

Technical Advisors Report

Deenish Island Appeal Review

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1 EXECUTIVE SUMMARY

Description:	Temporary Licence for the amendment of operating procedures (using maximum standing stock biomass for gauging and capping production capacity rather than tonnage and moving from a 12 month to an 18-24 month cycle) Deenish Island Salmon Farming Site, Ballinskelligs Bay, Co. Kerry
Appeal Reference	AP1/1/2011 AP1/2/2011 AP1/3/2011
Licence Application	Site T6/202
Department Reference Number	AQ 199
Applicant	Silver King Seafood Ltd (Marine Harvest Ireland)
Minister Decision	Granted Temporary Amendment Aquaculture Licence AQ199 22 nd March 2011
Appeal	
Type of Appeal	Change in Permitted Operation
Appellant(s)	Inland Fisheries Ireland Salmon Watch Ireland Waterville Fisheries Development Group
Observers	Department of Communication, Energy and Natural Resources (DCENR)
Technical Advisor	RPS
Site Inspection	n/a

2 APPEALS DETAILS & OBSERVER COMMENTS/SUBMISSIONS

Date Appeal Received: 9th May 2011 – Salmon Watch Ireland
 11th May 2011- Waterville Fisheries Development Group
 12th May 2011 - Inland Fisheries Ireland

Location of Site Appealed: Deenish Island Salmon Farming Site, Ballinskelligs Bay, Co. Kerry.

2.1 APPEAL TIMEFRAME

Publication notice to amend the aquaculture licence featured in the 'The Kerryman' newspaper on 13th April 2011 and in 'The Southern Star' on 4th April 2011. All three appeals were submitted within the statutory timeframe of one month from the date of the publication notice in 'The Kerryman' as set out under Section 40 of the Fisheries (Amendment) Act, 1997.

- **Salmon Watch Ireland** submitted Appeal on 6th May 2011. The Appeal was received by ALAB on 9th May 2011.
- **Waterville Fisheries Development Group** submitted Appeal on 9th May 2011. The Appeal was received by ALAB on 11th May 2011.
- **Inland Fisheries Ireland** submitted Appeal on 10th May 2011. The Appeal was received by ALAB on 12th May 2011.

Due to the appointment of new Board members and Technical Advisors, the Aquaculture Licence Appeals Board requested an extension to the Appeal review process in October and December 2011.

2.2 NAME OF APPELLANTS

Table 2.1 Details of Appellants

Appeal AP1/1/2011	Appeal AP1/2/2011	Appeal AP1/3/2011
Mr.Gregory Forde Head of Operations Inland Fisheries Ireland Teac Breac Earl's Island Galway	Mr. Niall Greene Chairman Salmon Watch Ireland Raheen Lisnagry Co. Limerick	Mr.Kevin O'Sullivan Secretary – Management Committee Waterville Fisheries Development Group C/O The Tackle Shop Waterville Co. Kerry

2.3 NAME OF OBSERVERS

In reviewing the appeal files, there have been no further submissions or observations since the appeals. Statutory observations related to the appeals are summarised below.

The **Department of Communication, Energy and Natural Resources (DCENR)** made an observation to the file. This Observation was with regard to a response made by the Department of Agriculture, Fisheries and Food (DAFF) on the June 2010 to queries put by the EU Commission DG Environment on the EU Pilot Project 764/09/ENV.

*Based on a survey of sea lice on salmon farms in 2009 it was discovered that *L. salmonis* infestation levels greater than the treatment trigger were recorded on 22 of 36 inspections (61%) in the Spring period. This does not constitute good sea lice control.*

The DAFF response to the Commissions query on how increased sea lice levels could affect fish farm operations was emphatically placed on the obligations contained in Monitoring Protocol number 3 for Offshore Finfish Farms an element of which states that a Compliance & Monitoring unit has been established to ensure that all licence holders abide by the terms and conditions of their licences and the Pest Management strategy. It is since been established that very few sanctions have been introduced where prolonged breaches of sea lice Protocols exist. A significant example is the infestation of farmed salmon at a site in Ballinakill Bay in 2010 indicating that this new strategy for pest control has not been effectively met.

Regarding the issue of whether fish farms are located within an SAC or adjacent to them , the potential remains for transfer of sea lice to out migrating wild salmon populations in an estuary with a marine salmon farm present. Data suggests that sea lice-induced mortality can be high with lice larvae emanating from over-wintering farmed salmon potentially influencing the population status of wild salmon migrating through estuaries.

Responsibility for inland game fisheries does not rest with DAFF. Also neither the DCENR nor Inland Fisheries Ireland (IFI) has a direct role in the regulatory system in place for salmon farming with the latter, as a statutory consultee, receiving notice and licence applications or renewals.

*Studies in Ireland and Norway have indicated that in springtime the majority of copepod nauplii arise from ovigerous sea lice infesting farmed salmon. Further studies also showed that fjord migrating Atlantic Salmon post-smolts descending along farmed fjords of western and middle Norway can show signs of infestation soon after their entry to seawater. The potential clearly exists for the infestation of post-smolts migrating through estuaries. Once present in their host *L.salmonis* causes breakdown of the skin and fins leading to osmotic stress and death. Studies have shown that as few as 11 sea lice present on Atlantic salmon is enough to cause mortality. Studies have suggested that an absence of wild smolts bearing <11 sea lice in Norway can be explained by unseen mortality of more heavily infested smolts.*

Studies on fjordic systems in NW Europe report that infective copepods appear to concentrate near river outfalls with a predominance of sea lice larvae on wild sea trout juveniles in areas proximate to

salmon farms suggesting that salmonids are rapidly infested perhaps by pulses of copepods soon after entering sea water. Similar findings showed that the presence of salmon farms greatly increased L.salmonis abundances and suggested the likelihood of significant retention by selective tidal stream transport of sea lice larvae within the bay in which they were produced.

All data along with numerous other related studies undertaken in Canada, Norway, Scotland and Ireland on salmonid-sea lice interactions concluded that the weight of evidence is that sea lice of farm origin can pose a significant threat.

2.4 GROUNDS FOR APPEAL

Appeal AP1/1/2011 – Inland Fisheries Ireland

- The appellant has stated that no Appropriate Assessment (Requirement under Article 6 of the Habitats Directive) has been conducted on the possible impact of the extension of the site on the SAC and also the potential effect on salmon and sea trout. Apart from this no EIS had been undertaken for the extended activity.
- The appellant feels that more consideration should be applied to capping total lice numbers on the site.
- The appellant stated that it appears no provision has been made for either a 'temporary amendment' or a 'once off pilot project'. As legislation states a 'Trial Licence' issued for a one year (non-renewable) period is the only type of licence available for this type of activity. Taking all of this into account the appellant considers this modification to be illegal.
- The appellant claims they were unaware of any formal consultation regarding the extended modifications. The appellant is regarded as a 'Statutory Consultee', a requirement following a decision by the Minister.
- The issues in relation to Ireland's failure to protect wild salmon and sea trout have been raised in Brussels. Licence modifications should not be issued until matters regarding to protection are more secure with the authorities in Brussels.

