

COPY

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AQUACULTURE LICENCE NO. 502

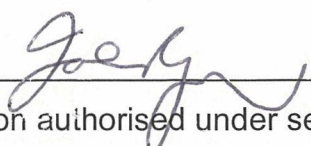
GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)

The Minister for Communications, Marine and Natural Resources, in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23), hereby grants an Aquaculture licence to:

**MICHAEL O'NEILL
TOWER AQUA PRODUCTS LTD
LICKBARRAHAN
CAHERMORE
BEARA
CO. CORK**

for the cultivation of red abalone, green abalone and red seaweed on a site at Lickbarrahan, Cahermore, Beara, Co. Cork 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 period of ten (10) years commencing on 22 November, 2005, and only for so long as the Foreshore licence granted on 22 November, 2005, under Section 3(1) of the Foreshore Act, 1933 (No.12) in connection with the aquaculture to which this Aquaculture Licence relates is in force.



A person authorised under section 15(1)
of the Ministers and Secretaries Act, 1924
to authenticate the Seal of the Minister
for Communications, Marine and Natural Resources

SCHEDULE

TERMS AND CONDITIONS TO APPLY TO 10-YEAR AQUACULTURE LICENCE FOR THE CULTIVATION OF RED ABALONE, GREEN ABALONE AND RED SEAWEED AT A LAND BASED SITE AT LICKBARRAHAN, CAHERMORE, BEARA, CO. CORK.

General

- 1.(a) This licence shall remain in force only for so long as the fish farm complies with both the planning permission granted by Cork County Council on 18 May, 2005 (Planning Register No. 04/6610) and any subsequent reconfiguration permitted by the local authority (and the Effluent Discharge Licence granted by Cork County Council (ref. W.P.(W) 7/04) (or a further such Licence granted by the said Council or by the Environmental Protection Agency).
- 1.(b) This licence shall be reviewed by the Minister not later than 3 years after the date of the start of the licence.
2. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper management and control of all culture activities at the fish farm, including in particular, instructions issued in relation to any of the matters referred to in the following paragraphs.
3. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, claims, damages, costs, expenses or demands arising in any manner whatsoever in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in the exercise of the rights granted under this Licence and the Licensee shall take all steps specified in order to ensure compliance with this condition.
- 4.(a) The Licensee shall ensure that no derelict or redundant structure, apparatus, equipment or thing associated with the fish farm is allowed to remain on the licensed area or on adjoining land and that any such structure, apparatus, equipment or thing is properly removed for proper disposal elsewhere.
- 4.(b) In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit (including revocation of this Licence or the disposal of any cultured stock or any structure, apparatus, equipment or thing there) and the Licensee shall be liable to reimburse the Minister in respect of the expense involved in so doing.
5. This Licence is not to be construed as authorising the Licensee to interfere with or infringe in any way the rights of any other person.

6. The Minister shall be at liberty at any time to revoke or amend the Licence if he considers that it is in the public interest to do so, or if he is satisfied that there has been a breach of any condition specified in the Licence, or in the event of water quality results or general performance at the fish farm not meeting the standards set by the Department of Communications, Marine and Natural Resources (hereinafter referred to as the Department). Any such revocation or amendment shall be subject to the provisions of the Fisheries (Amendment) Act, 1997, or any amendment thereto.

Stocking etc.

7. No species other than red abalone, green abalone and red seaweed shall be cultivated and handled at the fish farm.
8. Such precautions shall be taken by the Licensee as the Minister may specify from time to time in relation to the introduction of red and green abalone (including brood, spawn and larvae) and seaweed into the fish farm including disease-free certification and any adaptation of methods of operation or type of installation at the fish farm.
9. No red abalone, green abalone (including brood, spawn and larvae) or seaweed shall be sold or disposed of to any person or in any way transferred outside the fish farm (except in any case to which paragraph 14 refers) save in accordance with the prior written permission of the Department.

Hygiene, Fish Health & Monitoring of Water Quality

10. The Licensee shall make adequate arrangements for the hygienic operation of the fish farm (including proper selection and preparation of food, and proper treatment and disposal of wastes) and shall carry out any instructions issued in this connection by the Department.
11. The Licensee shall regularly update its comprehensive Emergency Plan which shall, in particular, provide for appropriate response to significant fish or other mortalities; fish or other disease; seaweed or other disease; chemical spills; failure of ultraviolet disinfection equipment, or any other significant matters arising in the course of the Licensee's operations.
12. The Licensee shall make arrangements for the disposal of dead fish or seaweed in accordance with the applicable statutory provisions and requirements.
13. The Licensee shall carry out regular water quality and other monitoring at the fish farm in accordance with the specifications of the Department (including the essential reference standards against which the monitoring shall be carried out) and provide the results of such monitoring to the Department on request.
14. The Licensee shall notify the Department of Communications, Marine and Natural Resources, Coastal Zone Management Division, Leeson Lane, Dublin 2 and the Fish Health Unit, Marine Institute, Snugborough Road, Abbotstown, Dublin 15, within twenty-four hours of the appearance or suspected appearance of any disease or abnormal losses or mortalities at the fish farm and shall send samples

to the Fish Health Unit at the above address in a prescribed manner as, and when, requested to do so and shall comply with any directions issued by the Department including the treatment, disposal or destruction of stocks of fish or seaweed at the fish farm in the interests of safeguarding the stocks of fish and seaweed in the State.

Special requirements on chemical usage

15. All chemicals, antibiotics and disinfectants used at the fish farm shall be used in accordance with instructions issued by the Veterinary Surgeon to the hatchery.

Inspections, records and returns

16. The fish farm and all equipment or premises used in connection with operations carried on at the fish farm and the records referred to in condition 18 shall be open to inspection at any time by any authorised officer (within the meaning of the Fisheries Acts), or any other person appointed by the Minister for the purpose.
17. The Licensee shall keep full records at the fish farm of:
- all fish stripped, bred, held and handled at the fish farm;
 - all seaweed cultivated at the fish farm;
 - the types and quantities of fish food used and the times of use;
 - all chemicals, antibiotics and disinfectants with which the fish or seaweed have been treated, including types, quantities and times of use; and
 - the result of regular monitoring of water quality at the fish farms.
18. The Licensee shall furnish to the Department of Communications, Marine and Natural Resources, Coastal Zone Management Division, Leeson Lane, Dublin 2 such returns from the records kept at the fish farm as may be required from time to time by the Department.
19. The Licensee shall not assign the benefit of the licence without the written consent of the Minister, such consent not to be unreasonably withheld.
20. In the event of the benefit of the licence being granted to a company (within the meaning of the Companies Acts, 1963 to 1999) the following condition shall apply, namely, the Licensee shall obtain the consent of the Minister to any proposed major change in the shareholding or control of the Licensee where such change substantially alters the identity of the Licensee.
21. In the event of the benefit of the licence being granted to a society (within the meaning of Section 2 of the Industrial and Provident Societies (Amendment) Act, 1978 (No. 23 of 1978)) the following conditions shall apply, namely,
- (i) the rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;

- (ii) the rules relating to the society shall be submitted to the Minister as soon as practicable after such assignment and the society shall not amend the rules thereafter, other than with the consent of the Minister; and
- (iii) the Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society, from time to time, and the Licensee shall amend the rules in accordance with that direction.