

O'Hara, Mary

From: Kush Shellfish <info@kush.ie>
Sent: Friday 7 February 2020 14:15
To: Alab, Info
Cc: David King
Subject: FW: Kilmackilloge Harbour Appeals, Comments from Kush Seafarms Ltd.
Attachments: Extract 1.pdf; Extract 2.pdf; TO6 360 Comments 070220.pdf; TO6 513A Comments 070220.pdf

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Dear Mary,

I wish to confirm that Mr. David King is acting on behalf of Kush Seafarms Ltd in all matters pertaining to ALAB. Please see attached email with our comments again.

Regards John Harrington



naturally fresh - naturally on time

Kush Seafarms Ltd

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Kenmare Co Kerry
Ireland

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info@kush.ie

From: David King <hogpos@hotmail.com>
Sent: Friday 7 February 2020 14:07
To: Alab, Info <Info@alab.ie>
Cc: Kush Shellfish <info@kush.ie>
Subject: Kilmackilloge Harbour Appeals, Comments from Kush Seafarms Ltd.

Dear Mary,

Thank you for your 4 letters all dated 6 February 2020. I am writing as Agent for Kush Seafarms Ltd.

I would respectfully draw your attention to what seems like an error in the letter that relates to site T06/513A. The headings says:

*'Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant a Licence to **Shamrock Shellfish Ltd.** to cultivate mussels using longlines on the sub-intertidal foreshore on site ref: T06/513A in Kilmakilloge Harbour, Co. Kerry.'*

(Please see attached extract 1)

However this licence was in fact granted to **Kush Seafarms** on 24th September 2019 (See extract 2).

As we are not the appellant for either of the following two applications, we therefore submit our comments on the appeals against the grant of these licences to us (please see other attachments).

T06 / 360A

T06 / 513A

In our view the grant of licences was properly and fairly considered and issued and we would be happy to operate those sites.

I would be most grateful if you would be so kind as to acknowledge receipt of this letter and its comments.

Yours sincerely,

David King

David King BA (Hons), Dip. TP. MRTPI
PlanningStreet
Planning and Marine Consultancy
087 436 4425

hogpos@hotmail.com



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Yours sincerely,

David King

David King BA (Hons), Dip. TP. MRTPI

PlanningStreet

Planning and Marine Consultancy

087 436 4425

hogpos@hotmail.com



naturally fresh naturally on time

24th September 2019



Kush Seafarms Ltd
O'Shea House
New Road
Kenmare
Co. Kerry

Our Ref: T06/114, T06/357A, T06/358A, T06/359A, T06/360A, T06/361A, T06/362A & T06/513A

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23) - NOTICE OF MINISTERIAL DECISION TO GRANT/REFUSE
AQUACULTURE AND FORESHORE LICENCES.**

Dear Sir

I would like to inform you that the Minister For Agriculture, Food and the Marine has approved the granting to you of three 10-year Aquaculture Licences and accompanying Foreshore Licences , for the cultivation of mussels using longlines on sites T06/114, T06/360 and T06/513 (see information note).

I would also like to inform you that the Minister for Agriculture, Food and the Marine has refused your applications for Aquaculture Licences and accompanying Foreshore Licences, for the cultivation of mussels using longlines on the following five sites T06/357, T06/358, T06/359, T06/361 and T06/362 (see attached information note.)

I enclose a copy of the public notice of the decisions which **the Department** has arranged to have published in "The Kerryman".

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

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

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

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

Yours sincerely

Maria Naughton
Aquaculture and Foreshore Management Division

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

REFERENCE NO: T05/114

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/114 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Grant of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

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

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

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

REFERENCE NO: T05/360

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/360 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: 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 1.988 ha site and
amending the shape to allow for standard 220m longlines.

DATE OF DECISION: 19 September 2019

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

ISSUE OF LICENCE: The licence will be dated and issued
as soon as practicable after the end of the period of one month
from the date of publication of a notice in a newspaper
circulating in the vicinity of the aquaculture, if no appeal is made
to the Aquaculture Licences Appeals Board within that period,
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**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION 18 OF THE
AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

REFERENCE NO: T05/513

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/513 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Grant of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

CONDITIONS OF LICENCE: See attached.

