



**FISHERIES (AMENDMENT) ACT, 1997 (No. 23)**  
**GRANT OF AMENDMENT TO AQUACULTURE LICENCE NO. 707**

**REFERENCE NO.:** T06/306A

**APPLICANT:** John O'Sullivan

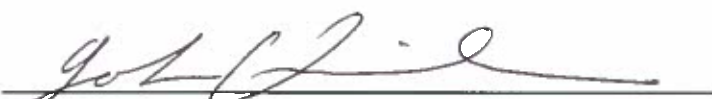
**AQUACULTURE TO WHICH DECISION RELATES:** to add Pacific Oysters to the species cultivated, by use of bags and trestles, at a site in Castlemaine Harbour, Co. Kerry

**NATURE OF DECISION:** Grant of amendment to Aquaculture Licence

**DATE OF AMENDMENT:** 16 April 2019

**CONDITIONS OF LICENCE:** See additional conditions attached at schedule 5

**DURATION OF LICENCE:** As per existing licence 10 years; expiry date 08<sup>th</sup> October 2023

Signed:   
Aquaculture and Foreshore Management Division  
Department of Agriculture, Food and the Marine

## **Schedule 5**

### **ADDITIONAL TERMS AND CONDITIONS APPLYING TO THE REVIEW OF THE AQUACULTURE LICENCE NO. 707**

#### **1. Species, Cultivation and Method Licensed**

- a. Species to be farmed: Pacific Oysters (*Crassostrea Gigas*)
- b. Method: Bags and Trestles

#### **2. Infrastructure and Site Management Design, Arrangement and Maintenance of Structures**

- a. Trestles should be neatly arranged, in parallel rows where possible, unless otherwise agreed with the Department's Area Engineer.
- b. Oyster trestle coverage will only occur over 10% of the licensed area.

#### **3. Operational Conduct**

- a. The proposed access route over the intertidal habitat should be strictly adhered to in order to minimise habitat disturbance.
- b. The initial source of seed, and other sources which may be used at any point in the future, should be approved by the Minister for Agriculture, Food and the Marine.

#### **4. Fish Health / Mortality Management / Movement of Fish**

- a. The movement of stock in and out of the site should follow best practice guidelines as they relate to the risk of introduction of invasive non-native species (e.g. Invasive Species Ireland).

Prior to the commencement of operations at the site, the licensee is required to draw up a contingency plan, for the approval of the Department of Agriculture, Food and the Marine, which shall identify, inter alia, methods for the removal from the environment of any invasive non-native species introduced as a result of operations at this site. If such an event occurs, the contingency plan shall be implemented immediately.

b. The C.L.A.M.S. process (Co-ordinated Local Aquaculture Management Systems) within Castlemaine Harbour will be used for the development and implementation of alien species management and control plans.

c. It is statutory requirement that a Fish Health Authorisation, as required under Council Directive 2006/88/EC, be in place prior to the commencement of the aquaculture activities proposed.

## **5. Navigation and Safety**

a. All structures must be clearly marked as required by Regulations and Licensing Permit conditions and to the approval of the Nautical Surveyor with the Marine Survey Office.

b. The applicant must secure Statutory Sanction from the Commissioners of Irish Lights for the aids to navigation that may be required by the Marine Survey Office. These aids should be in place before development on the site commences. Statutory sanction forms are available at <http://www.irishlights.ie/safety-navigation/statutorysanction.aspx>

c. The size and specification of aids to navigation should be of the design and specification approved by the Marine Survey Office and must be agreed in advance with the Commissioners of Irish Lights.

d. Navigation marks, to the approval of the Marine Survey Office, must be installed prior to any trestles being bought to the site.

e. The Licensee is required to inform the British Admiralty Hydrographic Office at Taunton, UK, of the geographical position and nature of the site to facilitate the update of nautical charts and other nautical publications.

f. No navigable inter-tidal channels will be impeded by trestles or bags.

g. The site is to be marked in line with the C.L.A.M.S. (Co-ordinated Local Aquaculture Management Systems) in Castlemaine Harbour.

T6/306

# Loch na dTrí gCaol



Cromane Point

Access point

Crow's Point

Channel to be used depends on weather

4 99

Douglas Strand



## GENERAL NOTES

All dimensions are in millimetres unless noted otherwise

Site area = 17 00 hectares

Site coordinates in Irish Grid	Eastings	Northings
1	77700	81500
2	77700	81500
3	77700	81500
4	77700	81500

Project  
Aquaculture Licence Application  
Castlemaine Harbour

Site  
John O'Sullivan

Scale  
Site Location (Site A)

