.5 SUBMISSIONS AND OBSERVATIONS CONCERNING LICENCE APPLICATIONS.....	14
5.6 PUBLICATION OF LICENSING DECISIONS .....	14
5.7 DECISIONS ON APPLICATIONS.....	14
SECTION 6 – ADDITIONAL REQUIREMENTS RELATING TO AQUACULTURE OPERATIONS .....	14
6.1 FISH HEALTH AUTHORISATION .....	14
6.2 REGISTRATION AS FOOD BUSINESS OPERATOR .....	14
SECTION 7 - APPEALS AGAINST LICENSING DECISIONS .....	15
ANNEXES .....	16
Annex A.....	17
Annex B .....	18
Annex C .....	19
MISCELLANEOUS.....	20
Annex D Data Protection Notice .....	21

## **GUIDANCE NOTES FOR APPLICANTS FOR AN**

### **AQUACULTURE LICENCES AND A COMPANION FORESHORE LICENCE**

## **SECTION 1 – INTRODUCTION**

### **1.1 GENERAL**

These Guidance Notes<sup>2</sup> are intended to assist persons (whether individuals, co-operatives or other bodies corporate) to apply for:

- an Aquaculture Licence
- a Foreshore Licence where any State-owned foreshore is to be involved
- a renewal of an expired licence
- review of an existing Aquaculture Licence – see section 70 of the Fisheries (Amendment) Act, 1997
- a Trial Licence (maximum duration: 1 year in the case of salmon and 3 years in all other cases). Please note a trial licence may not be renewed.

The Fisheries (Amendment) Act, 1997 obliges any person wishing to engage in aquaculture on land or in a marine area to be licensed; unlicensed operations could entail a fine of up to €250,000.

The Aquaculture (Licence Application) Regulations, 1998 (S.I. No. 236 of 1998) as amended by S.I. No. 145 of 2001, S.I. No. 197 of 2006, S.I. No. 280 of 2010, S.I. No. 369 of 2010, S.I. No. 301 of 2012 and S.I. No. 410 of 2012, specify how applications for licences should be made, using the official Application Form provided, and paying the appropriate Application Fee (see Section 4 for details of Application Fees).

The official Application Form is to be used where a Foreshore Licence is also required, that is, where the proposed aquaculture would use or occupy any State-owned foreshore (the foreshore being the area from the high water mark of ordinary or medium tides outwards for 12 nautical miles).

Prior to lodging an application for an aquaculture licence applicants are advised to arrange an appointment with the local Departmental Engineer and/or BIM official. (see list on next page) to have preliminary discussions regarding the proposal. This will assist the applicant in the preparation of the licence application and provide an understanding of the aquaculture licensing procedure.

Aquaculture licensing arrangements in place under the Fisheries (Amendment) Act, 1997 require public advertisement of all licence applications. Interested parties and the public generally have the opportunity to comment on applications and these comments are duly considered before a licensing decision is made. A complete and accurate application will facilitate the efficient processing of the licence application, and will reduce unnecessary costs and delays.

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<sup>2</sup> It is intended to update this Guide periodically as the need arises.

## 1.2 INSTRUCTIONS FOR FILLING OUT THE APPLICATION FORM:

- The official Application Form must be used.
- Before completing the Application Form applicants should read these guidance notes.
- Arrange an appointment with the local Department Engineer and/or BIM Official. (contact details below) to have preliminary discussions regarding the proposal.
- Use **BLOCK LETTERS IN BLACK INK** when completing the application form.
- Complete the application form fully and accurately and supply all required supporting documentation to the Department of Agriculture, Food and the Marine, (Aquaculture & Foreshore Management Division), along with the specified Application Fee.
- **Additional pages** may be attached to the official Application Form if required to provide complete information on any matter relating to the application. As additional Information Sheets form part of the application, each additional page must be signed and dated by the applicant.

It is to be noted that due process will be followed at all times and an acknowledgement of a complete application gives the applicant no right or expectation that a licence will be granted for the site applied for.

