

REVIEW OF AQUACULTURE LICENCE NO. 282
GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)

AGREEMENT made the 11 day of September, 2006, between the Minister for the Marine and Natural Resources (hereinafter referred to as the " Minister "), of the one part, and

CORMAC O'SULLIVAN,
MERGINSTOWN,
DUNLAVIN,
CO. WICKLOW.

(hereinafter referred to as the "Licensee") of the other part, whereby the Minister in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23) grants an Aquaculture Licence for the culture of arctic charr at Poulaphuca, Ballymore Eustace, Co Kildare in accordance with plans approved of by the Minister, subject to the provisions of the Act referred to and to the terms and conditions set out in the Schedule attached.

Subject as aforesaid, this Aquaculture Licence shall remain in force for a maximum of 10 years from the 15th day of July, 2000.

Signed: 

A person authorised under Section 15 of the Minister and Secretaries Act, 1924, to authenticate the seal of the Minister for Communications, Marine and Natural Resources.

11 September, 2006

SCHEDULE

TERMS AND CONDITIONS TO APPLY TO REVIEW OF 10-YEAR AQUACULTURE LICENCE FOR CORMAC O' SULLIVAN TO CULTIVATE ARCTIC CHARR AT POULAPHUCA, BALLYMORE EUSTACE, CO. KILDARE.

General

1. Subject to the provisions of the Fisheries (Amendment) Act, 1997 this Licence shall remain in force for 10 years from the original date of grant.
2. This Licence is valid only so long as the layout of the fish farm conforms to the plans submitted to and approved of by the Minister and for so long as the licence granted by Kildare County Council dated 23/05/2005 to discharge effluent from the fish farm (or a further such licence granted by the said Council or by the Environmental Protection Agency) remains in force.
3. The Licensee shall comply with such directions in writing as the Minister may issue from time to time for the proper management and control of all fish culture activities at the fish farm, including in particular directions issued in relation to any of the matters referred to in the following paragraphs.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, claims, damages, costs, expenses or demands arising in any manner whatsoever in connection with the construction, maintenance or use of any structures, apparatus equipment or other thing used in the exercise of the rights granted under this Licence and the Licensee shall take all steps specified in order to ensure compliance with this condition.
5. In the event of neglect or abandonment of the fish, cages or associated equipment at the fish farm, the Minister shall revoke the Aquaculture Licence and shall take further action as he thinks fit to dispose of the fish, cages or associated equipment, and the Licensee shall reimburse the Minister all costs and expenses incurred by him in so doing.
6. This Licence is not to be construed as authorising the Licensee in any way to interfere with or infringe the rights of any other person.
7. The Minister shall be at liberty at any time to revoke or amend the Licence if he considers that it is in the public interest to do so, or if he is satisfied that there has been a breach of any condition specified in the Licence, or in the event of water quality results or general performance at the fish farm not meeting the standards set by the Department of the Marine and Natural Resources. Any such revocation or amendment shall be subject to the provisions of the Fisheries (Amendment) Act, 1997, or any amendment thereto.

Stocking etc, restrictions

8. No fish other than arctic charr shall be bred and handled at the said fish farm.
9. The annual production of fish at the farm shall not exceed 85 Tonnes of arctic charr.
10. Such precautions shall be taken as the Minister may specify from time to time, in relation to the introduction of the ova, fry, fingerlings or parr of arctic charr for stocking the farm, including disease-free certification, and any adaptation of methods of operation or type of installation.
11. Live arctic charr or the ova, fry, fingerlings or parr thereof shall not be sold or disposed of to any person or in any way transferred outside the said fish farm (except in any case to which paragraph 17 refers) save in accordance with the prior written permission of the Minister.

Hygiene and Fish Health

12. The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions, which may be issued from time to time by the Minister.
13. The Licensee shall carry out such water quality monitoring and provide such data relating to such monitoring as may be requested from time to time by the Department of the Marine and Natural Resources.
14. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and water courses of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister or his agent.
15. Suitable arrangements shall be adopted such that any possibility of fish migration into the outlet pipe network from the fish farm unit is completely eliminated.
16. The Licensee shall comply with any directions, which may be issued by the Minister from time to time regarding the fitting of anti-predator netting on fish farm structures so as to prevent predation and the possible introduction of disease by predators.

