

**AP3/2014**

**Site T5/547A**

**Ministers File**

**Aquaculture Licences Appeals Board**  
**An Bord Achomharc Um Cheadúnais Dobharshaothraithe**  
**Kilminchy Court**  
**Dublin Road**  
**Portlaoise**  
**Co Laois**



**Tel: 057 8631912    Email: [info@alab.ie](mailto:info@alab.ie)    Web: [www.alab.ie](http://www.alab.ie)**

Mr Simon Coveney TD  
Minister for Agriculture, Food and the Marine  
Agriculture House  
Kildare Street  
Dublin 2

3 September 2014

**Our Ref:** AP3/2014  
**Site Ref:** T5/547A  
**Appellant:** Mr Ian Stretch, The Seefin Group, Bantry Bay, Co. Cork.

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant Aquaculture and Foreshore Licences to Daithi O'Murchu Marine Research Station Ltd., Gearhies, Bantry, Co. Cork for the cultivation of native indigenous macro-algae (*Alaria Esculenta*) on Site T5/547A on the foreshore in outer Bantry Bay, Co. Cork.**

Dear Minister

Attached please find copy of an appeal received for determination by the Aquaculture Licences Appeals Board, forwarded in accordance with Section 43(1) of the Fisheries Amendment Act 1997.

Please submit to the Board within 14 days of receipt of this letter as required under Section 43(2) of the Act:

- (a) a copy of the aquaculture licence concerned and of any drawings, maps, particulars, evidence, environmental impact statement, other written study or further information received or obtained from the applicant for the licence in accordance with a requirement of or under regulations under this Act.
- (b) a copy of any report prepared for the Minister in relation to the application, revocation or amendment and
- (c) a copy of any document recording the decision of the Minister in respect of the application, revocation or amendment and of the notification of the decision given to the applicant.

Please include, as part of the above, a location map of the surrounding area to include:

- (i) Sites under application
- (ii) Sites lapsed
- (iii) Licensed sites
- (iv) Sites currently under appeal (if any).

Section 44(2) of the Act allows the Minister and each other party, except the appellant, make submissions or observations in writing to the Board in relation to the appeal within a period of one month beginning on the day on which a copy of the Notice of Appeal is sent to that party by the Board and any submission or observations received by the Board after the expiration of that period shall not be taken into consideration.

In accordance with the foregoing, I would be grateful if you could:

- (i) Acknowledge receipt of the Board's letter and forward the necessary documentation and
- (ii) Make, if necessary, any submission(s) or observations in accordance with Section 44(2) within the commencement date of one month, being 2 October 2014.

Yours sincerely,

---

Mary O'Hara  
Secretary to the Board

cc Mr John Quinlan, Aquaculture and Foreshore Management Division  
Encs.

Aquaculture Licences Appeals Board  
An Bord Achomharc Um Cheadúnais Dobharshaothraithe  
Kilminchy Court  
Dublin Road  
Portlaoise  
Co Laois



Tel: 057 8631912 Email: [info@alab.ie](mailto:info@alab.ie) Web: [www.alab.ie](http://www.alab.ie)

Mr Simon Coveney TD  
Minister for Agriculture, Food and the Marine  
Agriculture House  
Kildare Street  
Dublin 2

22 October 2014

Our Ref: AP3/2014  
Site Ref: T5/547A  
Appellant: Mr Ian Stretch, The Seefin Group, Bantry Bay, Co. Cork.

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant an Aquaculture Licence to Daithi O'Murchu Marine Research Station Ltd., Gearhies, Bantry, Co. Cork for the cultivation of native indigenous macro-algae (*Alaria Esculenta*) on Site T5/547A on the foreshore in outer Bantry Bay, Co. Cork.**

Dear Minister

I refer to the documentation forwarded by you on 9th September 2014 in accordance with Section 43(2) of the Fisheries (Amendment) Act 1997 in connection with the above appeal.

The Aquaculture Licence Appeals Board has considered the documentation furnished. Having done so, the Board is of the opinion that further documents, particulars or other information is necessary for the purposes of enabling the Board determine the Appeal. Pursuant to Section 47(1) (a) of the Act, the Board requires you to submit the documentation detailed below within 14 days of receipt of this letter.

#### **Documents required**

A copy of the Declaration referred to as being included in Annex 3 of the document entitled 'Recommendation to Grant an Aquaculture Licence' at paragraph 6(f)(i) thereof, together with all documentation supporting the determination referred to in the Declaration included in the said Annex 3.

I look forward to receipt of same.

Yours sincerely,

---

Mary O'Hara  
Secretary to the Board

c.c. Mr John Quinlan, Aquaculture and Foreshore Management Division



Department of  
**Agriculture,  
Food and the Marine**  
An Roinn  
**Talmhaíochta,  
Bia agus Mara**

9<sup>th</sup> September 2014

Ms Mary O'Hara  
Secretary  
Aquaculture Licences Appeals Board  
Kilminchy Court  
Dublin Road  
Portlaoise  
Co. Laois



Your Ref: AP32014  
Our Ref: 2014/51037P/CD

Site Ref: T5/547A

Dear Mary,

In connection with your letter dated 3<sup>rd</sup> September 2014, please find enclosed the documentation you requested.

1. Draft copy of Aquaculture Licence with maps, charts, co-ords. and drawings.
2. Copy of Screening Matrix for Aquaculture activities in outer Bantry Bay.
3. Copy of Submission to the Minister.
4. Copy of Applicant's response to concerns and objections.
5. Copy of Notification to Applicant of Minister's Decision.
6. Copy of Advertisement of Minister's Decision.
7. Overview map of sites in the surrounding area.

Hoping that this satisfies your requirements.

Yours sincerely

Deirdre Fitzpatrick  
Aquaculture & Foreshore Management Division  
Department of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty  
Co. Cork

Ph. 023 8859592

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**T05/547A**

**AQUACULTURE LICENCE**

**AQUACULTURE MARINE AQUATIC  
PLANTS/FISH FOOD LONGLINES**

**Daithi O'Murchu Marine Research Station Ltd**

**Gearhies**

**Bantry**

**Co. Cork**

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T05/547A

**AQUACULTURE LICENCE NO. XXXX**

**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"), hereby grants an Aquaculture Licence to:

**Daithi O'Murchu Marine Research Station Ltd**

**Gearhies**

**Bantry**

**Co. Cork**

(hereinafter referred to as the "Licensee") for the cultivation of native indigenous macro-algae on a site in Bantry, Co. Cork as specified in Schedule 1 attached (numbered T05/547A) and indicated by a red line on the attached map in accordance with the plans and drawing(s) in Schedule 2 attached as approved of by the Minister, 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 XX XXXXXXXXXXXX 20XX, provided for so long as the Foreshore Licence granted on XX XXXXXXXXXXXX 20XX, under section 3(1) of the Foreshore Act 1933 (No. 12 of 1933) in respect of the same site 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  
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 (6.0 hectares) (labelled T05/547A) and outlined in red on the map(s) in *Schedule 1*.
- 1.2. The co-ordinates for the site are based on the Irish National Grid Co-ordinate System.

### 2. Species, Cultivation and Method Licensed

- 2.1. Species to be farmed: Native indigenous macro-algae (*Alaria Esculenta*).
- 2.2. Method: Longlines.

### 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 however 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 (including all flotation, mooring and anchoring devices) is placed within the licensed area only. Storage or placement of equipment or plants on the foreshore or seashore outside the licensed area is not permitted under any circumstances.
- 3.4. The Minister may direct as to the deployment of apparatus, including number or orientation of longlines and flotation devices and their colour, within the site.
- 3.5. The Licensee shall obtain the prior approval of the Minister to any proposed material change to the plan/drawings or equipment as approved being used during the licensing period as specified in *Schedule 2* attached.
- 3.6. 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.
- 3.7. The Licensee shall ensure that the ends of each longline in the licensed area legibly bear the Aquaculture Licence Number in an indelible weatherproof format.



### Operational Conduct

- 3.8. 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 navigation or other 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.
- 3.9. 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.

### Waste Management

- 3.10. The Licensee shall ensure that the licensed and adjoining areas shall be kept clear of all redundant structures (including apparatus, equipment and/or uncontained plants), 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

- 3.11. 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) (No. 1 of 1980), a Sea Fisheries Protection Officer (within the meaning of the 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.
- 3.12. 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.
- 3.13. 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.

3.14. 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. Navigation and Safety**

4.1. The Licensee shall ensure that statutory sanction from the Commissioners of Irish Lights is in place prior to the commencement of operations, regarding all aids to navigation.

4.2. The Licensee shall ensure that the site is marked in accordance with the requirements of both the Marine Survey Office and the Commissioners of Irish Lights as specified in *Schedule 3*.  
The navigation marking detail is also illustrated in *Schedule 3*.

4.3. The Licensee shall comply with any specification requirement relating to navigational aids, flotation and mooring devices supporting/marking posts/poles, as required by the Minister or any other competent State authority.

4.4. Prior to commencement of operation the Licensee shall inform the UK Hydrographic Office at Taunton, of the location and nature of the site in order that charts and nautical publications can be updated. Tel: 00 44 1823337900 Fax: 00 44 1823 284077 Email [hde@hdc.hydro.gov.uk](mailto:hde@hdc.hydro.gov.uk) and the Licensee shall submit proof to the Department within 14 days of the date of this licence that the UK Hydrographic Office has been so informed.

**5. Monitoring**

5.1. The Licensee shall undertake and/or partake monitoring, in particular environmental monitoring, as directed by the Minister or other competent State authority.

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

Duration, Cessation

6.1. This Licence shall remain in force until **XX XXXXXXXXXX, 20XX** and as long as the accompanying Foreshore Licence remains in force.

Review

6.2. 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

6.3. 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 e.g., operating outside the licensed area
- (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

6.4. 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 6(5) or the condition set out in 6(6) applies.

6.5. 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.

6.6. 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.

6.7. 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.

## **7. Fees**

7.1. The Licensee shall pay to the Minister an annual aquaculture licence fee in accordance with the Aquaculture (Licence Application and Licence Fees) (No. 2) Regulations 1998 (S.I. No. 324/1998) 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.

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

## **8. General Terms and Conditions**

- 8.1. The Licensee shall at all times comply with all laws applicable to aquaculture operations.
- 8.2. 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.
- 8.3. 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.
- 8.4. 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**

- 8.5. 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.
- 8.6. 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.
- 8.7. 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**

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

### **Companies and Co-operatives**

- 8.9. 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.



- 8.10. 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.
- 8.11. 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.
- 8.12. 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:-
- 8.12.1. 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;
- 8.12.2. 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
- 8.12.3. 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.

#### Clearance of Site

- 8.13. The Licensee shall, at the Licensee's own expense if so required by written notice from the Minister and within three weeks after receipt of such notice or on cessation of the licence for any other cause, remove the structures, apparatus, equipment or any other thing to the satisfaction of the Minister. 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. The Licensee shall take such steps as the Minister may specify in order to secure compliance with this condition.

## **SCHEDULE 1**

**Schedule 1 contains:**

- **the co-ordinates of the site based on the Irish National Grid Co-ordinate System and the area of the site**
- **site map(s)**
- **a chart showing the location of the site in relation to the surrounding area.**

**1 NO. SITE AT BANTRY BAY CO.Cork**

**Co-ordinates & Area**

**Site T05/547A (6 Ha)**

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

090440, 045330 to Irish National Grid Reference point  
090368, 045516 to Irish National Grid Reference point  
090647, 045625 to Irish National Grid Reference point  
090720, 045439 to the first mentioned point.





