



APPLICATION FOR A LEASE/LICENCE/PERMISSION UNDER THE FORESHORE ACT 1933 (AS AMENDED)*

(This form should NOT be used for Applications for Offshore Electricity Generating Stations)

Please read Guidance Notes before completing this form

USE BLOCK CAPITALS IN BLACK INK

For Office Use

Application Ref. No. _____

Date of receipt. _____

1. A. Name(s) of Applicant(s) in full

BioAtlantis Ltd.

B. Address(es) of Applicant(s) in full

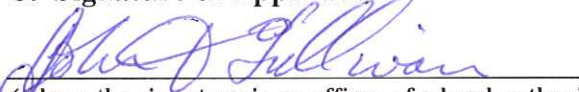
Kerry Technology Park, Tralee, Co. Kerry

Telephone 066 711 84 77 Mobile 087 2841782

Fax 066 711 9802 E-mail jtos@bioatlantis.com

RSI/PPS No./CRO No: IE 6397737B/377737

C. Signature of Applicant


(where the signatory is an officer of a local authority or a company, the position held should be stated and the signatory's name should also be provided in block capitals).

Date: 16 June 2009

D. Name of contact person if different from above

E. Name and Address of Applicant's Legal Advisors

(Applicants are strongly advised to seek legal assistance, prior to agreeing to accept an offer of a foreshore lease/licence/permission as all are legally binding documents. Where an offer is made of a Foreshore Lease/Licence/Permission it will be done through the Applicant's Legal Advisors)

Mr. Garvan Corkery, Ronan Daly Jermyn, 12 South Mall, Cork.

Telephone : 0214802700 Fax: 0214802790 E-mail: Garvan.Corkery@rdj.ie

** Legislation Applicable*

Foreshore Act, 1933 (No. 12); Foreshore (Amendment) Act, 1992 (No.17); Fisheries and Foreshore (Amendment) Act, 1993 (No. 54), Fisheries (Amendment) Act, 2003 (No. 21); European Communities (Environmental Impact Assessment Regulations, 1989 to 1999; Foreshore (Environmental Impact Assessment) Regulations, 1990 (S.I. No. 220); Planning and Development Act 2000 (No. 30) Part XV

2. (A) A detailed description of the proposed works which are to be carried out on the foreshore.
(Please feel free to use additional sheets, which should be signed and dated).

BioAtlantis propose to harvest *Laminaria hyperborea* in the area applied for using a purposely designed vessel equipped with a winch, suction pump and cutter. In an initial study BioAtlantis found *Laminaria hyperborea* to be the main species in the areas applied for. *Laminaria Digitata* was not present in any of these areas. This is the preferred species and was present in Kenmare Bay. The objective is to harvest the material without disrupting the foreshore i.e. without making physical contact with the foreshore surface. This will be achieved by applying moderate suction which will draw the weed into the cutter where it will be cut and pumped into the boat. There, it will be stored in bags for transportation to the factory by road. The weed will be cut at a minimum 25 centimetres from its holdfast. This will be controlled by using sonar and sounder automation to operate the winch so the cutter is maintained at this set-point distance the foreshore.

(B) A Statement of reason for the works

The reason for the request is the unavailability of harvested *Laminaria* species in Ireland. BioAtlantis requires this material for the production of a range of products which are designed and proven to modulate gastrointestinal health, increase performance, encourage beneficial gastrointestinal microflora and stimulate a beneficial immune response. Put in simpler terms, the products will be used in animal feed applications as a replacement for the prohibited growth promoting antibiotics, banned in the EU since January 2006 due to public health risks associated with development of antibiotic resistance in several microbial strains. These products also have application in human function foods as potent prebiotics and modulators of immune and defence response. Preclinical trials have shown dramatic responses to intervention with the two active ingredients in both direct feed and maternal dietary interventions. Human intervention studies are planned for July 2009. These products have been developed in conjunction with the School of Agriculture and Veterinary Medicine in UCD. The application for the product range is covered by patents. BioAtlantis have identified their target customer base and commenced the launch of these products onto the global market. Several commercial field trials are underway. Substantial interest has been expressed by several companies in Europe and the US. The only remaining limiting factor for the success of these products on the market is the availability of good quality raw material, such as that found on the south and west coast of Ireland. Harvesting of *Laminaria* is common practice in both France and Norway using methods including scoubidou and dredge, respectively. These methods are very invasive on the foreshore and potentially the flora and fauna. However, reports have shown that there are no long term effects on flora and fauna, and *Laminaria digitata* beds are fully replenished within 5 years. BioAtlantis made a previous application for Kenmare Bay but was refused on the grounds that it is a designated as an SAC.

