



Aquaculture Licences Appeals Board

## Technical Advisor's Report

Appeal(s) Reference No:

1. AP50/2019

2. AP51/2019

**Final Report**

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## Summary Description

<b>Description:</b>	Cultivation of seaweed using longlines at Mehal Head on the foreshore in Bantry Bay, Co. Cork.
<b>Licence Application</b>	
<b>Department Ref No:</b>	<b>T05/612A</b>
<b>Applicant:</b>	Wild Atlantic Sea Products Ltd.
<b>Minister's Decision:</b>	Grant of Aquaculture Licence with variation. <i>"Grant of an Aquaculture licence. The Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant a variation of the licence sought. The Minister recommends granting a 20.68 hectare site, and not the 28.75 hectare site which was applied for, to reduce the impact on the shrimp potting lines in the area."</i>
<b>Appeal</b>	
<b>Type of Appeal:</b>	Appeal against the decision by the Minister for Agriculture, Food and Marine to grant Aquaculture and Foreshore Licences to Wild Atlantic Sea Products Ltd. For the cultivation of seaweed using longlines.
<b>Appellant(s):</b>	<b>AP50/2019</b> – Denis O'Shea
<b>Observers:</b>	N/A
<b>Technical Advisor:</b>	Altamar, Marine and Environmental Consultants
<b>Site Inspection:</b>	5 <sup>th</sup> August 2020

<b>Description:</b>	Cultivation of seaweeds using longlines on the foreshore along the north shore of Castletownbere Sound, Bantry Bay, Co. Cork.
<b>Licence Application</b>	
<b>Department Ref No:</b>	<b>T05/607A</b>
<b>Applicant:</b>	Dingle Bay Seaweed Ltd.
<b>Minister's Decision:</b>	<i>"Grant of an Aquaculture Licence. The Minister for Agriculture, Food and the Marine has determined that it is in the public interest to grant a variation to the licence sought. The Minister recommends granting a 4.45 hectare site to avoid an overlap with an application for seaweed harvesting and amending the shape to allow for a 240m x 120m floating longline grid system with 13 lines at 10m centres."</i>
<b>Appeal</b>	
<b>Type of Appeal:</b>	Appeal against the decision by the Minister for Agriculture, Food and Marine to grant Aquaculture and Foreshore Licences to Dingle Bay Seaweed Ltd. For the cultivation of seaweeds using longlines.
<b>Appellant(s):</b>	<b>AP51/2019</b> – Allihies Seafood Ltd. (Seaweed producer in Bantry Bay)
<b>Observers:</b>	N/A
<b>Technical Advisor:</b>	Altamar, Marine and Environmental Consultants
<b>Site Inspection:</b>	5 <sup>th</sup> August 2020

## 1.0 General Matters / Appeal Details

This report constitutes a complete account of technical advice and information provided to the Aquaculture Licence Appeals Board (ALAB) to support its assessment of the appeals submitted in respect to the granting of two separate applications in Bantry Bay, Cork. Details of each granted application and their respective appeals are provided in the following sections.

### 1.1 Appeal Details & Observer Comments/Submissions

#### Date Appeal Received:

Appeal Number	Date Received by ALAB
AP 50/2019	26 <sup>th</sup> November 2019
AP 51/2019	27 <sup>th</sup> November 2019

#### Location of Site Appealed:

Appeal Number	Location of Site Appealed
AP 50/2019	Mehal Head adjacent to Leahill pier along the north shore of Bantry Bay, County Cork.
AP 51/2019	Along the north shore of Castletownbere Sound, Bantry, County Cork.

### 1.2 Name of Appellant(s):

Appeal Number	Site	Appellant	Address
AP 50/2019	T05/612A	Denis O'Shea	Trafrask West, Adrigole, Beara, Co. Cork.
AP 51/2019	T05/607A	Allihies Seafood Ltd.	Lickbarahan, Cahermore, Beara, Co. Cork.

### 1.3 Name of Observer(s):

No official observations outside of Appellants/Applicants responses were submitted/received.

### 1.4 Grounds for Appeal

The grounds for appeal for each Appellant are summarised below.

Appellant 1	Denis O'Shea	AP50/2019
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#### **Issues**

#### 1. Threat to Fishing Grounds

The Appellant argues that the subject site is an area that they fish for shrimp in this area and shrimp caught in this area makes up a significant part of their annual catch. The granted application will "*pose a significant threat*" to the Appellant's activities by reducing their total area for fishing and by preventing access to this particular area of the Bay.

#### 2. Site Suitability

The Appellant feels that sufficient consideration was not given to the impact that storm surges and inclement weather will have on the proposed facility. They claim that the area is quite exposed to the elements and that in storm conditions there is a risk of the lines breaking and damaging their equipment and boats.

#### 3. Consultation Process

The Appellant is concerned that sufficient consultation with locals, particularly local fishermen and those that use the waters for commercial reasons, did not take place. They argue that details on the variations to the original application, requested by the Minister, were not made public. There is concern about the specifications of the granted site and about the "*vagueness of the granted application*".

## Issues

### 1. Safe Navigation

The Appellant argues that the granting of T05/607A will pose issues for the navigation of surrounding waters, particularly for inexperienced sailors such as those who operate from the Adrigole Harbour (West Cork Sailing) sailing school. Existing navigational channels are suitable, however the location of the proposed site will require the use of more challenging navigational channels with shallow waters of between 4-8 metres and less than 20 metres wide at points. This will pose a risk to those using the waters for recreational reasons.

### 2. Access to Dereen Cove Pier

The Appellant claims that access to Dereen Cove Pier will be restricted due to the positioning of the proposed site. This is particularly the case for inexperienced sailors operating from the nearby sailing school who may require the use of Dereen Cove Pier from time to time.

Furthermore, larger vessels that are required for aquaculture activities in the vicinity will be precluded from using the pier due to the positioning of the site, except in exceptional circumstances when there are “*high waters*” and it is “*extremely calm*”. It is acknowledged that variations will enable easier access from the “*east*”, but “*does nothing to improve access from the West*”. It is suggested that if the western boundary of the proposed site was repositioned 150 metres north-east of the current location it would result in significant improvement for access and navigation.

## 1.5 Minister’s 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.”*

**No submissions are enclosed from the Minister in the light of appeals.**

## 1.6 Applicant Response

The Applicant may submit a response to appeal submissions under the provision set out in Section 44(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.”*

### **Responses from Application Ref No. T05/612A**

An email was submitted by Sheehans Fishing Co to Alab on the 18<sup>th</sup> December 2019 (14.36). In this email signed by Edward Sheehan, Wild Atlantic Seaweed the following was stated “*Mr Denis O’Shea fishes this area for shrimps in Winter and Lobster in Summer and I can certainly understand his concerns as I spent most of my life fishing myself.....*

*....In relation to the main issue, consultation when the application was advertised, Mr O’Shea visited Bantry Gardai Station examined the application with drawings of the structure and the position of the lines etc.*

*He rang me and advised me he had a problem with the site as it was too close to the shore. He sent me a latitude and longitude position of where his shrimps post were shot. He met with me in my office in*

*Castletownbere and I agreed to make the site smaller and move away from the shore and that, as you can see from the drawings was the variation taken into consideration by the Minister as agreed with I and Mr O'Shea.*

*I also agreed with Denis that our lines etc. would be removed from April to November so the ground would be clear for lobster fishing. I have since indicated I would have no problem moving the inner boundaries of the site if he requested as I fully understand more than most the frustration of losing ground."*

#### **Responses from Application Ref No. T05/607A**

There are no recorded responses from the Applicant.

#### **1.6.1 Additional Submissions/Responses**

*On the 27/12/19 Dingle Bay Seaweed submitted a letter to ALAB "Dingle Bay Seaweed Ltd. have been farming successfully in Ventry Harbour (T06/372A) for the past 9 years, producing various products and working with a number of scientific institutions seeking to develop this fledgling industry. One of the biggest difficulties has been the distance from Ventry to Castletownbere where our processing facility is located, especially when carrying out trials. To this end we have been seeking more area closer to home, whilst continuing to operate our main growing site of 18 hectares in Ventry. We were successful in obtaining a 6 hectare site, T05/594A, late in 2018 and are currently stocking this site and have some very exciting developments relating to maximising yield per hectare.*

*We were granted this licence in question T05/607A on the 24<sup>th</sup> of October 2019 to cultivate seaweeds using seeded string transferred from a hatchery in Bantry. This site of 4.45 hectares was granted with a variation due to an overlap with an existing wild harvest seaweed application. Prior to the granting of the licence we answered a submission lodged by Allihies Seafood Ltd. This was the only submission made.*

*It appears that this current objection to the granting of our licence made by Allihies Seafood Ltd., is very similar to the submission lodged previously. At that time, we answered with the following:*

*"Marine activity through the site in question is minuscule and it is our opinion that matters of navigational safety is the remit of the Marine Survey Office and having spent 12 years personally as emergency cox for the RNLI I'd like to be considered a prudent operator with regard to safety at sea."*

*All of Allihies Seafood's objections point to concerns of navigational safety, be it to local operators, sailing or fishing or working and we would like to redirect these objections to the earlier submission made in response. We are prudent operators with vast local knowledge and experience in the area.*

*Furthermore, aligned with the fact that this matter has already been dealt with by all the statutory consultees including the Marine Survey Office (MSO) who had no issues with this application and subsequent granting of this license.*

*We acknowledge that Allihies Seafood Ltd. have been granted a license in this locality but we do not believe that our site will impede them from accessing their site or any local piers that they intend to use.*

*We hope that this objection can be dismissed, and we can move forward, developing our seaweed farming business."*

**There are no recorded submissions to application reference number T05/612A.**

## 2.0 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 license appeals.

**An oral hearing was not requested by any of the Appellants to either of the applications.**

## 3.0 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, in relation to site reference number **T05/607A**, from the Minister and were reviewed:

- Copy of the submission to Minister;
- Copy of the application form maps and drawings,
- Copies of reports received in relation to the application;
- Copy of the Screening Matrix for Aquaculture activities in Outer Bantry Bay;
- Copies of the Draft Aquaculture and Foreshore Licences;
- Copy of the notification of the Minister's decision to the applicant;
- Copy of the applicant's reply to the public and statutory comments;
- Location map of the surrounding area including the following;
  - Sites under application;
  - Licensed sites; and,
  - Sites currently under appeal (if any).

ArcGIS shapefiles were also sent from the Department to Altamar Ltd. for the review.

It should be noted that in the Ministerial File that *“Marine Survey Office (MSO): Stated no objection to this development from a navigational viewpoint, but that the views of the Castletownbere Harbour Master should be sought.”*

Also is the Ministerial File *“Harbour Master: Originally stated that navigation North and North West of the site would be severely restricted for vessels transiting in that area. See text below regarding revised comments”*.

In relation to Public Consultation within the Ministerial File *“The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in The Southern Star on 21 July, 2018. The application and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks following the publication in the newspaper.*

*There was one objection received from the public consultation process. The main concerns were;*

- *Access to Doreen Cove Pier.*
- *Safe navigation of larger vessels around existing sites.*

*The applicant replied to the public and statutory comments as follows;*

*The applicant is willing to trim the corner of the site so as to avoid the overlap with the area licensed for seaweed harvesting. The applicant currently cultivates on an existing site 5 of the 7 listed species and plans to continue trials seeking guidance from BIM. The seedlings were all produced by Cartron Point Shellfish Ltd. All species are native, with all material gathered for the hatchery from native plants. The applicant has experience of fishing in this area and stated that the salmonids never ran/migrated in this area. Navigation safety is the remit of the Marine Survey Office. The site was subsequently revised by the Department's Marine Engineering Division to avoid the overlap with the seaweed harvesting area highlighted by the Department of Department of Housing, Planning & Local Government. The revised site was approved by the Marine Survey Office and the Castletownbere Harbour Master.”*

In line with particulars of Section 43 of the Fisheries Amendment Act 1997 the following documented items were sent to the ALAB, in relation to site reference number **T05/612A**, from the Minister and were reviewed:

- Copy of the submission to Minister;
- Copy of the application form maps and drawings,
- Copies of reports received in relation to the application;
- Copy of the Screening Matrix for Aquaculture activities in Outer Bantry Bay;
- Copies of the Draft Aquaculture and Foreshore Licences;
- Copy of the notification of the Minister's decision to the applicant;
- Location map of the surrounding area including the following;
  - Sites under application;
  - Licensed sites; and,
  - Sites currently under appeal (if any).

ArcGIS shapefiles were also sent from the Department to Altemar Ltd. for the review.

*In relation to public consultation within the ministerial file it is important to note the following "The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in The Southern Star on 19 January, 2019. The application and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks following the publication in the newspaper. There was one objection/observation received from the public consultation process. The main concern was in relation to access to shrimp fishing grounds MED subsequently revised the area of the site to 20.68 hectares to reduce the impact on the shrimp potting lines in the area. The applicant had originally applied for a 28.75 hectare site."*



## 4.0 Context of Area

This Technical Advisors Report considers two separate appeals, AP50/2019 and AP51/2019, which relate to two distinct licence applications, T05/612A and T05/607A respectively. Both sites are located on the northern shore of Bantry Bay, with T05/607A west of Adrigole Harbour and T05/612A in the coastal waters adjacent to Trafrask Bog. The following sections provide an overview of Bantry Bay and the relevant factors to be considered as part of an assessment of each appeal. Where necessary, specific reference to the relevant site will be made.

### 4.1 Physical Descriptions

Bantry Bay (Figure 1) is a marine inlet located in south west County Cork. The proposed aquaculture sites are seen in Figures 2, 3 and 4. It is the largest of the marine inlets in south-west Ireland at approximately 35 km in length, running in a south-west to north-easterly direction. The entrance to the Bay is approximately 10 km wide, steadily narrowing to 3-4 km at its head. Bere Island, situated on the north shore, adjacent to Castletownbere, and Whiddy Island lying near the head of the Bay on the southern shore are the two largest islands in the Bay. The Bay is relatively deep in nature, with 20 – 30m water depth at its head.

The main population centres around the Bay include Bantry (2,722, Census 2016), Castletownbere (860, Census 2016), Durruss (305, Census 2016) and Kilcrohane (127, Census 2016). The Bay is part of the West Cork Municipal District, an administrative area in County Cork with a population totalling 57,052 as of 2016.

Bantry Bay is located in temperate climate with the closest weather station being Sherkin Island Marine Station (24 km to the south), which has on average over 1200 mm of rain per annum Figure 6. It has a 30 year long term average Max of 18C (July/Aug) and Min of 5°C (January/February). It is predominantly SW facing and therefore open to the prevailing south westerly winds, which tends to be the direction of the wind for around 35% of the time, with winds above Beaufort Force 4 (irrespective of direction) occurring for 50% of the time in south-western Ireland.

The extreme ambient seawater temperature range for Bantry Bay is from 4°C (rarely, in January or February) to 23°C (rarely, between July and September). There is little temperature variation with water depth in the winter months, due to vertical mixing. However, during the summer, a thermocline can develop in deeper areas, giving a vertical temperature gradient between the seabed (cooler) and the surface.

Freshwater flow into Bantry Bay is seasonally variable reducing in the summer, but high rainfall, particularly in the winter months, feeds a large number of small rivers and streams, which are prone to periods of spate. The main rivers draining into the Bay are the Clashduff /Adrigole River, the Glengarriff River, the Coomhola River, the Ovwane River and the Mealagh River. The Clashduff /Adrigole and Glengarriff Rivers originate in the Caha Mountains, while the Coomhola River passes down the Borlin Valley. Both the Coomhola and Ovwane Rivers enter the Bay close to Ballylicky. The Mealagh River reaches the sea via the Donemark Falls, just north of Bantry town.