90000

91000

46000

45000

T05/547A

Pees Point

Brighton

90000

91000

1:10,560

Site Highlighted in red denotes application

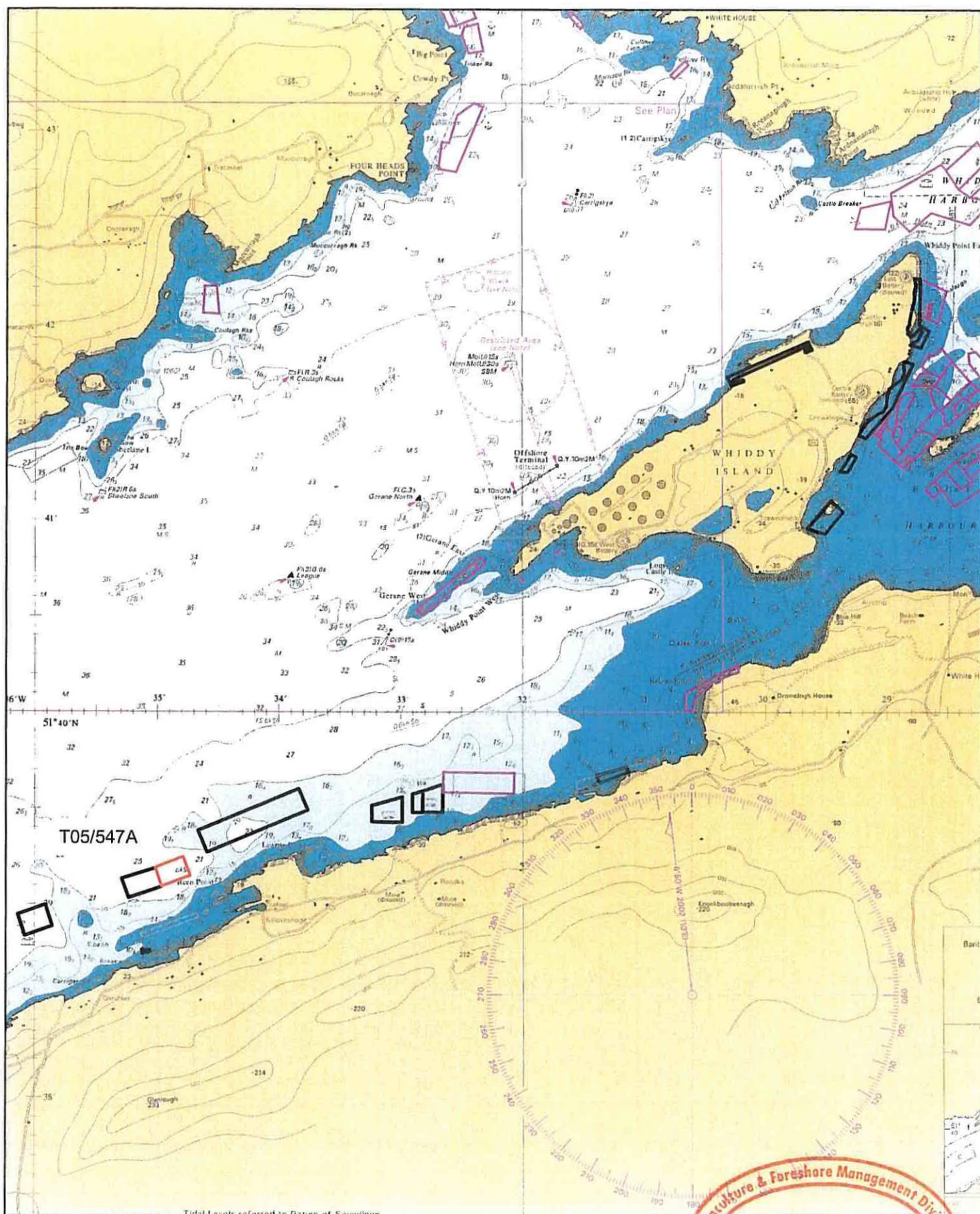
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Aqua Culture Sites  
 Site Status

Application  
 Application Lapsed  
 Application Refused  
 Application Renewed  
 License Altered  
 License Revoked  
 License Surrendered  
 Licensed  
 Unknown  
 Withdrawn  
 100 Meter Buffer Zone

Aquaculture Foreshore Management Division  
 14 APR 2012  
 Department of Agriculture, Food and the Marine  
 Talmhaíochta, Bia agus Mara





#### Aqua Culture Sites

- Site Status
- Application
  - Application Lapsed
  - Application Refused
  - Application Revoked
  - Application Withdrawn
  - License Altered
  - License Revoked
  - License Surrendered
  - License
  - Unknown
  - Unlicensed

1:50,000

Site Highlighted in red denotes application

Part of Admiralty Chart No 1838-0  
Not to be used for Navigation.



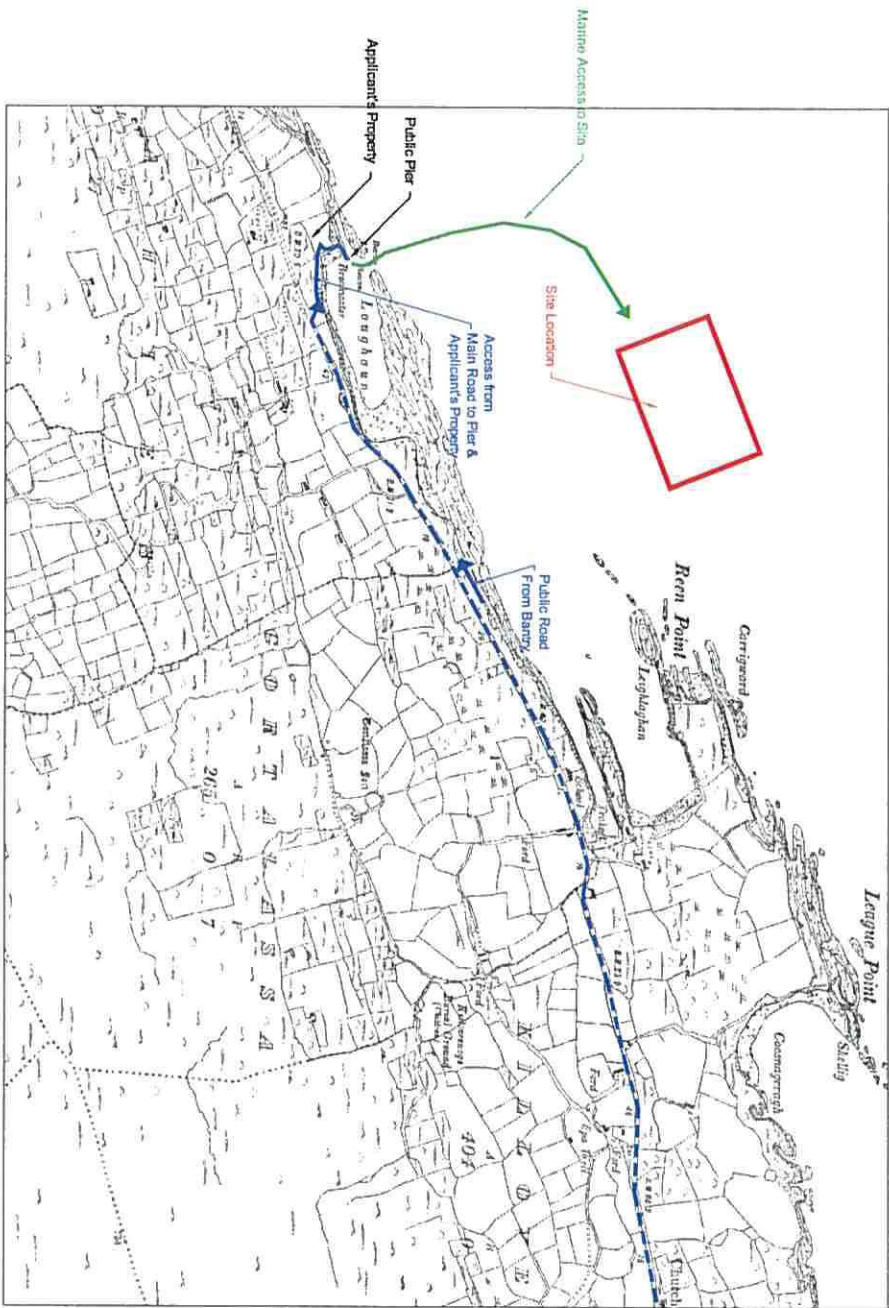
## **SCHEDULE 2**

**Schedule 2 contains:**

- **the approved plans and drawing(s)**

DRAFT





Ordnance Survey Ireland Licence No. EN 0051908

**The Menzies**  
7 Copperfields  
Cobalt  
Co., Cork

Ph: 021 4815441  
email: [cork@cmc.ie](mailto:cork@cmc.ie)  
website: [www.cmc.ie](http://www.cmc.ie)

|      |   |          |                 |
|------|---|----------|-----------------|
|      |   |          |                 |
| B    | Site Access                                 | 14/09/13 | SAC AC          |
| A    | Asbestos Application<br>Further Information | 16/09/13 | SAC AC          |
| Row: | Description:                                | Date:    | Drawn: Checked: |

|                              |                |                    |              |  |
|------------------------------|----------------|--------------------|--------------|--|
| Title: 1:10,560 Location Map |                |                    |              |  |
| Scale: 1:10,560              | Sheet Size: A3 | Date: 14/09/2013   |              |  |
| Drawn By: SMC                | Checked By: AC | Drawing No: C628/2 | Revisions: B |  |

## **SCHEDULE 3**

**Schedule 3 contains:**

- **requirements of the MSO and/or CIL**

1. The applicant must secure Statutory Sanction from the Commissioners of Irish Lights for the aids to navigation that may be required by the Marine Survey Office. These aids should be in place before development on the site commences.
2. The size and specification of aids to navigation should be of the design and specification approved by the Marine Survey Office and must be agreed in advance with the Commissioners of Irish Lights.

- **the navigation marking detail.**

1. A special yellow mark buoy with light, characteristic flash yellow every five seconds, nominal range two miles to be located at the four corners of the development. However, the applicant may by arrangement with the developer to the West, reduce this to two buoys at the two eastern corners of the development provided the other site is similarly marked with two buoys on the western corners of the adjoining development. The top mark should be constructed in the pattern approved by the Commissioners of Irish Lights.





## Bantry Bay Screening

| Screening Matrix for Aquaculture activities in outer Bantry Bay, Co. Cork |   |
|---|---|
| Brief description of the project or plan                                  | The following species are cultured in outer Bantry Bay (number of licences in parenthesis) - oysters (10) clams (1) abalone (1), sea urchins (1), mussels (8), and finfish (4). Additionally, applications have been received for the following species - oysters (12), scallops (5), clams (1), sea urchins (2), mussels (13), kelp/seaweed (1) and finfish (1). The locations of the sites are shown in Figure 1.   |
| Brief description of the Natura 2000 sites                                | <p>Bantry Bay is approximately 39km long and ranges in width from 3km at the eastern end to 22km at the mouth. The area of outer Bantry Bay in question is not located within any Natura 2000 sites. However, - it is bordered by two SACs, the Sheeps Head cSAC and the Glengarriff Harbour and Woodland SAC and two SPAs, Beara Peninsula SPA and Sheeps Head to Toe Head SPA. (see Figure 1).</p> <p><b>Adjacent Sites:</b></p> <p><b>Sheep's Head SAC (Site code: 000102)</b> is located on the southern approaches to Bantry Bay, extends to Three Castle Head and Mizen Head to the south. It is a narrow ridge of sandstone which encloses a number of rectangular basins filled either by peat bogs or lakes. The main value of the area is the presence of the terrestrial features, dry heath and wet heath, habitats listed on Annex II of the EU Habitats Directive. In addition, Annex I Birds Directive species, the Chough, and an Annex II species under the Habitats Directive, the Kerry Slug, are found in the area.</p> <p><b>The Glengarriff Harbour and Woodland SAC (Site Code 00090)</b> consists of a glacial valley opening out into a sheltered bay with rocky islets. The site supports populations of the Kerry Slug (<i>Geomalacus maculosus</i>), the freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) as well as the largest colony of Common Seals (<i>Phoca vitulina</i>) in the south-west of Ireland, all of which are listed on Annex II of the Habitats Directive.</p> <p><b>Beara Peninsula SPA (Site Code: 004155)</b> is a coastal site parts of which border the northern shore of Bantry Bay. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for Chough and Fulmar. In addition the presence of Peregrine falcon is of particular significance.</p> <p><b>Sheeps Head to Toe Head SPA (Site Code: 004156)</b> large site situated on the south-west coast of Co. Cork. Adjacent Bantry Bay the site includes sea cliffs, the land adjacent to the cliff edge and is one of the most important sites in the country for Chough. The presence of Peregrine falcon is of particular significance.</p> |



