

AQUACULTURE LICENCE NO. 79

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

The Minister for Agriculture Fisheries and Food (hereinafter referred to as the "Minister"), in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23), hereby grants an Aquaculture licence to:

IRISH ORNAMENTAL FISH FARMS LTD

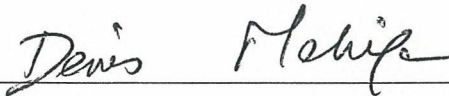
GARR BRIDGE

RHODE

CO OFFALY

(hereinafter referred to as the "Licensee") for the cultivation of ornamental fish, aquatic invertebrate animals, aquatic plants and aquatic forms of food suitable for the nutrition of fish at Garr Bridge, Rhode, Co Offaly 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 1st June 2009.



A person authorised under Section 15(1)
of the Ministers and Secretaries Act, 1924 to
authenticate the Seal of the Minister for
Agriculture, Fisheries and Food.

TERMS AND CONDITIONS TO APPLY TO 10 YEAR AQUACULTURE LICENCE

1) Location of Licensed Operations

- a) The area specified as T25/4 delineated in red outlined on the attached map.

2) Stocking etc restrictions

- a) No fish other than ornamental fish, aquatic invertebrate animals, aquatic plants and aquatic forms of food suitable for the nutrition of fish shall be bred and handled at this site.
- b) The standing stock of the fish held at the fish farm at any time shall not exceed such maximum as the Minister may specify from time to time. Any excess shall be removed forthwith and appropriately dealt with, by the Eastern Regional Fisheries Board.
- c) Such precautions shall be taken by the Licensee as the Minister may specify from time to time in relation to the introduction of ornamental fish, aquatic invertebrate animals, aquatic plants and aquatic forms of food suitable for the nutrition of fish (including ova and fry) into the site, including disease-free certification and any adaptation of methods of operation or type of installation at the hatchery.
- d) Seed shall only be obtained from certified disease-free sources within Ireland or another Member State of the European Communities and only introduced into the licensed area with the written approval of the Department of Agriculture, Fisheries and Food (hereinafter referred to as the "Department") and the Marine Institute.
- e) No ornamental fish, aquatic invertebrate animals, aquatic plants and aquatic forms of food suitable for the nutrition of fish (including ova and fry) shall be sold or disposed of to any person or in any way transferred outside the hatchery/site (except in any case to which paragraph 15 refers) save in accordance with the prior written permission of the Department or the Marine Institute.

3) Site Monitoring Records, and Returns

- a) Annual and other monitoring shall be undertaken by the Licensee in the licensed area in accordance with any specifications of the Department (including essential reference standards against which the monitoring shall be carried out).
- b) The Licensee may be required to undertake or participate in, as the case may require, environmental monitoring in accordance with provisions prescribed by regulation or as directed by the Minister from time to time.
- c) All chemicals and antibiotics used in the licensed area shall be used in accordance with instructions issued by the Veterinary Surgeon to the site.
- d) The Licensee shall keep records of all chemicals and antibiotics with which the fish have been treated, including quantities and times of use.
- e) The Licensee shall keep reports of :

- i) All fish stripped, bred, held and handled at the site;
 - ii) The results of regular monitoring of water quality at the site.
- f) The Licensee shall not use any substance or thing or do anything, which has a deleterious effect on the environment of the licensed area including the use of organotin based anti-foulants and shall make adequate arrangements for the hygienic and disease free operation of the licensed area and shall comply with any directions issued by the Minister from time to time in that regard.
- g) The Licensee shall make arrangements for the disposal of dead fish in accordance with the applicable statutory provisions and requirements.
- h) The Licensee shall furnish to the Department, in the form and at the intervals determined by the Minister, such returns relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and relevant aquaculture legislation.

4) General

- a) The licence shall remain in force only for so long as the site complies with the planning permission granted by Offaly County Council.
- b) The Licensee must at all times comply with all applicable laws.
- c) Any reference to a statute (whether specifically named or not) or to any sections or sub-sections therein includes any amendments or re-enactments thereof for the time being in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans for the time being made, issued or given there under or deriving validity there from.
- d) If any term or provision in this licence is held to be illegal or unenforceable in whole or in part, such term shall be deemed not to form part of this licence but the enforceability of the remainder of this licence is not affected.
- e) The Licensee must at all times hold all necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.
- f) Without prejudice to the generality of the above, the licensed area to which this aquaculture licence relates must be operated at all times under and in accordance with an authorisation ("Fish Health Authorisation") issued under the European Communities (Health of Aquaculture Animals and Products) Regulations 2008 (S.I. No. 261 of 2008). The Fish Health Authorisation referred to is issued by the Marine Institute. As provided for under Regulation 17 (10) of these Regulations, if the Marine Institute revokes a fish health authorisation (or refuses an application) this aquaculture licence relating to the premises to which the fish health authorisation (or application) formerly related, has no effect.

