4<sup>th</sup> December 2017

Our Ref: T12/37

COD, Mr. Garrett Gallagher Lough Swilly Shellfish Growers Co-Operative Society Ltd Station House, Malin Road Carndonagh, Co. Donegal.

## FISHERIES (AMENDMENT) ACT, 1997 (NO.23) NOTICE OF MINISTERIAL DECISION TO GRANT AN AQUACULTURE LICENCE AND FORESHORE LICENCE.

Department of Agriculture,

n Roinn

ent by registered post

Food and the Marine

Talmhaíochta.

Bia agus Mara

Dear Mr. Gallagher

I would like to inform you that the Minister For Agriculture, Food and the Marine has approved the granting to you of (7) 10-year Aquaculture Licences (one licence per site) and accompanying Foreshore Licences, for the cultivation of bottom mussels on 4 sites, including one site with bottom oysters also and 3 sites for the cultivation of Pacific Oysters using bag and trestles -site Nos. T12/37 A1, T12/37A2, T12/37 B1, T12/37 B2, T12/37 B3, T12/37 B4 and T12/37 C (See attached information note.) I enclose a copy of the public notice of the decision which the Department has arranged to have published in "Donegal Democrat".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it in writing to the Aguaculture Licences Appeals Board. This appeal must be lodged within one month beginning on the date of the publication of the decision.

In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: http://www.citizensinformation.ie/

The Licences will be issued to you as soon as possible after the end of the period of one month from the date of publication of the notice in "Donegal Democrat", if there is no appeal.

Please also find enclosed the conditions that will apply to any Aquaculture Licence that may be issued by the Minister.

Yours sincerely

Karen Gill Aquaculture and Foreshore Management Division National Seafood Centre Clogheen, Clonakilty, Co. Cork Phone: 023 8859586 Email: Karen.gill@agriculture.gov.ie

An Roinn Talmhaíochta, Bia agus Mara Department of Agriculture, Food and the Marine

C

## S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23) INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18 OF THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998

<b>REFERENCE NO:</b>	T12/37
APPLICANT:	Lough Swilly Shellfish Growers Co-Op Society Ltd
AQUACULTURE TO WHICH	Bottom Cultivation of mussels on 4 site(s) including one with bottom oysters also- sites
DECISION RELATES:	T12/37A1,T12/37 B1, T12/37 B2 & T12/37 C- Suspended Pacific Oyster cultivation using bags and trestle on 3 sitesT12/37 A2, T12/37B3 & T12/37B4 on the foreshore in Lough Swilly, Co Donegal.

NATURE OF DECISION: Grant of Aquaculture Licences.

DATE OF DECISION: 30<sup>th</sup> November 2017

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued as soon as practicable after the end of the period of one month from the date of publication of a notice in a newspaper circulating in the vicinity of the aquaculture, if no appeal is made to the Aquaculture Licences Appeals Board within that period, under Section 40 and 41 if the Fisheries (Amendment) Act, 1997.

**Note:** It has been decided to grant the applicant a separate Foreshore Licence under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture Licence, subject to standard conditions applicable to Foreshore Licences.

3 7 - 2 1

0

O



Department of Agriculture, Food and the Marine An Roinn

Talmhaíochta, Bia agus Mara

## T12/37

## Site T12/37 A1



# **AQUACULTURE LICENCE**



Lough Swilly Shellfish Growers Co-Operative Society Limited

Lough Swilly

**Co.Donegal** 

## TABLE OF CONTENTS

- 1. LICENSED AREA
- 2. SPECIES, CULTIVATION AND METHOD LICENSED
- 3. INFRASTRUCTURE AND SITE MANAGEMENT

INDEMNITY DESIGN, ARRANGEMENT AND MAINTENANCE OF STRUCTURES OPERATIONAL CONDUCT WASTE MANAGEMENT INSPECTION

- 4. NAVIGATION AND SAFETY
- 5. MONITORING
- 6. FISH HEALTH / MORTALITY MANACEMENT / MONIMENT OF FISH

FISH HEALTH REGULATIONS DISPOSAL OF MORTALITIES MOVEMENT OF FISH

7. DURATION, CESSATION, R. W., REVOC. YON, AMENDMENT, ASSIGNMENT

DURATION, CESSATION REVIEW REVOCATION, MIENDME ASSIGNMENT

- 8. FEES
- 9. GENERAL MAS A CONDITIONS

TAX EARANCE CB UFICATE COMPA IS AND CO-CLEARAN OF SITE

SCHEDULE 2 SCHEDULE 2 SCHEDULE 3 SCHEDULE 4

## T12/37

## AQUACULTURE LICENCE NO. XXXX

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

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

Lough Swilly Shellfish Growers Co-Operative Society inited Lough Swilly Co. Donegal

(hereinafter referred to as the "Licensee") for the convation of mussels on a site in Lough Swilly, Co. Donegal as specific on Schedule 1 attained (numbered T12/37A1) and indicated by a red line on the attached as approved of by the Minister, subject to the Act and Born tions made under the Act and to the terms and conditions set out in the attacher pages.

This Aquaculture Lices show remain in force for a maximum period of ten (10) years compared on XXXXXXXX 20XX, provided for so long as the Foreshow te Licence grand on XXXXXXXX 20XX, under Section 3 (1) of the Foreshow te 1933 (No 2 of 1933) in respect of the same site for the purpose referred to is force.

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

## TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

### 1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (143.01 hectares) (labelled T12/37A1) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

## 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels
- 2.2. Method: Bottom Culture subject to the stocking and/ordeployment limits as may be specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall come with the legislation relating to fish health.

#### 3. Infrastructure and Site Management

### Indemnity

- 3.1. The Licensee shall indemnify and keep in mnified the State, the Minister, his officers, servants or agents a first all actions, is damage, costs, expenses and any demands or claims howso we using in consection with the construction, maintenance or use of any structures, we are a construction, versel or any other thing used in connection with the licensed perate in the licensed area or in the exercise of the rights group under the licensee and the Licensee shall take such steps as the Minister managereity order to ensure compliance with this condition.
- 3.2. The duty of many enables of responsibility for the upkeep and safety of the site rests with the licensee.

#### D gn, Arrangen, and M. Verance of Structures

- 5.3. e Licensee she ensure that any equipment is placed within the licensed area only. She we or placen int of equipment or stock on the foreshore or seashore outside the license area is no permitted under any circumstances.
- 3.4. The Licens chall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as maybe specified in *Schedule 2* attached.
- 3.5. The Licensee shall at all times for the duration of the licence 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 or other competent State authority.
- 3.6. The Licensee shall ensure that the ends of each fence in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

## **Operational Conduct**

- 3.7. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.8. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.9. If the shellfish are to be harvested using dred, s, the pensee shall ensure that only mussel dredges are used for harvesting the bellish.
- 3.10. The Licensee shall ensure that all ssels, components the and all equipment used in connection with the licensed as are keep properly main ained.
- 3.11. The Licensee shall as soon as possible at the commencement of this licence advise the Department of the quantity of se placed in the licensed area, the approximate date(s) of the placed and the prece(s) of the seed placed and likewise thereafter as and when further the seed placed.
- 3.12. The Licenset shall dvise the Department on the 31<sup>st</sup> day of January 20XX and on each suce ding 31 day of January for each year during which this licence continues in force if the quantity of stock harvested in that year and the approximates data(s) or investing

## Was e Managemun

The Licensee all ensuch at the licensed and adjoining area shall be kept clear of redundant succures (including apparatus and equipment), waste products and operational litter or debris and shall make provision for the prompt removal and proper lisposal if such material. If the Licensee refuses or fails to do so, the Minister way cause the said structures, apparatus, equipment or other thing to be removed at 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.

### Inspection

3.14. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act, 1959 (No. 14 1959) (as amended by Fisheries Act 1980) (No.1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

- 3.15. The Licensee shall give all reasonable assistance to an authorised officer or Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.16. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 times from the making of that demand.
- 3.17. The Licensee shall furnish to the Minister of ther competent State authority in the form and at the intervals determined by the Minister r other competent State authority, such information relating to the licensed area may be required to determine compliance by the License with the terms of this to the and applicable legislation.

## 4. Navigation and Safety

- 4.1. The Licensee shall ensure that a card is causes the safety of navigation across or near the licensed area in the use of vessel of sea borne craft. The navigation and safety conditions are specified in chear
- 4.2. Prior to ommend then of operation the Licensee shall inform the UK Hydrograph. Office I Taunton, of the location and nature of the site in order that charts and national of primations can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 1077 En <u>sdr@un</u> ouk and the Licensee shall submit proof to the bepartmen within days of the date of this licence that the UK Hydrographic Office has be to informed.

## 5. Monitor ng

5.1. The Lie see shall undertake and/or partake in annual and other monitoring, in particular commental monitoring, as directed by the Minister or other competent State authorizy.

#### 6. Fish Health / Mortality Management / Movement of Fish

#### Fish Health Regulations

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products and on the prevention and control of certain diseases in aquatic animals, is in place.

### **Disposal of Mortalities**

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

### Movement of Fish

6.3. The Licensee shall comply with any regulation in force governing the movement of fish.

#### 7. Duration, Cessation, Review, Revocation, Amendment, Assignment

## Duration, Cessation

accompanying Foreshore Licence remains in force.

## Review

7.2. The Licensee may apply for a review of the licence at any ime after the expiration of three years since the granting of the lignce or its last rely val in accordance with section 70 of the Act.

## Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke a mend the licence if:-

- (a) he considers that it is in the participation interest to do
- he is satisfied that there has been a set area, operating outside the lice used area, sh of any condition specified in the licence (b) he is satisfied that there has
- (c) the licensed which the h ence relates is not being properly maintained,(d) water quarky result or general erformance in the licensed area do not meet the by the finister or the competent State authority. standards

## Assignm

- 7.4. Inis Licen hall have assigned without the prior written consent of the Minister and may not assigned during the period of three years, dating from the enews of this licence, unless the Minister determines that it may omencement vigned under be ondition 7(5) or the provisions of condition set out in condition 7(6) Nies.
- 7.5. A License no considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.
- 7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

#### 8. Fees

- 8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.
- 8.2. The Minister may revoke the licence where the Licence fails to pay the aquaculture licence fees on demand.

#### 9. General Terms and Conditions

- 9.1. The Licensee shall at all times composition with all laws a licable to aquaculture operations.
- 9.2. Any reference to a statute or to an activery institution of the European Union (whether specifically named or not) include any amendments or re-enactments in force and all statutory instructions, orders, nother regulations, directions, bye-laws, certificates, permissions and part made, issue or given effect under such legislation shall remain valid.
- 9.3. If any condition a part of a condition in this licence is held to be illegal or unenforceable in who, or in part, such condition shall be deemed not to form part of this licence but the enfl recability of the remainder of this licence is not affected.
- 9.4. The second second

### Notifica I

- 9.5. With prejudice to any other remedy under the licence or in law, if the Minister is of the view that he Licensee is in breach of any obligation under this licence, the Minister may obligate in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.
- 9.6. 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.
- 9.7. The Licensee shall notify the Department within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

## Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

## Companies and Co-operatives

- 9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.
- 9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month of the see no registered.
- 9.11. Where the Licensee is a Company within the new ng of the Companies Acts, the licensee company shall ensure that it do s not some dissolved within the meaning of the Companies Acts for so log as this lice as shall remain in force.
- 9.12. In the event of the licence being wanted to a society (which the meaning of section 2 of the Industrial and Provide Society (which the meaning of Act 1978 (No.23 of 1978) the following conditions shall be:-
  - 9.12.1 The rules relating to the shership of the ciety shall enable any resident of the State to become a nemeric of it where the sident fulfils all the conditions laid down by the society for mericinship of a and the rules shall not lay down different conditions for divergent classes of people;
  - 9.12.2 The des relation to the sock ty as submitted to the Minister before the grant of this ences all not be an orded subsequently other than with the written permission of the Minister; and

12.3 The lister w, if he considers it necessary in the interests of good manage, at of the beensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

#### Clearance of Mark

9.13. The Lie see shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any 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. The Licensee shall such steps as the Minister may specify in order to secure compliance with this condition.

Schedule 1 contains:

- the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site
- site map(s)
- a chart showing the location of the site in relation to the surrounding area.



## 1 NO. SITE AT LOUGH SWILLY CO.DONEGAL

## **Co-ordinates & Area**

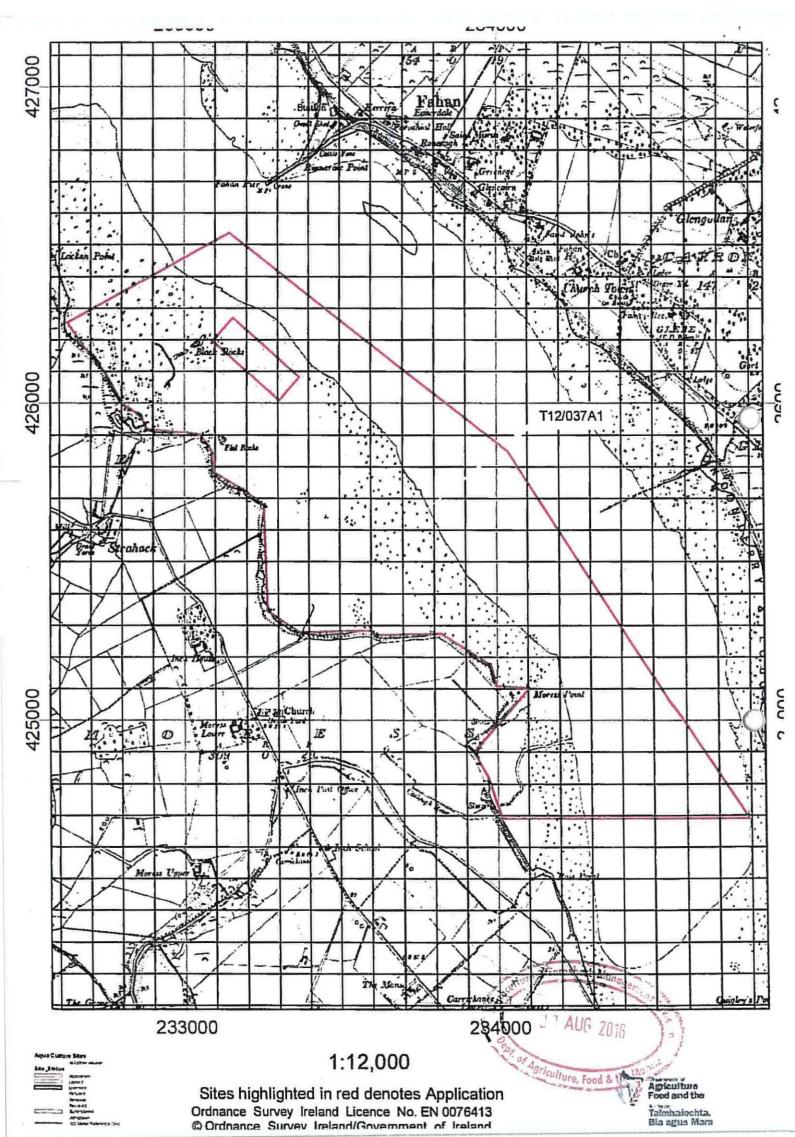
## Site T12/037A1 (143.01 Ha)

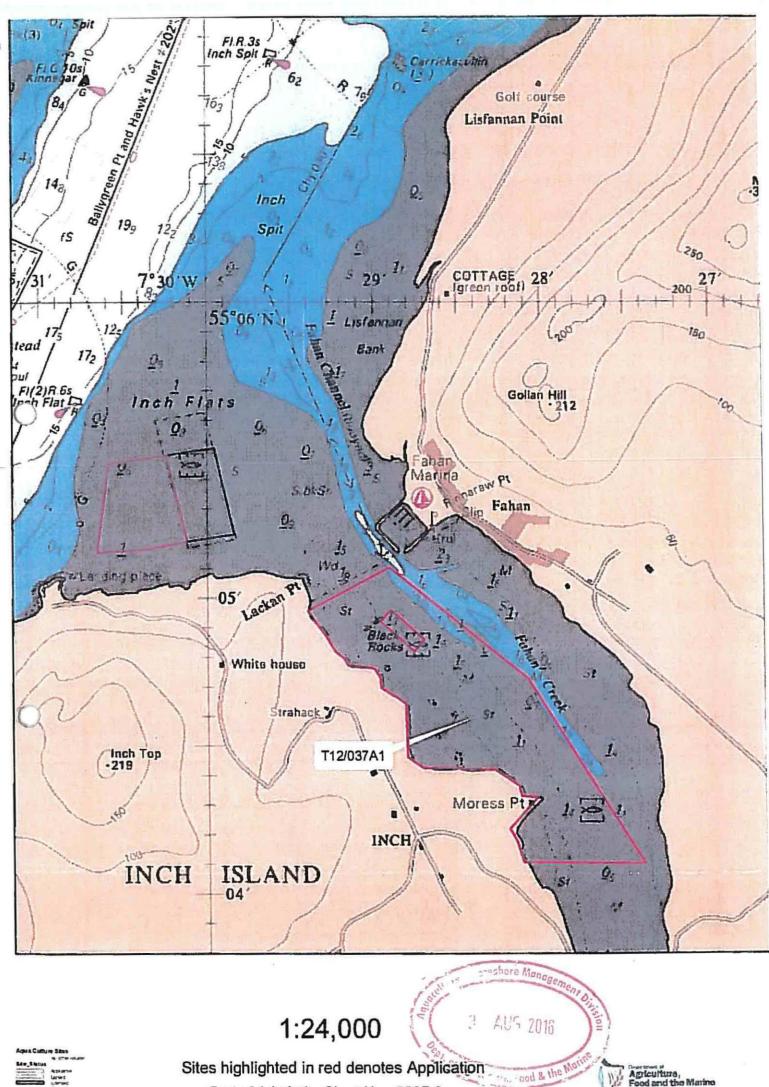
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

233144, 426537 to Irish National Grid Reference point
234036, 425849 to Irish National Grid Reference point
234793, 424692 to Irish National Grid Reference point
234012, 424692 along high water mark to Irish National Grid Reference point
232625, 426255 to the first mentioned point.
and Excluding the Area Defined Below
The area seaward of the high water mark and enclosed by a

line drawn from Irish National Grid Reference point 233156, 426270 to Irish National Grid Reference point 233369, 426083 to Irish National Grid Reference point 233304, 426009 to Irish National Grid Reference point 233091, 426196 to the first mentioned point.