## Bantry Bay Screening

| <b>Assessment criteria</b>  |   |
|---|---|
| <p>Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site.</p>        | <p>Oysters, clams, abalone, urchins, scallop, mussels and finfish are cultured in Bantry Bay. In addition, there are applications to culture macroalgae (Kelp).</p> <p>Oyster culture is carried out using bags and trestles in the intertidal zone. The trestles are arranged in rows along the shore to maximise water movement over the oysters in the bags.</p> <p>Intertidal clam culture is carried out on mud and sand flats by placing the smaller seed clams in boxes of sediment and covered by mesh. As they grow the clams are spread directly into the sediment and covered by netting to prevent predation.</p> <p>Abalone and urchins are cultured in tanks on land or in cage structures in the lower intertidal and subtidal areas. They are contained at all times.</p> <p>The mussels are cultured using longlines. A long-line supported by a series of small floats joined by a cable or chain and anchored at the bottom on both ends is employed. Mussel spat (ssed) is collected on ropes or strings (droppers) are suspended on the line. From each of the lines there are a number of dropper lines (up to 5m in length). The depth of the droppers, which is directly related to the quantity of mussels being cultured, is dependant upon a number of factors including water depth, the floatation provided and the carrying capacity of the system.</p> <p>Scallops are culture intensively (bags suspended from longlines) and extensively (spread on the seafloor and harvest via dredging and/or diving).</p> <p>Finfish are contained in floating cage structures arranged in a grid system, which are secured to the seabed via ropes attached to anchors. Finfish are imputed into the cages as smolts and following a period of 18-24 months are harvested.</p> <p>Kelp is cultured using longlines supported by floating structures similar to those used for mussel culture.</p> |
| <p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:</p> |   |
| <p>size and scale;</p>  | <p>There are no direct or indirect impacts from the culture operations on any of the SACs or SPAs adjacent to outer</p>   |



## Bantry Bay Screening

|   |  |
|---|--|
|   | Bantry Bay.  |
| Distance from the Natura 2000 site or key features of the site: | The activities in question occur within outer Bantry Bay the mouth of which is adjacent to the Sheeps Head cSAC, the Glengarriff Harbour and Woodland SAC, the Beara Peninsula SPA and Sheep's Head to Toe Head SPA (see Figure 1).  |
| Resource requirements (water abstraction etc.):                 | <p>Cultured bivalves (oysters, clams, scallops and mussels) are filter feeders and they feed upon suspended particulate matter. They selectively ingest phytoplankton and other organic material (e.g. small zooplankton and bacteria) and dispose of inorganic and larger organic matter in pseudofeces, which is excreted into the water column. Typically the fecal and pseudofecal pellets will fall to the sea floor and may cause localised organic enrichment and/or sedimentation. The level of enrichment is a function of, <i>inter alia</i>, water depth current speed, density of culture, the quantity of suspended particulate matter in the water column, or a combination of these. The shellfish production activities do not use any resources required by the qualifying features within the Natura 2000 sites.</p> <p>Abalone and urchin culture are carried out in contained systems and rely on the input of feed (usually seaweed sourced locally). The production of these shellfish species does not use any resources required by the qualifying features within the Natura 2000 sites</p> <p>Finfish culture differs from shellfish culture in that there is an input of feed into the system and as a consequence a net input of organic matter to the system. This material will be found in the system in the form of waste feed (on the seafloor), solid waste (faeces), waste as a consequence of net-cleaning all of which usually accumulates on the seafloor and dissolved material (predominantly fractions rich in nitrogen). For the most part, the majority of organic material builds up on the seabed generally in and around the footprint of the salmon cages with a 'halo' effect evident in areas where dispersion occurs driven by local hydrographic conditions. This is typically referred to as <i>near-field</i> effects. Similar to shellfish, the quantity of material that might accumulate on the seabed will be a function of the quantity of fish held in cages, the stage of culture, the health of the fish (unhealthy fish will generally eat less), husbandry practices (are the fish fed too much too quickly?), the physical characteristic of the solid particles and surrounding hydrographic conditions. The production of finfish does not use any resources required by the qualifying features within the Natura 2000 sites</p> <p>The culture of kelp is reliant upon ambient nutrient levels in the water column and solar illumination. The production of Kelp does not use any resources required by the qualifying features of adjacent Natura sites.</p> |

## Bantry Bay Screening

|   |  |
|---|--|
| Emissions (disposal to land, water or air):           | There will be no direct or indirect effects on the adjacent Natura 2000 site.  |
| Excavation requirements:                              | There are no excavation or similar activities associated with the aquaculture activity   |
| Transportation requirements:                          | The produced aquaculture products are transported offsite by lorry using the existing national road network with no impact on the adjoining Natura 2000 sites. |
| Duration of construction, operation, decommissioning: | None   |
| Other:  | None   |

|  |  |
|--|--|
| Describe any likely changes to the site arising as a result of:  |  |
| Reduction of habitat area:                                       | There is no reduction in habitat area within any of the Natura 2000 sites considered arising from the shellfish production activities.   |
| Disturbance to key species:                                      | There is no evidence in the scientific literature to suggest that aquaculture activities impact on seal species (Feature of Glengarrif Harbour and Woodlands SAC) and the bird species listed in the SPAs, i.e., Chough, Fulmar and Peregrine. Furthermore, any impacts on habitats are likely to be local and not extend beyond the footprint of the activities. Therefore they are not likely to impact on any of the adjacent SACs. |
| Habitat or species fragmentation:                                | There is no habitat or species fragmentation within the Natura 2000 sites arising from the aquaculture production activities.  |
| Reduction in species density:                                    | There is no reduction in species density within the Natura 2000 sites arising from the shellfish production activities.  |
| Changes in key indicators of conservation value (water quality): | There are no changes in key indicators of conservation value within the Natura 2000 sites arising from the shellfish production activities.  |
| Climate change:  | Given the nature and scale of the aquaculture production activities the contribution to climate change is considered insignificant.  |

## Bantry Bay Screening

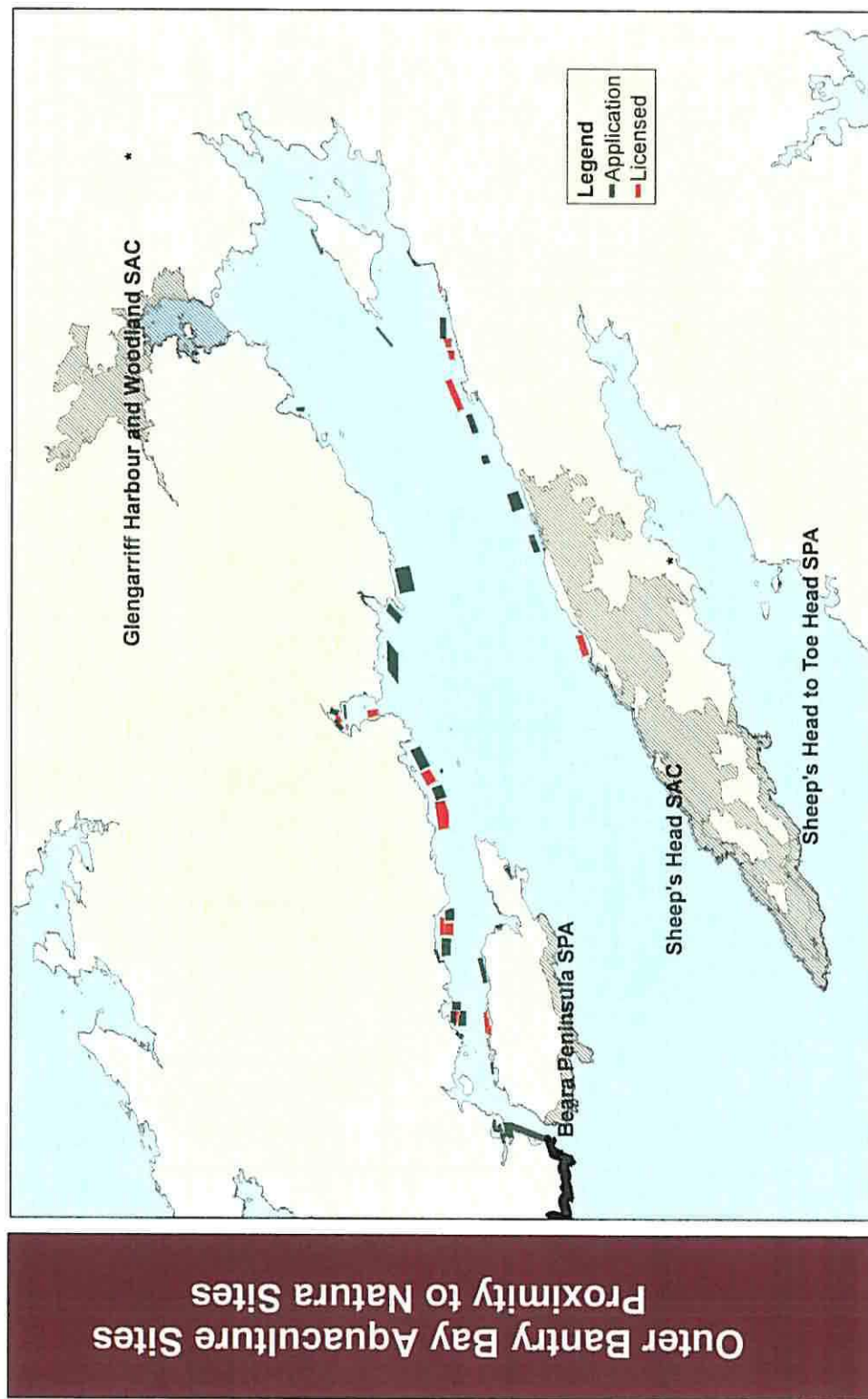
|  |  |
|--|--|
| Describe any likely impacts on the Natura 2000 site as a whole in term of;   |  |
| Interference with the key relationships that define the structure of the site:   | None of the activities associated with the shellfish and finfish production in outer Bantry Bay will interfere with the key relationships that define the structure of the adjacent Natura 2000 sites. |
| Provide indicators of significance as a result of the identification of effects set out above in terms of:   | None identified  |
| None identified:   | None identified  |
| Fragmentation:   | None identified  |
| Disruption:  | None identified  |
| Disturbance:   | None identified  |
| Change to key elements of the site (e.g. water quality etc.):  | None identified  |
| Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known. | None identified  |



## Bantry Bay Screening

| Finding of no significance effect report:  |   |
|--|---|
| Name of project or plan:   | Aquaculture activities in outer Bantry Bay, Co. Cork.   |
| Name and location of Natura 2000 site<br>It would be helpful for a map or plan to be provided:                                   | The Sheeps Head cSAC, the Glengarriff Harbour and Woodland SAC, the Beara Peninsula SPA and the Sheeps Head to Toe Head SPA, (Figure 1).  |
| Description of the project or plan   | The plan is to licence the shellfish and fishfish culture activity in Bantry Bay, Co. Cork. The activities in question cover approx. 547 ha. in total, representing approximately 1.2% of the surface area of Bantry Bay.   |
| Is the project or plan directly connected with or necessary to the management of the site (provide details)?                     | No.   |
| Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)? | No.   |
| Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.                             | The cultivation of shellfish, finfish and macroalgae in outer Bantry Bay is not likely to affect the features of adjoining Natura 2000 sites.   |
| Explain why these effects are not considered significant.  | <p>There is no spatial overlap of the aquaculture activities with Natura sites. In addition, there would be no interference with key relationships that define the function of the sites. The culture activities will not result in habitat loss, there will not be significant disturbance to key species and there will be no habitat or species fragmentation. There will be no direct discharge of pollutants into the environment during the works and water quality will not be affected. Consequently, it is concluded that the culture of shellfish and finfish, as it is currently constituted and proposed, in Bantry Bay does not pose significant risk to the conservation features of the adjacent sites and as such does not require a full appropriate assessment.</p> <p>On the basis of the above it is considered that there will be <u>no significant effects</u> on the qualifying interests' of the Natura 2000 sites.</p> |
| Who carried out the assessment?  | Marine Institute  |

Figure 1. Aquaculture activities and Natura Sites within the region of Outer Bantry Bay, Co. Cork.





## Recommendation to Grant an Aquaculture Licence

B Whelton, AP

J Quinlan, PO

Dr Beamish, Asst. Secretary

Rúnaí Aire

*Recommend the a licence be granted for cultivation of macro-algae BWS 19/5/14*  
*Dr. Beamish*  
*Recommended for approval please see set out below*  
*I support the recommendation set + overleaf. Submitted for Ministerial consideration and approval. bP 26/5*  
*I support recommendation*

### 1. DECISION SOUGHT

The Minister's determination is requested please in relation to the application for an Aquaculture Licence from Daithi O'Murchu Marine Research Station Ltd, Gearhies, Bantry, Co. Cork, for one site numbered T05/547A in Bantry Bay, Co. Cork.

Also attached is a submission in respect of the accompanying Foreshore Licence, for the Minister's consideration.

### 2. BACKGROUND

Marine aquaculture operations require separate Aquaculture and Foreshore Licences and Ministerial approval is required in respect of this submission (Aquaculture Submission) and submission underneath (Foreshore Submission), which refer to the same site.