## 1.3 CONTACT DETAILS

	Address	Phone No.
<b>Department Engineering Offices</b>		
<b>Ballyshannon</b>	Upper Main Street Ballyshannon Co. Donegal	071 9858520
<b>Tralee</b>	Reen Point, Blennerville Tralee, Co. Kerry	066 7149340
<b>Galway</b>	2 <sup>nd</sup> Floor, Custom House Druid Lane, Galway	0915605000
<b>BIM Aquaculture Development Offices</b>		
<b>Cork</b>	BIM Fisheries College, Castletownbere Co. Cork	027 71238
<b>Galway</b>	BIM Office New Dock Road, Galway	091 539637
<b>Kerry</b>	BIM Office, Listowel Community Centre, Town Park, Listowel, Co. Kerry	068 24885
<b>Mayo</b>	BIM Office, Campus Filling Station Units, Westport Road, Newport, Co. Mayo	098 41477
<b>Wexford</b>	BIM Office, Office D, Wexford Enterprise Park Strandfield Business Park Kerlogue Rosslare Road, Wexford	053 9171724
<b>Killybegs</b>	BIM Office, New Pier, Killybegs Co. Donegal	074 9732604

## **SECTION 2 -CRITERIA FOR LICENSING AUTHORITY IN ASSESSING LICENCE APPLICATIONS**

As aquaculture requires a necessary high level of professionalism on the part of operators, applicants for aquaculture licences must be able to demonstrate that they are qualified to undertake aquaculture operations in a professional way.

Section 61 of the Fisheries (Amendment) Act, 1997 specifies the following criteria to be taken into account by the licensing authority in making licensing decisions, as may be appropriate in the circumstances of the particular case:

- (a) the suitability of the place or waters at or in which the aquaculture is or is proposed to be carried on for the activity in question,
- (b) other beneficial uses, existing or potential, of the place or waters concerned,
- (c) the particular statutory status, if any, (including the provisions of any development plan, within the meaning of the Local Government (Planning and Development) Act, 1963 as amended), of the place or waters,
- (d) the likely effects of the proposed aquaculture, revocation or amendment on the economy of the area in which the aquaculture is or is proposed to be carried on;
- (e) the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and
- (f) the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aquaculture is or is proposed to be carried on -
  - (i) on the foreshore, or
  - (ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of, and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977; and
- (g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters.

Where any proposed aquaculture is likely to have a significant effect on a Natura 2000 site (i.e. any area designated (or candidate) as a Special Area of Conservation (under the EU Habitats Directive) or a Special Protection Area (under the EU Birds Directive)) a screening for and/or an 'appropriate assessment' must be undertaken before the licensing authority can make a determination on the application.

## SECTION 3 - APPLICATIONS FOR LICENCES

### 3.1 TYPE OF APPLICATION (*Part 1- Preliminary Details*)

- (i) Aquaculture Licence: This is a licence to engage fully in a clearly defined type of aquaculture e.g. finfish, shellfish or aquatic plants.
- (ii) Trial Licence: This is a licence to engage in aquaculture in an investigative or experimental manner, other than in fresh water. The period of validity granted for a trial licence will depend on the nature and merit of specific projects proposed but cannot exceed 1 year in the case of salmon farming or 3 years in any other case. (Trial Licences cannot be renewed.)
- (iii) Foreshore Licence: This licence is required for marine aquaculture and allows for the placing of objects or structures on the State owned foreshore, to use or occupy the foreshore, or to remove or disturb beach material from it.
- (iv) Renewal of Aquaculture Licence: Applicants should apply in a timely manner for the renewal of their aquaculture licences and it is recommended that an application for renewal should be submitted in the 12 months period prior to the expiry of the existing licence. Licensees should note that there is no guarantee that the licence will be renewed. Section 19A (4) of the '97 Act allows a licensee who has applied for a renewal to continue to operate even after the expiry date of their licence until a determination on the renewal application has been made.
- (v) Review of Aquaculture Licence: An application for a review of an Aquaculture Licence can be made after a period of three years has elapsed from the date the licence was granted/renewed.  
*The legislation provides that the Minister may, on the application of the licensee made at any time after the expiration of a period of three years commencing on the granting of the licence or its last renewal, review an aquaculture licence. The Minister may alter or amend the terms of the licence, amend or delete any condition or attach additional conditions.*

## 3.2 TYPE OF AQUACULTURE (PART 1- PRELIMINARY DETAILS)

### Types of Aquaculture to be licensed

Aquaculture is classified as follows for the purposes of applying for a licence:

