

**AP2/8/2015**

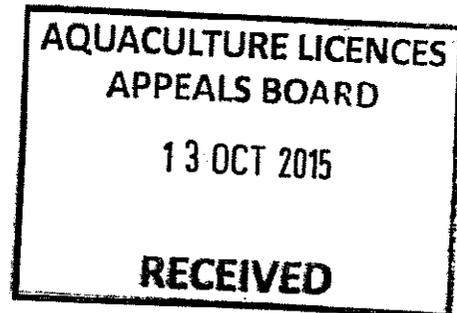
**COOMHOLA SALMON&TROUT  
ANGLERS ASSOCIATION**

**APPEAL**

Coomhola Salmon & Trout Anglers' Association  
c/o Teddy O'Brien, Coomhola Bridge, Coomhola, Bantry, County Cork

9 October 2015

Aquaculture Licences Appeals Board  
Kilminchy Court  
Dublin Road  
Portlaoise  
Co. Laois



**NOTICE OF APPEAL UNDER SECTION 40(1) OF  
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**

Site Reference Number: T5/555

**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 an Aquaculture Licence and a Foreshore Licence to, Bradán Fanad Teo t/a Marine Harvest Ireland, KINDRUM, FANAD, LETTERKENNY, CO. DONEGAL, REF: T5/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at SHOT HEAD, BANTRY BAY, CO. CORK**

Dear Madam/Sir;

Please note our Appeal of the above decision, and accordingly please find enclosed:

- 1) Our cheque for €152.37;
- 2) The completed Summary Appeal Form, and;
- 3) The elaborated grounds for Appeal.

If any queries arise please do not hesitate to contact me.

We thank you for your attention and look forward to receiving acknowledgment of receipt.

Signed,

Teddy O'Brien

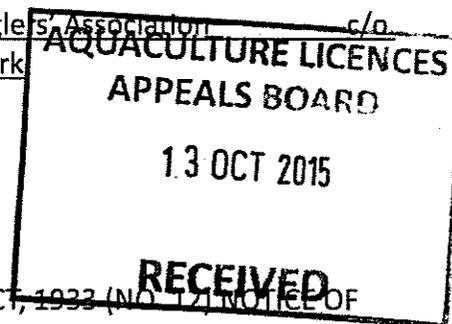
On behalf of the Coomhola Salmon & Trout Anglers' Association

ENC/

**NOTICE OF APPEAL UNDER SECTION 40(1) OF  
FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**

Name and address of appellant: Coomhola Salmon & Trout Anglers' Association c/o  
Teddy O'Brien, Coomhola Bridge, Coomhola, Bantry, County Cork

Telephone: |                      | Fax: n/a  
Mobile Tel: n/a E-mail address: | \_\_\_\_\_ |



**Subject matter of the appeal:**

FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) & FORESHORE ACT, 1933 (NO. 17) NOTICE OF DECISION TO GRANT AQUACULTURE AND FORESHORE LICENCES. The Minister for Agriculture, Food and the Marine has decided to grant an Aquaculture Licence and a Foreshore Licence to, Bradán Fanad Teo t/a Marine Harvest Ireland, KINDRUM, FANAD, LETTERKENNY, CO. DONEGAL, REF: T5/555 for the cultivation of Atlantic Salmon; *Salmo Salar* on a site on the foreshore at SHOT HEAD, BANTRY BAY, CO. CORK.

**Site Reference Number:- T5/555**

(as allocated by the Department of Agriculture, Food and the Marine)

**Appellant's particular interest in the outcome of the appeal:**

Appellant is an Angling Association of over 50 years' standing; membership consisting of riparian owners along the Coomhola River; as stewards of this aquatic (and salmonid) resource, the Association is dissatisfied with the Minister's decision considering it inadequate to protect Coomhola River salmon & sea trout under EU legislation.