DURATION OF LICENCE: 10 years

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

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

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

REFERENCE NO: T05/357

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:**

Cultivation of mussels using longlines on site T05/357 on the foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Refusal of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is **not** in the public interest to grant the licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. *In particular, the Minister had regard to the findings of the Marine Engineering report regarding the negative visual impact, the negative impact of this new site on the growth rates of the adjacent existing licensed sites within the harbour and that the new sites will restrict the flow of water, and nutrients within the harbour.* The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

- Increased negative visual impact;
- Negative impact on the existing licensed sites in the harbour.

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

REFERENCE NO: T05/358

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/358 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Refusal of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is **not** in the public interest to grant the licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. *In particular, the Minister had regard to the findings of the Marine Engineering report regarding the negative visual impact, the negative impact of this new site on the growth rates of the adjacent existing licensed sites within the harbour and that the new sites will restrict the flow of water, and nutrients within the harbour.* The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

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

REFERENCE NO: T05/359

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/359 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Refusal of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is **not** in the public interest to grant the licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. *In particular, the Minister had regard to the findings of the Marine Engineering report regarding the negative visual impact, the negative impact of this new site on the growth rates of the adjacent existing licensed sites within the harbour and that the new sites will restrict the flow of water, and nutrients within the harbour.* The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

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

REFERENCE NO: T05/361

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/361 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Refusal of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is **not** in the public interest to grant the licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. *In particular, the Minister had regard to the findings of the Marine Engineering report regarding the negative visual impact, the negative impact of this new site on the growth rates of the adjacent existing licensed sites within the harbour and that the new sites will restrict the flow of water, and nutrients within the harbour.* The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

- Increased negative visual impact;
- Negative impact on the existing licensed sites in the harbour.

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

REFERENCE NO: T05/362

APPLICANT: Kush Seafarm Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:** Cultivation of mussels using longlines on site T05/362 on the
foreshore in Kilmakilloge Harbour, Co. Kerry.

NATURE OF DECISION: Refusal of an Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is **not** in the public interest to grant the licences sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. *In particular, the Minister had regard to the findings of the Marine Engineering report regarding the negative visual impact, the negative impact of this new site on the growth rates of the adjacent existing licensed sites within the harbour and that the new sites will restrict the flow of water, and nutrients within the harbour.* The following are the reasons and considerations for the Minister's determination to refuse the licence sought:

- Increased negative visual impact;
- Negative impact on the existing licensed sites in the harbour.

T06/114	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Grant
T06/357A	Kush Seafarms Ltd	Eastern side of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/358A	Kush Seafarms Ltd	Western side of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/359A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/360A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Grant with Variation
T06/361A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/362A	Kush Seafarms Ltd	Middle of Kilmakilloge Harbour	Mussels using longlines	Refuse
T06/513A	Kush Seafarms	Western side of	Mussels	Grant

	Ltd	the entrance to Kilmakilloge Harbour	using longlines	
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The reasons for these decisions are elaborated on the Department's website at:
<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/>

An appeal against the Aquaculture Licence decisions may be made in writing, within one month of the date of its publication, to THE AQUACULTURE LICENCES APPEALS BOARD, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal Application Form available from the Board, phone 057 86 31912, e-mail info@alab.ie or website at <http://www.alab.ie/>

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

An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Mr John Harrington,
Kush Seafarms Ltd.,
O'Shea House,
New Rd.,
Kenmare,
Co. Kerry

February 2020

Our Ref: AP17/2019
Site Ref: T06/513A

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to grant a Licence to Shamrock Shellfish Ltd. to cultivate mussels using longlines on the sub-intertidal foreshore on site ref: T06/513A in Kilmakilloge Harbour, Co. Kerry

Dear Mr. Harrington,

I refer to the above Appeal which was received in this office on 29th October 2019

A total of seven (7) appeals have been received in relation to licence applications in Kilmakilloge Harbour, Co. Kerry. Pursuant to Section 42 (1) of the Fisheries (Amendment) Act, 1997, ("the Act"), the Board may, in its discretion, treat two or more appeals as, and the appellants, as parties to a single appeal. The Board has decided at this time, to exercise that discretion and to consider all seven appeals as a single appeal, as they relate to the same harbour. Please note that the Board, in its discretion, may at any time separate such appeals. In that event you will be notified accordingly.

