

AQUACULTURE LICENCES APPEALS BOARD

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

WHEREAS an appeal having been made to the Aquaculture Licences Appeals Board (hereinafter also referred to as "the Board") pursuant to section 40 of the Fisheries (Amendment) Act 1997 (as amended and substituted) by a company with the previous name FCK Fish Farms Limited and now with the name Ballybay Perch Limited (hereinafter also referred to as "the Applicant/Appellant") against the inclusion in the Notice of Decision dated the 16th June 2006 issued by the Minister of State at the Department of Communications, Marine and Natural Resources to grant, subject to conditions, an Aquaculture Licence to the said Applicant/Appellant for the cultivation of Arctic Charr and European Perch at Corkeeran, Ballybay, County Monaghan (Department reference number T21/4)(Board reference number AP2/1/06) of a condition which provided that the annual production of Arctic Charr and European Perch will not exceed 25 tonnes

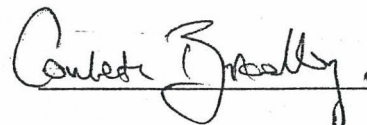
AND WHEREAS the Board, having regard to the appeal and *inter alia* the provisions of the Fisheries (Amendment) Act 1997 (as amended and substituted) and consequent upon legal advice received decided to determine the appeal by determining the application for the licence as if the application had been made to the Board in the first instance pursuant to section 40(4)(b) of the Fisheries (Amendment) Act 1997 (as amended and substituted)

AND WHEREAS the Board, in considering the appeal took account of the matters referred to in section 61 of the Fisheries (Amendment) Act 1997 (as amended and substituted) including the terms and conditions of the planning permission granted by Monaghan County Council on the 6th May 2005 (reference 04/1071) and the Effluent Discharge Licence granted by Monaghan County Council on the 19th September 2005 and having regard to the aforementioned, the appeal file and reports of the Board's technical adviser and being satisfied that it is in the public interest to do so

the Board determined at its meeting on the 27th November 2006 to grant to Ballybay Perch Limited (formerly FCK Fish Farms Limited) an Aquaculture Licence for the cultivation of Arctic Charr and European Perch at Ballybay Perch Limited (formerly FCK Fish Farms Limited), Corkeeran, Ballybay, County Monaghan in accordance with the terms and conditions in the schedule attached to the said licence.

In addition to the aforementioned matters, including the consideration of the appeal file and reports of the Board's technical adviser, the reasons and considerations of the Board for its decision were that it considered that production levels from the proposed fish farm could be increased by requiring in the first year of operation the combined total annual production of Arctic Charr and European Perch will not exceed 25 tonnes and thereafter the combined total annual production of Arctic Charr and European Perch will not exceed 50 tonnes per year of operation, without giving rise to a serious threat of pollution.

Dated this 27th day of November 2006



Conleth Bradley
Chairperson

For and on behalf of the

AQUACULTURE LICENCES APPEALS BOARD

BOARD SEAL

A.Q. 568

AQUACULTURE LICENCES APPEALS BOARD

AQUACULTURE LICENCE

IN THE MATTER OF THE FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED AND SUBSTITUTED)

IN THE MATTER OF AN APPLICATION BY A COMPANY WITH THE PREVIOUS NAME FCK FISH FARMS LIMITED AND NOW KNOWN AS BALLYBAY PERCH LIMITED

APPLICANT

REGISTERED OFFICE: Meeting House Lane, Ballybay, Castleblayney, County Monaghan

ADDRESS: c/o PJ Finlay, Meeting House Lane, Ballybay, Castleblayney, County Monaghan

-AND-

IN THE MATTER OF AN APPEAL BY A COMPANY WITH THE PREVIOUS NAME FCK FISH FARMS LIMITED AND NOW KNOWN AS BALLYBAY PERCH LIMITED

APPELLANT

REGISTERED OFFICE: Meeting House Lane, Ballybay, Castleblayney, County Monaghan

ADDRESS: c/o PJ Finlay, Meeting House Lane, Ballybay, Castleblayney, County Monaghan

TAKE NOTICE THAT:

The Aquaculture Licences Appeals Board hereby grants to the aforesaid Applicant (Appellant) Ballybay Perch Limited (formerly FCK Fish Farms Limited) (also hereinafter referred to as "the Licensee") an Aquaculture Licence for the cultivation of Arctic Charr and European Perch at Ballybay Perch Limited (formerly FCK Fish Farms Limited) Corkeeran, Ballybay, County Monaghan in accordance with the terms and conditions in the Schedule attached hereto.

LOCATION OF LICENSED OPERATIONS:

Ballybay Perch Limited (formerly FCK Fish Farms Limited), Corkeeran, Ballybay, County Monaghan.