Part of Admiralty Chart No =2697-0 Not to be used for Navigation Agriculture, Food and the Marine Taimhalochta, Bio agus Mara

- the approved plans and drawing(s) (if applicable)
  - 1. Bottom Culture (no structures) therefore, not applicable.



navigation and safety conditions.



• the stocking and/or equipment deployment conditions (if applicable).



## **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

## **Co-ordinates & Area**

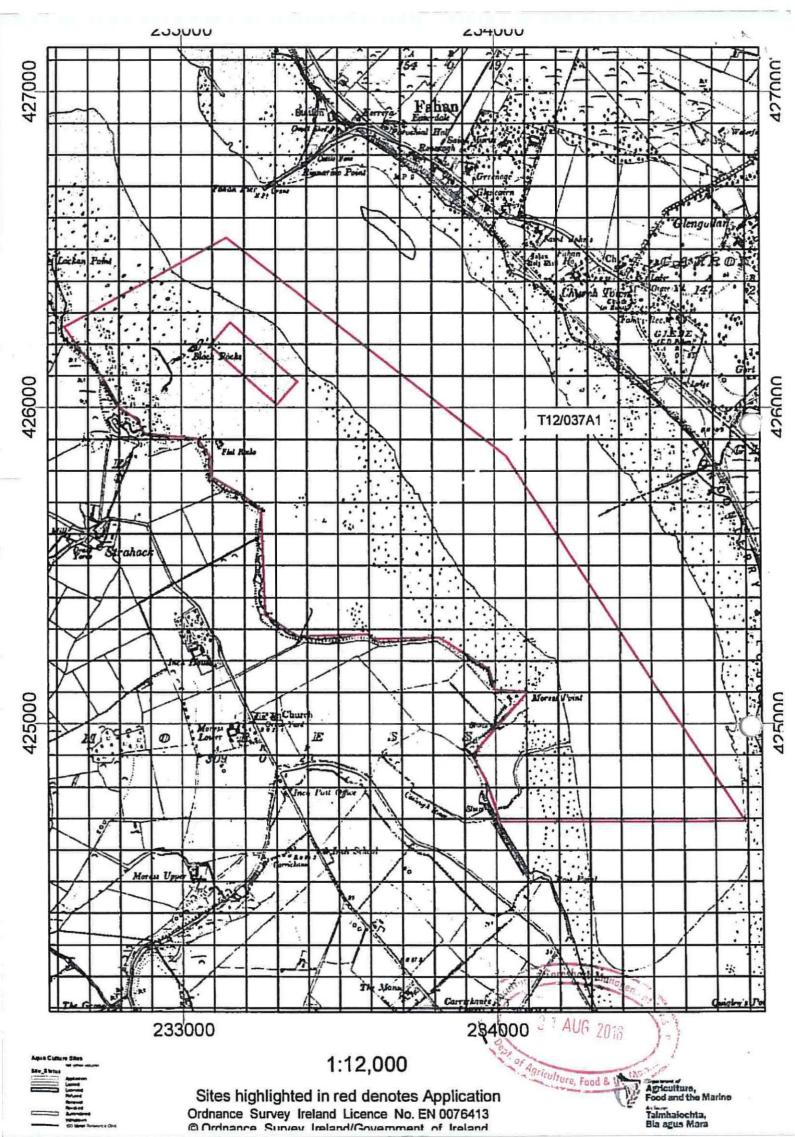
## Site T12/037A1 (143.01 Ha)

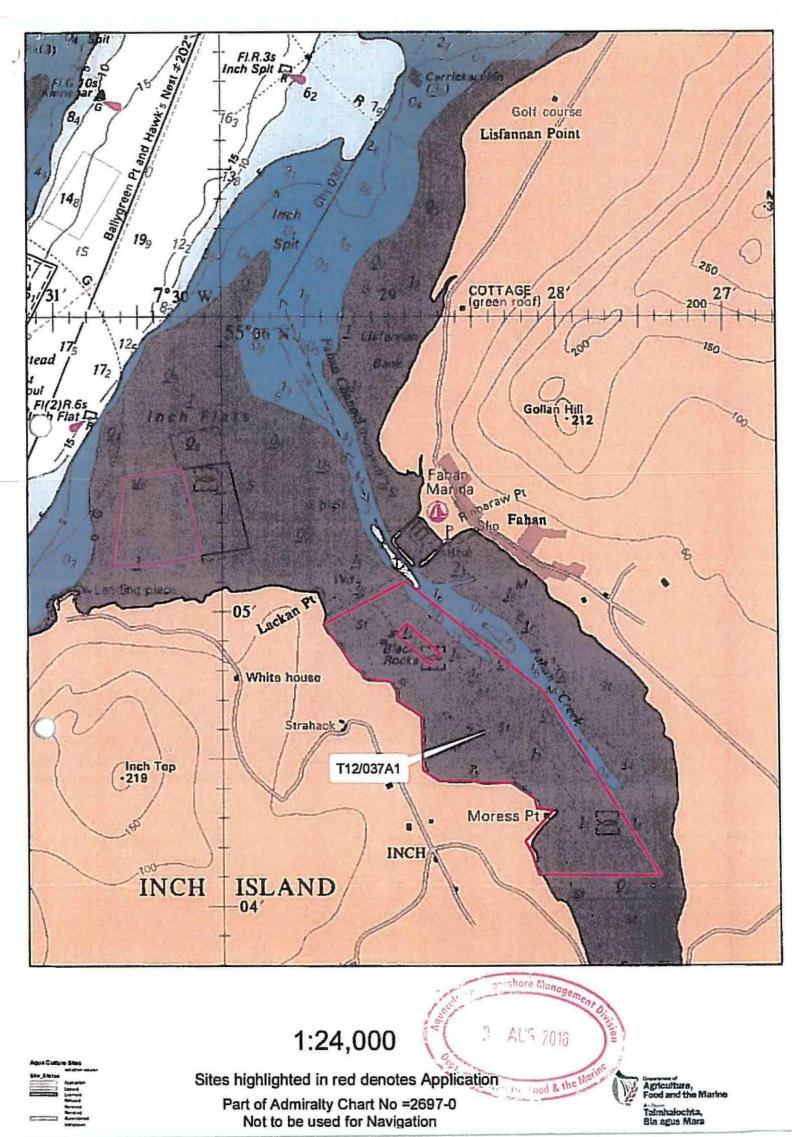
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

233144, 426537 to Irish National Grid Reference point
234036, 425849 to Irish National Grid Reference point
234793, 424692 to Irish National Grid Reference point
234012, 424692 along high water mark to Irish National Grid Reference point
232625, 426255 to the first mentioned point. and Excluding the Area Defined Below
The area seaward of the high water mark and enclosed by a
line drawn from Irish National Grid Reference point
233156, 426270 to Irish National Grid Reference point

233369, 426083 to Irish National Grid Reference point 233304, 426009 to Irish National Grid Reference point 233091, 426196 to the first mentioned point.

Te & Foreshore Man griculture, Food & s







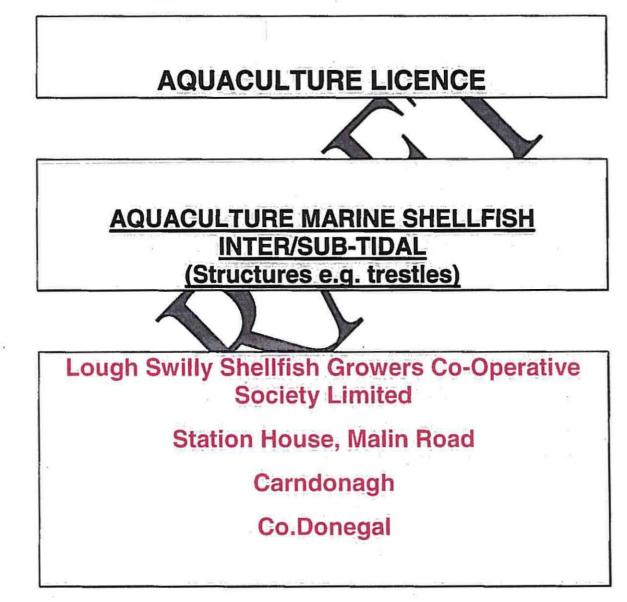


Agriculture, Food and the Marine An Roinn Talmhaíochta,

Bia agus Mara

T12/37

## Site T12/37 A2



## TABLE OF CONTENTS

1. LICENSED AREA

## 2. SPECIES, CULTIVATION AND METHOD LICENSED

## 3. INFRASTRUCTURE AND SITE MANAGEMENT

- Indemnity Design, Arrangement and Maintenance of Structures Operational Conduct Waste Management Inspection
- 4. NAVIGATION AND SAFETY
- 5. MONITORING
- 6. FISH HEALTH / MORTALITY MAN GEMENT / MOVEM NT OF FISH

Fish Health Regulations Disposal of Mortalities Movement of Fish

7. DURATION, CESSATION, REVIEW PROCATION, AMENDMENT, ASSIGNMENT

Duration, Cessation Review Revocation, Ameriment Assignment

8. FEES 9. F NERAL TER, S AND, ONDITIONS

Noty ation Tax Clearance Certify ate Companie, and Co-d eratives Clearance of e

SCHEDULE 1 SCHEDULE 2 SCHEDULE 3 SCHEDULE 4

## T12/37

## AQUACULTURE LICENCE NO. XXXX

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

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

Lough Swilly Shellfish Growers Co-Operative Society Limit

Station House Malin Road

Carndonagh

**Co.Donegal** 

(hereinafter referred to as the "License") for a pultivation of Pacific oysters on a site in Lough Swilly. Inegal as specified in ) chedule 1 attached (numbered T12/37 A2) and in med by red line on the attached map in accordance with the plans and drawing(s) in the stached as approved of by the Minister, subject to the Act approved of by the Minister, subject to the attached pages.

This Aqt. Ilture Licence shall remain in force for a maximum period of ten (10) years commoning on XXXXXXXX 20XX, provided for so long as the Foreshore Licence samed on XX XXXXXXX 20XX, under Section 3(1) of the Foreshore Act 1937 (No.12 of 1933) in respect of the same site for the purpose referred to 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 Agriculture, Food and the Marine.

2

## TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

## 1. Licensed Area

- 1.1 The area specified in *Schedule 1* attached (2.79 hectares) (labelled T12/37A2) and outlined in red on the map(s) in *Schedule 1*.
- 1.2 The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

### 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Pacific oysters
- 2.2. Method: Bag and Trestle Single-lo er/Bags subject the stocking and/or deployment limits as may be specific in Schedule 4 attached
- 2.3. The introduction of seed to the site shall only with the legislation relating to fish health.

## 3. Infrastructure and Site Manageme

#### Indemnity

- indemnify keep in emnified the State, the Minister, his 3.1. The Licensee gents against all actions, loss, damage, costs, expenses and officers, se lants of or clarks howsoever arising in connection with the construction, any deptanui structure, apparatus, equipment or any other thing used maintenance se the Income of Inthe licensed area or in the exercise of in connection w er the licence and the Licensee shall take such steps as the ne right uted 14110 ecify har to ensure compliance with this condition. Minister may
- 3.2. The buty of main chance and responsibility for the upkeep and safety of the site rests with a Licensee

#### Design, Arrange and Maintenance of Structures

- 3.3. The Licensee shall ensure that the equipment (including all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Minister may direct as to the deployment of apparatus and flotation devices and their colour, within the site.
- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.

- 3.6. The Licensee shall at all times for the duration of the licence 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 or other competent State authority.
- 3.7. The Licensee shall ensure that each trestle grouping/pole and all flotation and mooring devices in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

**Operational Conduct** 

- 3.8. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful arections issued by the Minister and any other competent State authority in that regard
- 3.9. The Licensee shall ensure that any aqua blure or othe activity conducted under this licence does not adversely affect the integrity of the tura 2000 network (if applicable) through the deterioration of natural habitats and a babitats of species and/or through disturbance of the spect for which the area hab been designated in so far as such a disturbance may be signing on the inrelation to the stated conservation objectives of the site concerned.
- 3.10. The Licensee shall ensure that in the ors (or other wholes) accessing and leaving the site adhere strictly to approve facces the gress routes as specified in Schedule 1 attached. Full compliance is required in order to minimise disturbance to the foreshore and matter All driven shall be made fully aware of the specific route approved
- 3.11. The Licensee such that journeys back and forth on the approved access and entry are here to the maximum necessary.
- The License, hall exame that all tractors/towing vehicles to be used for invaculture proposes on the foreshore are fitted with efficient exampt/silencers nufflers and that vibration noise from tractors and machinery is kept minimum.
- 3.13. The Licens shall ensure that all vehicles are properly maintained so as to prevent leakages of oils, fuels, grease etc.
- 3.14. The Licensee shall ensure that all vehicles move slowly at all times on the foreshore, that engine revolution is kept to a minimum and that engines are turned off when not in use.
- 3.15. The Licensee shall ensure that if more than one vehicle is needed on the shore that all vehicles, where possible, arrive and depart together.
- 3.16. The Licensee shall so organise its operations in consultation with other licensed operators to ensure that the total number of vehicles and harvesting machines on the foreshore on any one day is kept to the minimum necessary.

- 3.17. The Licensee shall ensure that when carrying out aquaculture work on the foreshore, dogs owned or under the control of the Licensee shall not be present, in order to minimise disturbance to the birdlife in the area.
- 3.18. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: http://invasivespeciesireland.com/.

#### Waste Management

3.19. The Licensee shall ensure that the licensed and action of a shall be kept clear of all redundant structures (including apparatus) quipment and/or uncontained stock), waste products and operational litter or the share and shall make provision for the prompt removal and proper disposal of such material. In the Licensee refuses or fails to do so, the Minister may care the said structures, appeares, equipment or other thing to be removed and the hansed at the restored and shall be entitled to recover from the Licensee as a simple pract debt in any court of competent jurisdiction all costs and expenses incurred this in connection with the removal and restoration.

#### Inspection

- 3.20. The licensed area and any equipment, a dure, thing, or premises wherever situated used a connection with perations carried out in the licensed area shall be open for in pection at any time by an authorised person (within the meaning of Section 295 of the lisheries (Consertidation) Act 1959) (No. 14 of 1959) (as amended by Francisco at 1980) (No. 1 of 1980), a Sea Fisheries Protection Officer (where means of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or other person appointed in that regard by the Minister or other competent Stamuthon
- 3.21. The Licensee shall give all reasonable assistance to an authorised officer or a Sea Fisher's Protection Officer or any person duly appointed by any competent State authority of en ole the person or officer enter, inspect, examine, measure and test the license area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.22. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 hours from the making of that demand.
- 3.23. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State

authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

#### 4. Navigation and Safety

- 4.1. The Licensee shall ensure that Statutory Sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation. Statutory Sanction forms are available at <u>http://www.cil.ie/safety-navigation/statutory-sanction.aspx</u>.
- 4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in Schedule 3. The navigation marking detail is as illustrated in schedule 3.

