

# IFA Aquaculture – Best Practice Guidance & Information for Aquaculture licensing, Legislative responsibilities & Environmental objectives

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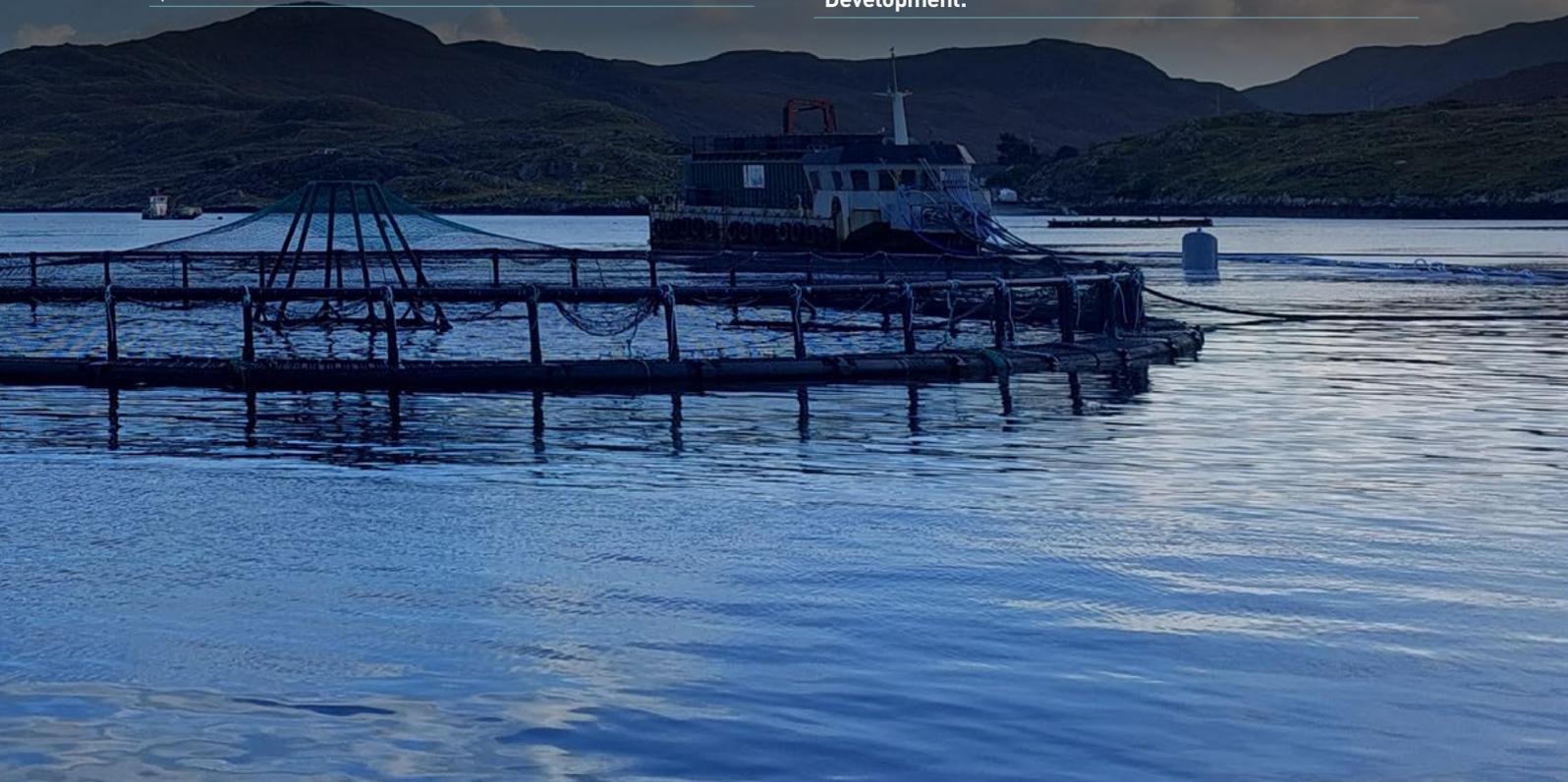


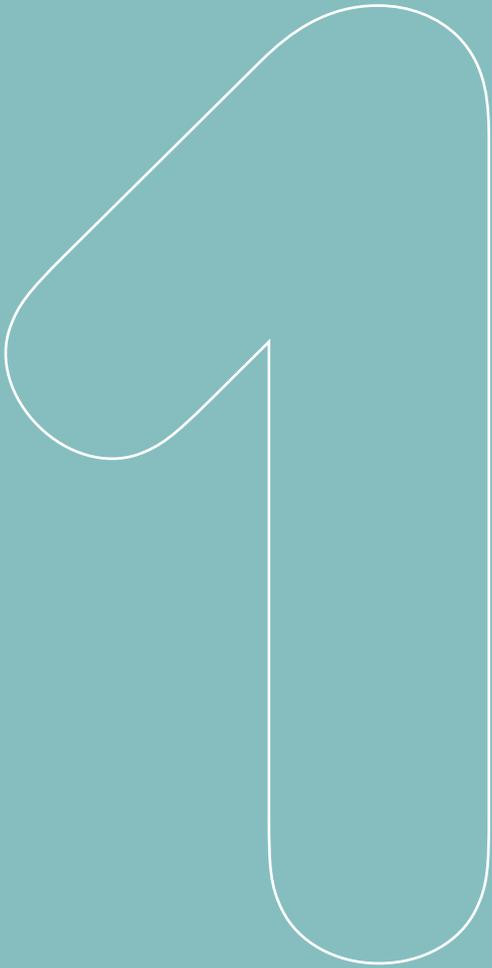
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## Introduction.

IFA Aquaculture is a consolidated representative body comprised of representatives from all sectors of the Irish aquaculture industry, this includes all stakeholders that farm fish, shellfish, seaweeds and for other novel species that may be cultured around the coastline of Ireland.

IFA Aquaculture provides strong industry representation nationally and internationally, supporting the improvement and development of the Irish aquaculture industry and promoting positive aspects of Irish aquaculture.

IFA Aquaculture, in conjunction with Aquacence, has aimed to provide best practice guidance and information on aquaculture licencing requirements, associated legislative responsibilities and environmental objectives for aquaculture producers operating an aquaculture business.

This best practice guidance aims to bring wider awareness and knowledge of the aquaculture licensing process in Ireland. Information is also outlined on the requirement for the appropriate licences/consents for aquaculture production in Ireland, the legislative requirements, and environmental objectives that aquaculture operators are required to comply with in Ireland and the various protocols that aquaculture operators must be aware of and comply with when carrying out aquaculture activities in Ireland.

This is best practice guidance only, drafted for the purpose of consolidating information on licencing, legislative requirements, and environmental objectives for aquaculture producers in Ireland. The licensing of aquaculture activity and indeed the Aquaculture Licensing processes employed by the Department of Agriculture, Food and the Marine (DAFM) are subject to national and EU legislation. Where further clarification or legislative interpretation is required, the DAFM or the appropriate State agency should be contacted.

The best practice guidance and information provided may be subject to change to reflect future changes and updates in licencing requirements, legislation or environmental objectives, as appropriate.



## What is Aquaculture?

Aquaculture involves the breeding, raising, and harvesting of fish, shellfish, and crustaceans and the cultivation of aquatic plants for food.

In Ireland and indeed in most countries, aquaculture is in the main conducted in the marine / offshore environment. Ireland does however have a relatively significant level of land-based aquaculture which includes trout rearing, the cultivation of salmon smolts and aquatic plants.

All aquaculture activity in this country requires an aquaculture licence. In the case of the marine / offshore environment, a foreshore licence for the area being farmed is also required. Land-based aquaculture activity requires both an aquaculture licence and a valid authorisation from the Local Authority (Planning Permission) to conduct the aquaculture activity.

### Aquaculture versus Foreshore Licence.

Marine aquaculture activity in Ireland generally consists of either marine finfish production or shellfish production and to a lesser extent, seaweed production. In each case both an aquaculture and a foreshore licence are required. The licences for both activities are currently processed by the Department of Agriculture Food & the Marine and determined by the Minister of that Department.

Put very simply, the aquaculture licence allows the licence holder to conduct a clearly defined type of aquaculture activity. This licence is subject to stringent conditions and is also conditional upon the licence holder having an up-to-date foreshore licence for the area in which the aquaculture is conducted. The foreshore licence is sometimes referred to as a companion foreshore licence. In other words, the aquaculture licence permits the type of activity, and the foreshore licence permits the use of the area in which the aquaculture will be conducted.

### Types of Aquaculture Licence.

Whilst there is a similarity or common thread running between the various categories of aquaculture licence, the Department of Agriculture Food and the Marine has devised individual templates for specific aquaculture types. You can view samples of typical Aquaculture Templates on the Department's website:

gov.ie - Aquaculture & Foreshore Management ([www.gov.ie](http://www.gov.ie))

These include:

- **Marine Finfish Aquaculture Licences.**  
In Ireland this effectively refers to salmon farming.
- **Shellfish Aquaculture Licences.**  
The Department of Agriculture Food and the Marine has several categories which include:
  - Shellfish (Longlines)
  - Shellfish (Inter, Sub-Tidal)
  - Shellfish Seabed (Bottom Culture)
- **Aquatic Plants / Seaweed Licences.**  
The Department of Agriculture Food & the Marine issues aquaculture licences for the cultivation of seaweed. It also processes the application for the accompanying foreshore

licence.

Harvesting of Wild Seaweed - Confusion sometimes arises in relation to the harvesting of wild seaweed and who issues the foreshore licence. The harvesting of wild seaweed does not require an aquaculture licence, but the activity does require a foreshore licence. The simple rule of thumb is that if the harvested seaweed is for use in the aquaculture industry, for example as aquaculture feed, then the Department of Agriculture Food & the Marine processes the necessary foreshore licence application. All other seaweed harvesting applications should be directed to the Department of Housing, Local Government and Heritage.