HELEN GRIFFIN

081 121400

helen.griffin@csk.ie

Civil & Structural Consulting Engineer

18 Hurstons Wood

Trillick

Co. Kerry

Scale

0538 - 1001 - A

Scale

0538 - 1001 - A

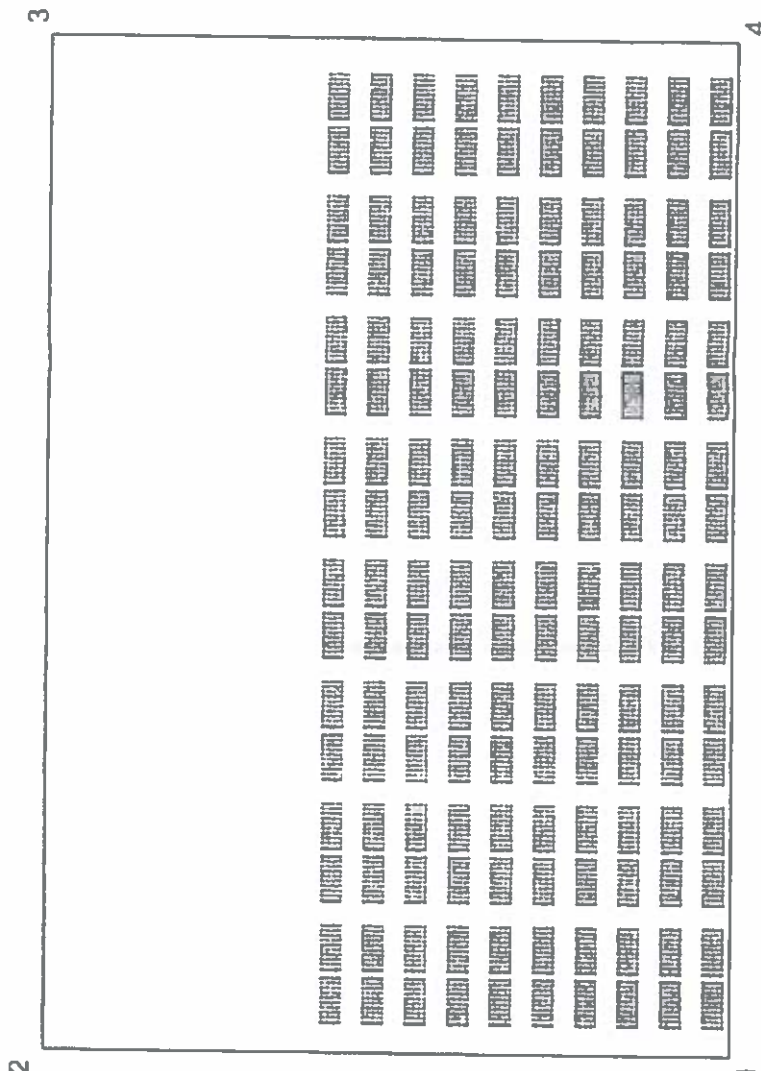
T6/306



Note

Each block contains 10 rows of trestles  
Each row contains 10 No 2.4m trestles

Refer to Drawing No 0538-1003 B for Trestle Layout



Site Layout  
Scale 1:2500

## GENERAL NOTES

All dimensions are in millimetres, unless noted otherwise.

Site area = 17.00 hectares

Site coordinates in Irish Grid		
No	Easting	Northing
1	77100	54550
2	77100	54600
3	77200	54600
4	77200	54550

Rev	Date	Description	By	App
B	26.11.2017	Issued for Information	HC	DW
A	27.03.2017	Issued for Information	HC	DW

Project  
Aquaculture Licence Application -  
Caslemaire Harbour

Client  
John O' Sullivan

Drawing Title  
Site Layout (Site A)

HELEN GRIFFIN  
087 1275600  
hgriffin2020@gmail.com

Civil & Structural Consulting Engineer  
16 Hunters Wood,  
Tralee  
Co. Kerry

Scale		
As Shown	HC	DW
27.03.2017	27.03.2017	27.03.2017
Checked	DW	DW
Approved	DW	DW

