

T12/284A

CERTIFICATE OF ASSIGNMENT

OF

**AQUACULTURE LICENCE AQ NO. 109 GRANTED IN ACCORDANCE WITH
THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)**

AND

FORESHORE LICENCE T12/284A GRANTED IN ACCORDANCE

WITH SECTION 3(1) OF THE FORESHORE ACT, 1933 (NO. 12)

This is to certify that the Aquaculture Licence and Foreshore Licence referred to have been assigned, with the approval of the Minister for Agriculture, Food and the Marine, from:

Iasc Sliogach Uisce Leathan Teo
Cashel
Kindrum
Letterkenny
Co. Donegal

To

Atlantic Crab Ltd
Puttle Hall
Letter
Clonmany
Co. Donegal

with effect from 22nd June 2022, subject to the terms and conditions thereof.

Signed:



An officer authorised in this behalf
by the said Minister

AQUACULTURE LICENCE NO. 109 GRANTED UNDER THE FISHERIES
(AMENDMENT) ACT, 1997 (NO. 23)
(AMENDED TO INCLUDE OYSTERS 25 JUNE, 2004)

The Minister for Communications, Marine and Natural Resources in exercise of the powers conferred on him by the Fisheries (Amendment) Act, 1997 (No. 23) hereby grants an Aquaculture Licence to:

IASC SLIOGACH UISCE LEATHAN TEO
CASHEL
KINDRUM
LETTERKENNY
CO. DONEGAL

for the cultivation of mussels and oysters on a site in Lough Swilly, Co. Donegal (numbered 284 and coloured red on the attached map) in accordance with plans approved of by the Minister, subject to the provisions of the Act referred to and to the terms and conditions set out in the Schedule attached. Subject as aforesaid, this Aquaculture Licence shall remain in force until 8 August, 2009, and only for so long as the Foreshore Licence granted on 25 June, 2004, under Section 3(1) of the Foreshore Act, 1933 (No.12) in respect of the same sites 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 the Marine and Natural Resources

1 SITE IN LOUGH SWILLY, CO. DONEGAL

Co-Ordinates and Area

Site 284 (12Ha)

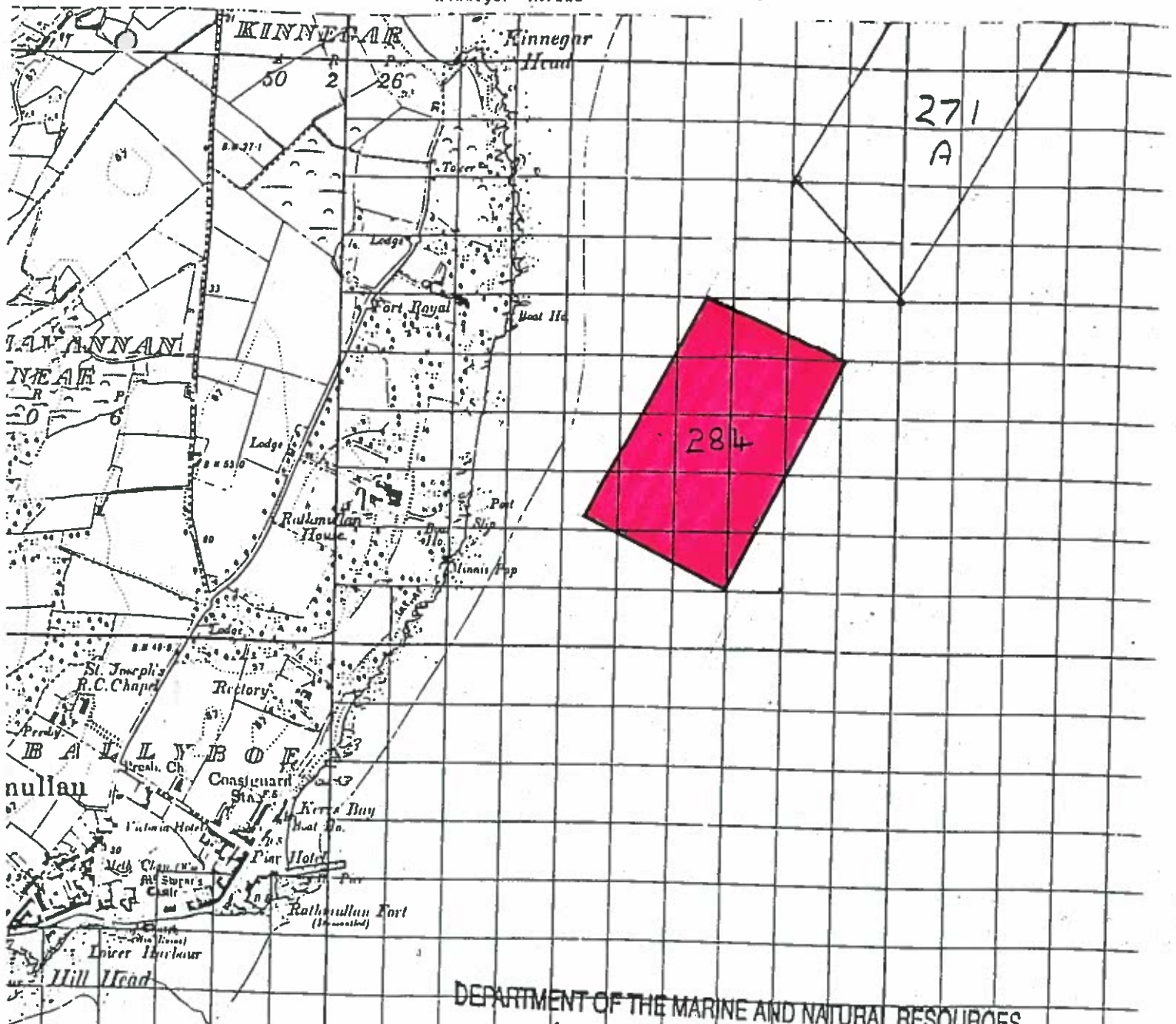
The area seaward of the high water mark and enclosed by a line drawn from Irish National Grid Reference point

