

AGREEMENT made the 29th day of November, 1996 between the Minister for the Marine (hereinafter referred to as "the Minister"), of the one part and Hydro Seafood Fanad whose registered address is at Kindrum, Cashel PO, Letterkenny, Co. Donegal (hereinafter referred to as "the Licensee") of the other part whereby the Minister in exercise of the powers vested in him by Section 3 (1) of the Foreshore Act, 1933 hereby grants onto the Licensee licence to use and occupy those parts of the Foreshore of Lough Swilly, Co. Donegal, referred to in the Schedule hereto and delineated on the map annexed hereto and thereon coloured red for the purpose of mooring salmon cages for the cultivation of salmon on the terms and conditions following:

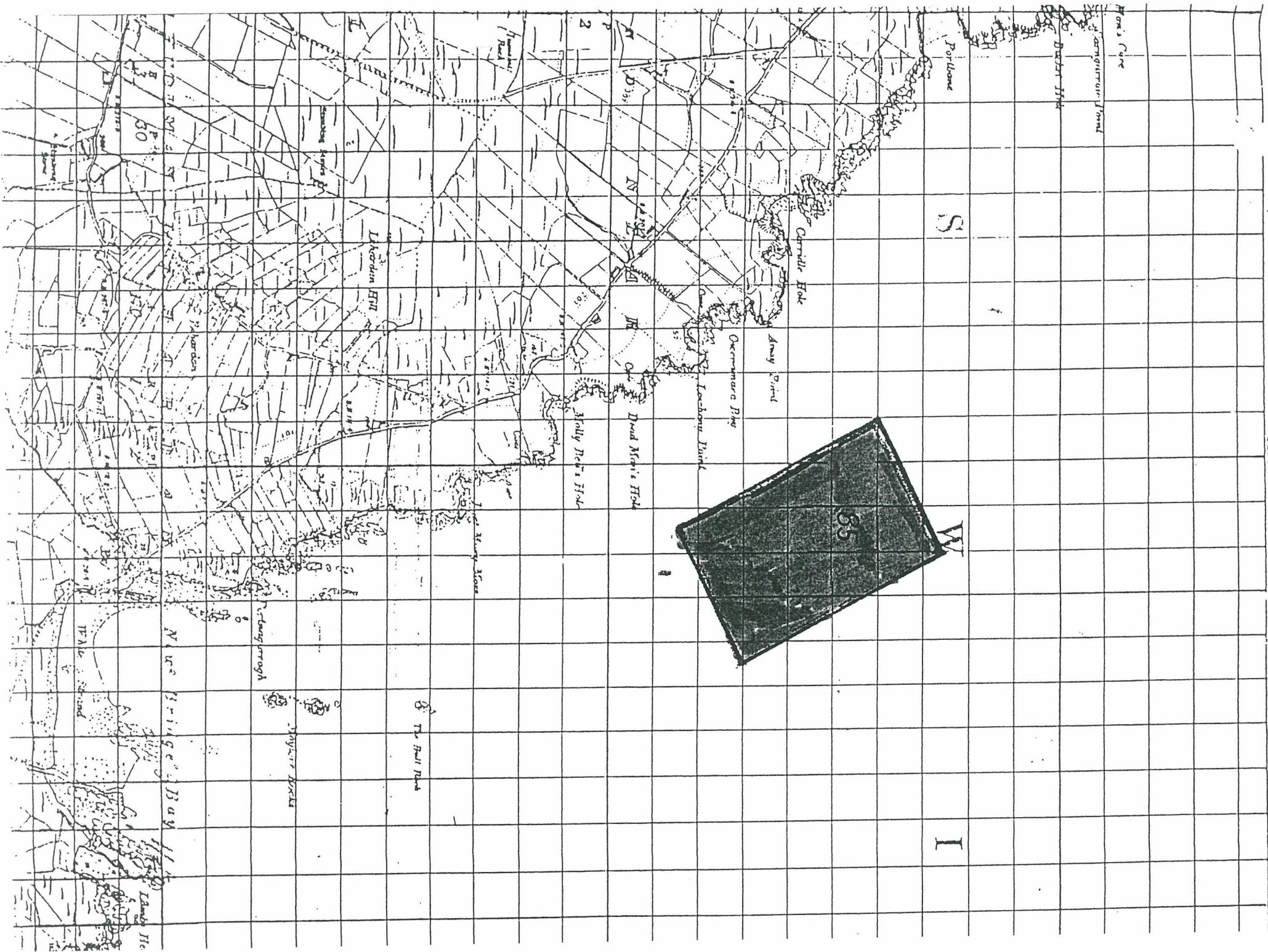
1. This licence shall remain in force until the 28th day of November, 2006 except as hereinafter provided.
2. The Licensee shall pay to the Minister through the Department of the Marine (Aquaculture Section), Leeson Lane, Dublin 2, the annual sum of £525, such payment to be made on the 29th day of November in every year during the continuance of this licence.
3. The Licensee shall use those parts of the foreshore, the subject matter of this licence, for the mooring of fish cages in connection with the cultivation of salmon and for no other purpose whatsoever.
4. The Licensee shall at all times during the continuance of this licence keep the said cages 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.
5. The Licensee shall ensure that the licensed area and the area around the development shall be kept clear of all redundant structures, waste products or materials associated with the development.