(a) **marine-based:**

- finfish
- shellfish
- intertidal
- subtidal
- seaweed, aquatic plants
- aquatic fish food

(b) **land-based:**

- finfish
- shellfish
- aquatic plants
- aquatic fish food

## 3.3 INFORMATION ON CONDITIONS AND DOCUMENTATION REQUIRED FOR LICENCE APPLICATIONS - (PART 2- DETAILS RELATING TO PROPOSED AQUACULTURE PROJECT)

### 3.3.1 GENERAL

The following conditions must be met in order to allow for consideration of licensing of both land-based and marine-based aquaculture

(a) **Designated Shellfish Area**

A marine-based shellfish aquaculture application must state if it is in a Designated Shellfish Waters Area. The applicant can seek guidance from their respective BIM Regional Officer or Technical Section or by consulting the Department of Environment, Community and Local Government website

(b) **Natura 2000 Sites**

**Natura Impact Statement**

In the case of applications for Marine Finfish Licences located within or adjacent to a “Natura 2000” site, a “Natura Impact Statement” should be forwarded to the Department for assessment by our scientific advisors.

A Natura Impact Statement (NIS) is defined in the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011):-

*“Natura Impact Statement” means a report comprising the scientific examination of a plan or project and the relevant European Site or European Sites, to identify and characterise any possible implications of the plan or project individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an Appropriate Assessment;*

The provision of an NIS by the operator will enable the Department to conduct the necessary screening to determine whether an Appropriate Assessment is required.

The NIS should be incorporated in the EIS document as a specific section.

Where proposed aquaculture other than marine finfish is located within or adjacent to a Natura 2000 site (i.e. any area designated (or candidate) as a Special Area of Conservation (under the EU Habitats Directive) or a Special Protection Area (under the EU Birds Directive)) a screening for and/or an 'Appropriate Assessment' must be undertaken to determine any likely significant effects of the operation in combination with other activities on the Natura 2000 site before the licensing authority can make a determination/decision on the application.

**(c) Environmental Impact Statement (EIS) (obligatory in some cases)**

Regulation 4 and 5 of the Aquaculture (Licence Application) Regulations 1998 as amended, provide that it is mandatory to submit an Environmental Impact Statement (EIS) with all types of applications for all seawater salmonid breeding installations as set out below;

- a seawater salmonid breeding installation, or
- Sea water fish breeding installations with an output which would exceed 100 tonnes per annum.
- All fish breeding installations consisting of cage rearing in lakes.
- All fish breeding installations upstream of drinking water intakes,
- other fresh-water breeding installations which would exceed 1 million smolts and with less than 1 cubic meter per second per million smolts low flow diluting water.

In all other cases (non-mandatory) the applicant will be advised to submit an Environmental Impact Statement if the Minister decides the project is likely to have a significant effect on the environment.

The Department of Agriculture, Food and the Marine, (Aquaculture & Foreshore Management Division) will advise the applicants concerned to prepare and submit an EIS when required so as to enable the licence application to be properly assessed.

**(d) Alien or Locally Absent Species**

Aquaculture Operators intending the introduction of an alien species or the translocation of certain locally absent species must apply for a permit to the Minister.

The specific obligations are set out in Article 6 of Council Regulation (EC) No. 708/2007 and the information the applicant is required to submit is set out in Annex1 attached to the Regulations. The list of species not covered by alien and locally absent species regulations is set out in Annex 4 of Community Regulation (EC) No 505/2008 – **this includes C.gigas oysters.**



### **3.3.2 REQUIREMENTS SPECIFIC TO MARINE-BASED AQUACULTURE ONLY**

The following apply;

#### **(a) Integrated Pest Management Plan (IPM) – Marine-based Finfish**

Applicants should also be aware that all **marine-based finfish** Licensees are required to adhere to various Monitoring Protocols as a condition of their licences including Monitoring Protocol No.3 – Offshore Finfish Farms - Sea Lice Monitoring and Control.

An IPM Plan must contain the information specified in **Annex B**

#### **(b) Site Structures**

Applicants are advised to ensure that the application includes sufficient site area. All structures (including mooring blocks) must at all times be located entirely within the proposed aquaculture site and must not extend outside of that area.