0538-1002-B



T6/306

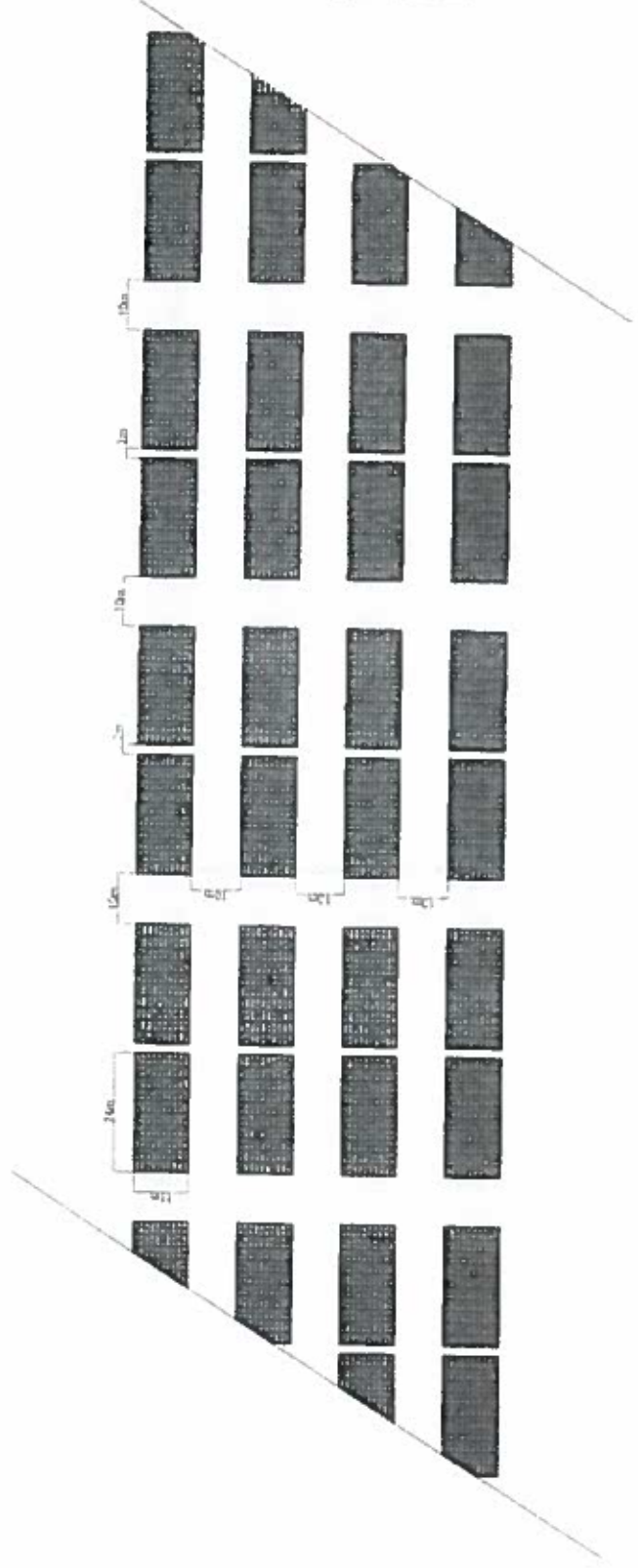
GENERAL NOTES

All dimensions are in millimetres, unless noted otherwise.  
Site area = 17.00 hectares

Note:

Each block contains 10 rows of trestles.  
Each row contains 10 No. 2.4m trestles

Refer to Drawing No 053B-1002-B for Site Layout



Typical Trestle Layout  
Scale 1:1000

Rev	Date	Description	Issued for Information	HW	DW	App
A	27.03.2017	Issued for Information				
B	29.11.2017	Issued for Information				

Project  
Aquaculture Licence Application  
Castlemaine Harbour

Client  
John O'Sullivan

Drawing Title  
Typical Trestle Layout (Site A)

HELEN GRIFFIN  
087 1275600  
hgriffin@pva.ie  
Civil & Structural Consulting Engineer  
16 Hunters Wood  
Tralee  
Co Kerry

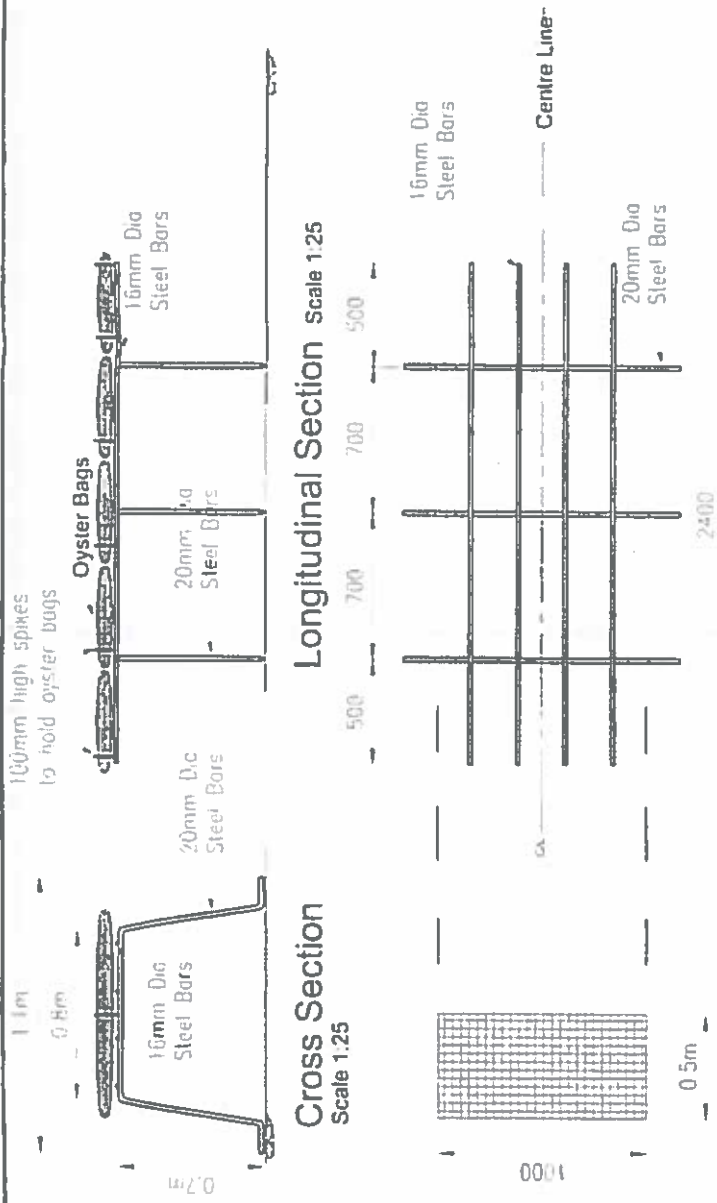
Scale	1:1000	Drawn	HW	27.03.2017
		Checked	DW	27.03.2017
		Approved	HG	27.03.2017