If granted the licence, BioAtlantis will:

1. Carry out the harvesting in a less invasive manner than is currently used in France & Norway,
2. Operate a sustainable rotation plan to ensure full regeneration of the seaweed
3. Maintain traceability of the areas harvested
4. Refrain from harvesting seaweed in areas adjacent to beaches thus minimising the possible effects on coastal erosion
5. The vessel required for harvesting will be approximately 15M long with a 6 meter beam. This will not interfere with existing shipping lanes, pleasure crafts or fishing vessels
6. The depths that will be harvested will be from low water to 20 Meters.
7. Any areas licensed to local fishermen for scallop dredging will be omitted.

A statement of the disturbance to the foreshore, arising from these works, should be attached covering the impact on the marine environment including the impact on coastal erosion, navigation, fishing, fisheries (various species known to inhabit the area), pleasure boating and sailing, air navigation (if appropriate).

(C) Provide the following location details in respect of the area of foreshore for which the
Lease/Licence/Permission is sought

(i) Bay: Bantry

(ii) County: Cork

(iii) Geographic co-ordinates in degrees, minutes and seconds

Point	Location	Coord.	Degrees	Minutes	Seconds
1	South West of Collack	Lat	N51	36	29
		Long	W09	42	23
2	West of Collack	Lat	N51	36	45
		Long	W09	42	32
3	North West of White Horse Point	Lat	N51	37	57
		Long	W09	38	51
4	White Horse Point	Lat	N51	37	41
		Long	W09	38	36
5	Leahern's Point	Lat	N51	37	54
		Long	W09	47	44
6	Carrigavadra	Lat	N51	38	45
		Long	W09	45	60
7	Lonchort Point	Lat	N51	38	48
		Long	W09	46	48
8	Aughabeg point	Lat	N51	39	55
		Long	W09	45	17
9	Roancarrigmore	Lat	N51	38	55
		Long	W09	45	14
10	Roancarrigmore	Lat	N51	39	08
		Long	W09	44	21
11	East of Bulliga Point	Lat	N51	40	05
		Long	W09	43	25
12	Pointamore	Lat	N51	40	28
		Long	W09	43	10
13	Trafask Bay	Lat	N51	40	33
		Long	W09	40	29
14	East of Bulliga Point	Lat	N51	40	08
		Long	W09	43	05
15	West of Shot Head	Lat	N51	40	14
		Long	W09	40	45
16	Southwest of Shot Head	Lat	N51	39	60
		Long	W09	40	44
17	Mehal Head	Lat	N51	40	22
		Long	W09	38	57
18	Feagh Rock	Lat	N51	36	46
		Long	W09	51	14
19	South of Cloonaghlin Head	Lat	N51	36	46
		Long	W09	50	15
20	Greenand Rock	Lat	N51	37	09
		Long	W09	51	16

(iv) OS Map No. _____

(v) Size (hectares) 1114 HA

(vi) Local Authority: Cork County

Council _____

3. RECORD OF DOCUMENTS ENCLOSED WITH THIS APPLICATION



An application for a lease or licence must be accompanied by 10 copies (15 copies if there is a possibility of significant impact on the marine environment, such as for sewerage schemes, dredging, marinas and any project requiring an EIS) of all relevant documents.

(i) Ordnance Survey Map (Scale of 1:10,560, ie a six inch map)

Applicants must certify and date all maps submitted, stating the area of foreshore involved in metric measurements (i.e. hectares or square kilometres etc) with the area involved clearly delineated in red thereon.

☐

(ii) British Admiralty Chart (largest available scale)

☒

(iii) Decision of planning authority or An Bord Pleanála under Planning Acts (Required)

Developments on the foreshore require planning permission in addition to a Foreshore Lease/Licence/Permission. All Foreshore Leases, Licences and Permissions are without prejudice to the powers of the local planning authority. Applicants should, therefore, consult initially with the local planning authority regarding their proposal.