#### **Preliminary Design requirement – Marine based Finfish**

Applicants are advised that the preliminary design of the proposed marine finfish farm structures must be supplied with the application. The preliminary design requirement is described in the Protocol for Structural Design of Marine Finfish Farms (this protocol is available for viewing on the Department's website).

#### **Drawing requirement Marine based Finfish**

Drawings to be supplied with the application will include the following as a minimum:

- a) site location map and site location chart, typically 1: 10560 scale, or larger; these shall show the site boundary<sup>1</sup>, the farm plan layout, the proposed position and orientation of structures within the site, nearby coastline, landmarks, features (as appropriate to the scale);
- b) plan layout of the finfish farm, typically 1: 2000 scale, or larger, showing the superstructure and sub-surface components of the farm – flotation rings or units, walkways, buoys, feed barge, top net supports, the mooring system layout, the expected anchor positions - all major component materials, dimensions shall be specified on the drawing or in accompanying text notes;
- c) cross-sectional elevation, typically 1: 2000 scale, or larger, along the principal axes (longitudinal and lateral) of the marine farm, showing superstructure and sub-surface components of the farm relative to mean sea level; and showing expected position of mooring components and anchors; seabed profile to be shown and relevant tidal information<sup>2</sup>.

<sup>1</sup> It is important that all structures including anchors are fully within the proposed licensed site boundary.

<sup>2</sup> This shall include HAT, MSL, and LAT. The recommended level datum to be used is Chart Datum for that area. Where scaling may be an issue for clarity, tidal levels may be shown in a drawing note.

For illustration purposes a Sample Proposed Site Layout Drawing is available for viewing on the Department's website.

### **Drawing and map requirement for Marine based Shellfish / Aquatic Plants**

Drawings must include the following as a minimum:

- a) An application shall be accompanied, as appropriate, by an Ordnance Survey map of the location of the proposed aquaculture indicating the relevant Ordnance Sheet No and drawn to a scale of 1:10,560.
- b) The plan layout of the farm must be to a recognised scale and should show the orientation of the structures and all dimensions shall be specified on the drawing or in accompanying text notes. The site access route must also be specified. Cross-sectional elevations should be to a common scale and all dimensions should be specified.
- c) Drawings of the structures should contain the following information, as appropriate:
  - Aquaculture Farm name / Logo,
  - Engineer's Name / Logo
  - Project Title
  - Drawing Title
  - Drawing Number (plus revision version as appropriate)
  - Drawing status
  - Scales in use (for each drawing detail)
  - Scale at sheet size or scale bar as appropriate
  - Drawing date
  - Draughtsman's and approver's name, initial and dates.
  - Drawing notes as appropriate.

### **3.3.3 REQUIREMENTS SPECIFIC TO LAND-BASED AQUACULTURE ONLY**

The following apply

- The proposed site layout, buildings and equipment will need to be designed to the Department's satisfaction
- The operation must comply with Local Authority requirements
- Applicants for Land based licences must contact their Local Authority i.e. County Council to enquire if they require Planning Permission and a Licence to Discharge Trade Effluent.

The following must be supplied with an application for Land-based aquaculture

- Sketch of a layout of the site in relation to the river(s), road(s), and building(s)
- **Water Quality Analysis Report:** Applications for a licence for any type of **freshwater land-based aquaculture** must be accompanied by a Water Quality Analysis Report which must include parameters (as appropriate) set out in **Annex A**

### 3.4 FINANCE & MARKETING

Part 4 must be completed in full by every applicant irrespective of whether the application is for a new site or for the renewal of a site which was previously licensed to the applicant.

If the applicant is a limited Company within the meaning of the Companies Act 1963, as amended, the Certificate of Incorporation and Memorandum and Articles of Association must be included.

If the applicant is a Co-operative, the Certificate of Incorporation and Rules of the Co-operative Society must be included.

### 3.5 GUIDANCE ON DECLARATION AND SIGNING (Parts 3, 4 and 5)

#### Execution of Documents

Applicants should be aware that if the licence is to be held by more than one person, then all persons to be named on the licence must sign and date the application. In the case of a company/co-operative, the company/co-operative must properly execute the form and provide contact details of the person(s) authorised to sign on behalf of the company/co-operative (see sections 3, 4 and 5 of the application form). Incomplete sections of parts 3, 4 & 5 will render the application invalid.