- **Land-based Aquaculture Licences.**

This refers to aquaculture activities conducted on land. It can include finfish such as trout or the production of smolts, shellfish, aquatic plants, or novel species. The licence is issued by the Department of Agriculture Food & the Marine. A Planning consent is also required from the Local Authority.

- **Trial Aquaculture Licence.**

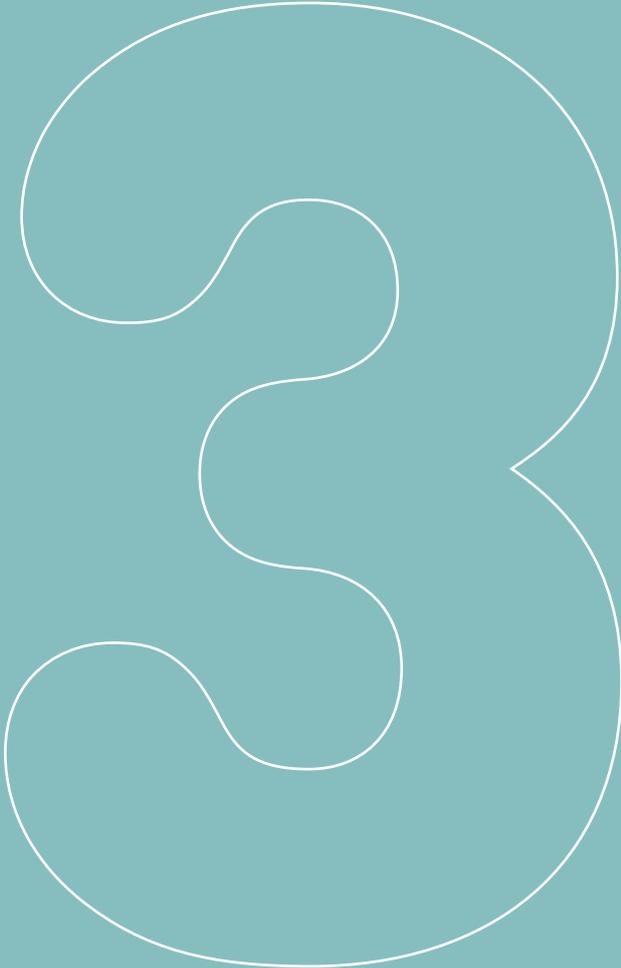
This refers to a licence that can be granted to facilitate the investigation of the suitability of a place or waters for aquaculture, or an activity forming part of an aquaculture operation. The licence is granted for a maximum period of one year in the case of salmon and three years for other species. The licence will only be considered in the marine environment (freshwater excluded) and cannot be renewed.

### Aquaculture activity cannot commence in advance of receiving an Aquaculture Licence.

This point is sometimes overlooked but it cannot be stressed enough. You cannot commence aquaculture activity before you receive an aquaculture licence. Not only is such activity prohibited but the Department of Agriculture Food and the Marine and Minister are prohibited from accepting an aquaculture licence where the aquaculture activity commences in advance of the granting of an aquaculture licence.

#### KEY POINTS:

- All aquaculture activity in this country requires an aquaculture licence.
- aquaculture activity must not commence before an aquaculture license is granted.
- an aquaculture licence will not be granted if aquaculture activity commences before the licence is granted.
- the aquaculture licence permits the type of activity, and the foreshore licence permits the use of the particular area in which the aquaculture will be conducted.



## The detail of Aquaculture Licences explained.

An aquaculture licence is a valuable document which in conjunction with the foreshore licence (*if applicable*) allows the holder to conduct aquaculture activity in a designated area.

The aquaculture licence permits a clearly defined activity at a location, but it is important to note that the licence does not represent a lease. Similarly, the accompanying foreshore licence allows for the use of the area set out for aquaculture but again does not represent a leasehold interest or necessarily give exclusivity for the area licenced.

Set out below are some key factors to note and be aware of:

### What does an Aquaculture Licence allow you to do?

An aquaculture licence allows the holder to conduct aquaculture activity in a particular area. The aquaculture licence will be specific in setting out the details of exactly what is covered by the licence. The licence will generally set out:

- Exactly what species can be farmed.
- The precise area in which aquaculture activity can be conducted.
- The type of infrastructure allowed on the site and how it should be maintained.
- What the Department of Agriculture Food and the Marine requires in terms of:
  - The operation of the site.
  - Record keeping and official inspection by State authorities.
  - Navigation and safety requirements.
  - Fish Health, mortalities, escapes, movements & the use of pharmaceutical products.
- Environmental Requirements including Natura 2000 requirements, responsibilities in relation to protected areas, mitigation measures etc.

The Aquaculture Licence will also include several specific conditions in relation to licence revocation/amendment, compliance with prevailing legislation & protocols, necessary notifications to the Department of Agriculture Food and the Marine and possibly others.

You can view samples of typical Aquaculture Templates on the Department's website: [www.gov.ie](http://www.gov.ie) - Aquaculture & Foreshore Management ([www.gov.ie](http://www.gov.ie))

### How long does an Aquaculture License last for?

An aquaculture licence and the accompanying foreshore licence in the main lasts for 10 years. This is the case for all categories of aquaculture licence with the exception of Trial Licences which are granted for a maximum period of one

year in the case of salmon and three years for other species.

An application for a renewal of the aquaculture licence should be prepared and submitted well in advance of the expiration of the existing licence. Do not leave it until the last minute. Even the most straight forward aquaculture licence application will require the completion of a detailed form and up to date maps while a complex licence application will take considerable time to complete and submit to the Department of Agriculture Food and the Marine.

Where an application is made to renew an Aquaculture Licence the legislation currently allows for the continuation of aquaculture activity at the site pending the determination of the licence application but there is no guarantee that this facilitation will continue indefinitely. The facility to continue operating pending the determination of the aquaculture licence application is covered by Section 19A(4) of the 1997 Fisheries (Amendment) Act and this is covered in more detail below.

#### KEY POINTS:

- An aquaculture licence allows the holder to conduct aquaculture activity in a particular area.
- an aquaculture licence generally issues for 10 years.
- a renewal application should be submitted well in advance of the licence expiration date.

### Section 19A(4) of the 1997 Fisheries (Amendment) Act

This provision of the 1997 Fisheries (Amendment) Act states:

*“A licensee who has applied for the renewal or further renewal of an aquaculture licence shall, notwithstanding the expiration of the period for which the licence was granted or renewed but subject otherwise to the terms and conditions of the licence, be entitled to continue the aquaculture or operations in relation to aquaculture authorised by the licence pending the decision on the said application”.*

This is a valuable and useful facility for aquaculture licence holders. It effectively allows operators who have applied for the renewal of their aquaculture licence to continue operating pending the outcome of the renewal application. There are a number of key factors to be aware of.

- Your application for renewal should be submitted before the expiration of the aquaculture licence period (failure to apply before the expiration date may well mean that the aquaculture operator has been operating without a licence in the intervening period)
- Your application for a renewal should be made in good

time.

- While operating under Section 19A(4) of the Act you must operate to the terms and conditions of the original licence.

#### KEY POINTS:

- renewal application should be submitted before the aquaculture licence expires.
- the renewal application allows for a continuation of activity at the site.
- aquaculture activity is subject to the terms and conditions of the original licence.

## Organising amendments or updates to your Aquaculture Licence.

An aquaculture Licence must be renewed on expiry (generally every ten years), and this can be a useful time to consider whether you want to update your licence. The updates could include:

- A change of species or additional species.
- A change in production or harvest limits.
- A request for a variation in the site or infrastructure location.

You do not however have to wait for the licence to expire before applying for a change or amendment to the licence. An application for an amendment/review of an Aquaculture Licence can be made to the Department of Agriculture Food and the Marine after a period of three years has elapsed from the date the licence was granted/renewed. A number of key points to note include:

- The amendment cannot be applied for until three years have elapsed since the date of grant of the licence,
- The amendment will be subject to both Public & Statutory Consultation processes and in the case of Marine finfish will almost certainly require the production of an Environmental Impact Assessment Report (EIAR).
- The decision of the Minister is subject to the same appeal processes as the grant of a licence.
- In the case of marine finfish and given the time and cost involved in producing an EIAR it may well be prudent to schedule any request for an amendment to coincide with a renewal application.

#### KEY POINTS:

- three years must have elapsed since the date of issue of the licence.
- public & statutory consultation required.
- an EIAR will likely be required in the case of an amendment application for marine finfish.

## Assigning or transferring an aquaculture licence to another person or company.

From time to time, for commercial reasons or otherwise, an aquaculture licence holder may wish to assign a licence to another person or company. This can only be done with the prior approval of the Minister for Agriculture, Food, and the Marine. The licence holder has been named by the Minister on the aquaculture licence and any transfer effected without the specific consent of the Minister has no validity.

Furthermore, the licence will generally stipulate that it cannot be assigned within the first three years. The Minister will however consider an application to assign within the three-year period in exceptional circumstances.

#### KEY POINTS:

- an aquaculture licence can only be assigned with the consent of the minister.
- assignment is generally not allowed in the first three years.
- in exceptional circumstances an assignment within the first three years will be considered by the minister.

## Leasing or sub-letting an aquaculture site.

As an alternative to assigning an Aquaculture Licence, the licence holder might consider allowing another person or company operate its aquaculture site. This scenario is generally not covered in the licence conditions but any licence holder considering such a course of action should be aware that regardless of who operates the site, the person to whom the licence has been issued continues to be fully legally responsible for all aquaculture operations on the site as well as compliance with all conditions and payment of fees etc to the Department of Agriculture Food and the Marine. It is strongly recommended that professional / legal advice be obtained if considering this route and that the Department of Agriculture Food and the Marine be notified also.