In accordance with the requirements of Section 44(1) of the Act, copies of each of the other appeals received by the Board are attached. Section 44(2) of the Act entitles the Minister and each other party, except the Appellant, to make submissions or observations in writing to the Board in relation to the appeal within a period of 30 days beginning on the day on which a copy of the Notice of Appeal is sent to that party by the Board. If you wish to make any submissions or observations in relation to this other appeal, these must be made in writing and received by the Board on or before **9th March 2020**, being the period of 30 days from the date of this letter. Submissions or observations received by the Board after that date shall not be considered by it.

Please note particularly that you are not entitled to elaborate in writing on, or make further submissions in writing in relation to the grounds of appeal stated in your notice of appeal or to submit further grounds of appeal, and any such elaboration, submissions or further grounds of appeal received by the Board shall not be considered by it. This is provided for in Section 41(3) of the Act.

Section 56(2)(a) of the Fisheries (Amendment) Act 1997 requires that the Board endeavour to determine an Appeal within a period of four months beginning on the date of receipt by the Board of the Notice of Appeal.

Appeal Against Grant of Licence for TO6/513A – Site Owner / Licensee’s Comments

1.0 Background

Kush Seafarms Ltd. has been growing mussels in Kenmare Bay since 1987, and is the first Irish shellfish farmer to achieve organic certification. Our operations depend on a pristine local environment and we do our best to help maintain this. We currently hold a number of certifications attesting to high environmental standards of production such as *Naturland*, *Bio Suisse*, *Global Trust* and DAFM.

2.0 National Policy Context

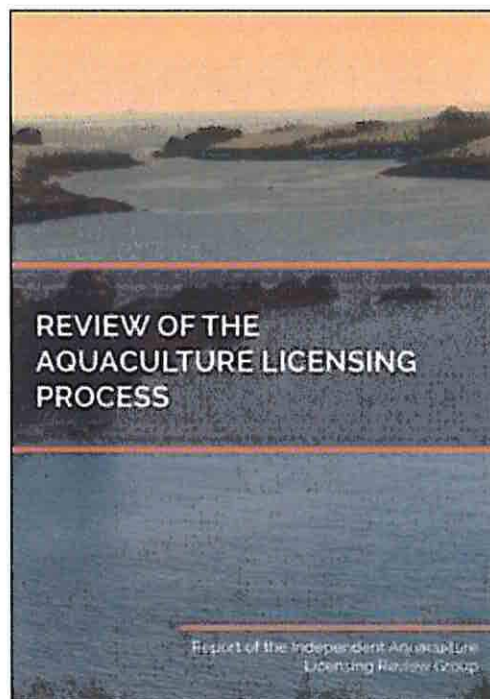
Government Policy including *Harnessing Our Ocean Wealth* (HOOW), 2012, and *Draft Marine Planning Policy Statement* (MPPS) 2019, is for the sustainable exploitation of the marine resource, increasing production without harming the environment or other economic, social and employment interests. For example:

2.1 Goal 1 of HOOW focuses on a *‘thriving maritime economy, whereby Ireland harnesses the market opportunities to achieve economic recovery and socially inclusive, sustainable growth.’* Goal 2 sets out to achieve *‘healthy ecosystems that provide monetary and non-monetary goods and services (e.g. food, climate, health and well-being)’*.

2.2 Action 10 of HOOW is: *‘Deliver all measures relevant to Ireland as directed under the Common Fisheries Policy (CFP) and national measures including the conservation, management and rebuilding of fish stocks and long-term sustainable exploitation of marine biological resources.’*

2.3 Overarching Principle 6 of the draft MPPS states: *‘The marine planning system will ensure that the marine environment is used sustainably and in a manner that is consistent with the Good Environmental Status requirements of the Marine Strategy Framework Directive and the requirements of relevant national, European and OSPAR Convention standards, including the 2030 Agenda for Sustainable Development, by guiding development towards optimal locations.’*

2.4 The Licence applied for is entirely consistent with the above policies, which it must be remembered, are aimed at **significantly increasing production**. The MPPS acknowledges that the burden of implementing this policy falls mainly to the private sector, but private farmers such as Kush Seafarms will be unable to deliver what the Government wants without the necessary licences. Licencing problems were identified in *‘Review of the Aquaculture Licensing Process’* (2017) ¹¹ a report commissioned by DAFM, as one of the main brakes on necessary growth.