230650 , 428600 to Irish National Grid Reference point

230900 , 428500 to Irish National Grid Reference point

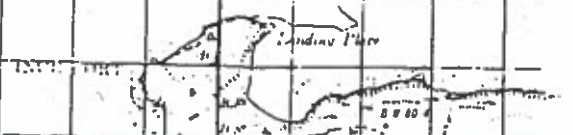
230700 , 428100 to Irish National Grid Reference point

230440 , 428220 to the first mentioned point.



DEPARTMENT OF THE MARINE AND NATURAL RESOURCES
 Leeson Lane, Dublin 2. Tel No. 6785444
 Engineering Section. Fisheries Division

BASED ON THE ORDNANCE SURVEY BY
 PERMISSION OF THE GOVERNMENT
 PERMIT No. 4334
 COUNTY DUBLIN SHEET No. 37



TERMS AND CONDITIONS TO APPLY TO 10 YEAR AQUACULTURE LICENCE

Location of Licensed Operations

1. The area coloured red and specified as 284 in the attached map.

Cultivation Licensed

2. (a) Mussels and Oysters on longlines only.
(b) Seed shall only be obtained from certified disease-free sources within Ireland or another Member State of the European Communities and only introduced into the licensed area with the written approval of the Department of Communications, Marine and Natural Resources.

Site Monitoring

3. Annual and other monitoring shall be undertaken by the Licensee in the licensed area in accordance with the specifications of the Department of Communications, Marine and Natural Resources (including the essential reference standards against which the monitoring shall be carried out).

Review Of Licence

4. The licence shall be reviewed by the Minister of State at the Department of Communications, Marine and Natural Resources ("The Minister") not later than three years from the date of the start of the licence.

Fish Hygiene and Health

5. All chemicals and antibiotics used in the licensed area shall be used in accordance with instructions issued by the Department of Communications, Marine and Natural Resources from time to time.
6. The Licensee shall keep records of all chemicals and antibiotics with which the fish have been treated, including quantities and times of use.
7. The Licensee shall not use any substance or thing or do anything, which has a deleterious effect on the environment of the licensed area including the use of organotin based anti-foulants and shall make adequate arrangements for the hygienic and disease free operation of the licensed area and shall comply with any directions issued by the Minister from time to time in that regard.
8. The Licensee shall comply with the Molluscan Shellfish (Conservation of Stocks) Order 1987, and with any other statutory instrument in force for the time being governing the movement of shellfish.

9. The Licensee shall notify the Department of Communications, Marine and Natural Resources, Coastal Zone Management Division, Leeson Lane, Dublin 2, and the Fish Health Unit, Marine Institute, Snugboro Road, Abbotstown, Dublin 15, within twenty-four hours of the appearance or suspected appearance of any disease in the licensed area or any abnormal losses or mortalities in the licensed area and shall carry out any instructions issued by the Department of Communications, Marine and Natural Resources as a result of the notification including instructions relating to the treatment, disposal and destruction of diseased stocks.
10. The Licensee shall make arrangements for the disposal of dead fish in accordance with the applicable statutory provisions and requirements.