#### KEY POINTS:

- the aquaculture licence does not generally prohibit a sub-letting type arrangement.
- the aquaculture licence holder remains fully responsible for compliance with all licence conditions.
- professional / legal advice should be sought.
- good practise to notify the Department of Agriculture Food and the Marine.





## Aquaculture and the Environment.

Aquaculture Farmers in common with all farmers know only too well, the importance of our environment for the safe and harmonious operation of their farms. The availability of clean and unpolluted waters is key not only to the production of food of the highest quality but safeguards our waters for future generations to come. Looking after the marine environment is in everybody's interest.

Aquaculture Farmers operating at sea, share a valuable space with many others on this Island and further afield. It is useful to remember that the marine space we occupy is a resource owned by the State and its people. Unlike on-land farming, the foreshore area that we occupy is managed by the State and is ultimately for the benefit of all of its citizens. When an Aquaculture Licence is granted, the licence holder is permitted to use that space for a defined amount of time, for a particular purpose and subject to very rigorous conditions. The Aquaculture Licence holder has no claim to the particular piece of foreshore, what it does have however, is a permission to use the particular piece of foreshore. It will come as no surprise therefore, that the aquaculture licence and the legislation that underpins it, take the protection of the environment very seriously.

### Aquaculture License conditions and the environment.

Aquaculture Licence conditions set out some specific conditions in relation to the maintenance of the site and its effect on the environment. There is also very comprehensive and detailed national and European legislation in place to protect our marine environment. This legislation continues to evolve and is regularly updated at both national and European level. The complexity of the legislation should not be underestimated.

While the Aquaculture Licence will include some specific environmental terms and conditions, it will also include conditions that oblige the licence holder to comply with all other environmental legislation and protocols put in place by the Minister or his Department. Any failure to engage with and comply with this legislation has serious consequences not only for the licence holder but possibly also for the environment which we operate in and the valuable reputation of all aquaculture farmers. The Aquaculture Licence holder should always ensure that they are fully aware of all obligations and responsibilities arising from the licence (A list of relevant legislation and protocols is provided later in this document).

### Environmental legislation and the Aquaculture Licence application and renewal process.

Aquaculture farmers as noted above are required to operate within the confines of all environmental legislation. Before an Aquaculture Licence is granted however, National and European legislation play a very significant part in the Minister's consideration of whether or not to grant or indeed renew an aquaculture licence. This is set out more comprehensively in the text dealing with the application process for the various categories of Aquaculture Licence, i.e. Shellfish, Land based, Marine Finfish etc. Briefly however, applicants should be aware that the European legislation that has been transposed into Irish law puts in place very rigorous standards for the protection of the environment and also, the need to involve the public and various statutory bodies in this Aquaculture Licence application process. Suffice to say that assessment and consideration of the potential impacts on the environment of any aquaculture operation will be a key consideration in the success or otherwise of the application.

#### KEY POINTS:

- the marine space/foreshore area that we occupy is a resource owned and managed by the state
- protecting our marine environment is paramount.
- safeguarding our waters is in all our interests.
- the aquaculture licence will include specific environmental conditions.
- aquaculture operators need to comply with all national and European environmental legislation.
- environmental legislation plays a key role in the Minister's consideration of an aquaculture licence application.



# Applying for a Shellfish or Aquatic Plants Aquaculture Licence.

## Background.

Shellfish and also Aquatic Plant aquaculture licence applications in common with all aquaculture licence applications are considered by the Minister as set out in the 1997 Fisheries (Amendment) Act. The Act incorporates many updates made on foot of various Statutory Instruments which have in turn, transposed European legislation into Irish law. The complexity and time involved in the processing of an aquaculture licence application should not be underestimated and time spent in preparing a good application will pay dividends in the long run.

## New Application or Renewal.

The Aquaculture Licence application process for the renewal of a Shellfish or Aquatic Plant aquaculture licence largely mirrors the application process for a new licence. In the case of renewal applications the applicant is entitled to continue aquaculture operations at the site subject to the terms and conditions of the original licence. This entitlement is provided for in Section 19.A(4) of the 1997 Fisheries Act (As Amended) and is dealt with separately in the earlier part of this document.

## Environmental Requirements.

### The Appropriate Assessment process.

A significant proportion of aquaculture activity in this country occurs within, or adjacent to, Natura 2000 sites which are environmentally designated areas under the EU Habitats and Birds Directives.

These sites have a special status in that the features (habitats and species) for which they are designated must not be allowed to deteriorate. Although the legislation does not exclude aquaculture activity from these designated areas, it does need to be planned so as to ensure that any environmental risk posed can be appropriately assessed, and the scale and type of activity planned, so that the impacts if any, to the environment in the long term are mitigated.

The Department of Agriculture, Food, and the Marine in conjunction with the Marine Institute has made arrangements for the production of Appropriate Assessments of the various bays as required. The function of the Appropriate Assessment is to determine if the ongoing and proposed aquaculture and fisheries activities for the area are consistent with the Conservation Objectives in place for the site or if such activities will lead to deterioration in the attributes of the habitats and species over time. The Appropriate Assessment may suggest that mitigation measures are required to protect the bay from potential adverse effects of the proposed aquaculture. It is important to note however, that an Appropriate Assessment conducted at a particular time reflects the proposed and ongoing activity in the particular bay at that time. Applications made for aquaculture activity within an area that has already been Appropriately Assessed will require the production of an updated and revised Appropriate Assessment. This is a

time consuming and resource intensive process for the Department and will impact the timescale for determination of an Aquaculture Licence application.

### The Appropriate Assessment and draft Conclusion Statement.

When the Appropriate Assessment has been completed, the Department of Agriculture Food and the Marine will prepare a draft "Conclusion Statement" which will outline how it is proposed to licence and manage aquaculture activities in the Natura 2000 sites in compliance with the EU Birds and Habitats Directives. The draft Conclusion Statement may suggest that mitigation measures are required in order to conserve the site or indeed that a particular aquaculture activity is inconsistent with the conservation status of the site. The draft Conclusion Statement is further informed by a Statutory & Public consultation process and when completed is forwarded for the approval of the Minister.

## The Shellfish Licence application process.

### Preparing the Aquaculture Licence application.

At the outset, an informal consultation with the Marine Engineering Division of the Department of Agriculture Food and the Marine and a local Bord Iascaigh Mhara (BIM) representative is recommended. Such meetings are useful and will pay dividends in the identification of Department of Agriculture, Food, and the Marine requirements, with consequent savings in time and expense. The Department has identified specific requirements in relation to the production of drawings and maps and these meetings will help to identify and highlight any technical or scientific expertise that might be required.

Applicants should also consider meeting with the local CLAMS officer. CLAMS which stands for "Co-ordinated Local Aquaculture Management Systems" is a nationwide initiative to manage the development of aquaculture in bays and inshore waters throughout Ireland at a local level. In each case, the plan fully integrates aquaculture interests with relevant national policies. BIM and the Marine Institute have been charged with the responsibility for developing the CLAMS framework at local level.

Further information and points of contact are available at the following BIM link:

*BIM - Co-ordinated Local Aquaculture Management Systems (CLAMS)*

The Aquaculture and Foreshore Licence application form which is available on the Department of Agriculture, Food, and the Marine's website must be completed in detail. Any areas that are left uncompleted will inevitably lead to delays where the Department returns the application for necessary clarification(s). If you are in doubt about whether a particular part of the application form should be completed, you should contact the Aquaculture and Foreshore Management Division in Clonakilty, Co Cork, or your BIM Regional Office for advice.

**The Department of Agriculture, Food and the Marine has set out specific documents and drawings that must accompany an application and these have been reproduced below.**

Map and Drawing requirement for Marine based Shellfish / Aquatic Plants Applications must include the following as a minimum:

**A. Location Map:**

the application shall be accompanied by an Ordnance survey map of not less than 1:10560 scale showing location of the site relative to the nearby coastline. The entire site boundary should be delineated by a full red line.

**B. Site Access Map:**

The application should include an Ordnance survey map indicating the full vehicle/boat/pedestrian access route from the nearest public road/pier/slipway across the foreshore to the site on a drawing of suitable scale and resolution indicating coastal features to allow for assessment of any impacts. The route should be marked accurately by a coloured line on the map and labelled clearly as the access route.

**C. Farm Layout Drawing:**

the application should include a layout drawing showing in plan the position and orientation of all proposed structures above and below the water within the site. The layout drawing should be to a recognised scale (typically in range 1: 500 to 1: 2000) and generally be of a size no larger than A3. The layout drawing should include all dimensions and detail such as total number and spacing of structures, which shall be specified on the drawing or in accompanying text notes on the drawing. All structures including moorings must be contained within the site boundary.

**D. Structure Drawing:**

the application should include a detailed drawing or drawings of individual structures above and below the water proposed for use on the site. The structure should be shown in plain view and in elevation/cross sectional view with components of the structure labelled and principal dimensions clearly shown. The structure drawing should be to a recognised scale (typically in range 1:100 to 1:200) and generally be of a size no larger than A3.

**E. Drawings and maps**

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)
- Scales in use (for each drawing detail)
- Scale at sheet size and scale bar
- Drawing Size for printing/viewing
- Drawing date
- Drawing notes as appropriate.
- North directional arrow

**These are the Department's published requirements, and it is important to note that failure to include the above will lead to inevitable delays in processing the Aquaculture Licence application.**

*(It should be noted however that the Department's published requirements are currently under review and are subject to*

*change or update. Updated details will be available on the Department's website).*

When complete the Aquaculture and Foreshore Licence application form together with maps, drawings and the application fee should be submitted to the Aquaculture and Foreshore Management Division of the Department of Agriculture Food and the Marine at its Clonakilty offices in County Cork.