3.0 Comments on Grounds of Appeal

i. Impact on Fishermen

It has been stated in the appeal against the grant of licence for site T06/513A that this area is used by local scallop fishermen, however in fact, this has not been the case for a number of years. This is proven when one examines data from the Marine Institute (see Appendix 1). This indicates one monitoring sample taken in 2003, then none until 2010 – a very substantial gap – and then regular sampling only between 2010 and 2017. There has been no sampling since then and, unless operators have been operating without the necessary legal checks, no scallop fishing.

ii. Impact on Other Mussel Farms

It will always be true that a location out in a main river will be superior to one inside a harbour in terms of access to phytoplankton. However, this does not mean that the appeal site will somehow starve other mussel farms inside the harbour of nutrients.

In fact, a recent report commissioned by the BIM and authored by their shellfish productivity officer Gary Mc Coy, (provisionally entitled; *'Kilmackilloge Harbour 2017 Study'**) showed that while crowding within the harbour was an issue, tidal flows outside were strong and Phytoplankton plentiful. Locating a farm there would not impact adversely on sites within the harbour.

It has been stated that T06/513A is owned, not by a local family enterprise but by larger entity. While this is not a criterion that has any legal bearing on the grant or otherwise of a licence, it can be said here that Kush Seafoods is very much a local business. The owners have been an active part of the community for many years and began their shellfish business back in 1987. They are very much a part of the local community.

The River and the market are quite big enough to ensure the survival of shellfish businesses of all sizes, and it is essential that we do increase production to help meet the Government targets of doubling our ocean wealth to 2.4% of GDP by 2030. In terms of shellfish production, Ireland's Operational Programme for the European Maritime and Fisheries Fund 2014-2020 (EMFF) seeks a *'growth of the aquaculture industry from 45,000 tonnes to 81,700 tonnes by 2023'*. This is a very substantial figure to achieve and will need upscaling of production and considerable investment.

iii. Impact on Navigation

The site is located close to the shore on Collorus Point and nestles into a natural bay there (see map below and aerial photo). Protrusion into the River is minimal and, subject to necessary marking etc, this is acceptable. This was the conclusion of the Commissioners of Irish Lights.

The point has been made that the location would deter visiting yachts from berthing in the harbour, however, no evidence has been submitted to support this. In fact, visiting boats (especially larger ones) are few due to the shallow water in the harbour (especially at low tide) and the presence reefs in the river generally.

* This report (which Kush Seafarms Ltd has seen) is currently being held by DAFM (Department of Agriculture, Fisheries and the Marine) and the Board should be able to obtain a copy (it is currently not being given out in full to the general public or appellants) ³.

iv. Impact on Tourism

We completely disagree that mussel farming harms the tourism industry, and indeed no credible evidence has been submitted to demonstrate this. In fact, such evidence as does exist proves the very opposite. For example:

- Impact on views from mussel farms is small, especially now that battleship grey barrels are used. In fact, we would say that the mussel farms at Kenmare are quintessentially part of the local character that visitors come to see; similar to the stone walls in local fields (a relic of past sheep and cattle farming) the trellises of the winegrowing regions of France, or the regimented rows of olive trees in Spain. These are all human interventions in the landscape, but ones that serve to build the very local distinctiveness and character that tourism thrives on.
- Failte Ireland itself uses locally-grown mussels in its marketing, indeed they are part of the advertised attraction of the Wild Atlantic Way.

<https://www.wildatlanticway.com/home>

See also *'Taste the Island'* video, which actually features mussels and Kilmackilloge Harbour.

