

T05/487

CERTIFICATE OF ASSIGNMENT

OF

**AQUACULTURE LICENCE AQ NO 1148 GRANTED IN
ACCORDANCE WITH THE FISHERIES (AMENDMENT) ACT, 1997
(NO. 23)**

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

Michael O'Neill,
Lickbarrahan,
Cahermore,
Beara,
Co. Cork
to

Allihies Seafood Ltd,
Lickbarrahan,
Cahermore,
Beara,
Co. Cork

with effect from 9th September 2022 subject to the terms and conditions thereof.

Signed:



**An officer authorised in this behalf
by the said Minister**



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

An Roinn
**Talmhaíochta,
Bia agus Mara**

T05/487

AQUACULTURE LICENCE

1148

AQUACULTURE LAND BASED

Multispecies

Michael O'Neill,

Lickbarahan,

Cahermore,

Beara,

Co. Cork

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AQUACULTURE LICENCE NO. 1148

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:

Michael O’Neill

Lickbarrahan,

Cahermore, Beara,

Co. Cork.

(hereinafter referred to as the “Licensee”) for the cultivation of Red and Green Abalone (*Discus Hannai and Tuberculata*), Sea Urchin (*Phylum Echinodermata*), Red Seaweeds (*Phylum Rhodophyta*), Tilapia (*Genus Tillapia*), Salmon (*Salmo Salar*), Lump Sucker (*Cyclopterus Lumpus L*), Wrasse (*Labridae*), Pacific Oyster (*Crassostrea gigas*) and Native Oyster, (*Ostrea Edulis*), on a site at Lickbarrahan, Cahermore, Beara, Co. Cork as specified in Schedule 1 attached, 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 11th June 2018, and only so long as the fish farm complies with the planning permission granted by Cork County Council on 18th May 2005 (ref PL 04/6610) as specified in Schedule 1 attached, the Local Government (Water Pollution) Acts licence to discharge effluent granted by Cork County Council on 30th December 2004 (ref. no. W.P. (W) 7/04) (or a further such licence granted by the said Council or by the Environmental Protection Agency).



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.

2. Species, Cultivation and Method Licensed

2.1. Species to be farmed: Red and Green Abalone (*Discus Hannai and Tuberculata*), Sea Urchin (*Phylum Echinodermata*), Red Seaweeds (*Phylum Rhodophyta*), Tilapia (*Genus Tillapia*), Salmon (*Salmo Salar*), Lump Sucker (*Cyclopterus Lumpus L*), Wrasse (*Labridae*), Pacific Oyster (*Crassostrea Gigas*) and Native Oyster, (*Ostrea Edulis*) and no fish other than Red and Green Abalone, Sea Urchin, Red Seaweeds, Tilapia, Salmon, Lump Sucker, Wrasse, Pacific Oyster and Native Oyster shall be bred and handled at this site.

2.2. Method: Landbased subject to the stocking limits as specified in *Schedule 2* attached and in accordance with all other consents issued.

2.3. The introduction of fish/ova/fry and shellfish and other invertebrates 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 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.

3.2. The duty of maintenance and responsibility for the upkeep and safety of the site rests with the Licensee.

Design, Arrangement and Maintenance of Structures

3.3. The Licensee shall ensure that the equipment is placed within the licensed area only. Storage or placement of equipment or stock outside the licensed area is not permitted under any circumstances.

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.

Operational Conduct

- 3.5. 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 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.
- 3.6. 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 (if applicable) through the deterioration of natural habitats and the habitats of species and/or through disturbance of the species for which the area has been designated in so far as such a disturbance may be significant in relation to the stated conservation objectives of the site concerned.
- 3.7. The Licensee shall ensure that best practice is employed to keep structures and netting clean at all times and any biofouling by alien invasive species shall be removed and disposed of in a responsible manner. In particular, in 'Natura 2000' sites care must be taken to ensure that any biofouling by alien invasive species will not pose a risk to the conservation features of the site. Measures to be undertaken are set out in the draft Marine Code of Practice prepared by Invasive Species Ireland and can be found on the web site at: <http://invasivespeciesireland.com/>.

Waste Management

- 3.8. The Licensee shall ensure that the licensed and adjoining area shall be kept clear of all redundant structures (including apparatus, 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

- 3.9. 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 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.
- 3.10. The Licensee shall give all reasonable assistance to an authorised officer or a 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.

3.11. 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.

3.12. 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. Containment of Stock

4.1. The Licensee shall take all steps necessary to prevent the escape of fish and all life stages of shellfish and other invertebrates from its landbased site and shall notify the Department of Agriculture, Food and the Marine, Clogheen, Clonakilty, Co. Cork, the Department's Marine Engineering Division, the Marine Institute (Salmon Management Services Division), Oranmore, Co. Galway, and Inland Fisheries Ireland within twenty four hours of any escapes of fish from the licensed area and shall keep records of the fish escaped, including numbers, types, origin and year classes and shall make these records available to the Department, the Marine Institute and Inland Fisheries Ireland.

4.2. The Licensee shall provide and maintain such gratings or other devices at the point of water abstraction from the river into the fish farm, and also at a point as near as possible to the discharge of water, as will prevent the admission of wild fish into the fish farm, and shall make all necessary provisions to prevent the escape of fish from the fish farm as specified in.

5. Environmental Monitoring

Monitoring

5.1. The Licensee shall undertake and/or partake in 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, shellfish and other invertebrates in accordance with the applicable statutory provisions and requirements.