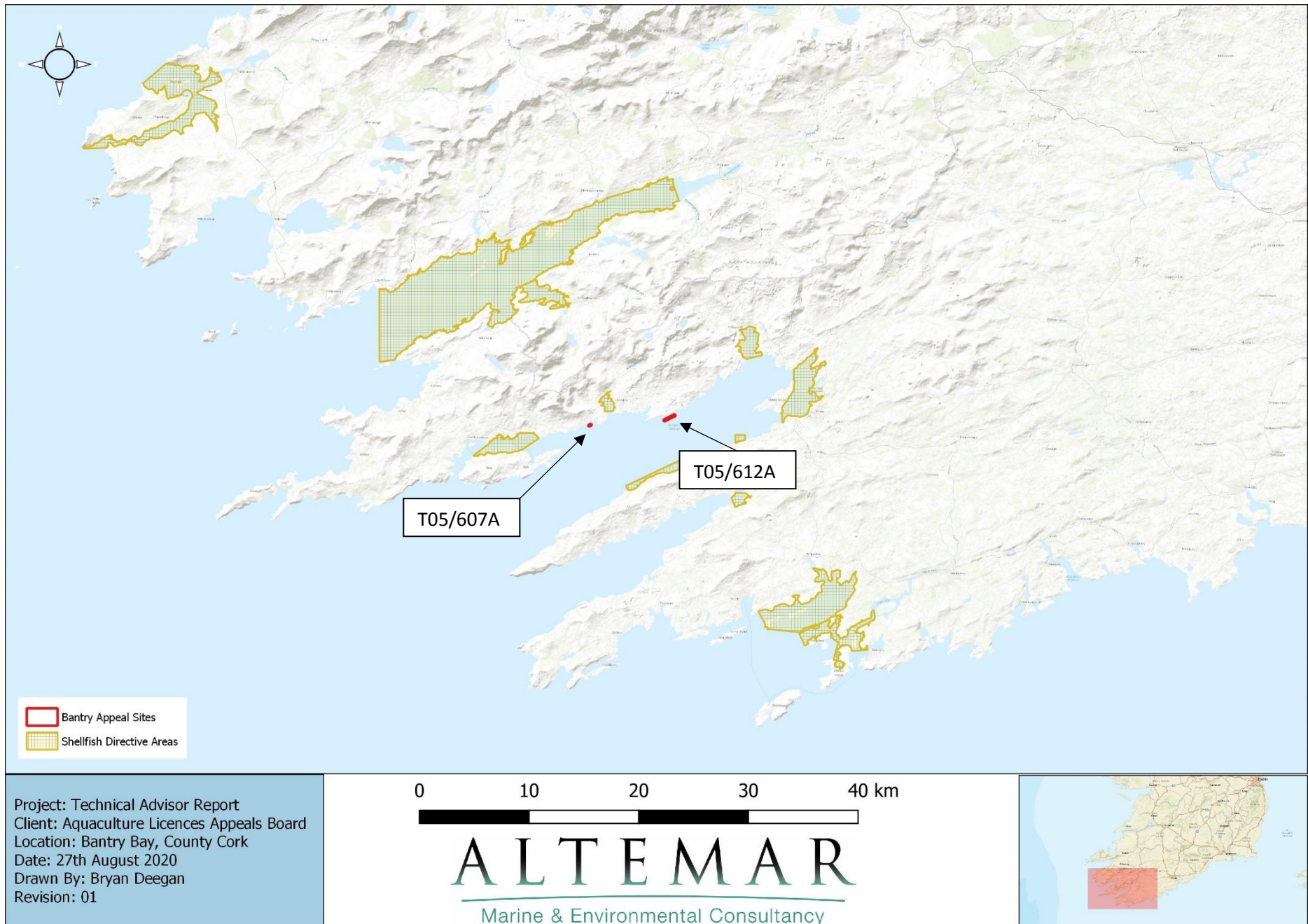


Figure 1. Appeal Sites and Shellfish Directive Areas

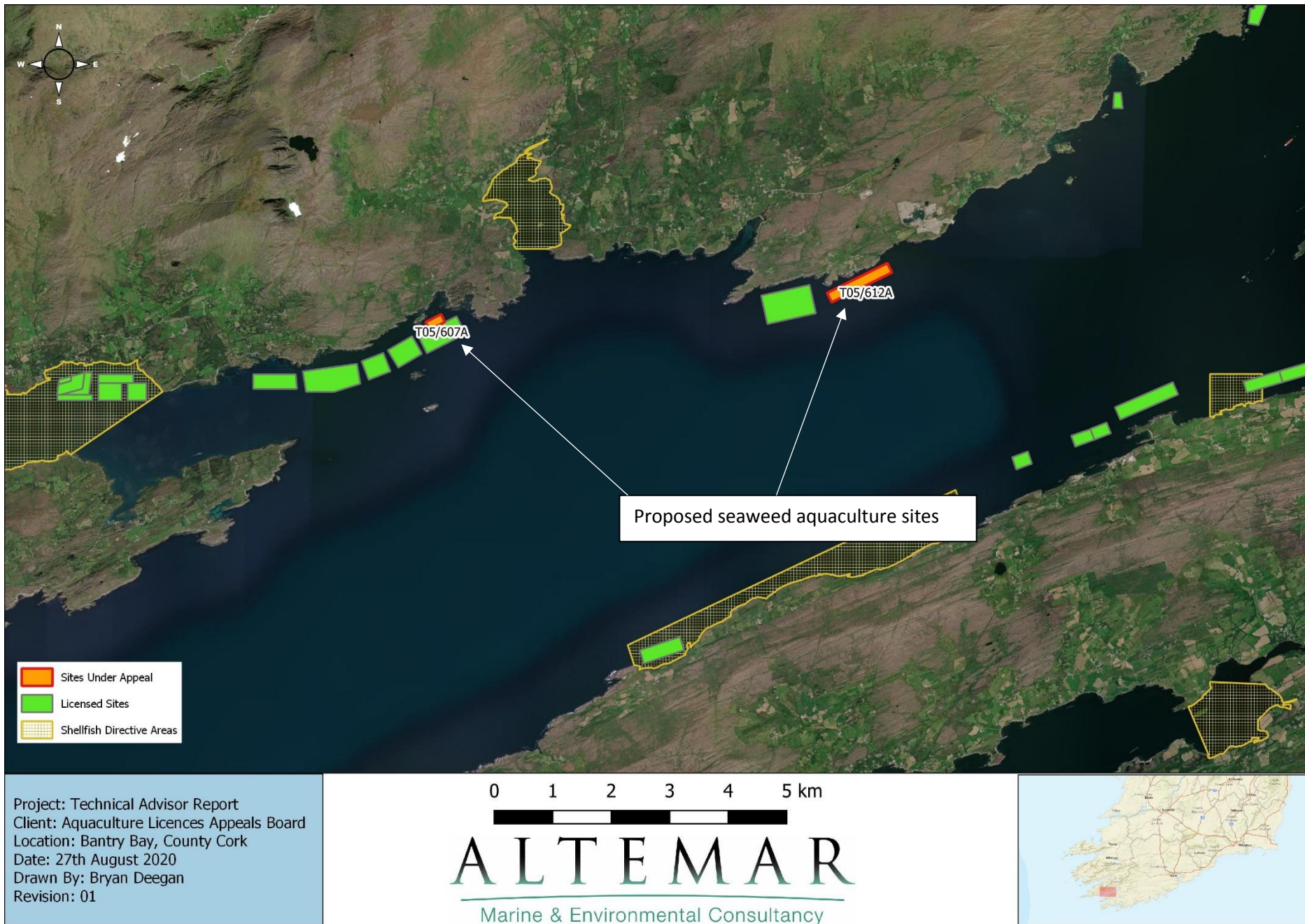


Figure 2. Aquaculture Licence sites and sites under appeal

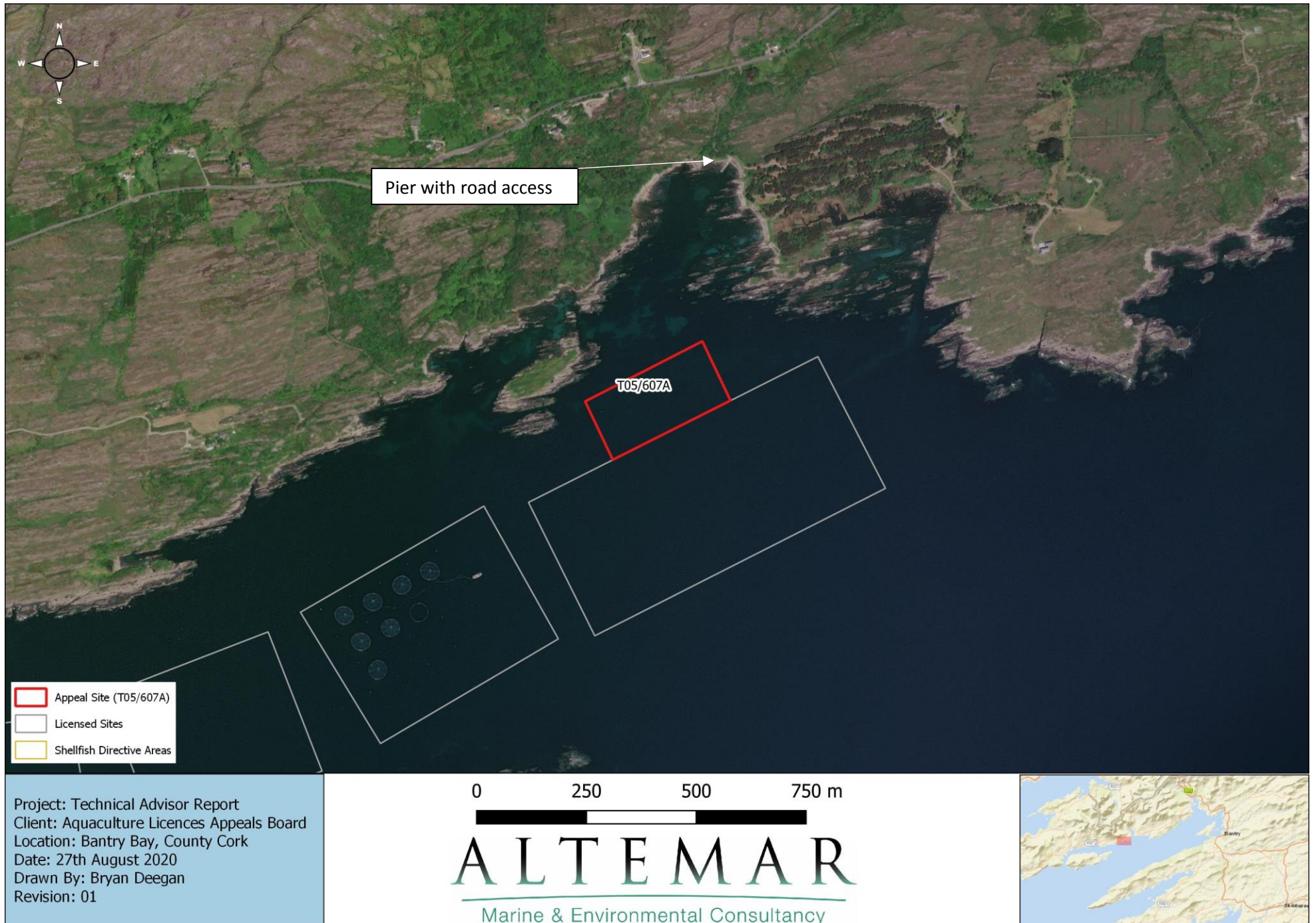


Figure 3. Appeal site T05/607A (as per variation)

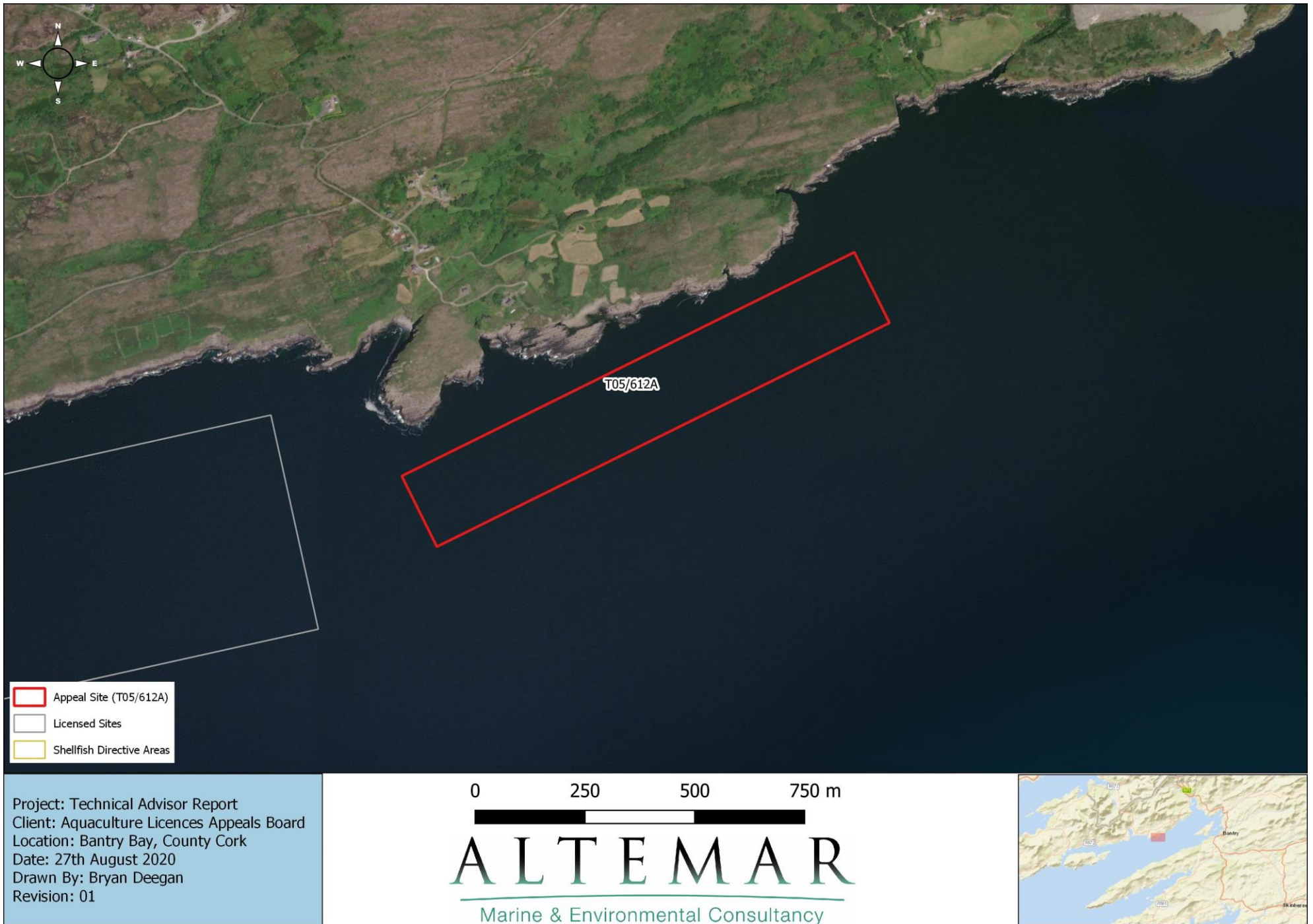


Figure 4. Appeal site T05/612A (as per variation)

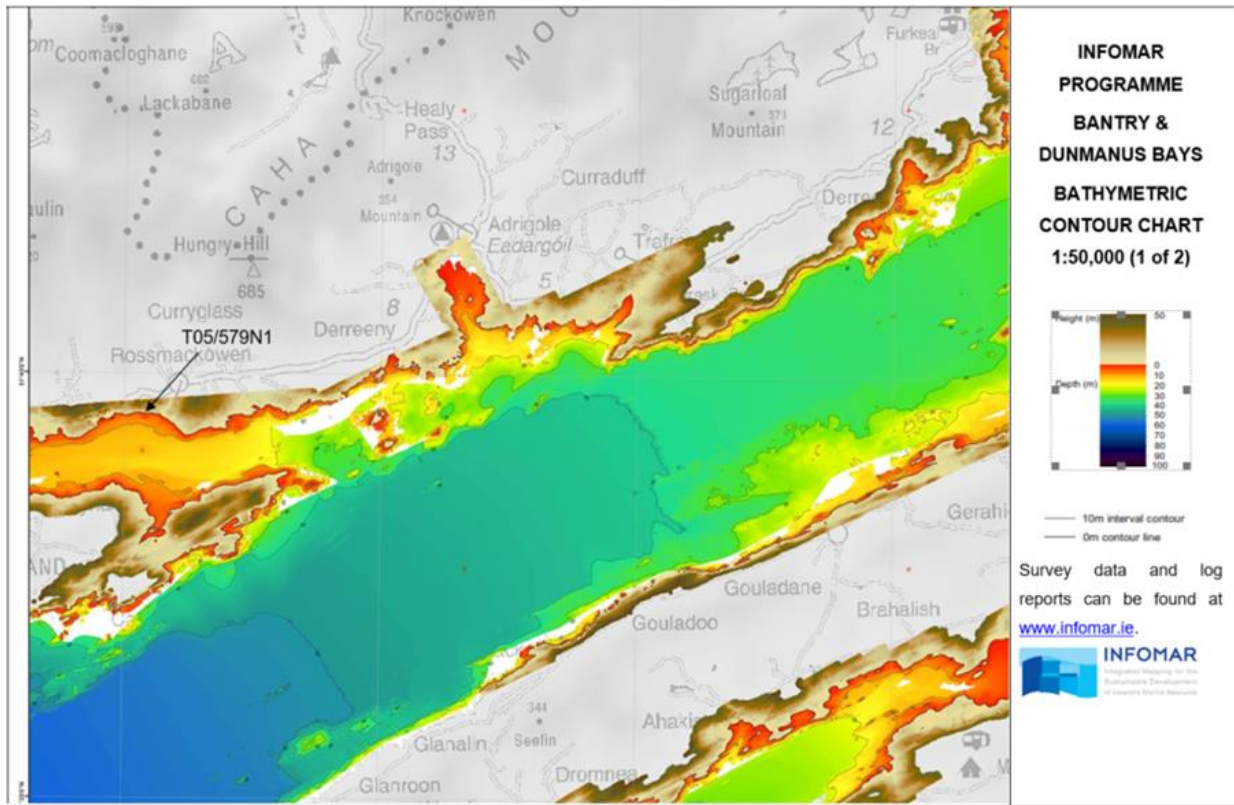


Figure 5. Bathymetric contour chart for Bantry Bay. INFOMAR

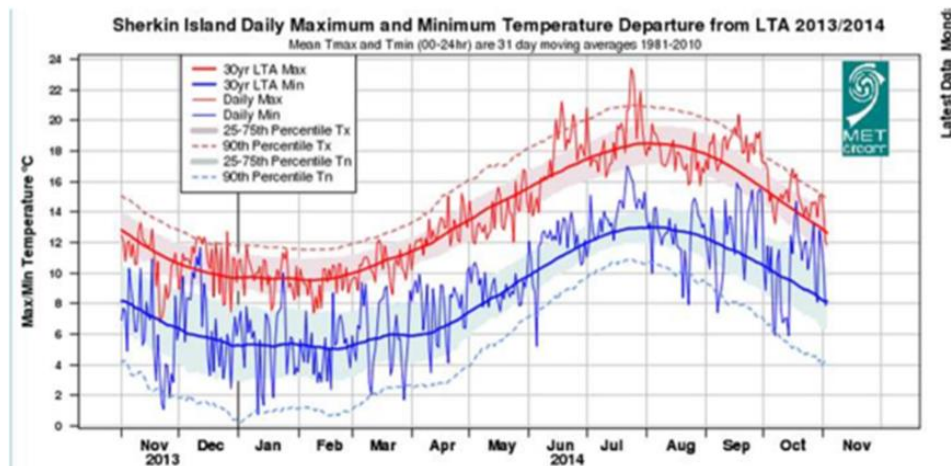
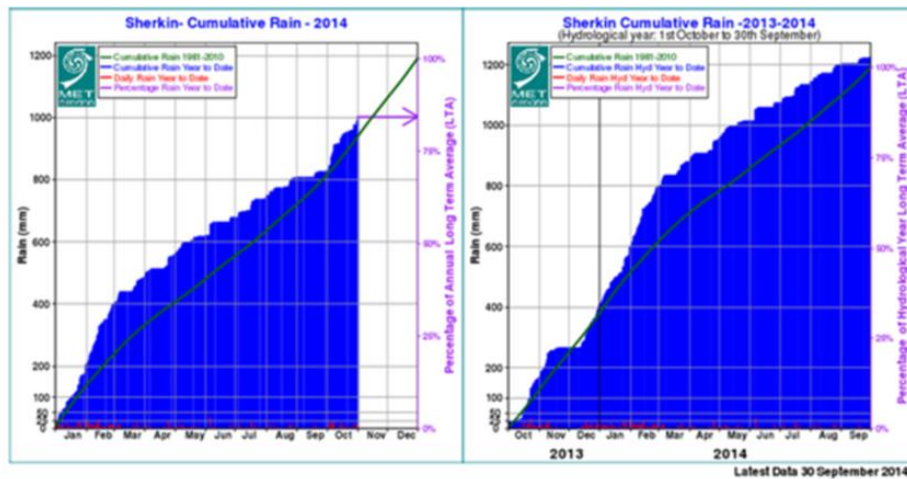


Figure 6. Sherkin Island meteorological trends, Met Eireann

## 4.2 Resource Users

### Aquaculture Activity

Fisheries and aquaculture are a significant sector in Ireland’s economy, with the overall value of seafood exports estimated at €564 million in 2015. In their 2016 development strategy FLAG South stated that in the previous year the “largest Irish seafood export by value is pelagic (€204m, 36%), followed by crustaceans (€113m, 20%), freshwater fish (€85m, 15%), molluscs (€82m, 15%), whitefish (€53m, 9%) and fish meat and oil (€26m, 5%). Sectorally, shellfish led the way – rising 12% to €195 million; followed by salmon – where exports increased to an impressive €75 million; and whitefish – where exports grew by 7% to €53 million. The only decline in 2015 was seen in pelagics, where exports fell 7% to €204 million as a result of falling trade and market prices”<sup>1</sup>.

Bantry Bay is a major centre for marine aquaculture activities, with a range of licenced facilities in operation. Oysters, clams, abalone, urchins, scallop, mussels and finfish are cultured in the bay, while applications to culture macroalgae exist. In total there are 75 recorded aquaculture licences in Bantry Bay, four of which are currently ‘Under Appeal’, while the remaining 71 are licensed. The following table provides a breakdown of the aquaculture sites that are recorded based on 2020 GIS shapefile provided by the Alab. The information from these data in the vicinity of the appeal sites is seen in Figure 8.

Aquaculture	Method	Status	No. Licensed
Finfish	Intensive	Licensed	5
Finfish	Intensive	Under Appeal	1
Seaweed	Extensive	Licensed	4
Seaweed	Extensive	Under Appeal	2
Shellfish	Extensive	Licensed	62
Shellfish	Extensive	Under Appeal	1

The table below is adapted from an Environmental Impact Statement that was prepared as part of the Bantry Harbour Development<sup>2</sup> in 2010. It references information provided by BIM (data attributed to Mr John Denis, BIM) that indicates the importance of aquaculture (specifically rope mussel and salmon) for the local economy, in terms of both revenue and employment. Rope Mussel aquaculture activity in Bantry Bay accounts for approximately 22% of total National production and this amounts to 17% of the total revenue generated nationally. These figures showcase the substantial positive impact that this industry has on the local economy of the Bantry Bay area.