053B-1003-B

T6/306

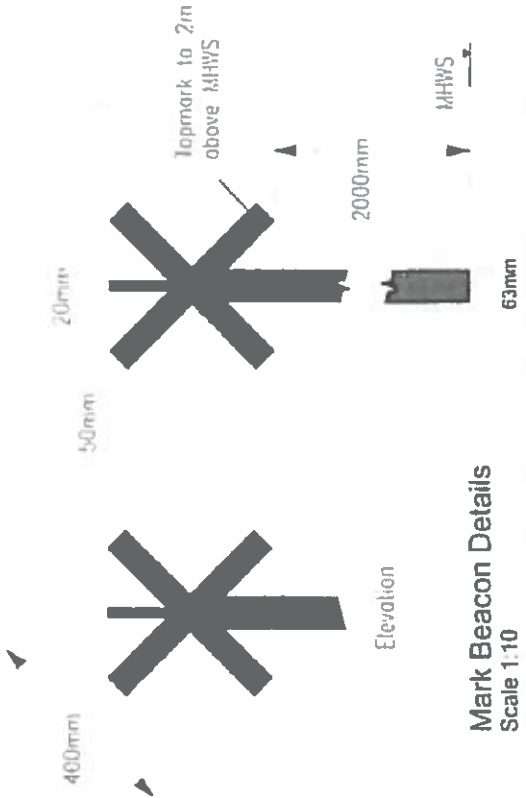
# GENERAL NOTES

All dimensions are in millimetres, unless noted otherwise.



Typical Oyster Bag  
Scale 1:25

Plan (Bags not shown for clarity)  
Scale 1:25



- Mark Visible as Yellow X from all Directions
- 63mm min dia pale - yellow for 2m below bottom of cross
- Support structure & foundation suitable for location
- Light and Radar reflector where required
- "St Andrew's Cross" Special Mark Beacon Located at Points 1 to 6

Rev	Date	Description	By	App
A	21.03.2017	Issued for information	HG	DW

Project  
Aquaculture Licence Application -  
Castlemaine Harbour

Client  
John O' Sullivan

Drawing Title  
Trestle & Mark Beacon Details

HELEN GRIFFIN  
007 1275600  
hgriffin@griffin.ie

Civil & Structural Consulting Engineer  
16 Hunters Wood  
Tralee  
Co. Kerry

Scale	As shown	Drawn	Check	Approved
1:10	1:10	21.03.2017	21.03.2017	21.03.2017

0538-1003-A



Department of  
**Agriculture,  
Food and the Marine**

An Roinn  
**Talmhaíochta,  
Bia agus Mara**

## **AQUACULTURE LICENCE**

### **AQUACULTURE MARINE SHELLFISH** **SEA-BED CULTURE/BOTTOM CULTURE**

**John O'Sullivan**

**Stookisland**

**Killorglin**

**Co. Kerry**



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**T06/306A**

**AQUACULTURE LICENCE NO. 707**  
**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:

**John O'Sullivan**


**Stookisland**

**Killorglin**

**Co. Kerry**

(hereinafter referred to as the "Licensee") for the cultivation of mussels on a site in Castlemaine Harbour, Co. Kerry as specified in Schedule 1 attached (numbered T06/306A) and indicated by a red line on the attached map, 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 Aquaculture Licence shall remain in force for a maximum period of ten (10) years commencing on 09<sup>th</sup> October 2013, provided for so long as the Foreshore Licence granted on 09<sup>th</sup> October 2013, under Section 3 (1) of the Foreshore Act 1933 (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 (17 hectares) (labelled T06/306A 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 (*Mytilus Edulis*).
- 2.2. Method: Bottom culture as specified in *Schedule 4* attached.
- 2.3. The introduction of seed to the site shall comply with the legislation relating to fish health.

### 3. Infrastructure and Site Management

#### Indemnity

- 3.1. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment, vessel or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.