## SECTION 4 - GUIDANCE ON APPLICATION & ANNUAL AQUACULTURE AND FORESHORE LICENCE FEES

### 4.0 LICENCE APPLICATION FEES

Application Fees for an Aquaculture Licence or a Trial Licence are as follows:

- for shellfish culture or the culture of aquatic plants or aquatic fish food, €95.23,
- for finfish culture, €634.87.

Application Fees for the **renewal or review** of an existing Aquaculture Licence are:

- for shellfish culture or the culture of aquatic plants or aquatic fish food, €63.49,
- for finfish culture, €190.46.

This is a list of the current fees which may be subject to review.

No distinction is made between land-based and marine-based sites for the above fees.

There is no fee charged for making an application for a Foreshore Licence.

**All licence fees should be made payable by cheque or bank draft to the Department of Agriculture, Food and the Marine.**

#### **4.1 ANNUAL AQUACULTURE AND FORESHORE LICENCE FEES**

Licensees must pay an annual Aquaculture or Trial Licence Fee as specified in **Annex C** for the duration of the licence.

For Aquaculture and Trial Licences the annual fee payable will depend on whether the site licensed is land-based or marine-based, the type of aquaculture (shellfish, aquatic plants or aquatic fish food or finfish) and the size of the fish farm or tonnage of fish produced.

**Annex C** also specifies the annual Foreshore Licence fees payable for marine-based sites.

## **SECTION 5 - PROCESSING OF LICENCE APPLICATIONS**

*The information provided in paragraphs 1 to 7 below concerns mainly matters applying **after completion and submission** of an Application Form. Applicants will be advised individually on these matters.*

### **5.1 DEPARTMENTAL ACKNOWLEDGEMENT OF RECEIPT OF APPLICATIONS**

Valid applications, namely those comprising fully completed Application Forms and accompanied by the required documents along with the specified Application Fee, will be acknowledged in writing, stating also the date of receipt in the Department of Agriculture, Food and the Marine (Aquaculture & Foreshore Management Division).

In the case of incomplete applications, applicants will be requested in writing to furnish necessary further particulars. Any further particulars required will be clearly identified in the request.

In the case of invalid applications the applicant will be informed in writing that the application is invalid. Invalid applications, with all accompanying documents, will be returned to applicants.

### **5.2 DEPARTMENTAL REQUEST FOR FURTHER INFORMATION**

In the case of any valid application further information relating to the application may be sought, in writing, by the Department of Agriculture, Food and the Marine (Aquaculture & Foreshore Management Division) from the applicant, to enable the application to be considered.

### **5.3 PUBLIC NOTICE OF LICENCE APPLICATIONS**

In the case of a complete application received, the Department will instruct the applicant to publish a notice of the application, in a newspaper circulating in the vicinity of the location of the proposed aquaculture.

The notice must be published in accordance with the Department's instruction.

### **5.4 SUPPLY OF FURTHER INFORMATION IN CONNECTION WITH EIS**

In the case of an applicant who has supplied an EIS, further information concerning the effects on the environment of the proposed aquaculture may be requested by the Department in the light of its consideration of the proposals and likely effects on the environment.

The applicant must publish a notice that further information has been furnished, within 2 weeks of the issue of the Department's instructions, in a newspaper circulating in the area of the proposed aquaculture.

## **5.5 SUBMISSIONS AND OBSERVATIONS CONCERNING LICENCE APPLICATIONS**

Copies of all submissions and observations received by the Department from the public and Statutory Consultees concerning an application, or an EIS supplied with an application, will be forwarded to the applicant, who may submit written comments on them within 3 weeks of issue date.

This 3-week deadline may not be exceeded or extended. However, should further comments be required from the applicant after expiry of the 3-week deadline, the Department of Agriculture, Food and the Marine (Aquaculture & Foreshore Management Division) will formally request them.

## **5.6 PUBLICATION OF LICENSING DECISIONS**

Ministerial decisions on all applications will be published, within 28 days of being made, in a newspaper circulating in the vicinity of the location of the aquaculture concerned, or the proposed aquaculture. Where an EIS was required in relation to an application, the decision will also be published in the *Iris Oifigiúil* within 28 days.