4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices, support nurking posts/poles, as required by the Minister or any other competent State authorn

4.4. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the loc ion and nature of the site in order that charts and nautical publications can be update. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email: sdr@ to the License shall submit proof to the Department within 14 days of the configuration of this litence that the UK Hydrographic Office has been so informed.

## 5. Monitoring

5.1. The License shall undertake a d/or partake in monitoring, in particular environmental in storing, include the distribution of the competent state state

## 6. Las lealth / Mortali Manag ment / Movement of Fish

## Fish Hea, Regulation

6.1. Befor he site is stocked the Licensee shall ensure that a Fish Health Authorisation under standor provisions giving effect to Council Directive No. 2006/88/EC, as amended, any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products, and on the prevention and control of certain diseases in aquatic animals, is in place.

**Disposal of Mortalities** 

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

#### Movement of Fish

6.3. The Licensee shall comply with any regulations in force governing the movement of fish.

#### 7. Duration, Cessation, Review, Revocation, Amendment, Assignment

#### Duration, Cessation

7.1. This Licence shall remain in force until XX XXXXXXXX, 20XX and as long as the accompanying Foreshore Licence remains in force.

## Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

### Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke or amendine licence if:-

- (a) he considers that it is in the public interest to do to
- (b) he is satisfied that there has been a bread of a condition specified in the licence e.g., operating outside the licensed read
- (c) the licensed area to which the licence prates is not being preverly maintained,
- (d) water quality results or general per smance in the licensed, ea do not meet the standards set by the Minister or the conceptent site authority.

## Assignment

- 7.4. This Licence shall not be as used without the vior written consent of the Minister and may not be assigned in the period three years, dating from the commencement or renewal of this is the unless the Minister determines that it may be assigned under condition 7(5) or the dition set out in 7(6) applies.
- 7.5. A License who conjiders that there are exceptional reasons for the assignment of the Licence bring the first three years, may apply to the Minister, giving those reasons, for a correction that the Licence may be assigned. The Minister may, at his that tion, have consider a the reasons given by the Licensee, determine whether on the bance may be assigned. The determination of the Minister in this regard is al.
- 7.6. We the Licen le is a company (within the meaning of the Companies Acts) and goes to Liquid ion (within the meaning of the Companies Acts) in the first three years do to from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.
- 7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

#### 8. Fees

8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998(S.I. No. 270/1998) as amended by the Aquaculture (Licence

Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.

8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

#### 9. General Terms and Conditions

- 9.1. The Licensee shall at all times comply with all laws applicable to aquaculture operations.
- 9.2. Any reference to a statute or an act of an institution of the European Union (whether specifically named or not) includes any amendments or re-enactments in force and all statutory instruments, orders, notices, regulations, directions, bye-laws, certificates, permissions and plans made, income or given effect under such legislation shall remain valid.
- 9.3. If any condition or part of a condition in this licence held to be illegal or unenforceable in whole or in part, such condition shall be deterd not to form part of this licence but the enforceability of the remainder of this licence is not affected.
- 9.4. The Licensee shall at all times hold all new sary licences, consents, permissions, permits or authorisations isociated with activities of the Licensee in connection with the licensed area.

## Notification

9.5. Without preintage any other ready under the licence or in law, if the Minister is of the view that the scensee is in breach of any obligation under this licence, the Minister may by not be in writing, equire that the Licensee rectifies such breach, within such that as a precified by the Minister. The Licensee shall comply with any provide the Minister way in the time specified in the notice.

Any notice to be given the Minister may be transmitted through the Post Office and the set of the licensee at the last known address of the Licensee.

9.7. The sensee s all notify the Minister within 7 days of any change in the License address, telephone, e-mail or facsimile number.

## Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

### Companies and Co-operatives

9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.

- 9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.
- 9.11. Where the licensee is a company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.
- 9.12. In the event 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:-
  - 9.12.1. The rules relating to membership of the source with shall enable any resident of the State to become a member of it who is the real end fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different conditions of people;
  - 9.12.2. The rules relating to the society submited to the Minister before the grant of this licence shall not be amended to sequently other than with the written permission of the Minister; and
  - 9.12.3. The Minister may, if the considers it new dary in the interests of good management of the licented are sheet that an amendment may be made to the rules of the society, and the Licenter shall amend the rules in accordance with the direction.

## Clearance of Site

9.13. The Licensee shall at the bicensee's own expense, if so required by written notice from a linister of within the weeks after receipt of such notice or on cessation of the licen for an other cause, remove the structures, apparatus, equipment or any other thin, to the subtraction of the Minister. If the Licensee refuses or fails to so, the Minister and cause the said structures, apparatus, equipment or other the to be removed and the licensed area restored and shall be entitled to recover from License 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 in Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

Schedule 1 contains:

- the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site
- site map(s) which also shows the access/egress route to and from the site
- a chart showing the location of the site in relation to the surrounding area.



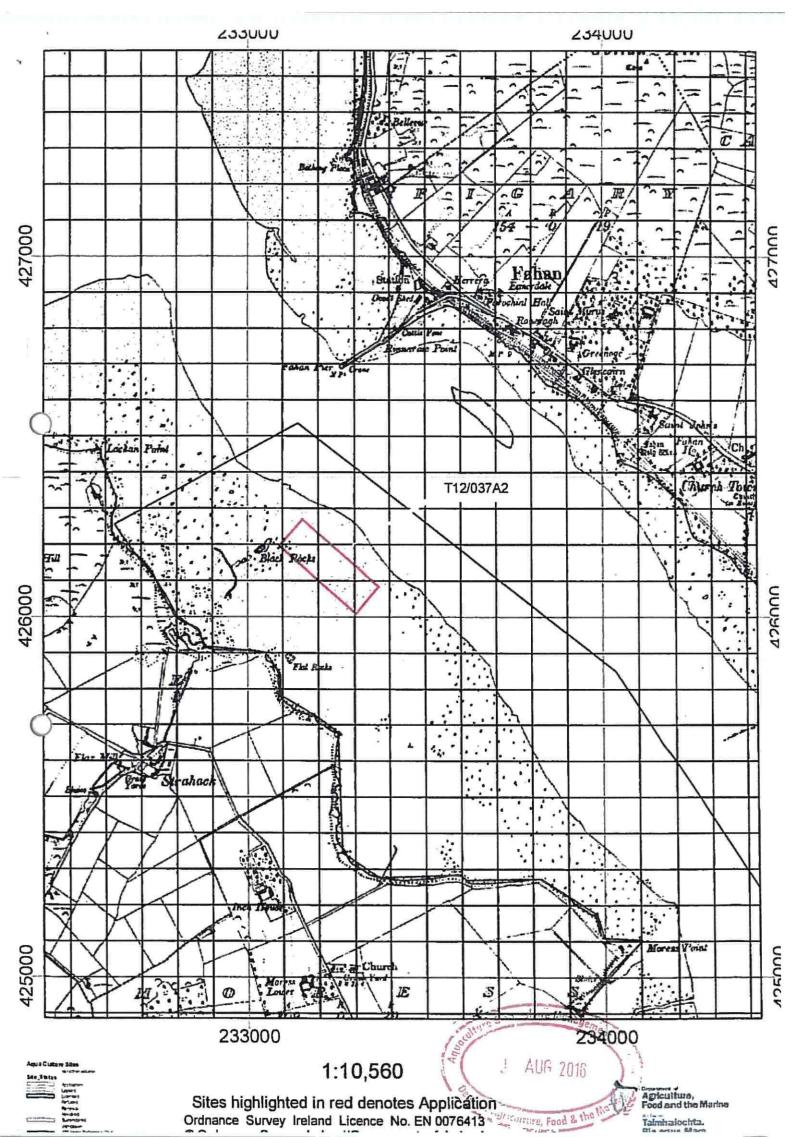
## **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

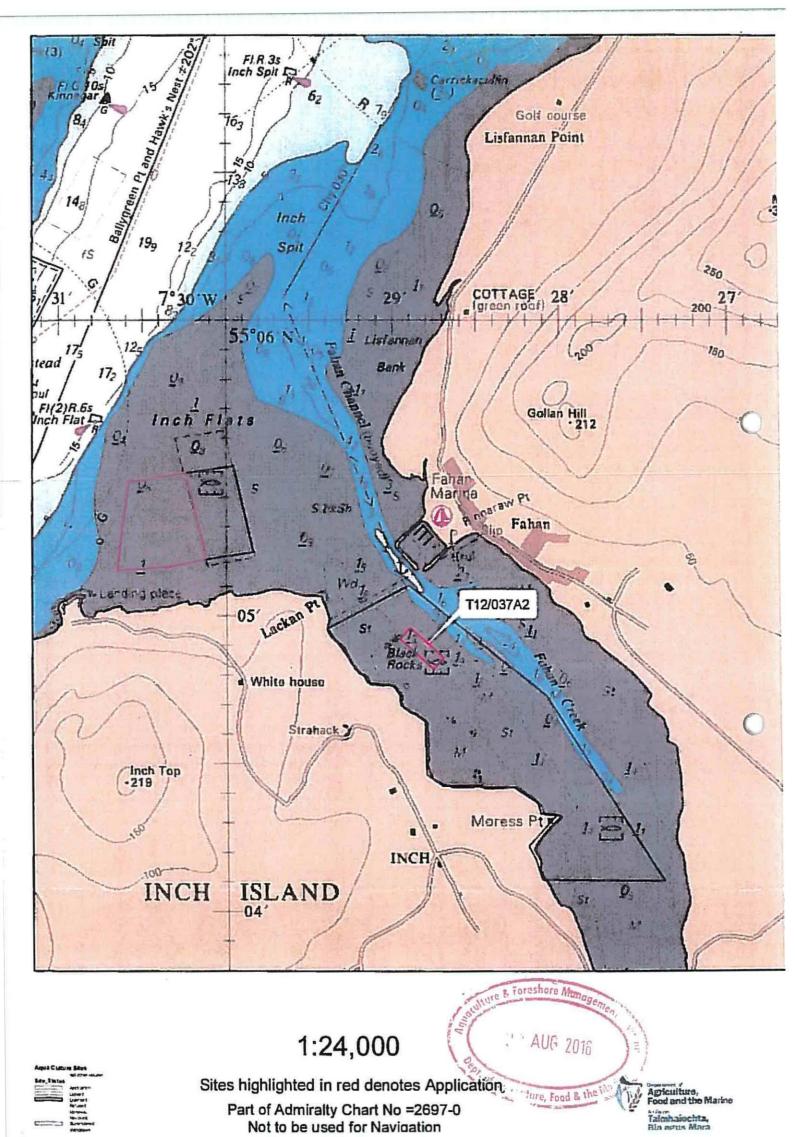
## Co-ordinates & Area

## Site T12/037A2 (2.79 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

233156, 426270 to Irish National Grid Reference point
233369, 426083 to Irish National Grid Reference point
23304, 426009 to Irish National Grid Reference point
233091, 426196 to the first mentioned point.

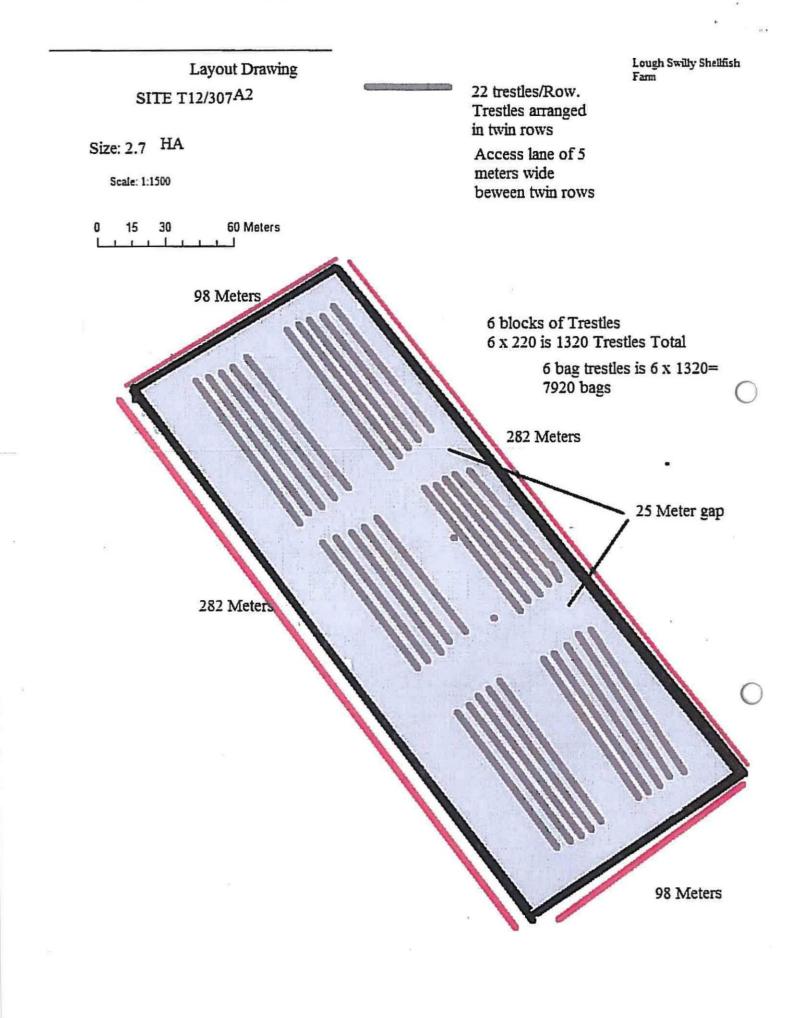




Schedule 2 contains:

• the approved plans and drawing(s)





#### Requirements of CIL

- That the applicant secures Statutory Sanction from the Commissioner of Irish Lights for the aids to navigation that are required and approved by the Marine Survey Office. These aids should be in place before the development on the site commences.
- requirements of the MSO / the navigation marking detail.
- Site to be marked in with yellow spars with a yellow Stain Andrews Cross as topmark to be located at each of the four corner of the site. Topmarks to be visible at all stages of the tide at a height of two marks above the water.

### Schedule 4 contains:

• Triploid Seed to be used as standard



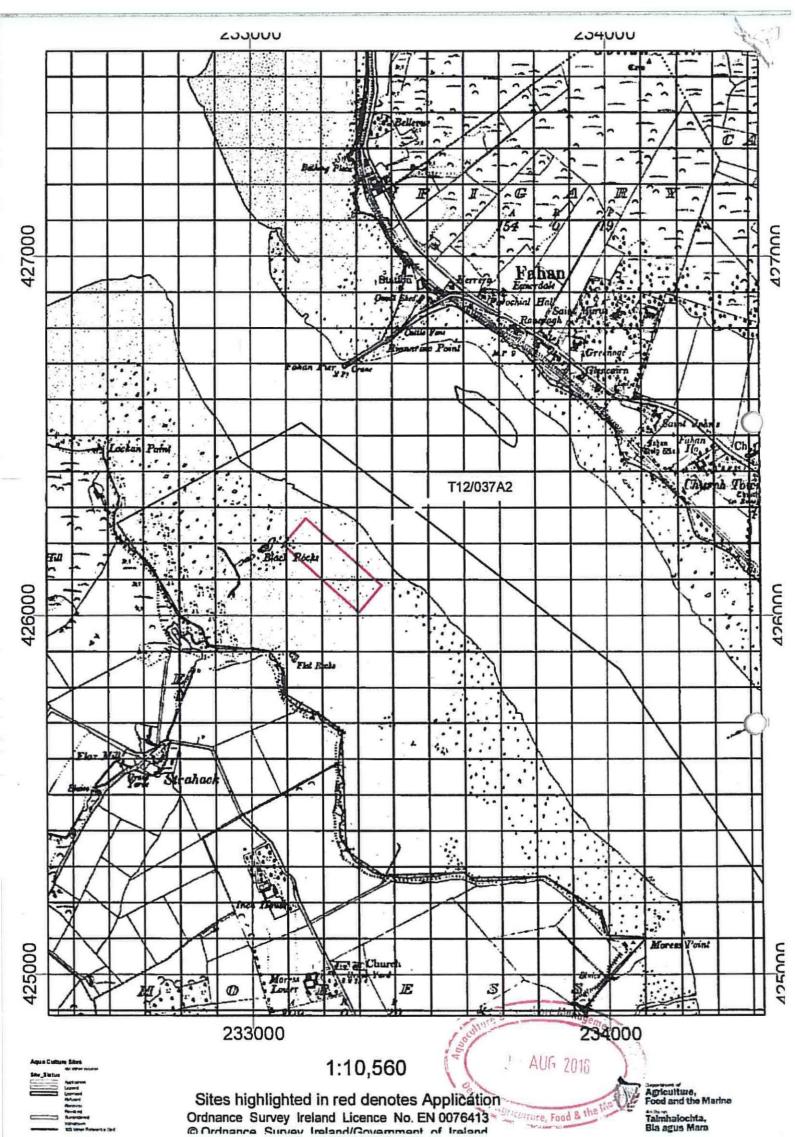
### **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