Movement of Fish

6.3. The Licensee shall comply with any regulations in force governing the movement of fish.

7. Animal Remedies and Dangerous Substances

Authorised Remedies

7.1. The Licensee shall only use those animal remedies approved by the Department or other competent State authority for the purpose of maintaining the health of the fish stocked. The Licensee shall only use those chemicals and animal remedies in the licensed area in accordance with instructions issued by the Minister, the Marine Institute or other competent State authority from time to time and in accordance with the prescribing instructions set by the veterinarian.

Authorised Substances

7.2. The Licensee shall not use a "Priority Hazardous Substance" as may be defined from time to time in legislation concerning water quality.

7.3. The Licensee shall not use any substance or thing or do anything, which has a deleterious effect on the environment of the licensed area 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, the Marine Institute or other competent State authority from time to time in that regard.

Records of Use and Withdrawal Periods

7.4. The Licensee shall keep full records, at the place of business, of all chemicals and animal remedies with which the fish have been treated, including quantities and times of use. All chemical and animal remedies used in the licensed area shall be used in accordance with instructions issued by the Minister, the Marine Institute or other competent State authority from time to time.

7.5. The Licensee shall maintain the following:-

7.5.1. Records of a receipt of a dangerous substance.

7.5.2. Each prescription issued in respect of an animal remedy which consists of or contains a dangerous substance.

7.5.3. Records of storage of a dangerous substance,

7.5.4. Records of use of a dangerous substance, and

7.5.5. Such other record as the Minister may specify.

Storage Requirements

7.6. The Licensee shall ensure that all dangerous substances within the meaning of List II of Annex I to Directive 2006/11/EC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community are stored in a manner so as to prevent any discharge, accidental or otherwise.

8. **Emergency Plans**

8.1 The Licensee shall regularly maintain and update its Comprehensive Emergency Plan, providing in particular for an appropriate response to, unexplained mortalities significantly above the level of what is considered to be normal for the farm area in question under prevailing conditions, fish escapes, fish disease, chemical spills and other significant matters arising in the course of its aquaculture operations.

9. **Duration, Cessation, Review, Revocation, Amendment, Assignment**

Duration, Cessation

9.1. This Licence shall remain in force until 10th June 2028 and only so long as the fish farm complies with the planning permission granted by Cork County Council on 18th May 2005 (ref. no. PL 04/6610), the Local Government (Water Pollution) Acts licence to discharge effluent granted by Cork County Council on 30th December 2004 (ref. no. W.P. (W) 7/04) (or a further such licence granted by the said Council or by the Environmental Protection Agency).

Review

9.2. 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

9.3. 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,
- (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

9.4. 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 9(5) or the condition set out in 9(6) applies.

9.5. 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.

9.6. 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.

9.7. 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.

10. **Fees**

10.1. 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 of 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. .

10.2. The Minister may revoke the licence where the Licensee fails to pay the aquaculture licence fees on demand.

11. **General Terms and Conditions**

11.1. The Licensee shall at all times comply with all laws and Departmental Protocols applicable to aquaculture operations.

11.2. Any reference to a statute or an act of an 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.

11.3. 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.

11.4. 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

11.5. 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.

11.6. 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.

11.7. The Licensee shall notify the Minister within 7 days of any change in the Licensee's address, telephone, e-mail or facsimile number.

Tax Clearance Certificate

11.8. During the term of this licence the Licensee shall provide to the Minister on demand a current tax clearance certificate.

Companies and Co-operatives

11.9. 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.

11.10. 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.

11.11. 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.

11.12. 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:-

11.12.1. 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;

11.12.2. 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

11.12.3. 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.

SCHEDULE 1

Schedule 1 contains:

- **a copy of planning permission granted for the premises**
- **a copy of the effluent discharge licence granted for the premises**
- **maps and drawings of the licensed area**

Comhairle Chontae Chorcaí
Cork County Council

Planning Department,
Model Business Park,
Model Farm Road,
Cork.



Tel. No: (021) 4807006
Fax No: (021) 4807007
Email: planninginfo@co.kc.ie

Web: <http://www.co.kc.ie/>

Michael O'Neill,
Lickbarrahane
Cahermore
Beara
Co. Cork

18th May 2005

Planning No: 04/6610

Re: Construction of agricultural shed and associated site works for the cultivation of shellfish and seaweed.


At: Lickbarrahane Cahermore Beara

Dear Sir

I enclose herewith notification of the Planning Authority to grant permission for the above application.

Please note that the farm shall operate in accordance with its Aquaculture and Foreshore Licences, as issued by the Department of Communication, Marine and Natural Resources. You are required to apply to the Cork County Council for a Water Pollution Licence three months prior to commencement of operation.