The Aquaculture Licence defines the activity that is permitted on a particular site and the Foreshore Licence allows for the occupation of that particular area of foreshore. The continuing validity of each licence is contingent on the other licence remaining in force.

### 3. APPLICATION FOR AN AQUACULTURE LICENCE

An application for an Aquaculture Licence has been received from the applicant referred to at 1.0 above (in conjunction with an application for a Foreshore Licence). The application is for the cultivation of native indigenous macro-algae (*Alaria Esculenta*) using longlines in the sub-tidal part of the foreshore on one site totalling 6.0 hectares (numbered T05/547A see Schedule 1) in outer Bantry Bay, Co. Cork.

### 4. LEGISLATION

Section 7 of the Fisheries (Amendment) Act 1997 provides that the licensing authority (i.e. Minister, delegated officer or, on appeal, the Aquaculture Licence Appeals Board) may, if satisfied that it is in the public interest to do so, licence a person to engage in aquaculture.



*Cleared by Minister as*

*Recommended KE 28/5*



## 5. CONSULTATION AND PUBLIC COMMENT

The application was sent to the technical experts, statutory consultees and was also publicly advertised in a composite public notice covering both aquaculture and foreshore elements.

### Technical Consultation

Engineering Division: Stated no objection to this development.

Marine Survey Office: Stated no objection to this development from a navigational viewpoint.

Sea Fisheries Protection Authority: Stated no objection to this application.

### Statutory Consultation

Regulation 10 of the Aquaculture (Licence Application) Regulations, 1998 requires certain statutory bodies to be notified of an Aquaculture Licence application.

Comments were received from the following bodies:

Department of Arts, Heritage and the Gaeltacht: (from the underwater archaeological and nature conservation perspective) have no objections to the application.

Marine Institute: No objection to the application.

Commissioner of Irish Lights: No objection to the application.

Cork County Council: While no objection in principle, Cork County Council made comments relating to pollution control and waste management. Many of the issues raised are more germane to other regulatory authorities and in accordance with best practice, should be regulated by the appropriate body. The applicant will be required by the terms and conditions of the licence to comply with all applicable statutory provisions relating to aquaculture. Cork County Council requested details of a site at Cuan Boui in Bantry Bay and a nearby salmon farm, which the applicant had referred to in the application. These details were subsequently forwarded to Cork County Council. No further comment was received.

### Public Consultation

The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in The Southern Star on 9<sup>th</sup> November, 2013. The application and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks following the publication in the newspaper.

There were thirteen objections received from the public consultation process. These can be summarised as follows:

- negative visual impact,
- cumulative impact with existing salmon farm,

- loss of existing fisheries
- pollution
- seaweed longline placed on the foreshore without the required consent from the Minister.

### **Responses to objections**

All matters relating to this application, including the above objections, were fully considered during the consultation process, including review by Engineering Division and the Marine Institute and the following are the salient points:

- **negative visual impact and cumulative impact with existing salmon farm:**

Cronin Millar Consulting Engineers (CMCE) submitted a comprehensive report on behalf of the applicant regarding the public's concerns. This report outlined that although the scenic route is of high sensitivity, the magnitude of the visual effect can be described as moderate due to the low visual impact of the proposed structures and existing salmon farm.

The Department's Engineering Division agrees with this assessment.

- **loss of existing fisheries:**

The Sea Fisheries Protection Authority stated that the proposed aquaculture would have little impact on existing fishing activity.

- **pollution:**

The Marine Institute stated that the potential risk of pollution caused by cultivating seaweeds as proposed in this application is minimal. No hazardous or toxic chemicals are used in the process. The cultivated seaweeds do not excrete toxic or potentially polluting substance as part of their growth cycle. There is a small risk of pollution as a result for example of a fuel or hydraulic fluid spill from vessels used as part of the management of activities of the seaweed, at the site. However, given the scale of the proposal, any such events are likely to be minor and localised and the risk is considered to be minor.

The proposed cultivation of seaweed in proximity to a salmon farm is an example of a process termed "Integrated Multitrophic Aquaculture". This is a term given to the co-culture of species for environmental and economic benefit. The aims are for greater efficiency in resource use: feedstuffs, space, labour and a reduction in the environmental impact of the aquaculture process. In this case some of the nutrients excreted by farmed salmon as well as from other sources, would be taken up by the seaweed, thereby reducing their accumulation in seawater. This can be considered to be environmentally beneficial.



- seaweed longline placed on the foreshore without the required consent from the Minister:

The unauthorised longline was not on this particular site, but on an adjacent site operated by a separate legal entity. In any event a recent site inspection by our Divisional Engineers has confirmed that this longline has now been removed.

## 6. CRITERIA IN MAKING LICENSING DECISIONS

The licensing authority, in considering an application, is required by statute to take account, as appropriate, of the following points and also be satisfied that it is in the public interest to license a person to engage in aquaculture.

- (a) the suitability of the place or waters  
*There were no objections to the proposal from a technical perspective.*
- (b) other beneficial uses of the waters concerned  
*Public access to recreational and other activities can be accommodated by this project. Aquaculture appropriately licensed can co-exist with leisure activities.*
- (c) the particular statutory status of the waters
  - (i) Natura 2000  
*The proposed site is located in Bantry Bay, which is not a Natura 2000 area. However, it is bordered by two SACs, the Sheeps Head cSAC and the Glengarriff Harbour and Woodland SAC and two SPA's, Beara Peninsula SPA and Sheeps Head to Toe Head SPA. A pre-screening assessment was carried out by our scientific advisors who considered that there will be no significant effects posed by the culture of seaweed, at its current level, on the common seal or any of the other qualifying interests of the Glengarriff Harbour and Woodland SAC. (See Screening Matrix for Aquaculture activities in outer Bantry Bay in Annex 4).*
  - (ii) Shellfish Waters  
*The proposed site is not located within a Designated Shellfish Area. In any event, this is an application for the cultivation of macro-algae, not seaweed.*
- (d) the likely effects on the economy of the area  
*Aquaculture has the potential to provide a wide range of benefits to the local community such as direct employment, attraction of investment capital, development of support services etc.*
- (e) The likely ecological effects on wild fisheries, natural habitats, flora and fauna  
*The Dept. of Arts, Heritage and the Gaeltacht had no objection on Nature Conservation grounds.  
Furthermore, no significant issues arose regarding wild fisheries.*
- (f) the effect on the environment generally
  - (i) *The Minister has already determined that an Environmental Impact Statement is not required for this project (See Declaration in Annex 3).*



(ii) *The DAHG have raised no objections to the development from an underwater archaeological perspective.*

## 7. Recommendation

This application for an Aquaculture Licence has been subject to a rigorous examination and a positive recommendation is based on the best advice available.

Accordingly, it is recommended that the Minister:

- (i) **approves the granting of an Aquaculture Licence (Annex 1) to Daithi O'Murchu Marine Research Station Ltd, Gearhies, Bantry, Co. Cork, for a period of ten (10) years for the purpose of cultivating native indigenous macro-algae (*Alaria Esculenta*) using longlines in the sub-tidal part of the foreshore, in accordance with the terms and conditions of the attached Aquaculture Licence.** /x

## 8. Reasons for the decision


The Minister for Agriculture, Food and the Marine is required to give public notice of both the licensing determination and the reasons for it. To accommodate this, it is proposed to publish the following on the Department's website, subject to the Minister approving the above recommendation:

### "Determination of Aquaculture/Foreshore Licensing Application – T05/547A

Daithi O'Murchu Marine Research Station Ltd has applied for the cultivation of native indigenous macro-algae (*Alaria Esculenta*) using longlines in the sub-tidal part of the foreshore on one site totalling 6.0 hectares (numbered T05/547A) in outer Bantry Bay, Co. Cork.

The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant an Aquaculture/Foreshore Licence for site numbered T05/547A. This determination takes into consideration that the proposed aquaculture will be located in suitable waters, has potential economic benefits, will have no significant ecological effects on wild fisheries, natural habitats, flora and fauna or the environment generally."

Submitted for approval, please.



Deirdre Fitzpatrick  
Aquaculture and Foreshore Management Division  
2014

20 December 2013

Ms. Deirdre Fitzpatrick  
Aquaculture and Foreshore Management Division,  
National Seafood Centre  
Clonakilty,  
Co. Cork.



**Re: T5/547 Aquaculture Licence Application – Daithi O'Mhurchu Marine Research Station**

Dear Ms. Fitzpatrick,

I refer to your letter dated 10<sup>th</sup> December 2013 in relation to the public submissions received regarding the above aquaculture licence application.

We have the following responses to make regarding same:

**1. Visual Impact**

A number of submissions have been received by your department claiming that the proposed development will be visually intrusive. Claims are made that the existing salmon farm in the location is visually intrusive and the proposed seaweed farm will further detract from the view.

**a) Statutory Designations**

The Aquaculture Licence Application does not fall under the jurisdiction of the Planning and Development Act, 2000, however the Cork County Development Plan 2009 is referred to in order to define potential visual impacts of the proposed development.

The location and layout design for the proposed longlines was carried out in accordance with "Guidelines for Landscape and Visual Impact Assessment of Marine Aquaculture", Dept. Marine and Natural Resources, 2009.

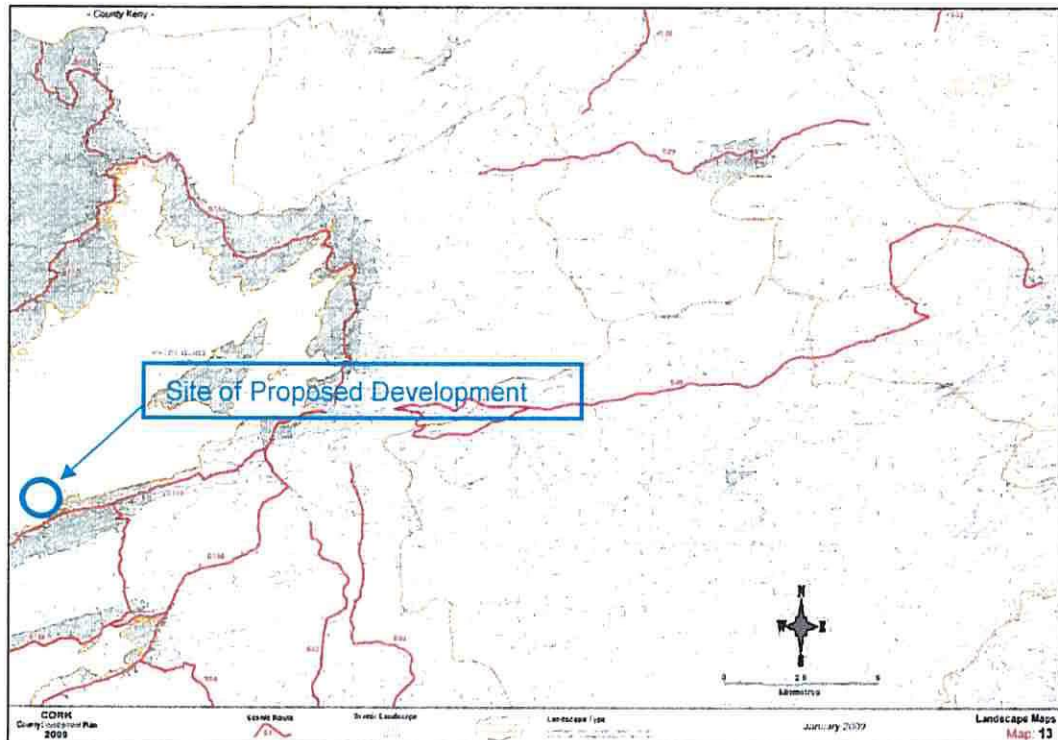
The Cork County Draft Landscape Strategy identifies the Landscape Value as "Very High", and the Landscape Sensitivity as "Very High" in the general area of the proposed development. The landscape character area is defined as "Composite Bay and Lower Valley of Ridges and Drumlins". The farm does not form part of this aquaculture licence application, however is being referred to in order to add context to the potential visual impact.