**KEY POINTS:**

- appropriate assessment required before application can be determined.
- consider meeting the Department of Agriculture Food and the Marine and BIM in advance.
- make sure the application form is fully completed.
- include all maps and drawings required.

## What happens when the Aquaculture Licence application is sent to the Department of Agriculture, Food, and the Marine.

The Department will process the Aquaculture Licence application in line with the prevailing Irish and European legislation. The obligations on the Department are onerous and it has put in place processes and procedures that comply with the various requirements. These processes and procedures will be tailored to suit the requirements of each application. This document does not seek to set out the full detail of each step of the process but rather gives an overview of the various steps involved and what is likely to occur. Briefly the process is likely to include assessing the application for completeness, screening the application to determine whether or not an Environmental Impact Assessment Report is required, Statutory and Public consultation processes, and finally the drafting of a recommendation to the Minister with regard to the Aquaculture & Foreshore licence application itself.

What follows is a summary of the various steps the Department of Agriculture, Food, and the Marine might be expected to take once the completed application has been submitted.

## Application form, maps, drawings etc received by Department of Agriculture, Food, and the Marine.

The application is given an initial screening by the Department for completeness and returned to the applicant if necessary for amendment or update.

## Determining whether or not an Environmental Impact Assessment Report (EIAR) is required.

Unlike an application for a marine finfish aquaculture licence there is not an automatic requirement for the applicant to produce an Environmental Impact Assessment Report (EIAR). The Department of Agriculture, Food, and the Marine

does however need to consider whether the particular application requires an EIAR. This entails a review of the complete application, the Appropriate Assessment for the bay, and the likely effects of the proposed project on the environment. The outcome of this review will determine whether or not the application requires an EIAR.

It should be noted that while shellfish applications have not in the main required the production of an EIAR, this outcome cannot be taken for granted, and the individual characteristics of the application may well be such that an EIAR will be required. (A review of the text provided in relation to marine finfish will give an idea of what is involved in the production of an EIAR).

If an EIAR is not required, the application will proceed to Public and Statutory Consultation.

#### KEY POINTS:

- an EIAR is generally not required for shellfish aquaculture applications.
- a screening process to determine this is conducted by the Department of Agriculture and the Marine.

### The Statutory and Public Consultation processes.

The Statutory and Public Consultation processes are generally run in tandem for shellfish applications. The Public Consultation process allows any member of the public an opportunity to comment on the aquaculture licence application. The Statutory Consultation process consists of Department of Agriculture, Food, and the Marine consultation with certain Statutory Bodies set out in legislation. Both consultation processes are set out in more detail below.

### The Public Consultation Process.

The Department of Agriculture, Food, and the Marine will advise the Aquaculture Licence applicant to commence the Public Consultation process. This will require the applicant to insert, within two weeks a public notice in a newspaper circulating in the vicinity of the aquaculture licence application. This public notice will include details of the proposed aquaculture, details of where the application and all relevant documents can be viewed (Garda Station), and also, that members of the public have 30 days within which to make submissions or observations to the Minister with regard to the application. Copies of the application form, the Appropriate Assessment, the Department of Agriculture, Food, and the Marine's EIA screening document and Draft Conclusion Statement will be available for public viewing on the Department's website simultaneously. The Aquaculture Licence applicant is required to forward a copy of the relevant newspaper to the Department of Agriculture, Food, and the Marine within one week of publication.

### The Statutory Consultation Process.

The Statutory Consultation process is initiated by the Department of Agriculture, Food, and the Marine and is generally run in tandem with the Public Consultation process. The legislation sets out the various bodies to be consulted. The Department will furnish each Statutory Consultee with a copy of the application form, the Appropriate assessment,

the Department of Agriculture, Food, and the Marine's EIA screening document and any other relevant records. The Statutory Consultees will have 6 weeks within which to make written submissions or observations on the application to the Department of Agriculture, Food, and the Marine.

**Note:** This period is extended to 8 weeks if the application was deemed to require an EIAR at the screening phase.

### The applicants right to respond to Public and Statutory Consultees.

The Department of Agriculture, Food, and the Marine will forward details of any comments or observations it receives from the Public and Statutory Consultees to the Aquaculture Licence applicant for their comment if any. This is an important opportunity to clarify any possible misconceptions or to provide additional clarifying detail if necessary to the Department. The applicant will have three weeks to make written comment on any submissions or observations made by Public and Statutory Consultees. **This is a valuable opportunity, and it is important to remember that the Department of Agriculture, Food, and the Marine will consider all comments or observations made by the Public, Statutory bodies, and the applicant.**

**Note:** There may occasionally be a requirement for a second round of Public & Statutory consultations. This process largely mirrors the initial rounds of consultation.

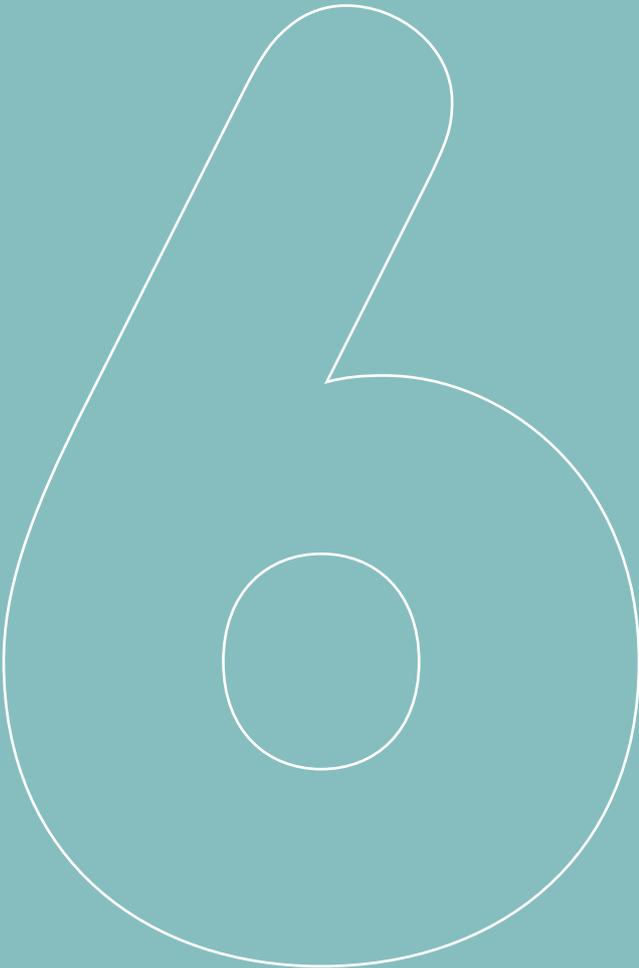
#### KEY POINTS:

- statutory and public consultation usually run together.
- two weeks to publish the public notice
- public has thirty days to write to the Department of Agriculture Food and the Marine.
- statutory consultation is managed by the Department of Agriculture Food and the Marine.
- the aquaculture licence applicant will have an opportunity to respond to the comments made by public and statutory consultees.
- this is an important opportunity.

### The Aquaculture Licence Decision.

When the Statutory and Public Consultation processes have been completed the Department of Agriculture, Food, and the Marine will update, if necessary, the draft Conclusion Statement for the Appropriate Assessment. In practise a number of applications for the bay will likely have been processed at a given time and the overall information gathered will inform the final Conclusion Statement which will be published on the Department's website.

The Aquaculture and Foreshore Management Division of the Department of Agriculture, Food, and the Marine together with their scientific and technical advisors will consider the application and all information gathered as part of the Statutory and Public consultation processes. Taking into account all the information available on foot of the above steps and the advice of his officials, the Minister will issue a decision on the Aquaculture/Foreshore Licence application. This decision can be to grant the application as made, grant a variation of what was applied for or to refuse the application



# Land based Aquaculture Licence applications.

## Background.

Land-based aquaculture activity requires both an aquaculture licence and a valid authorisation from the Local Authority (Planning Permission) to conduct the aquaculture activity. The authorisation(s) will likely include specific site conditions and also regulate water intake and discharges from the site. An Aquaculture Licence will not be granted where such authorisations or permits are not in place.

Land-based aquaculture licence applications in common with all aquaculture licence applications are considered by the Minister in accordance with the 1997 Fisheries Act (As Amended). The Act incorporates many updates made on foot of various Statutory Instruments which in turn have transposed European legislation into Irish law.

The Aquaculture Licence application process for the renewal of a Land-based aquaculture licence largely mirrors the application process for a new licence. In the case of renewal applications the applicant is entitled to continue aquaculture operations at the site subject to the terms and conditions of the original licence. This entitlement is provided for in Section 19.A(4) of the 1997 Fisheries Act (As Amended) and is dealt with separately in this document.

## Environmental Requirements.

Land-based aquaculture activity in this country may occur within, or adjacent to, Natura 2000 sites which are environmentally designated areas under the EU Habitats and Birds Directives. Details of designated areas are available to view on the NPWS website.

These sites have a special status in that the features (habitats and species) for which they are designated must not be allowed to deteriorate. Although the legislation does not exclude aquaculture activity from these designated areas, it does need to be planned so as to ensure that any environmental risk posed can be appropriately assessed, and the scale and type of activity planned, so that the impacts if any, to the environment in the long term are mitigated.

The potential impacts of any proposed Land-based aquaculture Licence application are assessed by the Department of Agriculture, Food, and the Marine and set out in detail in the text below setting out the Department's "EIAR Screening" Process.