- g) The Licence holder shall generally conduct its operations with regard for other persons in the area and the environment and shall ensure that they are not injurious to adjacent lands or the public interest.
- h) The Licensee shall at all times during the duration of the licence and for the full period under which the provisions of Section 19A (4) of the Fisheries (Amendment) Act 1997, apply, keep all equipment used for the purposes of the licensed operations in a good and proper state of repair and condition to the satisfaction of the Minister.
- i) The Licensee shall ensure that the licensed and adjoining areas shall be kept clear of all redundant structures, waste products or materials associated with the development and shall make adequate provision for the prompt removal and disposal of all wastes from those areas.
- j) In particular, the Licensee should regularly inspect and clear all operational litter/debris from the surrounding shoreline. This should take place every three months and written records of such inspections should be maintained and made available to the Department on request. These records should note the litter/debris recovered and the methods of disposal.
- k) The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in connection with the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
- l) The Licensee shall, at the expense of the Licensee, if so required by the Minister and within three weeks after receipt of such notice or on determination of the licence from any other cause, remove the said structures, apparatus, equipment or other thing to the satisfaction of the Minister. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration, and the Licensee shall take steps as the Minister may specify in order to secure compliance with this condition.
- m) Subject to the provisions of the Fisheries (Amendment) Act, 1997 (No.23 of 1997) the Minister may 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 that the licensed area to which the licence relates is not being properly maintained or in the event of water quality results or general performance at the licensed area not meeting with standards set by the Department.

5) Notifications

- a) Without prejudice to any other remedy under the licence or at law, if the Minister is of the view that the Licensee is in breach of any obligation pursuant to his/her licence, the Minister may, by notice in writing, require that the Licensee rectify such breach, within such reasonable time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice. Failure to do so may lead to revocation of the licence by the Minister.
- b) Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at the last known address of the Licensee. Any correspondence to the Minister/Department in relation to this licence should be addressed to Coastal Zone Management Division, Department of Agriculture, Fisheries and Food, Clogheen, Clonakilty, Co. Cork.
- c) The Licensee shall notify the Department within 28 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

6) Assignment

- a) This licence is issued subject to any order that the High Court may make pursuant to Section 218 of the Companies Act 1963 or otherwise in regard to the assignment of this licence.

7) Companies/Co-Operatives

- a) 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.
- b) 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 before 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.

8) Licence Fees

- a) The Licensee shall pay to the Minister an annual aquaculture license fee as advised to the Licensee on the issue of this licence.
- b) Non-payment of annual aquaculture fees may lead to the revocation of the licence by the Minister. Licensees with outstanding fees will be given a final notice giving them 28 days, in line with Section 68 (3) (a) of the Fisheries (Amendment) Act 1997, to settle their account or face revocation of the licence(s).

9) Duration of Licence

- a) The Licence shall remain in force until 1st June 2019, except heretofore provided and for only so long as the accompanying Foreshore Licence remains in force.

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T25/4

AQUACULTURE LICENCE NO. 79
GRANTED UNDER THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)

AGREEMENT made the 1st day of June, 1999, between the Minister for the Marine and Natural Resources (hereinafter referred to as the "Minister"), of the one part, and

IRISH ORNAMENTAL FISHFARMS LTD
2 BALLYBRIDE
RATHMICHAEL
CO DUBLIN

(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 ornamental fish, aquatic invertebrate animals, aquatic plants and aquatic forms of food suitable for the nutrition of fish at Garr Bridge, Rhode, Co Offaly, (outlined on the attached map and coloured red), 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 1st day of June, 1999.

SCHEDULE

TERMS AND CONDITIONS TO APPLY TO 10 YEAR AQUACULTURE LICENCE FOR CULTURE OF ORNAMENTAL FISH, AQUATIC INVERTEBRATE ANIMALS, AQUATIC PLANTS AND AQUATIC FORMS OF FOOD SUITABLE FOR THE NUTRITION OF FISH BY IRISH ORNAMENTAL FISHFARMS LTD AT GARR BRIDGE, RHODE, CO OFFALY

General

1. Subject to the provisions of the Fisheries (Amendment) Act 1997, the Licence shall remain in force for so long as there is in force a planning permission granted by Offaly County Council (or An Bord Pleanála) in respect of the fish farm, subject to a maximum of 10 years from the date of grant.
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 fish 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, 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 the Licence.
4. The Licence shall not be construed as authorising the Licensee in any way to interfere with or infringe the rights of any other person.
5.
 - (a) In the event of neglect or abandonment of the fish farm, the Minister shall take such action as he thinks fit (including the disposal of any fish there and revocation of the Licence) and the Licensee shall be liable to reimburse the Minister the expense involved in so doing.
 - (b) 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 for the Fisheries (Amendment) Act, 1997, or any amendment thereto.

Fish Stocking, etc. restrictions

6. No fish other than ornamental fish shall be stocked, bred or handled at the fish farm.
7. The standing stock of ornamental fish held at the farm at any time shall not exceed such maximum as the Minister may specify from time to time.