☐

(iv) Copy of licence under Section 4 of Local Government Water Pollution Act, 1977

☐

(v) Environmental Impact Statement

☐

(vi) Drawings of the structures to be used and/or layout

☐

(vii) Copy of any correspondence with the Department of the Environment, Heritage and Local Government (Heritage and Planning Division)

☒

(viii) Certified copy of Company's Memorandum and Articles of Association (Only one copy is required)

☒

(ix) Certificate of Incorporation of a Limited Liability Company/ Rule Book/Constitution for a Club or Co-Operative Society as appropriate

(x) Other (specify) _____

(Note: It may not be necessary to include all of the above documents please refer to the accompanying "Guidance Notes".

4. Details of any previous Leases/Licences/Permissions received by the applicant for this or any adjoining sites (if appropriate)

(i) Date of Lease/Licence/Permission _____

(ii) Reference number(s) _____

5. Is all or any part of the Foreshore (the subject of this application) in private ownership?

(This search should be carried out in the Registry of Deeds and Land Registry and copies of results, including where appropriate, folio maps should be included).

If yes, please provide details of ownership.

NO

Have adjacent land owners, whose properties may be affected by these works been consulted?

Please provide details/permissions as appropriate.

No, the project will not affect existing land

6. Employment Implications (if any)

Harvesting

Two full time positions will be created per boat for harvesting the quantities of *Laminaria* and *Ascophyllum* to meet the requirement of BioAtlantis. We envisage each boat having the capacity to harvest 5,000 tonnes per annum.

Manufacture

Six positions will be created at the BioAtlantis manufacturing facility in Kanturk, Co. Cork in the production of the new product range. These positions will include laboratory analysts, quality control, general operatives

Sales and Technical

BioAtlantis will require five personnel to expand the sales and marketing division of the company and to put in place a strong technical group to expand the potential of the product portfolio. The technical division will liaise with our University Partners in the research and development of new and existing products.

7. Capital cost of proposed works (€ - Euro) €375K to €450K

8. Do the proposed works involve the draw down of European Union or State funding?

If "Yes" give details, including any time restrictions, etc. applying

No application made at this time

9. Do the proposed works provide for public use, restricted use or strictly private use? (give details)

N/A

10. Are there public health/safety implications arising from the proposed works? (e.g. effluent disposal, removal of derelict or dangerous structures etc.)

NO

10a. Are there public navigational safety implications arising from the proposed works?

NO

1. What marine activity is there in the area?

Limited marine activity due to the presence of a rocky substrate

2. How will the marine activity be affected by the proposed works?

Not affected as the boat will be approximately 15 meters by 6 meters which will be harvesting seaweed so not affecting a much greater area beyond the surrounds of the boat

3. What mitigating measures will be put in place?

N/A

4. How will the proposed works affect Marine Navigation in the future?

No effect

11. Will the works involve the storage and/or disposal of waste?

No

If "Yes" please give details of the type of waste and the proposed method of storage and/or disposal (including location)

**Certain developments are subject to the European Communities (Environmental Impact Assessment) Regulations, 1989 to 1999. It is the responsibility of the applicant to consult and comply with these Regulations. Where the relevant threshold in the Regulations is exceeded an application for permission under the Foreshore Acts must include an Environmental Impact Statement (EIS). Applicants are encouraged to seek the Department's opinion at the scoping stage of the EIS.*

An appraisal of the environmental effects of a development below the threshold must be submitted by the applicant to allow the Minister to decide whether it is likely to have significant effects on the environment. Where the decision is "yes" an EIS is mandatory.

In the case of developments on foreshore for, by or on behalf of a Local Authority where an EIS is required, applications should be made to An Bord Pleanála under Part XV, Planning and Development Act, 2000. 10 copies of any applications made under this Act must be sent to this Department at the time of application to An Bord Pleanála.

Note: While every effort will be made to deal promptly with applications, priority will be given to dealing with applications involving public infrastructure, public health, public use and those having employment implications.

Any additional Information

See attached.

Please send completed application form to:

Foreshore Section

Coastal Zone Management Division

Department of Agriculture, Fisheries & Food

Building C, West Cork Technology Park, Clonakilty, Co. Cork

Tel: + 353 23 59500

LoCall: 1890 25 27 41

Fax: + 353 23 59508

E-mail: foreshore@agriculture.gov.ie

**Incorrectly completed or incomplete application forms cannot
be processed and will be returned.**