## The Land-based Aquaculture Licence application process.

### Preparing the Aquaculture Licence application.

At the outset, an informal consultation with the Marine Engineering Division of the Department of Agriculture Food and the Marine and a local Bord Iascaigh Mhara (BIM) representative is recommended. Such meetings are useful and will pay dividends in the identification of Department requirements, with consequent savings in time and expense.

The Department has identified specific requirements in relation to the production of drawings and maps and these meetings will help to identify and highlight any technical or scientific expertise that might be required.

The Aquaculture Licence application form which is available on the Department of Agriculture, Food, and the Marine's website must be completed in detail. Any areas that are left uncompleted will inevitably lead to delays where the Department returns the application for necessary clarification(s). If you are in doubt about whether a particular part of the application form should be completed, you should contact the Aquaculture and Foreshore Management Division in Clonakilty or your BIM Regional Office for advice

**The Department of Agriculture, Food, and the Marine has set out specific documents and drawings that must accompany an application and these have been reproduced below.**

- The proposed site layout, buildings and equipment will need to be designed to the Department of Agriculture, Food, and the Marine'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 to the Department standard.

**These are the Department of Agriculture, Food, and the Marine's published requirements, and it is important to note that failure to include the above will lead to inevitable delays in processing the Aquaculture Licence application.**

When complete the Aquaculture Licence application form together with maps, drawings and the application fee should be submitted to the Aquaculture and Foreshore Management Division of the Department of Agriculture Food and the Marine at its Clonakilty, County Cork office.

### KEY POINTS:

- consider meeting the Department of Agriculture Food and the Marine and BIM in advance.
- make sure the application form is fully completed.
- include all maps, drawings, copies of local authority permits etc required.

## What happens when the Aquaculture Licence application is sent to the Department of Agriculture, Food, and the Marine.

The Department will process the Aquaculture Licence application in line with the prevailing Irish and European legislation. The obligations on the Department are onerous and it has put in place processes and procedures that comply with the various requirements. These processes and procedures will be tailored to suit the requirements of each application. This document does not seek to set out the full detail of each step of the process but rather gives an overview of the various steps involved and what is likely to occur. Briefly the process is likely to include assessing the application for completeness, screening the application to determine whether or not an Environmental Impact Assessment Report is required, Statutory and Public consultation processes, and finally the drafting of a recommendation to the Minister with regard to the Aquaculture Licence application itself.

### Processing the application.

The processing of the land-based application including the various Statutory and Consultation process by the Department of Agriculture Food and the Marine will mirror the steps set out for shellfish aquaculture licence applications in most respects as set out elsewhere in this document. The main difference of course will be that there will not be an accompanying foreshore licence. A foreshore licence may in some cases be required if there is any discharge or intake from the foreshore area. This is separate to the Aquaculture Licence and will likely have formed part of the Local Authority consents.

What follows is a summary of the various steps the Department of Agriculture Food and the Marine might be expected to take once the completed application has been submitted.

### Application form, maps, drawings etc received by Department of Agriculture, Food, and the Marine.

The application is given an initial screening by the Department for completeness and returned to the applicant if necessary for amendment or update.

### Determining whether or not an Environmental Impact Assessment Report (EIAR) is required.

Unlike an application for a Marine Finfish aquaculture licence there is not an automatic requirement for the applicant to produce an Environmental Impact Assessment Report (EIAR). The Department of Agriculture Food and the Marine does however need to consider whether the particular application requires an EIAR. This entails a review of the complete application and the likely effects of the proposed project on the environment. The outcome of this review will determine whether or not the application requires an EIAR.

It should be noted that while Land-based applications have not, in the main, required the production of an EIAR, this outcome cannot be taken for granted, and unlike shellfish aquaculture applications, there are in fact some categories of Land-based aquaculture for which the production of an EIAR is compulsory. These include:

- All fish breeding installations upstream of drinking water intakes
- Other fresh-water fish breeding installations which would exceed one million smolts and with less than 1 cubic metre per second per one million smolts low flow diluting water.

The individual characteristics of any application, however, may well be such that an EIAR will be required. *(A review of the text provided in relation to marine finfish will give an idea of what is involved in the production of an EIAR).*

If an EIAR is not required, the application will proceed to Public and Statutory Consultation.

### KEY POINTS:

- an EIAR is generally not required for land-based aquaculture applications.
- there are however some exceptions.
- a screening process to determine this is conducted by the Department of Agriculture Food and the Marine.

### The Statutory and Public Consultation processes.

The Statutory and Public Consultation processes are generally run in tandem for Land-based applications. The Public Consultation process allows any member of the public an opportunity to comment on the aquaculture licence application. The Statutory Consultation process consists of Department of Agriculture Food and the Marine consultation with certain Statutory Bodies set out in legislation. Both consultation processes are set out in more detail below.

### The Public Consultation Process.

The Department of Agriculture Food and the Marine will advise the Aquaculture Licence applicant to commence the Public Consultation process. This will require the applicant to insert, within two weeks a public notice in a newspaper circulating in the vicinity of the aquaculture licence application. This public notice will include details of the proposed aquaculture, details of where the application and all relevant documents can be viewed (Garda Station), and also, that members of the public have 30 days within which to make submissions or observations to the Minister with regard to the application. Copies of the application form, the Appropriate Assessment, the Department's EIA screening document and Draft Conclusion Statement will be available for public viewing on the Department of Agriculture Food and the Marine's website simultaneously. The Aquaculture Licence applicant is required to forward a copy of the relevant newspaper to the Department of Agriculture Food and the Marine within one week of publication.

## The Statutory Consultation Process.

The Statutory Consultation process is initiated by the Department of Agriculture Food and the Marine and is generally run in tandem with the Public Consultation process. The legislation sets out the various bodies to be consulted. The Department will furnish each Statutory Consultee with a copy of the application form, the Appropriate assessment, the Department of Agriculture Food and the Marine's EIA screening document and any other relevant records. The Statutory Consultees will have 6 weeks within which to make written submissions or observations on the application to the Department.

**Note:** This period is extended to 8 weeks if the application was deemed to require an EIAR at the screening phase.

## The applicants right to respond to Public and Statutory Consultees.

The Department of Agriculture Food and the Marine will forward details of any comments or observations it receives from the Public and Statutory Consultees to the Aquaculture Licence applicant for their comment if any. This is an important opportunity to clarify any possible misconceptions or to provide additional clarifying detail if necessary to the Department. The applicant will have three weeks to make written comment on any submissions or observations made by Public and Statutory Consultees. **This is a valuable opportunity, and it is important to remember that the Department of Agriculture Food and the Marine will consider all comments or observations made by the Public, Statutory bodies, and the applicant.**

**Note:** There may occasionally be a requirement for a second round of Public & Statutory consultations. This process largely mirrors the initial rounds of consultation.

### KEY POINTS:

- statutory and public consultation usually run together.
- two weeks to publish the public notice
- public has thirty days to write to the Department of Agriculture Food and the Marine.
- statutory consultation is managed by the Department of Agriculture Food and the Marine.
- the aquaculture licence applicant will have an opportunity to respond to the comments made by public and statutory consultees.
- this is an important opportunity.



# Applying for a Marine Finfish Aquaculture Licence.

## Background.

Marine finfish aquaculture includes both salmon and trout. In practise however Irish applications in recent years have been for the cultivation of salmon only. The information provided below deals with the application and renewal processes for marine finfish aquaculture.

Marine finfish aquaculture licence applications in common with all aquaculture licence applications are considered by the Minister in accordance with the 1997 Fisheries Act (As Amended). The Act incorporates many updates made on foot of various Statutory Instruments which in turn have transposed European legislation into Irish law. In practise the complexity and time involved in the processing of a marine finfish application considerably exceeds what is involved in the processing of a shellfish aquaculture licence application.

The Aquaculture Licence application process for the renewal of a marine finfish aquaculture licence largely mirrors the application process for a new licence. In the case of renewal applications, the applicant is entitled to continue aquaculture operations at the site subject to the terms and conditions of the original licence. This entitlement is provided for in Section 19.A(4) of the 1997 Fisheries Act (As Amended) and is dealt with separately in this document.

The application process which is both detailed and complex will inevitably require considerable resources in terms of financial outlay, access to highly specialised technical and scientific expertise and time. This resource requirement should be factored in when planning an application.

## Environmental Requirements.

### The Appropriate Assessment process.

A significant proportion of aquaculture activity in this country occurs within, or adjacent to, Natura 2000 sites which are environmentally designated areas under the EU Habitats and Birds Directives.

These sites have a special status in that the features (habitats and species) for which they are designated must not be allowed to deteriorate. Although the legislation does not exclude aquaculture activity from these designated areas, it does need to be planned so as to ensure that any environmental risk posed can be appropriately assessed, and the scale and type of activity planned, so that the impacts if any, to the environment in the long term are mitigated.

The Department of Agriculture, Food, and the Marine in conjunction with the Marine Institute has made arrangements for the production of Appropriate Assessments of the various bays as required. The function of the Appropriate Assessment is to determine if the ongoing and proposed aquaculture and fisheries activities for the area are consistent with the Conservation Objectives in place for the site or if such activities will lead to deterioration in the attributes of the habitats and species over time. The Appropriate Assessment may suggest that mitigation measures are required to protect the bay from potential adverse effects of the proposed aquaculture. It is important

to note however, that an Appropriate Assessment conducted at a particular time reflects the proposed and ongoing activity in the particular bay at that time. Applications made for aquaculture activity within an area that has already been Appropriately Assessed will require the production of an updated and revised Appropriate Assessment. Likewise, where a review or amendment to an existing licence is sought at the renewal date this will likely require an update to the Appropriate Assessment.