#### Design, Arrangement and Maintenance of Structures

- 3.2. The Licensee shall ensure that any equipment 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.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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

- 3.6. 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.
- 3.7. 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 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.
- 3.8. If the shellfish are to be harvested using dredges, the Licensee shall ensure that only mussel dredges are used for harvesting the shellfish.
- 3.9. The Licensee shall ensure that all vessels, components thereof and all equipment used in connection with the licensed area are kept properly maintained.
- 3.10. The Licensee shall as soon as possible after the commencement of this licence advise the Department of the quantity of seed placed in the licensed area, the approximate date(s) of the placement and the source(s) of the seed placed and likewise thereafter as and when further seed is so placed.
- 3.11. The Licensee shall advise the Department on the 31<sup>st</sup> day of January 2014 and on each succeeding 31<sup>st</sup> day of January for each year during which this licence continues in force of the quantity of stock harvested in that year and the approximate date(s) of harvesting.

### Waste Management

- 3.12. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus and equipment), waste products and operational litter or debris and shall make provision for the prompt removal and proper disposal of 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 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.

### Inspection

- 3.13. 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.



3.14. 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.

3.15. 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.

3.16. 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 no hazard is caused to the safety of navigation across or near the licensed area in the use of any vessel or sea borne craft. The navigation and safety conditions are specified in *Schedule 3*.

4.2. 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 updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email [hde@hdc.hydro.gov.uk](mailto:hde@hdc.hydro.gov.uk) and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

#### **5. Monitoring**

5.1. The Licensee shall undertake and/or partake in annual and other monitoring, in particular environmental 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 08<sup>th</sup> October, 2023 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 amend the licence if:–

- (a) he considers that it is in the public interest to do so,
- (b) he is satisfied that there has been a breach of any condition specified in the licence e.g., operating outside the licensed area,
- (c) the licensed area to which the licence relates is not being properly maintained,
- (d) water quality results or general performance in the licensed area do not meet the standards set by the Minister or the competent State authority.

#### Assignment

7.4. This Licence shall not be assigned without the prior written consent of the Minister and may not be assigned during the period of three years, dating from the commencement or renewal of this licence, unless the Minister determines that it may be assigned under condition 7(5) or the provisions of condition set out in condition 7(6) applies.

7.5. A Licensee, 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 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 to an act of any 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, issued or given effect under such legislation shall remain valid.

9.3. If any condition or part of a condition in this licence is held to be illegal or unenforceable in whole or in part, such condition shall be deemed 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 necessary licences, consents, permissions, permits or authorisations associated with any activities of the Licensee in connection with the licensed area.

### Notification

9.5. Without prejudice to any other remedy under the licence or in law, if the Minister is of the view that the 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

- 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 society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;
- 9.12.2 The rules relating to the society as submitted to the Minister before the grant of this licence shall not be amended subsequently other than with the written permission of the Minister; and
- 9.12.3 The Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society and the Licensee shall amend the rules in accordance with that direction.

#### Clearance of Site

- 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**

**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 CASTLEMAINE HARBOUR CO.KERRY**

**Co-ordinates & Area**

**Site T06/306A (17 Ha)**

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

072700, 098560 to Irish National Grid Reference point

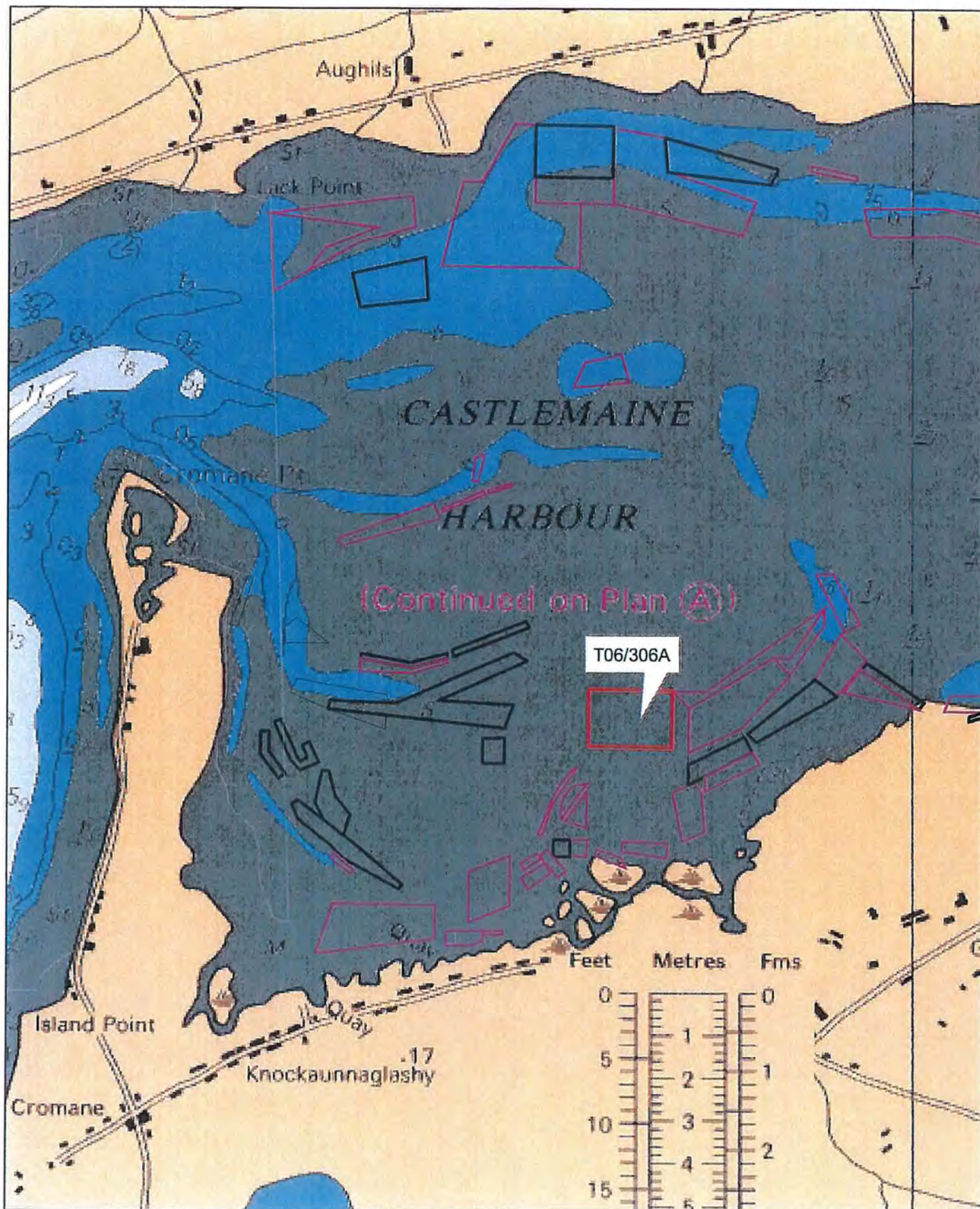
072700, 098900 to Irish National Grid Reference point