Appeal AP1/2/2011 – Salmon Watch Ireland

- The appellant raises their concern over the proximity of the proposed aquaculture extension facility to Natura 2000 sites namely the Deenish and Scariff Islands SPA (site code: 004175) , and the Kenmare River Marine SAC (Site Code: 002158). The Kerry Blackwater (Site Code:

002173) and Lough Currane (Site Code: 000365) SACs both qualify as significant SAC salmonid sites. As required by Article 6(3) of the Habitats Directive an Appropriate Assessment must be carried out in the event of likely significant impacts by a proposed project on an SAC. The appellant raised the point that in failing to provide an Appropriate Assessment the Minister has opposed both National and EU Law by granting the amendment to the Deenish Island Licence AQ199.

- The appellant makes a reference to the recent European Court of Justice (ECJ) jurisprudence on an amendment to the expired licence constituting a new project and therefore is subject to a screening and appropriate assessment procedure provided by Article 6 (3) of the Habitats Directive. The appellant contends that the amendment is a 'project' as referred to in Articles 6 (3) of the Habitats Directive. They refer to the interpretation made by the ECJ that the requirement for an appropriate assessment should be based on 'the mere probability that a significant effect attaches to that plan or project' and not from the plan or project having a significant effect.
- The appellant maintains that there has been a failure to determine if this proposed project and continued activity would adversely impact on the integrity of the Natura 2000 sites due to no screening procedure having been undertaken both for the proposed pilot project and the continued operation of the facility before the issuing of a renewal licence.
- The appellant also states that it is unclear from the information provided by the Minister what the actual smolt and tonnage increase will be as there is no specific details provided of such on the amendment notice issued.
- An essential requirement of all finfish farms under The Fallowing Protocol is to allow a fallow period 'for the control of disease and parasite problems'. The appellant stated that there was no clarification on the Minister's notice how fallowing requirements for smolts are to be met on the Deenish site. There was no reference to the site being fallowed over the winter months.
- Considering the environmental sensitivity of the proposed amendment the appellant raised a concern regarding the lack of prior consultation by the Minister to the National Parks and Wildlife Service, Inland Fisheries Ireland or the Department of Environment, Heritage and Local Government (now Department of Arts, Heritage and the Gaeltacht).
- The appellant points out that no reference has been made by the Minister in the notice to amend the Aquaculture Licence AQ199 as to the statutory basis of the initiative.

Appeal AP1/3/2011 – Waterville Fisheries Development Group

- The Waterville catchment is regarded as the most significant sea trout fishery in the country (Fahy, 1989). Given the proximity of the salmon farm operation to the Waterville catchment, the appellant has concerns over the impacts further stock intensification will pose on the catchment and by extension the irreversible damage it can pose on this sustainable local fishery. The appellant claims that the catchment has already been significantly impacted by this salmon farm with sea trout/wild salmon stocks dwindling considerably from 2001 to 2004. After aquaculture operations ceased in 2004, sea trout/wild salmon stocks appeared to increase considerably right through to 2010 until operations commenced again at the salmon farm.
- The appellant also contends that the salmon farm is operating illegally in this site due to the fact that temporary cessation of operations at the farm exceeded the two year period required by Section 69 of the Fisheries (Amendment) Act 1997.

2.5 MINISTERS SUBMISSION

Section 44 of the Fisheries (Amendment) Act 1997 Part 2 states that *'The Minister and each other party except the appellant may 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 submissions or observations received by the Board after the expiration of that period shall not be considered by it'*.

The Minister has made no further submissions since the appeals were made. The Aquaculture Licence Appeals Board has made two submissions to the Minister for extensions to the appeal review period.

2.6 APPLICANT RESPONSE

As per Section 44 Part 2 of the Fisheries' Amendment Act 1997 which states *'The Minister and each other party except the appellant may 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 submissions or observations received by the Board after the expiration of that period shall not be considered by it'*, below is a representation summary of the response from the licence applicant, Marine Harvest Ireland, regarding points raised by the three appellants.

The submission was received by the Secretary of the Aquaculture Licence Appeals Board (ALAB) on 9th August 2011.

The applicant categorised the more significant points raised by the appellants and endeavoured to respond accurately. The various points are:

- A.** The key elements of the proposal and motivation,
- B.** Control of sea lice and interaction of sea lice on salmon farms and wild salmonids, and
- C.** A number of points based on legal arguments,
 - The Minister's discretion to amend the licence,
 - Requirement for an Appropriate Assessment,
 - Requirement for an EIS,
 - Requirement for the licence to be renewed prior to being modified, and
 - Whether the proposed amendment represents a trial licence or review.

A. The key elements of the proposal and motivation

- Documents relating to Deenish Island licence (T6/202;AQ199) as received from Coastal Zone Management Division (CZMD) (Marine Harvest Ireland Submission APPENDIX 1).
- A copy of the original Aquaculture licence (Marine Harvest Ireland Submission APPENDIX 2).
- A letter from Marine Harvest Ireland (MHI) to the Department of Agriculture, Food and Fisheries (now Department of Agriculture, Food and Marine) which outlines the request for a change in the licence at Deenish Island (Marine Harvest Ireland Submission APPENDIX 3) which in summary sought:
 - To change the licence specification from being allowed to transfer 400,000 smolts to sea per year to 800,000 smolts every second or every other year; i.e. the equivalent number (twice) of smolts as the yearly licence, but on a biannual basis.
 - To replace the annual harvest tonnage of 500 tonnes by a maximum standing biomass as is appropriate to the smolt input number.

Both points above relate to the fact that the marine production cycle spans approximately 18 to 22 months. The amendment to the Deenish Island licence promotes best industry farming practices that support fish husbandry and environmental management as it allows an “all in all out rearing policy”, “not moving stock to sea for on-growing at other locations” and “having a minimum fallowing period of 4-6 weeks during which no other stocks are present or even closely adjacent to a site”.

Marine Harvest Ireland's environmental consultant, Dr. Neil Bass of Watermark, carried out a model projection of the water chemistry at the site and adjacent areas on the proposed production (Marine Harvest Ireland Submission APPENDIX 4).

In commercial terms, a maximum standing biomass parameter allows the farming operation to better serve the market. If survival is higher than anticipated, some stock can be harvested out early, retaining the maximum biomass within the required specification. Remaining stock can continue to be reared as planned for the market. It is the understanding of the applicant that the Department is pursuing the implementation of a new aquaculture licence template that reflects this i.e. change to a maximum standing biomass as the primary regulator measure of a salmon licence, consistent with regulations brought about in Norway and Scotland.