### The Appropriate Assessment and draft Conclusion Statement.

When the Appropriate Assessment has been completed, the Department of Agriculture Food and the Marine will prepare a draft "Conclusion Statement" which will outline how it is proposed to licence and manage aquaculture activities in the Natura 2000 sites in compliance with the EU Birds and Habitats Directives. The draft Conclusion Statement may suggest that mitigation measures are required in order to conserve the site or indeed that a particular aquaculture activity is inconsistent with the conservation status of the site. The draft Conclusion Statement is further informed by a Statutory & Public consultation process and when completed is forwarded for the approval of the Minister.

The production of an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) by the applicant's scientific advisors will likely draw on the detailed information included in the Appropriate Assessment of the relevant bay. The EIAR process is set out in detail below.

## The Marine Finfish licence application process.

### Preparing the Aquaculture Licence application.

Whether a new site or a renewal application, the first step is to identify the site footprint and assess the proposed cage footprint and orientation. An initial calculation of proposed production at this point should also be considered. At the outset, an informal consultation with the Marine Engineering Division of the Department of Agriculture Food and the Marine and a local Bord Iascaigh Mhara (BIM) representative is recommended. Such meetings are useful and will pay dividends in the identification of Department requirements, with consequent savings in time and expense.

The Aquaculture Licence applicant should identify and put in place the necessary scientific and technical resources. This will include access to mapping expertise, marine scientific resources for the preparation of Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS), 3- Hydrodynamic Modelling, Marine Engineering expertise etc. The applicant should ensure that ongoing access to these resources will be available for the duration of the consideration of the application by the Department of Agriculture Food and the Marine.

### **The Aquaculture and Foreshore Licence application form**

which is available on the Department of Agriculture Food and the Marine's website must be completed in detail. Any areas that are left uncompleted will inevitably lead to delays where the Department returns the application for necessary clarification(s). If you are in doubt about whether a particular part of the application form should be completed, you should contact the Aquaculture and Foreshore Management Division in Clonakilty or your BIM Regional Office.

### **The Department of Agriculture Food and the Marine has set out specific documents and drawings that must accompany an application and these have been reproduced below.**

#### **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.

#### **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.

#### **C. 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).

#### **D. 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, 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.

*For illustration purposes a Sample Proposed Site Layout Drawing is available for viewing on the Department of Agriculture Food and the Marine's website.*

### **These are the Department of Agriculture Food and the Marine's published requirements, and it is important to note that failure to include the above will lead to inevitable delays in processing the Aquaculture Licence application.**

*(It should be noted however that the Department's published requirements are currently under review and are subject to change or update. Updated details will be available on the Department's website).*

In addition to the above an application for a marine finfish Aquaculture Licence will also require the production of an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). The production of an EIAR is a mandatory requirement for Marine Finfish Aquaculture Licence applications. An exception to this rule would be an application for an Aquaculture Licence for trial or research purposes where the output would not exceed fifty tonnes.

### **Preparing the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS).**

The EIAR will generally include the NIS and for the purpose of these guidelines where the term EIAR is used it is assumed that this document includes a specific NIS section. Put simply an EIAR is a report of the effects, if any, which the proposed project, if carried out, would have on the environment. The document is both complex and detailed and can only be prepared by an individual with the appropriate and necessary expertise.

The importance of producing an EIAR to the highest standard possible cannot be overstated and it will in fact be the pivotal document accompanying the Aquaculture Licence application. In addition information gathered and assessed during the production of the EIAR may well lead to necessary changes to the application by the applicant as additional data affecting the environment etc comes to light. Aquaculture Licence applicants should be aware that the production of an EIAR by their consultants will likely be time consuming and it is recommended that work start on it as early as possible.

An Aquaculture Licence applicant can request that the Department of Agriculture Food and the Marine provide it with an opinion on the level of detail of the information to be included in the Environmental Impact Assessment Report. This is a useful opportunity as the Minister will contact the various Statutory Bodies for their input. These same Statutory bodies, will as part of the Statutory Consultation process at a later date, be invited to provide their observations on the Aquaculture Licence application and the accompanying EIAR. It is advised that Aquaculture Licence applicants should give consideration to availing of this facility.

### **Requirement to notify the Department of Housing, Local Government and Heritage of your proposed Aquaculture License application.**

Applications for projects requiring an EIAR such as a marine finfish aquaculture application must be registered on an what is referred to as the "EIA Portal," managed by the Department of Housing, Local Government and Heritage. The notification must be made prior to the submission of the Aquaculture Licence application to the Department of Agriculture Food and the Marine. The appropriate "EIA Portal" form can be downloaded from

the Department of Housing, Local Government and Heritage website and should be completed and emailed to them. Confirmation of receipt of the notification will generally issue within 3 working days.

When the “EIA Portal” confirmation has been received, the Aquaculture Licence application form together with the EIAR, NIS, maps, drawings, structural design details, EIA Portal confirmation document and application fee should be submitted to the Aquaculture and Foreshore Management Division of the Department of Agriculture Food and the Marine at its Clonakilty offices in County Cork (*refer to preceding pages for Department requirements*).

#### KEY POINTS:

- consider meeting the Department of Agriculture Food and the Marine and BIM in advance.
- consider making a request to the Department of Agriculture Food and the Marine to provide an opinion on the level of detail of the information to be included in the EIAR.
- make sure the application form is fully completed.
- Include the EIAR and NIS.
- include all maps and drawings etc as outlined above.
- include “EIA Portal” confirmation.

## What happens when the Aquaculture Licence application is sent to the Department of Agriculture Food and the Marine.

The Department of Agriculture Food and the Marine will process the application in line with the prevailing Irish and European legislation. The obligations on the Department are onerous and it has put in place processes that comply with the various requirements. This document does not set out the full detail of each step of the process but rather gives an overview of the various steps the Department is likely to take. Briefly the process includes, assessing the application for completeness, an internal consultation process, statutory and public consultation processes, compliance with legislation governing public access to information, production of an Environmental Impact Assessment and finally the drafting of a recommendation to the Minister with regard to the aquaculture & foreshore licence application.

The following is a summary of the various steps undertaken by the Department of Agriculture Food and the Marine. The sequencing of the steps may vary from application to application and indeed some steps such as the Public & Statutory consultations phases may take place simultaneously or sequentially. There may in fact be more than one set of Statutory & Public consultation processes.

### Application form, EIAR, NIS and Maps received by Department of Agriculture Food and the Marine.

The application is likely to be given an initial screening by the Department of Agriculture Food and the Marine for completeness and returned to the applicant if necessary for amendment or update.

### In-house initial review of the application.

The screened application form may be referred to the Department of Agriculture Food and the Marine’s Marine Engineers and the Marine Institute for their observations. Where this happens any recommendations made will be conveyed to the applicant.

### The Statutory and Public Consultation processes.

At this stage the Statutory Consultation process can be initiated. This may or may not be run in tandem with the Public Consultation process.

### Statutory Consultation Process.

For the Statutory Consultation process, the Department of Agriculture Food and the Marine will instruct the Aquaculture Licence applicant to provide a list of named statutory bodies with a copy of the Aquaculture Licence application form, together with accompanying documentation submitted and a copy of the EIAR/NIS. The Statutory Bodies will have 8 weeks to provide any observations they may have on the Aquaculture Licence application to the Department of Agriculture Food and the Marine. The Department will forward these comments/observations to the Aquaculture Licence applicant for their comments if any. This is an important opportunity to clarify any misconceptions or to provide additional detail on issues raised, if necessary, to the Department of Agriculture Food and the Marine. It is important to remember that the Department of Agriculture Food and the Marine will consider all comments or observations made by both the Statutory bodies and the applicant.

The Department of Agriculture Food and the Marine may or may not consider that additional information in relation to the EIAR is required from the Aquaculture Licence applicant in light of the Statutory Consultation process. If additional information or an updated EIAR is provided by the Aquaculture Licence applicant this will likely lead to a further round of Statutory Consultation.

### Public Consultation.

The Department of Agriculture Food and the Marine will advise the Aquaculture Licence applicant to commence the Public Consultation process. This will involve the publication of specified text in a newspaper circulating the area. The Aquaculture Licence applicant will be required to make available copies of the application form and EIAR to the public. This will include making copies available for inspection at a specified location, for purchase and in a format for placing on a specified website. The public may in turn make their observations on the application to the Department of Agriculture Food and the Marine.

As for the Statutory Consultation process, the Department of Agriculture Food and the Marine will forward details of any submissions received from the public to the Aquaculture Licence applicant for comment. Again this is an important opportunity to clarify any possible misconceptions or to provide additional clarification if necessary to the Department of Agriculture Food and the Marine. It is important to remember that the Department will consider all comments or observations made by the Public as well as the applicant’s responses to those comments or observations.

## Consideration of the Statutory & Public consultation processes.

The Department of Agriculture Food and the Marine considers and takes into account the various issues raised during the consultation processes together with the responses provided by the Aquaculture Licence applicant. If this information has given rise to significant new environmental information or indeed an amendment to the EIAR, the Department of Agriculture Food and the Marine will consider whether a further round of Statutory & Public consultation is required.

### KEY POINTS:

- statutory and public consultation may not be run together.
- two weeks to publish the notice for public consultation.
- public has eight weeks to write to the Department of Agriculture Food and the Marine.
- applicant has to provide necessary documentation to statutory consultees.
- the aquaculture licence applicant will have an opportunity to respond to the comments made by public and statutory consultees. this is an important opportunity.
- there may be more than one round of statutory and public consultation.

## Public participation in the decision-making procedure.

The Department of Agriculture Food and the Marine as the Competent Authority for the granting of an Aquaculture and Foreshore Licence is obliged to ensure that public has access to information relating to the Minister's consideration of the Aquaculture Licence (& Foreshore) application. Having concluded the Public and Statutory Consultation processes, the Department of Agriculture Food and the Marine may arrange for the electronic availability of all material upon which the Minister will base his decision on the Aquaculture/Foreshore Licence application. Although this is not a consultation process it will provide the public with the detailed information upon which the Minister will base his decision.