**Outline the grounds of appeal (and, if necessary, on additional page(s) give full grounds of the appeal and the reasons, considerations and arguments on which they are based):**

Coomhola Salmon & Trout Anglers' Association consider the decision to be flawed due to errors of process and due consideration, with particular regard to oversights and omissions in the Environmental Impact Assessment which had direct bearing upon the rationale for the Minister's decision, and with further regard to 'best practices' for this scale of development as indicated by European directive; this position is elaborated upon in attachments.

**Fee enclosed: €152.37**

(payable to the Aquaculture Licences Appeals Board in accordance with the Aquaculture Licensing Appeals (Fees) Regulations, 1998 (S.I. No. 449 of 1998))(See Note 2)

**Signed by appellant:**

**Date:** 12 / 10 / 2015

**Note 1:** This notice should be completed under each heading and duly signed by the appellant and be accompanied by such documents, particulars or information relating to the appeal as the appellant considers necessary or appropriate and specifies in the Notice.

**Note 2:** The fees payable are as follows:

|   |         |
|---|---------|
| Appeal by licence applicant.....                                    | €380.92 |
| Appeal by any other individual or organisation                      | €152.37 |
| Request for an Oral Hearing (fee payable in addition to appeal fee) | €76.18  |

In the event that the Board decides not to hold an Oral Hearing the fee will not be refunded.

**COOMHOLA SALMON & TROUT ANGLERS' ASSOCIATION APPEAL UNDER  
SECTION 40(1) OF FISHERIES (AMENDMENT) ACT 1997 (NO. 23)**

**(Site Reference Number: T5/555)**

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## 1. Introduction & Background

The Coomhola Salmon & Trout Anglers' Association (henceforth 'The Association') was founded over 50 years ago (1964) to steward and foster the waters and the salmonids of the Coomhola River. Almost uniquely it draws its membership (as distinct from standard Angling Association practice) from *riparian owners* (whether they be anglers or not) along the length of the Coomhola River main channel, thereby creating a far-sighted and ideal forum of cross-sectoral stakeholder interest in the River including, but not restricted to, Farming, Tourism, Environmental, Forestry and Angling presence across this membership profile.

In the course of its existence The Association has acted as a *de facto* community association, instigating and commissioning actions which redound not alone to the benefit of the river and its salmonids but also extending to the wider community's consideration of socio-economy, human health, and Habitats and Biodiversity concerns. These actions have included:

A) The sponsoring of Environmental Education programmes being produced in local schools, these programmes involving:

- extensive local Field Trips to acquaint successive generations of local students with the unique and pristine condition of local habitats as well as the wonder of local species including now rare and European 'Red Listed' Salmon, Kingfisher, Otter, and Freshwater Pearl Mussel;
- classroom-based sessions augmenting the Field Trips to assist local students and their families to be aware of 'Best-Practice' in pursuit of livelihood, recreation, and domestic management to enable a minimisation of anthropogenic impacts upon local habitats, species, and aquatic resource;
- innovative promotion of a sense of 'resource stewardship', involving students in the hatching of local salmon eggs in their classroom together with their participation in the subsequent release of these fish into the wild.

B) The 1989-2002 Stocking of salmon in the Coomhola River, taking in;

- organising and securing successive Section 14 Licences (under the Fisheries Acts) to enable capture of local Coomhola River salmon broodstock for breeding purposes;
- subsequent widespread community involvement in breeding, incubating, hatching and release of salmon;
- liaison with Marine Institute to enable micro-tagging of cultured Coomhola salmon smolts to contribute to National database of salmon returns to Irish rivers.
- the production of occasional Community Festivals, celebrating and affirming the community resource of the river and its salmonid bounty, which feature the release of local fry into the river (the first of which, in 1995, was presided over by the then Minister of State for the Environment Eamon Gilmore, TD).