The incentive behind the amendment to introduce changes to a licence parameter for better farming practices that will be more beneficial in terms of sustainable environmental and fish health practices. In addition it is an opportunity to experience an area where an anticipated licence change would become standard for all licences in future.

B. Control of sea lice and interaction of sea lice on salmon farms and wild salmonids

There are four significant factors relating to the occurrence of sea lice on salmon farms and wild salmonids:

- Proximity to wild salmonids,
- Ability to apply sea lice treatment,
- Ability to apply an “all in all out” policy and to allow adequate fallowing between successive generations of stocks, and
- The general health of the fish.

The applicant strongly rejects any suggestions that their farm impacts the sea lice levels of nearby stocks in Waterville and surrounding areas. *Lepeophtheirus salmonis* has not infested the applicant's stock in any way at the Deenish Island site, which reflects the significant measures undertaken by the applicant. It also means that infestation transfer does not occur at surrounding sites either.

The applicant is applying for a change of an existing licence to an alternative stocking method which reduced the introduction of external stocks to the area and therefore reduces the risk of sea lice introduction and occurrence, in line with European best practice.

The applicant deems much of the appellants claims to be unreliable and poorly documented. The applicant considers the appellant statistics such as “rod catch licence return” to not be a robust measure of returning fish or indicators of sea lice for that matter. The applicant is disappointed that figures obtained by electronic fish monitoring on the Waterville catchment were not cited instead.

It is the opinion of the applicant that the Minister for Agriculture, Fisheries and Food (now Minister for Agriculture Food and Marine) has the discretion to amend an aquaculture licence provided the amended is both rational and in the public interest. The applicant assumes the Department has sought necessary advice from groups concerning the amendment criteria e.g. Marine Institute, Bord Iaschiagh

Mhara etc. The structuring of licences is also in the public interest as it provides Irish operators with similar regulatory opportunities as their Norwegian and Scottish counterparts where industries are significantly larger in comparison.

Beyond this view, the applicant wishes to not comment any further on various legal arguments and deems it to be the responsibility of the Coastal Zone Management Division (CZMD).

The applicant recognises the struggle endured by Irish salmon farming industry in attempting to acquire licences/ licence amendments. In their opinion the CZMD has a big task to get the industry in shape but efforts appear to be hampered by several elements. Firstly, there is little updated information with regard to conservation objectives for Marine SACs which ultimately rests firmly with the Department of Environment, Heritage and Local Government (now remit of the Department of Arts, Heritage and the Gaeltacht). Secondly, legal challenges exist through Brussels from parties associated with our own Department of the Communications, Energy and Natural Resources (Marine Harvest Ireland Submission, Appendix 6).

The applicant feels that it would be in the best interests of ALAB to be updated on the anticipated new licence templates as it probable that most of the forthcoming renewals, licence reviews and alterations will be met with appeals. The applicant recommends a strong standard element to feature in order to ensure that appeals do not become drawn out, repetitive and inefficient processes. They feel that a clear direction provided by the ALAB to appellants on the ability of the Minister to affect an amendment licence would assist in the progression of the task ahead for the regulator.

The applicant states that aquaculture provides excellent potential for commercial development and hugely contributes to Ireland's financial benefit. The applicant remains disappointed at the lack of clarity and apparent considerable confusion regarding legal concerns associated with this industry. These elements manage to continually hamper the well-being of this industry.

2.7 CONSIDERATION OF NON-SUBSTANTIVE ISSUES

Each issue raised by all three appellants is considered substantive and have been reviewed.

Appellant issues regarding the licencing, i.e. the nature of the existing licence, trial licence status or licence review have been referred to the Aquaculture Licence Appeals Board.

3 ORAL HEARING ASSESSMENT

In line with Section 49 of the Fisheries Amendment Act 1997 an oral hearing may be conducted by the ALAB regarding the licence appeals.

At this time an oral hearing has not been called nor requested by any appellant or the applicant.

As this licence application constitutes a change in operation only, it is unlikely an oral hearing would be required.

4 MINISTER'S FILE

In line with particulars of Section 43 of the Fisheries Amendment Act 1997 the following documented items were sent to the ALAB from the Minister:

- A copy of the licence (including maps),
- A copy of a joint Marine Institute/ BIM report,
- A copy of a letter from Marine Harvest Ireland dated 7th February 2011,
- A copy of the submission to the Minister, including the Ministers decision, and
- A copy of the Department of Agriculture, Food and Fisheries' notification of the decision of the applicant.

In addition, the Department passed a copy to the Aquaculture Licence Appeals Board of the original application and EIS and copies of all previous licensing and correspondence for the site from previous operators. These documents have been reviewed as part of this reporting process.

5 CONTEXT OF THE AREA

5.1 PHYSICAL DESCRIPTIONS

Deenish Island is a small to medium-sized island situated outside the Iveragh peninsula and approximately 6km west of Lamb's Head off the Co. Kerry coast (WGS84: 51:43.8843N, 10:13.3542W). It is partially engulfed by Derrynane Bay to the east with Ballinskelligs Bay and Kenmare Bay to its north and southwest respectively. The island vegetation is a mix of maritime grassland, areas dominated by Bracken (*Pteridium aquilinum*) and healthy areas with Ling Heather (*Calluna vulgaris*) (**Image 5.1**). Both Deenish and Scariff Islands are unpopulated (National Parks & Wildlife Service – *Site Synopses*).

The Deenish Island site lies close to the western limits of Kenmare Bay and quite open to prevailing Atlantic conditions (**Figure 5.1**). Current rainfall in the area is recorded at approximately 1200mm per annum at sea level and over 2000mm per annum from 150m above sea level. The North Atlantic Drift runs up Ireland's West Coast, bringing warm summers and mild winters to the peninsula off the south west (MHI EIS, 2001).

In July 2011 a Preliminary Flood Risk Assessment (PFRA) was conducted by the Office of Public Works (OPW) and assessed the flood vulnerability of the Natura 2000 network. Results for the Deenish Island and Scariff Island SPA (004175) indicating 'low vulnerability' to flood hazards.