The site is located adjacent to Scenic Route S110 (Figure 1.1). According to the Cork County Development Plan 2009:

*"It is also an objective of the Planning Authority to require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be, no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area."*

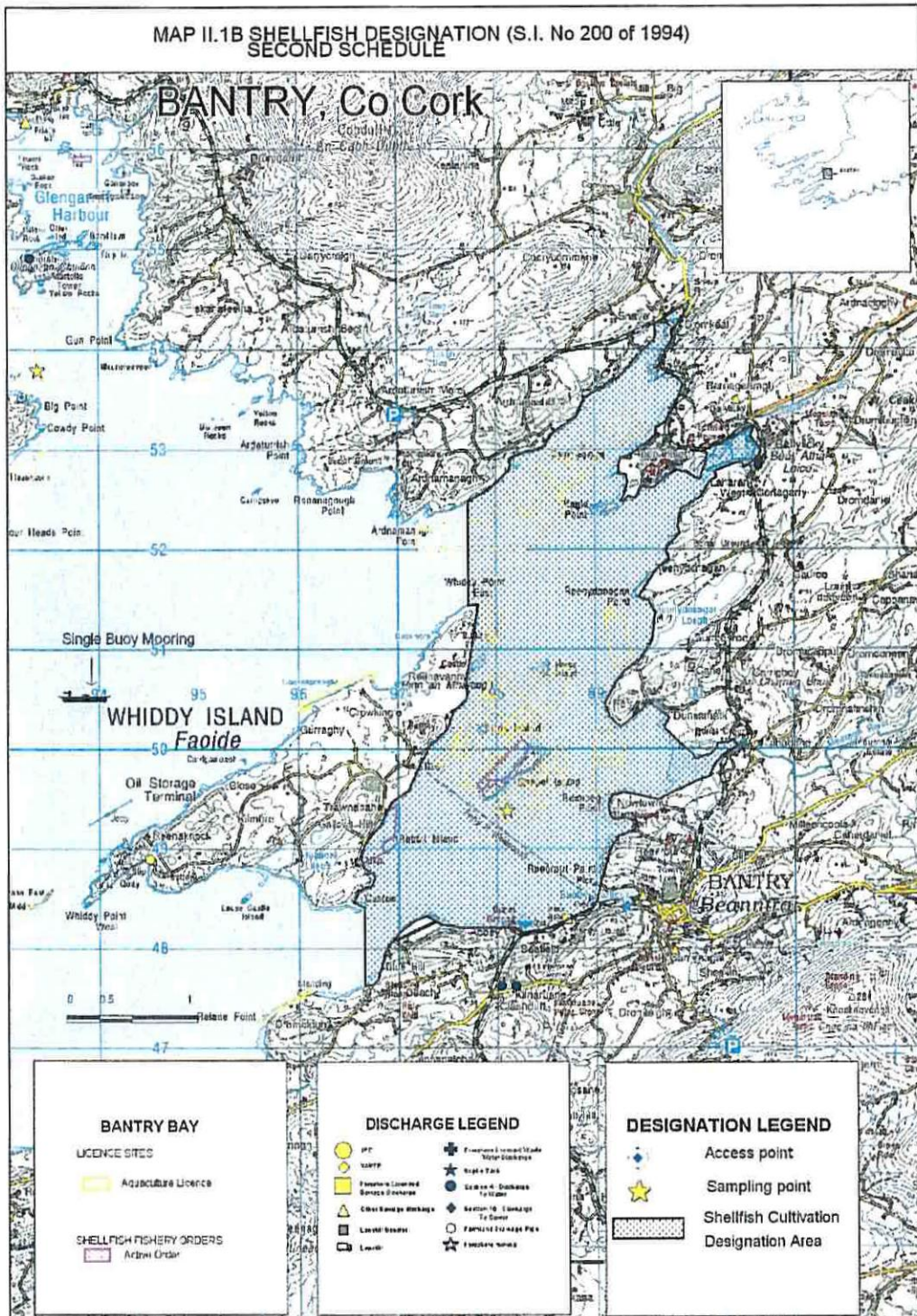


It must be noted that Scenic Route S110 and Scenic Route S111 run adjacent to Bantry Bay Inner Harbour which is a Designated Shellfish Water Area under the Shellfish Waters Directive (2006/113/EC) (See Figure 1.2). There are several licenced aquaculture sites in this location. There is also a proposed Draft Shellfish Water designation on Scenic Route S110, west of the proposed development (See Figure 1.3).



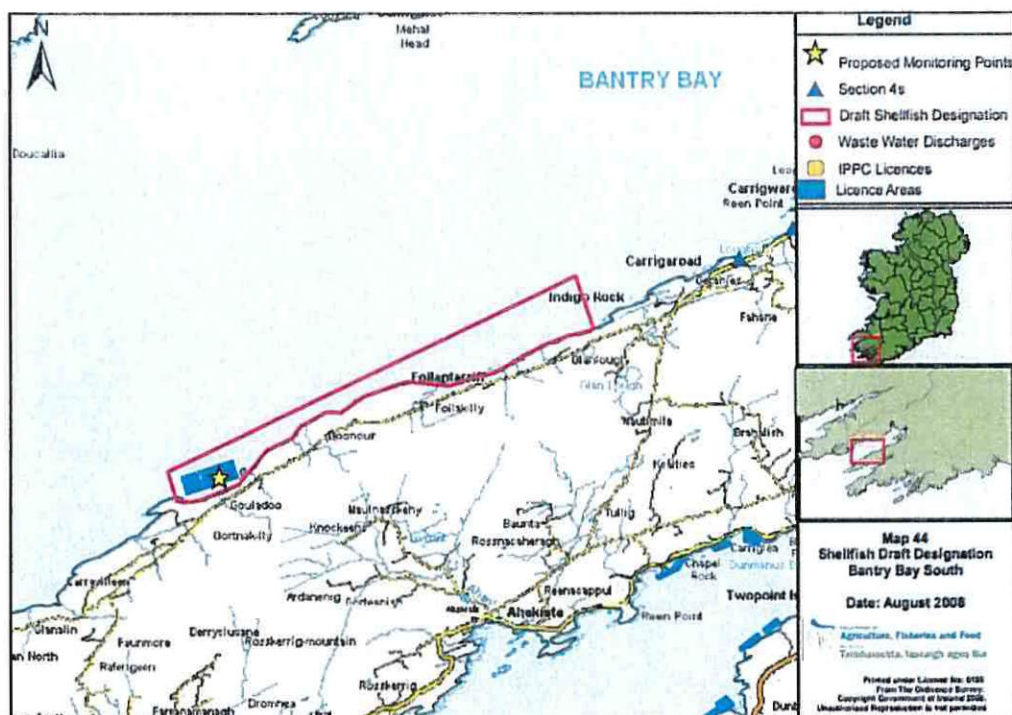
**Figure 1.1: Cork County Development Plan Scenic Routes**





**Figure 1.2: Bantry Bay Shellfish Designation**





## b) Existing View

The view of the existing salmon farm from the road adjacent to Gearhies Pier is presented in Figure 1.4 below. These salmon farms do not form part of this application but are presented for context.



**Figure 1.4: View of Salmon Cages (Copyright: Google, 2009)**

The existing salmon farms do not dominate the view over Bantry Bay and do not dominate views over the heights of the surrounding landscape.

### c) Impact on Scenic Route Designation

The height of the proposed longlines will be less than that of the salmon farm. The existing salmon farm is approximately 750m from the Scenic Route. The shortest distance between the longlines and the Scenic Route will be approximately 500m. The furthest longline will be approximately 650m from the Scenic Route at this location. The barrels that add buoyancy to the longlines will be semi-submerged with an approximate freeboard of 300mm. It is anticipated

that the scenic route designations in the area will not change as a result of the proposed development.

d) Impact on Landscape and Visual Receptors

Visual receptors are physical landscape resources, or viewer groups that will experience a visual effect. The sensitivity of visual receptors and views will be dependent on the location and context of the viewpoint, the expectations and occupation or activity of the receptor and the importance of the view.

The most sensitive receptors may include users of all outdoor recreational facilities, communities where the development results in a change in the landscape setting or valued views enjoyed by the community, or occupiers of residential properties with views affected by the development.

In accordance with the Guidelines for Landscape and Visual Impact Assessment (Dept. Marine and Natural Resources, 2001) the following determinations have been made:

- The visual receptor at the scenic route can be described as having high sensitivity.
- The magnitude of the visual effect can be described as low as the effects on views and visual amenities are minor due to the distance from the scenic route and the elevation of the scenic route over the proposed site.
- The magnitude of the visual effects can therefore be described as moderate.

It is anticipated that the visual effect of the longlines will be less than that of the adjacent salmon farm due to the elevation of the longlines over sea level. As can be seen in Figure 1.4, the visual impact of the existing salmon farm is not overly obtrusive.

The view of the water edge and the bay will not be altered by the presence of the farm. The character of the localised area will not be altered.

It is unlikely that the Scenic Landscape Designation or the Scenic Route designations will change due to the proposed development.

e) Proposed Mitigation Measures

In order to reduce any potential impact on visual amenities, the following mitigation measures or design features are proposed:

- i. The development will not be located within the central focus of the bay.
- ii. The longlines will be aligned parallel with the existing coastline, thus reducing fragmentation of the water surface;
- iii. Simple linear lines are proposed. This suits the elongated nature of the peninsulas.
- iv. Only 110m of each longline will be visible over water level.
- v. Navigation lighting will not be visually negative and will not be out of context within the bay.
- vi. Floating buoys used will be 'battleship grey' in colour, so as to match the existing environment. This will mean that they are less obtrusive.
- vii. Care will be made to ensure lines are accurately installed. This will ensure the lines are parallel.



- viii. Lines will be installed taut, so they do not become misshaped over time. Also, the anchor blocks have been adequately sized so as to avoid drag of the lines.

## **2. Tourism**

Objectors to the application have claimed that the proposed development will reduce the number of tourists visiting the Bantry area, as the development will have a negative impact on the landscape and visual resources. These impacts are assessed in section 1 above.

In the opinion of the applicant the production of seaweed products from Bantry Bay will have a positive impact on tourism in the locality. The Bantry Bay "brand" will become more internationally known. The applicant's research centre hosts international students. Results of the trial will be published worldwide. The seaweed produced will be used to create biofuels, thus advertising a "Green Ireland" to an international market.

## **3. Existing Longlines**

The applicant currently has one longline deployed in the area and is currently waiting for a suitable weather window to remove this line in January 2014.

## **4. Pollution**

### **a. Flotsam and Jetsam**

Mr. Ian Stretch states:

*"there is a considerable amount of flotsam and jetsam on the shore line as a result of aquaculture".*

Mrs J Stretch states:

*"The Non-Biodegradable rubbish associated with offshore aquaculture activities is already a serious pollution problem in this area when it floats ashore onto the strands.*

*Nobody take responsibility for this appalling situation and it is left to volunteers in the community to clean up the mess.*

*More aquaculture equals more pollution."*

Although objectors claim that *"there is a considerable amount of flotsam and jetsam on the shore line as a result of aquaculture"* there is no evidence to suggest that any of the debris washed up on the shore is linked with the applicant's current aquaculture structures and activities. The proposed development consists of ropes to grow the seaweed on and buoys to keep them afloat. This equipment will be securely attached to permanent buoys and will be unable to detach itself and wash up on the shore.

b. Pollution at Pier

Ms Fiona Stretch states:

*"We used to be able to go down to the pier to swim, as the strand IS A BIT TOO ROCKY, BUT NOW WITH ALL HIS HORRIBLE BUILDINGS AND EQUIPMENT, IT IS TOO AWFUL DOWN THERE."*

Although the pier is privately owned by John Murphy, he does not preclude the public from using the pier for leisure activities. The pier is currently maintained by Cork County Council. The pier is kept clean and tidy at all times as is in-line with the expectations of a food business. It is in the applicant's best interests that the pier area is kept clean and free of rubbish, although in the past we have experienced illegal dumping on the pier. This matter was subsequently dealt with. The Daithi O'Murchu Marine Research Station is subject to regular audits and inspections from a number of organisations including the Irish Medicines Board (IMB) and Cork County Council. The regularity of these inspections means that the pier is kept to a high standard.

c. Pollution from Salmon Farm

Ms. Fiona Stretch states:

*"We used to be able to go fishing for mackerel and herring but with the pollution from the salmon farms the wild fish are not plentiful any more and NO HERRING!!"*

Firstly, the current licence application is concerned with the development of seaweed aquaculture, not the expansion of current or addition of further salmon cages. Secondly, the addition of the proposed aquaculture licence to cultivate native indigenous macro-algae using longlines will in fact reduce dissolved nutrient waste streams in a process called integrated multi-trophic aquaculture (IMTA). IMTA uses waste streams from conventional aquaculture practices as a source of nutrition for other organisms, such as seaweed. Dissolved nutrients are predominantly converted to protein by the algae which can then be used as a feed source for other organisms, e.g. gastropods or echinoderms, or as a source of nutraceuticals for human consumption. Seaweed has a multitude of uses, from agricultural fertilisers to use in cosmetics and medicines. Thus, the addition of cultured seaweeds in close proximity to the salmon cages will have both environmental and economic benefits. Chinese and Canadian industries are rapidly developing this technology with several European small-to-medium enterprises (SMEs) following close behind.

d. Pollution from Algae Lines

Ms Fiona Stretch states:

*"I Like to have family and friends from England to stay in the summer, but they too object to his JUNK AND THE WAY HE IS SPOILING THE PLACE. If we go down to the strand to swim next summer...if he puts the new algae lines down, we will probably get a mouthful of algae!"*

As mentioned in 4a (above), we do not foresee any pollution in relation to the lines and buoys required for seaweed culture. With respect, the area around a working pier may not be the most suitable for swimming but



there is no reason to believe Ms. Stretch will receive a "mouthful of algae" due to the proposed development.