C) Facilitation of salmon and trout angling on the Coomhola River by locals as well as domestic and international (tourism) anglers by;

- provision of Angling Licence and Permit facility;
- production, with the then South Western Regional Fisheries Board (now IFI SW), of a Brochure on 'Angling in the Coomhola River' for national and international distribution;
- for legacy/historical and cultural value, the collection and recording of all of the pool names of the Coomhola River *as gaeilge*, and;
- keeping the river and riparian zone accessible to both anglers and non-anglers (such as 'eco-tourists' and etc.) through such measures as tree and branch management, path maintenance, and provision of annual insurance policy covering both users and riparian land owners who welcome said users.

Therefore The Association, given its fifty years of accomplishment, asserts that it has established a persevering legacy of altruistic endeavour and works of general public good and that due to this fact it is a credible Appellant to the Decision despite the array of Government and Industry entities who support said Decision.

Finally, the Appeals Board is asked to note the previous objection which was submitted by The Association at the Planning Stage (please see Appendix 3).

## **2. Acknowledgements and Appreciation**

The Coomhola Salmon & Trout Anglers' Association wish to express Acknowledgement and Appreciation of:

- A) The Aquaculture Licences Appeal Board for consideration of this Appeal;
- B) The provision in the Fisheries (Amendment) Act 1997 allowing for such Appeals;
- C) The Minister who, though we differ with his opinion in granting the Licence, we believe acted in good faith based upon the information available to him and with further regard to his concerns to encourage regional industry and employment, and;
- D) With all due respect, the Proposer as well as all 3<sup>rd</sup> parties involved in the determination of the suitability of a Licence for the proposed development whose elucidated and recorded opinions we have studied and considered in the course of our deliberations.

### 3. Grounds of Appeal

The Coomhola Salmon and Trout Anglers' Association hereby appeal the above decision. We believe that the Minister's decision to grant Aquaculture Licence for Site T5/555 is flawed and incorrect due to:

- 3.1 The reliance (for his decision) upon an Environmental Impact Assessment (EIA)<sup>1</sup> which was prepared by his own Department's Aquaculture and Foreshore Management Division dated 12 June 2015, (which included authors/contributors from Marine Institute (MI) and Bord Iascaigh Mhara (BIM)), believing that there is contained in this process as it transpired a fundamental conflict of interest insomuch as it is a policy priority of the Department of Agriculture, Food and the Marine to promote expansion of the Aquaculture Industry, a position endorsed by the Minister himself and shared to varying degrees by both co-authoring Agencies (MI and BIM). We contend that the EIA, to achieve objectivity, should have shared co-authorship (beyond statutory consultation) with further Government agencies including but not restricted to Department of Environment, Community & Local Government (DECLG) and Department of Arts, Heritage & the Gaeltacht, National Parks & Wildlife Service, and perhaps extending to further independent assessors including non-government environmental/ecological expertise. (See also Article 9a in Appendix 1, following, 'Excerpts from DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment').
- 3.2 In Section '14.4 Aquaculture'(and elsewhere) of the Environmental Impact Assessment prepared for the Minister's consideration (and previously cited), despite references to seaweed harvest and other (Bantry Bay) aquaculture initiatives, it neglects to mention the presence, proximate to the proposed site, of benthic beds of *Phymatolithon purpureum* and *Lithothamnion corallioides* (so-called 'calcified seaweeds') together with their historical, recent and possible future (licensed) harvest; notwithstanding the fact that even without their future exploitation, they remain the only seaweeds listed as "subject to management measures" in the European Union's Habitats Directive, which should be monitored and protected in their own right; their absolute omission from mention in this EIA must call into question the thoroughness of its preparation. (*Nota bene*: legally harvested 'calcified seaweeds' from this area of Bantry Bay have been utilised by Coomhola River Catchment farmers as a soil ameliorator/conditioner for at least 5 generations).
- 3.3 In 'Section 18 Quality and safety of farmed fish' the EIA asserts that "the FSAI (Food Safety Authority of Ireland) has advised that consumers should eat and enjoy one to two portions of Irish farmed salmon per week"; we contend that this was an opinion expressed by UCD Professor Ronan Gormley in an article for the FSAI newsletter of November/December 2013; nowhere can we find that this is official FSAI policy and therefore *if this is an error* than it may have contributed substantially and incorrectly to the Minister's approval of both the EIA as well as the Licensing decision.