		Bantry Bay		% of National Total	
		Rope Mussel	Salmon	Rope Mussel	Salmon
Employment	Full-time	12	10	18.5	9.0
	Part-time	9	16	11.0	30.2
	Casual	17	0	15.3	0
	Total	37	26	14.3	15.9
Production	Volume (tonnes)	1,923	1,882	21.9	12.0
Sales	Value (€)	1,087,014	8,972,640	17.0	12.7

<sup>1</sup> <http://www.bim.ie/media/bim/content/funding-forms/flags/6083-BIM-FLAGS-South-Strategy-1.pdf>

<sup>2</sup> [https://www.housing.gov.ie/sites/default/files/foreshore-applications/application-documents/eis\\_part\\_9.pdf](https://www.housing.gov.ie/sites/default/files/foreshore-applications/application-documents/eis_part_9.pdf)

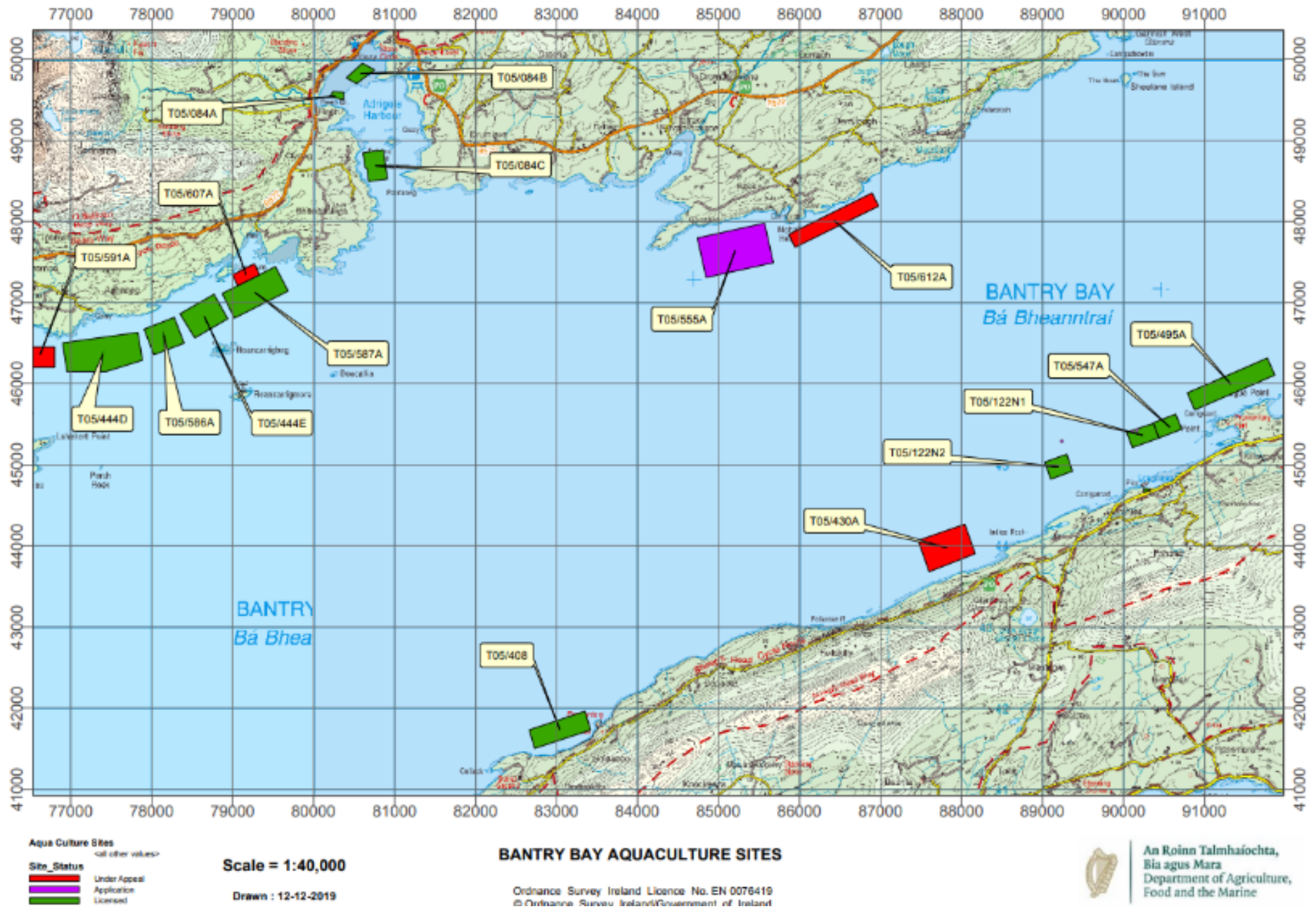


Figure 7. Bantry Bay Aquaculture Sites, DAFM



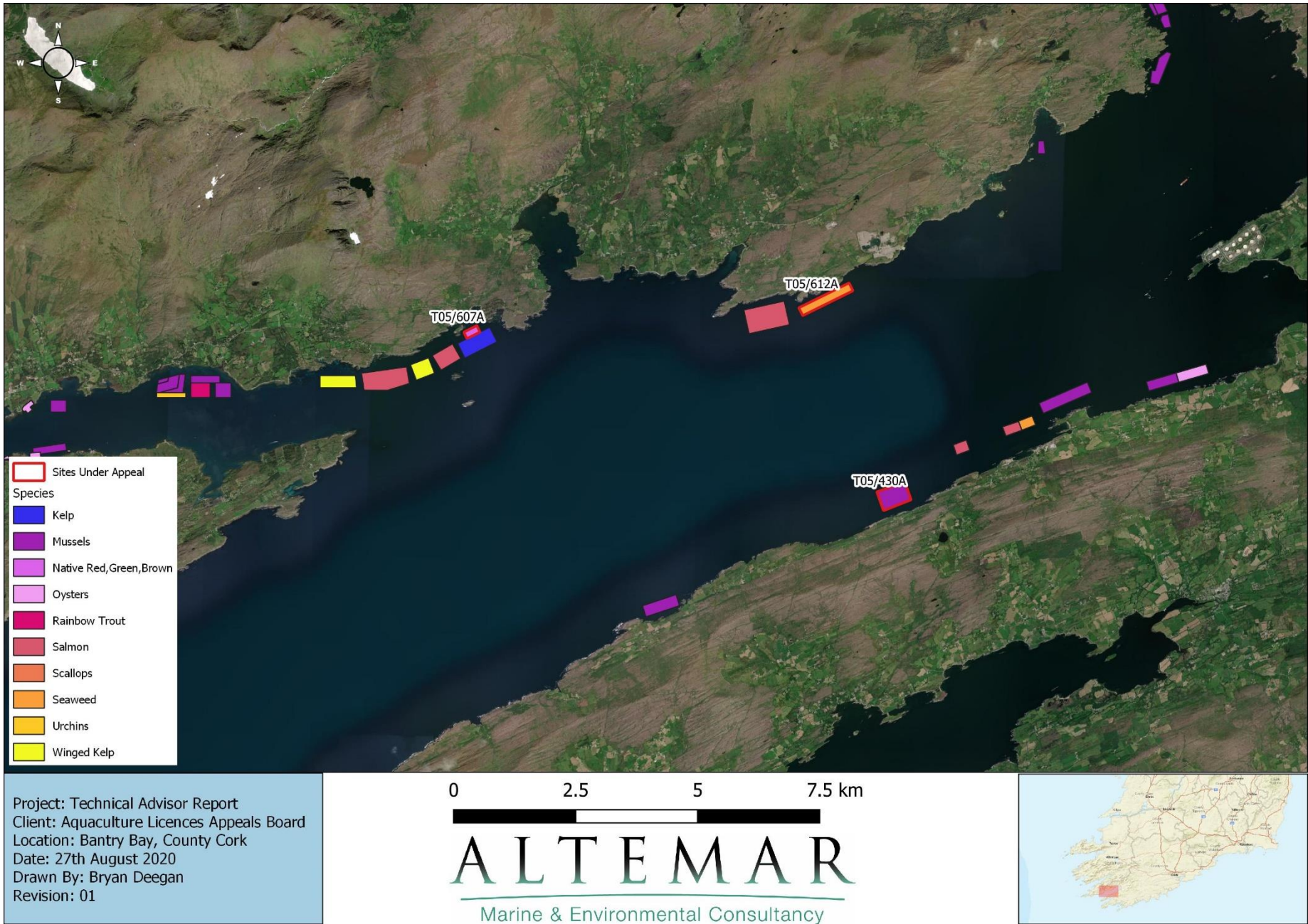


Figure 8. Aquaculture sites (species) in Bantry Bay

### Finfish:

Salmon farming appears well established in Bantry Bay with four fully licensed facilities, two operated by Murphy's Irish Seafood Ltd. and two operated by Comhlucht Iascaireachta Fanad Teoranta. Salmon farming is an intensively farmed aquaculture type. Marine finfish farms can be associated with increased nutrient levels in waters, arising from fish excretion and excess feed input. The Bantry South Characterisation Report identified no "marine point source pressures", such as those arising from finfish farms, in the vicinity of the shellfish area.

There are two salmon farms (T05/444D & T05/444E) located to the west of aquaculture site **T05/607A**.

An application for a salmon farm at site reference T05/555A is currently under appeal and this site lies west of aquaculture site **T05/612A**.

### Seaweed:

There are six sites where the cultivation of seaweed is undertaken, or is due to be undertaken. Four sites are fully licensed while there are two which are under appeal. A range of seaweed species are cultivated, with Kelp the most common. Other species cultivated include: Native Red, Green and Brown; Dulse; Nori; Oarweed; and, Devil's Apron.

Of the six seaweed aquaculture sites two are operated by Allihies Seafood Ltd., with another two operated by Wild Atlantic Sea Products (including site T05/612A which is under appeal). A further site is operated by the Marine Research Station, while the final site is an application by Dingle Bay Seaweed Ltd., and subject to appeal (T05/607A).

### Shellfish:

Shellfish cultivation is only allowed to occur in designated Shellfish Areas as per the European Communities (Quality of Shellfish Waters) (Amendment) Regulations, 2009 (S.I. No.55 of 2009), of which there are 63 in Ireland. There are six Designated Shellfish Areas in Bantry Bay:

- **Adrigole Harbour** lies within Adrigole Harbour on the northern shore of Bantry Bay, and is 1.4 km<sup>2</sup> in area. It includes the relatively sheltered inner part of Adrigole Harbour, and the more exposed outer area south of Orthon Island (Adrigole Harbour Shellfish Area is the closest designated area to sites **T05/607A** and **T05/612A**).
- **Bantry Inner** is 11 km<sup>2</sup> in area and is located due south from Ardnamanagh South on the mainland to Whiddy Point East on Whiddy Island, and from Cusroe on Whiddy Island due south to the mainland near Dromclough, with the exclusion of Bantry Harbour. This is the largest designated shellfish area in Bantry Bay.
- **Bantry South** is 2.9 km<sup>2</sup> in area and is located on the southern shoreline of Bantry Bay, extending out in the bay along the shoreline from Collack to Indigo Rock.
- **Castletownbere** lies between Bere Island and the mainland, on the northern shore of outer Bantry Bay. It is 6.2 km<sup>2</sup> in area, and its boundaries are the northern shore of Bere Island eastwards from Sheep Islands to Donegans Point, thence from Donegans Point across Berehaven to Coarrid Point on the mainland, westwards along the mainland coast from Coarrid Point to Minanekeal, and from Minanekeal across Berehaven back to Sheep Islands.
- **Glengariff** is located at the north-eastern corner of Bantry Bay. The designated shellfish area is 4.1 km<sup>2</sup> in area and includes all of Glengariff Harbour. The southern boundary of the designated area is a line from Big Point on the western side of Glengariff Harbour entrance to a point immediately south of Illauncreeven on the eastern side of Glengariff Harbour.
- **League Point** is 0.5 km<sup>2</sup> in area and is located on the southern shoreline of Bantry Bay, extending out into the Bay east of League Point.

Shellfish cultivation is by far the most common form of aquaculture activity being undertaken in Bantry Bay, with 62 licensed sites and one under appeal (T05/430A). Mussels tend to be the species of shellfish that are

predominantly cultivated, accounting for 55 of the 63 sites. Of the remaining sites, there are five Oyster farms, two Scallops' farms and a single Urchin facility.

Biotoxin testing of shellfish cultivated on sites in the bay is performed regularly and it offers an indication of the health status of these species. Over a five-year period between July 22<sup>nd</sup> 2015 and July 1<sup>st</sup> 2020, a total of 155 samples of two species of shellfish (*Crassostrea gigas* & *Mytilus edulis*) were tested from **Adrigole Harbour**. Samples are usually taken on a weekly basis and the results of the testing determines whether harvesting of the named species can occur. On 26 occasions the samples returned results that required a closure of harvesting, while on another 30 occasions harvesting was closed pending further sampling. On two occasions samples were rejected due to "non-standard reasons", but the vast majority of the time (97 samples) the results were adequate.

The Sea Fisheries Protection Authority (SFPA) prepared a Sanitary Survey Report of the Adrigole Harbour Classified Protection Area (CPA) in 2016<sup>3</sup>. Regarding aquaculture activities, it states that rope mussel aquaculture see annual production rates of approximately 60 tonnes and is "classified as B for Mussels and B for Oysters". Intertidal cultivation of *C.gigas* oysters is said to have commenced in 2013 on one oyster farm, with two more applications in existence, which "currently has 1-2 tonnes of market size oysters".

### Agricultural Activity

Agriculture accounts for the majority of land use in the Bantry Bay area and is a significant sector of employment. For example, CSO data for the West Cork Municipal District indicates that approximately 14% of all persons at work were employed in the Agriculture, Forestry and Fishing industries as of 2016. At the level of Electoral Divisions (ED) figures for industries of employment are even higher in certain EDs around the Bay, with some showing over 20% of the workforce as employed in these industries (Glanlough ED records 21.6%, CSO 2016). Such figures are far above the national average for these industries and this gives an indication of the reliance on agriculture and fishing that exists in the area.

The Central Statistics Office (CSO) undertook a 'Census of Agriculture' that covered the period from 1991 to 2010, the aim of which was to compile census data on crops, livestock, farm labour and miscellaneous agricultural items<sup>4</sup>. Information from this exercise is useful to understand the composition of agricultural activities in particular areas and will now be used to provide some insights into activities in the areas adjacent to the subject site(s).

Site **T05/612A** is located alongside the Electoral Division (ED) of Adrigole. The following information for Adrigole ED was retrieved from the CSO's Census of Agriculture:

- The total number of farms, classified by Agricultural Area Utilised (AAU), has decreased from 122 in 1991 to 95 in 2010. However, while the number of farms that are less than 30 hectares have decreased, there has been an increase in those larger farms sized between 30 and 50 hectares, with 9 in 1991 and 18 in 2010.
- In terms of the usage of the total area farmed it was found that Pasture was the most common and had increased from 876 hectares to 944, accounting for roughly 50% of total area farmed. Silage uses also saw an increase from 175 to 264 hectares. Rough Grazing saw a significant decline from 1,043 to 670 hectares, although it still accounted for a significant proportion of activity. Crops also underwent a dramatic decline and have fallen from 43 hectares to none.
- Total cattle numbers have decreased substantially from 2,746 in 1991 to 1,358 in 2010. Total sheep numbers have also seen a major decrease from 7,916 to 6,109.

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<sup>3</sup> <https://www.sfpa.ie/LinkClick.aspx?fileticket=uD2d8E2V9IQ%3d&portalid=0&resourceView=1>

<sup>4</sup> <https://www.cso.ie/en/methods/agricultureandfishing/censusofagriculture/>

- The total number of persons engaged in farm activity was recorded as decreasing from 210 persons in 1991 to 166 in 2010. This has seemingly had an impact on total number of ‘Annual Work Units’ (AWU) which dropped from 163 AWUs to 103 over the same time period<sup>5</sup>.

Site **T05/607A** is located alongside the Electoral Division (ED) of Curryglass. The following information for Curryglass ED was retrieved from the CSO’s Census of Agriculture:

- The total number of farms, classified by Agricultural Area Utilised (AAU), has remained relatively steady and shows a slight decrease in overall numbers from 73 in 1991 to 65 in 2010. Farms of sizes that range from between 10 to 20 hectares decreased from 22 to 15, while larger farms of between 50 and 100 hectares also decreased from 4 to 1. The total number of farms of other sizes remained roughly the same.
- In terms of the usage of the total area farmed it was found that Pasture was the most common and had increased from 602 hectares to 642, accounting for approximately 50% of total area farmed. Silage uses also saw an increase over the same time period from 91 to 176 hectares, whereas Rough Grazing decreased from 571 to 397 hectares. In terms of crops, there are no longer any recorded as farmed, dropping from 23 hectares to zero.
- Regarding livestock, the total cattle numbers have decreased from 1,119 in 1991 to 726 in 2010. There was an even greater decrease in the total number of sheep, which was recorded at 10,981 in 1991 but has dropped to 6,452 in 2010.
- The total number of persons engaged in farm activity decreased from 135 in 1991 to 109 in 2010, while the total number of ‘Annual Work Units’ (AWU) also decreased from 105 to 59 over the same time period.

Sites **T05/612A** and **T05/607A** are both located in close proximity to the Adrigole Harbour Designated Shellfish Growing Area, and while these sites will see the cultivation of seaweeds and not shellfish, it is considered useful to provide some context. Table 1 provides an estimate of the average number of dairy and drystock livestock units and the average loadings of nitrogen and phosphorus chemical fertiliser per hectare of farmed land within the contributing catchment areas for Adrigole Harbour, along with the national averages for comparison purposes.

*Table 1. Average number of dairy and drystock livestock units and the average loadings of nitrogen and phosphorus chemical fertiliser per hectare*

Indicator	Adrigole Harbour Catchment (p/ha of farmed land)	National Average (p/ha of farmed land)
Livestock Units	0.61 LU	1.20 LU
Nitrogen Fertiliser	88.35 kg	92.09 kg
Phosphate Fertiliser	6.22 kg	9.74 kg

In relation to the figures for Adrigole Harbour that are contained within the previous table, the Site Characterisation Report states that:

*“Less than 40% of the area of this catchment is farmed land and the estimates of livestock density and fertiliser usage are lower than the national averages. The EPA’s diffuse model risk assessment, which investigates the relationship between catchment attributes (percentages of diffuse land cover including agriculture), water chemistry and ecological status, does not highlight any diffuse risk areas in this catchment. However, the prevalence of wet soils in the catchment could result in runoff from agricultural land and the steep slopes could increase the risk of runoff. Agriculture is a possible source of the faecal contamination indicated by shellfish monitoring and therefore agriculture could possibly be affecting shellfish water quality in this shellfish area.”*

<sup>5</sup> The labour input of each person who worked on the farm was measured in terms of AWUs with one AWU being defined as 1800 hours or more of labour per person per annum.

The report notes that there are several water discharge sources into the **Adrigole Harbour** designated area, including the Adrigole River and Reen River, both of which have been identified as possessing 'good' status and are therefore considered satisfactory.

### Angling and Inshore Fishing Activity

The Inshore Fishing Atlas (2006) GIS shapefiles (<http://data.marine.ie/Dataset/Details/20963>) were consulted in relation to this appeal. Fishing methods used in Bantry Bay include, bottom trawling for Nephrops, whiting and other white fish; midwater trawling for pelagic species; tangle netting; line fishing; setting pots for large and small crustacea (lobsters, crabs, Nephrops and shrimps); bottom dredging for scallops; and, gathering of periwinkles by hand. This atlas has a poor data resolution. All areas up to the HWM along the entire coastline are classed as fishing areas. As a result it may over exaggerate the potential fishing resource. Data relating specifically to the sites in question indicate that only Charter Angling (Hook and line fishing) is carried out in this area.

BioAtlantis Ltd is proposing to harvest *Laminaria hyperborea* in areas of Bantry Bay. As outlined in the Foreshore Application (FS006061) "the area applied for using a purposely designed vessel equipped with a winch, suction pump and cutter. In an initial study BioAtlantis found *Laminaria hyperborea* to be the main species in the areas applied for. *Laminaria digitata* was not present in any of these areas. This is the preferred species and was present in Kenmare Bay. The objective is to harvest the material without disrupting the foreshore i.e. without making physical contact with the foreshore surface. This will be achieved by applying moderate suction which will draw the weed into the cutter where it will be cut and pumped into the boat. There, it will be stored in bags for transportation to the factory by road. The weed will be cut at a minimum 25 centimetres from its holdfast. This will be controlled by using sonar and sounder automation to operate the winch so the cutter is maintained at this set-point distance the foreshore."



The Marine Institute GIS based data on the inshore fishing activity/extent that were compiled in 2014, were also examined. There is inshore fishing activity in Bere Haven Sound. The resolution of the data is not high but, it does indicate that the area of the proposed site is not being fished. In relation to T5/607A it also shows the difficulty that larger vessels would encounter in fishing near the proposed aquaculture site due to the presence of other aquaculture installations and their moorings.

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### Shrimp Fishery in Bantry Bay

As outlined The commercial exploitation of shrimp *Palaemon serratus* (Pennant) in Ireland by (Fahy and Gleeson, 1996<sup>6</sup>) "*Palaemon serratus* is at the northern limit of its range in the British Isles. In Ireland it is most

<sup>6</sup> Irish Fisheries investigations (New series) No. 1 - 1996 THE COMMERCIAL EXPLOITATION OF SHRIMP PALAEMON SERRATUS (PENNANT) IN IRELAND by EDWARD FAHY AND PAUL GLEESON

abundant in the southwest where it has been commercially fished since the mid-1970s. Landings in recent years have averaged between 200 and 300 tonnes annually with an estimated export value of £2–3 m. These landings represent a three-fold expansion over those of the previous decade. The biology of the species was investigated over a 12 month period in Bantry Bay using commercial gear. At most times of the year there is a bimodal length frequency distribution and the life expectancy is interpreted as 2 years. Condition factor does not vary much during the year in males and immature females but the larger females put on up to 30% weight in the autumn. The reproductive cycle in Bantry resembles that in the south of England rather than that in north Wales, these two locations providing earlier studies of the species. The largest females come into berry in October and egg carriage within the population continues into the following summer; in May, a second group of smaller females, belonging to the 0 age group, carries eggs. Corroborative evidence for this interpretation is provided by the size of the ova and their developmental state. There would appear to be an influx of shrimp to Bantry Bay which builds up from May and declines after January but cohort and gender migrations are unclear. Catch per unit of fishing effort (cpue) is estimated from the weight of a consignment of shrimp delivered to a processor. Such data are variable but they are also consistent and stable over the short-term and throughout the range of shrimp fisheries. A time series from 1977 to 1994 suggests a 36% decline; the significance of this is not known. **Shrimp fishing takes place during the autumn and winter months.** In the southeast landings are taken throughout the year but those outside the period August to January, inclusive, do not exceed 8% of the total. In the southwest only 3% of landings are made outside these months, while in Connemara none was reported. Mechanical grading in the factory is explored as a means of reconstructing age profiles. Two patterns of exploitation are described: that of the southwest and southern coast has a larger proportion of 0 group shrimp which may reach 40% by numbers of the total landings; in Connemara the proportion of 0 group shrimp is much smaller. Attempts are made to find some method of predicting aspects of the catch from biological and sea temperature data. There is a suggestion that a large brood year is influential in producing a successor whose size is estimated 2 years later. The sustainability of the shrimp fishery is unknown and two precautionary measures are suggested as the basis of a management regime: enlarging the mesh size to improve the exploitation pattern and limiting the fishing season.”

