

Recommendation to grant Foreshore Licences (Ref: T12/419)

G. O'Donovan, Administrative Officer

✓ Recommend granting of Licences as outlined in the Submission. G.O.D. 30/11/16

B. Whelton, Asst. Principal

✓ I agree with Recommendation the foreshore licence for the 3 sites BW 30/11/16

J. Quinlan, Principal Officer

Dr. Beamish
recommended
for approval
please.

Dr. Beamish, Asst. Secretary

Recommended for approval.

Dr. Beamish 1/12

Rúnaí Aire

Michael...



1.0 DECISION SOUGHT

The Minister's determination is requested please in relation to the application for Foreshore Licences from Celtic Kerber Ltd., 20 Radharc Na Mara, Strandhill, Co. Sligo, for 3 sites at Braade Strand, Gweedore Bay, Co. Donegal, in which it is proposed to conduct aquaculture.

2.0 BACKGROUND

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

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

may only be placed onto the market for human consumption after treatment in a purification centre or relaying. The sites are approx. 1km from the official sampling point. They also noted that Gweedore/Carrickfin beach is an amenity and recreation area for locals and tourists.

Public Consultation

The application was publicly advertised using a composite public notice covering both aquaculture and foreshore elements, in the Donegal Democrat on 15th September, 2016. The application and supporting documentation were available for inspection at Milford and Bunbeg Garda Stations for a period of 4 weeks from the date of publication of the notice in the newspaper.

There were **no objections** received from the public consultation process.

6.0 CRITERIA IN MAKING LICENSING DECISIONS

The Minister, in considering an application for Foreshore Licences, may, if satisfied that it is in the public interest to do so, grant such licences.

Section 82 of the Fisheries (Amendment) Act, 1997 stipulates that the Minister, in considering an application for a licence under the Foreshore Acts, which is sought in connection with the carrying on of aquaculture pursuant to an Aquaculture Licence, shall have regard to any decision of the Licensing Authority in relation to the Aquaculture Licence.

The Minister is also obliged pursuant to Regulation 5 (2) of the Aquaculture (Licence application) Regulations, 1998 to consider on a case by case basis whether the proposed aquaculture is likely to have significant effect on the environment. An EIA Screening Assessment was carried out by the EIA Screening Group (comprising of technical experts and Department officials). The Minister has already determined that an Environmental Impact Statement is not required for this project (See Declaration in **Annex 3**).

7.0 RECOMMENDATION

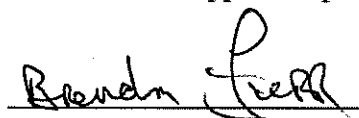
It is recommended that the Minister:

approves the granting of Foreshore Licences (**Annex 2**) to Celtic Kerber Ltd., 20 Radharc Na Mara, Strandhill, Co. Sligo, for the occupation of 3 sites:

- Site T12/419A - 7.3813ha
- Site T12/419B- 6.5214ha
- Site T12/419C -2.174ha

at Braade Strand, Gweedore Bay, Co. Donegal, for a period of ten (10) years for the carrying out of aquaculture activities as defined in the Aquaculture Licences, and in accordance with the terms and conditions of the attached draft Foreshore Licences. A separate Aquaculture/Foreshore Licence will issue for each site in accordance with standard practice.

Submitted for approval, please.



Brendan Farr

Aquaculture and Foreshore Management Division

30th November, 2016

13th December, 2016

COPY



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

Ref: T12/419

**Celtic Kerber Ltd.
Rossleague
Cobh
Co.Cork**

sent by registered post

RL 5709 4038 3 IE

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

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 Licences and accompanying Foreshore Licences, for the cultivation of Pacific Oysters using bags and trestles on site No. T12/419A, T12/419B and T12/419C (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 "Donegal Democrat".

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. This appeal must be lodged within one month beginning on the date of the publication of the decision.

In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at:
<http://www.citizensinformationboard.ie/>

The Licences will be issued to you as soon as possible after the end of the period of one month from the date of publication of the notice in the "Donegal Democrat", if there is no appeal.

Please also find enclosed the conditions that will apply to any Aquaculture Licence that may be issued by the Minister. Your attention is drawn to licence condition 3.5 in particular.

Yours sincerely


Brendan Farr

**Aquaculture and Foreshore Management Division
National Seafood Centre, Clogheen, Clonakilty, Co. Cork
Phone: 023 8859514 Email: Brendan.Farr@agriculture.gov.ie**

**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18
OF THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

REFERENCE NO: T12/419

APPLICANT: Celtic Kerber Ltd.

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of Pacific Oysters using bags and
trestles on site T12/419A, T12/419B & T12/419C
on the foreshore in Braade Strand, Gweedore Bay,
Co. Donegal

NATURE OF DECISION: Grant of Aquaculture Licence.

DATE OF DECISION: 8th December, 2016

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued
as soon as practicable after the end of the period
of one month from the date of publication of a
notice in a newspaper circulating in the vicinity of
the aquaculture, if no appeal is made to the
Aquaculture Licences Appeals Board within that
period, under Section 40 and 41 of the Fisheries
(Amendment) Act, 1997.

Note: It has been decided to grant the applicant a separate Foreshore Licence
under the Foreshore Act, 1933 (No.12), contemporaneous with the Aquaculture
Licence, subject to standard conditions applicable to Foreshore Licences.

To be inserted in the Donegal Democrat.

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 the following:

File Reference	Applicant	Species and No. of Site(s) and reference
T12/145	Donegal Oceandeep Oysters Ltd	Pacific Oysters using bags and trestles- Eddrim- Mount Charles area of Donegal Bay T12/145A and T12/145B
T12/349	Donegal Oceandeep Oysters Ltd	Pacific Oysters using bags and trestles- Eddrim- Mount Charles area of Donegal Bay T12/349A
T12/243	Donegal Oysters Ltd	Pacific Oysters using bags and trestles- Eddrim- Mount Charles area of Donegal Bay T12/243A, T12/145B, T12/243C & T12/243D
T12/346	Donegal Oceandeep Oysters Ltd	Pacific Oysters using bags and trestles- Eddrim- Mount Charles area of Donegal Bay T12/346A
T12/347	Racoo Shellfish Ltd & Bell's Isle Seafoods Ltd	Pacific Oysters using bags and trestles in Inner Donegal Bay T12/347A
T12/410	Thierry Gillardeau & Desmond Moore	Pacific Oysters using bags and trestles- Braade Strand, Gweedore Bay T12/410A & B
T12/419	Celtic Kerber Ltd.	Pacific Oysters using bags and trestles- Braade Strand, Gweedore Bay T12/419A, B & C
T12/430	John Boyle	Pacific Oysters using bags and trestles- Braade Strand, Gweedore Bay T12/430A & B
T12/438	Gary Boyle	Pacific Oysters using bags and trestles-, Gweedore Bay T12/438A & B

The reasons for this decision are elaborated on the Department's website at:

<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/>

An appeal against the Aquaculture Licence decision may be made in writing, within one month of the date of its 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 86 31912, e-mail info@alab.ie or website at <http://www.alab.ie/>

A person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformationboard.ie/>