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<sup>1</sup> Environmental Impact Assessment Development of a Salmon Farm, Shot Head, Bantry, Co. Cork; T5/555; Prepared by The Department of Agriculture Food and the Marine Aquaculture and Foreshore Management Division, 12 June 2015

3.4 With regard to the EIA's 'Section 19 Interactions with Wild Salmonids', it is asserted in the preface that "The five rivers in Bantry Bay support some of the smallest self sustaining stocks and fisheries on these stocks in Ireland"; we contend that this statement is needlessly deprecatory and prejudicial and has no place in what supposedly is an objective EIA, as from the outset it *could be interpreted* as evidently seeking to downplay the importance of these local, native stocks; and that this may have further misled the Minister into believing that the consideration of the welfare of these local salmonids was to be discounted as a factor in his decision.

With further regard to the context of 'Interactions with Wild Salmonids', we understand that there is historical anecdotal assertion (from historical commercial salmon fishery interests within Bantry Bay) that both outwardly-migrating juvenile salmon smolts as well as mature salmon returning to their native rivers in the Bay tend to travel along the northern shore of the Bay, the utilisation of this route in this eventuality placing the farmed and wild stocks in mutually undesirable close proximity to each other. Furthermore, sea trout (*Salmo trutta morpha trutta*) are presumed to dwell in coastal waters for the marine side of their life cycle (and this behaviour would apply for sea trout originating from rivers and coastal stream even nearer to the proposed development than the Coomhola stocks). These possible 'wild salmonid' interactions cited herein are not referred to in the EIA or in the proposer's EIS, hence were not included within the compass of assessments of possible 'interactions' or impacts and, though the proposers cite an effective sea lice control regime, omission of even the consideration of intra-Bay wild salmonid migratory behaviour within the context of these deliberations leaves us, as wild salmonid stewards, questioning the comprehensiveness of these twin treatises which were essential upon which to base an informed, reasonable, and sound judgement.

3.5 Preamble Clause 22 of 'Directive 2014/52/EU'<sup>2</sup> states: "In order to ensure a high level of protection of the environment...screening procedures and environmental impact assessments should take account of the impact of the whole project in question..."

As recognised long-term stewards of the wild salmonid stocks of the Coomhola River, this Association has become aware of not alone the decrease in the number of these stocks but also a significant decrease in their size over the past 30 years. In this latter context and, as we understand that Farmed Salmon feed is at least partly based upon marine-sourced wild species which may otherwise have contributed to the nutrition of wild salmon at sea, and in the further light of Clause 22 cited above as well as in wider European policy, we are surprised and dismayed to not find any attempt within the EIA to include an examination of the impacts of this practice upon wild salmon as well as upon the wider marine ecosystem.

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<sup>2</sup>'DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment' (Note: though Ireland's transposition of this Directive into Statute is pending, nevertheless as full EU correspondents it is hoped that Ireland might be morally bound to the spirit of this aspiration which we are party to, and not in the interim attempt to 'insert' exceptions to this ideal which has been contemporaneously identified and framed as being a needful correction to existing practices.)

3.6 With reference to Section 16 of the aforementioned Environmental Impact Assessment, 'Waste and Pollutants', subsection 16.5, the 'Conclusion' (for this Section) states:

"Based on the forgoing analysis, it is considered that the waste streams arising as a result of the operation of the proposed salmon farm are not likely to have significant impacts on the marine environment."