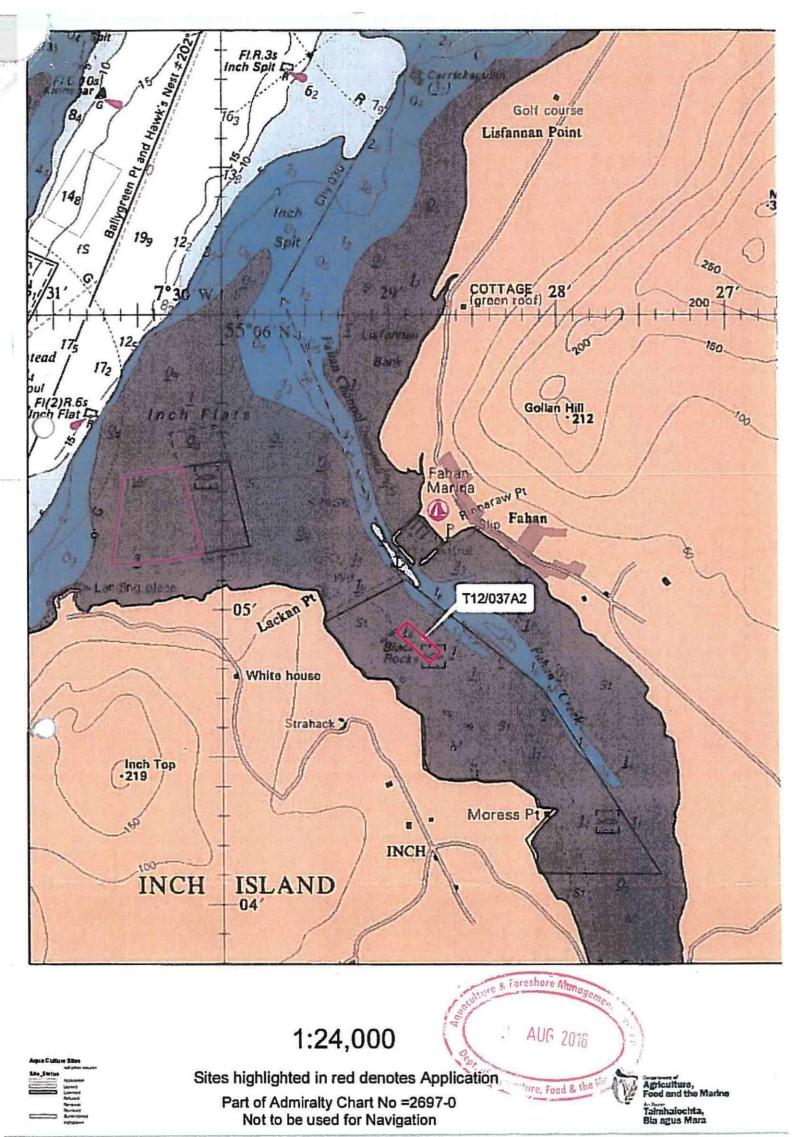
#### Co-ordinates & Area

#### Site T12/037A2 (2.79 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

233156, 426270 to Irish National Grid Reference point
233369, 426083 to Irish National Grid Reference point
233304, 426009 to Irish National Grid Reference point
233091, 426196 to the first mentioned point.





....

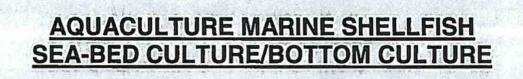


Department of Agriculture, Food and the Marine An Roinn Talmhaíochta, Bia agus Mara

T12/37

## Site T12/37 B1

# **AQUACULTURE LICENCE**



Lough Swilly Shellfish Growers Co-Operative Society Limited

Lough Swilly

Co.Donegal

## TABLE OF CONTENTS

- 1. LICENSED AREA
- 2. SPECIES, CULTIVATION AND METHOD LICENSED
- 3. INFRASTRUCTURE AND SITE MANAGEMENT

INDEMNITY DESIGN, ARRANGEMENT AND MAINTENANCE OF STRUCTURES OPERATIONAL CONDUCT WASTE MANAGEMENT INSPECTION

- 4. NAVIGATION AND SAFETY
- 5. MONITORING
- 6. FISH HEALTH / MORTALITY MANACEMENT / MON VENT OF FISH

FISH HEALTH REGULATIONS DISPOSAL OF MORTALITIES MOVEMENT OF FISH

7. DURATION, CESSATION, REVOCTION, AMENDMENT, ASSIGNMENT

DURATION, CESSATION REVIEW REVOCATION, MENDME ASSIGNMENT

- 8. FEES
- 9. GENERAL MIS A CONDITIONS

TAL LEARANCE CE LIFICATE COMPA TS AND CO-CLEARAN OF SITE

SCHEDULE 2 SCHEDULE 2 SCHEDULE 3 SCHEDULE 4

T12/37

### AQUACULTURE LICENCE NO. XXXX

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

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

Lough Swilly Shellfish Co-Operative Society L hited Lough Swilly Co.Donegal

٠

(hereinafter referred to as the "Licensee") for the convertion of mussels on a site in Lough Swilly, Co. Donegal as specific on Schedule 1 attached (numbered T12/37B1) and indicated by a red line on the attached rate as approved of by the Minister, subject to the Act and Bernardions made under the Ac) and to the terms and conditions set out in the attached pages.

This Aquaculture Licence shows remain in force for a maximum period of ten (10) years commune on XXXXXXXXXX 20XX, provided for so long as the Forest re Licence gran d on XXXXXXXXX 20XX, under Section 3 (1) of the Foreshow ct 1933 (No 2 of 1933) in respect of the same site for the purpose referred to is force.

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

### TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

#### 1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (85.01 hectares) (labelled T12/37B1) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

#### 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels
- 2.2. Method: Bottom Culture subject to the stocking and r deployment limits as may be specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall comply with the islation relating to fish health.

#### 3. Infrastructure and Site Management

#### Indemnity

- 3.1. The Licensee shall indemning keep indent hed the State, the Minister, his 3130 officers, servants or agents against an inions, loss lamage, costs, expenses and any demands or claims howsoeve innection with the construction, s, apparate, equipment, vessel or any other thing maintenance or the any structure the licensed operation in the licensed area or in the exercise used in connection w of the rights onted u der the licente and the Licensee shall take such steps as the Nify, der to ensue compliance with this condition. Minister may Sk
- 3.2. The duty of the site rests with the Licen

#### Design grangement d Maintenance of Structures

- 3.3. The sense shall ensure that any equipment is placed within the licensed area only. Storage placer ent of equipment or stock on the foreshore or seashore outside the licensed and in not permitted under any circumstances.
- 3.4. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as maybe specified in *Schedule 2* attached.
- 3.5. The Licensee shall at all times for the duration of the licence 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 or other competent State authority.
- 3.6. The Licensee shall ensure that the ends of each fence in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

#### **Operational Conduct**

- 3.7. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.8. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.9. If the shellfish are to be harvested using dred, is, the ensee shall ensure that only mussel dredges are used for harvesting the belisish.
- 3.10. The Licensee shall ensure that all ssels, components the said all equipment used in connection with the licensed as are key properly main ained.
- 3.11. The Licensee shall as soon as possible at the commencement of this licence advise the Department of quantity of see placed in the licensed area, the approximate date(s) of the data and the seed placed and likewise thereafter as and when furthe d is so placed.
- 3.12. The License snall divise the Department on the 31<sup>st</sup> day of January 20XX and on each suce ding 31<sup>st</sup> day of January for each year during which this licence continues h force the quantity of stock harvested in that year and the approximates day (s) on pryesting

### Waste Managen

The Licensee all enses that the licensed and adjoining area shall be kept clear of redundant stortures (including apparatus and equipment), waste products and op tional litter in debris and shall make provision for the prompt removal and proper disposal if such material. If the Licensee refuses or fails to do so, the Minister may cause the said structures, apparatus, equipment or other thing to be removed at 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.

#### Inspection

3.14. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act, 1959 (No. 14 1959) (as amended by Fisheries Act 1980) (No.1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

- 3.15. The Licensee shall give all reasonable assistance to an authorised officer or Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.16. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 times from the making of that demand.
- 3.17. The Licensee shall furnish to the Minister of ther concetent State authority in the form and at the intervals determined by the Minister of other competent State authority, such information relating to the licensed area is may be required to determine compliance by the Licensed with the terms of this to be and applicable legislation.

#### 4. Navigation and Safety

- 4.1. The Licensee shall ensure that is caused the safety of navigation across or near the licensed area in the use of the vessel of sea borne craft. The navigation and safety conditions are specified in scheme
- 4.2. Prior to ommend then of operation the Licensee shall inform the UK Hydrograph. Office a Taunton, of the location and nature of the site in order that charts and nane al professions can be updated. Tel: 00 44 1823337900 Fax: 00 44 182 - 94077 En sdr@bn. Juk and the Licensee shall submit proof to the bepartment within a days of the date of this licence that the UK Hydrographic Office has been to informed.

### 5. Monito be

5.1. The Lie see shall undertake and/or partake in annual and other monitoring, in particular in onmental monitoring, as directed by the Minister or other competent State authorizy.

#### 6. Fish Health / Mortality Management / Movement of Fish

#### Fish Health Regulations

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products and on the prevention and control of certain diseases in aquatic animals, is in place.

#### **Disposal of Mortalities**

۴

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

#### Movement of Fish

6.3. The Licensee shall comply with any regulation in force governing the movement of fish.

#### 7. Duration, Cessation, Review, Revocation, Amendment, Assignment

#### Duration, Cessation

7.1. This Licence shall remain in force until XX XXXXXXXXX, 20XX and as long as the accompanying Foreshore Licence remains in force.

#### Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last rely val in accordance with section 70 of the Act.

#### Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke a mend the licence if:-

- (a) he considers that it is in the put interest to do a
- (b) he is satisfied that there has been a successful of any condition specified in the licence e.g., operating outside the licensed area,
- (c) the licensed which the mence relater is not being properly maintained,
- (d) water quality result or general performance in the licensed area do not meet the standards by the linister or the competent State authority.

### Assignment

7.4. This Liceace thall not be assigned without the prior written consent of the Minister and may not assigned during the period of three years, dating from the mmencement renew) of this licence, unless the Minister determines that it may be signed under condition 7(5) or the provisions of condition set out in condition 7(6) at lies.

- 7.5. A Licenset who considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.
- 7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

#### 8. Fees

- 8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.
- 8.2. The Minister may revoke the licence where the Licence fails to pay the aquaculture licence fees on demand.

#### 9. General Terms and Conditions

- 9.1. The Licensee shall at all times composition with all laws a vicable to aquaculture operations.
- 9.2. Any reference to a statute or to an activery institution of the European Union (whether specifically named or not) include any amendments or re-enactments in force and all statutory instructions, orders, nother regulations, directions, bye-laws, certificates, permissions and permade, issue or given effect under such legislation shall remain valid.
- 9.3. If any condition part of a condition in this licence is held to be illegal or unenforceal i in who, or in part, such condition shall be deemed not to form part of this licence by the enforceability of the remainder of this licence is not affected.
- 9.4. The use shall the hold all necessary licences, consents, permissions, permits or a prisation associated with any activities of the Licensee in connection with the license area.

#### Notifica In

- 9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the vacuum that me Licensee is in breach of any obligation under this licence, the Minister may by notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.
- 9.6. 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.
- 9.7. The Licensee shall notify the Department within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

#### Companies and Co-operatives

.

۰.

- 9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.
- 9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that montheast it has been so registered.
- 9.11. Where the Licensee is a Company within the deciding of the Companies Acts, the licensee company shall ensure that it do s not a some dissolved within the meaning of the Companies Acts for so 1 a some dissolved shall remain in force.
- 9.12. In the event of the licence being tranted to a society (Whin the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall a provide the section 2 of 1978 and 1978 (No.23).
  - 9.12.1 The rules relating to probership of the sciety shall enable any resident of the State to become a nemotion of it where the sident fulfils all the conditions laid down by the society for mer constrained of the rules shall not lay down different conditions for different classes or people;
  - 9.12.2 The ses relation to the soch ty as submitted to the Minister before the grant of this sence s all not be an ended subsequently other than with the written permission of the winister; and

12.3 The mister way, if he considers it necessary in the interests of good management of the idensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

#### Clearance of

9.13. The Lie see shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any 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. The Licensee shall such steps as the Minister may specify in order to secure compliance with this condition.

Schedule 1 contains:

- the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site
- site map(s)
- a chart showing the location of the site in relation to the surrounding area.



#### **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

#### **Co-ordinates & Area**

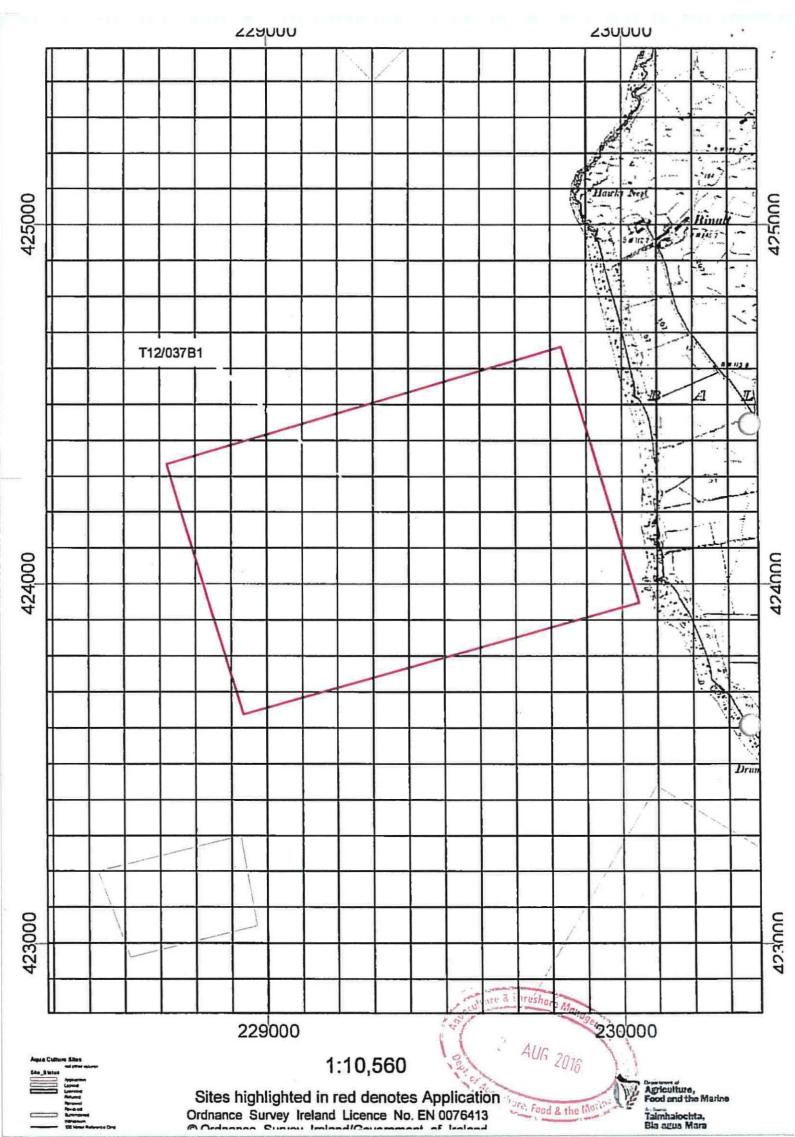
٩,

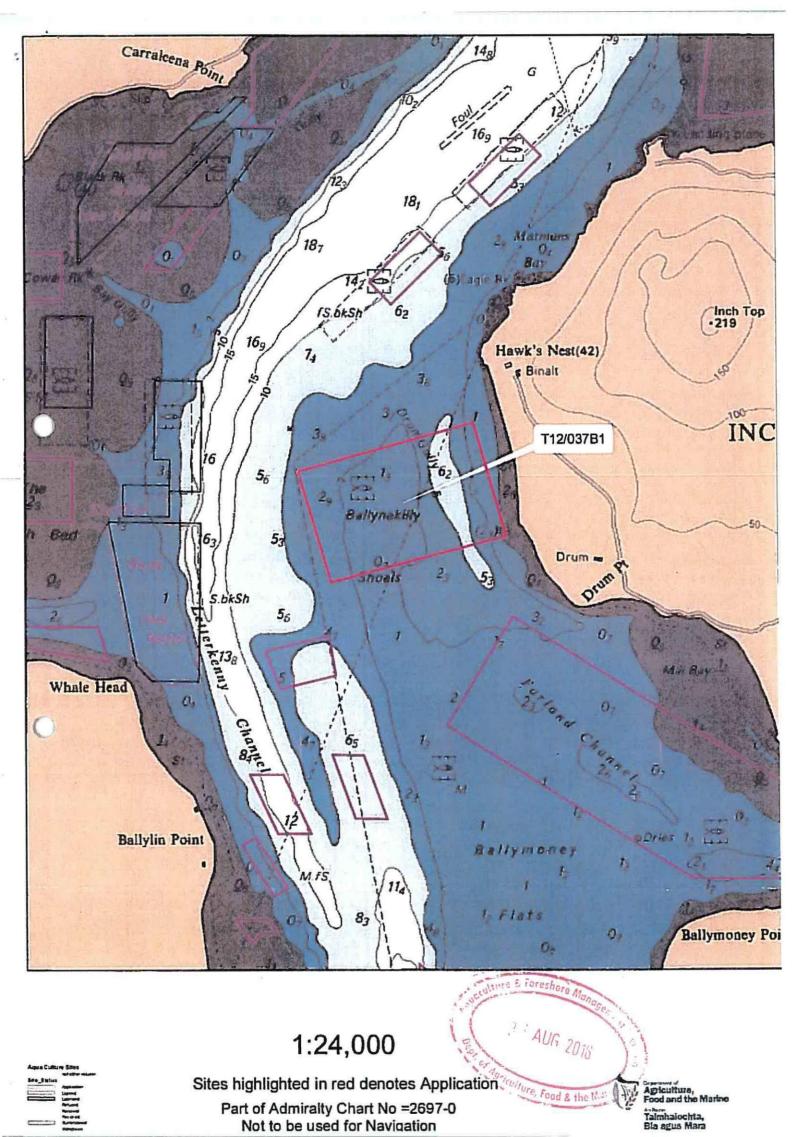
#### Site T12/037B1 (85.0129 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

228720, 424333 to Irish National Grid Reference point
229830, 424660 to Irish National Grid Reference point
230047, 423949 to Irish National Grid Reference point
228934, 423638 to the first mentioned point.