### Inshore Angling

Information obtained from Inland Fisheries Ireland for Bantry Bay<sup>7</sup> identifies several areas that are suitable for Shore Angling, of which the most relevant, in terms of proximity, are (Figure 9):

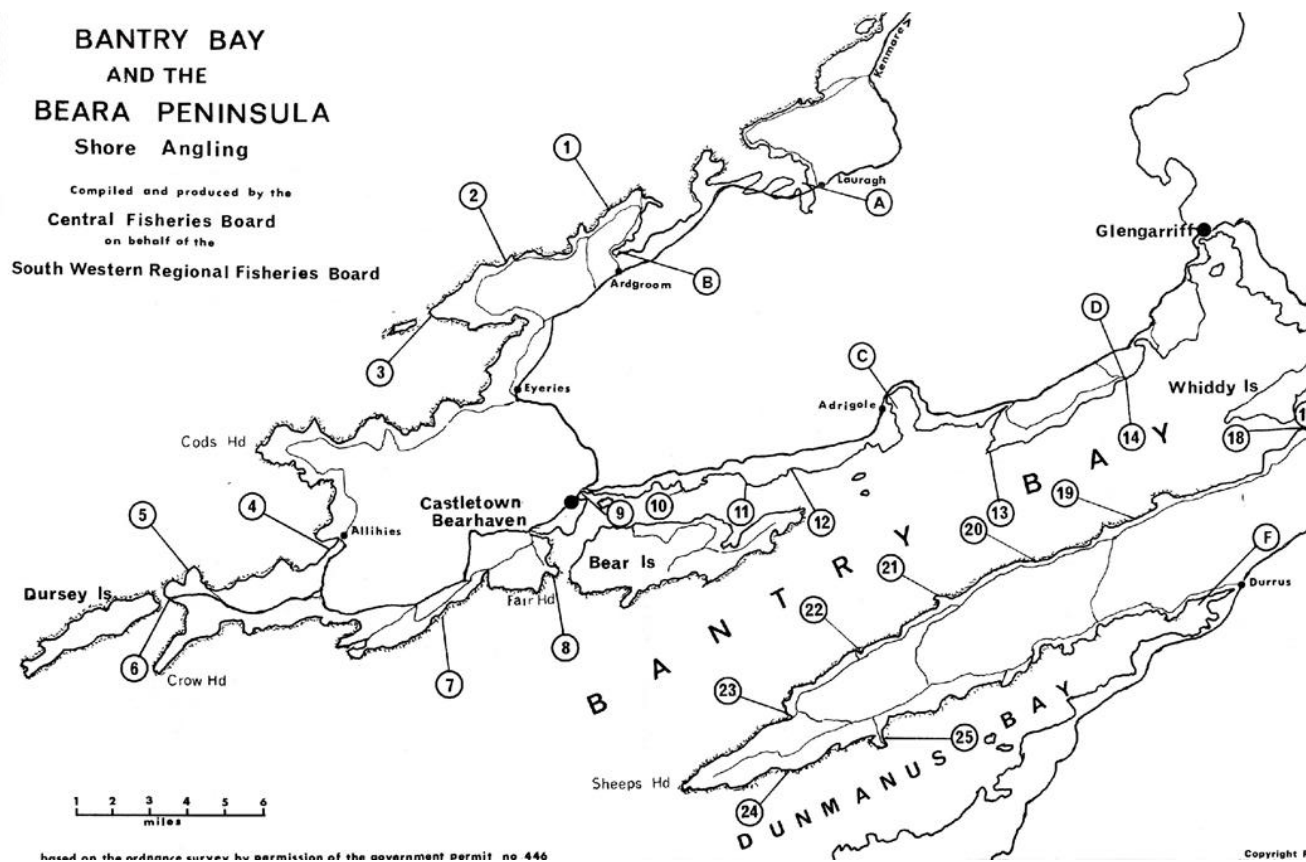
- Bank Harbour (12): Bottom fishing for flatfish on flooding tide. Floatfish for mullet at high water.
- Shot Head (13)– Spinning for mackerel and Pollack, and float fishing for wrasse.
- Zetland Pier (14) – Bottom fishing for flatfish on flooding tide. Floatfish for mullet at high water.
- Gerahies Pier (19) – Float fishing for mullet and bottom fishing for congar.
- Goats Path (20)– Spinning for mackerel and Pollack and float fishing for wrasse.
- Collack (21)– Float fishing for wrasse and spinning for Pollack.
- Adrigole (C): Lugworm can be dug on middle banks, also in the mud inshore mussel beds

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<https://oar.marine.ie/bitstream/handle/10793/794/Irish%20Fish%20Invest%20No.1%20Commercial%20Exploitation%20of%20Shrimp.pdf?sequence=1&isAllowed=y>

<sup>7</sup> <https://fishinginireland.info/sea/maps/>

Figure 9. Shore Angling locations in Bantry Bay, Fishing Ireland



## Tourism and Leisure

Faite Ireland provide statistics on tourism in Ireland, with regional breakdowns for visitor numbers and estimated spend<sup>8</sup>. Outside of Dublin, the South-West region which contains counties Cork and Kerry proved the most popular for overseas tourists in 2018, attracting approximately 2.5million people in 2018. The estimated total revenue generated by these overseas tourists is roughly €987 million, according to Faite Ireland.

In terms of domestic tourists, the South-West region is actually Ireland's most popular, surpassing Dublin with a total of 2.4 million visitors who generated approximately €474 million in revenue. From these figures alone it is clear that Ireland's South-West, and by association the Bantry area, are important tourist locations.

Breakdowns for tourism statistics at settlement level do not exist, with County and Regional levels providing the lowest level of publicly available data. However, although figures for Bantry are not available, it is generally agreed that tourism and recreation are significant contributors to the local economy of the Bantry Bay area. The major success of Ireland's Wild Atlantic Way, which incorporates the peninsulas of West Cork, is seen as a clear indication of the growing importance of tourism to coastal communities.

The bay's islands, particularly Bear and Whiddy Islands, prove immensely popular to tourists and attract a growing number during the summer months. This is in addition to the many land based activities that are undertaken on both the Beara and Sheep's Head peninsulas. Walking, cycling and hiking is undertaken by many visitors to these areas, with the rugged landscape and scenic walks proving extremely attractive to people (Figure 11).

<sup>8</sup> [https://www.failteireland.ie/FaiteIreland/media/WebsiteStructure/Documents/3\\_Research\\_Insights/Key-Tourism-Facts-2018.pdf?ext=.pdf](https://www.failteireland.ie/FaiteIreland/media/WebsiteStructure/Documents/3_Research_Insights/Key-Tourism-Facts-2018.pdf?ext=.pdf)

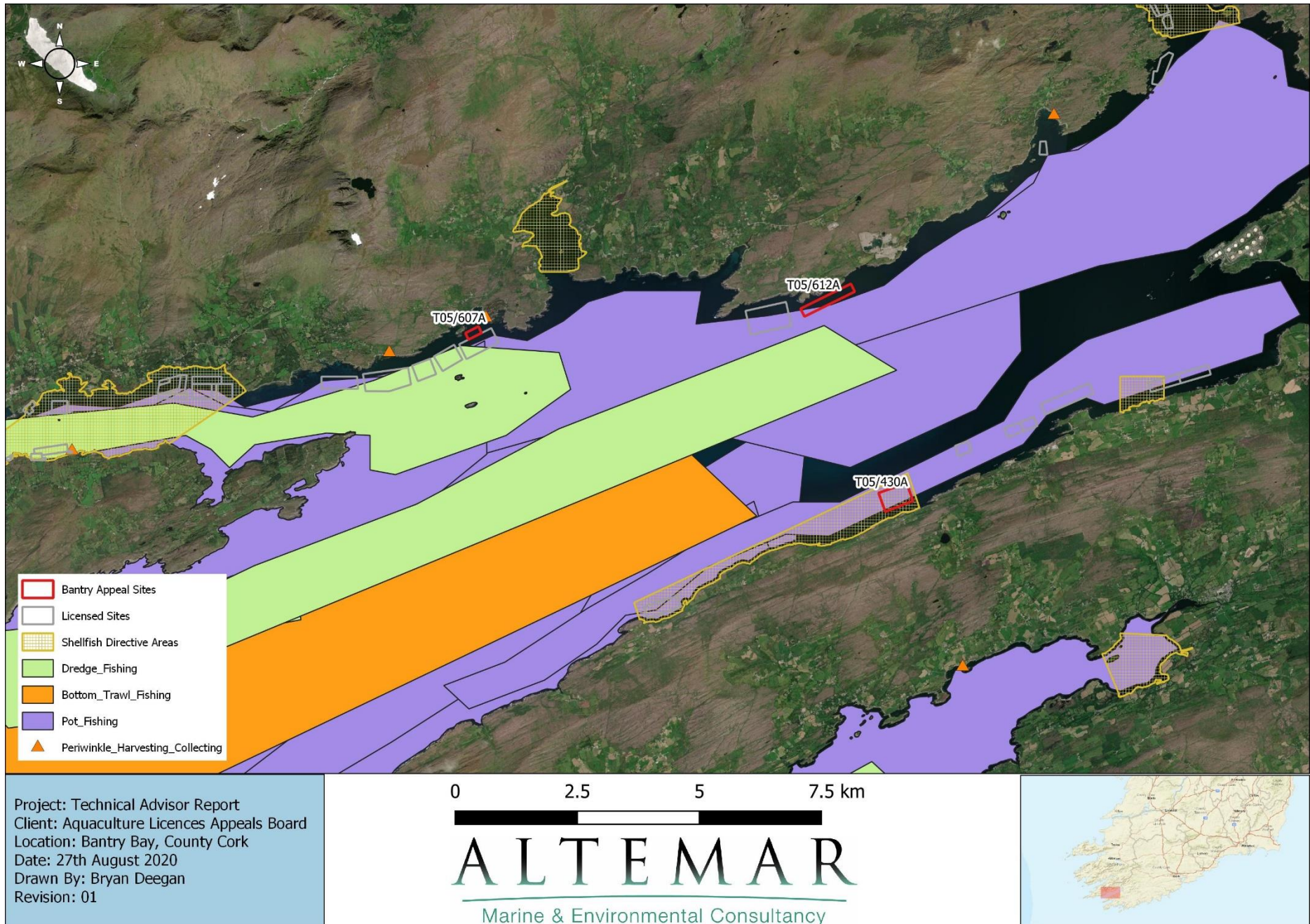


Figure 10. Inshore fishing activity



In terms of water-based activities, leisure boating (yachting and kayaking), swimming, whale and dolphin watching, bird watching, scuba diving and other water sports are key components of marine tourism in the region. The bay is also host to regular, scheduled cruise liner stops that see tourists from across Europe arrive in the area, with anchorage occurring in Bantry Inner and Whiddy.

Sailing is a popular pastime in Bantry Bay and along the peninsula with information on the areas with highest frequency of sailing recorded on the Marine Atlas<sup>9</sup>. Data indicates the most popular sailing areas tend to be based along the northern shore of the bay, with particularly high concentrations along Castletownbere Sound. There are two marinas identified in the Marine Atlas as being located in Bantry Bay: Bantry Marina, which is located in Bantry town; and, Lawrence Cove Marine, which is located on Bear Island. Four ferry ports are identified at Castletownbere, Lawrence Cove, Whiddy Island and Bantry.

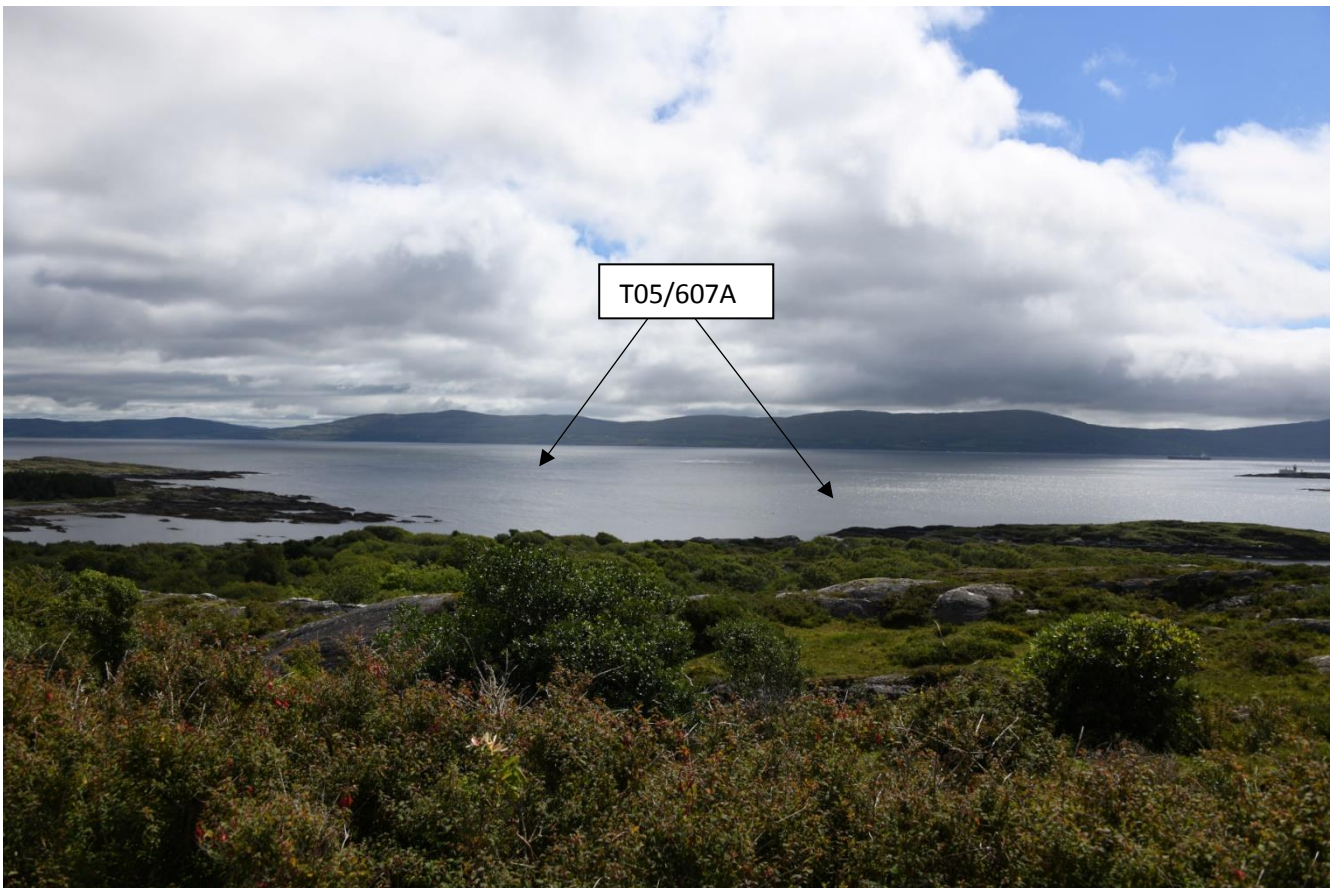


Plate 1: Approximate location of T05/607a at low tide.

### Other Activity

**Bantry Bay Oil Terminal:** A Conoco Phillips oil terminal exists on Whiddy Island serving as a distribution facility for oil products and it is one of Ireland's largest oil storage facilities. In general, the vessels that service the Bantry Bay terminal are comparatively small in size, mostly under 100,000 DWT and predominantly within the range 20,000 to 50,000 DWT. The Site Characterisation Report for the Bantry South Shellfish Area found there are no associated water quality issues.

**Quarries:** There are two quarries located adjacent to Inner Bantry Bay, on the northern shore near Adrigole. The registered Owners/Occupiers of these quarries are Cornelius Sullivan and Tarmac Fleming Ltd. The Tarmac Fleming Quarry was formerly known as the Wimpey Fleming Adrigole Quarry which at one stage recorded annual production of 1.2 million tonnes. There are no recorded impacts on water quality for the Adrigole Shellfish Area resulting from this quarry.

<sup>9</sup> <http://atlas.marine.ie/#?c=51.7196;-9.7593;11>

Waste-water Treatment Systems: The **Adrigole Harbour** Site Characterisation Report identified 180 WWT systems in a catchment of up to 20 kilometres from the area. It was found that the risk to surface and ground waters from pathogens and phosphorus is high throughout the catchment, possibly due to inadequate percolation. Many of the systems are located in hydrological unsuitable locations or/and are the incorrect type of system for their particular area. However, monitoring did not identify any water quality issues that can be attributed to these WWT systems.

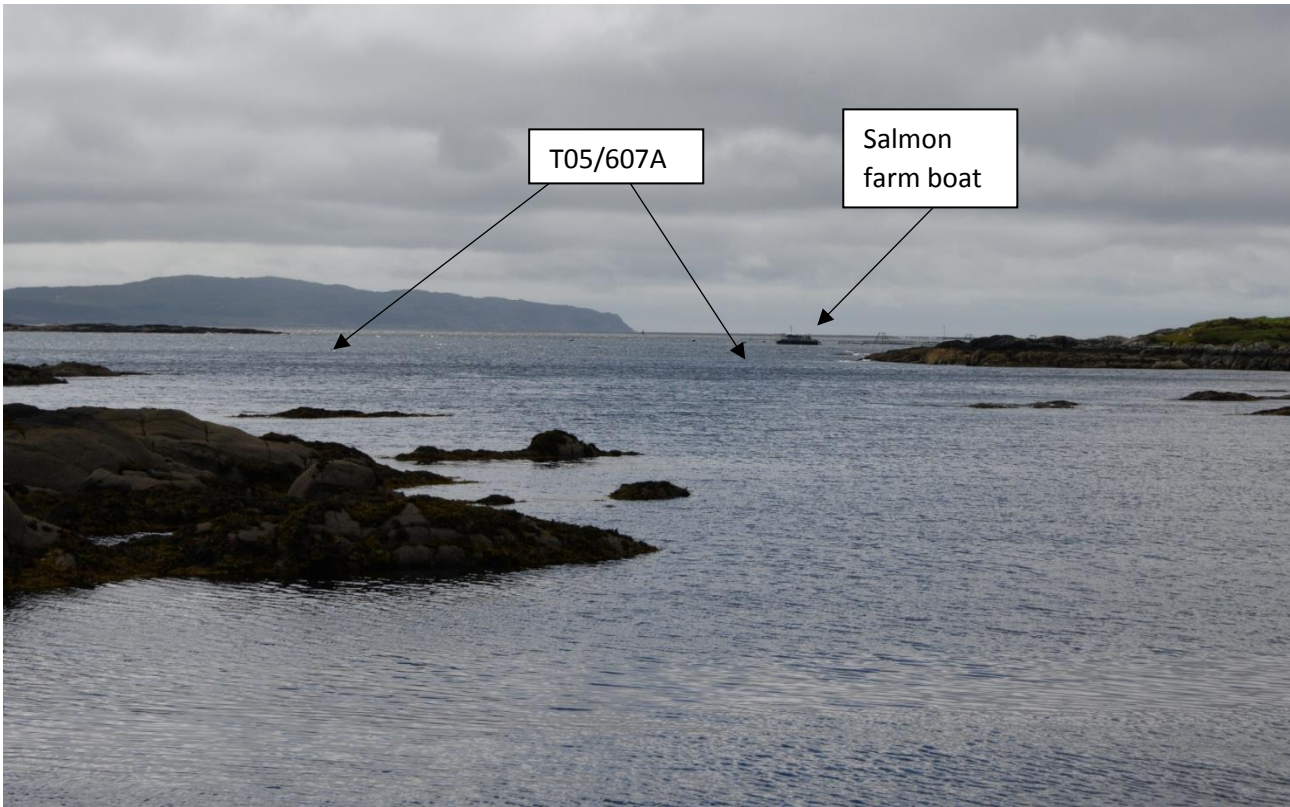


Plate 2: Approximate location of T05/607a at low tide.

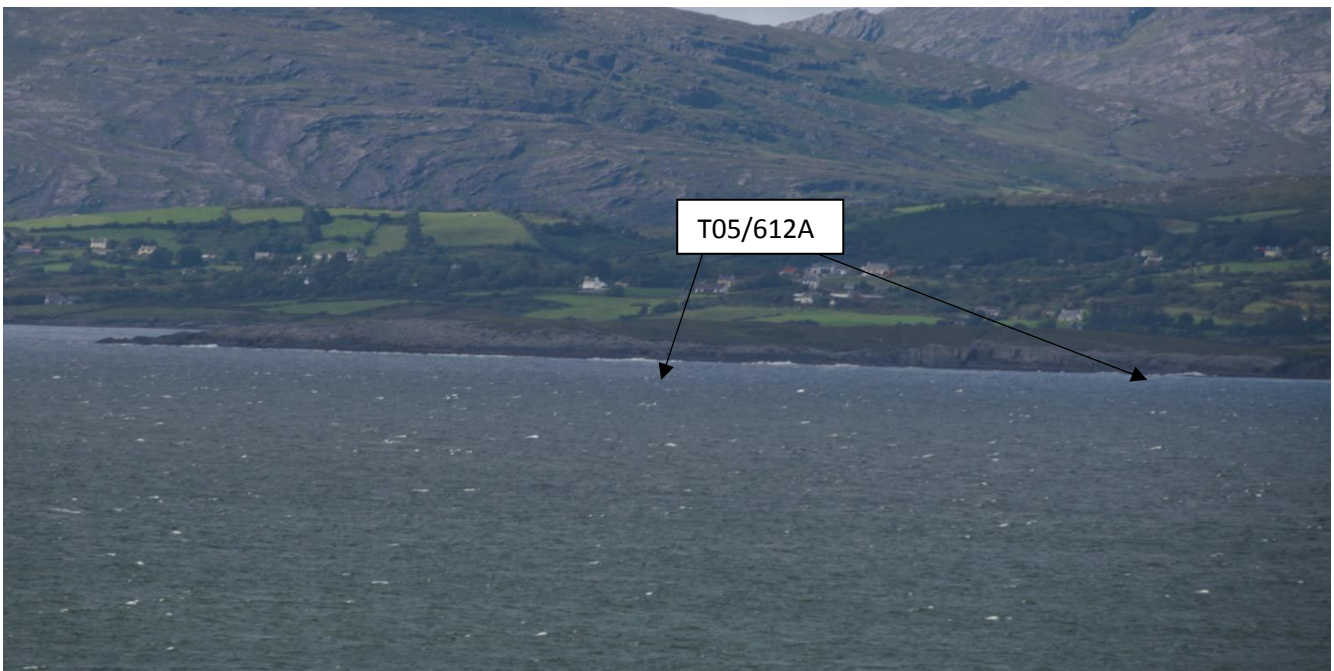


Plate 3: Approximate location of T05/612a (from southern shore of Bantry Bay).

