

**CERTIFICATE OF ASSIGNMENT**

**OF**

**AQUACULTURE LICENCE AQ NO. 547 GRANTED IN ACCORDANCE  
WITH THE FISHERIES (AMENDMENT) ACT, 1997 (NO. 23)**

**AND**

**FORESHORE LICENCE 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:

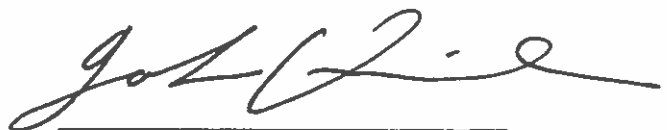
**Lett & Co Ltd.  
C/O Alan Geraghty (Liquidator)  
Copsey Murray Corporate Recovery  
Charter House  
5 Pembroke Row  
Dublin  
D02 FW 61**

**To**

**TL Mussels Ltd.  
Clonard Business Park  
Whitemill Industrial Estate  
Wexford**

with effect from 14<sup>th</sup> July 2016, subject to the terms and conditions  
thereof.

**Signed:**



An officer authorised in this behalf  
By the said Minister

Licence No. 547

ALAB decision re site 30A3

AQUACULTURE LICENCES APPEALS BOARD *overturned on*

3<sup>rd</sup> Floor, Holbrook House, Holles Street, Dublin 2.

Tel: (01) 662 0331 Fax: (01) 662 0340

Email: info@alab.ie web: www.alab.ie

*Judicial Review*



*site 30A now  
licensed*

Ref: AP5/1/06 T03/30/1

The Secretary  
Lett & Co Ltd  
Unit F, Block B  
Kerlogue Business Park  
Rosslare Road  
Wexford

*23  
03  
10*

*T3/30/1*

17 July 2007

**Re: Appeal against decision of the Minister of State at the Department of Communications, Marine and Natural Resources to grant an Aquaculture Licence to Lett & Co Ltd, Unit F-Block B, Kerlogue Business Park, Rosslare Road, Wexford for the bottom cultivation of mussels at Wexford Harbour, Co Wexford on Site No. T03/30/1**

Dear Secretary,

I refer to the Notice of Appeal regarding the above matter, which was received in this office on 21 December 2006.

The Board made a final determination in this matter at its meeting on 17th July 2007. Please find enclosed the Board's licence and decision as determined.

Yours sincerely,

*Brendan Byrne*  
Brendan Byrne  
Secretary

c.c. (i) Matheson Ormsby Prentice  
Solicitors  
30 Herbert Street  
Dublin 2

FAO John Quinlan  
For Observations \_\_\_\_\_  
For Action \_\_\_\_\_  
For Follow Up \_\_\_\_\_  
For Information \_\_\_\_\_  
C.C. \_\_\_\_\_  
Date \_\_\_\_\_

(ii) Mr Dermot McPhillips  
Deerland Construction Ltd  
c/o Tom Phillips & Associates  
Town Planning Consultants  
The Chancery  
3 - 10 Chancery Lane  
Dublin 8

(iii) Mr Eamon Ryan, T.D.  
Minister for Communications, Marine  
& Natural Resources  
29 - 31 Adelaide Road  
Dublin 2

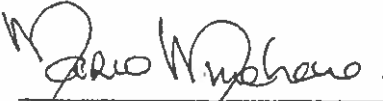
AQUACULTURE LICENCES APPEALS BOARD  
FISHERIES (AMENDMENT) ACT 1997 (AS AMENDED & SUBSTITUTED)

WHEREAS an appeal having been made to the Aquaculture Licences Appeals Board (hereinafter also referred to as "the Board") pursuant to section 40 of the Fisheries (Amendment) Act 1997 (as amended and substituted) by a company with the name Deerland Construction Ltd. (hereinafter referred to as "the Appellant") against the decision in the Notice of Decision dated the 23<sup>rd</sup> November, 2006 issued by the Minister of State at the Department of Communications, Marine and Natural Resources to grant, subject to conditions an Aquaculture Licence to Lett & Co. Limited (hereinafter referred to as "the Applicant") for bottom cultivation of mussels at two sites in Wexford Harbour, County Wexford (Department reference T03/030A3 & T03/30D)( Board reference AP5/1/06)

AND WHEREAS the Board, having regard to the appeal and *inter alia* the provisions of the Fisheries (Amendment) Act 1997 (as amended and substituted) decided to determine the appeal by determining the application for the licence as if the application had been made to the Board in the first instance pursuant to section 40(4)(b) of the Fisheries (Amendment) Act 1997 (as amended and substituted)

AND WHEREAS the Board, in considering the appeal took account of the matters referred to in section 61 of the Fisheries (Amendment) Act 1997 (as amended and substituted) and having regard to the aforementioned, the appeal file and reports of the Board's technical adviser and being satisfied that it is in the public interest to do so the Board determined at its meeting on the 17th July 2007 to grant to Lett & Co. Limited an Aquaculture Licence for the bottom cultivation of mussels located at the two sites (T03/030A3 & T03/30D) in Wexford Harbour, County Wexford in accordance with the terms and conditions in the schedule and map attached to the said licence.