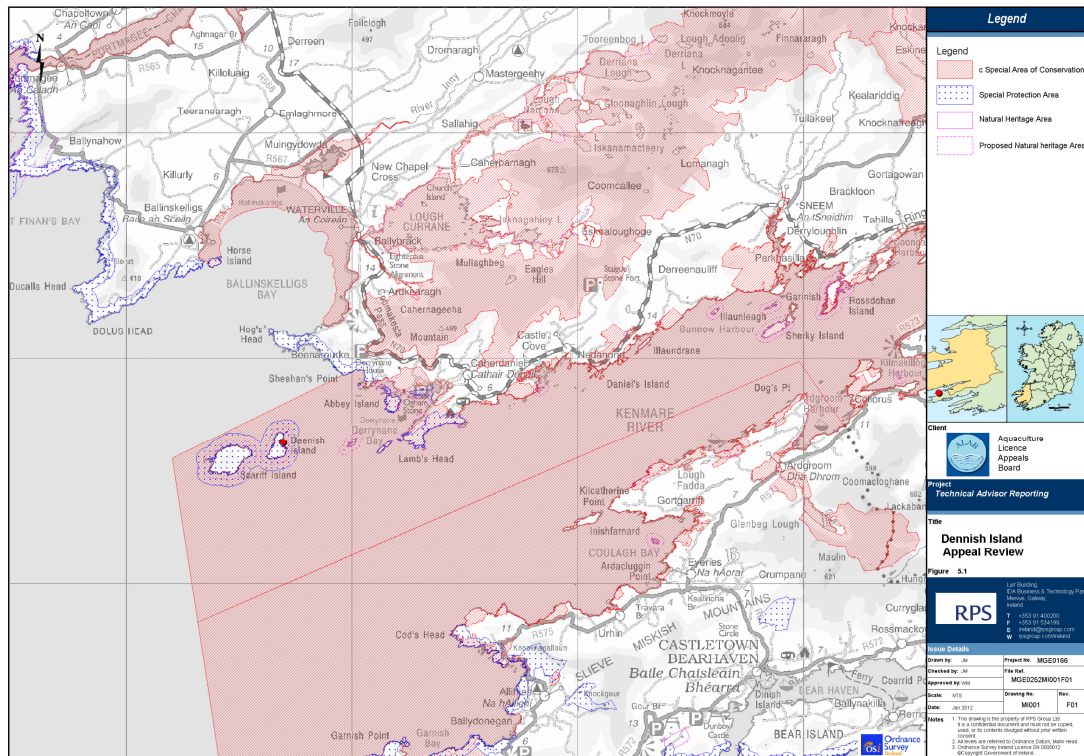


Figure 5-1 Map indicating location of Deenish Island application east of Scariff Island and protected areas most notably the Kenmare River Marine SAC (002158)



Image 5.1 View of Deenish Island taken from the south east of Derrynane. (Photo, 2007 Robert Wilcox)

5.2 RESOURCE USERS

Aquaculture – Apart from the existing, but non-operational Deenish Island site, there are various aquaculture facilities located along the southwest coast with Inishfarnard being the nearest finfish facility in operation. At present there are 16 licenced shellfish aquaculture operations, 13 active and 3 pending application, in existence in Kenmare Bay.

Angling and Inshore Fishing Activity – Sea angling continues to be of consistent interest around coastal Co. Kerry. Several chartered boats are commissioned within Kenmare and Derrynane Bays. While some inshore fishing remains, the main fishery has been based offshore for years. Inshore catches have impacted as a result of destruction of nursery beds, overfishing etc. The nearest chartered boat service to Deenish Island is based in Derrynane and is owned by Sean O'Shea (Licence no: 503). Its operational area is Kenmare Bay and it is primarily used for Reef, shark and general inshore fishing for crab, lobster, prawn and urchin.

Freshwater- Lough Currane is located approximately 6km northeast of Deenish Island and is considered significant for its salmon and sea trout populations. Free fishing is permitted but a state licence is required for both salmon and sea trout. All legitimate angling methods allowed. Optimum fishing period is from early June to September.

Tourism – No statistics available for this specific area but The West Kerry Gaelteacht Tourism Survey 2010 which was commissioned by Údarás na Gaeltachta documents the findings of a visitor survey carried out during Summer of 2010.

The result, compiled by the Department of Hotel, Catering and Tourism at the Institute of Technology Tralee (ITT), also finds that:

- The overall satisfaction levels with the tourism product in the area were very high with 98.2% of respondents stating that they would return to the area again for a holiday.

- Over half (50.8%) of all respondents were on a first visit to the area, exceeding the national figure of 37%.
- The largest international market of visitors to the area is the U.S.A. with 17.6%.
- The visitor market from Great Britain accounted for 15.1% of total visitors, a decline of almost 9% when compared with the 2004 County Kerry Tourism Research study.
- 81% of respondents were aware that they were in an Irish speaking region.
- Advice from 'a friend or relative' was identified as the most important information/referral source for respondents with 45.1%.

Tourist activities – Deenish Island is located just off the famous 'Ring of Kerry' which has long been regarded as one of Kerry's main tourist attractions. Caherdaniel is the nearest land based point to the island and offers a wealth of tourist activities e.g. water skiing, canoeing sailing, windsurfing and angling, available in the safe enclosed harbour of Derrynane. Horse-riding, hiking sea angling, golfing and hill walking are also very popular activities.

5.3 ENVIRONMENTAL DATA

Water Quality – Nutrient elevation

A projection of likely nutrient impacts on the water column as a result of the installation of the Deenish Island site for the proposed new operation (based on a commencement date of March 2011) was conducted by Dr. Neil Bass of Watermark consultants as part of the EIS. The study aimed to consider the impacts in elevation of ambient Nitrate N and Orthophosphate P levels in the Deenish Island area on the basis of two models.

Model 1 is based on data extracted from an EIS conducted on the site for 2001 and Model 2 investigates similar data for a new proposal to operate the Deenish Island site on a biannual basis. The difference between the 2001 model and the 2011 model is that the former uses two sites to give an annual harvest while the latter model uses only one site to return a biannual harvest (Marine Harvest Ireland Submission Appendix 2 and Environmental Impact Statement).

The results of the projection returned little difference in the overall outcome of both models. Model 1 showed an annual harvest of 2,000 tonnes per annum while Model 2 reached a harvest of 3,500 tonnes over one biennial cycle. As Model 2 produces a larger single crop, this results in a greater elevation of nutrient discharges in the second year of operation.. However, it should be noted that this increase is insignificant in the context of the overall flux of nutrients in the entire area of the facility.

5.4 STATUTORY STATUS

The aquaculture operations are in close proximity to several Natura 2000 sites which are listed below. Designation gives additional status to habitats when state and local authorities are considering planning permissions and other forms of licensing. SAC and SPA status should however, confer some improvement in control of aquaculture activity.

5.4.1 Nature Conservation Designations

Table 5.1 Natura 2000 sites in proximity to the aquaculture operation and features for which they are designated (NPWS Conservation Objectives).