073200, 098900 to Irish National Grid Reference point

073200, 098560 to the first mentioned point.







#### Aqua Culture Sites

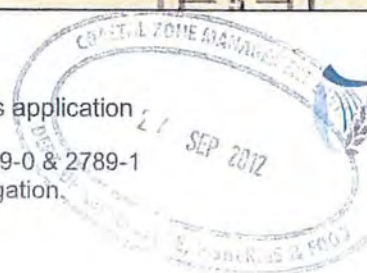
Site Status	
Application	[Red outline]
Application Lapsed	[Black outline]
Application Refused	[Dashed red outline]
Application Withdrawn	[Dashed black outline]
License Altered	[Thick red outline]
License Revoked	[Thick black outline]
License Surrendered	[Thick dashed red outline]
Unknown	[Thin black outline]
Unknown	[Thin red outline]

1:30,000

Site Highlighted in red denotes application

Part of Admiralty Chart No 2789-0 & 2789-1

Not to be used for Navigation.



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



72000

73000

99000

99000

T06/306A

98000

98000

72000

73000

## Aqua Culture Sites

- Site Status
- Application
  - Application Lapsed
  - Application Renewed
  - Application Withdrawn
  - License Allowed
  - License Revoked
  - License Suspended
  - Unknown
  - Unknown
  - Unknown
  - 1:50,000 Ordnance Survey

1:10,560

Site Highlighted in red denotes application

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



## **SCHEDULE 2**

**Schedule 2 contains:**

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

## SCHEDULE 3

Schedule 3 contains:

- **navigation and safety conditions.**
  1. No obstructions of any kind above the seabed.
  2. The granting of a licence for bottom culture does not grant any form of ownership or special rights in respect of surface navigation within the boundaries of the site. **The International Regulations for Preventing Collision at Sea are required to be complied with at all times.**
  3. Vessels are free to anchor within the boundaries of the site.
  4. No marks to be placed in or on the boundaries of the licensed area that may impede or endanger surface craft.
  5. Vessels used in the harvesting of mussels must comply with all life saving appliance, fire fighting appliance, safety construction and manning regulations. Details of the requirements for such vessels may be obtained from the Maritime Safety Directorate, Leeson Lane, Dublin 2.

## **SCHEDULE 4**

### **Schedule 4 contains:**

- **special conditions applicable to this licence.**
1. Initial mussel cover should not exceed an average percentage cover of 12% within the licensed area.
  2. Incremental increases in percentage cover up to a maximum of 10% (measured as a percentage of the inter-tidal area covered in mussels) over a three year period, in coverage with mussels, may be allowable.
  3. This is subject to the Castlemaine site specific monitoring framework providing information / data into the relevant screening or assessment procedure that would confirm a finding of no significant effect on, or no adverse impact on, the integrity of the SPA.
  4. Where the Castlemaine site specific monitoring framework provides information / data that indicates a risk of significant effect on, or adverse impact on, the integrity of the SPA, decreases in the average percentage cover of mussels may be mandated by the Minister, incrementally or directly, to the initial 12% average percentage cover.