We as an Association do not have access to expertise in this area, but nonetheless beg the opportunity to make the following 'lay' and 'common sense' observation upon the implications of waste which may arise from the proposed development:

The proposal seeks permission to produce 3,500 tons of salmon over a specified cycle. In actual biomass terms this would be equivalent to a human population of 58,333 (at a liberal average weight of 60kg/). Given that a) presumably the median on-site biomass would be 50% of this and that b) farmed salmon have a vastly superior feed conversion efficiency (thereby generating a fraction of the faeces generated by an equivalent human population which we will presume for the sake of argument to be a factor of 10%), may we be permitted to propose the question that, in our untutored view, are we potentially considering that the waste generated by the proposed facility may have a similar impact as the untreated sewage of a human population of 2,000-3,000 directly into the Bay? In strict macro-economic analysis, whilst allowing for the weighing of real ecological considerations, a gain of what we understand to be 8 full time employees against this potential impact would not be countenanced, though we stand to be corrected if any of our assumptions are erroneous.

Given that there are other existing salmonid farms already in the Bay, we make this point just to ensure that the *cumulative impacts* of these enterprises do not place Ireland in violation of our solemn undertakings to achieve the objectives of the 'Water Framework Directive'<sup>3</sup> and to record our dissatisfaction with the assessment and conclusion of Section 16 of the EIA upon which the Minister has partly based his favourable decision.

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<sup>3</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

#### 4. Conclusion

The 'Executive Summary' of the previously-referred to EIA, and which we presume was instrumental in the Minister's decision to grant Licence for this Application, states:

"The conclusion of the Environmental Impact Assessment is that the installation and operation of the salmon farm as proposed is not likely to have a significant negative impact on the environment."

As long-standing stewards of the salmonids, as well as the wider welfare of the Coomhola River Catchment, and with further regard for the Bantry Bay region, and for the reasons cited above, this Association:

- Asserts that "...not likely to have significant negative impact..." is unnecessarily vague and insufficient to assure our constituents with regards the reliability of the decision;
- Expresses dissatisfaction with the EIA's assessment and conclusion(s) as well as the Minister's decision which was largely based upon this Assessment;
- Holds that the ensuing 'Reasons for the Decision' are insubstantial and unconvincing, to wit:

"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 T5/555. 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."

- Urges expeditious Department cognisance of 'state-of-the-art' European guidelines (Directive 2014/52/EU; see Appendix 1) on 'the assessment of the effects of certain public and private projects on the environment', which would enable the achievement of excellence in determination of this particular Planning question;
- Contends, for all of the rationale cited, that the Decision to grant this Licence was flawed and incorrect, and;
- Respectfully applies to have our Appeal upheld.

**5. Appendix 1: Excerpts from 'DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment'**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social

Having regard to the opinion of the Committee of the Regions

Acting in accordance with the ordinary legislative procedure

Whereas:

7. Directive 2011/92/EU of the European Parliament and of the Council, has harmonised the principles for the environmental impact assessment of projects by introducing minimum requirements, with regard to the type of projects subject to assessment, the main obligations of developers, the content of the assessment and the participation of the competent authorities and the public, and it contributes to a high level of protection of the environment and human health. Member States are free to lay down more stringent protective measures in accordance with the Treaty on the Functioning of the European Union (TFEU).

(2) The Commission Communication of 30 April 2007, entitled 'The mid-term review of the sixth Community Environment Action Programme' and the Report from the Commission of 23 July 2009 on the application and effectiveness of Council Directive 85/337/EEC (F'). The predecessor to Directive 2011/92/EU, stressed the need to improve the principles of environmental impact assessment of projects, and to adapt Directive 85/337/EEC to the policy, legal and technical context, which has evolved considerably.

(3) It is necessary to amend Directive 2011/92/EU in order to strengthen the quality of the environmental impact assessment procedure, align that procedure with the principles of smart regulation and enhance coherence and synergies with other Union legislation and policies, as well as strategies and policies developed by Member States in areas of national competence.

(6) Directive 2011/92/EU should also be revised in a way that ensures that environmental protection is improved, resource efficiency increased and sustainable growth supported in the Union.