Natura 2000 site	Qualifying features (EU Importance)	Other Features of interest
Deenish Island and Scariff Island SPA - SITE CODE: 004175	<ul style="list-style-type: none"> -Fulmar (<i>Fulmarus glacialis</i>) -Manx shearwater (<i>Puffinus puffinus</i>) -Storm Petrel (<i>Hydrobates pelagicus</i>) -Lesser Black-backed Gull (<i>Larus fuscus</i>) -Arctic Tern (<i>Sterna paradisaea</i>) 	<ul style="list-style-type: none"> -Oystercatcher (<i>Haematopus longirostris</i>) -Skylark (<i>Alauda arvensis</i>) -Wheatear (<i>Oenanthe</i> spp) -Stonechat (<i>Saxicola rubicola</i>) -Rock Pipit (<i>Anthus petrosus</i>) -Raven (<i>Corvus</i> spp)
Kenmare River Marine SAC - SITE CODE: 002158	<ul style="list-style-type: none"> -<i>Vertigo angustior</i> (whorl snail) -<i>Lutra lutra</i> (Otter) -<i>Phoca vitulina</i> (Common seal) -<i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) -Large shallow inlets and bays -Reefs -Perennial vegetation of stony banks -Vegetated sea cliffs of the Atlantic and Baltic coasts -Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) -Mediterranean salt meadows -Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") - Fixed coastal dunes with herbaceous vegetation ("grey dunes") -European dry heaths -Calaminarian grasslands of the <i>Violetalia calaminariae</i> - Submerged or partly submerged sea caves 	<ul style="list-style-type: none"> -Natterjack Toad (<i>Epidalea calamita</i>) -Kerry Lily (<i>Simethis planifolia</i>)
Kerry Blackwater SAC - SITE CODE: 002173	<ul style="list-style-type: none"> -Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) -Atlantic Salmon(<i>Salmo salar</i>) -Otter(<i>Lutra lutra</i>) -Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) -Kerry Slug (<i>Geomalacus maculosus</i>) 	<ul style="list-style-type: none"> -Peregrine Falcon(<i>Falco peregrinus</i>) -Merlin (<i>Falco columbarius</i>) -Hen Harrier (<i>Circus cyaneus</i>) -Chough

5.4.2 Cetacean Surveys Records

Cetaceans (**Table 5.2**) and pinniped species are listed in Annex IV of the Habitats Directive and therefore are afforded the same protection with regard to impact evaluation as those species in designated areas.

Table 5.2: List of cetacean species recorded by the Irish Whale and Dolphin Group within areas engulfing the proposed aquaculture facilities. Results are obtained from 2006 – 2011 surveys, where available.

Location	Date	Species	Number of individuals
Ballinskelligs Bay	August 2006	Common dolphin (<i>Delphinus delphis</i>)	20
	July 2007	Harbour porpoise (<i>Phocoena phocoena</i>)	3
	October 2008	Harbour porpoise (<i>Phocoena phocoena</i>)	3
	June 2009	Bottlenose dolphin (<i>Tursiops truncatus</i>)	37
	August 2010	Bottlenose dolphin (<i>Tursiops truncatus</i>)	5
	April 2011	Basking shark (<i>Cetorhinus maximus</i>)	1
	June 2011	Common dolphin (<i>Delphinus delphis</i>)	5
Caherdaniel, Kenmare River	May 2006	Bottlenose dolphin (<i>Tursiops truncatus</i>)	6
	July 2006	Bottlenose dolphin (<i>Tursiops truncatus</i>) Killer whale (<i>Orcinus orca</i>)	6 5
	June 2007	Bottlenose Dolphin (<i>Tursiops truncatus</i>)	7
	July 2008	Harbour porpoise (<i>Phocoena phocoena</i>)	3
	August 2010	Minke whale (<i>Balaenoptera acutorostrata</i>)	1
Kenmare River	April 2011	Basking shark (<i>Cetorhinus maximus</i>)	2
	June 2006	Bottlenose dolphin (<i>Tursiops truncatus</i>)	40
		Minke whale (<i>Balaenoptera acutorostrata</i>)	4
	July 2006	Minke whale (<i>Balaenoptera acutorostrata</i>)	2
	April 2007	Bottlenose dolphin (<i>Tursiops truncatus</i>)	30
	June 2007	Minke whale (<i>Balaenoptera acutorostrata</i>)	2
	Sept 2007	Common dolphin (<i>Delphinus delphis</i>)	12
	July 2008	Minke whale (<i>Balaenoptera acutorostrata</i>)	2
	June 2010	Harbour porpoise (<i>Phocoena phocoena</i>)	4
	August 2010	Minke whale (<i>Balaenoptera acutorostrata</i>)	2
	October 2010	Minke whale (<i>Balaenoptera acutorostrata</i>)	1
	July 2006	Minke whale (<i>Balaenoptera acutorostrata</i>)	1
	April 2007	Bottlenose dolphin (<i>Tursiops truncatus</i>)	7
Lambs Head	September 2007	Harbour porpoise (<i>Phocoena phocoena</i>)	5
	June 2008	Basking shark (<i>Cetorhinus maximus</i>)	1
	August 2008	Bottlenose dolphin (<i>Tursiops truncatus</i>)	5
	July 2009	Bottlenose dolphin (<i>Tursiops truncatus</i>)	6
	August 2009	Common dolphin (<i>Delphinus delphis</i>)	40
	June 2010	'Dolphin species'	5

Similar data is not available for seals in the areas. Whilst seals are likely to be present in the area as it would be within adult foraging range, there are no recorded haul outs on the island.

5.4.3 Bird Nesting Sites

Local NPWS Ranger Michael O'Sullivan confirmed that Arctic Tern continue to nest on Deenish Island.

5.5 STATUTORY PLANS

No specific statutory or development plans are documented for Deenish Island vicinity. Below are some examples of developments for the neighbouring land based areas of Caherdaniel and Kenmare available from Kerry County Council. Local Area Plans are in compliance with the objectives of the Kerry County Development Plan 2009-2015

5.5.1 Local Area Plan – Caherdaniel

Summary of Objectives

- To designate the area as shown on Zoning Map as a proposed Architectural Conservation Area under the provisions of the Planning and Development Act 2000 as amended.
- To encourage and facilitate small scale commercial tourism related development within the village boundary.
- Consider low density development to cater for detached housing.
- Encourage developer to preserve and enhance existing archaeological and historical features.
- Encourage employment uses at appropriate locations to provide local employment and sustainable growth.
- Ensure that development shall not have a detrimental impact on the natural environment.
- Develop a riverside park.

5.5.2 Local Area Plan – Kenmare

Summary of Objectives

- To complement the rural landscape with attractive settlements and maintain the distinctive character of the area.
- To protect and promote the cultural heritage of the area.
- To reinforce the social and economic strength of the area by building critical mass of population and jobs.
- To develop settlements in accordance with their long term development potential.
- To promote the development of settlements as a strategic focal point for the provision of services and employment for their rural catchments and halt rural depopulation.
- To promote alternative energy uses within the area.
- To promote the provision of adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc.
- To protect species and habitats of nature conservation importance.

5.5.3 Kerry Heritage and Biodiversity Plan 2008 - 2012

The Heritage and Biodiversity Plan 2008-2012 incorporates policies, aims and actions' relating to biodiversity and heritage. The aims of the project can be summarised as follows:

- To increase pride in our heritage resource through education programmes,
- To increase awareness in relation to heritage management and biodiversity conservation,
- To increase access, physical and intellectual, to heritage for all,
- To formulation of a Kerry Heritage Resource Directory,
- To create a centralised database of heritage records relating to Co. Kerry,
- To commission relevant research where there are information deficits,
- To ensure the integration of heritage conservation into local authority activities, and
- To increase the level of heritage expertise available to Kerry County Council.