## **5. Planning Context**

### **a. Cork County Development Plan**

Norma & Jim Hourihane referred to the Cork County Development Plan, 2009, in relation to the impact of the development on landscape and visual resources. This impact is addressed in section 1 of this letter.

Section 5.5.24 of the Cork County Development Plan, 2009, refers to Aquaculture:

*"In accordance with Government policy, the Council will support and promote the sustainable development of the aquaculture sector in order to maximize its contribution to jobs and growth in coastal communities and the economic well-being of the County. Furthermore, it is recognized that aquaculture harvesting and associated processing have the potential to provide an economically viable alternative to commercial fishing and aid sustainable rural diversification."*

It also states *"It is an objective to support and protect designated shell fish areas as an economic and employment sector"*.

### **b. Planning History**

Norma & Jim Hourihane have referred to a planning permission application made by Fastnet Mussels Ltd. to Cork County Council. This application (which was for a wind-turbine) bears no relevance to the aquaculture licence application to the Department of Agriculture Food and Marine.

### **c. Over-development**

The term over-development implies negative environmental impacts, however, as previously mentioned, the addition of a seaweed farm close to the salmon cages will actually benefit the surrounding area as it will extract excess nutrients from the water.

### **d. Public Notice**

Mr. Finnian O'Driscoll appears to criticise how the public was made aware of the proposed development.

The applicant fully complied with Statutory Instrument No. 236/1998 in advertising this aquaculture licence.



## **6. Public Amenities**

### **a. Swimming**

Ms. Fiona Stretch, stated that swimming conditions at the pier will be affected due to the proposed development. The applicant notes that this is not a designated bathing area, and questions the suitability of a working pier for the purposes of bathing.

### **b. Fishing**

Ms. Fiona Stretch, appears to state that fish stocks are reduced in the area. It is unclear if Ms. Stretch claims that the existing salmon farm is the cause for a reduction in fish stocks, or whether the proposed development will cause a reduction in stocks. She does not appear to provide any basis for this claim. There is no research or evidence that indicates that seaweed results in a decline in fish stocks.

### **c. Public Pier**

Mrs. J Stretch, states *"Gearhies Pier is a public place and nobody has the right to exclusive use of the facility for aquaculture business"*.

Gearhies Pier is in the ownership of John Murphy. With respect, a working pier may not be considered an appropriate place for children to *"play or fish"*. The primary function of the pier is the berthing of fishing vessels and vessels related to the aquaculture industry.

The applicant does not intend to gain exclusive use of the pier.

## **7. Climate Change**

Mr. Robert Burke's objection appears to claim that the proposed development will result in an impact on climate change, *"acid environment"* and *"low tide stench"*. As far as the applicant is aware, a seaweed aquaculture site will not have a negative impact on any of these environmental issues.

## **8. Safety and Health**

Mrs. J Stretch states *"Already the pier is in an untidy and potentially hazardous place for children wishing to play or fish"*.

Please refer to comments under section 6(c).

## **9. Traffic**

Mrs J Stretch states:

*"Heavy traffic coming and going to the Fastnet Mussel Factory has always been a problem."*

*This application would inevitably lead to an increase in these problems."*

The proposed macro-algae cultivation site is being installed for experimental purposes. There will be negligible exportation of the harvest as the material will be analysed in the adjacent research centre.

## **10. Statutory Context**

### **a. Environmental Impact Statement**

Mr. Robert Burke states that an "environmental impact study" and a rigorous "environmental assessment" should be carried. I assume he refers to an Environmental Impact Statement. This development is sub-threshold for the requirement of an Environmental Impact Assessment in accordance with the Aquaculture (Licence Application) Regulations, 1998 and amendments as it is not a salmonid breeding installation. A request has not been made by the Minister of Agriculture, Food and Marine for same.

### **b. Screening Report**

The applicant has not received a copy of the screening report so cannot comment on the submissions made regarding this item from the general public.

## **11. Conflict of Interest**

Mr. Robert Burke appears to suggest that there is a conflict of interest in the applicant carrying out both research and development of aquaculture sites. The applicant does not see how this is a conflict of interest.

Mr. Finnian O'Driscoll appears to suggest that there is a conflict of interest with the Marine Institute.

The Marine Institute have a phytoplankton identification facility adjacent to the applicant's offices. They have no commercial interest in the seaweed site.

## **12. Technical**

### **a. Barrel Specification**

In his submission, Mr. Finnian O'Driscoll queried why the floats to be used are different to those used on other sites. The purpose of the floats is to provide continuous floatation along the entire longline.

### **b. Alternative Sites**

In their submissions, Mr David J Yates and Mr. Finnian O'Driscoll queried why alternative sites have not been used. The applicant has given reasons for choosing the proposed site in the application form.

## **13. Ecological**

### **a. Alien Species**

Mr. Ian Stretch states "*The macro algae are an alien species. There is a risk of this affecting the balance of the local marine fauna*".

*Alaria Esculenta* or *Laminaria Digitata* are not an alien species and are commonly found along the west Cork coast.

### **b. Transfer of Disease**

Mr. Robert Burke states "*will all these operations be tended by the same vessels, which would most certainly increase the probability of disease transfer*".

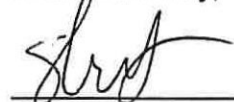
The applicant is not aware of any diseases being transferrable between a salmon fish farm and a macro-algae long line.

c. Toxins

As stated in the application form, the macroalgae has the potential to *"remediate the impact of excess nutrients from the nearby salmon farm on the remainder of the ecosystem"*.

I trust that our response is satisfactory. Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



**Shane McCarthy** B.Eng., MIEI  
Engineer



**COPY**

10 June 2014

**Mr Shane McCarthy  
C/o Cronin Millar Consulting Engineers  
3 Westbourne Place  
Cobh  
Co. Cork**

Dear Sir

I would like to inform you that the Minister For Agriculture, Food and the Marine has approved the granting of a 10-year Aquaculture Licence and accompanying Foreshore Licence to your client, Daithi O'Murchu Marine Research Station Ltd, for the cultivation of native indigenous macro-algae (*Alaria Esculenta*) using longlines on site no. T5/547A in outer Bantry Bay. Please see attached documents.

Yours sincerely

88   
Deirdre Fitzpatrick  
Aquaculture and Foreshore Management Division  
National Seafood Centre  
Clonakilty  
Co. Cork

Ph: (023) 8859592  
Email [Deirdre.Fitzpatrick@agriculture.gov.ie](mailto:Deirdre.Fitzpatrick@agriculture.gov.ie)

**COPY**

10 June 2014

File Ref: T5/547A

Daithi O Murchú Marine Research Station Ltd  
Gearhies  
Bantry  
Co. Cork

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23)  
NOTICE OF MINISTERIAL DECISION TO GRANT AN AQUACULTURE LICENCE  
AND FORESHORE LICENCE.**

Dear Sir

I would like to inform you that the Minister For Agriculture, Food and the Marine has approved the granting to you of a 10-year Aquaculture Licence and accompanying Foreshore Licence, for the cultivation of native indigenous macro-algae (*Alaria Esculenta*) using longlines on site no. T5/547A (see attached information note). I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in "The Southern Star".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it, in writing, to the Aquaculture Licences Appeals Board (ALAB). This appeal must be lodged within one month of the date of publication of the decision.

The Licences will issue to you as soon as possible following the end of the one month notice period, provided there is no appeal.

Please also find enclosed the conditions that will apply to any Aquaculture Licence that may be issued by the Minister.

Yours sincerely

  
\_\_\_\_\_  
**Aquaculture and Foreshore Management Division**

**THE SOUTHERN STAR SECTION 1**  
SATURDAY JUNE 14, 2014

**FISHERIES (AMENDMENT) ACT, 1997  
(NO. 23) FORESHORE ACT, 1933  
(NO. 12) NOTICE OF DECISION TO  
GRANT AQUACULTURE AND  
FORESHORE LICENCES**

The Minister for Agriculture, Food and the Marine has decided to grant Aquaculture and Foreshore Licences to **Daithi O'Murchu Marine Research Station Ltd**, Gearhies, Bantry, Co. Cork, Ref: T5/547A for the cultivation of native indigenous macro-algae (*Ulva* *Esculenta*) on a site on the foreshore in outer Bantry Bay, Co. Cork. The reasons for this decision are elaborated on the Department's site at [www.agriculture.gov.ie/fisheries/aquaculture/foreshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/cork](http://www.agriculture.gov.ie/fisheries/aquaculture/foreshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/cork)

An appeal against the decision may be made in writing, within one month of date of publication, to The Aquaculture Licences Appeals Board, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal application form available from the Board, phone (057)8667857, fax (057)8667857, e-mail at [info@alab.ie](mailto:info@alab.ie) or online at [www.alab.ie](http://www.alab.ie)

e-mail: [info@agriculture.gov.ie](mailto:info@agriculture.gov.ie)  
[www.agriculture.gov.ie](http://www.agriculture.gov.ie)



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

An Boinn  
**Talmhaíochta,  
Bia agus Mara**



## **Ministerial Determination in relation to EIS requirements for an application for an Aquaculture Licence for the cultivation of macro-algae by Daithi OMurchu Marine Research Station Ltd, Co. Cork.**

I, Simon Coveney, Minister for Agriculture, Food and the Marine in accordance with the requirement of Regulation 5(2) of the Aquaculture (Licence Application) Regulations, 1998 have considered whether the individual Aquaculture Licence application to culture macro-algae is likely to have a significant effect on the environment and would require the submission of an Environmental Impact Statement.

I have considered the proposed aquaculture activity, and determined that it is not likely to have significant effects on the environment and that an EIS is not required in relation to the application listed therein for the reasons outlined below.

### **REASONS AND CONSIDERATIONS**

I had regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU);
- iii. The criteria specified in Annex III of Directive 2011/92/EU
- iv. The guidance contained in the European Commission document entitled "Guidance on EIA, Screening" June 2001

and also to the report and recommendations of the Department's Screening Group with particular reference to:

- a) the nature and scale of the proposed aquaculture activity
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity
- c) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity
- d) the low population density of the surrounding area
- e) the low visual impact of the proposed aquaculture activity
- f) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity
- g) the minor risk of accidents occurring as result of the proposed aquaculture activity
- h) the low risk of impacts on navigational safety
- i) the minimal impact on recreational use of the adjoining foreshore
- j) Habitats Screening Matrix for aquaculture activities in outer Bantry Bay, Co. Cork, 2013.



OHara, Mary

---

From: Fitzpatrick, Deirdre  
Sent: 23 October 2014 15:04  
To: Alab, Info  
Cc: Quinlan, John; Whelton, Batt  
Subject: T5-547A- Daithi O'Murchu Research Station Ltd  
Attachments: Signed EIA T5-547.pdf

Mary

Your Ref: AP3/2014

I refer to your letter dated 22/10/14.

Please now find attached EIA Screening Assessment for site Ref T5/547A. The Declaration you refer to in your correspondence was forwarded to you on 09/09/14.

Regards

*Deirdre Fitzpatrick*

*Aquaculture and Foreshore Management Division  
Department of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty  
Co Cork*

E Mail : [Deirdre.Fitzpatrick@agriculture.gov.ie](mailto:Deirdre.Fitzpatrick@agriculture.gov.ie)  
Ph : 023 8859592  
Fax: 023 8821782







TS/547

**EIA SCREENING ASSESSMENT TS/547**

**1. Applicant Details**

Name  
Address

**2. Characteristics of Project**

- Species cultivation proposed
- Method
  - Production in intertidal zone
  - Production beyond intertidal zone
  - Source of seed/spat etc
- Is a non-native species to be cultivated?
- Annual Production Estimates - Tonnes

**3. Location of Project**

- File No.
- No. of sites
- Location
- Hectares
- Shellfish Waters Designation
  - If yes, identify area as per S.I. 268 of 2006/S.I. 55 of 2009
  - If yes, Name of designated area - Map No. & Date of Map
  - Natura 2000 site

If yes, identify site and type

**4. Development Plan**

- County Development Plan
  - If yes, identify relevant sections
  - If yes, period covered
- Local Area Plan
  - If yes, identify relevant sections
  - Other

If yes, please specify and identify relevant sections

Daithi O'Murchu Marine Research Station Ltd

Gearhies

Bantry

Co. Cork

Native indigenous macro-algae

Longlines

No

Yes

Applicant's own hatchery

Yes

24 Tonnes per annum

TS/574

1 site.