(2)

6. The Licensee shall cause each cage to be fitted to the satisfaction of the Minister with a low intensity, battery powered, yellow coloured flashing light and a radar reflector for the safety of navigation during the hours of darkness and reduced visibility.
7. The Licensee shall comply with any directions which may be issued by the Minister from time to time in that regard.
8. The Licensee shall ensure that each cage shall bear the licence number FCL 215.
9. The Licensee shall fit adequate anti-predator netting on all cages and shall comply with any directions which may be issued by the Minister from time to time in that regard.
10. The Licensee shall indemnify and keep indemnified the State, 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 construction, maintenance or use of the said cages or in the exercise of the permission hereby granted.
11. The Minister shall be at liberty at any time to terminate this licence by giving to the Licensee three weeks previous notice in writing ending on any day and upon determination of such notice the licence and permission hereby granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.

(3)

12. The Licensee shall if so required by the Minister and, within three weeks after receipt of such notice or on determination of this licence from any other cause at its expense remove the said cages to the satisfaction of the Minister and if the Licensee refuses or fails to do so the Minister may cause the said cages to be removed 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.
13. 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.
14. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at its last known address.



( 5 )

**SCHEDULE**

**This licence covers all that area which lies within Lough Swilly and is enclosed by a line drawn from point**

**Irish National Grid Reference point 228900 , 434600 to**

**Irish National Grid Reference point 229200 , 434750 to**

**Irish National Grid Reference point 229450, 434300 to**

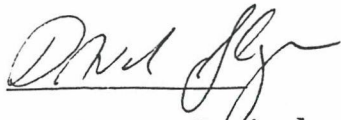
**Irish National Grid Reference point 229150 , 434150 to**

**the point first mentioned and known as site 85.**



(4)

**PRESENT** when the Seal of Office of )  
the **MINISTER FOR THE MARINE** )  
was affixed and was authenticated )  
by the Signature of )  
DAVID GLYNN )  
in the presence of: )  
**WITNESS:** horraine flughes )  
**ADDRESS:** Department of Marine, )  
heason lane, Dublin 2 )  
**OCCUPATION:** Civil Servant )

  
a person authorised  
under section 15(4)  
of the Ministers and  
Secretaries Act,  
1924 to authenticate  
the Seal of the  
Minister.

**SIGNED** on behalf of Licensee )  
in the presence of: )  
**WITNESS:** Catherine McManus )  
**ADDRESS:** Hydro Seafood, Winderm )  
Letterkenny, Co. Donegal )  
**OCCUPATION:** Technical Manager. )

  
Director

FCL 215

DEPARTMENT OF THE MARINE.  
FISHERIES (CONSOLIDATION) ACT 1959.

FISH CULTURE LICENCE.

1. The Minister for the Marine, (hereinafter referred to as "the Minister"), in exercise of the powers conferred on him by Section 15 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977), (as adapted by the Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 82 of 1987), hereby grants to Bradan Fanad Teoranta whose registered address is at Kindrum, Fanad, Co. Donegal, and its assigns (hereinafter referred to as "the Licensee"), at the place and in the waters referred to in the Schedule hereto (hereinafter referred to as "the fishery"), the exclusive right to
- (a) perform all operations necessary for the culture of salmon in cages, details of which have been submitted to and approved by the Minister, placed in the area of Lough Swilly, Co. Donegal, defined in the attached schedule and designated in the agreement dated the 28th day of November 1986 and the map annexed thereto between the Licensee and the Minister;
  - (b) at any time of year to purchase, have in possession or sell salmon and salmon smolts the acquisition of which has been approved by the Minister;
  - (c) at any time of year to take and have in possession salmon and salmon smolts within the confines of the area referred to at (a) above;
  - (d) for the management of the fish farm, to have in possession and use nets, traps or other such devices as may be approved by the Minister for the taking of salmon and salmon smolts.