5.6 WATER QUALITY STATUS

The four water categories - river, lakes, groundwater, transitional and coastal waters come under the EU Water Framework Directive (WFD), 2000/60/EC. The objective of the WFD is to prevent any further deterioration in status of surface waters, groundwater and water dependent ecosystems and to restore polluted waterbodies to at least "good status" by 2015. The following results were recorded for the EPA between 2007-2009.

Ecological Water Quality Status surrounding the immediate area of Deenish Island is yet to be determined by the EPA. The nearest point of assessment was located approximately 6km west of Deenish in Kenmare Bay. Results returned coastal water quality as 'unpolluted' and of 'high' ecological water quality status.

Ecological Risk Status of waters in the vicinity of Deenish Island are as follows:

- Ballinskelligs Bay (upper reaches) – 1a – At Risk of not achieving good status by 2015.
- Outer Kenmare Bay – 1b – Probably at risk of not achieving good status by 2015.
- Derrynane Bay – (location of site) – 2b – Strongly expect to achieve good status by 2015.

Bathing Water Quality monitoring points are not in the vicinity of Deenish Island. The water body results indicated a 'good' quality status for the areas extending from Outer Kenmare Bay up to Ballinskelligs Bay (areas engulfing proposed site).

BOD (Biochemical Oxygen Demand)

The water body results provided for Outer Kenmare Bay returned a BOD value between 0-2.

5.7 MAN-MADE HERITAGE

According to the 'Archaeological Survey of Ireland' there are several hundred National monuments, settlements and various heritage features occupying the land based areas of the Iveragh peninsula, Derrynane Bay, Ballinskelligs Bay and Kenmare Bay. There are no features of archaeological interest recorded for Deenish Island itself but some features are recorded on the neighbouring Scariff Island which are listed below, along with some examples of the more significant features present in the adjacent areas:

Scariff Island – Several Megalithic structures, Church, children's burial ground and ecclesiastical enclosure.

Caherdaniel Stone Fort - This well-preserved early Christian stone fort would have been the home of a local chieftain in the early 9th century. Although referred to as a fort, this monument was really a defended farmstead which would originally have contained houses and farm buildings.

Priory (Augustinian) Ballinskelligs Abbey – Ballinskelligs Augustinian Priory was founded by monks in the 12th or 13th century who travelled from the mainland from Skellig Michael. The ruin consists of a range of buildings running NE-SW namely a two storey structure and a rectangular church closer to the sea.

Church Island Lough Currane – This medieval ecclesiastical site was founded by St. Finan Cam in the 6th century and is located on an island of Lough Currane.

Staigue Fort - Ireland's finest example of a Stone Fort and Abbey located in Castlecove

6 SECTION 61 ASSESSMENTS

Section 61 of the 'Fisheries Amendment Act 1997' considers the following matters which the licencing authority shall have regard for when an application for an appeal regarding an aquaculture licence is being considered.

6.1 SITE SUITABILITY

The site under appeal **is** suitable for the intended purpose for the following reasons:

- The Deenish Island site has previously been selected in this area for aquaculture operations due to the high flushing rate and sufficient current flow to optimize sustainable dispersal and dilution of wastes,
- The site has been selected and sized to minimise hindrance to other water users in the area and to also minimise visual impact and the risk of fish escapes due to the exposure of stormy conditions,
- It is located a significant distance from any migratory salmonid rivers, and
- Deenish Island is a remote site and its visual impact would not change significantly if this proposal is granted. In fact the overall visual footprint of the Marine Harvest Southwest operations would be reduced in changing the current six site base to a more modern three site operation (MI and BIM joint report, 2011).

6.2 OTHER USES

As stated in **Section 5.2**, commercial sea fishing, sea angling and various water based activities originate from piers in the outer Kenmare Bay and Derrynane Bay.

Prior to this recent proposal, the existing Deenish Island operation site had been selected with full consideration of the needs of all other users of water and infrastructure. To date the Deenish Island site operations have delivered a negligible impact on other water users since their inception under various licences.

As the proposed Deenish Island operation only occupies a small proportion of the water body relative to the expansiveness of the entire Derrynane, Ballinskelligs and Kenmare Bays, this leaves ample space for all other water activities.

Therefore the proposed development will have an *insignificant* impact on the possible other users of the area.

6.3 STATUTORY STATUS

The proposed development has a *non-significant impact* on the statutory status of the area for the following reasons:

- As stated in **Section 5.4**, Deenish Island does not appear to be included in any local area plans and is uninhabited.
- Aquaculture operations on the island should not convey interference to potential development plans or protection measures for the vicinity on the island by the Kerry Biodiversity and Heritage Plans 2008 – 2012.
- The proposal is for an alteration in operation that would improve operations in line with EU best practice.

6.4 ECONOMIC EFFECTS

Although tourism is considered to have the greatest economic impact in the regions spanning the immediate environs of Deenish Island, job creation in support of the aquaculture section has boosted employment in the region. The introduction of salmon farming has particularly contributed a source of raw material to the processing and packing plants of Castletownbere.

This proposed arrangement, *if permitted*, would:

- Allow Marine Harvest Ireland to enable the continuity of the aquaculture operations at the Deenish Island site, and
- Provide employment security for all Marine Harvest Ireland 34 staff in the southwest region. Its continuity means that it maintains Marine Harvest Irelands current position and solid reputation in the market that has been continually built up for organic salmon.

The proposed arrangement, *if not permitted* would:

- Fail to supply local and export customers in 2012 and 2013. By extension, this outcome could prove commercially damaging to the company and potentially impact the overall strategy of the organic salmon business and staff it employs across the Southwest of Ireland.

Therefore the proposed arrangement is likely to have a *positive effect* on the economy of the area.