Dated this 17<sup>th</sup> day of July 2007

  
\_\_\_\_\_

Mario Minehane

Deputy Chairperson

For and on the behalf of the  
Aquaculture Licences Appeals Board

BOARD SEAL

AQUACULTURE LICENCES APPEALS BOARD

AQUACULTURE LICENCE

IN THE MATTER OF THE FISHERIES (AMENDMENT) ACT 1997 (AS  
AMENDED AND SUBSTITUTED)

IN THE MATTER OF AN APPLICATION BY A COMPANY KNOWN AS  
LETT & CO LTD

APPLICANT

REGISTERED OFFICE: UNIT 5, KERLOGUE INDUSTRIAL ESTATE,  
DRINGAGH, WEXFORD

ADDRESS: c/o UNIT 5, KERLOGUE INDUSTRIAL ESTATE, DRINAGH,  
WEXFORD

- AND -

IN THE MATTER OF APPEAL BY DEERLAND CONSTRUCTION LTD

APPELLANT

ADDRESS: KILCREENE HILL, KILKENNY

TAKE NOTICE THAT:

The Aquaculture Licences Appeals Board hereby grants to the aforesaid Applicant, Lett & Co Ltd (also hereinafter referred to as "the licensee") an Aquaculture Licence for the bottom cultivation of mussels at two sites (T03/030A3 & T03/030D) in Wexford Harbour, County Wexford in accordance with the terms and conditions in the Schedule and map attached hereto.

**LOCATION OF LICENSED OPERATIONS:**

Wexford Harbour, County Wexford. The area of the licence is delineated in red in the attached map.

**AQUACULTURE TO WHICH DECISION RELATES TO:**

The bottom cultivation of mussels only

**DURATION OF LICENCE:**

10 years from the date hereof.

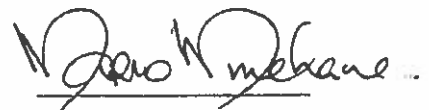
**CONDITIONS ATTACHED TO THE LICENCE:**

See Schedule and map attached.

**FILE REFERENCE:**

AP5/1/06 (Department File Ref: T03/030A3 & T03/030D)

**DATED** this 17th day of July 2007



Mario Minehane

Deputy Chairperson

For and on behalf of the

Aquaculture Licences Appeals Board

**BOARD SEAL:**

## SCHEDULE

### TERMS AND CONDITIONS OF 10 YEAR AQUACULTURE LICENCE GRANTED TO LETT & CO LTD, FOR THE BOTTOM CULTIVATION OF MUSSELS ON TWO SITES IN WEXFORD HARBOUR, COUNTY WEXFORD

1. Location of the licensed operation:

The licensed areas are located at Wexford Harbour, County Wexford and are outlined red in the attached Map which are site numbers T03/030A3 & T03/030D comprising 56.323 hectares and 16.738 hectares respectively, excluding the 50 metre radius exclusion zone shown within site T03/030A3. The site co-ordinates in Irish National Grid are as follows:

Site T03/030A3

305435	121797
305697	121681
305901	121629
306079	121540
306711	121367
306765	121369
306717	121044
306355	121060
306215	121077
306105	121089
306060	121102
305731	121284
305555	121396
305407	121423
305348	121507
305242	121629
305182	121734
305229	121761
305191	121826
305250	121842
305332	121732

(exclusion zone 50 metre radius from the point  
easting 306185.69 northing 121137.17)

Site T03/030D

306269	121791
306879	121542
306701	121372
306083	121540



2. Cultivation Licensed:

- (a) The bottom cultivation mussels, only.
- (b) Sourcing of seed should be restricted to 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.

**General**

- 3. This licence shall be reviewed, by the Minister for Communications, Marine and Natural Resources (hereafter also referred to as The Minister), not later than 3 years after the date of the start of the Licence.
- 4. The Licensee shall comply with such instructions as the Minister may issue from time to time for the proper operation of the shellfish farm.
- 5. The Licensee shall indemnify and keep indemnified the State, the Minister, his officers, servants or agents against all action, loss, claims, damages, costs, expenses or demands arising in any manner whatsoever in connection with the construction, maintenance or use of any structures, apparatus, equipment or other thing used in the exercise of the rights granted under this Licence and the Licensee shall take all steps specified in order to ensure compliance with this condition.
- 6. This 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 areas and shall comply with any directions issued from time to time by the Minister in that regard.

7. Subject to the provisions of the Fisheries (Amendment) Act 1997 (as amended and substituted), 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 the standards set by the said Minister and / or the Department of Communications, Marine and Natural Resources (hereinafter referred to as the Department).
8. The Licensee shall notify the Minister of any proposed change in the shareholding or control of the Licensee.

#### **Site Monitoring**

9. Annual and other monitoring shall be undertaken by the Licensee in the licensed areas 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).

#### **Fish Hygiene & Health**

10. The Licensee shall not use any substance or thing or do anything which has a deleterious effect on the environment of the licensed areas 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.
11. 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.

12. The Licensee shall make arrangements for the disposal of dead shellfish in accordance with the applicable statutory provisions and requirements.
13. The Licensee shall notify the Minister and/or the Department of Communications, Marine and Natural Resources (Coastal Zone Management Division, Leeson Lane, Dublin 2) and the Fish Health Unit, Marine Institute, Rinville, Oranmore, County Galway within twenty-four hours of the appearance or suspected appearance of any disease or abnormal losses or mortalities at the shellfish farm and shall send samples to the Fish Health Unit at the above address in a prescribed manner as, and when, requested to do so and shall comply with any directions issued by the Minister and/or the Department including the treatment, disposal, destruction of stocks at the shellfish farm in the interests of safeguarding the stocks of the shellfish of the State.
14. The shellfish farm and all equipment or premises used in connection with operations carried on at the fish farm and the records referred to in condition 15 shall be open to inspection at any time by any authorised officer (within the meaning of the Fisheries Acts), or any other person appointed by the Minister for the purpose.
15. Records shall be kept at the shellfish farm of all shellfish held and handled on the farm and the results of monitoring of water quality at the shellfish farm.
16. The Licensee shall furnish to the Minister and/or the Department (Coastal Zone Administration Division, Leeson Lane, Dublin 2) such returns from the records kept at the shellfish farm as may be required from time to time by the Minister and/or Department.