Inspections, Records and Returns

11. 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 of 1959) (as amended by the Fisheries Act, 1980,) other than a private water keeper), a sea fisheries protection officer (within the meaning of Section 220 of the Fisheries (Consolidation) Act, 1959) or any other person appointed in that regard by the Minister for Communications, Marine and Natural Resources.
12. The Licensee shall give all reasonable assistance to a sea fisheries protection officer or any person duly appointed by the Minister for Communications, Marine and Natural Resources to enable the person or officer enter and inspect the licensed area and any equipment, structure, thing or premises used in connection with the operations carried out in the licensed area.
13. The Licensee shall furnish to the Department of Communications, Marine and Natural Resources at the said address such returns relating to the licensed area as may be required from time to time.

General

14. The Licensee shall at all times during the continuance 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. The Licensee shall generally conduct his operations with full regard for other persons in the area and the environment and shall ensure that they are not injurious to adjacent lands or the public interest and do not interfere unreasonably with fishing or navigation in the vicinity of the licensed area, and shall comply with any directions issued from time to time by the Minister in that regard.
15. The Licensee shall ensure that the licensed areas and adjoining areas shall be kept clear of all redundant structures, longlines, ropes, rafts, waste products or materials associated with the licensed operations and shall make adequate provision for the prompt removal and disposal of all wastes from those areas.

16. The Licensee shall indemnify and keep indemnified the State, the Minister for Communications, Marine and Natural Resources, his officers, servants or agents against all actions, loss, damage, costs, expenses and any demands or claims howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in connection with the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.
17. The Licensee shall, at the expense of the Licensee, if so required by the Minister, and within three weeks after receipt of such notice or on determination of the licence from any other cause, remove the said structures, apparatus, equipment or other thing to the satisfaction of the Minister and if the Licensee refuses or fails to do so the Minister may cause the said structures, apparatus, equipment or other thing to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration, and the Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.
18. Subject to the provisions of the Fisheries (Amendment) Act, 1997 (No. 23 of 1997), the Minister may revoke or amend the licence if he considers that it is in the public interest to do so or if he is satisfied that there has been a breach of any condition specified in the licence or that the licensed area to which the licence relates is not being properly maintained or in the event of water quality results or general performance at the licensed area not meeting with standards set by the Department.
19. 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.
20. The Licensee shall not assign the benefit of the licence without the written consent of the Minister, such consent not to be unreasonably withheld.
21. In the event of the benefit of the licence being granted to a company (within the meaning of the Companies Acts, 1963 to 1999) the following condition shall apply, namely the Licensee shall obtain the consent of the Minister to any proposed major change in the shareholding or control of the licensee where such change substantially alters the identity of the Licensee.

2. In the event of the benefit of the licence being granted to a society (within the meaning of Section 2. of the Industrial and Provident Societies (Amendment) Act, 1978 (No. 23 of 1978)) the following conditions shall apply, namely,
- (i) the rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;
 - (ii) the rules relating to the society shall be submitted to the Minister as soon as practicable after such assignment and the society shall not amend the rules thereafter, other than with the consent of the Minister, and
 - (iii) the Minister may, if he considers it necessary in the interests of good management of the licensed area, direct that an amendment may be made to the rules of the society, from time to time, and the Licensee shall amend the rules in accordance with that direction.

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T12/284

FORESHORE LICENCE IN RESPECT OF A CERTAIN
SITE (NUMBERED 284) IN LOUGH SWILLY, CO. DONEGAL

AGREEMENT made 25 June, 2004, between the Minister for Communications, Marine and Natural (hereinafter referred to as the "Minister"), of the one part, and

IASC SLIOGACH UISCE LEATHAN TEO

CASHEL

KINDRUM

LETTERKENNY

CO. DONEGAL

(hereinafter referred to as the "Licensee") of the other part, whereby the Minister in exercise of the powers conferred on him by Section 3(1) of the Foreshore Act, 1933 (No.12) hereby grants to the Licensee licence to use and occupy that part of the Foreshore at Lough Swilly, Co. Donegal (defined overleaf and coloured red on the attached map), for the purpose of laying longlines for the cultivation of mussels and oysters on the terms and conditions set out in the Schedule attached.

This Foreshore Licence shall remain in force until 8 August, 2009, except as hereinafter provided and only for so long as the Aquaculture Licence No. 109 granted on 25 June, 2004, is in force.