6.5 ECOLOGICAL EFFECTS

Table 6.1 Potential impacts posed on qualifying features listed for Natura 2000 sites near the proposed facility

Natura 2000 site	Qualifying features (EU Importance)	Potential impacts
Deenish Island and Scariff Island SPA - SITE CODE: 004175	<ul style="list-style-type: none"> -Fulmar (<i>Fulmarus glacialis</i>) -Manx shearwater (<i>Puffinus puffinus</i>) -Storm Petrel (<i>Hydrobates pelagicus</i>) -Lesser Black-backed Gull (<i>Larus fuscus</i>) -Arctic Tern (<i>Sterna paradisaea</i>) 	<p>- Regular activity on the island is minimal with the exception of aquaculture operations. Noise and activity not anticipated to be significant enough to deter roosting and nesting populations. Regular Arctic tern nesting activity has been continually recorded on this site despite presence of aquaculture operations over the years.</p> <p><u>No additional impact anticipated.</u></p>
Kenmare River Marine SAC - SITE CODE: 002158	<ul style="list-style-type: none"> -<i>Vertigo angustior</i> (whorl snail) -<i>Lutra lutra</i> (Otter) -<i>Phoca vitulina</i> (Common seal) -<i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) 	<p>- None recorded within island vicinity therefore <u>no impact likely</u></p> <p>-Vicinity of proposed area is unsuitable for potential holt sites. Although amphibious in nature, otter populations are generally more common near freshwater sources and fringing coastal regions so <u>no mortality risk anticipated during operations and no impacts to otter behaviour anticipated</u></p> <p>- Utilisation of the area is anticipated to be low, and there are no recorded haulouts at the vicinity <u>No impacts expected for local seal populations.</u></p> <p>Seals in the general area may be a potential source of predation on fish cages</p> <p>- None recorded within island vicinity. <u>No impact likely</u> due to considerable distance from Deenish to regular habitat location</p>
	<ul style="list-style-type: none"> -Large shallow inlets and bays -Reefs -Perennial vegetation of stony banks - Vegetated sea cliffs of the Atlantic and Baltic coasts -Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) - Mediterranean salt meadows -Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") - European dry heaths - Calaminarian grasslands of the <i>Violetalia calaminariae</i> - Submerged or partly submerged sea caves 	<p><u>-No significant impact anticipated</u> due to the size and scale of the Deenish operation compared to the relative distance and significant extensive expanse of these qualifying features .</p> <p>No loss of SAC habitat where these features occur.</p> <p>No Annex 1 Habitats identified in the immediate vicinity of the Deenish Island site within the EIS.</p>
Kerry Blackwater SAC - SITE CODE: 002173	<ul style="list-style-type: none"> -Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) -Atlantic Salmon(<i>Salmo salar</i>) 	<p>- <u>No impact anticipated</u> due to distance of proposed operations to resident Pearl Mussel freshwater watercourses</p> <p>Proposed operational changes provide a <u>reduced likelihood of impact</u> to wild salmonid stocks, if the facilities are operated in line with proposal and operational best practice.</p>

	-Otter(<i>Lutra lutra</i>)	Vicinity of proposed area is unsuitable for potential holt sites. Although amphibious in nature, otter populations are generally more common near freshwater sources and fringing coastal regions so <u>no mortality risk anticipated during operations and no impacts to otter behaviour anticipated</u>
	-Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)	None recorded within island vicinity. <u>No impact likely</u> due to considerable distance from Deenish to regular habitat location
	-Kerry Slug (<i>Geomalacus maculosus</i>)	-None recorded on Deenish Island.

6.6 POSSIBLE IMPACTS ON MARINE MAMMAL POPULATIONS

6.6.1 Cetaceans

Records from Irish Whale and Dolphin Group (IDWG) as presented in **Section 5.4** indicate a regular group of five cetaceans generally occurring in varied populations around the waters engulfing Deenish Island. The most commonly occurring of those appears to be the Bottlenose dolphin (*Tursiops truncatus*) and is a species that should be considered as in future management plans and conservation efforts. They are the only known resident group of this Annex II and Annex IV Habitats Directive species in Ireland. They are not a qualifying feature of the SAC. It is not known whether these individuals range outside the site and, if so, how often or for how long. Conservation Objectives for *Tursiops truncatus* include:

- Maintain the population at favourable conservation status,
- Manage the interaction between dolphins and fisheries, and
- Minimise disturbance including from acoustic sources, (NPWS)

The area of the proposed aquaculture facility has previously been utilized for more intense aquaculture operations. Over the years, food and faecal material from the site on the sea floor and / or water column is a regular occurrence and likely to continue. Any dolphins visiting this site are thus considered have some tolerant to these conditions.

The potential for collision is low as dolphins are likely to respond quickly to the sound of an approaching vessel and initiate a dive reaction long before a collision risk. Limited vessel activity (daily numbers of vessels) is anticipated in the area as a result of operations

Given the above, no significant impacts are anticipated on any cetaceans as a result of the proposed operation.

6.6.2 Pinnieads

Common Seals *Phoca vitulina* are a qualifying feature of interest in the Kenmare River SAC. The Kenmare area is well known for seal populations.

The NPWS cite 320 individual common seals present throughout the Kenmare River SAC (NPWS 2010, Natura 2000 Data form IE0002158). Their distribution is recorded as concentrated at haul outs within the main estuary area on mud and sandflats. The surveys by the NPWS and other available literature do not record any seal haulouts of Deenish Island or in the immediate vicinity.

The NPWS have not developed Conservation Objectives for this Habitats Directive Annex IV species, however, they are listed as a qualifying feature of the SAC. The Kenmare River SAC Conservation Objectives are:

Objective 1: To maintain the favourable conservation status of the Qualifying Interests of the SAC, or the Special Conservation Interests of the SPA,

Objective 2: To maintain the extent, species richness and biodiversity of the entire site, and

Objective 3: To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

The area of the proposed aquaculture facility has previously been utilized for more intense aquaculture operations. Over the years, food and faecal material from the site on the sea floor and / or water column is a regular occurrence and likely to continue. Any seals visiting this site are thus considered more tolerant to these conditions. Though there are no recorded haul outs, breeding or moulting sites on Deenish Island it is likely due to their extensive foraging range that seal regularly visit the island.

The potential for collision is low as seals within the area have a significant foraging area and would be exposed to a range of vessels and shipping. Seals are likely to respond quickly to the sound of an approaching vessel and initiate a dive reaction long before a collision risk.

Given the above, no significant impacts are anticipated on any pinnapeds as a result of the proposed operation.

6.6.3 Otters

The otter (*Lutra lutra*) is protected under the Irish Wildlife Acts (1976 & 2000) and is also listed on Annexes II and IV of the EU Habitats Directive The 2010 – 2012 National Otter Survey recorded otters in the Inner Kenmare river area. The survey did not include Deenish Island so it is unclear if there are

otters present. Similarly in the 2003/4 survey the island was excluded, although otters signs were present at nearby mainland sites.

Otter territories must include access to freshwater areas. As a result it is unlikely that there are otters resident on Deenish Island. The proposed application is for a change of operation. As a result no impact to otters is anticipated. Any otters that use the island will have some tolerance of the existing activities.

Given the above, *no significant impacts are anticipated on any otters as a result of the proposed operation.*

6.7 POSSIBLE IMPACTS ON WILD SALMONID POPULATIONS

6.7.1 Wild Salmon *Salmo salar*

Monitoring, efficient methods of treatment and fallowing methods are all vital in their role in the control of sea lice. The new proposal is canvassing for an 'all in-all out' stocking policy where the site will be stocked with a single year class of fish that grow out and are cropped over a twenty two to twenty four month period, all at the same location. This would in turn reduce the scope for fish movements and improve bio-security. This process would allow a site to receive new fish every third year allowing an extended period for fallowing with consequential environmental benefits including:

- Maintenance of good benthic conditions, and
- Enhanced pest and disease control.