This licence shall be subject to the following conditions:

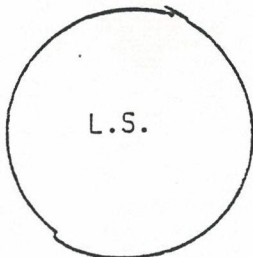
- (a) no fish other than salmon shall be cultured or taken under the terms of this licence without the prior written permission of the Minister;
- (b) the Licensee shall make adequate arrangements to ensure that the cages shall not obstruct the passage of migratory fish and shall take all measures necessary to prevent the escape of salmon from the cages and shall carry out any instructions issued in this connection by the Minister;
- (c) the stock of salmon in the cages shall not exceed such quantity as may be specified by the Minister from time to time;
- (d) the Licensee shall not harvest more than 1,000 tonnes (dead weight) of salmon in any one calendar year;
- (e) all chemicals and antibiotics used in the fishery shall be used in accordance with instructions issued by the Minister from time to time;
- (f) the Licensee shall keep records of all chemicals and antibiotics with which the fish have been treated, including quantities and times of use.
- (g) The Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section), Leeson Lane Dublin 2, and the Fisheries Research Centre (Fish Pathology Unit), Abbotstown, Castleknock, County Dublin, within forty-eight hours of the suspected appearance of any disease in the fishery or of any abnormal losses or mortalities in the fishery and shall carry out any instructions issued by the Minister as a result of the notification including instructions relating to the treatment, disposal and destruction of diseased stocks;

- (h) disposal of all dead fish shall be in a manner acceptable to the local authority;
- (i) the Licensee shall notify the Secretary, Department of the Marine, (Aquaculture Section), Leeson Lane, Dublin 2, within twenty-four hours of any escapes of fish from the fishery and shall keep records of fish escaped, including numbers, types, origin and year classes and shall make these records available to the Secretary on request;
- (j) the Licensee shall furnish to the said Secretary at the said address such returns relating to the fishery as may be required by the Minister;
- (k) the Licensee shall carry out such monitoring as the Minister shall specify from time to time and the results of such monitoring shall be furnished to said Secretary;
- (l) live salmon and salmon smolts shall not be sold or disposed of to any person or in any way transferred outside the said fish farm save in accordance with the prior written permission of the Minister;
- (m) the fishery and any equipment, structure, thing or premises wherever situated, used in connection with operations carried on in the fishery 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;
- (n) the Licensee shall give all reasonable assistance to an authorised person, a sea fisheries protection officer or any person duly appointed by the Minister, to enable the person or officer enter and inspect the fishery, equipment, structures, things or premises pursuant to sub-paragraph (m) of this paragraph;

- (o) the Licensee shall not use any substance or thing or do anything which has a deleterious effect on the aquatic environment including the use of organotin based anti-foulants and shall make adequate arrangements for the hygienic and disease-free operation of the fishery and shall comply with any directions issued by the Minister from time to time in that regard;
- (p) the Licensee shall not carry out any operations authorised by this licence in the fishery in such a manner as to interfere unreasonably with fishing or navigation in the vicinity of the fishery and shall comply with any direction given to him in that regard by the Minister;
- (q) the Licensee shall make adequate provision for the removal and disposal of all waste from the fishery;
- (r) 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 fishery or in the exercise of the rights granted under this licence and the Licensee shall take such steps as the Minister may specify in order to ensure compliance with this condition;
- (s) the Licensee shall not assign, underlet or part with this demise or the liberties hereby created without the written consent of the Minister, such consent not to be unreasonably withheld;
- (t) 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;

- (u) this licence shall remain in operation until the 28th day of November 1996, subject to the payment of the fee prescribed by the Department of the Marine;
- (v) should the Licensee fail to commence operations under the terms of this licence to the satisfaction of the Minister within one year of the date of issue of this licence, the Minister may revoke without compensation the licence if he thinks fit.
3. The Minister shall be at liberty at any time to revoke or amend this 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 fishery to which the licence relates is not being properly maintained. Any such revocation or amendment shall be subject to the provisions of section 15 of the Fisheries (Consolidation) Act, 1959.
4. The number given to the Licensee under this licence shall be FCL 215.
5. This licence replaces Fish Culture Licence dated 25 September 1989.

GIVEN under the Official Seal  
of the Minister for the Marine  
this 26th day of June , 1991.



*Dedan Doyle*

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An Officer authorised in this behalf  
by the said Minister

**SCHEDULE**

This licence covers all that area of Lough Swilly, Co. Donegal, which is enclosed by a line drawn from Irish National Grid Reference point

228900 434600 to Irish National Grid Reference point  
229200 434750 to Irish National Grid Reference point  
229450 434300 to Irish National Grid Reference point  
229150 434150 to the point first mentioned.