(7) Over the last decade, environmental issues, such as resource efficiency and sustainability, biodiversity protection, climate change, and risks of accidents and disasters, have become more important in policy making. They should therefore also constitute important elements in assessment and decision-making processes.

(8) In its Communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe', the Commission committed itself to including broader resource efficiency and sustainability considerations in the context of the revision of Directive 2011/92/EU.

(10) The United Nations Convention on Biological Diversity ('the Convention'), to which the Union is party pursuant to Council Decision 93/626/EEC<sup>11</sup>. Requires assessment, as far as possible and as appropriate, of the significant adverse effects of projects on biological diversity, which is defined in Article 2 of the Convention, with a view to avoiding or minimising such effects. Such prior assessment of those effects should contribute to attaining the Union headline target adopted by the European Council in its conclusions of 25-26 March 2010 of halting biodiversity loss and the degradation of ecosystem services by 2020 and restoring them where feasible.

(11) The measures taken to avoid, prevent, reduce and, if possible, offset significant adverse effects on the environment, in particular on species and habitats protected under Council Directive 92/43/EEC and Directive 2009/147/EC of the European Parliament and of the Council, should contribute to avoiding any deterioration in the quality of the environment and any net loss of biodiversity, in accordance with the Union's commitments in the context of the Convention and the objectives and actions of the Union Biodiversity Strategy up to 2020 laid down in the Commission Communication of 3 May 2011 entitled 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020'.

(12) With a View to ensuring a high level of protection of the marine environment, especially species and habitats, environmental impact assessment and screening procedures for projects in the marine environment should take into account the characteristics of those projects with particular regard to the technologies used...

(22) In order to ensure a high level of protection of the environment and human health, screening procedures and environmental impact assessments should take account of the impact of the whole project in question...

(23) With a view to reaching a complete assessment of the direct and indirect effects of a project on the environment, the competent authority should undertake an analysis by examining the substance of the information provided by the developer and received through consultations, as well as considering any supplementary information, where appropriate.

(25) The objectivity of the competent authorities should be ensured. Conflicts of interest could be prevented by, inter alia, a functional separation of the competent authority from the developer. In cases where the competent authority is also the developer, Member States should at least implement, within their organisation of administrative competences, an appropriate separation between conflicting functions of those authorities performing the duties arising from Directive 2011/92/EU.

(31) The environmental impact assessment report to be provided by the developer for a project should include a description of reasonable alternatives studied by the developer which are relevant to that project, including, as appropriate, an outline of the likely evolution of the current state of the environment without implementation of the project (baseline scenario), as a means of improving the quality of the environmental impact assessment process and of

allowing environmental considerations to be integrated at an early stage in the project's design.

(34) With a view to ensuring transparency and accountability, the competent authority should be required to substantiate its decision to grant development consent in respect of a project, indicating that it has taken into consideration the results of the consultations carried out and the relevant information gathered..

(37) In order to improve the effectiveness of the assessments, reduce administrative complexity and increase economic efficiency, where the obligation to carry out assessments related to environmental issues arises simultaneously from this Directive and Directive 92/43/EEC and/or Directive 2009/147/EC, Member States should ensure that coordinated and/or joint procedures fulfilling the requirements of these Directives are provided, where appropriate and taking into account their specific organisational characteristics. Where the obligation to carry out assessments related to environmental issues arises simultaneously from this Directive and from other Union legislation, such as Directive 2000/60/EC of the European Parliament and of the Council, Directive 2001/42/EC, Directive 2008/98/EC of the European Parliament and of the Council, Directive 2010/75/EU of the European Parliament and of the Council (P't and Directive 2012/18/EU, Member States should be able to provide for coordinated and/or joint procedures fulfilling the requirements of the relevant Union legislator. Where coordinated or joint procedures are set up, Member States should designate an authority responsible for performing the corresponding duties. Taking into account institutional structures, Member States should be able to, where they deem it necessary, designate more than one authority.