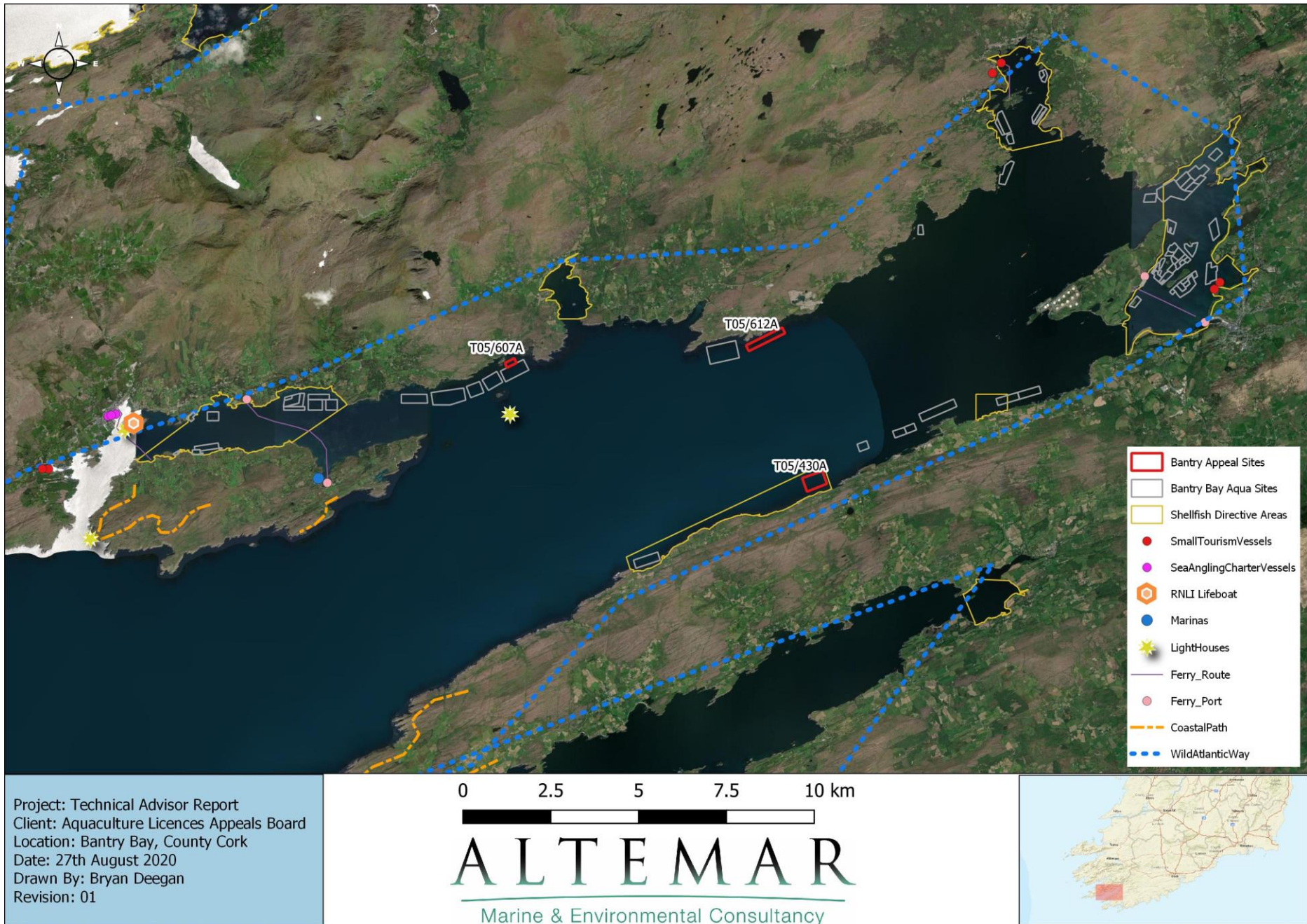


Figure 11. Tourism activities and locations of interest in Bantry Bay

## 4.3 Environmental Data

### Water Quality

Bantry Bay is part of the Dunmanus-Bantry-Kenmare water catchment, which, according to the EPA, drains an area of approximately 1,900 kilometres squared and possesses a population of roughly 24,280 people. It is stated that the catchment is *“dominated by the east–west trending series of sandstone ridges and limestone valleys that dominate the landscape of south and west Munster. In this catchment, the limestone valleys are nearly completely submerged by the sea – having been preferentially eroded compared to the sandstone ridges lying between them and these valleys now make up Dunmanus, Bantry and Kenmare Bays while the sandstone ridges form the Mizen, Sheep’s Head, Beara and Iveragh Peninsulas.”*

The EPA regularly sample and monitor bathing water quality at 147 locations across Ireland, however there are no bathing water sampling location in Bantry Bay. The nearest sampling points are found in Dunmanus Bay to the south and Kenmare Bay to the north of Bantry Bay. The locations are Barley Cove (Dunmanus Bay) and Derrynane (Kenmare Bay), both of which recorded bathing water quality statuses of ‘excellent’ in the 2019 bathing season results<sup>10</sup>. Both locations have achieved the ‘excellent’ status in each of the previous four bathing season sampling results (2015, 2016, 2017 and 2018). ‘Excellent’ status is the highest status that can be achieved and suggests waters in this region are of a high standard.

### Water Framework Directive

The Water Framework Directive (WFD) Monitoring Programme uses regular sampling of water bodies to assign a classification on their status. The Shellfish Area Characterisation Report for **Adrigole Harbour** provides details on the WFD Monitoring Programme and it states that the status of the coastal waters where this area is based are ‘high’ and, therefore, satisfactory. The two rivers discharging in the vicinity of the shellfish area are the Adrigole River and Reen River. Both of these rivers have been identified as ‘good’ status and therefore satisfactory.

The report concludes its water quality section by stating that *“there are water quality issues within the area, but some of these classifications were extrapolated from a similar water body type.”* (pg.17)

Water catchments are made up of a series of subcatchments and the six subcatchments that lie immediately adjacent to Bantry Bay are: Calashaduff; Coomhola; Fahane; Fanahy; Glengarriff; and, Mealagh.

The Water Framework Directive Cycle 2 Assessment Report for the sub-catchment of **Fanahy** is based on information available to the end of 2015. Proposed aquaculture site **T05/607A** is located in coastal waters that are adjacent to this catchment. The WFD Report found that seven of the eight river water bodies and two lake water bodies were ‘not at risk’<sup>11</sup>. Only one river water body was deemed to be potentially at risk or subject to a potential pressure due to the existence of forestry, however there is no available monitoring data for this water body and further assessment is required. There are five ‘potentially dependent transitional and coastal waterbodies’ of which four are deemed ‘not at risk’ and one (Outer Kenmare River) requires review. There are two ‘potentially dependent groundwater water bodies’ of which one is not at risk, while the other requires review. There are three significant pressures identified in the subcatchment, two of which relate to anthropogenic pressures and one is related to forestry.

Proposed aquaculture site **T05/612A** is located in coastal waters that lie adjacent to the two sub-catchments of Clashaduff and Gengariff.

The Water Framework Directive Cycle 2 Assessment Report for the sub-catchment of **Clashaduff** is based on information available to the end of 2015. A total of six water bodies are reviewed and it was found that two of the three rivers and each lake are “NOT AT RISK”. The Trafrask Stream was found to be meeting the ‘high

<sup>10</sup> <https://www.epa.ie/pubs/reports/water/bathing/Bathing%20Water%20Quality%20Map%20of%20Ireland%202019.pdf>

<sup>11</sup> [https://catchments.ie/wp-content/files/subcatchmentassessments/21\\_9%20FANAHY\\_SC\\_010%20Subcatchment%20Assessment%20WFD%20Cycle%202.pdf](https://catchments.ie/wp-content/files/subcatchmentassessments/21_9%20FANAHY_SC_010%20Subcatchment%20Assessment%20WFD%20Cycle%202.pdf)

status' objective. The Adrigole river also has a high status objective however the ecological status of it declined to "good" during the 2013-2015 cycle because of the pressures likely resulting from forestry. Both potentially dependent transitional and coastal waterbodies are deemed not at risk, as is the sole potentially dependent groundwater water body. A single pressure was identified in the subcatchment, which is the aforementioned forestry activities which specifically relate to clearfelling and are impacting the Adrigole.

The Water Framework Directive Cycle 2 Assessment Report for the sub-catchment of **Glengarriff** is based on information available to the end of 2015. It found that "all seven river water bodies are NOT AT RISK". Furthermore, the assessment recorded 'high ecological status' for three of the five water bodies and it was stated that these three also met their WFD objectives. There are three 'potentially dependent transitional and coastal waterbodies (Outer Bantry Bay, Inner Bantry Bay and Glengarriff Harbour), none of which are deemed to be at risk in terms of the WFD objectives. In addition, the sole potentially dependent groundwater waterbody identified (Beara Sneem) was also deemed to be not at risk. No significant pressures were identified in the subcatchment.

### Shellfish Monitoring Programme

Shellfish flesh classifications are carried out under the European Communities (Live Bivalve Molluscs) (Health Conditions for Production and Placing on the Market) Regulations, 1996 (S.I. No. 147 of 1996)). The Marine Institute carries out shellfish monitoring at designated shellfish areas. This dedicated shellfish monitoring programme involves analysing for general components, metals and organics in both water and biota samples. Shellfish safety data can be obtained from the Marine Institute HABs website and it provides results of sampling of specified shellfish flesh from each of the designated shellfish areas<sup>12</sup>.

Biotoxin results for *Mytilus edulis* (72% of total samples) and *Crassostre gigas* (28% of total samples) in the **Adrigole Harbour** Designated Shellfish Area are provided in the table below. The results are taken from regular sampling that occurred from July 22<sup>nd</sup> 2015 to July 1<sup>st</sup> 2020, of which there are a total of 155 sample results.

Area Species Status	# of Occurrences	% of Total
Closed	26	17%
Closed Pending	30	19%
Open	97	63%
Rejected – Nonstandard Reason	2	1%

<sup>12</sup> <http://webapps.marine.ie/HABs/Locations/Inshore>

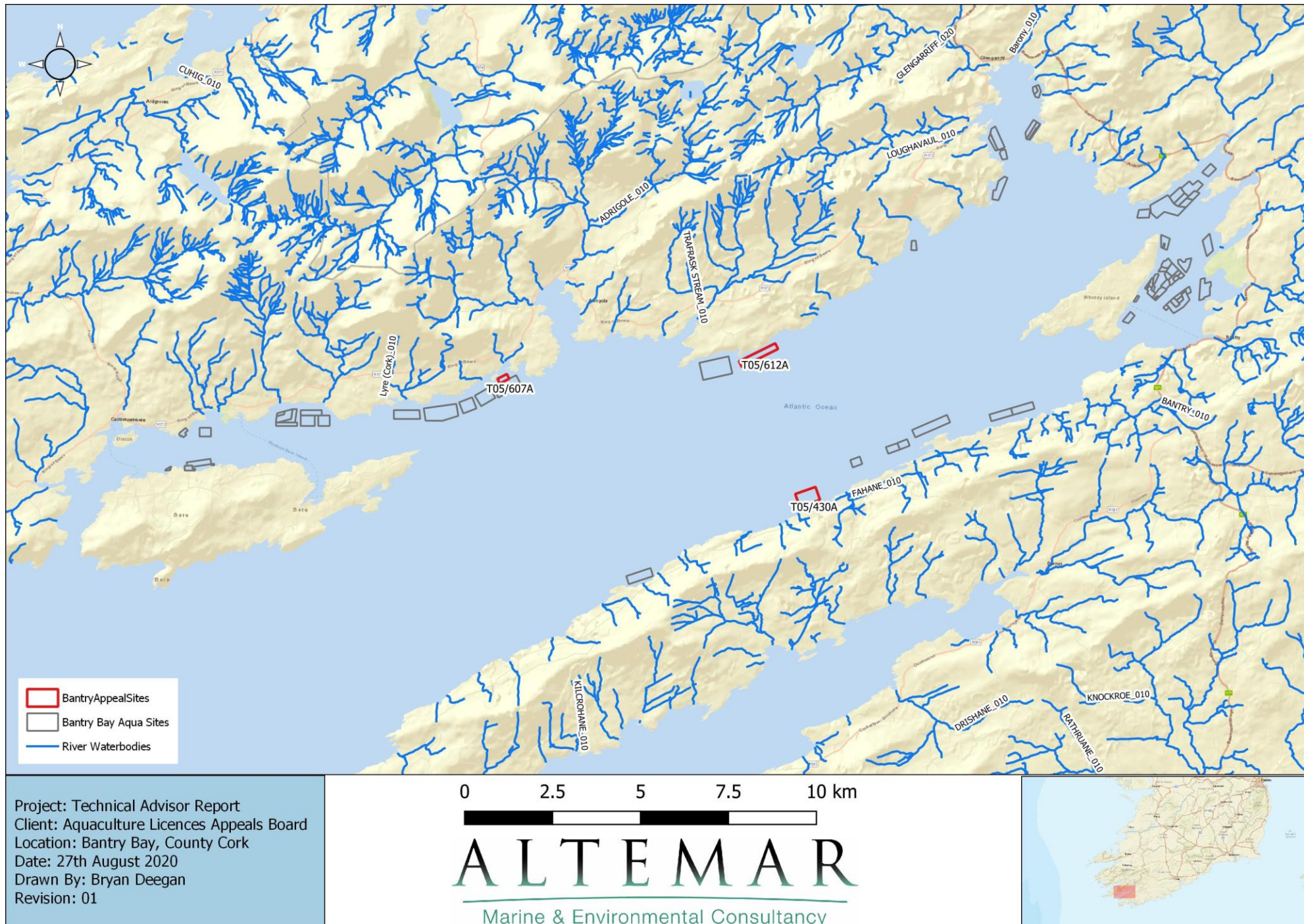


Figure 12. River waterbodies, EPA

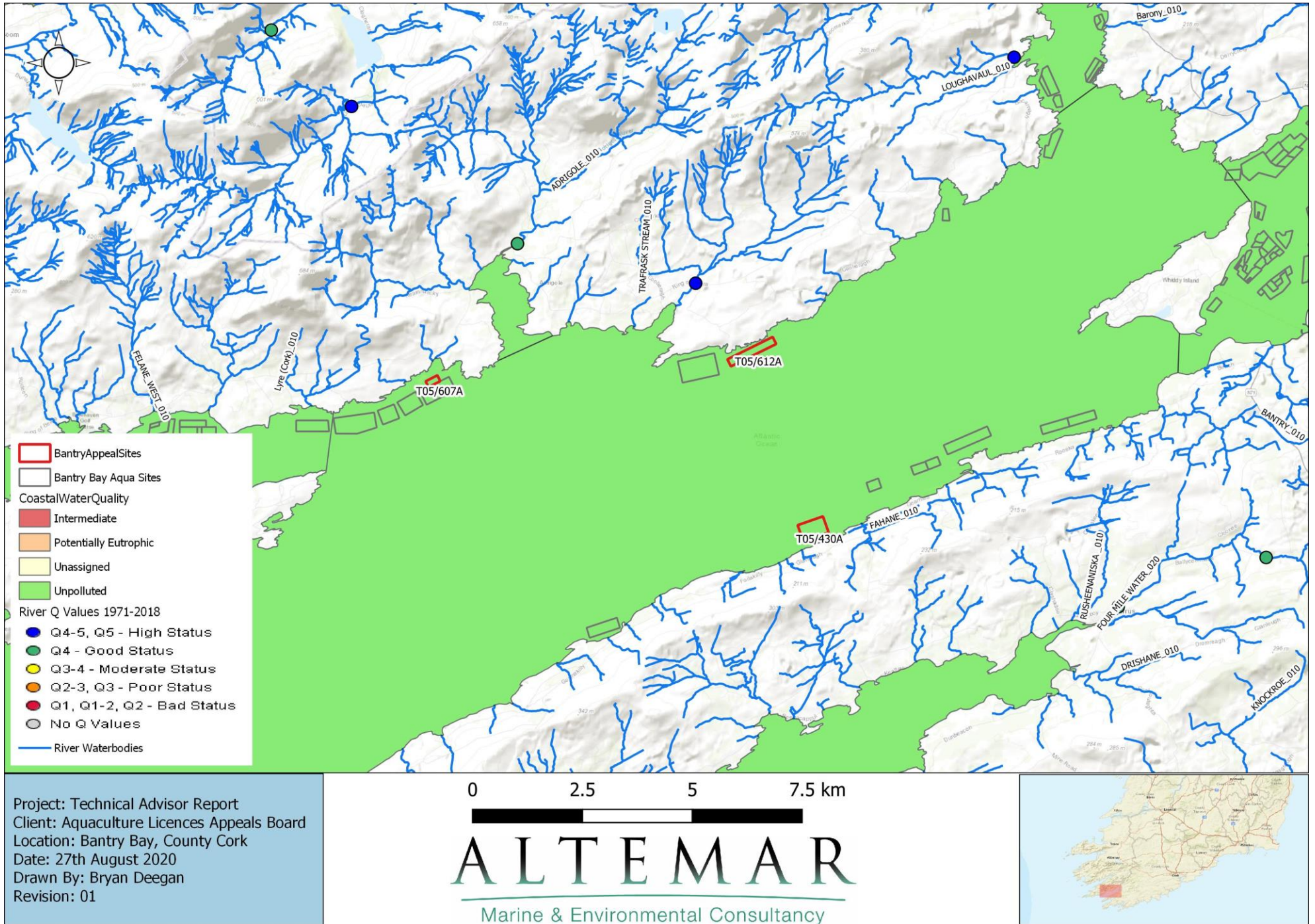


Figure 13. WFD status Bantry Bay, EPA

## 4.4 Statutory Status

### Nature Conservation Designations

The area of Bantry Bay within which proposed aquaculture sites T05/607A and T05/612A is not located in any Natura 2000 sites, nor does it have any other conservation or environmental designations attached. However, the bay is adjacent to two Special Areas of Conservation (SAC) and two Special Protection Areas (SPA) (Figures 14-16):

- Glengarriff Harbour and Woodland SAC (00090) – It has received its designation due to the presence of a range of habitats/species listed on Annex I/II of the EU Habitats Directive.  
Features of interest are:
  - Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
  - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
  - *Geomalacus maculosus* (Kerry Slug) [1024]
  - *Rhinolophus hipposideros* (Lesser Horseshoe Bat) [1303]
  - *Lutra lutra* (Otter) [1355]
  - *Phoca vitulina* (Harbour Seal) [1365]
- Sheep's Head SAC (000102) – Sheep's Head is the southern bounding peninsula of Bantry Bay and has a SAC designation due to the presence of terrestrial features, dry heath and wet heath, habitats listed on Annex II of the Habitats Directive. It has received its designation due to the presence of a range of habitats/species, including the following features of interest:
  - Northern Atlantic wet heaths with *Erica tetralix* [4010]
  - European dry heaths [4030]
  - *Geomalacus maculosus* (Kerry Slug) [1024]
- Beara Peninsula SPA (004155) – This site is a designated SPA under the Birds Directive due to the presence of the following habitats/species listed on Annex I/II of the EU Habitats Directive:
  - Fulmar (*Fulmarus glacialis*) [A009]
  - Chough (*Pyrrhocorax pyrrhocorax*) [A346]
- Sheep's Head to Toe Head SPA (004156) – The sea cliffs, cliff edges and land adjacent to these cliff edges are considered some of the most important sites in Ireland for Chough. It has received its designation due to the presence of a range of habitats/species listed on Annex I/II of the EU Habitats Directive. Features of interest are:
  - Peregrine (*Falco peregrinus*) [A103]
  - Chough (*Pyrrhocorax pyrrhocorax*) [A346]

### Protected Species

The areas within which the proposed aquaculture sites are located are not, themselves, protected conservation sites. However, there are a number of protected sites in the areas that surround Bantry Bay, some of which have been outlined in the previous section. Many of these sites have received their special protection designation due to the presence of protected, or important species of flora and fauna.