## **5.7 DECISIONS ON APPLICATIONS**

Applicants will be informed as soon as possible in writing by the Department of the Ministerial decision to grant or refuse the application. A decision by the Minister will have effect one month after the decision is published unless, in the meantime, an appeal is duly lodged against that decision.

In the case of a Ministerial refusal to grant a licence the reason or reasons for the refusal will be provided to the applicant.

# **SECTION 6 – ADDITIONAL REQUIREMENTS RELATING TO AQUACULTURE OPERATIONS**

## **6.1 FISH HEALTH AUTHORISATION**

In accordance with fish health legislation all aquaculture facilities are required to have a Fish Health Authorisation. Fish Health Authorisations are issued by the Marine Institute. Information and application form(s) are available from the Fish Health Unit of the Marine Institute, Renville, Oranmore, Co. Galway, 091 387200 and at [www.marine.ie/fishhealth](http://www.marine.ie/fishhealth)

## **6.2 REGISTRATION AS FOOD BUSINESS OPERATOR**

An Aquaculture Licence Holder is required to register as a Food Business Operator (FBO) with the Sea Fisheries Protection Authority. Information and application form(s) are available from the Food Safety Unit, Sea Fisheries Protection Authority, National Seafood Centre, Clonakilty, Co. Cork, 023 8859300 and at [www.sfpa.ie](http://www.sfpa.ie)

## **SECTION 7 - APPEALS AGAINST LICENSING DECISIONS**

Any person aggrieved by a decision made by the Minister under the Fisheries (Amendment) Act, 1997, in relation to an application for an Aquaculture Licence or the amendment, or revocation of an Aquaculture Licence may appeal the decision to the Aquaculture Licences Appeals Board. An appeal must be made within one month after the date of publication of the Minister's decision.

# **ANNEXES**

## **A to D**



**Water Quality Analysis Report**  
**Sample and Analysis Requirements**

1. This Report is required only in cases of proposed land-based aquaculture projects.
2. Applicants must arrange that water sampling analysis should be carried out on waters to be used in the proposed operation by an independent, qualified Analyst.

The Analyst's report must be accompanied by a complete description of sampling and analytical procedures followed. Relevant quality assurance procedures and information, including data and results based on reference materials analysed, should also be provided.

3. The following details of water quality should be determined:
  - dissolved oxygen content,
  - biochemical oxygen demand (B.O.D.),
  - total and free ammonia (NH<sub>3</sub>),
  - free Carbon Dioxide (CO<sub>2</sub>),
  - total alkalinity,
  - total hardness,
  - pH value,
  - nitrates, and
  - phosphates.

**Heavy Metal Deposits**

Where local geological characteristics or a previous history of mining in the area indicate that there may be traces of heavy metal deposits, levels of lead, zinc, copper and iron should also be determined as very minute quantities can be lethal to young fish.

### **Information to be contained in the Integrated Pest Management (IPM) Plan**

- This Plan is required only in cases of proposed marine-based finfish aquaculture projects.
- A documented Integrated Pest Management (IPM) Plan must be established for the control of sea lice infestations and monitoring in marine-based finfish sites.
- Applicants must demonstrate that the plan for sea lice monitoring and control strategy is based on the five principal components of the National Monitoring Protocol for Offshore Finfish Farms Sea Lice Monitoring:
  - Separation of generations
  - Annual fallowing of sites
  - Early harvest of two sea-winter fish
  - Targeted treatment regimes, including synchronous treatments
  - Agreed husbandry practices
- The Plan must be developed in conjunction with and with the agreement of the farm veterinarian.
- The applicant must seek agreement with the Marine Institute on the establishment and implementation of the IPM Plan. Documentation of such agreement must be supplied as evidence.
- The IPM Plan must contain:
  - A fish stocking and lice management plan in consultation with other farms in the bay
  - Sea lice sampling and monitoring plan during the periods of high infestation including classification of juvenile, adult and ovigerous females.
  - Measures taken to minimise the use of medicinal/ chemical treatment
  - Types of treatment and their administration to ensure effective clearance of lice
  - Product rotation to minimise the risk of resistance in lice populations to active ingredients.