*[Our Note: Furthermore, and of particular importance with reference to the generation of the EIA which appears to have had bearing on the Minister's decision, we wish to highlight]:*

Article 9a: Member States shall ensure that the competent authority or authorities perform the duties arising from this Directive in an objective manner and do not find themselves in a situation giving rise to a conflict of interest.

6. Appendix 2: Intra-Departmental Correspondence regarding the Minister's decision (from <http://www.agriculture.gov.ie/media/migration/fisheries/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/cork/t5555supportingdocuments/EIASubmissapprMinister140915.pdf>)

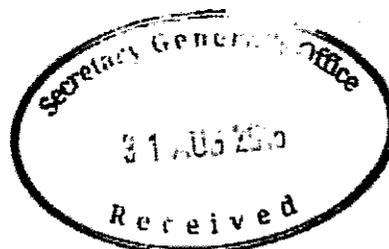
(provided on following pages)

Attention of Ann Smith

and transmission to the Secretary General.

**Shot Head Aquaculture Licence application.**

Recommendation for approval of Environmental Impact Assessment prepared in connection with the application for an Aquaculture Licence from Bradán Fanad Teoranta t/a Marine Harvest Ireland (MHI) for one site numbered T5/555 at Shot Head, Bantry Bay, Co. Cork.



Aquaculture Licence Application from Bradan Fanad Teoranta t/a Marine Harvest Ireland,

Shot Head, Bantry Bay.

Environmental Impact Assessment.

Dr. Beamish, Assistant Secretary.

- 1) Please see the submission hereunder and supporting documentation in respect of the above matter. ~~The applicable legislation requires the Minister, in cases such as this, to ensure that~~ an Environmental Impact Assessment (EIA) is carried out which assesses the Environmental Impact Statement submitted by the applicant and other relevant matters as set out in the legislation. A specific group comprising officials from DAFM, the Marine Institute and BIM was established to conduct the EIA and to prepare a report containing the outcomes of the assessment. The report of the group is at TAB 1 hereunder for the Minister's consideration.
- 2) The submission hereunder and the supporting documentation sets out the comprehensive nature of the EIA in respect of this application. As will be seen, the overall conclusion of the EIA is that the installation and operation of the salmon farm as proposed in the application is not likely to have a significant negative impact on the local environment. It was further concluded that there are no substantial environmental grounds for refusing to approve this application.
- 3) The Minister's approval of the draft EIA is recommended.

Submitted Please,

  
John Quinlan  
Principal Officer  
AFMD

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Kenai Aise,

The Minister's consideration is required of the attached EIA. The Minister's approval is sought of the draft EIA as recommended above and in the attached submission.

to Beamish  
28/8  
cc Secretary General  
1/9/15

**Recommendation for approval of Environmental Impact Assessment.**

J Quinlan, PO

Dr Beamish, Asst. Secretary.

A O'Driscoll, Secretary General.



Riadaí Aire.

Agreed.

A handwritten signature in black ink, appearing to read "Shun Caveney".

**DECISION SOUGHT**

The Minister's approval is sought in respect of an Environmental Impact Assessment prepared in connection with the application for an Aquaculture Licence from Bradán Fanad Teoranta t/a Marine Harvest Ireland (MHI) for one site numbered T5/555 at Shot Head, Bantry Bay, Co. Cork. (see TAB 1)

In support of this submission the following documents are attached:

- TAB 1 EIA Document
- TAB 2 Application Form
- TAB 3 Copy of Environmental Impact Statement (EIS).
- TAB 4 S.I. 236/1998

**BACKGROUND**

In June 2011, Bradán Fanad Teo T/A Marine Harvest Ireland submitted an application, accompanied by an Environmental Impact Statement (EIS), to the Minister for Agriculture, Food and the Marine for an Aquaculture Licence and a Foreshore licence for a 3,500 tonne salmon farm in Bantry Bay. (Copies of the application and EIS at TABS 2 & 3 respectively).