1 SITE IN LOUGH SWILLY. CO. DONEGAL

Co-Ordinates and Area

Site 284 (12Ha)

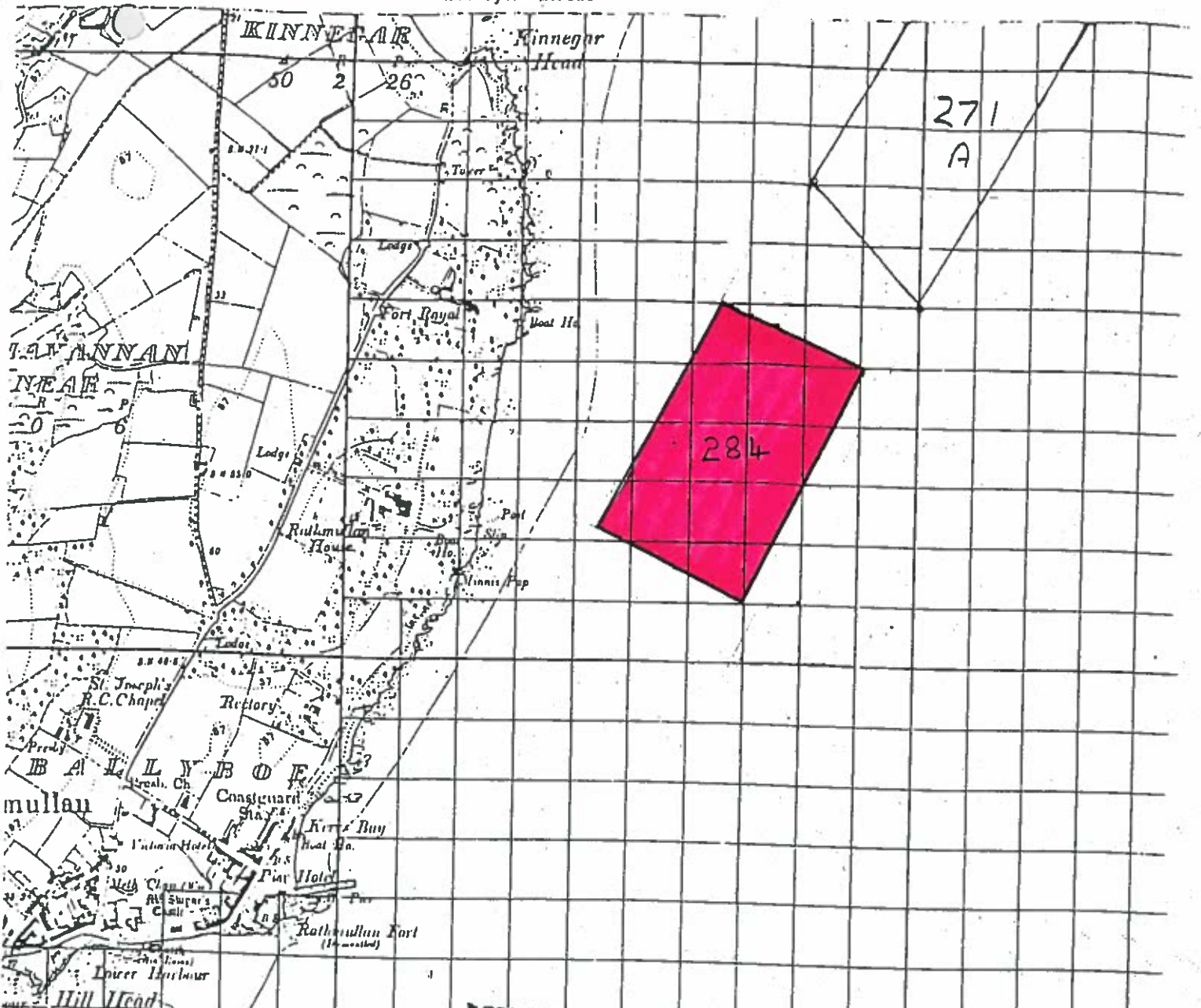
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DEPARTMENT OF THE MARINE AND NATURAL RESOURCES
 Leeson Lane, Dublin 2. Tel No. 6785444
 Engineering Section. Fisheries Division