<https://www.youtube.com/embed/-HULLd5B0QI>

Local restaurants pride themselves on offering local produce. However, you cannot have local mussels for tourists to eat without local mussel farms to grow them.

- There will be negligible negative impacts on sea-angling, diving, kayaking or other similar pursuits; the site will be clearly marked and is some way from any legal entry point into the water. The fact that such farms acts as nurseries for small fish (boosting adult populations) is well known and will actually help conserve and enhance the experience for anglers ¹³.
- It should be noted that Collorus Point features numerous sharp rocks close to the surface. It is also relatively exposed to the weather and experiences substantial tides. It is unlikely that this area would be suitable for anchoring yachts and very few are seen in the area.



Collorus Point from the air

v. Environmental Impacts

- General arguments against over-exploitation of marine resources have been made and Kush Seafarms completely agrees with them. For example, destructive river-bed trawling should not be permitted. However actual evidence (Ref Mc Coy ³) shows that existing mussel farm licences including T06/513A do not represent over-exploitation. It is worth noting that the 2019 HRA (AA) of the Kenmare SAC concluded that the impact of mussel farming was generally acceptable (¹²).
- In fact, Kush Seafarms Ltd are actively looking to improve their already creditable environmental performance – for example by trialling mixed kelp and shellfish farms. We hope to integrate Kelp into all of our sites. As far as we know, we are the only company proposing to do this in the Bay.
- Regarding the presence of plastic rubbish, Kush Seafarms are currently trialling non-plastic materials and routinely engage in voluntary clean-up activities with the local community at Kilmackilloge. We would be happy to set up a regular timetable for such activities (e.g. after the winter storms and before the tourism season begins). (Appendix 3).
- It has been stated that ‘*No Carrying Capacity Study was carried out / no study on effects on other farmers*’. Such a study is not a statutory requirement. However, we are fortunate that a local study was in fact carried out by the BIM (Gary Mc Coy ³) in 2017.
- Kush Seafarms were Ireland’s first Organic Mussel grower. Organic certification requires a high degree of commitment to the environment and adherence to strict environmental rules. No other local grower has the same level of certification.
- Mention should also be made of Climate Change and the need to shift food production methods away from traditional cattle and sheep farming and towards a more sustainable alternative. This is especially important as a growing realisation of just how heavy the carbon footprint of land agriculture is in producing protein. Rope mussels as a food product generate 610 g of carbon per kg of mussel meat. Beef farming produces 19,000g of carbon per kg of edible meat. (Jonna Meyhoff Fry, ⁸)
- Currently we are not on track to meet our climate change targets from EU 2020 ⁹. Unfortunately, the main reason for this is that, while emissions from some sectors are falling, those from agriculture are rising. Ireland urgently needs to shift away from beef and sheep farming and towards lower-emission alternatives.

A report from Climate Action Network (CAN) gave Ireland a total score of 21 per cent on fighting climate change, making it one of the only three EU countries that scored less than 30 per cent in reducing emissions, along with Estonia (24 per cent) and Poland (16 per cent) ¹⁰.

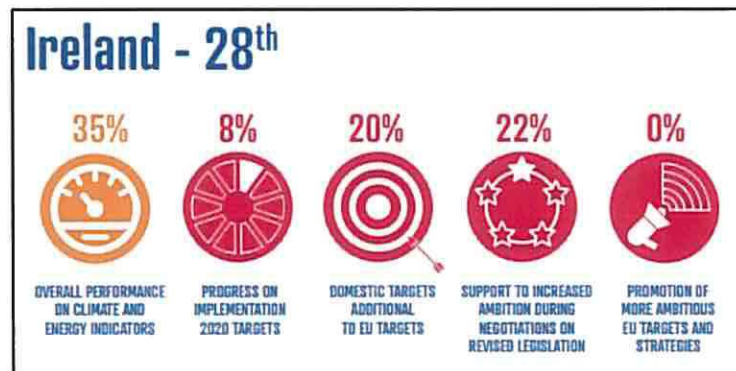


Image: Green News IE June 2018

vi. Inconsistency in Licencing System

- i. *'Other shellfish farmers have given up capacity inside the harbour – it is not fair that this is transferred to one operator.'*

This is not correct. In fact, all other farms in the inner harbour got extra hectareage to accommodate lines and anchors out of original sites. The only previously active licences that were refused renewal were the licences under Kush Applications, no other renewal was refused. New licences that were not previously licenced were refused but they were NEW licences so not renewals. So, no inner harbour operator has "given up capacity inside the harbour"

- ii. *'Is the licencing system biased in favour of one operator?'*

There is no evidence of this. A company being successful (as Kush Seafarms has been) does not indicate bias. Without the investment that larger operators can bring the Government targets for HOOW cannot be met.