Yours faithfully


Planning Department
Cork County Council



**CORK COUNTY COUNCIL
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT 2000
NOTIFICATION OF DECISION TO GRANT PERMISSION
(with conditions)**

Reference No. in Planning Register
REG NO. 04/6610

Michael O'Neill,
Lickbarrahane
Cahernore
Beara
Co. Cork

In pursuance of the powers conferred upon them by the above mentioned Act and for the reason set out in the First Schedule hereto, The Council of the County of Cork have by Order dated
Decided to GRANT PERMISSION for the development of land namely;

Construction of agricultural shed and associated site works for the cultivation of shellfish and seaweed

At: Lickbarrahane Cahernore Beara

In accordance with the plans and particulars submitted by the applicant

On: 31/08/2004 and amended on 21/04/2005

And subject to the conditions (24) set out in Column 1 of the Second Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanala by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of PERMISSION in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. It should be noted that until a grant of has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the said Council

Planning Department,
Model Business Park,
Model Farm Road,
Cork

Date:

19 08 2005

SEE NOTES ATTACHED



FIRST SCHEDULE

Planning Ref. No. 04/6610

It is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

	Condition	Reason
1	At least one month before commencing development, the developer shall pay a contribution of €17160 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the planning authority. The value of this contribution is calculated in accordance with the Council's Development Contributions Scheme on 1/5/05 and shall be increased at a rate of 8% per annum in the period between the date on which this value was calculated, and the date of payment. No development shall take place until the monies have been paid to the Council.	It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided for in the Council's Development Contributions Scheme, made in accordance with section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that Scheme.
2	The roof and side cladding of the structure shall be coloured dark green. The prominent front gable shall be clad in grey coloured local stone, or in the same cladding as the roof finish. No rock outcrop other than that indicated on the plans submitted shall be removed without the prior permission of the planning authority.	In the interests of visual amenity, and to provide screening of the structure from the surrounding area.
3	All uncontaminated surface waters from roofs and clean pavement areas shall be discharged to soakaways or watercourses directly to the satisfaction of the Planning Authority. Chutes shall be provided to all existing and proposed buildings within the development.	To safeguard the amenities of the area.
4	All soiled water, yard washings and any other contaminated runoff, arising in the yards and adjacent areas, etc., shall be discharged to a holding tank or	To prevent pollution of water courses, ground water and all other waters.

	tanks to the satisfaction of the Planning Authority. The tanks shall be maintained to the Planning Authority's satisfaction and the contents shall be disposed of as required by the conditions herein.	
5	The proposed development shall not cause any detrimental effects on the atmosphere such as odour nuisance etc., adjacent to the proposed development or adjacent to area used for landspreading of the effluent generated by the development.	To safeguard the amenities of the area.
6	All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the Planning Authority. In any case no such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements for the storage of recyclable materials prior to collection shall be made to the satisfaction of the Planning Authority.	To safeguard the amenities of the area.
7	All materials and other goods shall be stored within the confines of the building.	To safeguard the amenities of the area and because the open storage of materials and other goods is not acceptable.
8	On-site parking area shall be provided to the Planning Authority's satisfaction for all vehicles using the site. Details shall be agreed with the Planning Authority prior to the commencement of development.	To prevent parking on the public road in the interests of road safety.
9	The car parking area shall not be used for the storage of materials or goods or parking of goods/heavy vehicles.	In the interests of orderly development.

10	No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.	In the interests of the maintaining the amenities of the area and traffic safety.
11	Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road and roadside drainage shall not be obstructed.	To maintain proper roadside drainage and to prevent the flooding of the public road.
12	The developer shall ensure the provision of an adequate supply of potable water to serve the development.	In the absence of a public supply it is the developer's responsibility to provide an adequate water supply.
13	All traffic movements to and from the site including initial construction traffic shall be as per the details received by the planning authority on the 21/April/2005. Any significant intensification of the traffic levels described shall be the subject of a new planning application.	In the interest of road safety and in the interest of the residential amenity of the local residents.
14	Roadside drainage arrangements shall be maintained to the satisfaction of the Council's Area Engineer.	To maintain proper roadside drainage and to prevent the flooding of the public road.
15	The layout of the entrance to the proposed development shall be submitted and agreed with the Planning Authority prior to commencement of development.	In the interest of road safety and in the interest of the residential amenity of the local residents.
16	Uncovered storage tanks shall be fenced as per Dept. of Agriculture specification S123.	In the interest of safety.
17	All construction work shall be carried out in accordance with current Department of Agriculture and Food and Department of Communications, Marine And Natural Resources specifications.	In the interests of safety.
18	Plastic film shall be recycled	In the interests of safety.

	through an approved body under the Waste Management Act (Farm Plastics) Regulations 1997.	
19	Details of the disposal of waste and or returned fish by a licensed contractor shall be agreed with Cork County Council's Environment Section prior to commencement of operations.	In the interests of safety.
20	All over ground tanks containing fuels shall be contained in a waterproof bunded area of sufficient volume to hold 110% of the capacity of the largest tank within the bund. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking penstock valve which shall be opened only to discharge storm water. The developer shall ensure that this valve is locked at all times.	In the interest of orderly development.
21	All operations on-site shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs beyond the site boundary because of such operations.	In the interest of orderly development.
22	Noise emissions from the machinery shed shall not exceed the background noise level by more than 5dB, when measured at any external position at an occupied dwelling. Noise from the shed shall be measured as $L_{Aeq, 15min}$. The background level shall be measured in the absence of any noise from the site on days and at times when operations would normally be carried out on the site. There shall be no discrete tones or impulses from the proposed development. If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.) or if there	In the interest of orderly development.

	are distinct impulses in the noise (bangs, clicks, clatters, thumps, etc.), or if the noise is irregular enough to attract attention, a penalty of +5dB shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the levels specified above. Noise measurements shall be made in accordance with I.S.O. Recommendations R.1996 "Assessment of Noise with respect to Community Response".	
23	The operator shall notify Cork County Council, prior to farming species at the proposed development other than Abalone	In the interest of orderly development.
24	Sediment from the settlement tank shall be disposed of, using a licensed contractor in a manner agreed with Environment Section of Cork County Council prior to commencement of operations.	In the interest of orderly development.