- the approved plans and drawing(s) (if applicable)
  - 1. Bottom Culture (no structures) therefore, not applicable.



• navigation and safety conditions.

.

: `



1

• the stocking and/or equipment deployment conditions (if applicable).



### **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

#### Co-ordinates & Area

at i d'

#### Site T12/037B1 (85.0129 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

TABA

228720, 424333 to Irish National Grid Reference point
229830, 424660 to Irish National Grid Reference point
230047, 423949 to Irish National Grid Reference point
228934, 423638 to the first mentioned point.

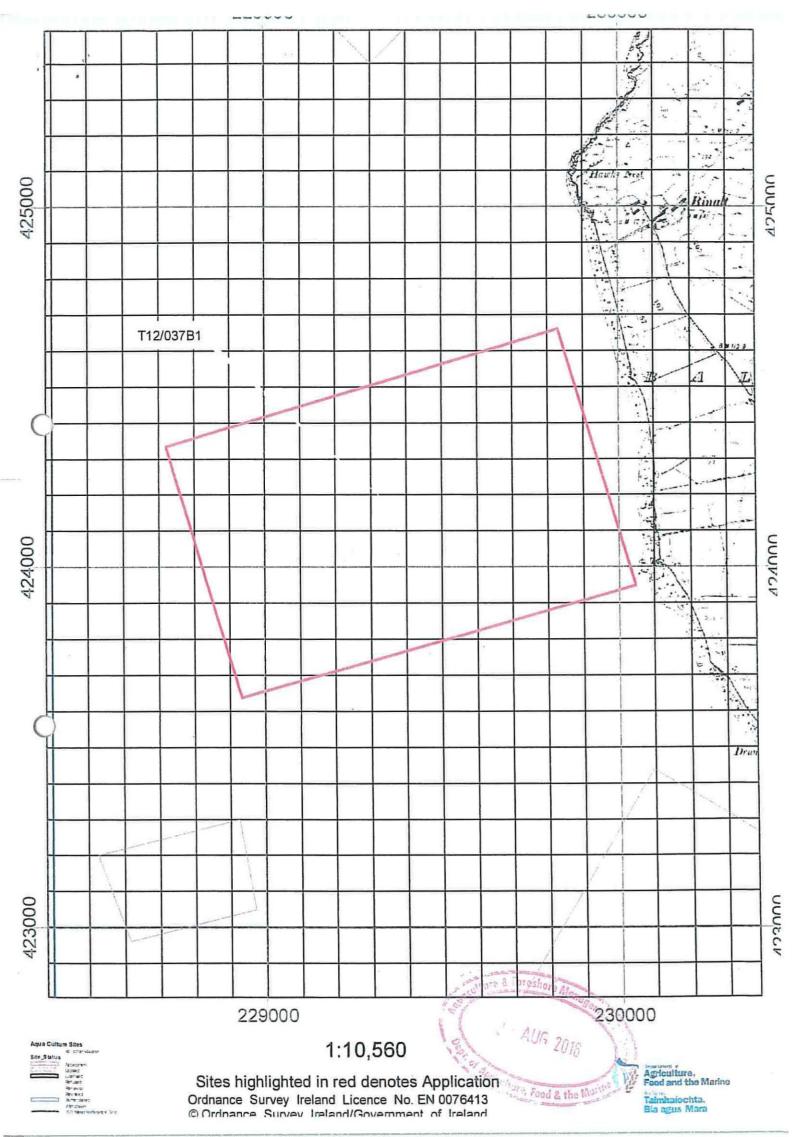
05/09/2016

Foreshore Man

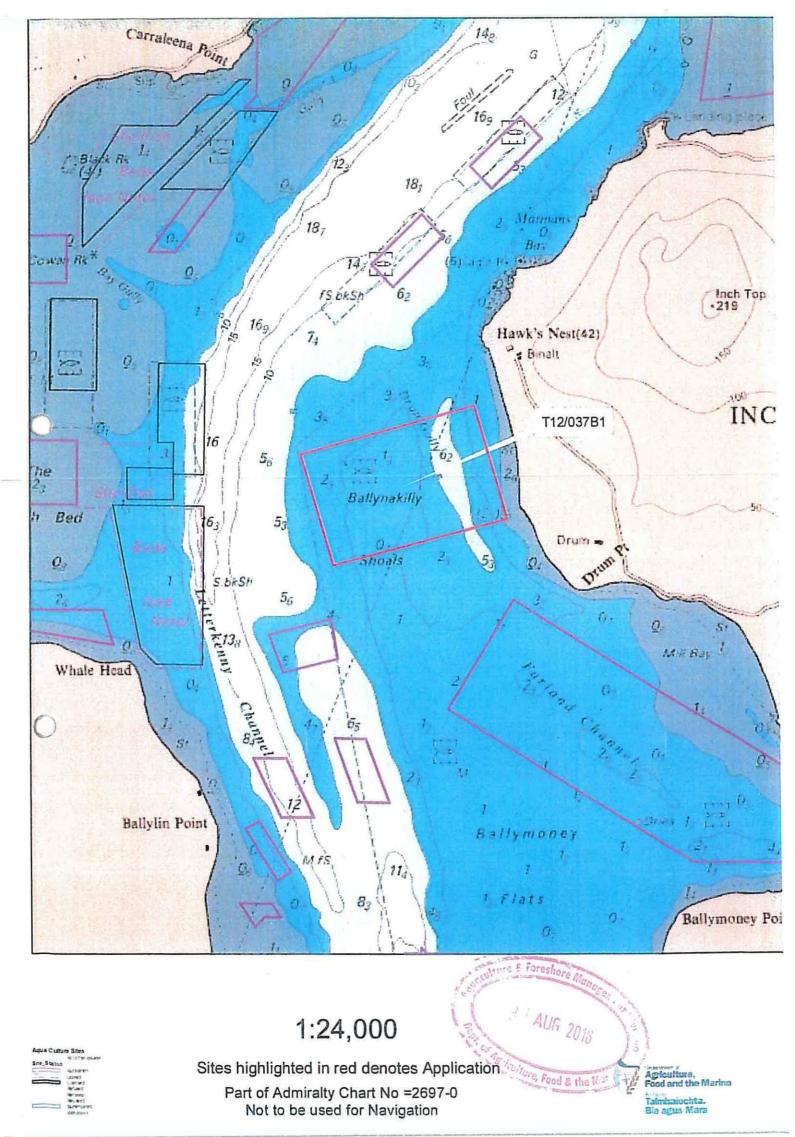
AUG 2018

ture, Food & the

۰. , ۰.



16 a kar N





## T12/37

## Site T12/37 B2



## **TABLE OF CONTENTS**

- 1. LICENSED AREA
- 2. SPECIES, CULTIVATION AND METHOD LICENSED
- 3. INFRASTRUCTURE AND SITE MANAGEMENT

INDEMNITY DESIGN, ARRANGEMENT AND MAINTENANCE OF STRUCTURES OPERATIONAL CONDUCT WASTE MANAGEMENT INSPECTION

- 4. NAVIGATION AND SAFETY
- 5. MONITORING
- 6. FISH HEALTH / MORTALITY MANACEMENT / MONIMENT OF FISH

FISH HEALTH REGULATIONS DISPOSAL OF MORTALITIES MOVEMENT OF FISH

7. DURATION, CESSATION, REVOCTION, AMENDMENT, ASSIGNMENT

DURATION, CESSATION REVIEW REVOCATION, TENDME ASSIGNMENT

- 8. FEES
- 9. GEARAD MISA CONDITIONS

TIFICATION TAX EARANCE CE TIFICAZE COMPA TS AND CO-FERATIVES CLEARAN OF SITE

SCHEDULE 2 SCHEDULE 2 SCHEDULE 3 SCHEDULE 4

T12/37

### AQUACULTURE LICENCE NO. XXXX

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

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

Lough Swilly Shellfish Co-Operative Society L hited Lough Swilly Co.Donegal

(hereinafter referred to as the "Licensee") for the convention of mussels on a site in Lough Swilly, Co. Donegal as specifican. Schedule 1 attached (numbered T12/37B2) and indicated by a red line on the attached and as approved of by the Minister, subject to the Act and Bonn trions made under the Act and to the terms and conditions set out in the attached pages.

This Aquaculture Liceur shows remain in force for a maximum period of ten (10) years communed on X XXXXXXXX 20XX, provided for so long as the Foreshow the Licence granted on XXXXXXXXX 20XX, under Section 3 (1) of the Foreshow tet 1933 (No. 2 of 1933) in respect of the same site for the purpose referred to is a force.

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

#### TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

#### 1. Licensed Area

- 1.1. The area specified in *Schedule 1* attached (177.78 hectares) (labelled T12/37B2) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

#### 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Mussels
- 2.2. Method: Bottom Culture subject to the stocking as a deployment limits as may be specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall comply with the sislation relating to fish health.

#### 3. Infrastructure and Site Management

#### Indemnity

- 3.1. The Licensee shall indemnine and keep indemnified the State, the Minister, his officers, servants or agents against any ions, loss, laamage, costs, expenses and any demands or claims howsoever arising connection with the construction, maintenance or as of any structures, apparatus, equipment, vessel or any other thing used in connection with the license operation in the licensed area or in the exercise of the rights, anted unler the license and the Licensee shall take such steps as the Minister may specify ander to ensue compliance with this condition.
- 3.2. The duty continue and responsibility for the upkeep and safety of the site rests with the Liceh

Design grangement d Maintenance of Structures

- 3.3. The sense shall ensure that any equipment is placed within the licensed area only. Storage placer ent of equipment or stock on the foreshore or seashore outside the licensed are not permitted under any circumstances.
- 3.4. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plans/drawings or equipment as approved being used during the licensing period as maybe specified in *Schedule 2* attached.
- 3.5. The Licensee shall at all times for the duration of the licence 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 or other competent State authority.
- 3.6. The Licensee shall ensure that the ends of each fence in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

#### **Operational Conduct**

- 3.7. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful activity in the vicinity of the licensed area, and shall comply with any lawful directions issued by the Minister and any other competent State authority in that regard.
- 3.8. The Licensee shall ensure that any aquaculture or other activity conducted under this licence does not adversely affect the integrity of the Natura 2000 network (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area have been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.9. If the shellfish are to be harvested using dreds is, the pensee shall ensure that only mussel dredges are used for harvesting the bellish.
- 3.10. The Licensee shall ensure that all ssels, components then f and all equipment used in connection with the licensed as are key properly main dined.
- 3.11. The Licensee shall as soon as possible as the commencement of this licence advise the Department of quantity of se placed in the licensed area, the approximate date(s) of the placed and the spece(s) of the seed placed and likewise thereafter as and when further d is so placed.
- 3.12. The License shall advise the Department on the 31<sup>st</sup> day of January 20XX and on each succe ding 31<sup>st</sup> day of January for each year during which this licence continues in force if the quantity of stock harvested in that year and the approximates date(s) or parvesting

## Waste Managens, n.

The Licensee will ensure that the licensed and adjoining area shall be kept clear of redundant stortures (including apparatus and equipment), waste products and optional litter in debris and shall make provision for the prompt removal and proper disposal if such material. If the Licensee refuses or fails to do so, the Minister hay cause the said structures, apparatus, equipment or other thing to be removed at 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.

#### Inspection

3.14. The licensed area and any equipment, structure, thing, or premises wherever situated used in connection with operations carried out in the licensed area shall be open for inspection at any time by an authorised person (within the meaning of Section 292 of the Fisheries (Consolidation) Act, 1959 (No. 14 1959) (as amended by Fisheries Act 1980) (No.1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea Fisheries and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or any other person appointed in that regard by the Minister or other competent State authority.

- 3.15. The Licensee shall give all reasonable assistance to an authorised officer or Sea Fisheries Protection Officer or any person duly appointed by any competent State authority to enable the person or officer enter, inspect, examine, measure and test the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.16. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 times from the making of that demand.
- 3.17. The Licensee shall furnish to the Minister of ther competent State authority in the form and at the intervals determined by the Minister of other competent State authority, such information relating to the licensed area may be required to determine compliance by the License with the terms of this one and applicable legislation.

#### 4. Navigation and Safety

- 4.1. The Licensee shall ensure that no locard is causes the safety of navigation across or near the licensed area in the use of the vessel of sea borne craft. The navigation and safety conditions are specified in chear and
- 4.2. Prior to commend then of operation the Licensee shall inform the UK Hydrographic Office is Taunton, of the location and nature of the site in order that charts and natural projections can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 En and the Licensee shall submit proof to the bepartment within days of the date of this licence that the UK Hydrographic Office has been to informed.

# 5. Monito ag

5.1. The Lie msee shall undertake and/or partake in annual and other monitoring, in particular control monitoring, as directed by the Minister or other competent State authority.

#### 6. Fish Health / Mortality Management / Movement of Fish

#### **Fish Health Regulations**

6.1. Before the site is stocked the Licensee shall ensure that a Fish Health Authorisation under statutory provisions giving effect to Council Directive No. 2006/88/EC, as amended, or any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products and on the prevention and control of certain diseases in aquatic animals, is in place.

#### **Disposal of Mortalities**

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

#### Movement of Fish

6.3. The Licensee shall comply with any regulation in force governing the movement of fish.

## 7. Duration, Cessation, Review, Revocation, Amendment, Assignment

#### Duration, Cessation

7.1. This Licence shall remain in force until XX XXXXXXXX, 20XX and as long as the accompanying Foreshore Licence remains in force.

#### Review

7.2. The Licensee may apply for a review of the licence at any ime after the expiration of three years since the granting of the licence or its last reheal in accordance with section 70 of the Act.

#### Revocation, Amendment

7.3. Subject to the Act, the Minister may revoke mend the licence if:-

- (a) he considers that it is in the printerest to do
- (b) he is satisfied that there has seen a successful of any condition specified in the licence e.g., operating outside the licensed area,
- (c) the licensed which the hence relates is not being properly maintained,
- (d) water que ity results or general verformance in the licensed area do not meet the standards by the linister or the competent State authority.

# Assignm

- 7.4. This Lices thall he be assigned without the prior written consent of the Minister and may not assigned during the period of three years, dating from the mencement renew) of this licence, unless the Minister determines that it may be rigned under condition 7(5) or the provisions of condition set out in condition 7(6) a lies.
- 7.5. A License the considers that there are exceptional reasons for the assignment of the Licence during the first three years, may apply to the Minister, giving those reasons, for a determination that the Licence may be assigned. The Minister may, at his discretion, having considered the reasons given by the Licensee, determine whether or not the Licence may be assigned. The determination of the Minister in this regard is final.
- 7.6. Where the Licensee is a company (within the meaning of the Companies Acts) and goes into Liquidation (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of the Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.