**ANNUAL AQUACULTURE & FORESHORE LICENCE FEES****(Note: Currently under review)****A: Aquaculture (Aquaculture Licences and Trial Licences)**1. Annual Licence fees for a marine-based site (\*)

<b>Licence Class (1)</b>	<b>Method of Calculation (2)</b>	<b>Fee (3)</b>
Shellfish Culture or Culture of aquatic plants or aquatic fish food (intensive)	Up to 2 hectares	€82.53
	Each additional hectare	€40.63
Shellfish Culture or Culture of aquatic plants or aquatic fish food (extensive)	Up to 2 hectares	€82.53
	Each additional hectare up to 20	€40.63
	Each additional hectare above 20	€1.27
Finfish Culture	Up to 100 tonnes (per tonne)	€6.35
	Each additional tonne	€15.24

2. Annual Licence fee for a land-based site

The standard fee is €126.97 per annum, irrespective of nature or volume of production or size of site, as an encouragement to aquaculture development on suitable land-based sites.

**B: Foreshore**

The standard Foreshore Licence fee is €63.49 per annum for the duration of the licence, commencing on the date of granting of a licence, irrespective of the size of the site except for finfish culture where the following annual Foreshore Licence fees apply:

up to and including 5 hectares -	€63.49 per annum
each additional hectare up to and including 10 hectares -	€31.74 per annum
each additional hectare above 10 hectares and up to and including 20 hectares -	€63.49 per annum

- *The Aquaculture Licence Fees Regulations permit holders of Aquaculture licences to pay their licence fees in two equal instalments (at six-monthly intervals), where the fee exceeds €1269.74 on the granting or on the anniversary of the granting of the licences.*

## **MISCELLANEOUS**

### **OTHER DOCUMENTS YOU MUST HOLD**

**1. Certificate of Tax Clearance.**

During the term of any licence which may issue the Licensee will be expected to provide to the Minister on demand a current tax clearance certificate.

**2. Predator Control Plan**

The plan should detail the main predators of the species to be cultivated and the method(s) which will be used to control them. How often and where (i.e. inside or outside the area for which the licence is sought) will that method/each of the method(s) be used? How will the predators be disposed of?

**Data Protection Notice:**

**Part A:**

**Information applicable to all Department of Agriculture, Food and the Marine customers:**

1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way.
2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere, and why and how long their data may be held by the Department. Information on the rights of customers will also be provided.
3. The current legislation for Data Protection in Ireland is the Data Protection Act 1998 as amended by the 2003 Data Protection Act. The General Data Protection Regulations (EU 2016/679) will come into effect on 25 May 2018.
4. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Department itself, as a legal entity.
5. The Data Protection Officer can be contacted as follows:

Data Protection Officer

Data Protection Unit, Corporate Affairs

Department of Agriculture, Food and the Marine

Grattan Business Park, Dublin Road,

Portlaoise, Co Laois.

Email: [dataprotectionofficer@agriculture.gov.ie](mailto:dataprotectionofficer@agriculture.gov.ie)

6. Personal data processed by the Department will only be used for the specific purpose(s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the Data Protection legislation in force.

7. Rights of the individual in relation to personal data held by the Department:  
When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. These rights are outlined below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise:

Currently our customers have the following rights (up to 24 May 2018):

- access to their data
- rectification of their data
- erasure of their data
- right to lodge a complaint with the Supervisory Authority

From 25 May 2018 onwards all Department customers will also have the following additional rights:

- restriction of processing
- data portability
- objection to processing
- withdraw consent if they previously gave it in relation to processing of their personal data
- relating to automated decision making, including profiling.

## **Part B – Information specific to the personal data being collected**

**The following information is specific to the personal data processed for *Aquaculture and Foreshore Licence applications*:**

8. Specified purpose:

The personal data sought from you, the applicant, is required for the purpose of making a determination on an application for an Aquaculture and Foreshore licence. Failure to provide all the personal data required to facilitate the processing of the application, including data testing, will result in the Department being unable to process the application.