17. The Licensee shall notify the Department of the Marine and Natural Resources (Coastal Zone Administration Division), Leeson Lane, Dublin 2 and the Fish Health Unit, Marine Institute, Rinvilla, Oranmore, Co. Galway and the Eastern Regional Fisheries Board, within twenty-four hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the said Fish Health Unit at the above address in a prescribed manner as and when requested to do so and shall comply with any directions issued by the Department of the Marine and Natural Resources including the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.
18. The Licensee shall notify the Department of the Marine and Natural Resources (Coastal Zone Administration Division), the said Fish Health Unit and the Eastern Regional Fisheries Board, within twenty-four hours of any escapes of fish from the fish farm and shall keep records of fish escaped, including numbers, origin, types and year classes and shall make these records available to the Department, the said Fish Health Unit and the Eastern Regional Fisheries Board on request.
19. The Licensee shall make arrangements for the disposal of dead fish and all wastes from the fish farm in a manner approved of by the Minister and Kildare County Council.
20. No animal remedies therapeutants, antibiotics or chemicals (except sodium chloride) shall be used in the fish farm except with the prior consent of the Minister for the Marine and Natural Resources and Kildare County Council. In that event, full records shall be kept by the Licensee of the quantities used and times of use.

Inspections, records and returns

21. The said fish farm and all equipment or premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
22. Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of the Fisheries Acts.
23. The Licensee shall furnish to the Department of the Marine and Natural Resources (Coastal Zone Administration Division) Leeson Lane, Dublin 2 such returns from the records kept at the said fish farm as may be required from time to time by the Minister.

CERTIFICATE OF ASSIGNMENT

of

AQUACULTURE LICENCE NO. 282

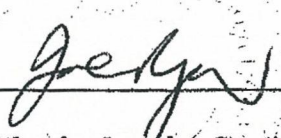
This is to certify that the Aquaculture Licence referred to has been assigned, with the approval of the Minister of State at the Department of Communications, Marine and Natural Resources, from:

**SIMPLESEAS LTD,
CLOGHMORE,
ACHILL,
CO. MAYO**

to

**CORMAC O SULLIVAN,
MERGINSTOWN,
DUNLAVIN,
CO. WICKLOW.**

with effect from 26 May 2005, subject to the terms and conditions thereof.

Signed: 

**A person authorised under Section 15 of the
Minister and Secretaries Act, 1924, to
authenticate the seal of the Minister for
Communications, Marine and Natural
Resources.**

26 May, 2005

T2/6

AQUACULTURE LICENCE NO. 282
GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)

AGREEMENT made the 15th day of July, 2000, between the Minister for the Marine and Natural Resources (hereinafter referred to as the "Minister"), of the one part, and

SIMPLESEAS LTD
CLOGHMORE
ACHILL
CO MAYO

(hereinafter referred to as the "Licensee") of the other part, whereby the Minister in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23) grants an Aquaculture Licence for the culture of salmon at Poulaphuca, Ballymore Eustace, Co Kildare in accordance with plans approved of by the Minister, subject to the provisions of the Act referred to and to the terms and conditions set out in the Schedule attached.

Subject as aforesaid, this Aquaculture Licence shall remain in force for a maximum of 10 years from the 15th day of July, 2000.

SCHEDULE

TERMS AND CONDITIONS TO APPLY TO A 10-YEAR AQUACULTURE LICENCE TO SIMPSEAS LTD. TO CULTIVATE SALMON AT POULAPHUCA, BALLYMORE EUSTACE, CO. KILDARE.