7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

#### 8. Fees

- 8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998 (S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.
- 8.2. The Minister may revoke the licence where the Licence fails to pay the aquaculture licence fees on demand.

#### 9. General Terms and Conditions

- 9.1. The Licensee shall at all times compy with all laws a licable to aquaculture operations.
- 9.2. Any reference to a statute or to an activery institution of the European Union (whether specifically named or not) include any amendments or re-enactments in force and all statutory instructions, orders, nother regulations, directions, bye-laws, certificates, permissions and permade, issued or given effect under such legislation shall remain valid.
- 9.3. If any condition part of a condition in this licence is held to be illegal or unenforceate in whom pr in part, s ch condition shall be deemed not to form part of this licence of the enflorceability of the remainder of this licence is not affected.
- 9.4. The Lucence shall at all times fold all necessary licences, consents, permissions, ermits or a porisations associated with any activities of the Licensee in connection with the license area.

#### Notifica

- 9.5. With orejudice to any other remedy under the licence or in law, if the Minister is of the verthat me Licensee is in breach of any obligation under this licence, the Minister me or notice in writing, require that the Licensee rectifies such breach, within such time as is specified by the Minister. The Licensee shall comply with any direction of the Minister within the time specified in the notice.
- 9.6. 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.
- 9.7. The Licensee shall notify the Department within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

#### Companies and Co-operatives

- 9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.
- 9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month of the set as registered.
- 9.11. Where the Licensee is a Company within the new log of the Companies Acts, the licensee company shall ensure that it do s not come dissolved within the meaning of the Companies Acts for so log as this license shall remain in force.
- 9.12. In the event of the licence being granted to a society (Whin the meaning of section 2 of the Industrial and Provident Societies (Amendment) Act 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditions shall a section 2 of 1978 (No.23 of 1978) the following conditing conditing conditions shall a section 2 of 1978 (No.23 of
  - 9.12.1 The rules relating to probership of the ciety shall enable any resident of the State to become a memory fit where the sident fulfils all the conditions laid down by the society for meroproship of a and the rules shall not lay down different conditions for different classes a people;
  - 9.12.2 The des relation to the society as submitted to the Minister before the grant of this pences all not be an inded subsequently other than with the written permission of the vulnister; and

12.3 The twinister w, if he considers it necessary in the interests of good manager, at of the idensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

#### Clearance of

9.13. The Licensee shall, at the Licensee's own expense, if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any 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. The Licensee shall such steps as the Minister may specify in order to secure compliance with this condition.

Schedule 1 contains:

- the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site
- site map(s)
- a chart showing the location of the site in relation to the surrounding area.



# 1 NO. SITE AT LOUGH SWILLY CO.DONEGAL

## Co-ordinates & Area

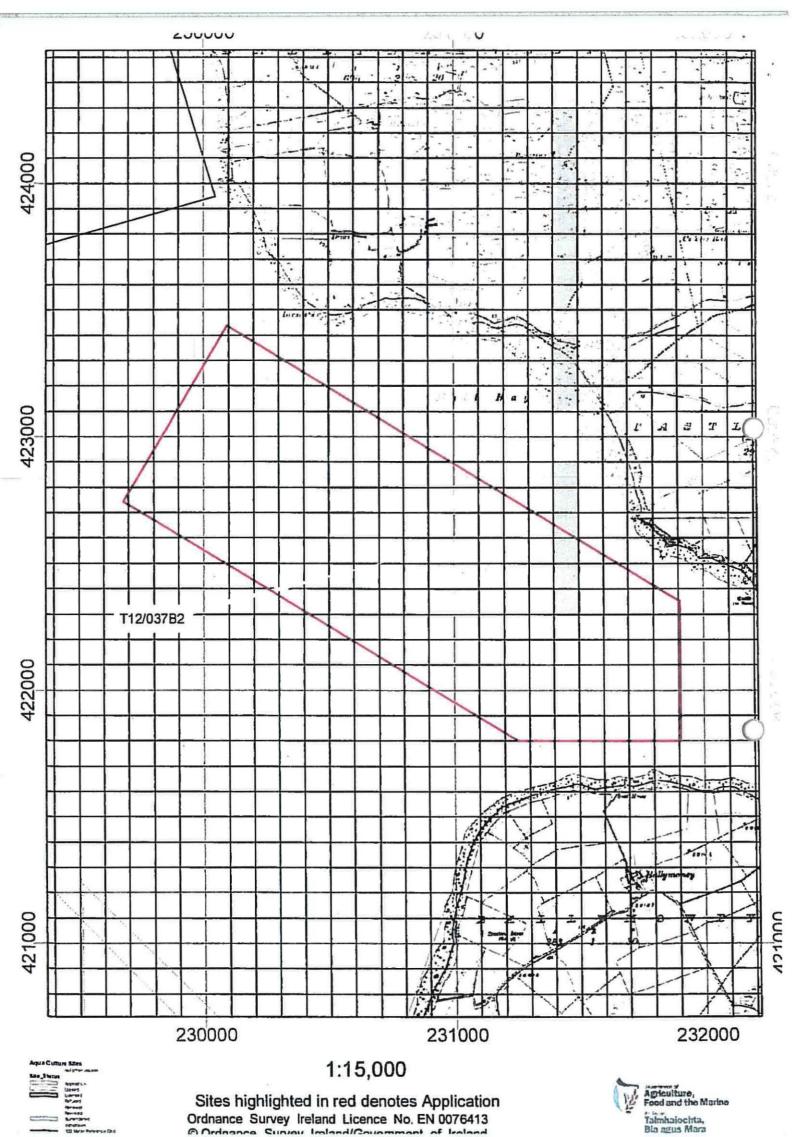
## Site T12/037B2 (177.78 Ha)

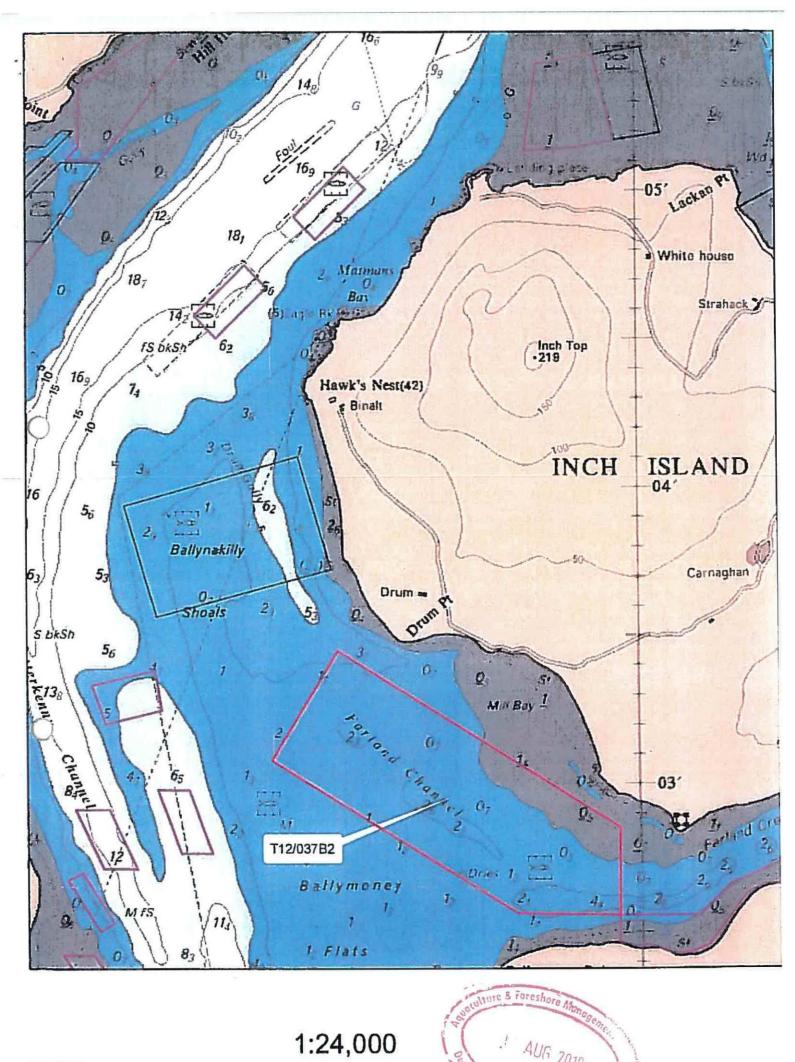
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

230094, 423438 to Irish National Grid Reference point
231906, 422352 to Irish National Grid Reference point
231906, 421800 to Irish National Grid Reference point
231253, 421800 to Irish National Grid Reference point
229678, 422744 to the first mentioned point.

& Foreshore

AUG 26-





Sites highlighted in red denotes Application Part of Admiralty Chart No =2697-0

Not to be used for Navigation

Agriculture, Food and the Marine Taimhaíochta, Bla agus Mara

.4UG 2016

ir Lug

food & the Mar

- the approved plans and drawing(s) (if applicable)
  - 1. Bottom Culture (no structures) therefore, not applicable.



• navigation and safety conditions.



• the stocking and/or equipment deployment conditions (if applicable).



# **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

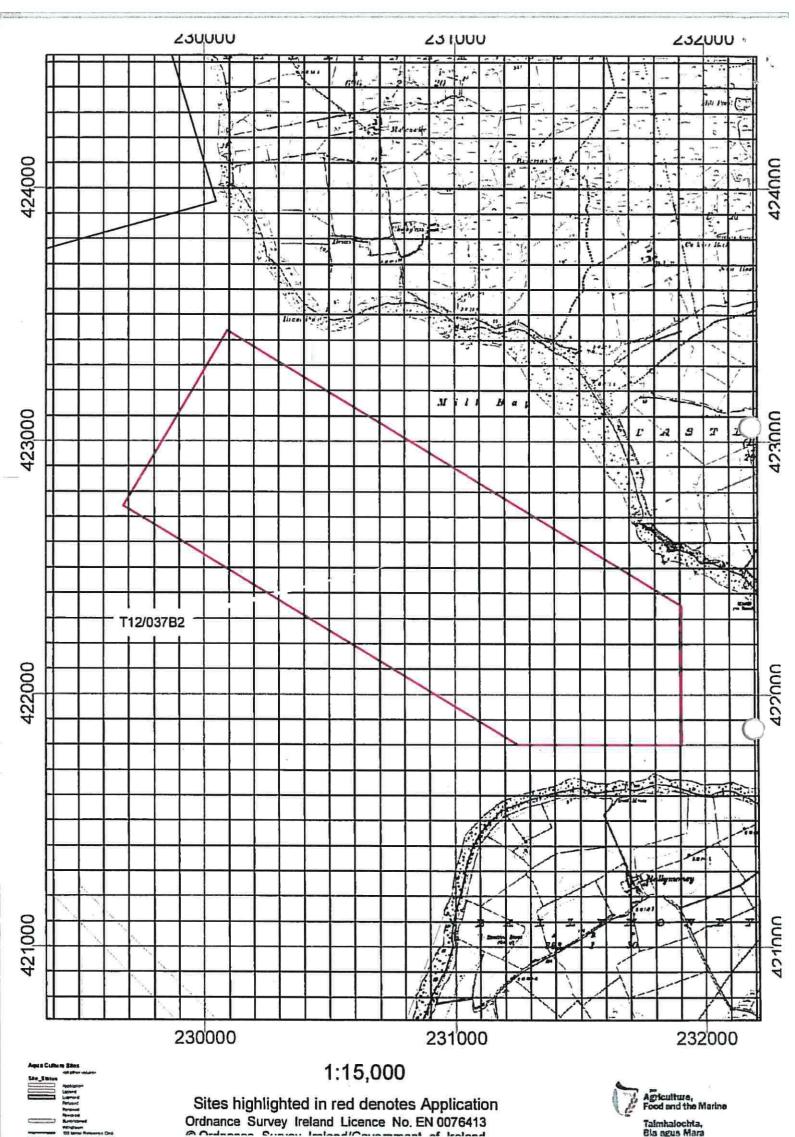
#### **Co-ordinates & Area**

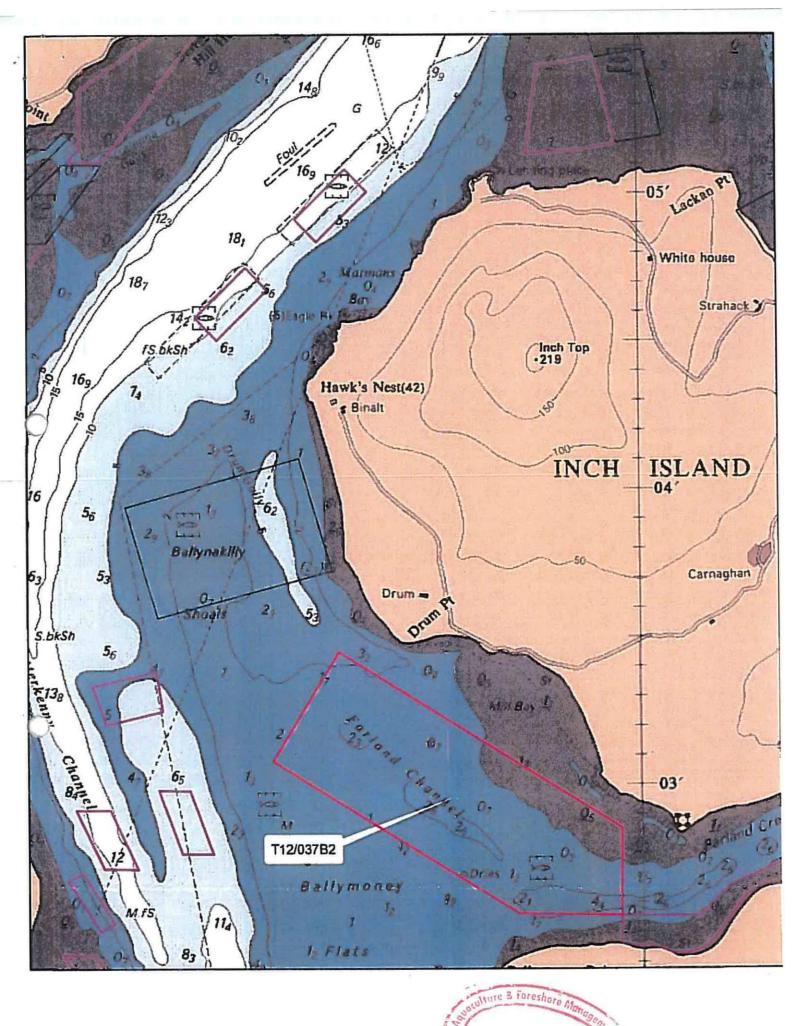
### Site T12/037B2 (177.78 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

230094, 423438 to Irish National Grid Reference point
231906, 422352 to Irish National Grid Reference point
231906, 421800 to Irish National Grid Reference point
231253, 421800 to Irish National Grid Reference point
229678, 422744 to the first mentioned point.