Bantry Bay

Site 6.0 Hectares

No

No

Yes Cork County Development Plan

5.5.24

2009-2015

Yes

Section 2.2.4 - Bantry Electoral Area LAP

Yes

Bantry Bay Aquaculture Code of Practice 30 April 2009

AQUACULTURE LICENCES  
APPLICANT BOARD  
23 OCT 2014  
RECEIVED

## EIA SCREENING CHECKLIST

|  |   |  |
|--|---|--|
| Is it an ANNEX II project?   | YES   |  |
| Is the project located on or adjacent to a Natura 2000 area?   | Yes. The sites are bordered by two SACs, the Sheeps Head cSAC and the Glengarriff Harbour and Woodland SAC and two SPAs, Beara Peninsula SPA and Sheeps Head to Toe Head SPA. |  |
| If yes, has the appropriate assessment been carried out?   | A Screening Assessment has been carried out.  | The Screening Assessment found that the proposed cultivation will have no significant effects on the qualifying interests of the Natura 2000 sites.  |
| <b>I. CHARACTERISTICS OF THE PROJECT - ANNEX III (1)</b>   | <b>Yes/No - Briefly describe</b>  | <b>Is this likely to result in a significant effect? Yes/No? - Why</b>   |
| (a) Size of project  |   |  |
| Will the project be out of scale with the existing environment?  | No. The project is small in scale (6.0 hectares)  |  |
| Will it lead to further consequential development or works (e.g. new roads, landing facilities, provision of new water supply)?  | No. It will use existing infrastructure. No new additional infrastructure is required.  |  |
| (b) Cumulation with other development  |   |  |
| Are there potential cumulative impacts with existing aquaculture projects or with other licensed aquaculture projects but which have not yet been submitted?   | Yes. There are potential visual and navigational impacts as a result of the installation of longlines.  | No. The visual/navigational impacts will be covered by licence conditions relating to orientation of site, marking site, colour of floats etc. There will be no significant impact on other sensitive receptors e.g. air quality, water quality and cultural heritage. |
| Are there potential cumulative impacts with existing foreshore projects or with foreshore projects licensed but which have not yet begun?  | No  |  |
| Should the application for this project be regarded as an integral part of a more substantial project? If so, can related projects which are subject to separate applications proceed independently? | No.   |  |



| 1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd  | Yes/No - Briefly describe   | Is this likely to result in a significant effect?<br>Yes/No? - Why   |
|---|---|--|
| <p>Will installation or operation of the project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?</p> <ul style="list-style-type: none"> <li>• land (especially undeveloped or agricultural land)?</li> <li>• water?</li> <li>• energy including electricity and fuels?</li> <li>• any other resources?</li> </ul>  | <p>The proposed cultivation of seaweed will rely on ambient concentrations of inorganic nutrients in seawater and natural levels of sunlight for growth.</p>  | <p>No. Given the scale of production proposed the uptake of nutrients by seaweeds can be considered to be minor and non-significant.</p> |
| <p><b>(d) Production of waste</b></p> <p>Will the project produce wastes during installation or operation or decommissioning?</p> <ul style="list-style-type: none"> <li>• municipal waste (household and/or commercial)?</li> <li>• surplus product?</li> <li>• construction or demolition wastes?</li> <li>• redundant machinery or equipment?</li> <li>• any other solid wastes?</li> <li>• liquid or solid wastes in suspension?</li> </ul> | <p>No.</p>  | <p>No.</p>   |
| <p><b>(e) Pollution and nuisances</b></p> <p>Will the project release pollutants or any hazardous, toxic or noxious substances to air?</p> <p>Emissions from:</p> <ul style="list-style-type: none"> <li>• combustion of fossil fuels from stationary or mobile sources?</li> <li>• construction activities including plant &amp; equipment?</li> <li>• any other sources</li> </ul>  | <p>Yes. There will be emissions associated with the husbandry and harvesting of seaweed, from boats and other machinery, but will not have significant effect. There will be no release to the air of other hazardous, toxic or noxious pollutants.</p> | <p>No.</p>   |

| I. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd  | Yes/No - Briefly describe   | Is this likely to result in a significant effect?<br>Yes/No? - Why   |
|---|---|--|
| <p>Will the project cause noise and vibration or release of light?</p> <ul style="list-style-type: none"> <li>from operation of equipment e.g. engines?</li> <li>from blasting or piling?</li> <li>from construction or operational traffic?</li> <li>from lighting or other systems?</li> <li>from any other sources?</li> </ul>   | <p>Yes. There will be noise associated with the harvesting of the seaweed e.g., use of boats and other machinery.</p> | <p>No. Noise levels will not be significant.</p>   |
| (d) Risk of accidents, having regard in particular to substances or technologies used   |   |  |
| <p>Will there be any risk of accidents during installation or operation of the project which could affect human health or the environment?</p>  | <p>Yes. There will be risk of physical injury while working on the site but no risk to human health.</p>              | <p>No. The risk of on-site accidents is considered to be minor.</p>  |
| <p>Will the project lead to risks of contamination of surface water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>   | <p>No. No chemicals or hazardous substances will be used during the production process.</p>                           |  |
| <p>Will the project involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?</p> <ul style="list-style-type: none"> <li>use of hazardous or toxic substances?</li> <li>potential changes in occurrence of disease or effect on disease carriers (e.g. insect or water borne diseases)?</li> </ul> | <p>Yes. Workboats carrying diesel and oil.</p>  | <p>No. The risk of spillage occurring is minor and the likely impact of any spillage would be minor given the quantities of fuel involved.</p> |

**CHARACTERISTICS OF THE PROJECT**  
- ANNEX III (1) cont'd

| CHARACTERISTICS OF THE PROJECT<br>- ANNEX III (1) cont'd   | Yes/No - Briefly describe  | Is this likely to result in a significant effect?<br>Yes/No? - Why                                      |
|--|--|---|
| <p>(g) Will installation, operation or decommissioning of the project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?</p> <ul style="list-style-type: none"> <li>• dredging?</li> <li>• coastal structures (seawalls, piers)?</li> <li>• offshore structures?</li> <li>• facilities for storage of goods or materials?</li> <li>• facilities for treatment or disposal of solid wastes or liquid effluents?</li> <li>• new road, rail or sea traffic during construction or operation?</li> <li>• new road, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?</li> <li>• closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?</li> <li>• new or diverted transmission lines or pipelines?</li> <li>• transport of personnel or materials for construction, operation or decommissioning?</li> <li>• decommissioning or restoration works?</li> <li>• introduction of alien species?</li> <li>• loss of native species or genetic diversity?</li> <li>any other changes?</li> </ul> | <p>Yes. Longlines will be placed on the foreshore.</p>   | <p>No. The development can be considered as minor and reversible, as all structures can be removed.</p> |
| <p>(h) <b>Inherent social changes</b><br/>Will the project result in social changes, for example, in demography, traditional lifestyles, employment?</p>   | <p>Yes. It is estimated that there will be up to 9 employees, 2 of which will be fulltime.</p> | <p>No. The impact is beneficial but not significant.</p>  |



T5/547

| 2. LOCATION OF THE PROJECT - ANNEX III (2)   |   | Is this likely to result in a significant effect?<br>Yes/No? - Why |
|--|---|--|
| Yes/No - Briefly describe  |   |  |
| (a) Existing land use<br>Are there existing land uses on or around the location which could be affected by the project, e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, water catchments, functional floodplains, hunting or quarrying?  | No. Terrestrial land uses will not be affected and there is no spatial overlap with other users of the foreshore. |  |
| Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected?   | No  |  |
| Is the project located in a previously undeveloped area?   | No.   |  |
| (b) Relative abundance, quality and regenerative capacity of natural resources in the area<br>Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the project? <ul style="list-style-type: none"><li>• groundwater resources</li><li>• surface waters</li><li>• fisheries</li><li>• tourism</li></ul> | Yes. There is fishing, tourism and marine leisure in the area.  | No. The impact will not be significant                             |
| (c) Absorption capacity of the natural environment<br>Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project?   | No.   |  |

## 2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd

| 2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd  | Yes/No - Briefly describe  | Is this likely to result in a significant effect? Yes/No? - Why  |
|--|--|--|
| <p>(c) Absorption capacity of the natural environment cont'd</p> <p>Are there any other areas on or around the location which are important or sensitive for reasons of their ecology?</p> <ul style="list-style-type: none"> <li>• wetlands, watercourses or other waterbodies?</li> <li>• the coastal zone?</li> <li>• mountains, forests or woodlands?</li> <li>• nature reserves and parks?</li> </ul> | No.  |  |
| <p>Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?</p>   | No.  |  |
| <p>Are there any inland, coastal, marine or underground waters on or around the location which could be affected?</p>  | No.  |  |
| <p>Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?</p>  | No.  |  |
| <p>Are there any areas or features of high landscape or scenic value on or around the location which could be affected?</p>  | Yes. The adjacent roadway is designated as a scenic route (Cork County Development Plan).                  | No. The adjacent road is at sea level and the view are of the Beara Peninsula in the distance across Bantry Bay. |
| <p>Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?</p>  | Yes. There is a local pier used by local fishermen and the applicant adjacent to the proposed development. | No. There will be no significant impact on the facility.   |
| <p>Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected?</p>  | Yes. The local roads are narrow and can be busy during summer months.                                      | No. There will be no significant increase in traffic due to the proposed development.                            |

15/547

| 2. LOCATION OF THE PROJECT - ANNEX III (2) cont'd   | Yes/No - Briefly describe   | Is this likely to result in a significant effect?<br>Yes/No? - Why  |
|---|---|---|
| <p>1- the project in a location where it is likely to be highly visible to many people?</p> <p>Are there any areas or features of historic, cultural or archaeological importance on or around the location which could be affected?</p>  | <p>No. Population densities are low in the area.</p> <p>Yes. There is coastal promontory fort adjacent to the proposed development, SMR No. C0017-003</p> | <p>No. The proposed development will have no impact on the archaeological site</p>  |
| <p>(c) Absorption capacity of the natural environment cont'd</p> <p>Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?</p> <p>Is the area densely populated?</p> | <p>Yes. The proposed development will be located adjoining an existing salmon farm.</p> <p>No</p> <p>No</p>   | <p>No. The proposed seaweed cultivation should lessen the impact of enrichment/eutrophic from the existing salmon farm.</p> |
| <p>Is the location of the project susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?</p>   |   |   |



15/547

On the basis of the above the consensus of the screening group is that environmental effects from the proposed aquaculture is not to have significant effects on the environment and that an Environmental Impact Statement is not required for this project.

EIA PRE-SCREENING GROUP NAMES

Tony O'Sullivan

DATE OF MEETING

Department's Engineering Division

Gerard O'Shea

Department's Engineering Division

Dr Terry McMahon

Marine Institute

Catherine Morrison

BIM

Dave Millard

BIM

Deirdre Fitzpatrick

Department's Aquaculture and Foreshore Management Division

Batt Whelton

Department's Aquaculture and Foreshore Management Division

SIGNED BY ON BEHALF OF THE GROUP

Department's Aquaculture and Foreshore Management Division

*Batt Whelton*

DEPARTMENT'S AQUACULTURE & FORESHORE  
MANAGEMENT DIVISION REPRESENTATIVE

NAME IN BLOCK CAPITALS BATT WHELTON

DATE

*16<sup>th</sup> Oct 2013*



**Ministerial Determination in relation to EIS requirements for an application for an Aquaculture Licence for the cultivation of macro-algae by Daithí OMurchu Marine Research Station Ltd, Co. Cork.**

I, Simon Coveney, Minister for Agriculture, Food and the Marine in accordance with the requirement of Regulation 5(2) of the Aquaculture (Licence Application) Regulations, 1998 have considered whether the individual Aquaculture Licence application to culture macro-algae is likely to have a significant effect on the environment and would require the submission of an Environmental Impact Statement.

I have considered the proposed aquaculture activity, and determined that it is not likely to have significant effects on the environment and that an EIS is not required in relation to the application listed therein for the reasons outlined below.