AQUACULTURE TO WHICH DECISION RELATES TO:

Cultivation of Arctic Charr and European Perch at Corkeeran, Ballybay, Co. Monaghan

DURATION OF LICENCE:

10 years from the date hereof

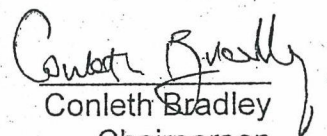
CONDITIONS ATTACHED TO LICENCE:

See Schedule attached

FILE REFERENCE:

AP2/1/06 (Department File Ref:T21/04)

DATED this 27th day of NOVEMBER 2006


Conleth Bradley

Chairperson

For and/on behalf of the
Aquaculture Licences Appeals Board

BOARD SEAL:

Schedule

TERMS AND CONDITIONS OF 10 YEAR AQUACULTURE LICENCE GRANTED TO BALLYBAY PERCH LIMITED (FOMERLY FCK FISH FARMS LIMITED) TO CULTIVATE ARCTIC CHARR AND EUROPEAN PERCH AT CORKEERAN, BALLYBAY, COUNTY MONAGHAN

1. Location of licensed operation: Ballybay Perch Limited (formerly FCK Fish Farms Limited), Corkeeran, Ballybay, County Monaghan.
2. Cultivation licensed: the cultivation of Arctic Charr and European Perch at Ballybay Perch Limited (formerly FCK Fish Farms Limited), Corkeeran, Ballybay, County Monaghan.

General

3. This Licence shall be reviewed, by the Minister for Communications, Marine and Natural Resources (hereafter also referred to as The Minister), not later than 3 years after the date of the start of the Licence.
4. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper operation of the fish farm, including in particular, instructions issued in relation to any of the matters referred to in the following paragraphs.
5. 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.
6. (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.

(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 fish 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.

7. 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.
8. 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 said Minister and/or 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., restrictions

9. No fish other than Arctic Charr and European Perch shall be cultivated at the fish farm.
10. In the first year of operation the combined total annual production of Arctic Charr and European perch will not exceed 25 tonnes and thereafter the combined total annual production of Arctic Charr and European Perch will not exceed 50 tonnes per year of operation.
11. Such precautions shall be taken by the Licensee as the Minister and/or the Department of Communications, Marine and Natural Resources may specify from time to time in relation to the introduction of Arctic Charr and European Perch (including ova and fry) into the fish farm, including disease-free certification and any adaptation of methods of operation or type of installation at the fish farm.
12. No live Arctic Charr and/or European Perch (including ova and fry thereof) 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 15 refers) save in accordance with the prior written permission of the Minister and/or the Department of Communications, Marine and Natural Resources.

Hygiene, Fish Health & Monitoring of Water Quality

13. 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).

14. The Licensee shall make arrangements for the disposal of dead fish in accordance with the applicable statutory provisions and requirements.
15. The Licensee shall notify the Minister and/or the Department of Communications, Marine and Natural Resources (Coastal Zone Management Division, Leeson Lane, Dublin 2) and the Fish Health Unit, Marine Institute, Rinvile, Oranmore, Co Galway 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 Minister and/or the Department including the treatment, disposal or destruction of stocks of fish at the fish farm in the interests of safeguarding the stocks of fish in the State.
16. The Licensee shall notify the Minister and/or the Department of Communications, Marine and Natural Resources (Coastal Zone Management Division) and the Fish Health Unit, Marine Institute, at the above addresses, within twenty-four hours of any escapes of fish from the fish farm and shall keep records of fish escaped, including numbers, origin, species and year classes and shall make these records available to the Minister and/or Department, the Fish Health Unit and Northern Regional Fisheries Board on request.

Special requirements on chemical usage

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

Inspections, records and returns

18. 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 20 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.

19. Records shall be kept at the fish farm of

All fish held and handled at the fish farm;

The types and quantities of fish foods used (including their phosphate content), and the times of use;

All chemicals, antibiotics and disinfectants with which the fish have been treated, including types, quantities and times of use; and the results of regular monitoring of water quality at the fish farm.

20. The Licensee shall furnish to the Minister and/or 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 Minister and/or Department.

21. The Licensee shall notify the Minister of any proposed change in the shareholding or control of the licensee.

3-365

1-643

2-202

1-200

1-843

251

2-137

324

320

2-072

1-494

1-038

.860

318

175

2-477

315

3-293

3-221

3-644

AREA OF PROPERTY EDGED IN RED = 0.520 ACRES.

2-171

1-177

2-083

.052

.872

Quarry 360

2-087

2-136

2-210

2-191

ST

B. 450

Spring

2-165

2-379

.907

1-915

B.M. 316 4

.759

Spring

2-664

307

1-835

.629

1-1

LAND REGISTRY

County MONAGHAN

Folio 14339 O.S. 19/9

This map should be read in conjunction with the folio.
(Plan No. on 1st page)

This map does not show appurtenant or servient rights.

It is not conclusive evidence as to the boundaries or extent
of the land. (See Section 85 of the Registration of Title Act 1964)

boundary has been transferred from a smaller
scale. Accuracy is limited to that of the smaller scale.

to the provisions of the L.R. Rules
for subdivision purposes.

SA 29/6/57

293

557

1-291

315

1-012

329

1-929

.808

.732

.326

1-636

542

ID