Sites highlighted in red denotes Application

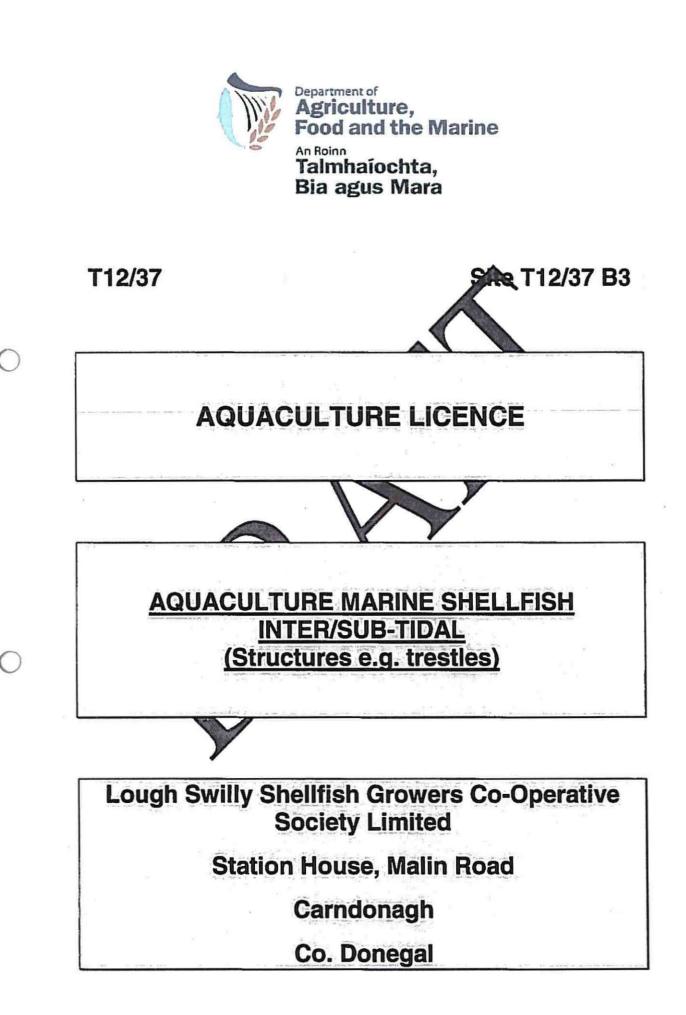
1:24,000

Part of Admiralty Chart No =2697-0 Not to be used for Navigation Agriculture, Food and the Marine Taimhalochta, Bia agus Mara

AUG 2016

Food & the Mar





# TABLE OF CONTENTS

- 1. LICENSED AREA
- 2. SPECIES, CULTIVATION AND METHOD LICENSED
- 3. INFRASTRUCTURE AND SITE MANAGEMENT
  - Indemnity Design, Arrangement and Maintenance of Structures Operational Conduct Waste Management

Inspection

- 4. NAVIGATION AND SAFETY
- 5. MONITORING
- 6. FISH HEALTH / MORTALITY MAN GEMENT / MOVEMENT OF FISH

Fish Health Regulations Disposal of Mortalities Movement of Fish

7. DURATION, CESSATION, REVIEW PEVOCATION, AMENDMENT, ASSIGNMENT

Duration, Cessation Review Revocation, Amadment Assignment

- 8. FEE
- 9. CENERAL TER IS AND ONDITIONS

Note entry ate Tax Clearance Certificate Companies and Co-operatives Clearance of the

SCHEDULE I<sup>®</sup> SCHEDULE 2 SCHEDULE 3 SCHEDULE 4

# T12/37

# AQUACULTURE LICENCE NO. XXXX

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

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

Lough Swilly Shellfish Growers Co-Operative Society Limite Station House Malin Road

Carndonagh

**Co.Donegal** 

(hereinafter referred to as the "Licenser") for an orbivation of Pacific oysters on a site in Lough Swilly. In Danegal as specified in Schedule 1 attached (numbered T12/37 B3) and indicated by a red line on the attached map in accordance with the plans and drawing(s) in a hedre. O attached as approved of by the Minister, subject to the Act and Regulations made under the Act and to the terms and conditions set out in the attached pages.

This Aque alture Licence shall remain in force for a maximum period of ten (10) years commenting on X XXXXXXX 20XX, provided for so long as the Foreshore Licence maneed on XX XXXXXXX 20XX, under Section 3(1) of the Foreshore Act 1937 (No.12 of 1933) in respect of the same site for the purpose referred to 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 Agriculture, Food and the Marine.

## TERMS AND CONDITIONS APPLYING TO THIS AQUACULTURE LICENCE

#### 1. Licensed Area

- 1.1 The area specified in *Schedule 1* attached (23.76 hectares) (labelled T12/37 B3) and outlined in red on the map(s) in *Schedule 1*.
- 1.2 The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

# 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: pacific oysters
- 2.2. Method: Bag and Trestle Single-layer subject to the storing and/or deployment limits as may be specified in *Schedur* 4 attached.
- 2.3. The introduction of seed to the site shall one sty with the legislation relating to fish health.

# 3. Infrastructure and Site Managemen

### Indemnity

- 3.1. The Licensee shall indemnify and keep incemnified the State, the Minister, his officers, servants or gents against all actions, loss, damage, costs, expenses and any demand or claips howsoever arising in connection with the construction, maintenance or use of new structure, apparatus, equipment or any other thing used in connection with the licensed peration in the licensed area or in the exercise of the rights and and ender the licence and the Licensee shall take such steps as the Minister may specify to order to ensure compliance with this condition.
- 3.2. The luty of main sance and responsibility for the upkeep and safety of the site rests with a Licensee

# Design, Arrangement and Maintenance of Structures

- 3.3. The Licensee shall ensure that the equipment (including all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or stock on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Minister may direct as to the deployment of apparatus and flotation devices and their colour, within the site.
- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.

- 3.6. The Licensee shall at all times for the duration of the licence 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 or other competent State authority.
- 3.7. The Licensee shall ensure that each trestle grouping/pole and all flotation and mooring devices in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.

### **Operational** Conduct

- 3.8. The Licensee shall conduct its operations in a safe manner and with regard for other persons in the area and the environment and shall ensure that the operations are not injurious to adjacent lands or the public interest (including the environment) and do not interfere with navigation or other lawful arections issued by the Vicinity of the licensed area, and shall comply with any lawful arections issued by the Minister and any other competent State authority in that
- 3.9. The Licensee shall ensure that any aqual ture or othe activity conducted under this licence does not adversely affect he integrity of the tura 2000 network (if applicable) through the deterioration of natural habitats and herbitats of species and/or through disturbance of the spect for which the area has been designated in so far as such a disturbance may be signated in relation to the stated conservation objectives of the site concerned.
- 3.10. The Licensee shall ensure that have (or other wheles) accessing and leaving the site adhere strictly to approve acces the gress routes as specified in Schedule 1 attached. Full compliance is required in their to minimise disturbance to the foreshore and have All driver shall be made fully aware of the specific route approved
- 3.11. The Licensee and cashe that journeys back and forth on the approved access and entry are a to the mannum necessary.
- The Licenset hall ever that all tractors/towing vehicles to be used for uaculture a poses on the foreshore are fitted with efficient ex ust/silencers hufflers and that vibration noise from tractors and machinery is kept minimu n.
- 3.13. The Licens is shall ensure that all vehicles are properly maintained so as to prevent leakages of oils, fuels, grease etc.
- 3.14. The Licensee shall ensure that all vehicles move slowly at all times on the foreshore, that engine revolution is kept to a minimum and that engines are turned off when not in use.
- 3.15. The Licensee shall ensure that if more than one vehicle is needed on the shore that all vehicles, where possible, arrive and depart together.
- 3.16. The Licensee shall so organise its operations in consultation with other licensed operators to ensure that the total number of vehicles and harvesting machines on the foreshore on any one day is kept to the minimum necessary.

- 3.17. The Licensee shall ensure that when carrying out aquaculture work on the foreshore, dogs owned or under the control of the Licensee shall not be present, in order to minimise disturbance to the birdlife in the area.
- 3.18. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: http://invasivespeciesireland.com/.

#### Waste Management

3.19. The Licensee shall ensure that the licensed and to being area shall be kept clear of all redundant structures (including apparatus) quipment and/or uncontained stock), waste products and operational litter or there, and shall make provision for the prompt removal and proper disposal or such material. In the Licensee refuses or fails to do so, the Minister may can a the said structures, apperatus, equipment or other thing to be removed and the hansed at the restored and mall be entitled to recover from the Licensee as a simple anticat debt in any court of competent jurisdiction all costs and expenses incurred the him in connection with the removal and restoration.

## Inspection

- 3.20. The licensed area and any equipment, a ture, thing, or premises wherever situated used a correction with merations carried out in the licensed area shall be open for i pection any time by an authorised person (within the meaning of Section 29. If the insheries (Contradiction) Act 1959) (No. 14 of 1959) (as amended by Francisca Act 1980) (No. 1 of 1980), a Sea Fisheries Protection Officer (within the meaning of Sea risk mes and Maritime Jurisdiction Act 2006) (No. 8 of 2006) or to other person appointed in that regard by the Minister or other competent State authors
- 3.21. The Licensee shall give all reasonable assistance to an authorised officer or a Sea Fisher's Protect on Officer or any person duly appointed by any competent State authority to enrole the person or officer enter, inspect, examine, measure and test the licenser nea and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area and to take whatever samples may be deemed appropriate by that person or officer.
- 3.22. The Licensee shall keep and maintain in the State for inspection on demand by the Minister or a competent State authority, at all times, records of all operations including compliance monitoring and any required follow up action. These records shall be produced by the Licensee on demand by the Minister or other competent State authority and in any event not later than 24 hours from the making of that demand.
- 3.23. The Licensee shall furnish to the Minister or other competent State authority in the form and at the intervals determined by the Minister or other competent State

authority, such information relating to the licensed area as may be required to determine compliance by the Licensee with the terms of this licence and applicable legislation.

## 4. Navigation and Safety

- 4.1. The Licensee shall ensure that Statutory Sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation. Statutory Sanction forms are available at <u>http://www.cil.ie/safetynavigation/statutory-sanction.aspx</u>.
- 4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in Schedule 3.
  The provide the market of the market of the requirement of the second secon

The navigation marking detail is as illustrated in edule 3.

- 4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices, supportine marking posts/poles, as required by the Minister or any other competent State authorn.
- 4.4. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be update. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email: sdr@ the true with the Licensee shall submit proof to the Department within 14 days of the true of this litence that the UK Hydrographic Office has been so informed.

# 5. Monitoring

5.1. The License shall undertake and/or partake in monitoring, in particular environmental nu ctorm<sub>5</sub>, in tirected by the Minister or other competent State autorn

# 6. Fish Jealth / Mortali, Management / Movement of Fish

# Fish Hea Regulation

6.1. Before he site is stocked the Licensee shall ensure that a Fish Health Authorisation under star for provisions giving effect to Council Directive No. 2006/88/EC, as amended, a any other legislative act that replaces that Directive on animal health requirements for aquaculture animals and their products, and on the prevention and control of certain diseases in aquatic animals, is in place.

**Disposal of Mortalities** 

6.2. The Licensee shall dispose of dead fish in accordance with the applicable statutory provisions and requirements.

#### Movement of Fish

6.3. The Licensee shall comply with any regulations in force governing the movement of fish.

### 7. Duration, Cessation, Review, Revocation, Amendment, Assignment

#### Duration, Cessation

7.1. This Licence shall remain in force until XX XXXXXXXX, 20XX and as long as the accompanying Foreshore Licence remains in force.

#### Review

7.2. The Licensee may apply for a review of the licence at any time after the expiration of three years since the granting of the licence or its last renewal in accordance with section 70 of the Act.

### Revocation, Amendment

- 7.3. Subject to the Act, the Minister may revoke or amende licence if:-
- (a) he considers that it is in the public interest to do so.
- (b) he is satisfied that there has been a bread of a condition specified in the licence e.g., operating outside the licensed read
- (c) the licensed area to which the licence prates is not being preverly maintained,
- (d) water quality results or general per rmance in the licensed ea do not meet the standards set by the Minister or the concetent S the authority.

#### Assignment

- 7.4. This Licence shall not be a signed without the for written consent of the Minister and may not be assigned the the period three years, dating from the commencement or renewal of this is the unless the Minister determines that it may be assigned under conditio 7(5) or the dition set out in 7(6) applies.
- 7.5. A Licenset who conjuders that there are exceptional reasons for the assignment of the Licenco uring the first three years, may apply to the Minister, giving those reasons, for a entropy to the Licence may be assigned. The Minister may, at his stion, having consistent at the reasons given by the Licensee, determine whether on the ance may be assigned. The determination of the Minister in this regard is al.
- 7.6. We re the Licen e is a company (within the meaning of the Companies Acts) and goes to Liquid for (within the meaning of the Companies Acts) in the first three years dating from the commencement of the licence, the Liquidator shall, with the consent of Minister, be entitled to assign the licence to enable him to discharge any debts of the liquidated company.
- 7.7. This licence is issued subject to any order that the High Court may make under section 218 of the Companies Act 1963 or otherwise with regard to the assignment of this licence.

#### 8. Fees

8.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) Regulations 1998(S.I. No. 270/1998) as amended by the Aquaculture (Licence Fees) Regulations 2000 (S.I. No. 282 of 2000) or an amount payable under Regulations made under section 64 of the Act.

8.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

#### 9. General Terms and Conditions

- 9.1. The Licensee shall at all times comply with all laws applicable to aquaculture operations.
- 9.2. Any reference to a statute or an act of an institution of the European Union (whether specifically named or not) includes any amendments are enactments in force and all statutory instruments, orders, notices, realations, directions, bye-laws, certificates, permissions and plans made, in or given effect under such legislation shall remain valid.
- 9.3. If any condition or part of a condition in this licence held to be illegal or unenforceable in whole or in part, who condition shall be dependent to form part of this licence but the enforceability on the remainder of this licence is not affected.
- 9.4. The Licensee shall at all times hold all new sary licences, consents, permissions, permits or authorisations sociated with activities of the Licensee in connection with the licensed are

#### Notification

9.5. Without preindles any other ready under the licence or in law, if the Minister is of the view that the prensee is in breach of any obligation under this licence, the Minister may by not le in writing, quire that the Licensee rectifies such breach, within such that as a precified by the Minister. The Licensee shall comply with appendix of the Minister warm the time specified in the notice.

Any notice to given the Minister may be transmitted through the Post Office dressed to the jcense at the last known address of the Licensee.

9.7. The censee s all notify the Minister within 7 days of any change in the License, address, telephone, e-mail or facsimile number.

# Tax Clearance Certificate

9.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

#### Companies and Co-operatives

9.9. In the event of the licence being granted to a company (within the meaning of the Companies Acts), control of the licensee company shall not change in any respect from the control of the company as existed on the date that the licence was granted so long as this licence shall remain in force save with the prior written permission of the Minister.

- 9.10. In the event of a licence being granted to a company that has been incorporated outside this State, the licensee company shall register with the Companies Registration Office within one month of the establishment of a place of business in the State or alternatively, within one month of the establishment of a branch of the said company in the State and the licensee company shall submit proof to the Department within 14 days of the end of that month that it has been so registered.
- 9.11. Where the licensee is a company within the meaning of the Companies Acts, the licensee company shall ensure that it does not become dissolved within the meaning of the Companies Acts for so long as this licence shall remain in force.
- 9.12. In the event 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:-
  - 9.12.1. The rules relating to membership of the cose w shall enable any resident of the State to become a member of it who the rot tent fulfils all the conditions laid down by the society for member hip of it and rules shall not lay down different conditions for different casses of people;
  - 9.12.2. The rules relating to the society submitted to the Miniter before the grant of this licence shall not be amended besequently other than with the written permission of the Minister; and
  - 9.12.3. The Minister may, it the siders it needary in the interests of good management of the licented are threat that an amendment may be made to the rules of the society, and the Licenter shall amend the rules in accordance with the area ton.

#### Clearance of Site

9.13. The Licensee shall, a new bicensee's own expense, if so required by written notice from this of the license of the within more weeks after receipt of such notice or on cessation of the licens for an other cause, remove the structures, apparatus, equipment or any other thin, to the same faction of the Minister. If the Licensee refuses or fails to so, the Minimer may cause the said structures, apparatus, equipment or other the to be remore and the licensed area restored and shall be entitled to recover from License as a simple contract debt in any court of competent jurisdiction all cost and expenses incurred by him in connection with the removal and restoration and Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

Schedule 1 contains:

- the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site
- site map(s) which also shows the access/egress route to and from the site
- a chart showing the location of the site in relation to the surrounding area.