- iii. *'There is no guarantee that licences given out for free by the state are not subsequently sold as assets to international businesses, further weakening local engagement'*

Kush Seafarms, a local company, has only ever bought licences, not sold any. In any case there is a safeguard in place, namely that any sale of a licence requires consent of the Minister.

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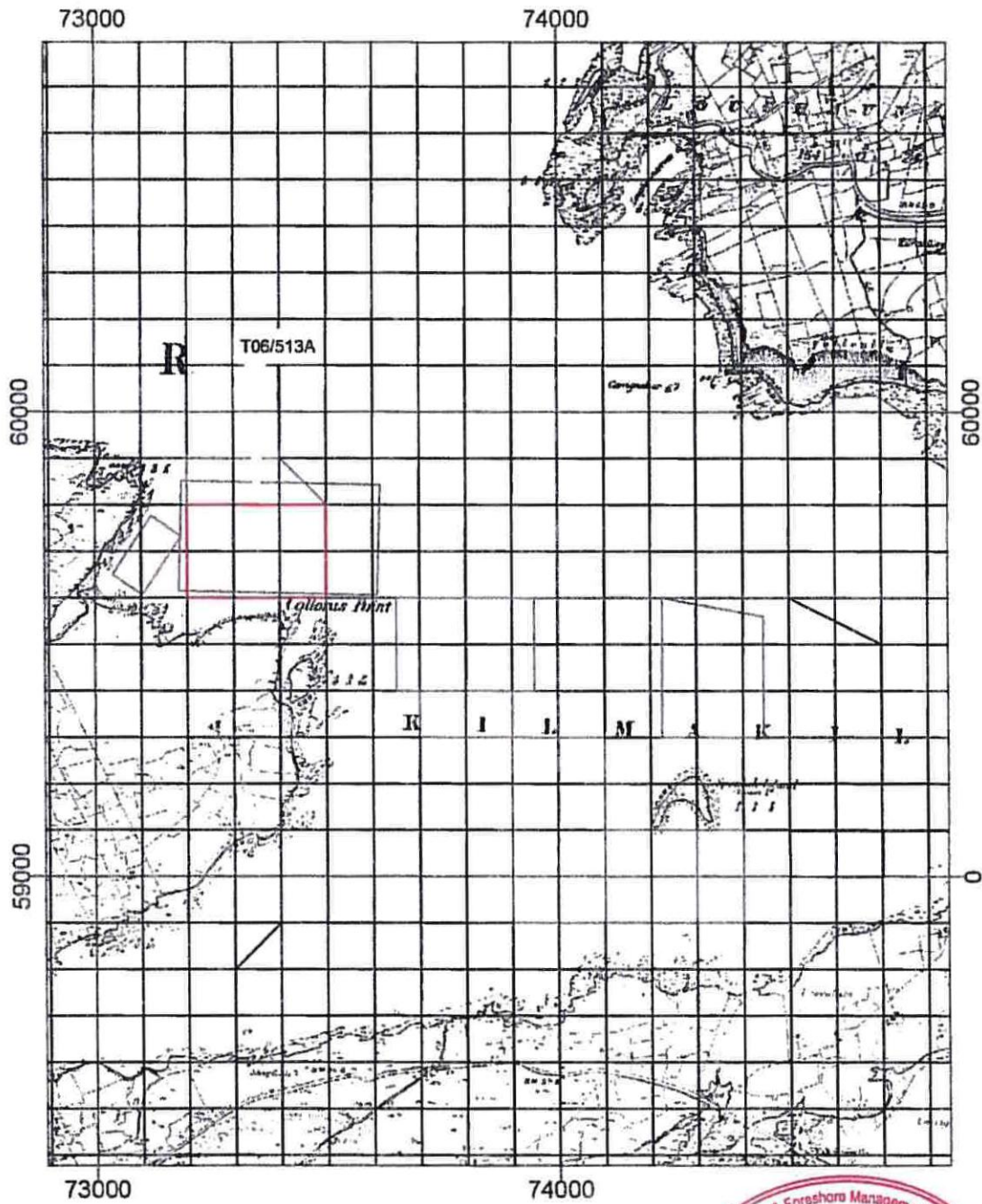
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Appendix 1. Marine Institute Data