The Kerry Slug (*Geomalacus maculosus*) is a species that is listed on Annex II of the E.U. Habitats Directive and one that has a remarkably disjunct distribution in Europe, being known only from south-west Ireland, north-west Spain and northern Portugal. At Sheep's Head the species is particularly associated with open areas of rocky wet heath and grassland.

The Lesser Horseshoe Bat (*Rhinolophus hipposideros*) is an Annex II species and were formerly recorded in high numbers in Glengarriff Castle. However numbers decreased at the Castle from the late 1990's onwards.

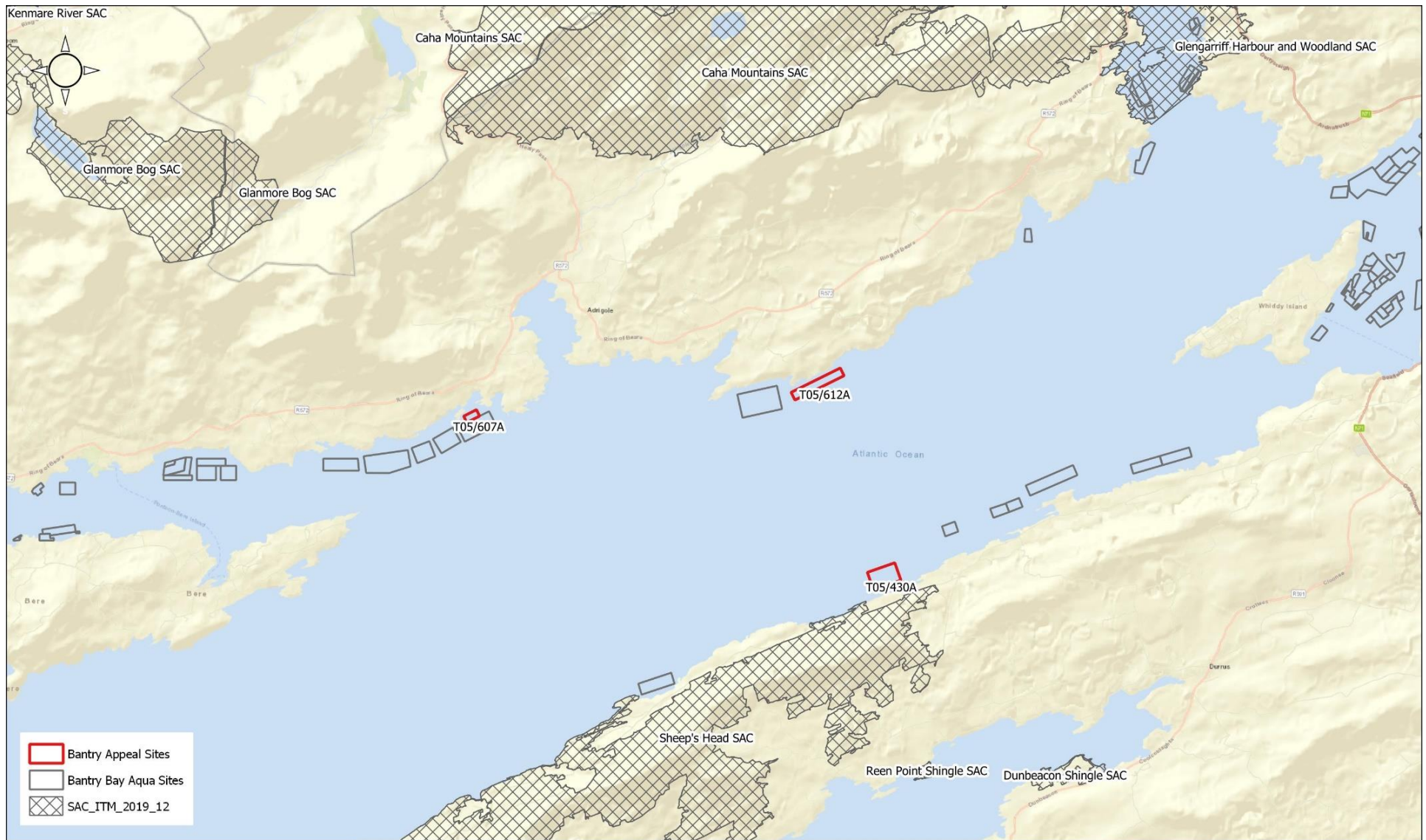


Since then, summer roosts within the Glengariff Harbour SAC boundary have been found in three buildings. The highest combined counts for the three summer sites were taken in July 2002 with a total of 228 bats.

The rocky islets in Glengariff Harbour support the largest colony of Common (Harbour) Seal (*Phoca vitulina*) in the south-west of Ireland (maximum count of 151 in the all-Ireland survey of 2003). This legally protected species is listed on Annex II of the E.U. Habitats Directive. In addition to the seal, there are Otter (*Lutra lutra*) found throughout the wider area, in particular near Glengariff.

The Chough (*Pyrrhocorax pyrrhocorax*) is a species that is listed on Annex I of this Directive and an internationally important population of breeding Chough are found on Sheep's Head and Beara Peninsula. 58 breeding pairs were recorded within the Beara Peninsula site in the 1992 survey and 54 in the 2002/03 survey. 82 breeding pairs were recorded from the Sheep's Head site in the 1992 survey and 73 in the 2002/03 survey.

Other species of protected bird that have been sighted in the areas around Bantry Bay include the Fulmar (*Fulmarus glacialis*) and the Peregrine (*Falco peregrinus*). In addition, widespread sightings of dolphins and other sea mammals are said to occur in areas of Bantry Bay. The marine mammal sightings of the Irish Whale and Dolphin Group are shown in Figure 17.



Project: Technical Advisor Report  
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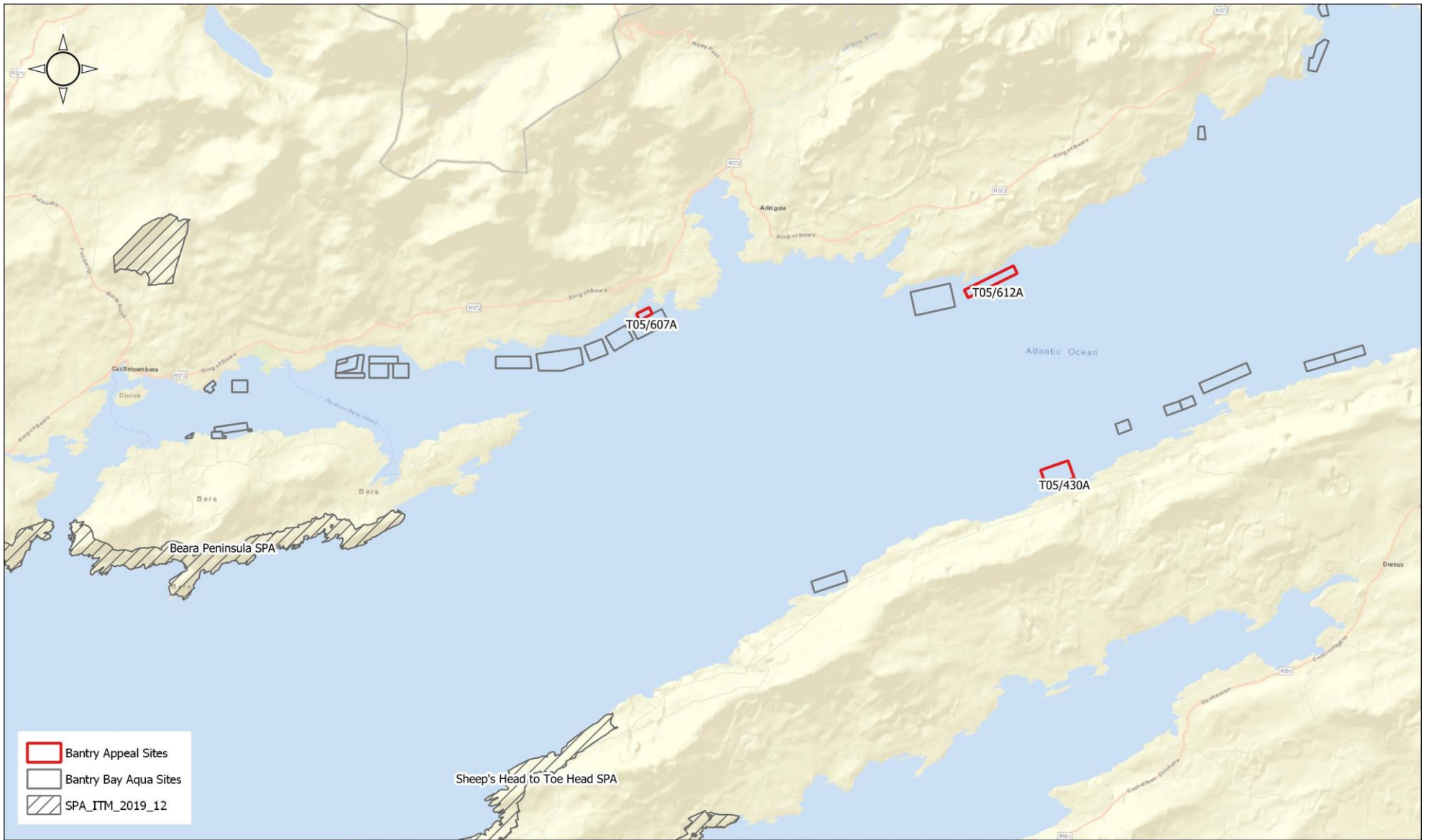
0 2.5 5 7.5 km

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Figure 14. Special Areas of Conservation in proximity to the appeal sites



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0 2.5 5 7.5 km

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Figure 15. Special Protection Areas in proximity to the appeal sites

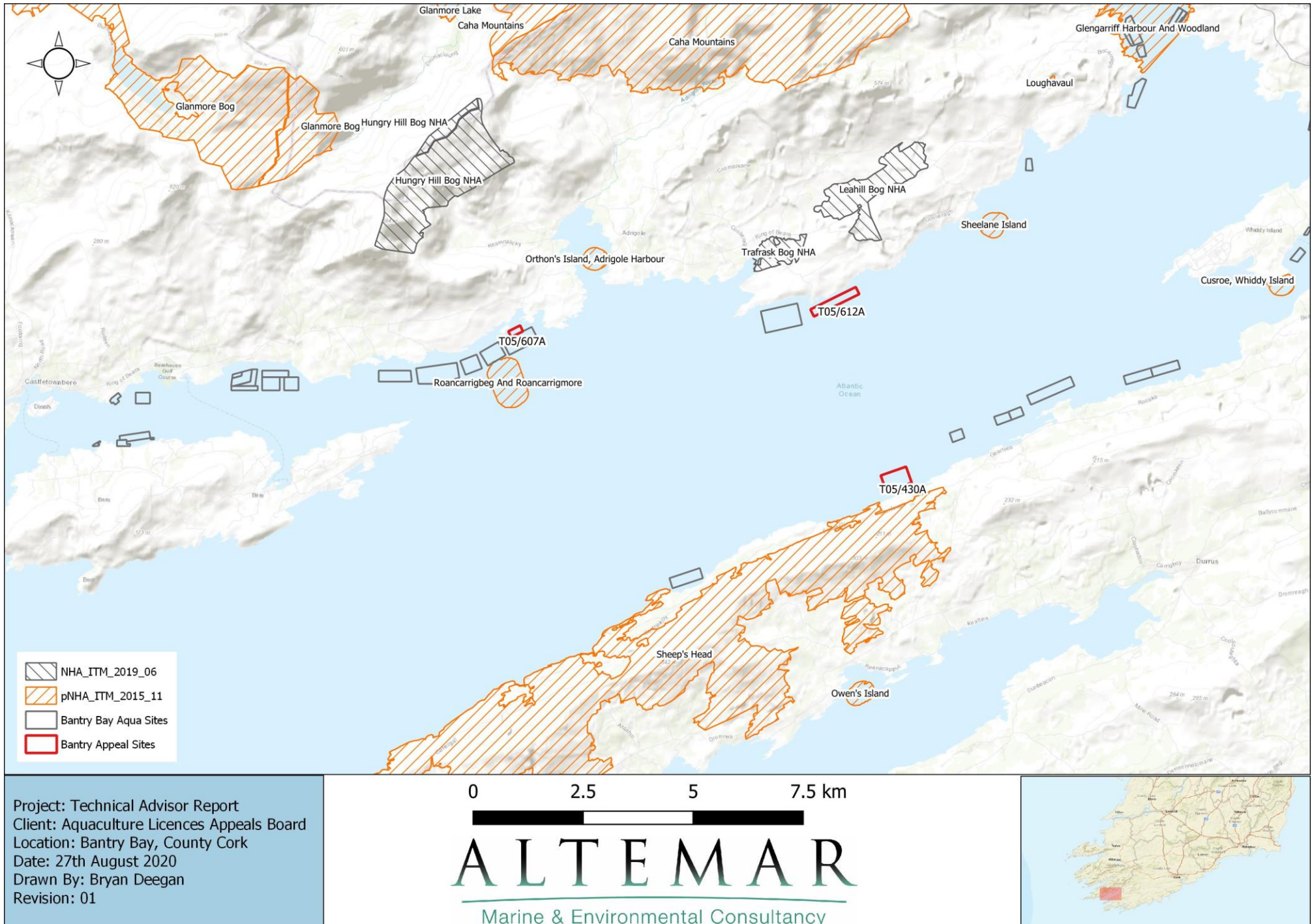
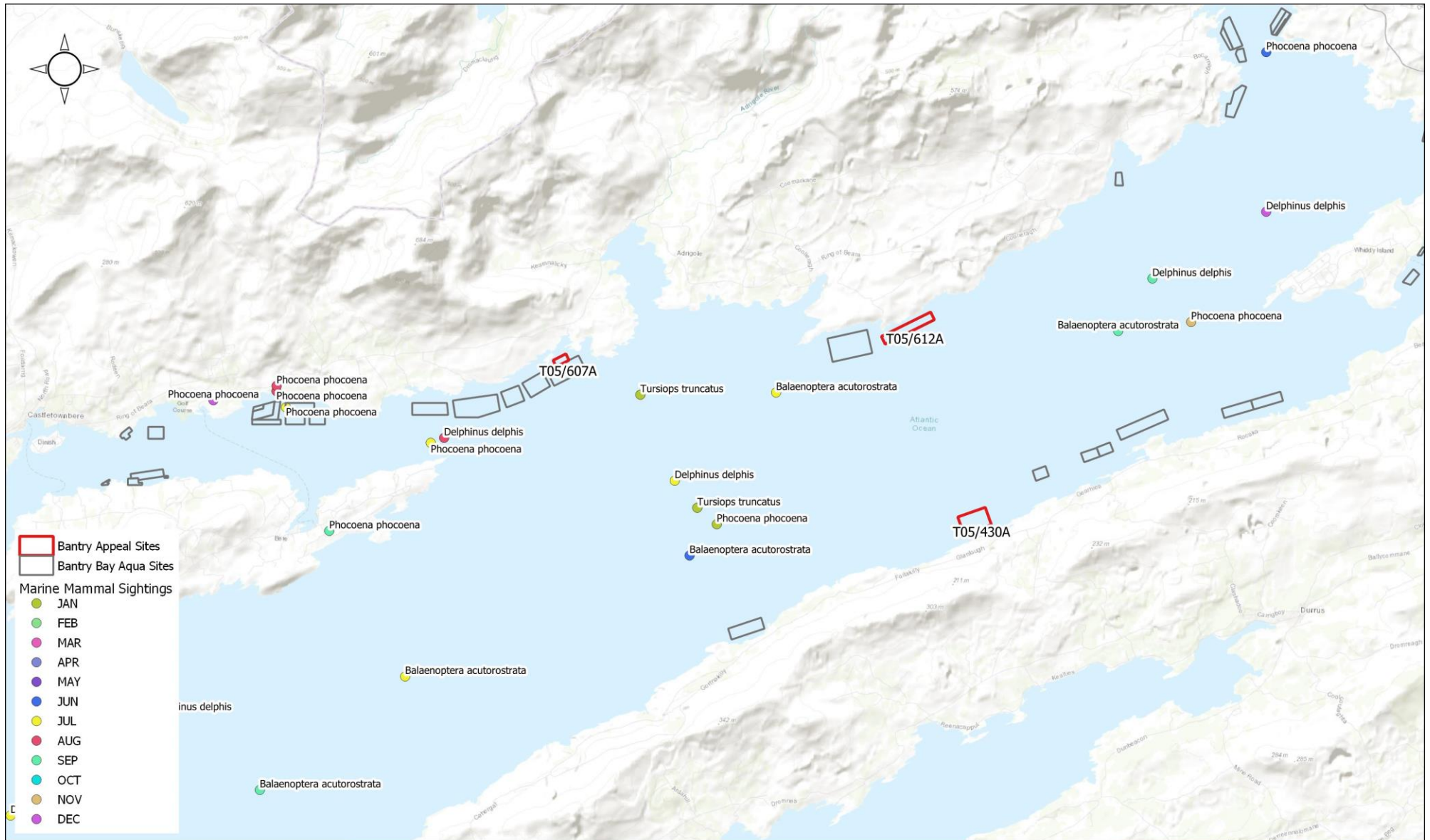


Figure 16. (proposed) Natural Heritage Areas in proximity to the appeal sites



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 Date: 27th August 2020  
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Figure 17. Marine mammal sightings in the vicinity of Bantry Bay, IWDG

## Statutory Plans

There are no statutory plans that specifically concern Bantry Bay. However, Bantry Bay is covered under the following plans:

### Southern Assembly Regional Spatial Economic Strategy

County Cork is part of the Southern Regional Assembly, which is one of three regional-level administrative units in Ireland. One of the core functions of these newly established Assemblies is to prepare a Regional Spatial and Economic Strategy (RSES) for their respective regions which will guide all future economic and spatial development. The RSES is guided by the overarching aims contained in the National Planning Framework (NPF), a high-level strategic document prepared by the Irish Government, and it transposes these aims and objectives to a more regional context. All future Local Authority Development Plans must be cognisant of the objectives set out in their respective RSES, and for this reason alone the RSES is an important document to consider.

Section 3.8 calls for the establishment of a ‘*West Cork Marine Network*’ that is “*based on the N71 West Cork to South Kerry Corridor across settlements of Clonakilty as the Key Town with Skibbereen, Bantry, Schull and Castletownbere, leveraging significant marine economy, tourism, food and beverage, digital and other assets with strategic transport connections to the Cork Metropolitan Area*” (pg.91).

Section 4.9.2 discusses the importance of ‘growing the blue economy’ where it acknowledges that future challenges to this will be in attempting to “*align marine resources with conservation of biodiversity and ecosystem health*”. The importance of fisheries and aquaculture to the economies of coastal areas is reiterated and support given to Fishing Local Area Group Development Strategies, which have identified Castletownbere as a location for a National Fisheries Harbour Centre (NFHC).

The RSES has outlined a range of key aims and objectives which will be the focus of future policy-making and co-ordinated development entitled Regional Policy Objectives (RPOs). The following table provides a list of RPOs that are exclusive to the aquaculture sector and context of this Technical Advisor Report.

Table 2. Regional Policy Objectives, Southern Assembly RSES

Regional Policy Objective	Focus
RPO 80 Marine Resource and Blue Economy	It is an objective to support the development of new coalitions amongst productive sector enterprises, coastal communities and public agencies to support the sustainable development of the marine resource and Blue Economy. Any supports arising, which result in further expansion of or new enterprise will be subject to the outcomes of the required appraisal, planning and environmental assessment process.
RPO 81 Fishery Harbour Centres and Local Authority Harbours	It is an objective to seek investment in the sustainable development of infrastructure improvements to Fishery Harbour Centres and Local Authority Harbours in the Southern Region. Robust site selection and environmental feasibility and assessment is required in advance of seeking investment
RPO 82 Seafood Sector	It is an objective to seek investment in the delivery of sustainable actions and development of the seafood sector under existing and future European Maritime and Fisheries Fund Operational Programmes. Robust site selection and environmental feasibility and assessment is required in advance of seeking investment.
RPO 83 Island and Coastal Communities	It is an objective to seek investment in the sustainable development of infrastructure (physical and social), access (upgraded pier infrastructure, landing facilities and passenger and cargo ferry services), regional connectivity (transport networks and digital), enterprise growth and deliver initiatives by Local Authorities, UnG, local communities and other stakeholders to strengthen and sustainably grow our Region’s island and coastal communities. Robust site

	selection and environmental feasibility is required in advance of seeking investment including all necessary flood risk assessments.
RPO 111 Water Resources	It is an objective to ensure the efficient and sustainable use and development of water resources and water services infrastructure to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.
RPO 112 Water Quality	It is an objective to support commitments to achieve and maintain “At Least Good” status, except where more stringent obligations are required, and no deterioration of status for all water bodies under the Marine Strategy Framework Directive and its programme of measures, the Water Framework Directive and the River Basin Management Plan. Key challenges include, inter alia, the need to address significant deficits in urban waste-water treatment and water supply, addressing flooding and increased flood risks from extreme weather events and increased intense rainfall because of climate change

#### Cork County Development Plan 2014

Bantry Bay is located in West Cork, which is part of the Cork County Council administrative area. Development Plans are the main strategic documents that direct the future growth and development of local authority areas. The most recent development plan for Cork County is the 2014 Development Plan, which sets out the planning and sustainable development strategy for the County over a six year period.