Comhairle Chontae Chorcaí
Cork County Council

County Hall,
Cork, Ireland.

Tel. No: (021) 4270801
Fax No: (021) 4270321

Web: <http://www.corkcoco.com/>



Tower Aqua Products Ltd
C/O Michael O'Neill
Lickbarrahan, Cahermore, Beara, Co. Cork.

REGISTERED POST

30 December 2004

RE: Application for Licence Register Number W.P. (W) 7/04

A Chara,

I refer to your application for a Licence under the above Act
received on 05/11/2004

Please find enclosed Licence issued as a result of your
application. I draw your attention to the notes on the decision to
grant regarding the appeal of the decision.

Is Mise le Meas,


Helen Conrick
Environment Department

c c Dr Mary Stack, Cork County Council, Inniscarra
c c South Western Regional Fisheries Board, Macroom
c c Executive Engineer, Cork County Council, Castletownbere



Recycled

CORK COUNTY COUNCIL

**LOCAL GOVERNMENT (WATER POLLUTION) ACTS 1977 AND
1990**

Licence to discharge Trade Effluent or Sewage Effluent to Waters

Reference TO / Tower Aqua Products Ltd
No. In Lickbarrahan,
W.P. (W) 7/04 Cahermore,
Beara, Co. Cork.

The Council of the County of Cork, in exercise of the powers conferred on it by the Local Government (Water Pollution) Acts, 1977 and 1990, as amended, hereby GRANTS

a Licence, Reference Number W.P. (W) 7/04

To Tower Aqua Products Ltd
Lickbarrahan,
Cahermore,
Beara, Co. Cork.

To Discharge recirculated seawater after biofiltration,
combined with attenuated surface water run off
from agricultural development.

To (River) Direct to Atlantic Ocean.

Located at Lickbarrahan, Cahermore, Beara, Co. Cork.

subject to the Conditions set out in the schedule attached hereto. It should be noted that a person shall not be entitled solely by reason of a licence to make, cause or permit a discharge to a sewer.

ENVIRONMENT
DEPARTMENT,
ROOM 408,
COUNTY HALL,
CORK.

Signed on behalf of the said Council,

Helen Connors
CP STAFF OFFICER

Dated this ^{30th} day of December 2004

NOTE:

An appeal against a decision made by a Sanitary Authority under Section 16 and Section 17 of the Act of 1977, may be made to An Bord Pleanála under Section 20 of the Act, as inserted by Section 15 of the Local Government (Water Pollution) (Amendment) Act, 1990 within one month of the date of the Licence.

Appeals should be addressed to THE SECRETARY, AN BORD PLEANALA, 54 Marlborough Street, Dublin 1, and will be invalid unless accompanied by an additional fee of €125 00

A request for an oral hearing shall be accompanied by an additional fee of €53 00

A party to an appeal shall give to An Bord Pleanála any document, information or evidence in his possession or procurement which An Bord Pleanála consider necessary for the purpose of determining the appeal.



CORK COUNTY COUNCIL
Environment Dept.

LOCAL GOVERNMENT (Water Pollution Act 1977/1990)
Licence under Section 4
W.P. (W) 7/04

Tower Aqua Products Ltd
Lickbarrahan
Cahermore , Beara
Co. Cork

Wastewater discharges shall take place only as specified in the licence application W.P (W) 7/04 as modified and/or controlled by this licence and subject to the requirements of law. Any changes in the nature or quantity of any emission shall require the licensee to notify the Licensing Authority and in the case of any material change for the licensee to request a review or obtain a new licence as may be determined by the Licensing Authority prior to any such change being made. The Licensing Authority shall interpret whether any change is material or not.

This licence supercedes all previous licences and correspondence issued in respect of the facility under the terms of the Water Pollution Act (1977 and 1990).

Schedule

1. WASTEWATER MANAGEMENT

1.1 The Licensee shall employ the best available technology not entailing excessive cost in the avoidance, minimisation, treatment and disposal of wastewater produced on site.

1.2 A wastewater management programme shall be undertaken. An annual report demonstrating the implementation of this programme and compliance shall be submitted to the Licensing Authority in conjunction with the annual report summarising monitoring returns outlined in Clause 6.3 hereunder.

The Licensee shall implement and work by a abalone health management plan which shall include the following,

1. Prevention and control of abalone diseases together with the maintenance of a high level of abalone health and welfare.
2. Minimise environmental impact on the receiving waters
3. To rear Abalone in accordance with industry guidelines and the current best practices of the industry.

1.3 Comprehensive written operating instructions and procedures shall be prepared in respect of wastewater control and treatment systems to assist personnel with responsibilities for the operation of such systems and plant. These procedures shall be made available to the Licensing Authority for inspection or on request.

1.4 Employees with responsibilities in the wastewater control and treatment area shall receive training adequate to enable them to execute their tasks in relation to pollution control.

2. CONTAMINATED WASTE WATER

2.1 All contaminated arising from aquacultural activity at Lickbarahan , Cahermore , Beara, Co. Cork shall be treated on site as described in this application. A recirculation unit shall be installed with efficiency > 90 %.

2.2 All treated wastewater shall be discharged through one discharge point only 'the Slath' as indicated on the drawings, which accompanied the application.