9. Legal basis:

Applications for Aquaculture and Foreshore Licences are processed pursuant to the following legislation:

Fisheries (Amendment) Act 1997 (as amended)

Foreshore Act 1933 (as amended)

S.I. No. 236/1998 - Aquaculture (Licence Application) Regulations, 1998 (as amended)

S.I. No. 270-1998 - Aquaculture (Licence Application and Licence Fees) Regulations, 1998

EU Habitats Directive of 92/43/EEC

EU Birds Directive 79/409/EEC

Consolidated Environmental Impact Assessment Directive 2011/92/EU and Directive 2014/52/EU

## Public Participation Directive (Aarhus Convention)

### 10. Recipients:

If an Environmental Impact Assessment (EIA) Screening is required, the above legislation provides that the following agencies will participate and are provided with details of your application as part of this process:

- Bord Iascaigh Mhara
- Marine Institute.

The following consultees are contacted by the Department to provide observations on your licence application:

- Bord Iascaigh Mhara
- Marine Institute
- the Minister for Culture, Heritage and the Gaeltacht
- the Minister for Housing, Planning and Local Government
- the Minister for Communications, Climate Action and Environment
- Udaras na Gaeltachta, if the proposed aquaculture is to take place in, or contiguous to, its functional area
- the Local Authority, within whose functional area, or contiguous to whose functional area, the proposed aquaculture is to take place
- Fáilte Éireann
- Inland Fisheries Ireland (IFI)
- the Commissioners of Irish Lights
- An Taisce - The National Trust for Ireland
- a Harbour Authority within the meaning of the Harbours Act, 1946, or a



company established under the Harbours Act, 1996, as appropriate, if the proposed aquaculture is to take place in, or contiguous to, its functional area.

- Irish Water
- Sea Fisheries Protection Authority
- Marine Survey Office of the Minister for Transport, Tourism and Sport.

Details pertaining to your aquaculture and foreshore licence application, and the determination, are published in local newspapers, *Iris Oifigiúil*, and on the Department's website, as required under the Public Participation Directive (Aarhus Convention).

#### *Aquaculture Licences Appeals Board (ALAB)*

In the event of the Aquaculture Licences Appeals Board (ALAB) receiving an appeal of the Minister's decision on whether or not to grant you an aquaculture and foreshore licence, your file, containing personal details, will be forwarded by the Department to ALAB to make a decision on the appeal.

The Aquaculture Licences Appeals Board is an independent authority for the determination of appeals against decisions of the Minister on aquaculture licence applications.

#### 11. Transferred outside the EU:

Information you provide as part of your Aquaculture and Foreshore licence application is not currently transmitted outside of the EU.

#### 12. Retention Period:

The data collected for this purpose will be held by the Department only as long as the legal purpose(s) for which it was collected apply. After this time it will be marked for destruction in accordance with legal obligations under the National

Archives Act 1986, and associated permissions received from the National Archives Office in this regard

13. Data provision being statutory or contractual obligation:

The data provided for this purpose is requested under the requirements of the following legislation:

Fisheries (Amendment) Act 1997 (as amended)

Foreshore Act 1933 (as amended)

S.I. No. 236/1998 - Aquaculture (Licence Application) Regulations, 1998 (as amended)

S.I. No. 270-1998 - Aquaculture (Licence Application and Licence Fees) Regulations, 1998

EU Habitats Directive of 92/43/EEC

EU Birds Directive 79/409/EEC

Consolidated Environmental Impact Assessment Directive 2011/92/EU and Directive 2014/52/EU

Public Participation Directive (Aarhus Convention)

The client is obliged under law to provide this information to enable the Aquaculture and Foreshore Management Division to process applications for Aquaculture and Foreshore licences.

If the customer chooses not to provide this information the application for Aquaculture and Foreshore licences cannot proceed.

14. Automated Decision Making:

Not applicable.

15. Information from Third Party:

Personal data in relation to an Aquaculture and Foreshore licence application is obtained from the applicant in line with this Department's requirement to process your application in accordance with applicable legislation. In circumstances where this Department did not gather your personal data you are still entitled to exercise your rights in relation to this personal data and the details on how to exercise individuals rights are detailed above.

16. Technical information on data collected:

Technical information on the cookies used on our Department's website is available at the following link:

<https://www.agriculture.gov.ie/legalnotices/privacy/>