General

1. Subject to the provisions of the Fisheries (Amendment) Act, 1997 this Licence shall remain in force for 10 years from the date of grant.
2. This Licence is valid only so long as the layout of the fish farm conforms to the plans submitted to and approved of by the Minister and for so long as the licence granted by Kildare County Council dated 30/01/1997 to discharge effluent from the fish farm (or a further such licence granted by the said Council or by the Environmental Protection Agency) remains in force.
3. The Licensee shall comply with such directions in writing as the Minister may issue from time to time for the proper management and control of all fish culture activities at the fish farm, including in particular directions issued in relation to any of the matters referred to in the following paragraphs.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, claims, damages, costs, expenses or demands arising in any manner whatsoever in connection with the construction, maintenance or use of any structures, apparatus equipment or other thing used in the exercise of the rights granted under this Licence and the Licensee shall take all steps specified in order to ensure compliance with this condition.
5. In the event of neglect or abandonment of the fish, cages or associated equipment at the fish farm, the Minister shall revoke the Aquaculture Licence and shall take further action as he thinks fit to dispose of the fish, cages or associated equipment, and the Licensee shall reimburse the Minister all costs and expenses incurred by him in so doing.
6. This Licence is not to be construed as authorising the Licensee in any way to interfere with or infringe the rights of any other person.
7. The Minister shall be at liberty at any time to revoke or amend the Licence if he considers that it is in the public interest to do so, or if he is satisfied that there has been a breach of any condition specified in the Licence, or in the event of water quality results or general performance at the fish farm not meeting the standards set by the Department of the Marine and Natural Resources. Any such revocation or amendment shall be subject to the provisions of the Fisheries (Amendment) Act, 1997, or any amendment thereto.

Stocking etc, restrictions

8. No fish other than salmon shall be bred and handled at the said fish farm.
9. The annual production of fish at the farm shall not exceed such quantity as may be specified by the Minister from time to time and will not in any event exceed 600,000 salmon smolts.
10. Such precautions shall be taken as the Minister may specify from time to time, in relation to the introduction of the ova, fry, fingerlings or parr of salmon for stocking the farm, including disease-free certification, and any adaptation of methods of operation or type of installation.
11. Live salmon or the ova, fry, fingerlings or parr thereof shall not be sold or disposed of to any person or in any way transferred outside the said fish farm (except in any case to which paragraph 17 refers) save in accordance with the prior written permission of the Minister.

Hygiene and Fish Health

12. The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister.
13. The Licensee shall carry out such water quality monitoring and provide such data relating to such monitoring as may be requested from time to time by the Department of the Marine and Natural Resources.
14. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and water courses of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister or his agent.
15. Suitable arrangements shall be adopted such that any possibility of fish migration into the outlet pipe network from the fish farm unit is completely eliminated.
16. The Licensee shall comply with any directions which may be issued by the Minister from time to time regarding the fitting of anti-predator netting on fish farm structures so as to prevent predation and the possible introduction of disease by predators.

17. The Licensee shall notify the Department of the Marine and Natural Resources (Coastal Zone Administration Division), Leeson Lane, Dublin 2 and the Fish Health Unit, Marine Institute, Snugboro Road, Abbotstown, Dublin 15 and the Eastern Regional Fisheries Board, within twenty-four hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the said Fish Health Unit at the above address in a prescribed manner as and when requested to do so and shall comply with any directions issued by the Department of the Marine and Natural Resources including the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.
18. The Licensee shall notify the Department of the Marine and Natural Resources (Coastal Zone Administration Division), the said Fish Health Unit and the Eastern Regional Fisheries Board, within twenty-four hours of any escapes of fish from the fish farm and shall keep records of fish escaped, including numbers, origin, types and year classes and shall make these records available to the Department, the said Fish Health Unit and the Eastern Regional Fisheries Board on request.
19. The Licensee shall make arrangements for the disposal of dead fish and all wastes from the fish farm in a manner approved of by the Minister and Kildare County Council.
20. No animal remedies therapeutants, antibiotics or chemicals (except sodium chloride) shall be used in the fish farm except with the prior consent of the Minister for the Marine and Natural Resources and Kildare County Council. In that event, full records shall be kept by the Licensee of the quantities used and times of use.