2.3 The total volume of treated effluent shall not exceed 40 cubic metres/day or 5 cubic metres / hour. A combined rainwater / seawater discharge tank (5 m³) shall be installed on the discharge line as a location agreed with the Licensing Authority . The discharge pipeline shall be fitted with a suitable flow monitoring system approved by the Licensing Authority.

2.4 Grab samples obtained in accordance with condition 2.1 above shall be tested by the licensee for the parameters indicated in the following table and any such sample taken at the point of sampling in the wastewater discharge line shall not exceed the following condition limits from the date of issue of the licence.

pH	6 - 8
B.O.D	10 mg/l
Total Suspended Solids	20 mg/l
Total Nitrogen (as N)	15 mg/l
Total Phosphorus (as P)	3 mg/l

The frequency of testing of the above parameters shall be as follows;

pH, B.O.D, suspended solids, ammonia shall be tested monthly during periods of maximum production. The Licensee shall notify the Licensing Authority of when maximum emissions are occurring.

Total phosphorus and total nitrogen, shall be tested twice a year.

Dangerous substances. This licence does not permit the discharge of compounds listed (appendix 1) on Water Quality (Dangerous Substances Regulations) S.I. 12, 2001 from any operation arising on this site.

2.5 There shall be no discharge of disinfectants, biocides, antibiotics or any other chemicals in the discharge.

2.6 A foreshore licence shall be applied for and granted by the Department of Communications, Marine and Natural Resources prior to commencement of any discharge from this activity.

2.7 The Licensee shall inform the Licensing Authority of any future use of chemicals on site and a register of the types and quantities used shall be maintained and available for inspection on site. The Licensee shall undertake testing of additional parameters if deemed necessary by the Licensing Authority.

2.8 The Licensee shall provide a sampling point on the wastewater discharge line for the use of any statutory body having responsibility for water pollution control. The licensee shall also ensure that direct access to the sampling point is available at all times.

2.9 In the event of an incident on site which may give rise to water pollution the Licensee shall immediately report the incident to the Licensing Authority by telephone or telefax and shall confirm the communication in writing within twenty four hours. The Licensee shall take all possible steps to ensure that discharges not in accordance with the provisions of this licence do not occur and shall consult with the Licensing Authority on the best practicable means of rectification.

2.10 The licensee shall under take a physical and biological assessment of abstraction and receiving waters within two years after receipt of this licence. The biological survey shall be carried by a suitably qualified person on a range of species, site locations which shall be agreed in advance with the Licensing Authority. The details of the survey programme are to be agreed in advance with the Licensing Authority. The surveys shall be carried out at specific times to be agreed in advance with the Licensing Authority. Results of the survey should be submitted to the Licensing Authority within one month of the survey taking place.

The Licensing Authority may alter the frequency of this survey work based on the findings of the reports.

The Licensing Authority may alter the conditions of this licence based on the findings of the reports.

3. CONTROL OF DISEASES

3.1 The Licensing Authority shall be notified immediately of any disease outbreak and reports shall be submitted as soon as possible after the outbreak. Certification on the disease free status of abalone stock as issued by the Marine Institute or equivalent Authority as agreed with the Licensing Authority shall be available for inspection.

4 STORAGE FACILITIES

4.1 All storage tank areas and drum storage areas shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest ten drums likely to be stored therein. The height of the bund for any drum storage area shall be not less than 300 millimetres.

4.2 The integrity and watertightness of all the bunded structures and their resistance to penetration by water or other materials stored therein shall be tested and demonstrated by the licensee to the satisfaction of the Licensing Authority. The results of these tests shall be certified by a Chartered Engineer.

4.3 Disposal of any wastewaters which arise in the bund shall be agreed with the Licensing authority

5 SOLID WASTES

5.1 All solid wastes which can be regarded as neither toxic nor dangerous and general refuse shall be disposed to landfill or by other means as may be agreed with the Licensing Authority. All sludges from abalone rearing tanks shall be stabilised prior to disposal off-site and disposed off in a manner agreed with the Licensing Authority. All packaging waste shall be recycled as much as possible.

5.2 While awaiting disposal, all wastes and by-products shall be collected and stored in designated areas protected against spillage and leachate run-off.

5.3 The licensee shall keep records of all wastes disposed of off-site including any significant quantities of dead or spoiled shell, feed bugs, waste chemicals and shall retain such records for a minimum period of five years. These records shall be submitted to the Licensing Authority in conjunction with the annual report summarising monitoring returns outlined in Clause 6.3 hereunder.

5.4 Disposal of mortalities

Disposal of mortalities shall be carried out in an agreed programme with the Licensing Authority.

6 MONITORING

6.1 The licensee shall grant immediate and unhindered access to the site and any portion of the wastewater treatment plant, including sewers and pipes, to any authorised personnel representing any statutory body having responsibility for water pollution control, at all times to carry out such inspections, monitoring and investigations as the body deems necessary.

6.2 The licensee shall keep records of all monitoring carried out and shall retain such records for a minimum period of five years. These records shall be available for inspection by authorised personnel representing any statutory body involved in water pollution control at all reasonable times. The licensee shall submit to the Licensing Authority before the tenth day of each calendar month the results of all monitoring relating to the previous month, together with any other records relating to pollution control which may be required by the Licensing Authority. The format of these results shall include minimum, maximum and average values for each of the parameters tested. Any non-compliance with the terms of the licence shall be highlighted and the reason why this occurred shall be stated. The measures taken to ensure non-recurrence shall also be outlined. The percentage compliance with licence values for each parameter shall also be indicated. The monthly reports shall be certified accurate and representative by the Licensee's site manager.