As previously stated, Bantry Bay is located in West Cork and this area is considered one of the County’s Strategic Planning Areas. A specific Development Plan Objective is set for the West Cork Strategic Planning Area, with some of the most pertinent elements of this objective listed below:

Objective CS 4-4: a) *Establish an appropriate balance in the spatial distribution of future population growth so that Bantry, Castletownbere, Dunmanway and Skibbereen, can accelerate their rate of growth, in line with this Core Strategy and achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport;*

d) *Recognise the international importance and the importance to the region’s tourism economy, of the scenic and landscape qualities of the coastal and upland areas, particularly along the peninsulas in the southwest and to protect these landscapes from inappropriate development;*

k) *Recognise the role to be played by Castletownbere and its deepwater port facilities in the future growth of the fishing and tourism industry and to promote its future development and potential for other port related activities subject to the requirements of the Habitats, Birds, Water Framework, SEA and EIA Directives.*

Under the ‘Economy and Employment’ section the Plan establishes an “employment hierarchy” which assigns a strategy for the different areas of the county. For rural areas, such as the areas surrounding Bantry Bay, the overall strategy is to:

*“Support agriculture, fishing & food processing sectors. Encourage rural diversification (especially tourism but also on and off farm employment activities such as processing of agricultural produce, manufacturing of crafts and specialist farming) and support innovation in indigenous enterprise.”*

A sub-section of Economy and Employment is dedicated to fishing and aquaculture and it highlights the important role that commercial fishing and aquaculture play in the economies of rural coastal areas. The plan states its support for the “provision of appropriate harbour infrastructure that facilitates a modern and innovative fishing industry” (pg.101). Furthermore, the Plan considers aquaculture as having significant potential to enable the diversification of rural areas and will support this sector. A specific Development Plan Objective is outlined for fishing and aquaculture:

Objective EE 11-1: a) Support the use of existing port facilities for the catching and processing of fish as an economic activity that contributes to the food industry in the County. b) Support and protect designated shell fish areas as an important economic and employment sector.

Under the Energy section there is reference to Bantry Bay made when the importance and future roles of the oil storage facility at Whiddy Island and the ports and dry-docks in Castletownbere are discussed. Regarding the latter, it is stated that Castletownbere/Bere Island port and dry dock facilities possess “significant potential to service future ocean and off shore wind energy developments”. In addition, a specific Development Plan Objective is made for the Whiddy Island oil storage facility:

Objective ED 1-4: Safeguard and support the strategic role and function of Whiddy Island oil terminal and associated storage facilities in meeting the future energy needs of the county and the state.

Chapter 11 provides details on Water Services, Surface Water and Waste, giving an overall assessment for settlements and identifying the capacity of current water services infrastructure to accommodate planned population growth. In Bantry it is considered that there is a strategic infrastructure deficit in the current drinking water infrastructure that will require immediate upgrading if future developments are to proceed, and this is also the case for Castletownbere. New drinking water sources and major system upgrades to water services are short-term aims for both locations.

Regarding waste water infrastructure, again Castletownbere has a strategic deficit that will require significant works to enable development, whereas Bantry’s waste-water infrastructure will allow for some development but further improvements needed for any future growth. In the short term there is a requirement for a waste-water treatment plant (WWTP) in Castletownbere, while a medium term aim for Bantry is to upgrade the existing WWTP.

The peninsulas that surround Bantry Bay are deemed to be High Value Landscapes (HVL) which implies they have a high value, have very high landscape sensitivity and are of regional or national importance and, therefore, require special protection and conservation.

There are several routes and roads designated as ‘Scenic Routes’ in the Bantry Bay area. The following Scenic Routes are adjacent to, or in close proximity of the aquaculture licence sites:

- Scenic Route S110 Roads from Bantry via Gerahies to Kilcrohane
- Scenic Route S113 Road between Glengariff, Trafrask, Ardrigole and Castletownbere

#### FLAG South Local Development Strategy 2016

While not a statutory document, the Fisheries Local Action Group (FLAG) South’s development strategy for 2016 provides some useful insights into the coastal communities and their economies of the Cork region (Fig. 18)





Figure 18. FLAG South region

The following points are derived from the FLAG South strategy:

- The FLAG South area has the 2nd highest percentage of total gross tonnage (12.2 tonnes or 18.9% of National) of fishing vessels out of all FLAGs
- The FLAG South area recorded a total volume of 33,329 tonnes of fish landed, which represents 16.4% of total volume across all FLAGs
- The value of the fish landed in the FLAG South area is estimated at €61.5 million, which is 28% of the total value nationally
- The fishing industry in the FLAG South area is substantial and provides significant employment opportunities, accounting for 21% of the total seafood sector employment, which is in part due to the existing infrastructure in the area
- FLAG South’s activity is concentrated within Castletownbere, which represents 12% of all Irish tonnes landed, and 25% of the total value representing the significance of Castletownbere to the sector and for the local economy

#### 4.5 Man-made Heritage

The proposed aquaculture sites are located in sub-tidal waters and, therefore, do not interfere with built heritage structures, such as those recorded by the National Monuments Service. Nonetheless, a study of the National Monuments Service database was undertaken and recorded built heritage sites in close proximity to the proposed aquaculture sites have been identified. Sites that are contained within a 2km buffer from the aquaculture sites have been recorded and details of them are set out below, taken from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs’ ‘Historic Environment Viewer’<sup>13</sup>. See Figure 19.

Descriptions of recorded national monuments are derived from the published 'Archaeological Inventory of County Cork. Volume 1: West Cork' (Dublin: Stationery Office, 1992). In certain instances the entries have been revised and updated in the light of recent research.

Descriptions of sites recorded on the National Inventory of Architectural Heritage are taken from the Inventory website<sup>14</sup>.

<sup>13</sup> <https://webgis.archaeology.ie/historicenvironment/>

<sup>14</sup> <https://www.buildingsofireland.ie/>

## T05/607A

- CO116-020 Standing stone in the Rossmackowen Commons. On the S foothills of Hungry Hill in area of shelved rock outcrop. No visible surface trace. O'Brien (1970, 14) refers to "the Darriheendermot pillar stone" here and remarks that frequent searches by himself have failed to reveal any monument.
- Reg. No. 20911618/20911619 – Roancarrig Lighthouse (1845-1850). Designed by George Halpin, inspector for the Commissioners for Irish Lights in the nineteenth century, this lighthouse was built as a guide into Bantry Bay and to light to the eastern entrance to Castletownbere. It is a typical Halpin design and is representative of the high standard which can be seen in his lighthouses throughout Ireland. It was excellently constructed more than one hundred and fifty years ago by Mr Howard of Limerick.

## T05/612A

- CO1116-053 Coastal Promontory Fort in the townland of Roosk. There is no information or description available for this monument.
- CO117-010 Children's burial ground in the townland of Roosk. In rough grazing land, on an E-W ridge near the N shore of Bantry Bay. A circular area (diam. 13m), largely covered by ferns, enclosed by a low earthen bank (Wth 1.2m; H 0.25m) from which occasional stones protrude. A raised circular area (diam. 4m; H 0.15m) in the centre of the interior contains low uninscribed grave-markers. The field in which the burial ground is located is known locally as 'Páirc na Cille' and the enclosed area is known as a 'cillíneach' or children's burial ground.
- CO117-012 Bullaun stone in the townland of Roosk. In rough grazing land with outcropping rock. A roughly bowl-shaped water-filled hollow (diam. 0.14m; D 0.25m) carved out of the almost level surface of the outcropping rock. This bullaun stone is regarded locally as a holy well and pilgrims to it have inscribed at least a dozen crosses on the rock surface surrounding it. The hollow contains coins and small stones. A smaller depression in the rock surface, immediately to the W of the well, appears to be natural.
- CO117-013 Penitential station in the townland of Derrylough. In a small reed-covered lake, on the W side of a road. According to local information, rounds were made at this lake on 8 July in the past and rosary beads were left hanging on the branches of nearby willow trees. Small islands on the lake were said to move from time to time. It was regarded locally as a twin lake of Lough Mackeenlaun in Derryrush, Co. Kerry, on the N side of the Beara Peninsula - a well-known penitential station.
- CO117-014 Children's burial ground in the townland of Derrylough. In an area overgrown with briars and ferns on the edge of a cliff overlooking Bantry Bay to the S. According to local information, the small upright stones in this area mark the graves of children.

## 4.6 Visual Impact

### Cork County Development Plan 2014

In relation to visual impact the proposed sites are in an area of High Value Landscape, located beside scenic routes. However, it would not be expected that the proposed sites would impact significantly on landscape as T05/607A is located away from the main road beside an existing salmon farm and T05//612A is obscured from the road by a large hill and would only be visible from the southern side of Bantry Bay.

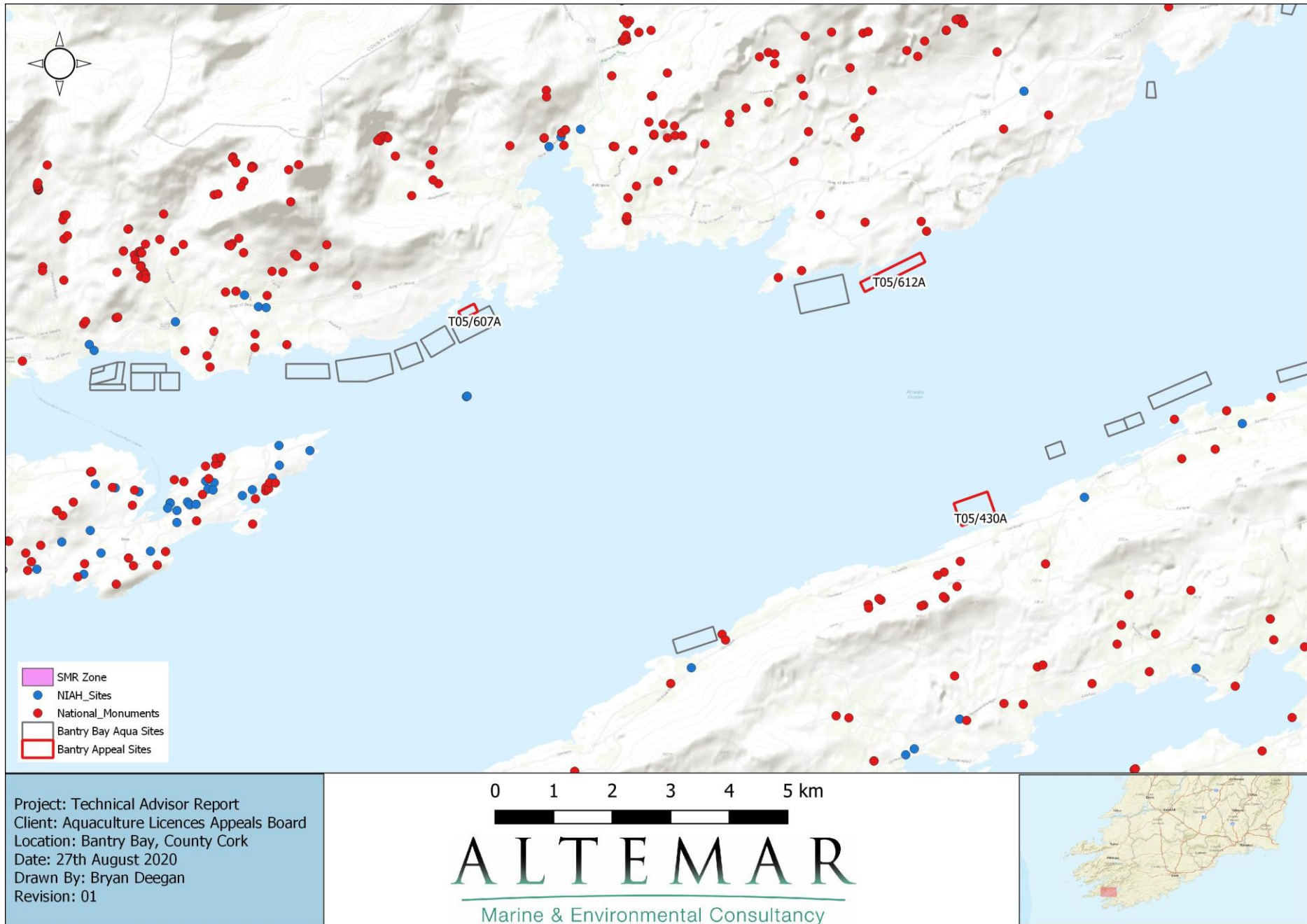


Figure 19. National Monuments and Architectural Heritage Areas

## 5.0 Section 61 Assessment

The Section 61 assessment is being carried out on appeals that have previous outlined as having potential issues:

Appeal	Site	Issues addressed under Section 61 Assessment
AP50/2019	T05/612A	<p>Appellant: Denis O'Shea</p> <ol style="list-style-type: none"> <li>1. Threat to Fishing Grounds</li> </ol> <p>The Appellant argues that the subject site is an area that they fish for shrimp in and shrimp caught in this area makes up a significant part of their annual catch. The granted application will <i>"pose a significant threat"</i> to the Appellant's activities by reducing their total area for fishing and by preventing access to this particular area of the Bay.</p> <ol style="list-style-type: none"> <li>2. Site Suitability</li> </ol> <p>The Appellant feels that sufficient consideration was not given to the impact that storm surges and inclement weather will have on the proposed facility. They claim that the area is quite exposed to the elements and that in storm conditions there is a risk of the lines breaking and damaging their equipment and boats.</p> <ol style="list-style-type: none"> <li>3. Consultation Process</li> </ol> <p>The Appellant is concerned that sufficient consultation with locals, particularly local fishermen and those that use the waters for commercial reasons, did not take place. They argue that details on the variations to the original application, requested by the Minister, were not made public. There is concern about the specifications of the granted site and about the <i>"vagueness of the granted application"</i>.</p>
AP51/2019	T05/607A	<p>Appellant: Allihies Seafood Ltd.</p> <ol style="list-style-type: none"> <li>1. Safe Navigation</li> </ol> <p>The Appellant argues that the granting of T05/607A will pose issues for the navigation of surrounding waters, particularly for inexperienced sailors such as those who operate from the Adrigole Harbour (West Cork Sailing) sailing school. Existing navigational channels are suitable, however the location of the proposed site will require the use of more challenging navigational channels with shallow waters of between 4-8 metres and less than 20 metres wide at points. This will pose a risk to those using the waters for recreational reasons.</p> <ol style="list-style-type: none"> <li>2. Access to Dereen Cove Pier</li> </ol> <p>The Appellant claims that access to Dereen Cove Pier will be restricted due to the positioning of the proposed site. This is particularly the case for inexperienced sailors operating from the nearby sailing school who may require the use of Dereen Cove Pier from time to time.</p>

		<p>Furthermore, larger vessels that are required for aquaculture activities in the vicinity will be precluded from using the pier due to the positioning of the site, except in exceptional circumstances when there are <i>“high waters”</i> and it is <i>“extremely calm”</i>. It is acknowledged that variations will enable easier access from the <i>“east”</i>, but <i>“does nothing to improve access from the West”</i>. It is suggested that if the western boundary of the proposed site was repositioned 150 metres north-east of the current location it would result in significant improvement for access and navigation</p>
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### Section 61 of the Fisheries Amendment Act 1997

This act states that “The licensing authority, in considering an application for an aquaculture licence or an appeal against a decision on an application for a licence or 11 revocation or amendment of a licence, shall take account, as may be appropriate in the circumstances of the particular case, of-

- (a) the suitability of the place or waters at or in which the aquaculture is or is proposed to be carried on for the activity in question,
- (b) other beneficial uses, existing or potential, of the place or waters concerned,
- (c) the particular statutory status, if any, (including the pro-visions of any development plan, within the meaning of the Local Government (Planning and Development) Act, 1963 as amended) of the place or waters,
- (d) the likely effects of the proposed aquaculture, revocation or amendment on the economy of the area in which the aquaculture is or is proposed to be carried on,
- (e) the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and
- (f) the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aqua-culture is or is proposed to be carried on-
  - (i) on the foreshore, or
  - (ii) at any other place, if there is or would be no discharge of trade or sewage effluent within the meaning of, and requiring a licence under section 4 of the Local Government (Water Pollution) Act, 1977, and
- (g) the effect or likely effect on the man-made environment of heritage value in the vicinity of the place or waters.”

## 5.2 Screening for Environmental Impact Assessment and Appropriate Assessment.

### Note on Environmental Impact Statement Requirements

S.I. No. 236/1998: AQUACULTURE (LICENCE APPLICATION) REGULATIONS, 1998

Environmental impact statement required for certain applications

5. (1) An application under section 10 of the Act for an aquaculture licence **in respect of seawater salmonid breeding installations shall be accompanied by an environmental impact statement.**

(2) In the case of an application other than one referred to in paragraph (1), the Minister may require the applicant to submit an environmental impact statement **if the Minister considers that the proposed aquaculture is likely to have significant effects on the environment.**

As outlined in Statutory Instruments S.I. No. 410 of 2012 (European Union (Environmental Impact Assessment (Aquaculture) Regulations 2012:

“In the case of an application other than one referred to in paragraph (1), the Minister may require the applicant to submit an environmental impact statement if the Minister considers that the proposed aquaculture is likely to have significant effects on the environment.

“(2) An environmental impact assessment shall be carried out by the Minister in respect of an application for- (a) aquaculture of a class specified in Regulation 5(1)(i) and (ii), unless the application is one which is solely for movement of navigation buoys, internal reconfiguration of the site, upgrading equipment used on the site, technology changes or improvements, or to comply with public safety requirements or a combination of these and which the Minister determines would not be likely to have significant effects on the environment, or

(b) aquaculture of a class specified in Regulation 5(1) (ii) which does not exceed a quantity, area or other limit specified in that Regulation which the Minister determines would be likely to have significant effects on the environment.”

**This applications for aquaculture licences are not for a “salmonid breeding installation” and the Minister has considered that it is deemed not to have a significant effect on the environment. Therefore, an Environmental Impact Statement in not required.**

### Appropriate Assessment

As outlined in the Marine Institute submission in the Ministerial file. *“Site T05/612A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for outer Bantry Bay, the Marine Institute is of the view that significant impacts on any adjacent Natura 2000 are not likely” and “Site T05/607A is not located within a designated Natura 2000 site and, as set out in the AA Screening Report for outer Bantry Bay, the Marine Institute is of the view that significant impacts on any adjacent Natura 2000 are not likely.”*

### 5.3 Site Suitability

As outlined in the Ministerial files in relation to site suitability *“Scientific advice is to the effect that the waters are suitable for the cultivation of seaweeds.”* In addition, the files state that *“Public access to recreational and other activities can be accommodated by this project. Aquaculture appropriately licensed can coexist with leisure activities”* and that *“The proposed site is located in Bantry Bay, which is not a Natura 2000 area. However, it is adjacent to a number of Natura sites. A screening matrix was carried out by our scientific advisors who considered that there will be no significant effects on the qualifying interests of the Natura sites.”*

In relation to the specific appeal issues the following should be noted:

#### **AP50/2019 (T05/612A)**

##### 1. Threat to Fishing Grounds

The Ministerial File has provided evidence of communication between the Applicant and the Appellant subsequent to the submission of the appeal. This has led to a revision in the proposed site extent and the removal of the “lines etc. would be removed from April to November so the ground would be clear for lobster fishing.” However, it is not clear from the communications if this meets the approval of the appellant.

##### 2. Site Suitability

“the impact that storm surges and inclement weather will have on the proposed facility. They claim that the area is quite exposed to the elements and that in storm conditions there is a risk of the lines breaking and damaging their equipment and boats.” It should be noted that in the Ministerial File that “Marine Engineering Division (MED): Stated no objection to the application and did recommend the inclusion of conditions dealing with the structures and site layout. MED also suggested a group marking scheme should be implemented in the area.”

#### **AP51/2019 (T05/607A)**

##### 1. Safe Navigation & 2. Access to Dereen Cove Pier

It is acknowledged that the proposed aquaculture site has the potential to restrict the opening of the Dereen Cove and access to a working Pier with access to the main road. Although the road access to the pier is poor it still could be used by the general public for access. It would be expected that in good weather conditions access to the north west of the site would be possible. However, of concern would be access during poor weather conditions and at night time, when this pier may form a refuge.

As stated by the applicant *“Marine activity through the site in question is minuscule and it is our opinion that matters of navigational safety is the remit of the Marine Survey Office and having spent 12 years personally as emergency cox for the RNLI I'd like to be considered a prudent operator with regard to safety at sea.”*

“Navigation safety is the remit of the Marine Survey Office. The site was subsequently revised by the Department’s Marine Engineering Division to avoid the overlap with the seaweed harvesting area highlighted by the Department of Department of Housing, Planning & Local Government. The revised site was approved by the Marine Survey Office and the Castletownbere Harbour Master.”