8. Such precautions shall be taken as the Minister may specify from time to time in relation to
- (a) the introduction of fish for stocking the fish farm, including disease-free certification, and
 - (b) the adaptation of methods of operation or type of installation (including ponds).

Hygiene and Fish Health

9. The Licensee shall make adequate arrangements for the hygienic operation of the fish farm at all times (including the proper selection and preparation of food, and the proper treatment and disposal of wastes).
10. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from natural water courses adjoining the fish farm and also at a point as near as possible to the confluence of the fish farm waste channel and the natural water courses as will effectually prevent the admission of migratory fish into the fish farm feed channels, the fish farm waste channel and other water courses and ponds of the fish farm, and shall make adequate arrangements to ensure the safe passage past the fish farm of migratory fish, and shall make all necessary provisions to prevent the escape of fish from the fish farm (including, in particular, ensuring that no ponds are constructed or operated, on the fish farm within five metres of a natural watercourse and that all ponds on the fish farm are properly constructed and funded to the satisfaction of the Minister).
11. The Licensee shall ensure that the abstraction of water by the fish farm 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.
12. The Licensee shall fit adequate anti-predator netting on fish farm structures so as to prevent predation and the possible spread of disease by predators.
13. The Licensee shall carry out regularly water quality monitoring at the fish farm and provide the results of such monitoring to the Department of the Marine and Natural Resources on request.
14. All chemicals, antibiotics and disinfectants used on the fish farm shall be used in accordance with instructions issued by the Minister from time to time.
15. The Licensee shall keep full records of all chemicals, antibiotics and disinfectants with which fish are treated on the fish farm, including details of quantities used and times of use.
16. The Licensee shall notify the Coastal Zone Administration Division, Department of the Marine and Natural Resources, Leeson Lane, Dublin 2, within 24 hours of the appearance or suspected appearance of any disease or parasite or abnormal losses or mortalities at the fish farm and shall send samples to the Fish Pathology Unit, Fisheries Research Centre, Marine Institute, Abbotstown, Castleknock, Dublin 15, in the prescribed manner as and when requested to do so, and shall comply with any directions by the Department as to the treatment, disposal or destruction of stocks of

fish at the fish farm in the interests of safeguarding the stocks of other fish in the State.

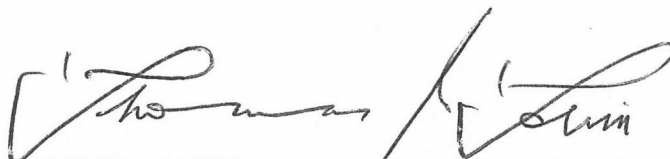
17. The Licensee shall make arrangements for the disposal of dead fish in a manner approved of by the Minister and Offaly County Council.
18. The Licensee shall notify the Coastal Zone Administration Division, Department of the Marine and Natural Resources and the Fish Pathology Unit, at the above address, and the ~~Shannon~~ Regional Fisheries Board within 24 hours of any escapes of fish from the fish farm and shall keep full records of fish escaped, including records of numbers, origin, types and year classes, and shall make these records available to the Department, the Fish Pathology Unit and to the ~~Shannon~~ Regional Fisheries Board on request.

Inspections, records and returns

19. The fish farm and all structures and equipment used in connection with the operations of the fish farm shall be open to inspection at any time by any authorised officer within the meaning of the Fisheries Acts.
20. The Licensee shall keep full records at the fish farm of all fish introduced into, stripped, bred, held or handled at the fish farm and of all sales of fish from the fish farm and such records shall be available for inspection at all reasonable times by any inspector appointed for any purpose of the Fisheries Acts.
21. The Licensee shall furnish to the Coastal Zone Administration Division, Department of the Marine and Natural Resources, at the above address, such returns from the records kept at the fish farm as may be required from time to time.

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



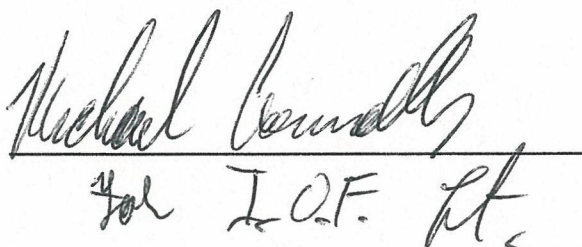
A person so authorised under Section
15(1) of the Ministers and Secretaries
Act, 1924 to authenticate the seal of
the Minister.

WITNESS: Clairie Meern

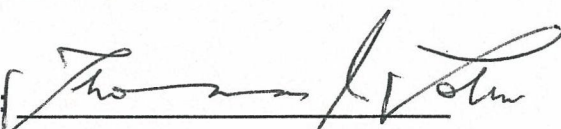
ADDRESS: Dept. Marine and
Natural Resources, Dublin 2

OCCUPATION: CIVIL SERVANT

SIGNED on behalf of Licensee


for L.O.F. Pt.

in the presence of:

WITNESS: 

ADDRESS: Dept. of the Marine and Natural Resources
Leeson Lane Dublin 2

OCCUPATION: Civil Servant

