LICENCE UNDER SECTION 3(3) OF THE FORESHORE ACT, 1933

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by Section 3(3) of the Foreshore Act 1933, as amended, hereby authorises Séamus Ó'Grady, Fahamore, Castlegregory, Co. Kerry to manually harvest seaweed on the Foreshore at Brandon Bay.

The Licence is granted on condition that:

1. The Licensee shall indemnify and keep indemnified the State and the Minister for Environment, Heritage and Local Government (hereinafter referred to as the Minister) their officers, agents and employees against all actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the said works or in the exercise of the permission hereby granted.

2. The Licensee shall pay to the Minister the sum of on the execution hereof in recognition of the rights and interests of the State in the foreshore concerned.

3. The Licensee shall use that part of the foreshore, the subject matter of this Licence, for the purpose of undertaking hand-harvesting of seaweed on the foreshore in Brandon Bay and for no other purpose whatsoever.

4. The Licensee shall ensure that the minimum area of access routes to the works site is utilised to reduce the temporary impact from the proposed works.

5. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee notice in writing and upon determination of such notice the Licence and permission hereby granted shall be deemed to be revoked and withdrawn without any liability for the payment of compensation by the Minister to the Licensee.

6. The Licensee shall if so required by the Minister after receipt of such notice, or on the termination of this Licence from any other cause, at its own expense remove any or all equipment in connection with the said works 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 shall be entitled to be paid by and to recover from the Licensee as a civil debt due to the State all costs and expenses incurred by him in connection with such removal.

7. 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.

8. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at its last known address.

And on the Specific Conditions that:

9. This Licence shall remain valid until 23rd February 2016.

10. Public access to the designated area licensed shall not be restricted.

11. No machinery or equipment shall be left unattended on the foreshore.

12. Only the collection of seaweed deposited on the sandy foreshore shall be permitted.

13. The collection or harvesting of seaweed from the rocky area between mid to low tide shall not be permitted.

14. Seaweed attached to the marine substrate may not be removed.

15. The use of mechanical methods of harvesting is prohibited.

16. No structures shall be placed on the foreshore. No materials or harvested seaweed shall be stored on the foreshore, nor shall the foreshore or any beach material be interfered with in anyway.

17. Access and egress to and from the site shall be solely from points marked in blue on Drg. No. "SOG-SW-001 Rev.:A" (attached).

18. Following the removal of seaweed, the collected material shall be moved to an appropriate facility or outlet for end use.

19. No sorting of seaweed shall take place on the shore.

20. No material shall be disposed of back into the marine/foreshore.

21. Any activities that occur outside of the foreshore shall be suitably licensed.

22. Seaweed must only be harvested from within the area marked in red on Drg. No. "SOG-SW-001 Rev.:A"

23. The Licensee shall ensure that the harvesting of seaweed in the area defined in red on Drg. No. "SOG-SW-001 Rev.:A" does not interference with the operations of the Tralee Bay Oyster Society for the development of oysters in the area.

24. This Licence does not confer upon the Licensee exclusive entitlement to harvest seaweed and the Minister at all times reserves the right to License other seaweed harvesting operations and any other legitimate activity in the said area if it is in the public interest to do so.

25. This Licence does not preclude and the Licensee shall not have the right to interfere with the exercise of any other rights or the undertaking of any other activities permitted by Law in the area defined at Condition 22.

George Burke
Principal

An officer authorised in this behalf by the said Minister
Dated this 18th day of February 2011