A Section 47 submission was made by ALAB to the Harbour Master responsible for the area on the 16<sup>th</sup> November 2021. In the communication ALAB stated that *“Two issues have been raised with the Board in relation to access to Dereen Cove Pier and safe navigation in the area as a possible consequence of the granting of this licence, which the Board requires your input on as the local Harbour Master:*

*1. It has been suggested that the location of the proposed site will require the use of more challenging navigational channels than are currently in use. The Board seeks your opinion in writing on this, including your assessment as to whether the licensing of the proposed activity on the site is likely to pose a risk to recreational users utilising the area.*

2. If it is the case that access to Dereen Cove Pier will be restricted due to the positioning of the proposed site, were the western boundary of the proposed site to be repositioned 150 metres north-east of the current location, would this result in significant improvement for access and navigation? Again the Board seeks your opinion in writing on this and your assessment as to whether such repositioning of the site is it likely to restrict access to Dereen Cove Pier.”

In response to the ALAB Section 47 above Assistant Harbour Master on the 28<sup>th</sup> January 2022 stated that “I have reviewed the appeal Ref AP51 / 2019 and in my opinion the location of the proposed site Ref TO5/607A will not require the use of more challenging navigational channels than are currently in use. Once the site is marked appropriately with navigation Buoys the site is unlikely to pose a risk to recreational users.”



**Figure 20.** Location of the proposed aquaculture site (with variation).

In relation to AP50/2019 (T05/612A) clarification was sought in from Denis O’Shea confirming if he is satisfied with the revised layout and from the Marine Institute and the SFPA in relation to fishing activity in the area (Appendix I). As it was not clear from the communications that this meets the approval of the appellant a Section 47 request went to the Applicant, the SFPA and The Marine Institute in relation to the use of the proposed aquaculture site, by inshore fisheries and in particular Denis O’Shea. The responses to the S47 Request are seen in Appendix I. As outlined by Denis O’Shea “We are already working in this area and find it very unfair that even though we have fished there for years that we may be no longer be able to do so.” Importantly he stated that “the proposed site is directly where we are fishing for shrimp in the winter months”. Also outlined in Mr O’Shea’s letter is where the proposed salmon farm at Shot Head will be located which. Given that this salmon farm has been granted within the fishing grounds, the placement of an additional aquaculture site on the fishing grounds would have the potential for a significant cumulative impact on the viability of this area for fishing. There would appear to be a cumulative reduction of approximately 50% of the identified fishing grounds if both aquaculture sites were licenced. The response letter from the SFPA states that they can confirm that “Mr O’Shea carries out



*inshore fishing operations at the sites indicated on his map and that Mr O'Shea is engaged in fishing on a year round basis."*

It is also important to note that Mr O'Shea states that *"the safety of our gear and boat will be at risk with ropes and moorings."* Given that Mr O'Shea operates within winter months and the fishing grounds would be open to prevailing south westerly and southerly winds, in addition to easterly winds, with a significant fetch across Bantry Bay, it is considered that there are tangible health and safety risks associated with the location of the proposed aquaculture site for Mr O'Shea, particularly as a significant portion of the fishing grounds have already been lost to the Shot Head salmon farm. It would be envisaged that there would be significant pressure to fish close to moorings in winter months due to the reduced viability of the fishing grounds, as a result of the granting of the salmon farm licence.

In relation to AP51/2019 (T05/607A) based on the communication with the Harbour Master that *"once the site is marked appropriately with navigation Buoys the site is unlikely to pose a risk to recreational users"*.

## 5.4 Other Uses

### Tourism/Recreation/Leisure

The aquaculture sites are not located an area of high Tourism/Recreation/Leisure activity. Bantry Bay is on the Wild Atlantic Way. However, the Bay is well known area for the aquaculture industry.

In relation to AP51/2019 (T05/607A), as outlined by the assistant Harbour master *"Once the site is marked appropriately with navigation buoys the site is unlikely to pose a risk to recreational users."* The proposed aquaculture licence, would not be expected to significantly impact on the scenic landscape or recreational users once marked appropriately with navigation buoys.

In relation to AP50/2019 (T05/612A), based on the responses to the S47 additional information requests (Appendix I) The proposed aquaculture licence, would not be expected to significantly impact on the scenic landscape or but would impact on the navigational safety within the fishing grounds.

## 5.5 Statutory Status

The site is within an Areas of High Value Landscape As outlined in the Cork County Development Plan. *"Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape."* However, the County Development Plan also states that *"The Council recognises and will continue to support the sustainable development of the aquaculture industry in order to maximise its contribution to employment and the economic well being of rural coastal communities and the economic well being of the county. This plan also recognises the important role aquaculture can play in the diversification of rural areas."* It is not foreseen that the aquaculture operations at the sites would impact on current or potential development plans due to the visual impact. Bantry Bay is a recognised aquaculture area and additional facilities are proximate to the proposed aquaculture sites.

This applications for aquaculture licences is not for a "salmonid breeding installation" and the Minister has considered that it is deemed not to have a significant effect on the environment. Therefore, an Environmental Impact Statement in not required.

The proposed aquaculture sites will have not a significant impact on the statutory status of the area.

## 5.6 Economic Effects

The scale of the proposed aquaculture site is moderate and would only be expected to benefit the applicant and his employees.

**AP50/2019 (T05/612A) is likely to initially have a non-significant positive effect on the local economy of the area and has the potential for long term negative effect on the economy due to impacts on other users within the bay. Details of other Resource Users are outlined in Section 4.2.**

**AP51/2019 (T05/607A) is likely to initially have a non-significant positive effect on the local economy of the area and has the potential for long term positive effect on the economy. Details of other Resource Users are outlined in Section 4.2.**

## 5.7 Ecological Effects

The proposed aquaculture sites are not within a designated conservation area and are not proximate to where a watercourse enters the marine environment. However, they are within an area where cetaceans have been sighted but would not pose a significant risk to marine mammals. The proposed aquaculture facilities will have no significant organic inputs such as feeds that would result in significant organic waste on the seabed. The sites are located in open water with good mixing.

**The proposed aquaculture sites are not likely to have a significant impact on the designated sites or significant ecological effects.**

## 5.8 Environmental Effects

The proposed aquaculture sites would be expected to have very localised environmental impacts which would result in shading of the marine environment and localised impacts including noise in the vicinity of moorings.

**The proposed aquaculture sites are not likely to have a significant impact on the environment.**

## 5.9 Effect on Man-Made Heritage

See section 4.5 for additional details. No National Monuments are in the vicinity of the proposed aquaculture developments.

**The proposed aquaculture site will not significantly impact on man-made heritage of the area**

## 6.0 Technical Advisor's Evaluation of the Issues in Respect of Appeal and Submissions/Observations Received

### Site Suitability

The proposed aquaculture sites in Bantry Bay are in open water and would not significantly impact on the environment. However, several issues were raised in relation to the location of the sites and the potential impact on fishing (T05/612A), access to Dereen Cove Pier (T05/607A) and the exposure of the site (T05/612A):

#### **AP50/2019 (T05/612A)**

##### 2. Threat to Fishing Grounds

The Ministerial File has provided evidence of communication between the Applicant and the Appellant subsequent to the submission of the appeal. This has led to a revision in the proposed site extent and the removal of the *"lines etc. would be removed from April to November so the ground would be clear for lobster fishing."* The Technical Advisor agrees with the responses received back from the S47 request. The proposed site would reduce the fishing grounds of Mr Denis O'Shea and potentially have a health and safety impact on fishermen operating in the area particularly during the winter months when shrimp are caught.

##### 2. Site Suitability

*"the impact that storm surges and inclement weather will have on the proposed facility. They claim that the area is quite exposed to the elements and that in storm conditions there is a risk of the lines breaking and damaging their equipment and boats."* It should be noted that in the Ministerial File that *"Marine Engineering Division (MED): Stated no objection to the application and did recommend the inclusion of conditions dealing with the structures and site layout. MED also suggested a group marking scheme should be implemented in the area."* The Technical Advisor agrees with the MED that the site would be suitable given the conditions outlined in their response.

##### 3. Consultation Process

The Technical Advisor Report is not specifically designed to review the completeness of consultation process. However, as outlined in the Ministerial File *"The application was publicly advertised using a composite public notice covering aquaculture and foreshore elements in The Southern Star on 19 January, 2019. The application and supporting documentation were available for inspection at Bantry Garda Station for a period of 4 weeks following the publication in the newspaper. There was one objection/observation received from the public consultation process. The main concern was in relation to access to shrimp fishing grounds MED subsequently revised the area of the site to 20.68 hectares to reduce the impact on the shrimp potting lines in the area. The applicant had originally applied for a 28.75 hectare site."*

#### **AP51/2019 (T05/607A)**

##### 1. Safe Navigation & 2. Access to Dereen Cove Pier

It is acknowledged that the proposed aquaculture site has the potential to restrict the opening of the Dereen Cove and access to a working Pier with access to the main road. Although the road access to the pier is poor it still could be used by the general public for access. It would be expected that in good weather conditions access to the north west of the site would be possible. However, of concern would be access during poor weather conditions and at night time, when this pier may form a refuge.

As stated by the applicant *"Marine activity through the site in question is minuscule and it is our opinion that matters of navigational safety is the remit of the Marine Survey Office and having spent 12 years personally as emergency cox for the RNLi I'd like to be considered a prudent operator with regard to safety at sea."*

*"Navigation safety is the remit of the Marine Survey Office. The site was subsequently revised by the Department's Marine Engineering Division to avoid the overlap with the seaweed harvesting area highlighted*

*by the Department of Department of Housing, Planning & Local Government. The revised site was approved by the Marine Survey Office and the Castletownbere Harbour Master.”*

*In response to the ALAB Section 47 above Assistant Harbour Master on the 28<sup>th</sup> January 2022 stated that “I have reviewed the appeal Ref AP51 / 2019 and in my opinion the location of the proposed site Ref TO5/607A will not require the use of more challenging navigational channels than are currently in use. Once the site is marked appropriately with navigation buoys the site is unlikely to pose a risk to recreational users.”*

## 7.0 Recommendation of Technical Advisor with Reasons and Considerations

Following the assessment of the Appeal:

### **AP51/2019 (T05/607A)**

In relation to AP51/2019 (T05/607A) following the additional consultation with the assistant Harbour Master and subject to the site being “*marked appropriately with navigation Buoys*” it is recommended to confirm approval of the licences as outlined by the minister and grant a variation to the licence.

### **AP50/2019 (T05/612A)**

In relation to AP50/2019 following the additional consultation and S47 responses with the SFPA, Denis O’Shea and the Marine Institute it is recommended to refuse the licence (T05/612A) based on the potential impact on existing fishing grounds and health and safety risks to fishermen particularly during winter months.

## 8.0 Draft Determination Refusal /or Grant

Based on the receipt of additional information in relation to the appeals it would be recommended to confirm the Ministers decision and grant the licence for AP51/2019 (T05/607A) and refuse the licence for AP50/2019 (T05/612A).

**Technical Advisor:** *Bryan Deegan*

**Date:** 15<sup>th</sup> March 2022.

## Appendix I- Responses to Section 47 Request.



Antoinette Conroy,  
Aquaculture Licences Appeals Board,  
Kilminchy Court,  
Dublin Road,  
Portlaoise,  
Co. Laois,  
R32 DTW5

7<sup>th</sup> March 2022

Your Ref: **AP50/2019**  
Site Ref: **T05/612A**

**Re: Appeal against the decisions by the Minister for Agriculture, Food and the Marine to grant Aquaculture Licences to Wild Atlantic Sea Products Ltd. For the cultivation of seaweed using longlines.**

Dear Ms Conroy,

I refer to your letter dated the 4<sup>th</sup> of February 2022 requesting confirmation of information supplied by Mr Denis O'Shea in his letter to you of December 15<sup>th</sup> 2021. Please note the following:

The SFPA can confirm that the Mr O' Shea carries out inshore fishing operations at the sites indicated on his map and that Mr O' Shea is engaged in fishing on a year round basis.

Your Sincerely

A handwritten signature in black ink, appearing to read 'John Falvey', written in a cursive style.

**John Falvey**

Senior Port Officer

T +353 27 70439

F +353 87 8211728

E [john.falvey@sfpa.ie](mailto:john.falvey@sfpa.ie)

An t-Údarás um Chosaint Iascaigh Mhara, An Bothar Thuaidh, Baile Caisleán Bheárta, Contae Chorcaí.

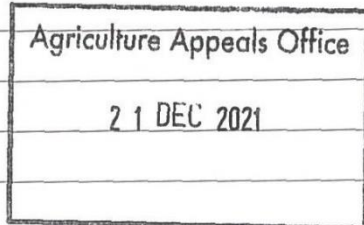
Sea Fisheries Protection Authority, North Road, Castletownbere, Co. Cork

Eircode: P75 YC60

[www.sfpa.ie](http://www.sfpa.ie)

①

Denis O'Shea  
Trafrask West,  
Adrigole,  
Beara.



Co. Cork.  
P75 EE76

15-12-2021

Dear Sir/Madam,

I am writing to you responding to your response to our correspondence sent previously in relation to the application by Mr. Edward Sheehan site ref no: TOS/612A.

Please find enclosed the map you sent us with the proposed site we have shown to you on the map in blue bins and black bins our fishing gear where shot at different times during the year. The blue bins resembles the Shrimp pot strings. If you see the proposed site is directly where we are fishing for Shrimps in the winter months having a look further west the box resembles the Salmon farm site granted. If this site at this size is granted we will be losing too much fishing grounds as previously stated.

The black bins resembles lobster and Crab pots and when they be laid at certain times of the year.

Over all we will be losing too much fishing grounds and the safety of our gear and boat will be at risk in the area with ropes and moorings.

We have asked for a fair hearing and as already stated previously its about time our views and concerns are taken onboard. We are already working this area and find it very unfair that even though

(2)

We have fished here for years that we may no longer be able to do so. This is a very serious and critical decision for our business. We look forward to hearing from you soon.

Kind Regards,

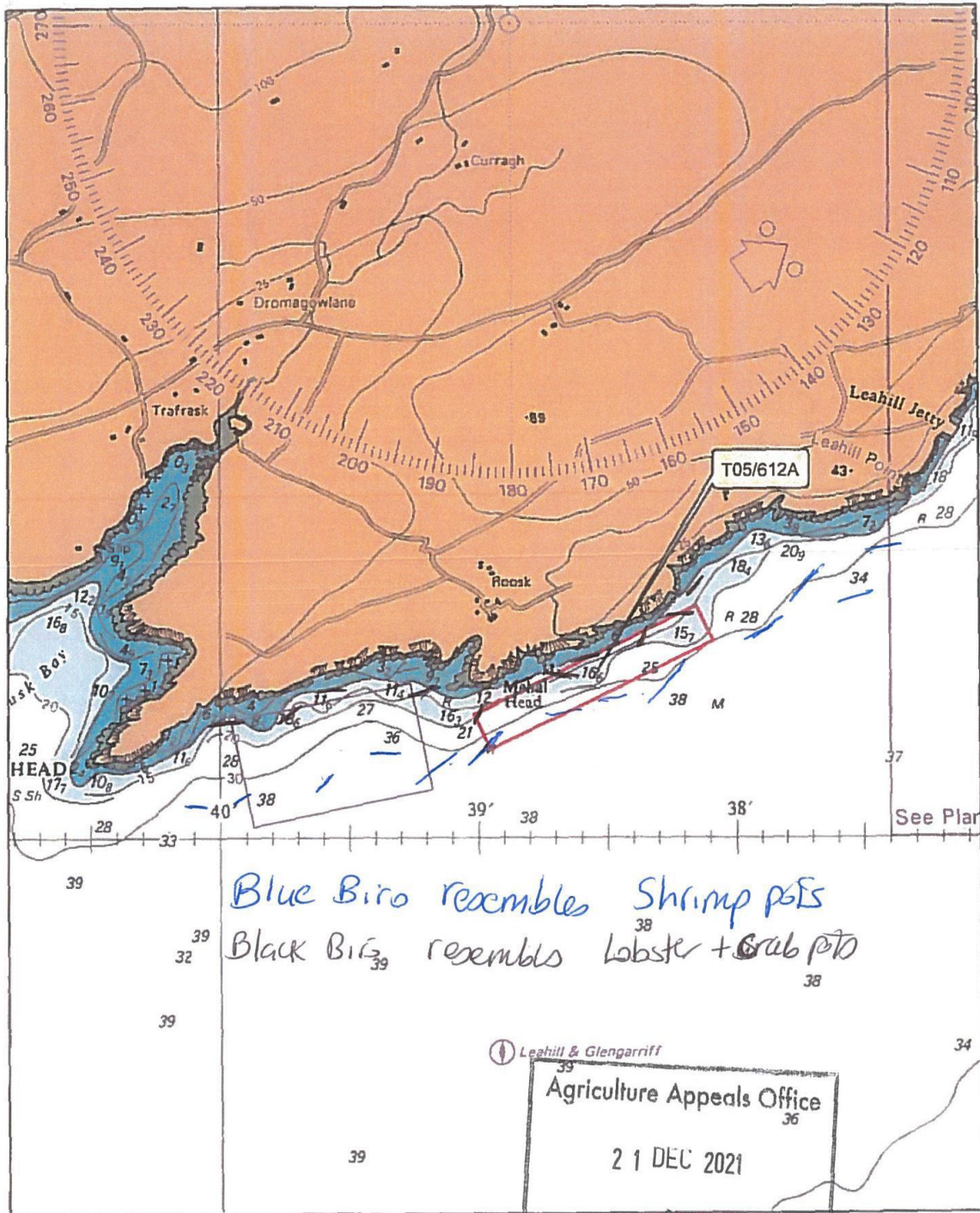
Denis O'Shea

Denis O'Shea

Agriculture Appeals Office

21 DEC 2021





Aqua Culture Sites  
 Site Status  
 Under Appeal  
 Application  
 Lapsed  
 Licensed  
 Rejected  
 Revoked  
 Surrendered  
 Withdrawn

1:24,000

Sites highlighted in red denotes Application  
 Part of Admiralty Chart No. 1838-0  
 Not to be used for Navigation

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

**From: Marine Institute**

**To: ALAB (Reference AP50/2019, Feb 4th 2022)**

Subject: Observations on aquaculture licence application AP50-19 S47. Site reference T05/612A

Date: March 7<sup>th</sup> 2022

Reply

ALAB requested observations from the Marine Institute on an appeal made on the issuing of the above licence by Mr. Denis O'Shea on Feb 4<sup>th</sup> 2022

Shrimp or lobster/crab fishing are common on all coasts of Ireland including Bantry Bay. These species are the primary target species for the vast majority of the Irish inshore (under 12m) fleet. Lobster fishing typically occurs in shallow water on or close to reef habitat (usually marked R in admiralty charts). Target fishing for velvet crab occurs on similar habitat although this species is usually a by-catch of lobster fishing. Targeted fishing for brown crab occurs mainly on sedimentary habitats (marks including S or M on admiralty charts). Crab and lobster fishing can and does occur throughout the year. There is no seasonal restriction or closure. Fishing for shrimp occurs on mixed sediments and also on the edge of reef habitat. The location can vary seasonally due to migration of shrimp and relocation of shrimp according to weather patterns. The regulated open fishing season for shrimp is August 1st to March 15th (SI 592/2014). It is primarily a late autumn and winter fishery. The fishing tracks shown by Mr. O'Shea are in our view representative of habitats and locations where fishing for crab, lobster or shrimp could occur. Taking at face value the fishing locations provided by Mr' O'Shea in his correspondence to ALAB some overlap between his fishing activity and the site T05/612A is likely to occur

Vessels targeting crab, lobster and shrimp are almost entirely under 12m in length. Vessels 10-12m in length report their catches in EU logbooks. The finest spatial resolution of these data is at ICES rectangle level. Vessels under 10m in length do not report catches or fishing location in logbooks. The primary record of their activity is in sales notes. There is no information on fishing location in these data. The Marine Institute do not hold any separate spatial data on fishing for crab, lobster or shrimp other than that provided in logbooks for vessels over 10m or at the fine scale required to evaluate the spatial overlap between site T05/612A and the fishing activity of Mr. Denis O'Shea or to evaluate in any quantitative sense what the impact may be on Mr. O'Shea's business.

We make the following observations

1. The location of Mr O'Sheas fishing activity is likely to be disturbed to some degree if he has to fish outside the boundaries of the site
2. The effect may be more pronounced for lobster fishing as the seaward extent of reef (R) habitat seems limited in the location.
3. Although shrimp fishing may also be displaced precise fishing grounds for shrimp are less easy to define due to migration and weather related movement of shrimp. It would seem from Mr. O'Shea's fishing tracks that a relatively minor displacement of shrimp fishing seaward of the site would still enable fishing to occur in the general location
4. Although we have no evidence there is a possibility that seaweed longlines may benefit shrimp recruitment in providing refuge habitat for shrimp. This offers an opportunity for some collaborative work between Wild Atlantic Sea Products Ltd and Mr. O'Shea which could include allowing fishing for shrimp within the site.