6.3 Before January 15th. of each calendar year, the Licensee shall submit a summary of all monitoring carried out in the previous year and detailing the implementation the Management System. This annual report shall be certified accurate and representative by the licensee's site manager.

7. RESPONSIBLE PERSON

7.1 The licensee shall ensure that a person or persons is/are available at all times to give relevant information on emissions to the Licensing Authority. The licensee shall identify to the Licensing Authority each such person.

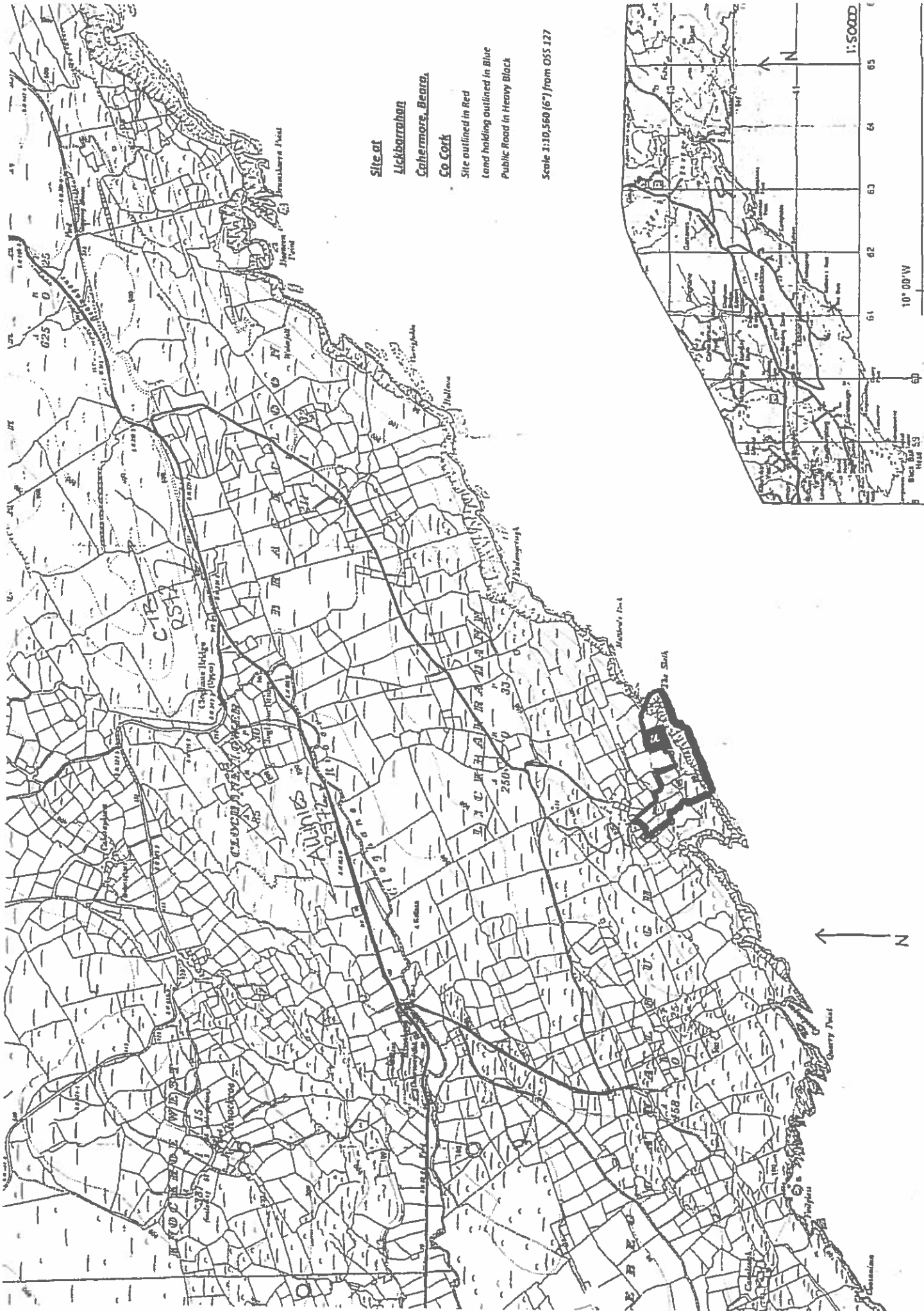
8 CONTRIBUTIONS

8.1 The licensee shall pay to the Licensing Authority such annual contributions towards the cost of monitoring the discharge as the Licensing Authority considers necessary for the performance of its duties under this Act as follows:

(a) Not later than 30th September 2005 the licensee shall pay to the Licensing Authority a contribution of € 500

(b) In subsequent years the licensee shall pay to the Licensing Authority an annual amount of not less than € 500 updated in accordance with the Consumer Price Index from the date of the grant of this licence to the value pertaining at the time of payment of each annual contribution. (This amount shall be payable before 30th September each year)