Prior to this proposal, former operations at the Deenish Island site demonstrated appropriate control of sea lice levels at this site over the past years. Organic salmon has been successfully reared at this site without the need for anti-lice treatments as *L.salmonis* has never significantly infested stock at this Marine Harvest Ireland site. This is reflected in results obtained in 2010 for the National Sea Lice Survey where *L.salmonis* levels at the Deenish Island facility were below the treatment trigger level of 0.5 ovigerous female lice per fish during the Spring period and again fell below the 2.0 trigger level outside of the Spring period.

In addition this site is a considerable distance from any migratory salmon rivers. Enhanced disease control methods will pose little threat to wild stocks.

6.7.2 Sea Trout *Salmo trutta*

In addition to salmon, there are numbers of sea trout in the Kenmare River area. Preliminary monitoring for the WFD (27-30th September 2010) in the Inner Kenmare River recorded an individual.

Sea trout are brown trout that exhibit anadromous life stages.

Sea trout are susceptible to sea lice *Lepeophtheirus salmonis* especially in semi-enclosed waterbodies where salmon farming is present (e.g. fjords).

Sea trout are a significant local amenity in Waterville, where a historic fishery is present. As a result the location is a significant distance from any sea trout rivers. The proposal is for a change in stocking density and includes enhanced disease control methods and therefore poses little threat to wild stocks.

If the proposal is approved for this facility, management must comply with monitoring protocols as set out by the Department of the Marine and Natural Resources. 'Monitoring Protocol No. 3 for Offshore Finfish Farms Sea Lice Monitoring and Control' requires all finfish farms to monitor for sea lice on an ongoing basis and to take remedial action if necessary.

It is also proposed that existing ongoing monitoring in the area from salmonid fisheries continue to record infestation and that this data is reviewed and reported with the monitoring protocol results for the site after the proposed licence term and as part of any future licence renewal or change application.

There is *no significant* effect on wild salmonid fisheries populations anticipated as a result of the proposed operation, provided effective controls and monitoring protocol are adhered to

6.8 GENERAL ENVIRONMENTAL EFFECTS

Nutrient Water Column - As previously stated in **Section 5.3**, the study undertaken to determine elevated ambient nutrient levels arising from Model 1 (EIA 2001) & 2 (Projected for 2011) established that levels for both scenarios are negligible in the context of overall nutrient levels of the area. Results returned for parameters Nitrate N and Orthophosphate P levels reveal that Environmental Quality Standards (EQS) are never reached at any stage of the cycle with or without elevations resulting from farm discharges.

Organic Enrichment - The effects of organic enrichment is one of the most common forms of disturbance among benthic communities. The EIS produced for the site in 2001 concluded that organic loading was confined to the immediate area of cage arrays limiting the effects to the infauna only underneath the cage. Areas in proximity and further beyond the cage were unaffected. This was confirmed by transect sample sites from 50 – 200m along the axis of residual current.

The significance of the sediment type under a fish farm is related to the physical environment in which the farm is located more specifically the areas of erosion, transportation and accumulation (Weston ,

1990). Strong currents and water depth affect the dispersal of organic wastes and thus the degree of impact on the faunal community in this area. Macrofaunal structure and abundance varies in areas with varying quantities of organic matter. *Malacoceros* sp, *Capitellidae* sp, *Nematoda* sp and *Tubificidae* are typical opportunistic species found under salmon cages. Their presence indicates organic loading but that does not necessarily signal severe conditions as bioturbation activities of these species and removal of material by epifauna present still maintains an equilibrium status (Nickell *et al.*, 2002). Also the high flushing potential of this environment aids in removal of any excess organic matter maintaining sustainable operation of the site.

Therefore there are *non-significant* environmental effects as a result of the proposed development.

6.9 EFFECT ON MAN-MADE HERITAGE

As stated previously in **Section 5.5**, there are no significant heritage features present in the vicinity of Deenish Island according to the Archaeological Survey of Ireland. There are several significant megalithic features present on neighbouring Scarriff Island, the nearest point of which is located approximately 700m from Deenish Island.

Due to the considerable distance from noted heritage sites there are *no effects* anticipated on the man-made heritage of value in the area as a result of the proposed operation.

7 RECOMMENDATIONS

In accordance with Section 59 of the Fisheries (Amendment) Act 1997 the Technical Advisor recommends that the licence be granted for the site reference number T6/202 for the following reasons and considerations:

- The proposed change in licence be subject to Habitats Directive Screening Assessment in accordance with the Habitats Directive. This should be included as a condition of the licence.
- The Screening Assessment should be reviewed by the competent authority and if requested, a Natura Impact Statement be carried out to the satisfaction of the authority with regard to this application. If the Screening Assessment concludes that a Natura Impact Assessment is not required and this is accepted by the competent authority, the competent authority should issue the 'Finding of No Significant Affects' Statement following the review of the Screening Assessment.
- The proposed amendment should be subject to all the special conditions of the original decision.

The controversial issue of sea lice transfer remains and continues to be raised in relation to the salmonid aquaculture industry. Facility management must be seen to ensure extensive measures are being taken in protecting their operations from potential infestation. Reporting in line with Department requirements should be adhered to. The proposed licence change will allow the farm to operate to European best practice in this regard. While any potential impacts arising from this proposed activity could be largely deemed insignificant and are unlikely to compromise the integrity of the ecology of the area, it is still worth giving extra consideration to the more sensitive features associated with the general area including *Salmo salar* populations. Existing monitoring programmes for salmonids in the area should report sea lice occurrence in wild stocks and this should be reviewed at the expiration of this temporary licence.

8 CONCLUSIONS

- The site under appeal *is* suitable for the intended purpose.
- The proposed development (change in licence) has an *insignificant* impact on the possible other users of the area.
- The proposed licence has a *non-significant impact* on the statutory status of the area.
- The proposed licence will have a positive effect on the economy of the area.
- The proposed licence will have *no significant* effects on wild fisheries, natural habitat and flora and fauna populations provided effective controls and monitoring protocol is adhered to.
- The proposed change is in line with best European industry practice.
- There are *no significant* environmental effects expected as a result of the proposed licence.
- There are *no effects* anticipated on the man-made heritage of value in the area as a result of the proposed operation.

The proposed licence change at Deenish Island Salmon farm will have a positive effect on the economy of the area securing jobs and maintaining the reputation of Marine Harvest Ireland. Taking all other available information into account it would appear the facility would pose an insignificant impact on the environment, statutory status and man-made heritage value of the area.

The Technical Advisor recommends the decision to grant a licence. However, recommends that a condition be added to make the granting of the licence pending the outcome of an Appropriate Assessment (requirement under Article 6 of the Habitats Directive) determination by the responsible competent authority.

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