### **Protection of Archaeological Heritage**

1. The Licensee shall arrange for an Archaeological Assessment to be undertaken of the licensed area in accordance with request of Development Application Unit of Department of Arts Heritage and the Gaeltacht at the expense of the Licensee. The written permission of Development Application Unit shall be obtained in advance of any seed being laid/ dredging of sea bed in the licensed area or causing any other disturbance of the seabed in the licensed area.
2. The results of that Archaeological Assessment shall be supplied to Department of Agriculture, Food and the Marine, Aquaculture and Foreshore Management Division.

### **Seed**

1. Seed must be sourced locally within Dingle Bay.



Department of  
**Agriculture,  
Food and the Marine**

An Roinn  
**Talmhaíochta,  
Bia agus Mara**

**T06/306A**

**FORESHORE LICENCE**

**John O' Sullivan**

**Stookisland**

**Killorglin**

**Co Kerry**



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*SCHEDULE 1*

**FORESHORE LICENCE IN RESPECT OF A SITE**  
**(NUMBERED T06/306A) AT CASTLEMAINE HARBOUR, Co.**  
**KERRY**

AGREEMENT made on the 09<sup>th</sup> October 2013, between the Minister for Agriculture, Food and the Marine (hereinafter referred to as the “Minister” which expression shall include his Successors or Assigns where the contract so requires or admits), of the one part, and

**John O’Sullivan**

**Stookisland**

**Killorglin**

**Co Kerry**

(hereinafter referred to as the “Licensee”) of the other part, whereby the Minister, in exercise of the powers conferred on him by Section 3 of the Foreshore Act, 1933 (No.12 of 1933) hereby grants to the Licensee licence to use and occupy that part of the foreshore at Castlemaine Harbour, Co Kerry (numbered T06/306A) detailed in the attached schedule and more particularly delineated on the map annexed hereto and thereon coloured red for the purpose of the cultivation set out in Aquaculture Licence Number 707 on the terms and conditions set out in the attached pages.

This Foreshore Licence shall remain in force for a maximum period of ten (10) years commencing on 09th October 2013, provided for so long as the Aquaculture Licence Number 707 granted on 09th October 2013 under the Fisheries (Amendment) Act 1997 (No. 23 of 1997) in respect of the same site for the purpose referred to is in force.

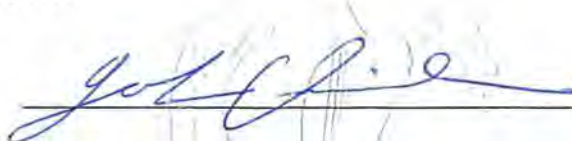
## **TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE**

1. The Licensee shall pay to the Minister the annual sum of € 63.49 (sixty three euro forty nine cent), such payment to be made on the 9th day of October in every year during the continuance of this Licence, the first of such payments to be made on the signing hereof.
2. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the cultivation set out in Aquaculture Licence Number 707 only and for no other purpose whatsoever.
3. The Licensee shall comply fully with all terms and conditions of Aquaculture Licence Number 707.
4. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims however arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or any other thing used in connection with the licensed operation in the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
5. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.
6. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee three months notice in writing ending on any day, and upon determination of such notice, the Licence and permission granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
7. 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.
8. The Licensee shall not carry out any operations authorised by the Licence in the licensed area in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the licensed area and shall comply with any direction given to the Licensee in that regard by the Minister.
9. In the event of the breach, non-performance or non-observance by the Licensee of any of the conditions herein contained, the Minister may forthwith terminate this Licence without prior notice to the Licensee.

**AND IT IS HEREBY CERTIFIED THAT:**

1. For the purpose of the stamping of this Instrument that this is an Instrument to which the provisions of Section 53 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), do not apply for the reason that the entire of the property involved comprises Foreshore and contains no Buildings.
2. The Family Law Acts of 1976, 1981, 1989, 1995 and the Family Law (Divorce) Act 1996 do not affect the Property.

**PRESENT when the Seal of Office  
of the MINISTER FOR AGRICULTURE, FOOD  
AND THE MARINE  
was affixed and was authenticated  
by the Signature of:**



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

**WITNESS:** Kevin Gallagher  
**ADDRESS:** DPAFM

**OCCUPATION: CIVIL SERVANT**

**SIGNED on behalf of Licensee** x John O'Sullivan

**in the presence of:**

**WITNESS:** x Tony O'Sullivan  
**ADDRESS:** CROMANE, Killarney  
Co. Kerry

**OCCUPATION:** FISH FARMER  
Secretary CASTLEMAINE HBR. Co-op Society



## **SCHEDULE 1**

**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 CASTLEMAINE HARBOUR CO.KERRY**

**Co-ordinates & Area**

**Site T06/306A (17 Ha)**

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

072700, 098560 to Irish National Grid Reference point  
072700, 098900 to Irish National Grid Reference point  
073200, 098900 to Irish National Grid Reference point  
073200, 098560 to the first mentioned point.