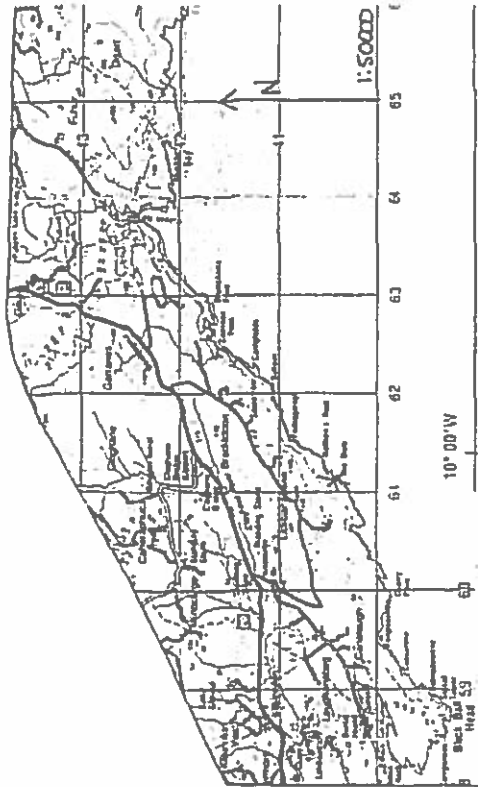
(c) Notwithstanding the foregoing, the rate of contribution each year shall take account of the actual costs of monitoring as incurred by the Licensing Authority in the previous year and as estimated for the next year.



Site at
Lickbarahan
Cahermore, Beara,
Co Cork

Site outlined in Red
 Land holding outlined in Blue
 Public Road in Heavy Black

Scale 1:10,560 (6") from OS S 127

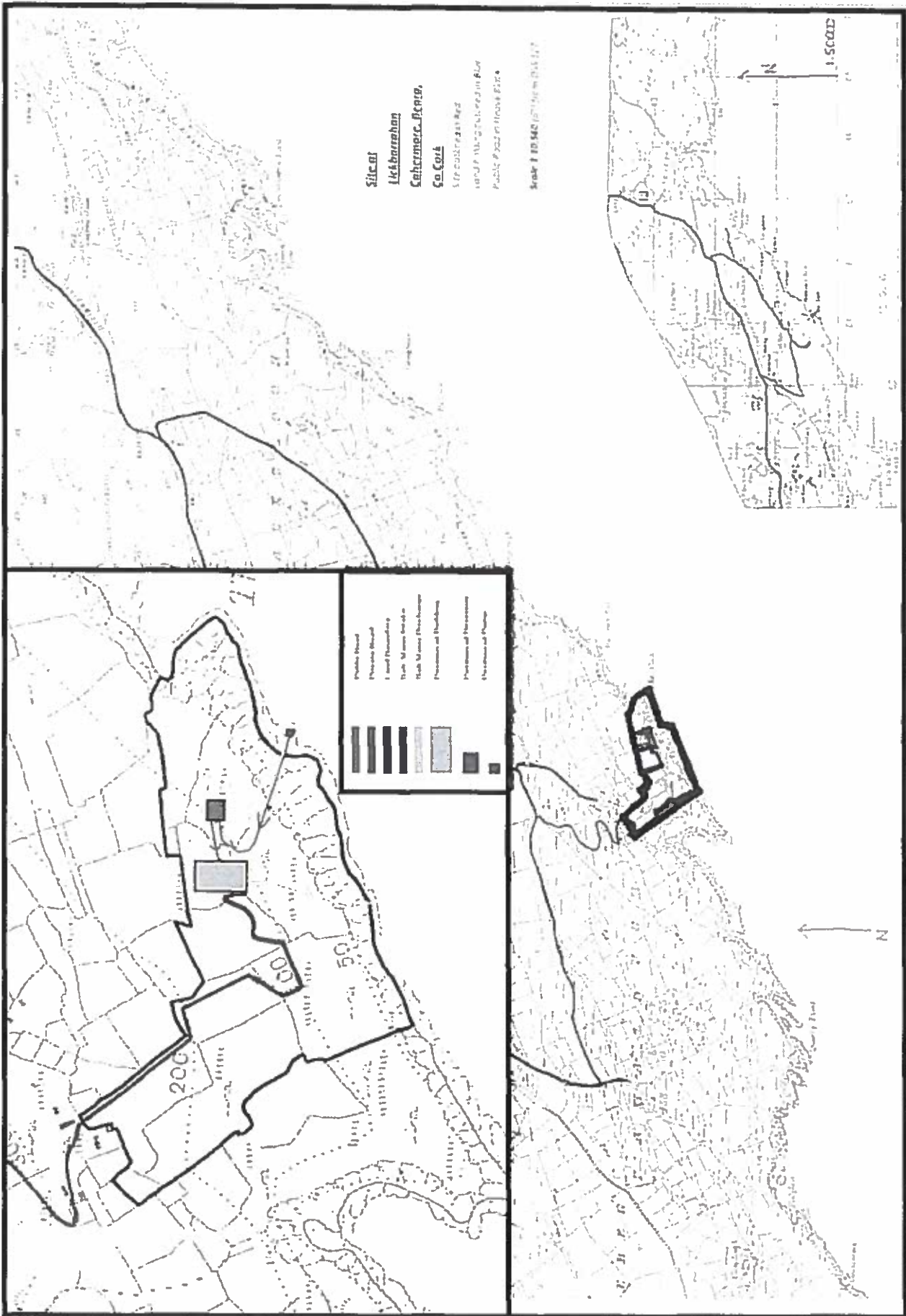


N

1:50000

10° 00' W

Sheet No. 53



Site of
Lickbarrowan
Carhammore, Co. Cork
 Lickbarrowan Reg.
 Land Proposed in Blue
 Public Road in Black