BASED ON THE ORDNANCE SURVEY BY
 PERMISSION OF THE GOVERNMENT
 PERMIT No. 4334
 COUNTY DUBLIN SHEET No. 37



TERMS AND CONDITIONS APPLICABLE TO FORESHORE LICENCE

- 1 (a) The Licensee shall use that part of the foreshore, the subject matter of this licence, for the cultivation of mussels and oysters only and for no other purpose whatsoever.
- 1 (b) The licensee shall ensure that longlines (including all flotation and mooring devices) are placed only within the licensed area and adjoining licensed area 284. A breach of this condition may lead to the revocation of the licence by the Minister.
- 2 (a.) The Licensee shall generally conduct his operations with full regard for other persons in the area and for the environment. In particular, no storage of equipment on the seashore outside the licensed area is permitted.
- 2 (b) The Licensee shall at all times during the continuance of the licence keep the said longlines and flotation devices in a good and proper state of repair and condition to the satisfaction of the Minister and ensure that they will not be injurious to navigation, the adjacent lands or the public interest.
- 2 (c) The Licensee shall ensure that longlines and flotation devices placed in the licensed area are so constructed and arranged so that spaces between them are uniform and that they are aligned uniformly in relation to each other; There shall be not be more than 20,000 litres of buoyancy capacity installed per hectare of site. In any event the arrangement of longlines shall be subject to the direction of the Department of Communications, Marine and Natural Resources in the interest of visual amenity.
- 2 (d) The Licensee shall ensure that all flotation devices used in the licensed area are of a uniform construction and of a uniform dark grey colour.
- 2 (e) The Licensee shall also provide a special mark with light at the outer corners marked X on attached map and unlit poles with Yellow St. Andrew's Cross on the other extremities, all markings to be sanctioned by the Commissioners of Irish Lights..
3. The Licensee shall ensure that the licensed area and the adjoining area shall be kept clear of all redundant structures, longlines, flotation devices, waste products or materials associated with the development and shall make adequate provision for the prompt removal and disposal of all wastes from those areas.
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 howsoever arising in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in connection with the licensed area or in the exercise of the rights granted under the licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition.

5. The Licensee shall, at the expense of the Licensee, if so required by the Minister, and within three weeks after receipt of such notice or on determination of the licence from any other cause, remove the said equipment to the satisfaction of the Minister and if the Licensee refuses or fails to do so the Minister may cause the said equipment to be removed and the licensed area restored and shall be entitled to recover from the Licensee as a simple contract debt in any court of competent jurisdiction all costs and expenses incurred by him in connection with the removal and restoration, and the Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.
6. Subject to the provisions of the Fisheries (Amendment) Act, 1997 (No. 23 of 1997), the Minister may revoke or amend the licence if he considers that it is in the public interest to do so or if he is satisfied that there has been a breach of any condition specified in the licence or that the licensed area to which the licence relates is not being properly maintained or in the event of water quality results or general performance at the licensed area not meeting with standards set by the Department.
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. The Licensee shall not assign the benefit of the licence without the written consent of the Minister, such consent not to be unreasonably withheld.
10. In the event of the benefit of the licence being granted to a company (within the meaning of the Companies Acts, 1963 to 1999) the following condition shall apply, namely the Licensee shall obtain the consent of the Minister to any proposed major change in the shareholding or control of the Licensee where such change substantially alters the identity of the Licensee.
11. In the event of the benefit of the licence being granted to a society (within the meaning of Section 2 of the Industrial and Provident Societies (Amendment) Act, 1978 (No. 23 of 1978)) the following conditions shall apply, namely,
- (i) the rules relating to membership of the society shall enable any resident of the State to become a member of it where the resident fulfils all the conditions laid down by the society for membership of it and the rules shall not lay down different conditions for different classes of people;
 - (ii) the rules relating to the society shall be submitted to the Minister as soon as practicable after such assignment and the society shall not amend its rules thereafter, other than with the consent of the Minister and
 - (iii) the Minister may, if he considers it necessary in the interests of good management of the licensed areas, direct that an amendment may be made to the rules of the society, from time to time, and the Licensee shall amend the rules in accordance with that direction.

PRESENT when the Seal of Office
of the MINISTER FOR THE MARINE
AND NATURAL RESOURCES
was affixed and was authenticated
by the Signature of:

JOHN QUINLAN

WITNESS:

ADDRESS:

OCCUPATION: CIVIL SERVANT

SIGNED on behalf of Licensee

in the presence of:

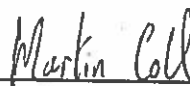
WITNESS:

ADDRESS:

OCCUPATION:



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



GARDA SIOCHANA
PUBLIC OFFICE

23 JUN 2006

MILFORD
DONEGAL