72000

73000

99000

99000

98000








98000

T06/306A

72000

73000

Aqua Culture Sites  
Site\_Status

-  Application
-  Application Licensed
-  Application Refused
-  Application General
-  Application Refused
-  License Revoked
-  License Surrendered
-  Licensed
-  Unknown
-  Unlicensed
-  100 Meter Reference Grid

13 JUL 2012

COASTAL ZONE MANAGEMENT DIVISION

13 JUL 2012

DEPARTMENT OF AGRICULTURE, FISHERIES & FOOD

1:10,560

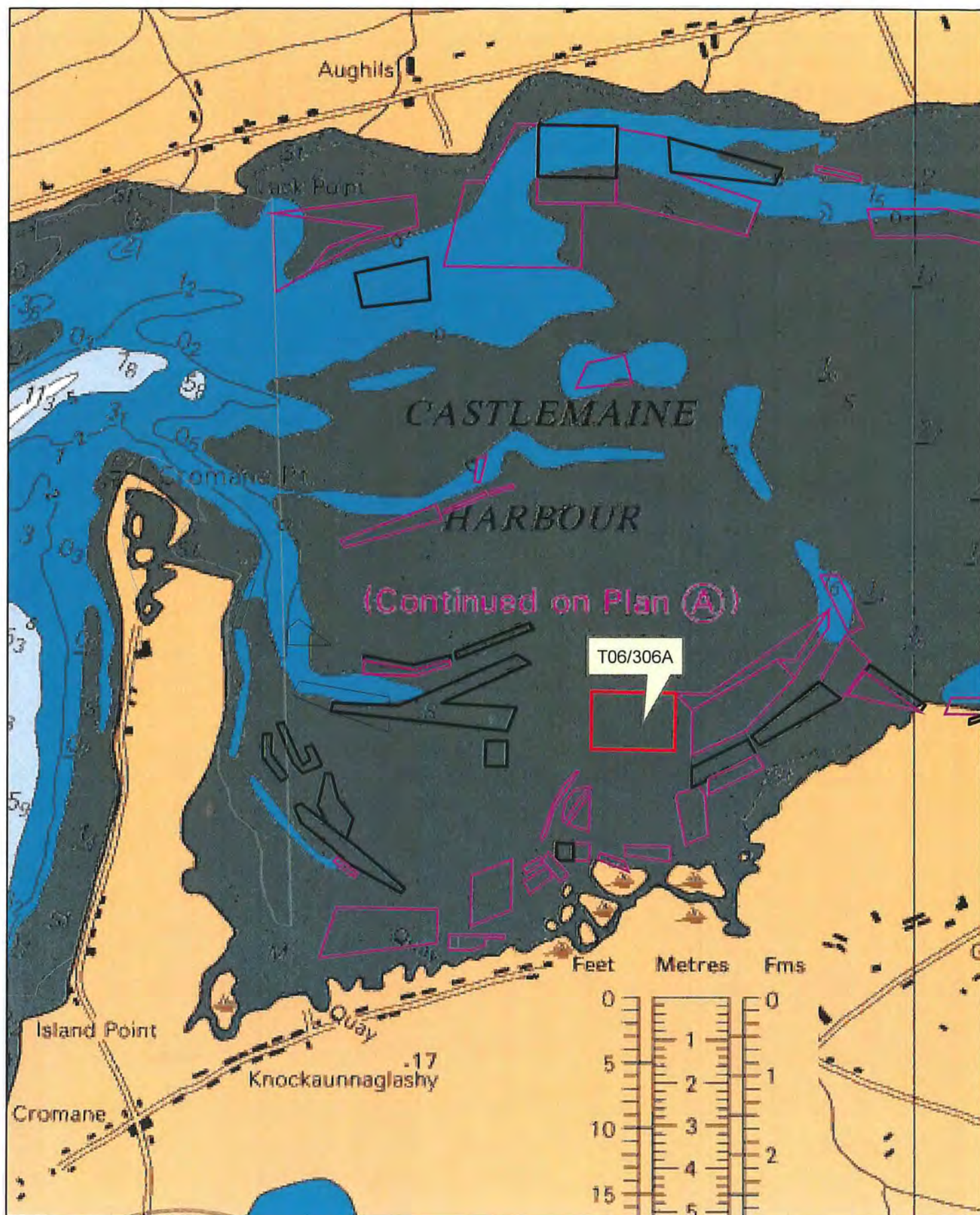
Site Highlighted in red denotes application

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**Talmhaíochta,  
Bia agus Mara**





Aqua Culture Sites  
Site Status  
Application  
Application Lapsed  
Application Refused  
Application Withdrawn  
Application Under Review  
License Altered  
License Renewed  
License Surrendered  
Licensed  
Unknown  
Unlicensed

COASTAL ZONE MANAGEMENT DIVISION  
1 JUL 2012  
AGRICULTURE, FISHERIES & FOOD

1:30,000

Site Highlighted in red denotes application

Part of Admiralty Chart No 2789-0 & 2789-1  
Not to be used for Navigation.



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An Roinn  
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