Inspections, records and returns

21. The said fish farm and all equipment or premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
22. Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of the Fisheries Acts.
23. The Licensee shall furnish to the Department of the Marine and Natural Resources (Coastal Zone Administration Division) Leeson Lane, Dublin 2 such returns from the records kept at the said fish farm as may be required from time to time by the Minister.

PRESENT when the Seal of Office
of the MINISTER FOR THE MARINE
AND NATURAL RESOURCES
was affixed and was authenticated
by the Signature of:

THOMAS J. TOBIN



A person so authorised under
Section 15(1) of the Ministers and
Secretaries Act, 1924 to authenticate
the seal of the Minister.

WITNESS: Herraine Hughes

ADDRESS: Department of Marine &
Natural Resources, Leeson Lane, Dublin 2

OCCUPATION: CIVIL SERVANT

SIGNED on behalf of Licensee


SIMPLESEAS LTD.

in the presence of:

WITNESS: Jeckie Lyons

ADDRESS: Shore Road

Cashel, Achill, Co Mayo.

OCCUPATION: Finance Manager

15 July, 2000

Sent by Registered Post
Ref: T2/6

FISHERIES (AMENDMENT) ACT, 1997 (NO.23)

GRANT OF AQUACULTURE LICENCE NO. 280

Dear Mr Baird,

I enclose a 10 year Aquaculture Licence granted to you for the cultivation of salmon at Poulaphuca, Ballymore Eustace, Co Kildare .

Please sign the two copies and return them to me for my signature and Minister's Seal. A copy of the signed and sealed Licence will be returned to you as quickly as possible.

The fee payable in relation to the grant of the Licence amounts to £100 and should be forwarded by crossed cheque payable to the Department of the Marine and Natural Resources, to:

Department of the Marine and Natural Resources
Coastal Zone Administration Division
Leeson Lane
Dublin 2

The annual fee due on each anniversary of the grant of the licence will be notified by post in due course.

Yours sincerely,

THOMAS J. TOBIN

Principal
Coastal Zone Administration Division

Mr David Baird
Managing Director
Simpleseas Ltd
Cloghmore
Achill
Co Mayo

Agreement made the 20th day of June, 1997 between the Minister for the Marine (hereinafter referred to as "the Minister"), in the exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987), hereby authorises, subject to the conditions set out in the Schedule to this licence, Simpleseas Ltd, whose registered address is at Cloghmore, Achill, Co. Mayo (hereinafter referred to as "the Licensee"):

- 1. To carry on at or in connection with the fish farm situated at Poulaphouca, Ballymore Eustace, Co Kildare the plans of which have been submitted to and approved by the Minister, all necessary operations in relation to the culture of salmon.*
- 2. To purchase, have in possession and sell live salmon smolts and the ova, fry, fingerlings or parr of salmon the acquisition of which has been approved by the Minister.*
- 3. To have in possession within the confines of the said fish farm live salmon smolts and the ova, fry, fingerlings or parr of salmon at any time of the year.*
- 4. For the management of the said fish farm to have in possession and use nets, traps, or such engines as may be approved from time to time by the Minister.*

SCHEDULE

Conditions subject to which this licence is granted

- 1 *This licence shall remain in force up to 1 May, 2001.*
2. *No fish other than salmon shall be bred and handled at the said fish farm.*
3. *The Licensee shall comply with such instructions as the Minister may issue from time to time for the control of all fish culture activities concerned in the operation of the fish farm.*
4. *The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river or other source and also at a point as near as possible to the confluence of the fish farm waste channel and the river as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm water waste channels and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the ponds and water courses of the farm and shall carry out any such instructions issued in this connection from time to time by the Minister.*
5. *Abstraction of water shall be so regulated that sufficient water will be maintained at all times in the natural water courses adjoining the fish farm to ensure the free passage of migratory fish past the fish farm. The licensee shall comply with any directions issued in that connection by the Minister from time to time.*
6. *The annual production of fish at the farm shall not exceed such quantity as may be specified by the Minister from time to time and will not in any event exceed 300,000 salmon smolts.*