**REASONS AND CONSIDERATIONS**

I had regard to the provisions of:

- i. Regulation 5 of the Aquaculture (Licence Application) Regulations, 1998;
- ii. EIA Directives (codified by Council Directive 2011/92/EU);
- iii. The criteria specified in Annex III of Directive 2011/92/EU
- iv. The guidance contained in the European Commission document entitled "Guidance on EIA, Screening" June 2001

and also to the report and recommendations of the Department's Screening Group with particular reference to:

- a) the nature and scale of the proposed aquaculture activity
- b) the limited magnitude and extent of the direct impacts arising from the proposed aquaculture activity
- c) the absence of any protected structures or recorded monuments in the area of the proposed aquaculture activity
- d) the low population density of the surrounding area
- e) the low visual impact of the proposed aquaculture activity
- f) the non-use of toxic or hazardous substances as part of the proposed aquaculture activity
- g) the minor risk of accidents occurring as result of the proposed aquaculture activity
- h) the low risk of impacts on navigational safety
- i) the minimal impact on recreational use of the adjoining foreshore
- j) Habitats Screening Matrix for aquaculture activities in outer Bantry Bay, Co. Cork, 2011.



O'Hara, Mary

From: Fitzpatrick, Deirdre  
Sent: 23 October 2014 15:04  
To: Alab, Info  
Cc: Quinlan, John; Whelton, Batt  
Subject: T5-547A- Daithi O'Murchu Research Station Ltd  
Attachments: Signed EIA T5-547.pdf

Mary

Your Ref: AP3/2014

I refer to your letter dated 22/10/14.

Please now find attached EIA Screening Assessment for site Ref T5/547A. The Declaration you refer to in your correspondence was forwarded to you on 09/09/14.

Regards

*Deirdre Fitzpatrick*

*Aquaculture and Foreshore Management Division  
Department of Agriculture, Food and the Marine  
National Seafood Centre  
Clonakilty  
Co Cork*

E Mail : [Deirdre.Fitzpatrick@agriculture.gov.ie](mailto:Deirdre.Fitzpatrick@agriculture.gov.ie)  
Ph : 023 8859592  
Fax: 023 8821782



# PLA SCREENING ASSESSMENT T5/547

## 1. Applicant Details

Name

Address

## 2. Characteristics of Project

Species cultivation proposed

Location

Production beyond intertidal zone?

Source of seed/spat etc

Are non-native species to be cultivated?

Annual Production Estimates - Tonnes

## 3. Location of Project

Map No.

County

Waters

Designation

Identify area as per S.I. 268 of 2006/S.I. 55 of 2009

Name of designated area - Map No. & Date of Map

Is it a 2000 site

Identify site and type

County Development Plan

Identify relevant sections

Period covered

Local Area Plan

Identify relevant sections

Identify relevant sections

Phase specify and identify relevant sections

Dailhi O'Murchu Marine Research Station Ltd

Gearhies

Bantry

Co Cork

Native indigenous macro-algae

Longlines

No

Yes

Applicant's own hatchery

Yes

24 Tonnes per annum

T5/574

1 site

Bantry Bay

Site 6.0 Hectares

No

No

Yes Cork County Development Plan

5.5.24

2009-2015

Yes

Section 2.2.4 - Bantry Electoral Area LAP

Yes

Bantry Bay Aquaculture Code of Practice 30 April 2009



# SCREENING CHECKLIST

|  |  |   |   |
|--|--|---|---|
| Is the project located in or adjacent to a 2000m area?     | YES  | Yes. The sites are bordered by two SACs, the Sheeps Head cSAC and the Glengarriff Harbour and Woodland SAC and two SPAs, Beara Peninsula SPA and Sheeps Head to Toe Head SPA. | The Screening Assessment found that the proposed cultivation will have no significant effects on the qualifying interests of the 2000 sites.  |
| Has the appropriate assessment been carried out?           | A Screening Assessment has been carried out. |   | Is this likely to result in a significant effect? Yes/No? - Why   |
| CHARACTERISTICS OF THE PROJECT - Yes/No - Briefly describe |  |   |   |
| Is the project made up of existing or new development?     | No   | The project is small in scale (6.0 hectares)  |   |
| Is the project a new development?                          | No   | It will use existing infrastructure. No new additional infrastructure is required.  |   |
| Cultivation with other development                         |  |   |   |
| Is the cultivation with other licensed cultivation?        | Yes  | There are potential visual and navigational impacts as a result of the installation of longlines.   | No. The visual/navigational impacts will be covered by the existing conditions of the cultivation of sea marking sites and other sites. There will be no significant impacts on sensitive receptors or the environment and cultural heritage. |
| Is the cultivation with other unlicensed cultivation?      | No   |   |   |
| Is the cultivation with other unlicensed cultivation?      | No   |   |   |
| Is the cultivation with other unlicensed cultivation?      | No   |   |   |



| 1. CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd   | Yes/No - Briefly describe  | Is this likely to result in a significant effect? Yes/No? - Why  |
|--|--|--|
| (b) Will the operation of the project use resources such as land, water, materials or especially any resources which are non-renewable or in short supply? <ul style="list-style-type: none"> <li>• land, especially undeveloped or agricultural land?</li> <li>• water</li> <li>• energy, including electricity and fuels?</li> <li>• any other resources?</li> </ul>   | The proposed cultivation of seaweed will rely on ambient concentrations of inorganic nutrients in seawater and natural levels of sunlight for growth.  | No. Given the scale of production proposed, the uptake of nutrients by seaweeds can be expected to be minor and non-significant. |
| (c) Production of waste <ul style="list-style-type: none"> <li>• will the project produce wastes during installation, operation or decommissioning?</li> <li>• municipal waste (household and/or commercial)</li> <li>• industrial product</li> <li>• construction or demolition wastes?</li> <li>• resistant machinery or equipment?</li> <li>• any other solid wastes?</li> <li>• liquid or solid wastes in suspension?</li> </ul>     | No.  | No.  |
| (e) Pollution and nuisances <ul style="list-style-type: none"> <li>• will the project release pollutants or any substances, toxic or noxious substances to air?</li> <li>• substances from:               <ul style="list-style-type: none"> <li>• combustion of fossil fuels from stationary or mobile sources?</li> <li>• construction activities including plant &amp; equipment?</li> <li>• any other source?</li> </ul> </li> </ul> | Yes. There will be emissions associated with the husbandry and harvesting of seaweed, from boats and other machinery, but will not have significant effect. There will be no release to the air of other hazardous, toxic or noxious pollutants. | No.  |

# CHARACTERISTICS OF THE PROJECT - ANNEX III (1) cont'd

| CHARACTERISTICS OF THE<br>PROJECT - ANNEX III (1) cont'd  | Yes/No - Briefly describe  | Is this likely to result in a significant effect?<br>Yes/No? - Why  |
|---|--|---|
| <p>1. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p> <p>2. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p> <p>3. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p> | <p>Yes. There will be noise associated with the harvesting of the seaweed, e.g., use of boats and other machinery.</p> | <p>No. Noise levels will not be significant.</p>  |
| <p>4. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p>   |  |   |
| <p>5. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p>   | <p>Yes. There will be risk of physical injury while working on the site but no risk to human health.</p>               | <p>No. The risk of on-site accidents is not likely to be minor.</p>                                       |
| <p>6. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p>   | <p>No. No chemicals or hazardous substances will be used during the production process.</p>                            |   |
| <p>7. The project involves the use of heavy machinery, including bulldozers, excavators, and trucks, for the construction of the road and the bridge.</p>   | <p>Yes. Workboats carrying diesel and oil.</p>   | <p>No. The risk of spillage occurring is not likely to be minor, given the quantity of fuel involved.</p> |

| CHARACTERISTICS OF THE PROJECT<br>ANNEX III (1) cont'd   | Yes/No - Briefly describe  | Is this likely to result in a significant effect?<br>Yes/No? - Why  |
|--|--|---|
| <p>g. Will installation, operation or decommissioning of the project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?</p> <ul style="list-style-type: none"> <li>• dredging?</li> <li>• construction, seawalls, piers, etc?</li> <li>• other structures?</li> <li>• activities for storage of goods or materials?</li> <li>• facilities for treatment or disposal of solid waste?</li> <li>• liquid effluents?</li> <li>• dredging of sea traffic during operation?</li> <li>• canal, rail, air, waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?</li> <li>• alteration or diversion of existing transport routes or infrastructure leading to changes in traffic patterns?</li> <li>• new or diverted transmission lines or pipelines?</li> <li>• transport of personnel or materials for installation, operation or decommissioning?</li> <li>• decommissioning or restoration works?</li> <li>• introduction of alien species?</li> <li>• loss of native species or genetic diversity?</li> <li>• any other changes?</li> </ul> | <p>Yes. Longlines will be placed on the foreshore.</p>   | <p>No. The development can be considered reversible and reversible, as all structures can be removed.</p> |
| <p>h. Inherent social changes</p> <p>Will the project result in social changes, for example in demography, traditional lifestyles, etc?</p>  | <p>Yes. It is estimated that there will be up to 9 employees, 2 of which will be fulltime.</p> | <p>No. The impact is beneficial but not significant.</p>  |





| 2. LOCATION OF THE PROJECT - ANNEX 11 (2), cont'd  | Yes/No - Briefly describe  | Is this likely to result in a significant effect? Yes/No? - Why   |
|--|--|---|
| <p>a) Absorption capacity of the natural environment cont'd</p> <p>Are there any other areas on or around the location which are important or sensitive for reasons of:</p> <ul style="list-style-type: none"> <li>• natural resources or habitats</li> <li>• wetlands</li> <li>• mountains, forests or woodlands,</li> <li>• nature reserves and parks?</li> </ul> <p>Are there any areas on or around the location which are used by protected, important or sensitive species (barns or birds e.g. for breeding, nesting, raising, resting, overwintering, migration, which could be affected)?</p> <p>Are there any inland, coastal, marine or estuarine waters on or around the location which could be affected?</p> <p>Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?</p> | <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>  |   |
| <p>Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?</p> <p>Are there any transport routes on or around the location which are susceptible to congestion or which can be environmental problems, which could be affected?</p>   | <p>Yes. There is a local pier used by local fishermen and the applicant adjacent to the proposed development.</p> <p>Yes. The local roads are narrow and can be busy during summer months.</p> | <p>No. There will be no significant impact on the facility.</p> <p>No. There will be no significant impact on the location due to the proposed development.</p> |

# ANNEX 1 - ANNEX

| Is this likely to result in a significant effect?                   | Yes/No - Briefly describe  | Yes/No? - Why   |
|---|--|---|
| Is the proposed development likely to be a significant development? | No. Population densities are low in the area.  | No. The proposed development will not have a significant impact on the environment. |
| Is the proposed development likely to be a significant development? | Yes. There is a significant impact on the environment.                               | No. The proposed development will not have a significant impact on the environment. |
| Is the proposed development likely to be a significant development? | Yes. The proposed development will be located in an area of high population density. | No. The proposed development will not have a significant impact on the environment. |
| Is the proposed development likely to be a significant development? | Yes. The proposed development will be located in an area of high population density. | No. The proposed development will not have a significant impact on the environment. |

No

|   |   |   |
|---|---|---|
| Is the proposed development likely to be a significant development? | No. The proposed development will be located in an area of high population density. | No. The proposed development will not have a significant impact on the environment. |
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In the basis of the above the consensus of the screening group is that environmental effects from the proposed aquaculture is not to have significant effects on the environment and that an Environmental Impact Statement is not required for this project.

| EIA PRE-SCREENING GROUP NAMES       |  | DATE OF MEETING  |
|-------------------------------------|--|--|
| Paul O'Sullivan                     |  | Department's Engineering Division  |
| Leonard O'Shea                      |  | Department's Engineering Division  |
| Joe Lorry McMahon                   |  | Marine Institute   |
| Catherine Morrison                  |  | BIM  |
| Dave Millard                        |  | BIM  |
| Deirdre Fitzpatrick                 |  | Department's Aquaculture and Foreshore Management Division                 |
| Matt Whelton                        |  | Department's Aquaculture and Foreshore Management Division                 |
| SIGNED BY ON BEHALF OF THE GROUP    |  | Department's Aquaculture and Foreshore Management Division                 |
| <i>Paul O'Sullivan</i>              |  | DEPARTMENT'S AQUACULTURE & FORESHORE<br>MANAGEMENT DIVISION REPRESENTATIVE |
| NAME IN BLOCK CAPITALS BATT WHELTON |  | DATE <i>16 Oct 2013</i>  |