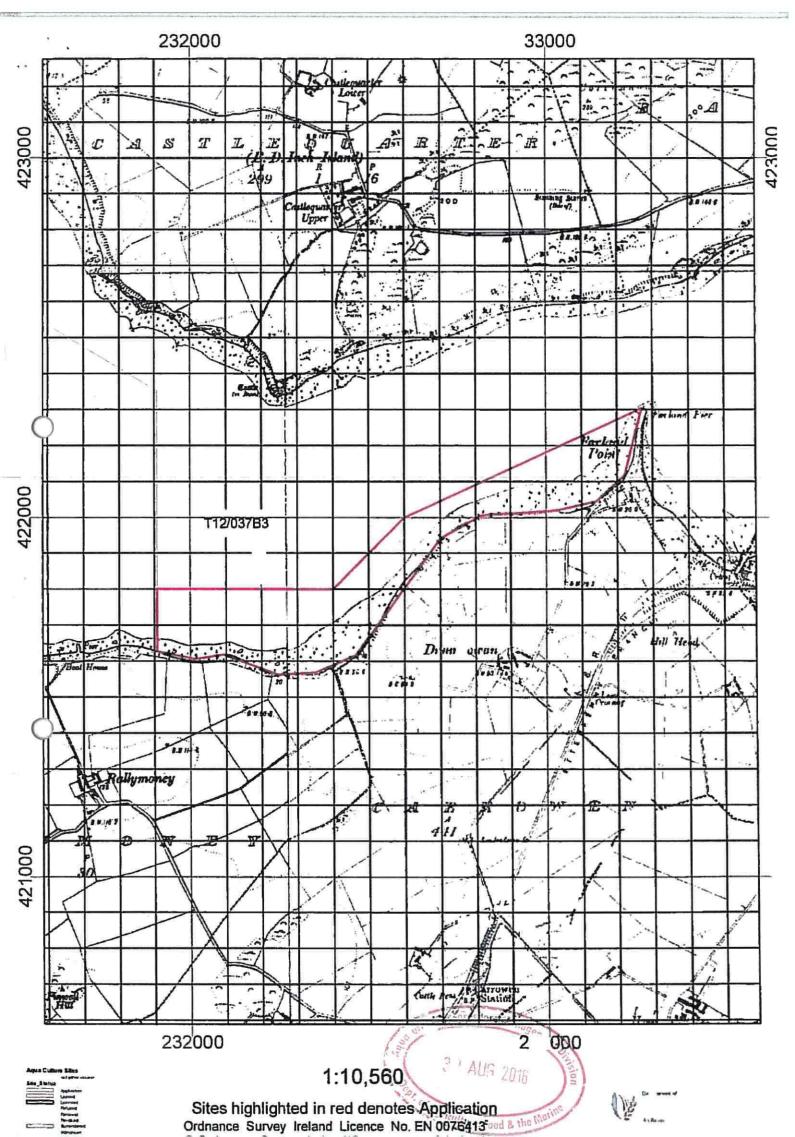
# **1 NO. SITE AT LOUGH SWILLY CO.DONEGAL**

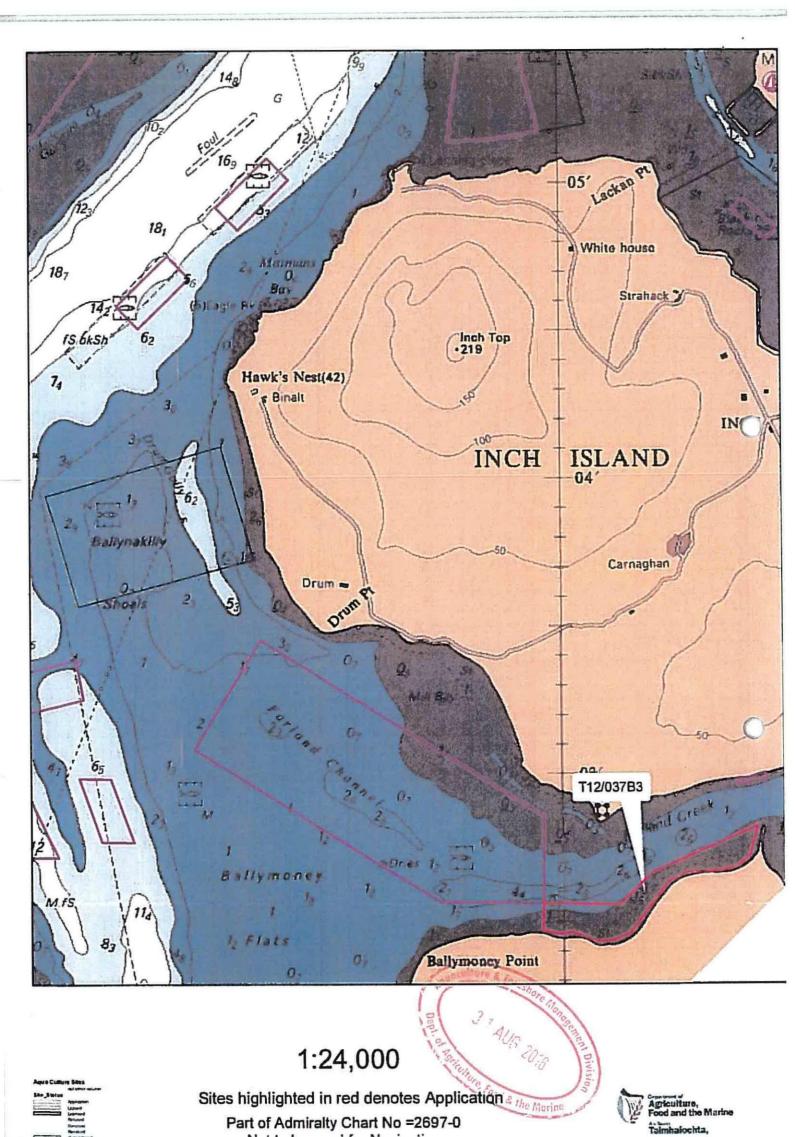
#### **Co-ordinates & Area**

## Site T12/037B3 (23.76 Ha)

The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

231906, 421800 to Irish National Grid Reference point
232400, 421800 to Irish National Grid Reference point
232600, 422000 to Irish National Grid Reference point
233270, 422303 Along high water mark to Irish National Grid Reference Point
231906, 421627 to the first mentioned point.

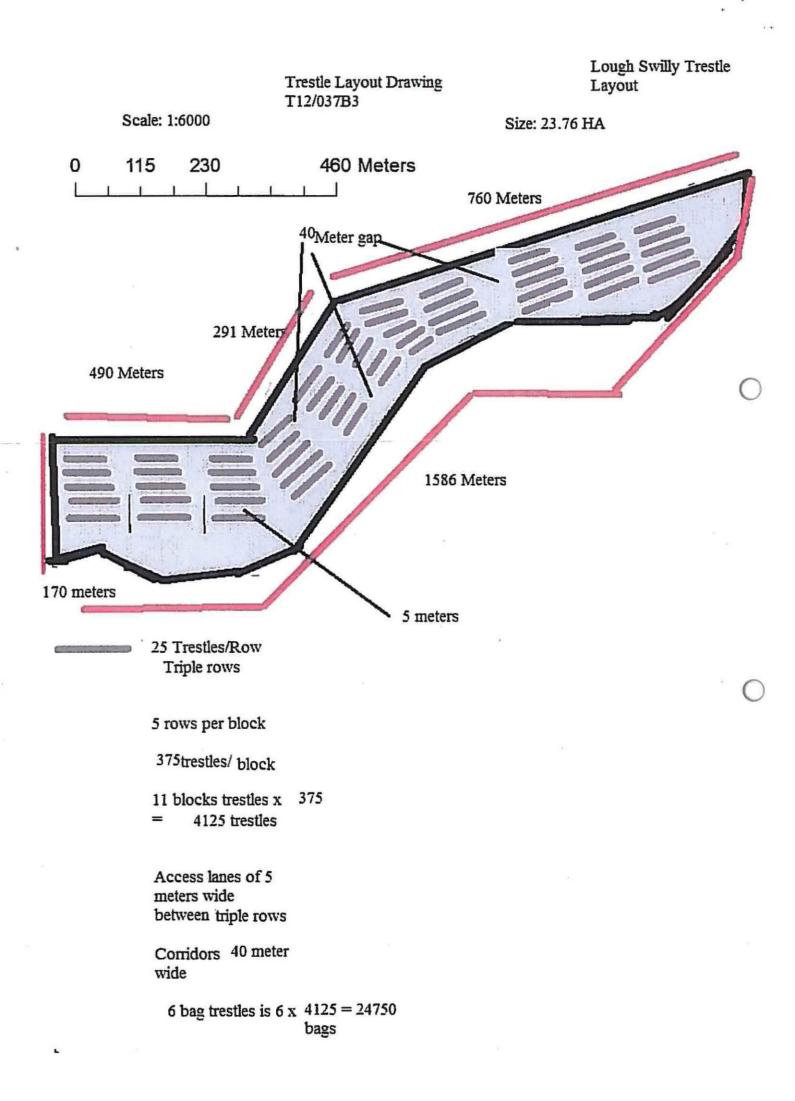




Schedule 2 contains:

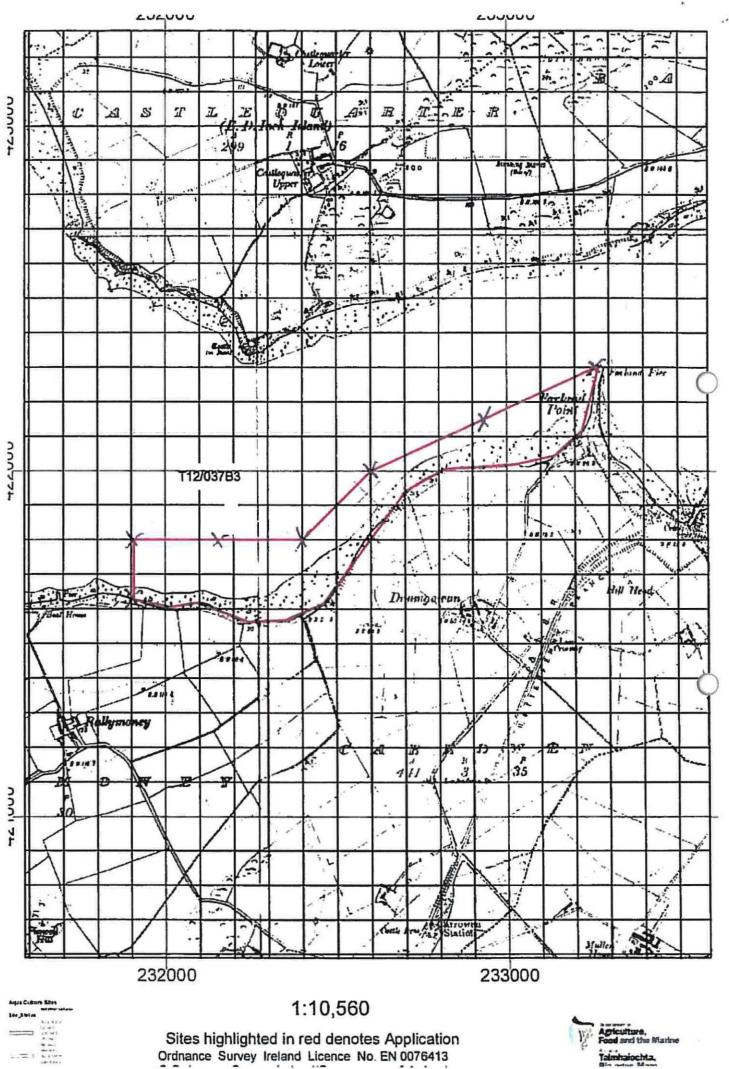
• the approved plans and drawing(s)





### • Requirements of CIL

- That the applicant secures Statutory Sanction from the Commissioner of Irish Lights for the aids to navigation that are required and approved by the Marine Survey Office. These aids should be in place before the development on the site commences.
- requirements of the MSO / the navigation marking detail.
- Site to be marked in with seven yellow spars with a yellow Saint Andrews Cross as topmark to be located as attached chartlet. Topmark to be visible at all stages of the tide at a height of two metres above the water.



Schedule 4 contains:

.

• Triploid Seed to be used as standard





## 1 NO. SITE AT LOUGH SWILLY CO.DONEGAL

#### Co-ordinates & Area

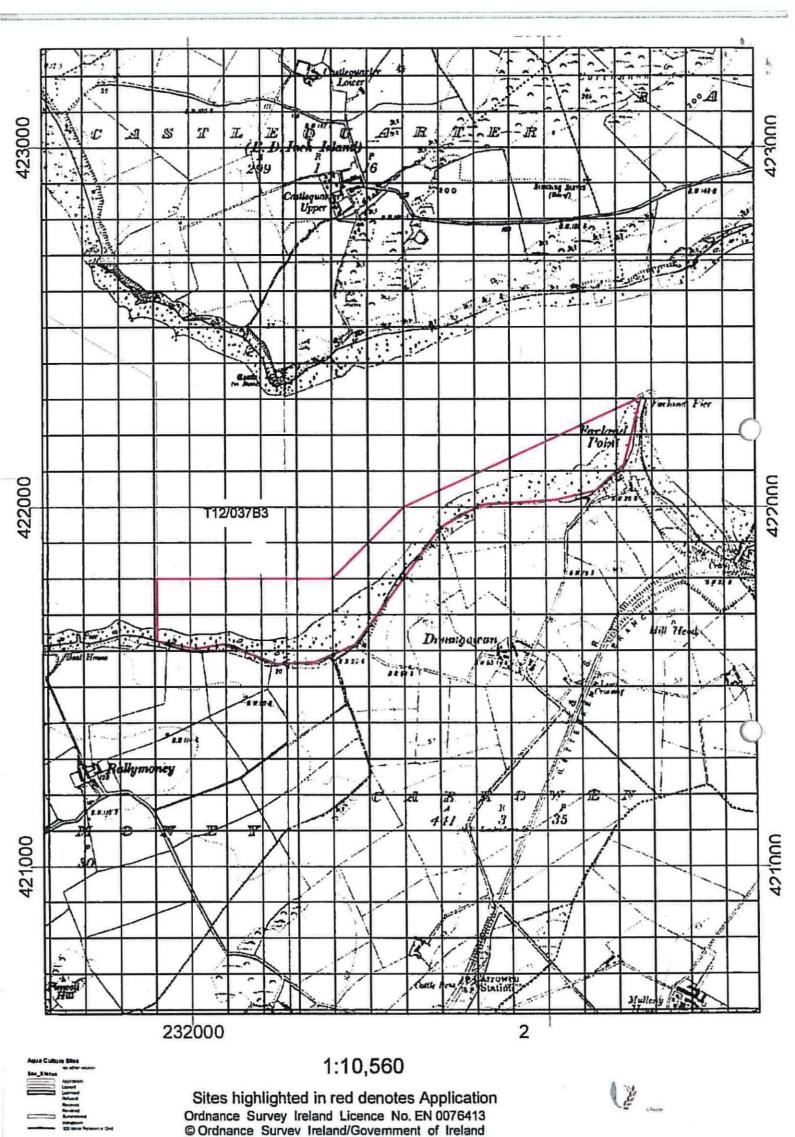
### Site T12/037B3 (23.76 Ha)

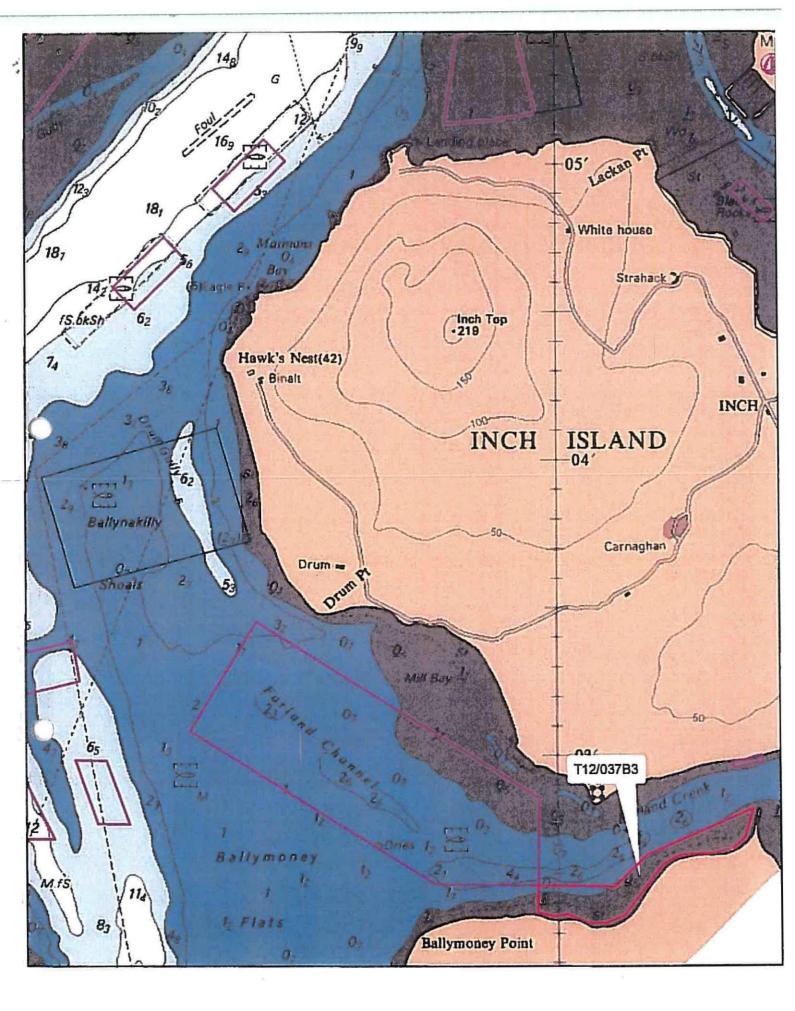
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

231906, 421800 to Irish National Grid Reference point
232400, 421800 to Irish National Grid Reference point
232600, 422000 to Irish National Grid Reference point
233270, 422303 Along high water mark to Irish National Grid Reference Point
231906, 421627 to the first mentioned point.

Department of Marine and Natural Resources, Engineering Division

15/12/2016







# 1:24,000

Sites highlighted in red denotes Application

Part of Admiralty Chart No =2697-0 Not to be used for Navigation