Scale 1:5000 (27 1/2" x 40 1/2")

	Public Road
	Proposed Road
	Land Proposed
	Trunk Main Sewer
	Main Sewer Distribution
	Proposed or Existing
	Proposed or Existing
	Proposed or Existing

N

1:5000

N

ESCITECH INC.	
1234 Main St.	City, State, Zip
Phone: (555) 123-4567	Fax: (555) 987-6543
Project Name: Small Farm Tank Layout	
Scale: 1/4" = 1'-0"	Sheet No: 1 of 1
Revision:	Date:

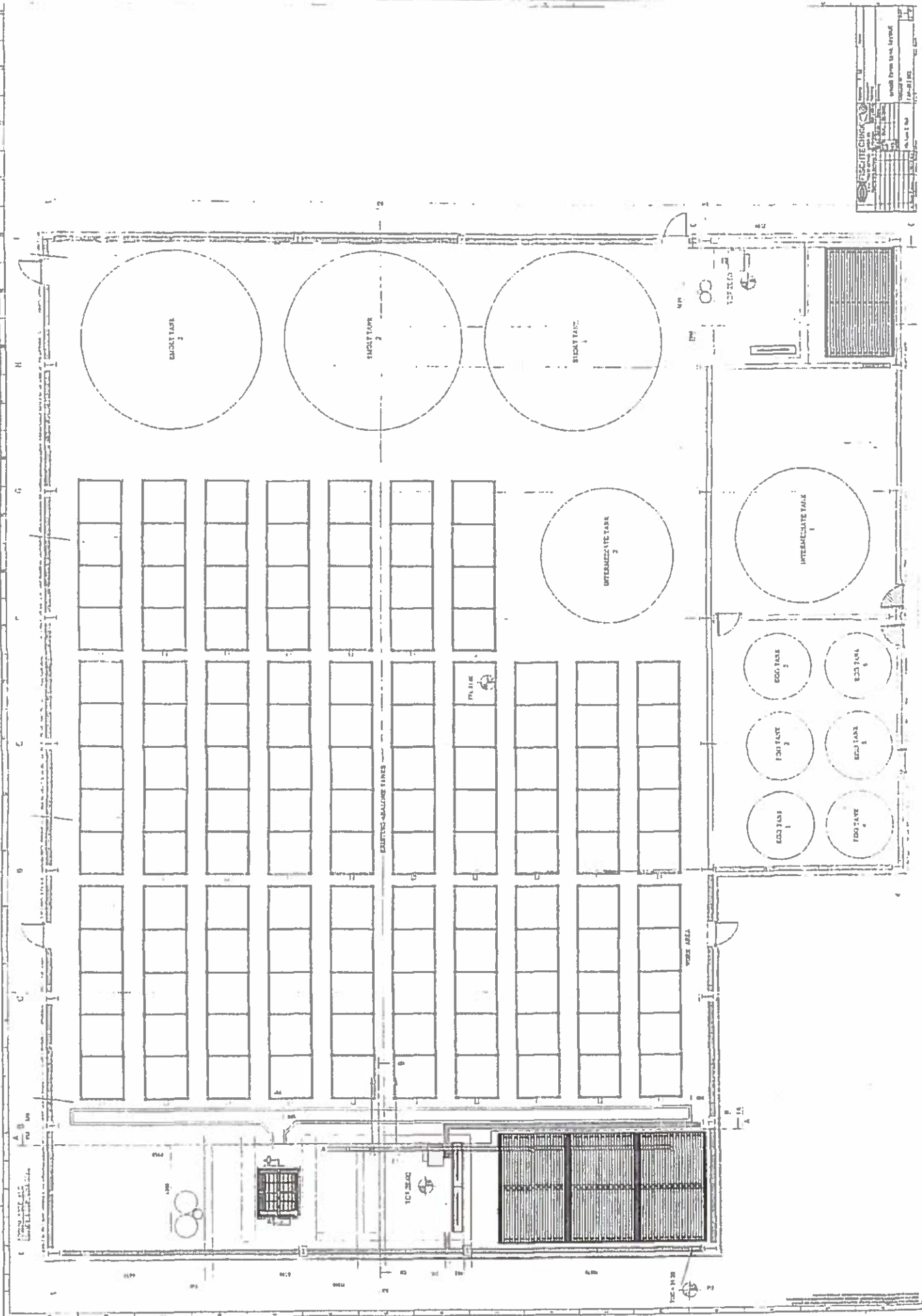


FIG. 14-20

SCHEDULE 2

The annual production of **Abalone** will not exceed 30 tonnes.

The annual production of **Sea Urchin** will not exceed 5 tonnes.

The annual production of **Lumpsucker Fish** will not exceed 10 tonnes.

The annual production of **Oyster Edulis** (*Native*) will not exceed 10 tonnes.

The annual production of **Salmon smolt** will not exceed 10 tonnes.

The annual production of **Salmon** will not exceed 5 tonnes.

The annual production of **Tilapia** will not exceed 10 tonnes.

The annual production of **Wrasse** will not exceed 10 tonnes.

The annual production of **Oyster Gigas** (*Pacific*) will not exceed 10 tonnes.

The annual production of **Seaweeds** will not exceed 75 tonnes.