7. *Records shall be kept at the said fish farm of all fish stripped, bred, held and handled at the said fish farm and of all sales of fish from it and such records shall be available for inspection at all reasonable times by any inspector appointed for the purpose of Part X of the Fisheries (Consolidation) Act, 1959.*
8. *The Licensee shall furnish to the Secretary, Department of the Marine (Aquaculture Section) Leeson Lane, Dublin 2 such returns from the records kept at the said fish farm as may be required from time to time by the Minister.*
9. *Live salmon smolts and the ova, fry, fingerlings and parr of salmon shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the written permission of the Minister.*
10. *The said fish farm and all premises used in connection with operations carried on at the said fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.*
11. *The Licensee shall carry out such water quality monitoring and provide such data relating to such monitoring as may be requested from time to time by the Secretary, Department of the Marine at the above address.*
12. *The Licensee shall notify the Secretary, Department of the Marine at the above address within forty-eight hours of the appearance or suspected appearance of any disease at the said fish farm or abnormal losses or mortalities and shall send samples to the Fish Health Unit, Abbotstown, Castleknock, Co. Dublin, in a prescribed manner as and when requested to do so and shall comply with any directions as to the treatment, disposal or destruction of stocks of fish at the said fish farm in the interests of safeguarding the stocks of fish in the State.*

13. *The Licensee shall make arrangements for the provision of a lime pit for the disposal of dead fish. All dead fish shall be disposed of in a manner approved by the Minister and acceptable to the Local Authority.*
14. *The Licensee shall make adequate arrangements for the hygienic operation of the said fish farm (including selection and preparation of food, treatment and disposal of effluent) and in that connection shall comply with any directions which may be issued from time to time by the Minister.*
15. *All chemicals and antibiotics used in the fishery shall be used in accordance with instructions issued by the Minister from time to time.*
16. *The Licensee shall keep records of all drugs (including antibiotics), chemicals and disinfectants with which the fish have been treated, including quantities and times of use.*
17. *The Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section) at the above address within twenty-four hours of any escapes of fish from the fishery and shall keep records of fish escaped, including types and year classes and shall make these records available to the Secretary on request.*
18. *Such precautions shall be taken as the Minister may specify from time to time, in relation to (a) introduction of the ova, fry, fingerlings or parr of salmon for stocking the farm, including disease free certification, in appropriate terms, and (b) the adaptation of methods of operation or type of installation (e.g. use of concrete ponds).*
19. *The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible spreading of disease by predators and shall comply with any directions which may be issued by the Minister from time to time in that regard.*

20. *The Licensee shall indemnify and keep indemnified the State, the Minister, their officers, servants or agents against actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the construction, maintenance or use of any aquaculture structures, apparatus or equipment in the exercise of rights granted under this licence.*
21. *In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit to dispose of the fish including revocation of licence.*
22. *The Minister shall be at liberty at any time to revoke or amend this licence if he considers that it is in the public interest to do so or if he is satisfied that there has been a breach of any condition specified in the licence. Any such revocation or amendment shall be subject to the provisions of Section 15 of the Fisheries (Consolidation) Act, 1959.*
23. *This licence is valid only so long as the layout of the fish farm conforms to the plans duly approved in Paragraph 1 of this licence, so long as planning decision of Kildare County Council dated 7 October, 1991 remains valid and so long as the licence granted by Kildare County Council on 30 January, 1997 to discharge effluent from the fish farm remains valid.*
24. *This licence is not to be construed as authorising the Licensee in any way to interfere with or infringe the rights of any other person.*

PRESENT when the Seal of Office
of the **MINISTER FOR THE MARINE**
was affixed and was authenticated
by the Signature of:

DAVID GLYNN

in the presence of:

WITNESS: Lorraine Hughes

ADDRESS: Department of Marine,
Leeson Lane, Dublin 2

OCCUPATION: Civil Servant

SIGNED on behalf of Licensee in the
presence of:

WITNESS:

Mr. [Signature]
ADDRESS: 44Ardara Circle
Galway

OCCUPATION: Executive

[Signature]

a person so authorised under Section
15(1) of the Ministers and Secretaries
Act, 1924

[Signature]

Director