## Preparation of an Environmental Impact Assessment (EIA) by the Department of Agriculture Food and the Marine.

The Department of Agriculture Food and the Marine as the competent authority, is required to prepare and EIA and will now consider all the documentation and information received. This will include the application form, the EIAR & NIS, the outcome of the Statutory & Public Consultation processes together with the applicant's responses to the consultation processes. The EIA will take account of the available information and will be produced together with the Department of Agriculture Food and the Marine's conclusions in relation to the Aquaculture Licence application and its likely effects on the environment. This EIA and Conclusion Statement will inform the ultimate recommendation by the Department of Agriculture Food and the Marine to the Minister in relation to the Aquaculture Licence application.

## The Licensing Decision.

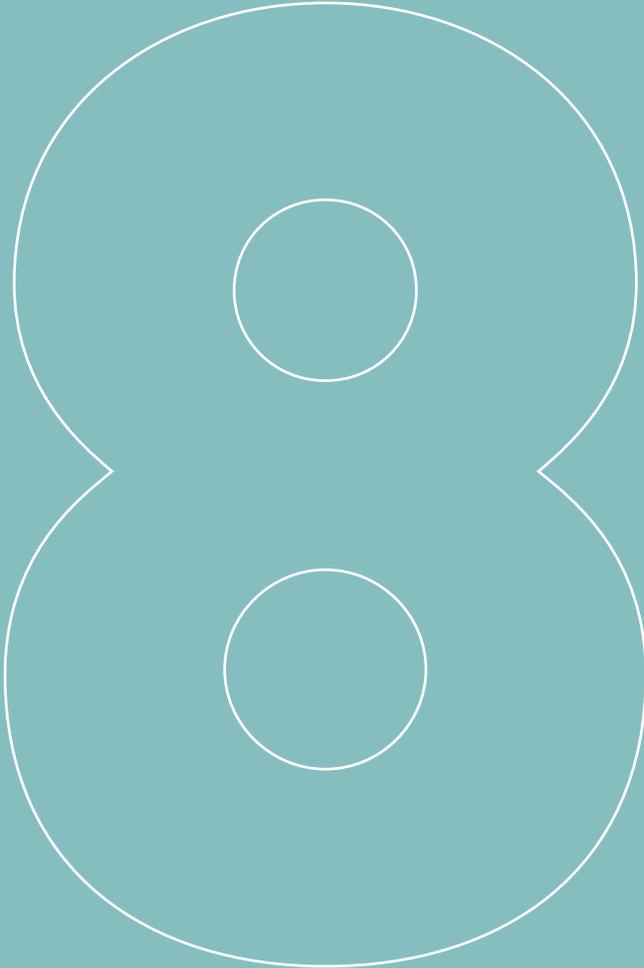
Taking into account all the information available on foot of the above steps and the advice of his officials, the Minister will issue a decision on the Aquaculture/Foreshore Licence application. This decision can be to grant the application as made, grant a variation of what was applied for or to refuse the application.

## Useful Information – Marine Finfish Protocols.

The Department of Agriculture, Food and the Marine has published a number of Protocols in relation to the operation and management of Marine Finfish Aquaculture sites. All successful Marine Finfish Aquaculture Licence applicants will be required to comply fully with these protocols. The protocols include Structural Design Protocol for Marine Finfish Farms, requirements for Marine Finfish Farm Sample, Proposed Site Layout Drawings, Benthic Monitoring, Water Column Monitoring, Strategy for Improved Pest Control, Sea Lice Monitoring and Control, Audit of Operations Offshore Finfish and Fallowing of Offshore Fish Farms.

Copies of these protocols are available on the Department of Agriculture Food and the Marine's website, and it is recommended that all applicants familiarise themselves with the content. The protocols can be accessed at: <https://www.gov.ie/en/publication/fcd20-aquaculture-foreshore-management/#marine-finish-protocols>





## Aquaculture Licence Appeals Board.

The aquaculture legislation has provided for an independent appeals process dealing with decisions of the Minister on aquaculture licence applications, amendments, or revocations. The Appeals procedure for aquaculture licensing is managed by the Aquaculture Licences Appeals Board (ALAB). The Board is comprised of a number of appointees from a diverse range of sectors including aquaculture, wild fisheries, planning & development, protection & preservation of the environment and amenities, economic development, and community development.

Anyone, including the aquaculture licence applicant, members of the public or environmental organisations unhappy with a decision of the Minister for Agriculture, Food, and the Marine on an aquaculture licence application (or by the revocation or amendment of an aquaculture licence), may make an appeal within one month of the publication (in the case of a decision) or notification (in the case of revocation/ amendment of an aquaculture licence).

All appeals must be made in writing on the official appeals application form, setting out the grounds of appeal and addressed to:

The Aquaculture Licences Appeals Board, Kilminchy Court, Dublin Road, Portlaoise, Co Laois. Tel & Fax: (057) 8631912, email: [info@alab.ie](mailto:info@alab.ie)

The official application form is available on the ALAB website and requires payment of a fee. The fee is €380 for the applicant or holder of an aquaculture licence. An appeal by any other individual or organisation requires payment of a fee of €150. In addition there is a facility to request an Oral Hearing of the appeal, and this attracts an additional fee of €75.

Anybody making an appeal should be aware that ALAB is an entirely independent body and that its decisions can include:

- That the Minister's decisions to grant or refuse An Aquaculture Licence would be upheld.
- That the appeal from either a third party or the applicant would be upheld which may lead to a refusal to issue the licence or an amendment to the licence conditions.
- The issue of an Aquaculture Licence where a decision of the Minister to refuse a licence is overturned.

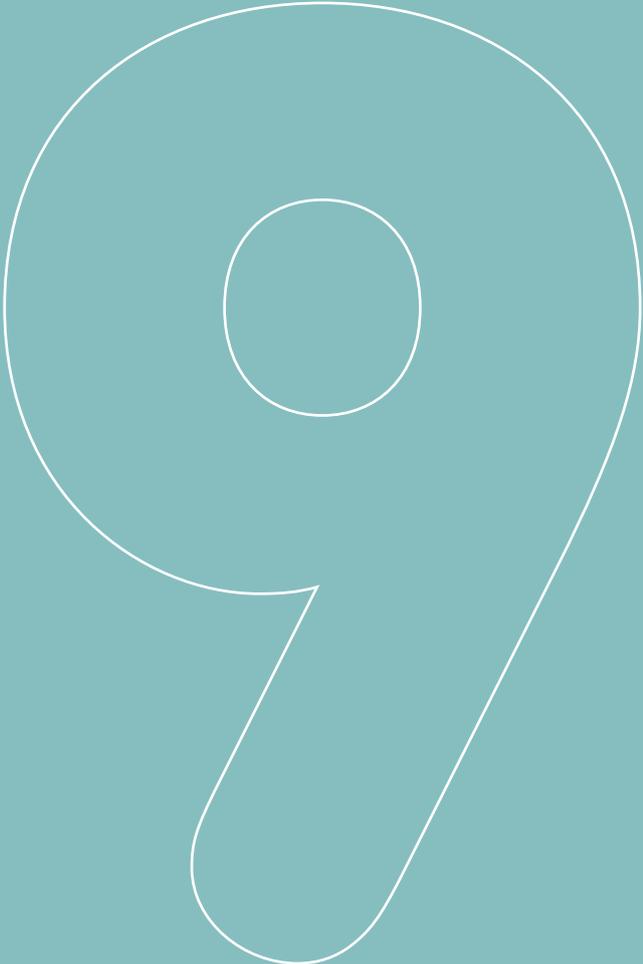
Remember that it is important to clearly state the grounds of the appeal in as clear and comprehensive a way as possible. Once the appeal is lodged there is no scope to submit further information or clarification in relation to the appeal unless requested by ALAB to do so.

In considering the appeal, the Board may well request additional information from the appellant, the Department of Agriculture, Food and the Marine or others. This additional information, the original application for the aquaculture licence together with details of the Department of Agriculture Food and the Marine's decision-making process and recommendation to the Minister may be published on the ALAB website during the course of the appeal and is available to the public to see.

The decision of ALAB will be communicated to the appellant.

### KEY POINTS:

- the appeal process is independent of the Department of Agriculture Food and the Marine and minister.
- one month to lodge the appeal.
- a fee is required.
- the appeal documentation submitted when you appeal is final and no additional information can be forwarded afterwards unless requested by ALAB.
- the details and documentation of the appeal are available to view on the ALAB website.



## Judicial Review of decision on an Aquaculture License application.

An applicant or indeed any member of the public, unhappy with the decision of the Minister on an aquaculture licence application is entitled to seek a judicial review of the Minister's decision. In the main, applicants seeking a Judicial Review generally await the outcome of an appeal to ALAB, but this is by no means necessary.

An application can be made to the Courts to have a decision of the Minister the subject of a judicial review. The application for a Judicial Review must be made within three months, commencing on the date on which the decision or determination was made by the Minister. It is highly recommended that detailed legal advice should be taken before undertaking this step.

It is worth noting that the legislation also allows environmental organisations subject to certain conditions to also seek a judicial review of the Minister's decision.

### KEY POINTS:

- three-month window in which to make an application for a judicial review.
- the application for a judicial review can be taken by the aquaculture licence applicant or certain environmental bodies.

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## Aquaculture Legislation.

