

AQUACULTURE LICENCES APPEALS BOARD

FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED AND SUBSTITUTED)

Appeal Reference Number: AP5/2017

DETERMINATION

WHEREAS an appeal dated **17 May 2017** having been made to the Aquaculture Licences Appeals Board (“the Board”) pursuant to Section 40 of the Fisheries (Amendment) Act, 1997 (as amended) (“the Act”) by Inland Fisheries Ireland (“the Appellant”) against the decision of the Minister for Agriculture, Food and the Marine (“the Minister”) to grant an Aquaculture Licence to Dundalk Salmon Anglers Association (“the Licensee”) of 19 Waterview, Lower Point Road, Dundalk, Co Louth on site reference T01/64/1 for the cultivation of Unfed Sea Trout and Unfed Salmon Fry on a site at Stephenstown, Knockbridge, Co Louth

AND WHEREAS the Board in considering the appeal took account of the appeal file, the submission dated 15 June 2017 received from the Licensee pursuant to section 44(2) of the Act, the submission received from the Appellant on 4 August 2017 in response to a request for further information pursuant to section 46(1)(a) and (b) of the Act, and the matters set out at Section 61 of the Act (as amended and substituted), including the following:-

- (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, or 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

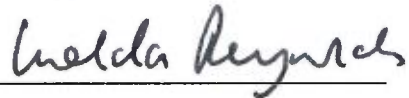
AND WHEREAS the Board considered the appeal at its meetings on 13 June 2017 and 19 July 2017 and determined at its meeting on 25 August 2017, under Section 40 (4) (a) of the Fisheries (Amendment) Act, 1997 (as amended) to **CONFIRM** the decision of the Minister on 4 April 2017 to grant an aquaculture licence to the Licensee, including the terms and conditions set out in the Minister's draft licence.

This Determination is being made for the following reasons and considerations:

1. The activity carried on at site reference T01/64/1 at Stephenstown, Knockbridge is an existing operation;
2. no evidence has been shown to the Board to indicate that the continuation of the existing operation is detrimental to the environment, to the River Fane or its catchment or is likely to have an adverse ecological effect on wild fisheries, natural habitats or flora and fauna; and

3. the activity carried on at the proposed site poses no significant impact on other users of the area, on the particular statutory status of the place or waters, on the economy of the area, on the environment generally in the vicinity of the place or water or in the foreshore, or on the man-made environment or heritage in the vicinity.

Dated this 30th day of August, 2017



Imelda Reynolds

Chairperson

AQUACULTURE LICENCES APPEALS BOARD