**LEGISLATION**

Section 4A of S.I. 236/1998 – Aquaculture (Licence Application) Regulations, 1998 sets out the circumstances in which an application for an aquaculture license must be subject to an Environmental Impact Assessment (EIA). The application by Bradán Fanad Teo T/A Marine Harvest Ireland for an Aquaculture License at Shot Head falls within the scope of Section 4A (2)(a) of SI 236/1998. (See TAB 4 for a copy of S.I. 236/1998)

## **SUMMARY OF THE EIA PROCESS.**

The Department established a group comprising of the following to produce an Environmental Impact Assessment report on the proposed development at Shot Head.

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|                       |  |
|-----------------------|--|
| <b>Aengus Parsons</b> | <b>The Marine Institute</b>                    |
| Dave Jackson          | The Marine Institute                           |
| Terry Mc Mahon        | The Marine Institute                           |
| Donal Maguire         | Bord Iascaigh Mhara                            |
| Tony O'Sullivan       | Department of Agriculture, Food and the Marine |
| Tommy Power           | Department of Agriculture, Food and the Marine |
| Kevin Hodnett         | Department of Agriculture, Food and the Marine |

The group met on a number of occasions to review the information under consideration and corresponded as required. The assessment was carried out in accordance with S.I. No. 410 of 2012, European Union (Environmental Impact Assessment) (Aquaculture) Regulations 2012. All documents and information relevant to the application from the date of receipt to the date of conclusion of the EIA were made available to each of the group members.

The Environmental Impact Assessment (EIA) examined, analysed and evaluated the direct and indirect impacts of the proposed development on the following:

- (a) human beings, flora and fauna,
- (b) soil, water, air, climate and the landscape
- (c) material assets and the cultural heritage, and
- (d) the interaction between the factors mentioned in (a), (b) and (c) above.

The material is comprehensive and sets out chapter by chapter the relevant issues and the conclusions drawn.

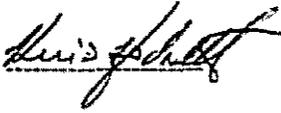
The final conclusion of the Environmental Impact Assessment is that, the installation and operation of the salmon farm as proposed in the application is not likely to have a significant negative impact on the environment.

## RECOMMENDATION

All the relevant issues have been comprehensively addressed in the EIA and it is recommended that the Minister approve the draft EIA. Finalisation of the EIA is a pivotal component in the overall determination process.

~~Submitted for approval, please.~~

Kevin Hodnett



Assistant Principal,  
Aquaculture & Foreshore Management Division.

Date. 31 July 2015

**7. Appendix 3: Copy of Coomhola Salmon & Trout Anglers' Association notice of Objection at previous Planning Stage**

**Coomhola Salmon & Trout Anglers' Association**  
c/o Teddy O'Brien, Coomhola Bridge, Coomhola, Bantry, County Cork

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14 October 2014

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

Ref/ T5/555 Application for a foreshore licence at Shot Head, Bantry Bay, Co.Cork

Dear Madam/Sir;

The Coomhola Salmon & Trout Anglers' Association consists of riparian owners along the banks of the Coomhola River, and members consider themselves stewards of this river.

The Coomhola River is renowned historically as an important spate river for salmon and sea trout, and also for hosting important populations of the endangered freshwater pearl mussel as well as other threatened species such as otter, kingfisher, and dipper.

We have seen sufficient evidence to lead us to conclude that the above proposed development could potentially pose a considerable threat to the native migratory salmonids of the Coomhola River, and therefore wish to register our concern at this proposed development.

In the fifty years that our Association has been in existence, we have sought by every means possible to conserve the salmon and sea trout of the Coomhola River and consider this proposed development to be a threat to our good work.

Finally, we are dismayed that the recommendation of '20km' separation between salmon farms and salmon rivers is not adhered to; under this 'best-practice' and Precautionary Principle this proposal could not even be countenanced.

Signed,

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Teddy O'Brien  
On behalf of the Coomhola Salmon & Trout Anglers' Association