### **Fisheries (Amendment) Act, 1997.**

[Fisheries \(Amendment\) Act, 1997.](#)

### **Fisheries (Amendment) Act, 1997 (Consolidated - 8<sup>th</sup> December 2021)**

<https://revisedacts.lawreform.ie/eli/1997/act/23/revised/en/pdf?annotations=true>

### **Aquaculture (Licence Application) Regulations, 1998 S.I. No. 236/1998**

[S.I. No. 236/1998 - Aquaculture \(Licence Application\) Regulations, 1998 \(irishstatutebook.ie\)](#)

### **Statutory Instruments amending Statutory Instrument 236/1998.**

#### **Aquaculture (Licence Application) (Amendment) Regulations, 2001 (S.I. No. 145 of 2001).**

[Aquaculture \(Licence Application\) \(Amendment\) Regulations, 2001 \(S.I. No. 145 of 2001\).](#)

#### **Aquaculture (Licence Application) (Amendment) Regulations, 2006 (S.I. No. 197 of 2006).**

[Aquaculture \(Licence Application\) \(Amendment\) Regulations, 2006 \(S.I. No. 197 of 2006\).](#)

#### **Aquaculture (Licence Application) (Amendment) Regulations, 2010 (S.I. No. 280 of 2010)**

[Aquaculture \(Licence Application\) \(Amendment\) Regulations, 2010 \(S.I. No. 280 of 2010\).](#)

#### **Aquaculture (Licence Application) (Amendment) (No. 2) Regulations 2010 (S.I. No. 369 of 2010)**

[Aquaculture \(Licence Application\) \(Amendment\) \(No. 2\) Regulations 2010 \(S.I. No. 369 of 2010\).](#)

#### **Inland Fisheries Act 2010.**

[Inland Fisheries Act 2010.](#)

#### **Aquaculture (Licence Application) (Amendment) Regulations, 2012 (S.I. No. 301 of 2012)**

[Aquaculture \(Licence Application\) \(Amendment\) Regulations, 2012 \(S.I. No. 301 of 2012\).](#)

#### **European Union (Environmental Impact Assessment) (Aquaculture) Regulations 2012 (S.I. No. 410 of 2012).**

[European Union \(Environmental Impact Assessment\) \(Aquaculture\) Regulations 2012 \(S.I. No. 410 of 2012\).](#)

#### **Aquaculture (Licence Application) (Amendment) Regulations, 2016 (S.I. No. 464 of 2016)**

[Aquaculture \(Licence Application\) \(Amendment\) Regulations, 2016 \(S.I. No. 464 of 2016\).](#)

#### **Aquaculture (Licence Application) (Amendment) Regulations, 2018 (S.I. No. 240 of 2018)**

[Aquaculture \(Licence Application\) \(Amendment\) Regulations, 2018 \(S.I. No. 240 of 2018\).](#)

## Marine Finfish Protocols.

Copies of the various Marine Finfish Protocols are available to download from the Department of Agriculture Food and the Marine website.

The following is a list of what is available on the Department's website:

- Benthic Monitoring
- Water Column Monitoring Protocols
- A Strategy for Improved Pest Control
- Sea Lice Monitoring and Control
- Sea Lice Control Strategy 2008
- Audit of Operations Offshore Finfish
- Following of Offshore Fish Farms
- Structural Design Protocol for Marine Finfish Farms
- Marine Finfish Farm Sample Proposed Site Layout Drawing
- Environmental Quality Standards

Website Link: [gov.ie - Aquaculture & Foreshore Management](http://www.gov.ie) ([www.gov.ie](http://www.gov.ie))

## Department of Agriculture, Food, and the Marine, information and points of contact.

### Common omissions/mistakes that will lead to applications being returned to applicant.

The importance in getting a fully complete and accurate application form submitted to the Department of Agriculture, Food and the Marine cannot be understated. Any shortfalls in the completeness of the application will inevitably lead to delays in the processing of the Aquaculture licence application. An incomplete application for an Aquaculture Licence will not be processed by the Department.

The Department of Agriculture, Food and the Marine has identified a list of the most common omissions/mistakes that lead to applications for Aquaculture Licences being returned to applicant. These are:

#### 1. Required maps and drawings not supplied or of very poor quality

Drawings rejected because:

- They do not have a suitable standard of clarity/resolution,
- They do not include or need to improve drawing notes,
- The directional arrow/orientation not included,
- They do not use/indicate recognised scale, title block, project title,
- The drawing title not included,
- No drawing date included,
- The aquaculture farm name/logo not included,

- The source of drawings – name/logo not included,
- The drawing number or revision number omitted,
- The co-ordinates are missing or not supplied in the ING format.

#### 2. Site access route map not showing enough land.

- Nearest public road not shown on the map.
- Access route shown crossing private property and no letter of permission to access from the property owner.

#### 3. Farm layout drawing not showing layout of trestles.

- Total number of trestles on site not indicated.
- Dimensions and positions of trestles not shown.

#### 4. Structures drawing omitted.

- Structures drawing not showing enough detail.

#### 5. Fee

- Cheque/money order omitted, incorrect amount.

#### 6. Signature

- Application form not signed by the applicant/s.

#### 7. Sections of the application form not completed.

- Email addresses omitted.
- Company details page incomplete.

## Aquaculture & Foreshore Management Division contact points.

### Department of Agriculture Food and the Marine Office

**Postal Address**

Aquaculture and Foreshore Management Division,  
Department of Agriculture, Food, and the Marine,  
National Seafood Centre,  
Clonakilty,  
Co. Cork  
P85 TX47

**Email**

[aquaculturelicensing@agriculture.gov.ie](mailto:aquaculturelicensing@agriculture.gov.ie)

**Telephone**

+353 (0) 23 88 59500

## Marine Engineering Division contact points.

### Marine Engineering Head Office

National Seafood Centre,  
Clonakilty,  
Co. Cork  
P85 TX47

**Telephone**

[+353 \(0\) 23 885 9596](tel:+353(0)238859596)

### Marine Engineering South Region

Reen Point,  
Blennerville,  
Tralee,  
Co. Kerry  
V92 X2TK

**Telephone**

[+353 \(0\) 66 7149340](tel:+353(0)667149340)

### Marine Engineering East Region

Howth Fishery Harbour Centre,  
Howth,  
Co. Dublin  
D13 A3Y0

**Telephone**

[+353 \(0\) 1 832 2252](tel:+353(0)18322252)

### Marine Engineering West Region

2nd Floor Custom House,  
Druid Lane,  
Co. Galway  
H91 XV2C

**Telephone**

[+353 \(0\) 91 560500](tel:+353(0)91560500)

### Marine Engineering Northwest Region

Upper Main Street,  
Ballyshannon,  
Co. Donegal  
F94 X960

**Telephone**

[+353 \(0\) 71 9858520](tel:+353(0)719858520)

## BIM Contacts and Aquaculture Resource Development.

BIM's Regional Development Officers are a valuable source of information and assistance with completing and managing your Aquaculture Licence application. In addition they can also provide information on topics such as, possible funding and group marking of sites – Special Unified Marking Schemes (SUMs) etc.

The BIM website provides much useful information and can be accessed at: <https://bim.ie/aquaculture/advisory-services/>

The following is a list of contact points for Regional Development Officers by region.

### Regional Development Officer

North (covering Sligo and Donegal)

LOUISE COLLINS

074 9732604

087 4190340

[louise.collins@bim.ie](mailto:louise.collins@bim.ie)

In person appointments available on site or at the Killybegs Office.

BIM Office, Killybegs Fisheries Harbour Centre, The Pier, Killybegs, Co. Donegal, F94 P8YP.

### Regional Development Officer

North East covering Louth.

MARTIN FLANAGAN

048 44619660

087 646 2719

[Martin.Flanigan@bim.ie](mailto:Martin.Flanigan@bim.ie)

In person appointments available on site or at the BIM Office,

BIM, Block 2, Quayside Business Pk, Dundalk, Co. Louth, A91 N26Y.

### Regional Development Officer

South East (covering Wexford, Waterford Wicklow and east to Cork harbour)

BRIAN O'LOAN

053 9171724

0872626578

[Brian.OLoan@bim.ie](mailto:Brian.OLoan@bim.ie)

In person appointments available on site or at the BIM Office C, Wexford Enterprise Centre, Strandfield Business Park, Kerlogue, Rosslare Road, Wexford, Y35 CPR4.

### Regional Development Officer

South (Cork Harbour west to Kenmare Bay)

DAVID MILLARD

+353 27 71238

+353 872640077

[millard@bim.ie](mailto:millard@bim.ie)

In person appointments available on site or at National Fisheries College of Ireland, Regional Fisheries Centre, The Pier, Castletownbere, Co. Cork, P75 EW24.

### Regional Development Officer

West (covering the Shannon to Killary)

PETER DONLON

091 539637

087 9825640

[Peter.Donlon@bim.ie](mailto:Peter.Donlon@bim.ie)

In person appointments available on site or at the BIM Office, Dock Road, The Docks, Galway, H91 HD92

### Regional Development Officer

North West (covering Mayo to Killary)

MARY HANNAN

098 41477

087 2230602

[Mary.Hannan@bim.ie](mailto:Mary.Hannan@bim.ie)

In person appointments available on site or at the BIM Office, Campus Filling Station Units, Westport Road, Newport, Co. Mayo, F28 YD72.







# IFA *Aquaculture*

## **IFA Aquaculture**

**Teresa Morrissey, Aquaculture Policy Executive**

Irish Farm Centre  
Blubell  
Dublin12

**Email** [teresamorrissey@ifa.ie](mailto:teresamorrissey@ifa.ie)

**Telephone** +353 (0) 87 795 4728

## **Aquacence**

**Kevin Hodnett**

[www.aquacence.ie](http://www.aquacence.ie)

**Email** [kevin@aquacence.ie](mailto:kevin@aquacence.ie)

**Telephone** +353 (0) 86 044 2332