Last Sample Date	Sampling Point	Species
21/03/2017 *	Kilmakilloge (KY-KE-KE)	Pecten maximus
06/03/2017	Kilmakilloge (KY-KE-KE)	Pecten maximus
20/02/2017	Kilmakilloge (KY-KE-KE)	Pecten maximus
06/02/2017	Kilmakilloge (KY-KE-KE)	Pecten maximus
23/01/2017	Kilmakilloge (KY-KE-KE)	Pecten maximus
11/01/2017	Kilmakilloge (KY-KE-KE)	Pecten maximus
09/01/2017	Kilmakilloge (KY-KE-KE)	Pecten maximus
12/12/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
30/11/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
28/11/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
18/04/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
04/04/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
21/03/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
08/03/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
23/02/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
09/02/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
25/01/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
13/01/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
11/01/2016	Kilmakilloge (KY-KE-KE)	Pecten maximus
14/04/2015	Kilmakilloge (KY-KE-KE)	Pecten maximus
30/03/2015	Kilmakilloge (KY-KE-KE)	Pecten maximus
25/03/2015	Kilmakilloge (KY-KE-KE)	Pecten maximus
07/01/2014	Kilmakilloge (KY-KE-KE)	Pecten maximus
02/01/2014	Kilmakilloge (KY-KE-KE)	Pecten maximus
13/12/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
11/12/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
26/11/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
22/11/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
05/04/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
19/03/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
06/03/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
01/03/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
24/01/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
18/01/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
14/01/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
08/01/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
02/01/2013	Kilmakilloge (KY-KE-KE)	Pecten maximus
18/12/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
05/12/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
26/11/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
09/11/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
05/11/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
29/10/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
22/10/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
15/10/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
08/10/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
16/03/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
12/03/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
02/03/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
13/02/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
06/02/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
30/01/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
16/01/2012	Kilmakilloge (KY-KE-KE)	Pecten maximus
22/11/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
16/11/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
22/03/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
03/03/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
08/02/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
28/01/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
24/01/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
19/01/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
03/01/2011	Kilmakilloge (KY-KE-KE)	Pecten maximus
13/12/2010	Kilmakilloge (KY-KE-KE)	Pecten maximus
19/04/2010	Kilmakilloge (KY-KE-KE)	Pecten maximus
22/03/2010	Kilmakilloge (KY-KE-KE)	Pecten maximus
10/02/2010	Kilmakilloge (KY-KE-KE)	Pecten maximus
22/01/2010	Kilmakilloge (KY-KE-KE)	Pecten maximus
14/01/2010	Kilmakilloge (KY-KE-KE)	Pecten maximus
01/12/2003	Kilmakilloge (KY-KE-KE)	Pecten maximus

* date last monitored – confirmed by e mail with Marine Institute

Appendix 2. Site Map



- Aqua Culture Sites**
 <all other values>
- Site_Status**
- Under Appeal
 - Application
 - Licensed
 - Licensed
 - Refused
 - Revoked
 - Surrendered
 - Withdrawn
 - 100 Meter Reference Grid

1:10,560

Sites highlighted in red denotes Application
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Aquaculture & Foreshore Management Division

14 FEB 2019

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

Appendix 3. Local Litter Clean Up



Marine litter from a variety of sources, is a problem everywhere in the world.

Kush Seafarms regularly help the local community with clean up and recycling operations, and is committed to maintaining the pristine environment that is necessary to sustainably cultivate shellfish.

